THURSDAY, 14 DECEMBER 2006

IN THE CHAIR: MRS SYLVIA-YVONNE KAUFMANN
Vice-President

1. Opening of the sitting

(The sitting was opened at 9.05 a.m.)

2. Documents received: see Minutes

3. A European strategy for sustainable, competitive and secure energy – Biomass and Biofuels – Nuclear Safety and Security Assistance (debate)

President. The next item is the joint debate on the following reports:

- A6-0426/2006 by Mrs Morgan, on behalf of the Committee on Industry, Research and Energy, on a European strategy for sustainable, competitive and secure energy – Green Paper [2006/2113(INI)],

- A6-0347/2006 by Mr Langen, on behalf of the Committee on Industry, Research and Energy, on a strategy for biomass and biofuels [(2006/2082(INI)] and


Andris Piebalgs, Member of the Commission. Madam President, Members have decided to hold a joint debate on the three reports by Mrs Morgan, Mr Langen and Mr Seppänen. This provides an excellent opportunity to discuss topics of key importance for energy policy just before the new year, topics that brought a great deal of inquietude last year.

Let me begin by addressing the report on a European strategy for sustainable, competitive and secure energy. First, I wish to congratulate and thank the rapporteur, Mrs Morgan, for her impressive work on the energy Green Paper. I also wish to thank and congratulate the draftsmen, Mr Zieleniec, Mr Wijkman, Mr Markov, Mr Ehler, Mrs Tzampazi, Mr Takkula and Mr Vlasák, for their contributions.

This document is an important contribution to the Commission’s work on the strategic energy review. Your work over recent months has fed into the Commission’s wider deliberations on the future of energy policy in Europe.

I agree that the European Union needs an integrated, coherent and consistent European energy policy that maintains Europe’s competitiveness, safeguards our environmental objectives and ensures our security of supply.

I also agree on the nature of the climate change challenge. Climate change provides the strongest encouragement for a new energy policy. Energy accounts for over 90 % of carbon dioxide emissions in the European Union, so we cannot tackle climate change without the right energy policies. I agree that the European Union needs to show vision and determination to lead the world in accelerating the shift to a low-carbon economy. At the heart of this must be ambitious but credible targets for further reductions in greenhouse gases beyond 2012. Without a functioning internal market, the emissions-trading system – the cornerstone of our efforts to deal with climate change in a competitive manner – will not work properly, nor will we achieve our aims of competitiveness and security of supply. Therefore, the Commission will keep up the pressure on Member States to implement the legislation fully.

This week, we adopted another package of infringement measures against 16 Member States. At this stage, we are conducting infringement proceedings against 19 Member States, and I believe that shows our determination really to implement the internal market.

In addition, in line with the conclusions of the internal market report and the final report on the energy sector inquiry, the Commission now intends to take action to address the remaining issues under the
following headings: ensuring non-discriminatory access to well-developed networks, notably by looking at the issue of unbundling; improving regulation of network access at national and EU levels, which includes better cooperation at EU level between regulators; reducing the scope for unfair competition, through increased transparency and improved access to storage facilities; providing a clear framework for investment; and strengthening the focus of the public service obligation.

However, the internal market can achieve its goal only on the basis of decisions taken by European citizens. The role of citizens is particularly important with respect to our energy efficiency agenda. This is an area where everyone can contribute to a more sustainable and secure world, and we welcome your support for the energy efficiency action plan. Europe’s citizens can also make a difference to the role of renewables in our energy mix, but we cannot expect people to make the necessary shift unless the political and investment plan is right. That is why I agree with the need for a stable and long-term framework for renewables.

Climate change, globalisation and longer-term targets call for a renewed effort on the technology front. We all want to see Europe lead the way in global research, which means spending existing research budgets better, getting them to work as a catalyst leading to increased industry research funding in the European Union.

The importance of the external dimension is also well articulated in the report. This year, our external policy has taken some very important steps: the establishment of the energy community and new agreements with several producer countries and transit countries, including Kazakhstan, Azerbaijan and Ukraine.

I would like to address Mr Langen’s report on a strategy for biomass and biofuels. First of all, I would like to thank Mr Langen for this valuable contribution and his great help to us in the Commission as we look forward on the issue of renewable energy, including bioenergy.

First, the EU, acting collectively, will need to strengthen the legislative framework for renewable energy, committing itself to the establishment of a stable regulatory framework based on ambitious targets. Longer-term, more ambitious objectives up to 2020 will need binding obligations on the part of Member States to guarantee burden-sharing and the development of an internal renewable energy market. At the same time, we should allow a certain degree of flexibility to enable Member States to focus their attention on certain areas on the basis of their specific strengths and weaknesses.

Second, this framework will need to include legislative measures tailored to the specific obstacles facing renewable energy in individual sectors. For example, access to the grid is a key issue for renewable energy in electricity. The existing provision in this area may need to be strengthened. As regards heating, measures are needed to overcome unnecessary planning barriers to solar panels, for example, and to create a level playing field for district heating.

In transport, it is necessary to take into account the fact that the extra cost for biofuels is greater than that of renewable energies in other sectors, but we need biofuels in the energy mix because they are a tool not only for combating climate change, but also in terms of security of supply.

In looking at the detail of the report, there are three basic points that I would like to highlight. First, I welcome the emphasis the report places on the certification of biofuels to ensure that, whether produced in Europe or abroad, they need sustainability standards. I understand the logic behind the proposed ban on the use of palm oil. However, as the work of the round table on sustainable palm oil has demonstrated, the environmental impact of palm oil production can display enormous variations, and this has to be taken into account.

Second, I share the view that second-generation biofuels are critically important. They offer better greenhouse gas performance and improve security of supply by widening the range of feedstocks from which biofuels can be made. However, let us not create a false opposition between first- and second-generation biofuels. First-generation biofuels improve security of supply, too, by reducing dependence on oil, and they also offer greenhouse gas savings compared with conventional fuels. Moreover, first-generation biofuels serve as a bridge to the second generation. As second-generation biofuels come onto the market, they will take over the supply and distribution networks and plants of the first generation.
Finally, I would like to endorse the view that there is a need to do more to inform society in general, and farmers in particular, about the use of biomass and biofuels. We should particularly encourage farmers to venture into the new world of production of farm food and energy grasses.

Now I would like to address Mr Seppänen’s report on the Council regulation establishing an instrument for nuclear safety and security assistance. I wish to acknowledge and thank Mr Seppänen for the efforts made by the rapporteur and by Parliament as a whole to present this report in good time in order to have the new instrument available before the end of this year.

Improvement of nuclear safety has been an important part of our work in central and eastern European countries, as well as in the Community of Independent States, notably in Ukraine and Russia. But we have also made an effort in other countries, such as Armenia and Kazakhstan. It will remain essential in the coming years, as most of our neighbours and emerging economies rely heavily on nuclear power in order to satisfy their energy needs.

Because of the lack of time, I cannot comment on each amendment. However, I should like to highlight some important considerations that prevent us from accepting some of the amendments. I will not address the amendments on which we agree.

In Amendment 3, the rapporteur proposes to add a reference to the risk of nuclear weapons proliferation. The Commission considers that this is not the objective of this instrument and that it is covered by the instrument of stability.

Amendment 7 states that ‘priority should be given to assisting nuclear installations and activities which are likely to have significant effects on the Member States’. I understand the concerns that have led to this proposal. I would stress that the Community primarily supports improvement in nuclear safety installations close to our borders. However, I should like to repeat that the new instrument has a global objective; a nuclear accident in one place is a nuclear accident everywhere, as direct or indirect consequences will affect the whole world.

Finally, Amendments 27 and 28, limiting the scope of application of the instrument ‘only to nuclear facilities that are or were in operation in third countries on the date of [the instrument’s] entry into force’. While it is clear that we will not provide assistance to the design and construction of new plants in third countries, there should be a possibility to provide assistance vis-à-vis all existing plants. Otherwise, we would lose an efficient instrument to influence nuclear safety abroad.

To conclude, I once again pay tribute to the work of Parliament and all the committees involved on the Green Paper, the strategy for biomass and biofuels and the nuclear safety instrument. I look forward to continuing our joint work for Europe’s energy future.

(Applause)

Eluned Morgan (PSE), rapporteur. – Madam President, at the beginning of this year a harsh shiver went through the homes of many people in Western Europe as the Russian firm Gazprom turned off the supplies to Ukraine. The effects of that were felt throughout the European Union. A harsh shiver went down the spine of many politicians as we realised that in future, if we were to continue on our current trajectory, over 80% of our gas was likely to come from outside the EU. There are real security-of-supply issues that need to be addressed very quickly.

On top of this, there is an increasing awareness of the climate change agenda. It is affecting our planet more quickly and in more dramatic ways than were hitherto imagined. If we are to stem the tide of the effects that humans are having on the environment, we surely have to start by making radical changes in the way we use and produce energy.

I would like to think that the report we are voting on today will be an adequate response to those challenges. The Commission has set out its stall on the scale of the problem. We hope we have responded constructively to some of the tough choices that need to be made.

There has been no doubt that this is an opportunity for the EU to prove itself to the citizens of Europe. This is one of the greatest contributions that Parliament has made to this debate, putting citizens and consumers right back into the centre of the energy debate. If we are to take on these challenges the consumer has to be involved and we have to recognise that energy poverty is a real issue for millions of our citizens. Energy efficiency is surely the most cost-effective way of meeting some of the energy
challenges we face, and the Commission has come up with a very comprehensive action plan on energy consumption and energy efficiency. It is imperative that we try to make the European Union the most energy-efficient economy in the world by 2020.

This is a great example of a situation where we already have reams of legislation in place and Member States are ignoring the laws that they have signed up to. We have to reach a stage where we cut our energy consumption by 20%. Implementation on this is absolutely crucial and I would like to ask you, Commissioner, what further steps we can take. You suggested that we are going to initiate more infringement proceedings – but can we do more to name and shame Member States that are not implementing the laws that they have signed up to?

For too long, many Member States have been more concerned about getting the best deal for their national energy champions than helping or providing benefits for the consumer. Why is it that in the UK last year 19% of the public switched energy companies, while in France the figure was less than 2%? Is it because all the citizens in France and in Germany are happy with their energy suppliers? I doubt it. I suggest that it is because it is extremely difficult for many companies to access these markets because of some companies’ in-built vested interests in keeping others out. That is why we have to do something very serious in opening up and unbundling the energy networks. When you arrive in the UK on the Eurostar, the first sign you see is a huge sign which says that Électricité de France is giving power to millions of Londoners. I dream of the day when I can get off the train in Paris and read a sign that says: ‘Centrica – still not in Russian hands – providing power to millions of Parisians’. I am afraid that day is a long way off.

Security of supply and sustainability have to go hand-in-hand. We have to use mechanisms such as the emissions trading scheme to drive the economy. Energy mix is up to Member States, but let us be sensible and acknowledge that the energy mix in one country will affect others, and that is why we need targets on cutting CO2 emissions by 30% by 2020. We are insistant on binding sectoral targets of 25% in renewable energies. That means no less than a revolution in the way that many Member States produce their energy. We spend pitiful amounts on research and development and we have to work towards a truly common European energy policy in external affairs.

I would like to thank the other political parties, in particular Mr Reul, Mrs Ek, Mr Turmes and Mr Seppänen for their contributions and their support in this debate. I hope, Commissioner, you will take on some of our ideas and we look forward to receiving your ideas on the strategic energy review in the new year.

Werner Langen (PPE-DE), rapporteur. – (DE) Madam President, I am grateful for the opportunity to debate the biomass action plan and biofuels together with the Green Paper, because all the measures for the promotion of biomass and biofuels at least meet the Green Paper’s objectives – competitiveness, sustainability and security of supply – even if not completely. That is important, because even today 50% of all renewable energies – around 4% of Europe’s total energy requirement – are produced by biomass. I am grateful to the Commissioner. 2006 was the year of plans, I hope 2007 will be the year of political implementation. We look forward to the proposals you intend to present on 10 January for translating these action programmes and green papers into action, because we are convinced that we cannot omit any measure that will help to improve the European Union’s security of supply.

At present, biomass is a sleeping giant. There is tremendous potential – only 1.6 out of a potential 97.4 million hectares are being used for energy crops in the European Union today. We produce 90% of biomass ourselves and import 10%. But we see that major producer countries like Brazil and recently – for two years now – also the US are pursuing a deliberate strategy for the production of biofuels from their own cultivation. I think it is phenomenal that in a space of only two years the US has managed to go from virtually zero to 19 million tonnes of biofuels. That ought to be an incentive for us, too, so far as we are able, including in the context of alternative use. No one wants to make it more difficult to produce high-quality food by going all out for energy, through excessive subsidies, for example. We must keep the two in balance. But there are opportunities. That is why the Committee on Industry, Research and Energy, which was the lead committee, adopted my draft report to a very large extent. It is rare to end with a unanimous vote. That is why we have so far as possible incorporated the concerns of individual groups in this report. It is nevertheless not over long, it has 81 paragraphs. It shows that we here in the European Parliament are very much agreed on the further use of biomass.

The Commission’s action plan describes the support measures and the priority areas correctly. We have no criticism of the action plan, but we have brought a number of aspects into our opinion which I believe
will be adopted by a great majority at noon today, and we would ask you and your colleagues, Commissioner, to include these points raised by Parliament in your implementation strategy.

It is important in relation to both blocks that we use every potential that biomass has to offer – a lot is still going unused, from wood to fast growing plants – that at the second level we also ensure that modern technologies are used – second-generation biofuels, for example – and that on the other hand we work to see that everything is done firstly to ensure that the use of biofuels is technologically neutral and secondly that use is made of the existing development potential.

Two weeks ago, I was talking to a prominent representative of the European motor industry, who told me: irrespective of the compulsory admixture of biofuels and the targets of 5.75% by 2012, if we get the green light, if the regulatory conditions are right and the technical standards are adapted, if we are given freedom of action, then we are ready to join with the industry in investing billions and not just to aim for a 5.57% target. The European motor industry believes it is feasible to reach 15% within 10 years if the investment is secure. That is our approach, to do everything we can.

I would like to expressly thank everyone who has worked on this. I would like to thank the other committees. 187 amendments were tabled and 122 amendments in the opinions, it was a good debate with all colleagues. Now we still have a couple of separate votes, the report still has to be tidied up in the vote. But over all we can be satisfied, thank you very much! I hope the Commission will take from Parliament its instructions for further action.

Esko Seppänen (GUE/NGL), rapporteur. – (FI) Madam President, Commissioner, I drafted the report for the Committee on Industry, Research and Energy on assistance to third countries in nuclear safety and security. This regulation would mean additional assistance granted for other purposes and is necessary for the sake of an appropriate legal basis.

Assistance cannot be granted for improved nuclear safety and security in third countries without the legal basis established under this Regulation, which is Article 203 of the Euratom Treaty. Thereafter, the EU can, for example, continue its work to improve nuclear safety and security in the old TACIS countries even after the TACIS programme has been discontinued.

Commissioner, it is the opinion of the Committee, not just the rapporteur but the Committee, that the EU should not provide assistance for the construction of new nuclear power stations, but only to improve the safety and security of the existing and functioning ones and other nuclear plants. The Group of the Greens/European Free Alliance tabled Amendment 27 to the text adopted by the Committee regarding this. The intention is good, but the wording does not make the matter any clearer; instead, it introduces a problem of interpretation. When they say that nuclear plants eligible for assistance should be operating on the date of entry into force of the Regulation, it remains unclear whether plants that exist and are in working order but on that precise day are being serviced or are otherwise out of action can then receive assistance. It is not appropriate to exclude such plants from assistance, and so I, for my own part, cannot sanction this amendment. To my mind, Parliament’s purpose in this matter is clearly expressed in other Articles. This assistance should not just be given to improve safety and security at existing plants, nor should it be used for building new plants.

We should remember that responsibility for nuclear safety always lies with the plant itself and that EU aid to improve the safety and security of nuclear plants is only complementary aid. It will help with the transfer of the special skills of the EU, its Member States or the International Atomic Energy Agency to nuclear plants in third countries, but there are not any economic preconditions for its use in eligible countries.

Finally, I wish to table an oral amendment to the report and correct the sum budgeted in the Committee’s Amendment 25 and in the multiannual financial framework to EUR 524 million.

I wish to thank everyone for their excellent levels of cooperation.

Anders Wijkman (PPE-DE), draftsman of the opinion of the Committee on Development. – Madam President, with one minute of speaking time I can only make two points.

First, biofuels are indeed very important, but they have to be produced in the most efficient way. Biofuel production in tropical countries is much more efficient than in Europe. Instead of benefiting fully from that, we seem to be ready to put a levy on such imports. If we can import oil and gas from Saudi Arabia
without levies, why are there levies on biofuels? Apart from the efficiency argument, we are also depriving the low-income countries of much-needed income.

Secondly, emissions in China and India are expanding very rapidly. That is why, in its opinion, the Committee on Development has suggested that our Union should establish a proactive strategy of technology cooperation with these countries, offering financial support to cover some of the extra costs for the most efficient technologies possible.

Amendment 5 suggests replacing ‘financial’ with ‘technical’. We must be more ambitious than that, otherwise emissions from these countries will overwhelm us in the future. Therefore, I urge colleagues to vote against Amendment 5.

Jean-Pierre Audy (PPE-DE), draftsman of the opinion of the Committee on International Trade. – (FR) Madam President, I shall start by thanking Mr Langen for his willingness to listen and for the wisdom and courage he has shown in his report.

The Committee on International Trade, having observed how far behind the European Union is in both the consumption and production of biofuels, has proposed that we increase imports, which is quite natural, but also that we focus more closely on European industrial production, with the dual aim of achieving energy independence for the EU and of providing outlets for agricultural crops such as sugar-producing plants.

The costs of producing ethanol are EUR 25 per hectolitre in Brazil, EUR 35 in the United States and EUR 45 in the European Union: that is why we are suggesting that it would be advisable to set, for a specified period, an acceptable level of penetration of bioethanol imports into the EU that can be reconciled with the gradual development of Community production, in line with the European sustainable development strategy.

Jacky Henin (GUE/NGL), draftsman of the opinion of the Committee on International Trade. – (FR) Madam President, in our experience, liberalisation of the energy sector has always resulted in higher prices and worse service. Within the EU, liberalisation and the separation of energy producers and distributors have resulted in under-investment in production plants and electricity transport networks. It is this policy that was responsible for the blackouts in November 2006, and it will inevitably result in huge problems in the coming years.

Under these circumstances, we must as a matter of urgency accelerate investment in research in all fields, including nuclear technology, so that we can meet the challenges of the post-oil era and combat greenhouse gases. It is imperative that we end the requirement for separation of energy producers and energy transport networks and that we halt all further attempts to liberalise the energy sector.

That is why I would advocate creating a European energy agency to coordinate the Member States' energy policies and their efforts in terms of research and development. This body would head an economic interest group at EU level, which would involve all electricity production and distribution companies and would ensure access for all to reasonably priced energy. Energy is not a commodity like any other: it is a common asset for humanity.

Janusz Lewandowski (PPE-DE), draftsman of the opinion of the Committee on Budgets. – (PL) Madam President, as with other new regulations, the task of the Committee on Budgets in the case of the Regulation on Nuclear Safety and Security Assistance has been to ensure that the provisions thereof conform with the provisions of the new interinstitutional agreement that came into force in May this year. That is the essence of my opinion. It was made easier by the fact that the rapporteur, Mr Seppänen, is a member of the Committee on Budgets.

Jan Christian Ehler (PPE-DE), draftsman of the opinion of the Committee on Economic and Monetary Affairs. – (DE) Madam President, the comments of the Committee on Economic and Monetary Affairs are naturally of a structural nature. We have seven points to make.

Firstly, we want an energy-policy approach that ensures energy is affordable. Secondly, we support an integrated energy-policy approach that takes equal account of the objectives of security of energy supply, security of competition and care of the environment. Thirdly, dependence on energy imports leaves no room for ideological blinkers. We want a non-discriminatory energy mix. Fourthly, we believe the completion of the internal market is central to security of supply and affordable energy prices. Fifthly, investment in networks and capacities and investment in CO2 or energies that produce little CO2 must
be facilitated and accelerated. Sixthly, we support the Commission in acting consistently against
to ensure that competition is fair. Seventhly, we do not want to encumber
energy policy with unnecessary bureaucracy. New European agencies and authorities are at present
just as unnecessary as new internal market rules. The existing machinery needs to be used more efficiently
and existing European law must be fully transposed into national law.

Evangelia Tzampazi (PSE), draftsman of the opinion of the Committee on the Environment, Public
Health and Food safety. – (EL) Madam President, Commissioner, ladies and gentlemen, the rationalisation
of the use of energy, like the penetration of renewable sources in the Union's energy mix, is a universal
demand for the Union. The Union therefore needs to take all the measures needed in order to implement
the demand for a common European energy policy. This demand is expressed through the report by
Mrs Morgan, whom I would like to congratulate.

It is important that we understand that the Union could save up to 20% of its current energy consumption.
This is therefore an exploitable source of energy within the Union. This saving could be achieved from
the strict application of the Union's existing legal framework. We have the necessary tools at our disposal
today, by which I mean the Structural Funds. For the next programming period from 2007 to 2013, an
environmentally-friendly policy needs to be added to the European Regional Development Fund.

Frédérique Ries (ALDE), draftsman of the opinion of the Committee on the Environment, Public
Health and Food Safety. – (FR) Madam President, I am speaking in my capacity as the draftsman of
the opinion of the Committee on the Environment, Public Health and Food Safety on Mr Seppänen's
report. My committee is, broadly speaking, delighted with the report drafted by the Committee on
Industry, Research and Energy.

I would like to use the minute available to me to emphasise the following specific points: first of all,
the support that the Community should provide for the drafting, under the aegis of the AIEA, of a code
of conduct for the international monitoring system for nuclear incidents; secondly, the vital importance
of the 'polluter-pays' principle in forcing third countries and operators to accept their responsibilities;
and, thirdly, funding for cleaning up old nuclear sites, on the express condition that a high degree of
safety can be guaranteed for lower costs and within a reasonable period.

On the other hand, it is regrettable that our amendments on the changes to the legal basis, the taking
into account of independent audits by the European Court of Auditors and budgetary rigour with regard
to consultation, to name but a few, were not accepted.

I am also delighted, on a personal level, that the Committee on Industry, Research and Energy accepted
my amendment to recital 13, pointing out that the Member States have sovereignty to make their own
choices in the field of nuclear power. What works for Austria will not necessarily work for Finland or
Belgium.

Liam Aylward (UEN), draftsman of the opinion of the Committee on the Environment, Public
Health and Food Safety. – Madam President, I welcome the two Commission communications on the biomass
action plan and on the EU strategy for biofuels. Clearly, there is an urgent need to increase the demand
for bioenergy in order to combat climate change and greenhouse gas emissions, to reduce oil dependency
and to enhance technology and economic development within the European Union.

The question is, how do we do that? I consider that increasing demand in bioenergy would be achieved
by prioritising research, development and demonstration of bioenergy and biofuels – particularly
regarding second-generation and most efficient products – by promoting the creation of transparent and
open markets and the removal of market barriers and through information campaigns involving producers,
suppliers and consumers.

It is paramount for the future of bioenergy increase that this increase should not jeopardise European
or third countries’ ability to achieve environmental priorities, such as halting the loss of biodiversity,
protecting forests, preventing soil degradation and achieving the good ecological status of its water
body.

I welcome the Langen report’s inclusion of the Environment Committee’s request that the Commission
introduce a mandatory and comprehensive certification system. Coordination within Commission
departments and Member State government departments encompassing an integrated approach is key.
I would urge the Commission to monitor progress and to formulate a cohesive policy involving all actors
in the process of production and supply of biomass and biofuels. In addition, it is crucial that Member States are allowed the necessary discretion and flexibility to decide for themselves their own goals and political measures, while reaching broad Community targets.

Bioenergy production should always comply with good agricultural practice and should not significantly affect domestic food production within the European Union and in third countries, and incentives should not be intended as indirect subsidies but should be limited to that which provides the highest efficiency, as well as environmental and climate benefits.

However, increased bioenergy production would provide a very positive boost to the farming community, and I believe investment in small-scale biofuel projects within the primary agricultural sector would be extremely beneficial. I welcome the Commission’s proposal to encourage public procurement of clean and efficient vehicles, including using high biofuel blends.

I call on Member States to encourage the development of national bioenergy action plans and welcome my own Government’s move towards encouraging bioenergy production and incentives in the transport sector, as evidenced in last week’s budget in my country.

Marta Vincenzi (PSE), draftsman of the opinion of the Committee on Transport and Tourism. – (IT)

Madam President, ladies and gentlemen, the Committee on Transport and Tourism has unanimously adopted an opinion on the Langen report emphasising the need to make choices that stabilise investments over the medium to long term and that provide certainty to investors and also to producers and consumers. I would like this opinion to be fully taken into account.

Greater clarity is also needed in the definition of second-generation biofuels, in relation to the environmental consequences that may arise from their use and production. Talking about biomass deriving from waste is not the same thing as talking about by-products from forestry or other sources.

It is also necessary to be clear on the many previous directives which have accompanied the policy of support for biofuels, since there are some inconsistencies which should be put right; in particular, the existing directive on the quality of fuels for mixing with petrol should be reviewed.

Hannu Takkula (ALDE), draftsman of the opinion of the Committee on Transport and Tourism. – (FI)

Madam President, it is true that emissions from traffic are one of the fastest growing types of emission in our society at the present time, and it makes us wonder how we can actually implement the principles of sustainable development, and how we might find solutions in transport that are more environmentally friendly, so that we could take better account of the environmental demands set for it in transport on land, at sea and in the air.

An enormous problem has been that at present we have not sufficiently invested in or provided financial assistance for environmentally friendly modes of transport. A good example of this is biodiesel, or hybrid cars, which have been awaiting financial assistance but have not received it, and have therefore remained a very marginal phenomenon.

Taxation is also a way to steer us in the direction of more sustainable development, but the Member States have not been willing to set off along that path. Support is now needed for this: tax concessions and clear policies that relate to the fact that the environment and sustainable development are a real priority for us and not just the subject of speeches on major occasions.

Oldřich Vlasák (PPE-DE), draftsman of the opinion of the Committee on Regional Development. – (CS)

Madam President, Commissioner, ladies and gentlemen, I should first like to commend Mrs Morgan on her work, including the negotiated compromise, which reflects the views of the various political groupings among the Committee membership as well as experience gained in the field.

As draftsman of the opinion of Committee on Regional Development, I firmly believe that when it comes to drawing up Europe's energy policy we must work, above all, on the basis of the subsidiarity principle, because concrete decisions on the energy mix and preferences in the area of renewable energy sources or nuclear energy must always be taken at Member State level, so that the geographical, climatic and economic conditions of a particular region can be taken into account. We should also be aware that the cheapest energy is that which we do not have to produce at all. The path we must follow is therefore that of energy saving. In this context, there is great potential particularly in cities, which account for more than 70% of energy consumed, and this is why the Commission must initiate genuine dialogue with cities in particular, but also with autonomous entities and their associations.
Willem Schuth (ALDE), draftsman of the opinion of the Committee on Agriculture and Rural Development. – (DE) Madam President, Commissioner, ladies and gentlemen, I would like to begin by congratulating Mr Langen on his balanced report. As draftsman of the opinion of the Committee on Agriculture on this report, I am pleased to be able to highlight a few points briefly.

Bioenergy will be of central importance in the energy mix of the future. In many areas it can and will make an important contribution to the security of energy supply and to reducing our dependence on foreign imports, to climate protection and to employment and the economy in Europe’s rural areas.

The Committee on Agriculture considers the introduction of an EU certification system to be particularly important. On the one hand, we must avoid additional administrative burdens for European producers by drawing on existing rules such as cross compliance. At the same time, biofuels imported from third countries should also be certified according to strict ecological criteria to ensure a positive environmental balance.

In promoting biofuels, priority should not be given to research into second-generation biofuels when allocating the available resources. There is still a considerable need for research into first-generation fuels.

Herbert Reul, on behalf of the PPE-DE Group. – (DE) Madam President, ladies and gentlemen, at the start of this debate we had the situation of January 2006, as Mrs Morgan pointed out. It has become clear that Europe is tremendously energy-dependent. In the year 2000, Europe’s energy dependency was 50%, in 2030 it will be around 70%. This means that security of supply is assuming a new, dramatic importance. It also means that foreign policy needs to be refocused and new conclusions drawn in the matter of securing and using our own energy resources. Finally, it also means that we need to rethink the issue of fine-tuning these three objectives of security of supply, sustainability and competitiveness.

I do not believe we need only to put forward new ideas and concepts; as Mr Langen has already said, we need to try gradually to change reality. We must put more value on the question of implementation and change. What use are all the proposals if in reality hardly anything changes? I am therefore very glad that with this report, we have contributed rather more realistic ways of looking at things. We cannot demand reliability of investors and we cannot demand that undertakings invest more if we do not also offer reliability in the long term on the political side. Constantly new proposals and constantly new institutions will not get us any further. It also means, for example, that we should stop and think first when it comes to ownership unbundling. Let us implement stage 1 before starting stage 2, because I have my doubts as to whether the expropriation or nationalisation of networks is the right solution.

The answer to the problem will not be a single solution but variety. Energy efficiency yes, renewable energies yes, but we must also recognise that these offer only limited solutions to our problem. There is no changing that. If we want to reduce CO2, we must also invest more in nuclear power. We do not want any subject to be taboo here; we want openness, variety, diversity, flexibility and realism.

Edit Herczog, on behalf of the PSE Group. – (HU) As co-rapporteur, I would like to add my voice to welcome Mr Seppänen’s report on increasing the safety of nuclear reactors operating in third countries. Europe has always played a leading role globally in the field of nuclear safety, and this programme will continue to assist us in this area over the next seven years.

The safety of nuclear energy depends for the most part on human factors. The planning, construction, operation, maintenance, supervision, transportation and decommissioning of nuclear reactors are undeniably human responsibilities, for which requisite staffing and appropriate expertise and equipment are necessary. This programme, destined for the Republics of the former Soviet Union, which are the European Union’s immediate neighbours to the east, is therefore particularly important from the perspective of our own energy supply and safety as well. At the same time, it will help European – and among them Hungarian – companies, researchers and universities which have the requisite nuclear safety, significant tradition and relevant experience to gain access to promising external markets.

I ask the committee charged with making decisions regarding the programme, and the European Commission, which is responsible for carrying it out, to do so as effectively as possible. Please allow me to take this opportunity as well to congratulate the other two rapporteurs, and especially to mention the point made in Eluned Morgan’s report, namely that it is abundantly clear that energy should not be primarily about the industries of the energy sector, but about the people whom they affect, that is to say, the consumers. The key element in European energy strategy is to ensure that Europe’s residents enjoy
appropriate living conditions and to guarantee a supply of secure, affordable energy that is indispensable if we are to remain competitive.

I wish especially to congratulate the authors of the report for having succeeded in establishing harmony among the added value of the internal market, global challenges and the subsidiarity of Member States. I offer my congratulations to the rapporteurs on this day and I hope, Commissioner, that you will have the opportunity to implement all this in the coming year.

 Lena Ek, on behalf of the ALDE Group. – Madam President, I should like to thank the rapporteur and my colleagues for their cooperation.

A prosperous, competitive and sustainable future for Europe will require a major shift in energy policy. Today we have problems with production, distribution, consumers’ rights as well as global warming, stability and security. The challenge and urgent development of a new European energy policy is an opportunity for European citizens, European industry and the environment. Therefore I welcome an ambitious energy agenda from the Commission next year.

I underline the importance of the message from Parliament today. I therefore ask my colleagues to support the outcome of the vote in the Committee on Industry, Research and Energy, where we succeeded in combining an enforced market solution, enhancing market entry for new players, more transparency and consumers’ rights to information, with a clear political signal on long-term international and binding targets on renewable energy and CO2 reduction.

Moreover, I should like to emphasise the importance of including the distributor and consumer aspects to the current production concentration and to stress that existing technologies such as combined heat and power, trigeneration and district heating must be used to a much larger extent, reducing and making more efficient the energy we use.

Energy policy should not be considered as an isolated issue. It is vital to develop FP7 as well as the reform of the CAP in line with the needs of an increased indigenous European energy production.

Parliament will support current structures of cooperation between Member States and the Commission’s firm conviction to further develop them. However, we are not in favour of new agencies causing a financial, as well as a bureaucratic, burden on the Union.

I should like to express my strong support for Commissioner Kroes’ ambition to make sure competition legislation is not violated, in order to avoid abuse of market power. Experiences are like stars: you see them first towards sunset. The EU has the possibility to seize the opportunity to greatly improve the energy market, solve environmental problems and create new jobs. Let us take that opportunity.

 Claude Turmes, on behalf of the Verts/ALE Group. – I wish to begin by thanking Mrs Morgan and Mrs Ek for a political line that combines environment with competition. This is the way forward.

(DE) Madam President, Europe stands at a crossroads. We have an energy and transport policy for a handful of big companies. That means a green light for petrol-guzzling heavy vehicles, coal-fired power stations that damage the climate, hazardous technology, atomic power, unfair competition and the continuation of the profiteering we have on the market today. That is the policy that the Commission – that is, Commissioner Verheugen with the active support of Mr Barroso – wants to put through against Commissioners with relevant expertise like Mr Piebalgs, Mrs Kroes or Mr Dimas.

There is also, however, an energy and transport policy for Europe’s citizens and for thousands of small businessmen and tradesmen. Such a policy would involve massive investment to modernise European buildings, creating thousands of new jobs, reducing Europe’s energy dependence, including for gas, and getting improved standards for mass consumer goods like cars, refrigerators, flat screens and houses.

It is also very important that the existing directive on the promotion of renewable energy sources should continue in force, since it is so successful it is a thorn in the flesh of E.ON and EDF. You have promised us a new directive on heating and cooling in January, Commissioner. That directive must come, then the citizens will act accordingly. We also need more competition. We only have this one planet. We should not abandon it to the short-term profit interests of a few large companies and their political accomplices.
Roberto Musacchio, on behalf of the GUE/NGL Group. – (IT) Madam President, ladies and gentlemen, I participated in the Nairobi climate conference, which produced some significant statements and commitments.

First and foremost, it has now been decided that Kyoto will continue to exist after 2012. In addition, channels of action have been opened up which go much further than trading in emissions quotas and which, instead, point the way to proactive, positive measures.

There will be two funds, one for technological adaptation and the other for renewable and clean energy. Finally, the issues of technology transfer and combating deforestation were discussed. Kofi Annan is right in saying that such approaches require stronger political leadership, and it is Europe that must express this political will, partly through the submission by the individual nations of serious, properly documented plans for reducing emissions, in line with the Kyoto targets and based on substantial progress in energy conservation and renewable sources of energy.

The European Parliament could, through its own Committee on the Environment, Public Health and Food Safety, take on the role of providing encouragement and an impetus in that direction, not least through collaboration with the national parliaments. What is needed is positive direction, which requires active political support and policies focused on cooperation and innovation instead of the purely commercial logic of privatisations and liberalisations, which all too often work in favour of speculative interests and not the public good.

Recently, there has been sparring on the nuclear issue: safety is best served by not using nuclear power, but avoiding it and holding back from it on the grounds that it does not benefit our future.

Mieczysław Edmund Janowski, on behalf of the UEN Group. – (PL) Madam President, I would like to thank Mrs Morgan for drawing up this report. The Green Book provides a very good basis for drawing up a cohesive energy strategy for Europe, and in the broader context, for the whole world. It is a problem of fundamental importance, involving not only the supply of fuels, be they in solid, liquid or gas form, or of generating electricity, without which the whole world would grind to a halt, or simply of heating and air conditioning, but also of protecting the environment and averting harmful climate change.

Energy clearly also has a political dimension, as the widely known cases of shutting off gas supplies have shown. Bearing in mind that time is limited, I would like to point out just a few problems. Trading in greenhouse gas emissions is a worldwide problem and requires global solutions. The European Union has to get the ball rolling on this. Any mistakes could result in irreparable damage to the whole of the earth’s atmosphere.

Innovation in energy policy involves both searching for new, renewable and clean sources of energy and radical rationalisation of its consumption. In my view, we waste some twenty-five percent of all energy through inefficient equipment or through poorly thought-out transmission or organisational solutions. I hope the Intelligent Energy Programme of the seventh framework programme will go some way to addressing this problem.

Road, rail, air and sea transport are in need of a new type of logistics where concern for the future takes priority over immediate financial interests or convenience. I would like to ask, how many people drove to work unaccompanied today?

Energy security requires the establishment of back-up networks. Otherwise we will experience a domino effect. Examples from as recently as November show the fragility of current systems. The European Union must observe the principles of solidarity and joint action in relation to energy suppliers.

Nils Lundgren, on behalf of the IND/DEM Group. – (SV) Madam President, it is well known that if someone’s only tool is a hammer, he gradually begins to see every problem as a nail. The reason for this is obvious: a hammer’s only real use is for banging nails in, so he has to imagine all problems as nails. However, most of the problems we encounter in life are not nails so, with that attitude, most things go wrong. A hammer cannot be used for making Venetian vases or convincing a political opponent.

What, however, the majority in this House have, is a hammer, namely the European Union. Most of you want to believe or, rather, want to make others believe that the problems that happen to come to the fore at any particular time should, or must, be solved with the aid of the EU. In actual fact, such problems are rare, the exceptions including nuclear safety, radiation protection and the problems associated with nuclear material in the EU and its vicinity. Mr Seppänen is on the right track and should
receive our support, but Mrs Morgan, who is threatening to bureaucratise energy policy to such a degree that, even in the short term, a million people will be needed to implement it, is on the wrong track. Adjustments in the light of rising energy prices are best made at national level.

It is through countries and companies competing to find effective solutions to energy issues that creativity can flourish, not through imposing more bureaucracy on half a billion people living in economies quite different from each other.

Lydia Schenardi (NI). – (FR) Madam President, ladies and gentlemen, I would like to add two comments to this joint debate on energy.

The first is that the European Union has absolutely no competence over energy, so much so that the various reports all stress that the Member States still have exclusive powers to make their own energy choices. On top of that, Mrs Morgan has included a specific reference to maximum subsidiarity. Everything in these reports, though, contradicts these statements, with their prescriptivism and demands.

The second is that the Europe of Brussels has already shown what it is capable of, by usurping the right to run energy policy and liberalising the gas and electricity markets. What has been the outcome of this? Higher prices for consumers, attacks on standardisation of tariffs and therefore on public service, blackouts, concerns regarding the maintenance, expansion and modernisation of the networks, and the list goes on.

We are currently watching the sector become increasingly concentrated, to the point that the much lauded competition that you bend our ears about is on the verge of becoming a monopolisation of the energy market by a handful of multinational companies. The only difference is that these monopolies will be in the hands of private investors, and perhaps not even European ones, instead of the public sector. Therefore, we are certainly in favour of energy security and energy efficiency, but it is up to the sovereign states to control these strategic matters.

IN THE CHAIR: MR MAURO

Vice-President

Paul Rübig (PPE-DE). – (DE) Mr President, Commissioner, ladies and gentlemen, we have read in the Austrian media that the Temelin nuclear power station will soon have had its one hundredth emergency. The Commission relies for information on the good will of the Member States’ authorities. Nevertheless, my sincere thanks go to Commissioner Piebalgs for promising to send an official letter to enquire how dangerous the Temelin power plant actually is.

I also welcome Amendment 5 to the Seppänen report, which has to do with the International Atomic Energy Agency in the area of safeguards and safety of nuclear power plants. The Community should in future draft a code of conduct for an international nuclear incident warning system under the aegis of the International Atomic Energy Agency. The Seppänen report makes an excellent proposal there. We need peer review by experts who are empowered to make inspections not only in the Member States but at European level so that if risks arise a nuclear power station can be taken off line, by court order if necessary. We owe that to the safety and health of Europe’s citizens and population. The Council must abandon the obstructive attitude it has taken in the past and agree to such a peer review group in the interests of safety. We know that the safety regulations differ greatly, in the area of decommissioning and final storage in particular. The result is a crass difference in costs and those with the laxest safeguards and safety measures and who do not bother about decommissioning and final storage will stand to gain. We cannot have that.

I thank you for your support, Mr Piebalgs, and hope that the Commission will act resolutely in this matter.

Reino Paasilinna (PSE). – (FI) Mr President, Commissioner, we support the reports and I congratulate the rapporteurs. I would mention two matters. We do not just have a problem with imports of energy, creating uncertainty, but also one with our own actions here in the Union. Our spare energy capacity stands at 4.8% and is falling every year, while before it was 15-20%. We have therefore drifted into crises as a result of our own actions. Now we need to invest in new capacity, networks need to be built and improved, and we really must now ask governments to help. We obviously also have to put a lot more effort into addressing the problem of energy consumption.
The other matter is that energy has become not just a political issue, but also a social one. The poorer the consumer, the harder the situation is for him when energy prices are high, and this consumer should be at the centre of energy policy, just as it says in Mrs Morgan’s report.

I would also like to ask the Commission what it intends to do to improve social energy security.

Jorgo Chatzimarkakis (ALDE). – (DE) Mr President, Commissioner, we all know that energy is the European Union’s lifeline. Unfortunately, we only think about it occasionally, on Sundays. I believe the EU as a whole is being very naive in the way it is dealing with the subject of energy. Energy policy still consists of half-measures and the Member States are following different strategies.

The spring summit on energy was a failure, that has become clear. The EU-Russia summit, that was important for us and had an energy component, collapsed because of Polish beef. There are ideological disputes over atomic policy, these are things that are holding us up. There are important regions of the world that could be key suppliers for us, such as Central Asia, but we have paid them little attention so far. China, as has been mentioned several times in the debate, is building a large number of strategic alliances in the world in this very matter. On the other hand, we are very highly dependent on oil and gas, we do not have sufficient interconnectors for a genuine European energy market, as we saw not long ago with this year’s blackout. I think that is a very poor record over all.

We therefore very much welcome the fact that you are getting more action plans off the ground, Commissioner, that the German Council Presidency will be concentrating on energy and that countries such as Finland, for example, are taking a very non-ideological and nevertheless very successful approach to energy policy by investing very heavily in biomass and also in atomic power at the same time, because they have obviously recognised the signs of the times.

I also particularly welcome the fact, Commissioner, that with the biomass action plan you have made what will probably be a very important contribution to energy diversification, to reducing our dependence on other regions of the world and to the ‘lisbonisation’ of our entire EU agenda. I am thinking in particular of the agricultural plan here. The plans are on the table. Now it is up to the Member States to stick to those plans.

Rebecca Harms (Verts/ALE). – (DE) Mr President, ladies and gentlemen, we have some very different reports on the table about energy strategies. In my opinion, the Morgan report and the Langen report really deal with a positive future and a paradigm change in the energy industry as it has existed up until now, while the Seppänen report is actually about clearing up waste and contamination. As I fully agree with Mrs Morgan, I would like to concentrate on the Seppänen report now and say that I find what this report suggests to be completely unacceptable.

Nuclear safety is and remains more fiction than reality. If we look back over the past year and review the greatest events that made us sit up and take notice, then it has to be said that the European Union in general really ought to be aware of this. We have had a helpless argument with Iran, which is threatening to build the atom bomb. We have been shaken by the nuclear test in North Korea and we can only say that the non-proliferation pact is a dead letter.

In the European Union we have the Forsmark atomic power plant in Sweden. Sweden is a country that says it has the safest atomic power stations. The Swedish supervisory authorities confront us with the fact that this reactor was only 18 minutes from runaway. That emergency was not even discussed, let alone addressed, at European level. We have taken on a great responsibility with clearing up the consequences of the Chernobyl reactor accident, but what do we find? Incompetence, corruption in connection with the Shelter Implementation Plan, and nobody really knows what is the way forward there. We also have a polonium scandal. Large quantities of polonium, a highly radioactive substance from the Russian nuclear cities, are misappropriated, transported all over Europe, and no one knows how it can have happened. So do not tell me anything about nuclear safety; it would be better to talk about nuclear insecurity.

Tobias Pflüger (GUE/NGL). – (DE) Mr President, the various reports in the field of energy are actually quite typical of this European Parliament. There is a lot in them and a lot of it is right. At the heart of it, however, these reports are problematical.

They talk repeatedly about the energy mix. That means of course that they are still looking to atomic energy and atomic energy is and remains wrong and dangerous. When will the various people in authority
at last learn the lessons of Chernobyl and the recent near-accidents in Sweden? The only correct response is to get out of atomic energy immediately! The EU is failing to encourage research, it is failing on energy efficiency and renewable energies. It is a scandal that twice as much money, EUR 1.6 billion, is being spent on the arms research race in space as on a change of direction in energy. The German foreign minister is always talking about ‘energy foreign policy’. This shows that the EU has global political ambitions, at other people’s expense. Instead of that, we need to get out of atomic energy immediately and invest massively in renewable energies, energy research instead of armaments research and cooperation in the field of energy foreign policy.

John Whittaker (IND/DEM). – Mr President, there are over 100 clauses in this report on energy security, and nearly all of them call on the Commission to do something: to fix the carbon trading scheme, to foster investment in the European energy market, to encourage energy efficiency, to do more and more. The Commission is going to be busy. I want to question two assumptions about this ambitious programme.

First, it is assumed that the Commission somehow has the ability to address all these problems, as if it had a magic wand. Second, it is assumed that the EU Member States can be persuaded to cooperate. They will cooperate, as long as it is in their interest to do so, for instance, in selling surplus power – at a profit – to neighbours. But when national energy security is at stake, all the Commission’s powers will not be enough, and nations will look after themselves. Compare the ‘cooperation’ over fishing that has brought several common species close to extinction.

My biggest worry, however, is that so much of what we are asking for, such as trying to meet impossible targets for carbon dioxide and renewables, pays little regard to the economic cost. I fear that implementation of many of the recommendations in this report will be as economically damaging as the REACH Directive, which this Chamber triumphantly approved yesterday.

James Hugh Allister (NI). – Mr President, you cannot have an open market in energy and a workable policy of energy-sharing without transparent competition. The Commission's Green Paper recognises this.

However, on the island of Ireland, as part of a wider British Isles and European project, the opportunities for a free and fair market are being stifled by the state domination of the Republic of Ireland's market by the ESB. Its near-monopoly of both generation and distribution must be broken, as it is keeping others out of the market and smothering competition. I have to say that the Dublin Government has been most tardy in moving to break this monopoly. I call today on the Commission to be more robust in demanding delivery of this necessary change.

With monopoly goes subsidised inefficiency and higher prices and so it would be for consumers in my constituency of Northern Ireland if we became a minority part of an energy market dominated by an unreformed ESB. We cannot have that!

Elmar Brok (PPE-DE), draftsman of the opinion of the Committee on Foreign Affairs. – (DE) Mr President, Commissioner, allow me a few short sentences to outline the opinion of the Committee on Foreign Affairs. The European Union is no longer a sanctuary. Russia is using energy as a political weapon, the situation in the Middle East and the Gulf Region is unclear, and none of us knows what the political situation, and hence energy supply reliability, will be like in two or three years.

When we see how energy-hungry China has acquired energy sector rights in Darfur, has organised an African Summit, has gained entry into Nigeria and has concluded an energy deal with Iran worth in excess of USD 100 billion, we should be very worried about energy being supplied at tolerable prices, as this is decisive as regards the economic and social development of our continent, for jobs and much, much more. For this reason, we must make particular efforts in these areas aimed at moving forwards, by diversifying our supply from all parts of the world, as well as through the internal networking of the energy networks within the European Union, so that individual countries cannot be penalised by third powers. This would provide greater security. However, it also demonstrates the importance of the Constitutional Treaty for establishing energy jurisdiction so that we are actually able to implement what we are talking about here today.

Alejo Vidal-Quadras (PPE-DE). – (ES) Mr President, I shall begin with Mr Seppänen’s report. The rapporteur has once again demonstrated his great experience in this field and his capacity for reaching consensus, by achieving a large majority in the Committee on Industry, Research and Energy. I believe
that the result is excellent, and we must avoid veering away from it by adopting amendments that run counter to the spirit of the proposal.

With regard to the Morgan report, I would like to stress a curious fact, and that is that the contribution of nuclear energy has been completely ignored. I believe that certain Members prefer not to deal with the issue, in the hope of avoiding a controversial debate, but we must be courageous and once and for all acknowledge, objectively and without reservations, the significant contribution that this source of energy makes to security of supply and combating climate change.

I would like you to listen carefully, Mrs Harms, to the words of the co-founder of Greenpeace, Patrick Moore, and I quote: ‘Wind and solar power have their place, but because they are intermittent and unpredictable they simply cannot replace big baseload plants such as coal, nuclear and hydroelectric. Natural gas, a fossil fuel, is too expensive already, and its price is too volatile to risk building big baseload plants. Given that hydroelectric resources are built pretty much to capacity, nuclear is, by elimination, the only viable substitute for coal’. That seems to me to be an irrefutable argument.

I agree with you that Iran, with its nuclear enrichment programme, is a very serious threat to world security and stability, but the correct conclusion to be drawn from this is the opposite of what you propose, Mrs Harms. The conclusion is that we must increase our energy independence. In other words, precisely the opposite to what you are advocating. We must stop looking at kilowatts in political terms. We are not talking about right-wing kilowatts or left-wing kilowatts. We are talking about sources that emit greenhouse gases and sources that do not. Renewable sources of energy and nuclear energy must be seen as complementary and not as incompatible.

Mechtild Rothe (PSE). – (DE) Mr President, Commissioner, ladies and gentlemen, I would like to start by expressing my thanks to the three rapporteurs for their fine work. However, I hope the other rapporteurs will forgive me if I concentrate on the report of my colleague, Mrs Morgan. Hers is an excellent report which demonstrates the productive cooperation between the rapporteurs and shadow rapporteurs. I am assuming that here today in Parliament, we will send a very clear signal to the Commission, a signal which the Commission, in the interests of continuing the truly sound cooperation hitherto in the energy policy field, should not ignore when it presents its energy package in January. Hence the report, for instance, is calling for a compulsory 25% target for renewable energies by the year 2020.

The Commission is obviously thoroughly open-minded when it comes to a binding, general target. This is good, but not enough. The Morgan report also calls for binding sectoral targets. We have targets for electricity and biofuels. However, we must set these targets beyond 2010.

We have not had any negative experiences thus far. In 2001, we saw with the Electricity Directive, which contained clear targets, that we had achieved a new breakthrough in the Member States. On the one hand, this should not be jeopardised. On the other, however, you, Commissioner Piebalgs, declared in this House in February of this year that you would present a Directive concerned with heating and cooling this year. We would be happy to give you until January. This is not at all the point, however. Both we here in Parliament and industry and commerce in this area, which has truly supported your words, are expecting presentation of a Directive, as stated in both the Langen and Morgan reports. I call on the Commission to fulfil its obligations and take action accordingly.

Anne Laperrouze (ALDE). – (FR) Mr President, Commissioner, ladies and gentlemen, I hope you will allow me to make a few comments on the various topics that we are discussing this morning.

In the report on nuclear safety and security assistance, the European Union gives itself the task of improving nuclear safety and security worldwide by proposing an instrument for cooperation with third countries. The European Union’s responsibility is not to prevent the construction of new power stations or to demand that existing plants be shut down, decisions that fall within the sovereignty of the States, but to promote a culture of nuclear safety. I therefore find the two amendments from the Group of the Greens/European Free Alliance, which recommend more than the minimum, regrettable. It is early intervention, before plants are put into operation, that will make it possible to lay down what safety measures need to be taken.

This morning, Parliament is also proposing an ambitious report on biomass and biofuels, which are important elements in energy independence for the EU and in the fight against climate change. It will, however, be necessary to keep a close eye on the overall energy yield of biomass.
Finally, I would have liked to have seen a stronger message from Parliament with regard to the European Commission's Green Paper, particularly in terms of the effort needed to reduce energy consumption in buildings and in transport. To take another example, we have once again glossed over the debate on nuclear power. We have to acknowledge that nuclear power is part of the energy mix, that it helps to combat climate change and, what is more, that our expertise in this field is recognised worldwide.

I would also remind you that we need to encourage the network managers to get together to draw up a European code, in order to control the safety of energy transport networks.

Finally, now that private consumers are going to be faced with the opening up of the energy market, it is high time to consider the role of the regulators and to adapt the directives on the internal market with a view to keeping prices under control. Energy is an absolute necessity, and it is vital for European citizens, particularly the poorest, to have access to this universal service.

**Athanasios Pafilis (GUE/NGL).** – *(EL)* Mr President, the Green Paper is being promoted within the framework of the anti-grassroots Lisbon Strategy and yet again donates more profit to Euro-unifying capital.

The European Union and the governments of the Member States, even those which demonstrate national protectionism, are privatising this strategic sector by sacrificing grassroots needs at the altar of private profit, of the profit of the large business groups and multinationals.

Liberalisation is bringing new profits to business and increasing prices at the consumer's expense. One example is the privatisation of CDF in France. In the first quarter since privatisation, prices to consumers have risen by 15%. The same has happened in Greece and other countries. The environmental protection which you cite is hypocritical. In reality, you are trying to conceal the fact that liberalisation is being stepped up.

The energy supply must target a combined approach to grassroots needs, a reduction in energy dependency, the safeguarding of local security, environmental protection and, most importantly, the protection of energy as a social rather than a commercial commodity, and this is where our strategic difference and divergence lie: the Green Paper does not promote such needs. On the contrary, it turns away from the consumer's – by which I mean the worker's – interests.

**Alessandro Battilocchio (NI).** – *(IT)* Mr President, ladies and gentlemen, I speak on behalf of the new Italian Socialist Party. Not only do I welcome both the Commission's Green Paper and the report by Mrs Morgan on a sustainable European energy policy, but I also hope that this strategy will, as early as 2007, become one of our Union's priorities.

As I have, in fact, mentioned before, both yesterday in this Chamber and on other occasions, the EU’s capacity to implement an energy strategy – and one that is not just sustainable but also autonomous – and thus its independence from the power games and economic interests that are often at work behind the scenes in this sector is a decisive factor in meeting so many of the global challenges that await us in the near future, not only in terms of competitiveness, but also with regard to the political and strategic weight that the European Union wishes to have and could obtain.

More importantly than finalising strategic agreements with current and potential partners, it is therefore necessary to step up efforts on research and to allow the Member States – each according to its own characteristics and potential – to develop to the utmost the sustainable energy resources that they have.

**Jerzy Buzek (PPE-DE).** – *(PL)* Mr President, I would like to begin by saying that I believe that we should support all three reports and extending my thanks to the three rapporteurs for their efforts. Above all, I would like to congratulate Mr Piebalgs for his work. Two and a half years into this term we are now talking about energy in a completely different way than previously.

Firstly, it is now clear that our problems in Europe are based on threats to our oil and gas supplies, which is why the initiatives of the Commissioner, the European Commission and the Council of Europe concerning intensive dialogue with the partners who supply our oil and gas are worthy of support. We need a common foreign policy as regards energy supplies. Energy supply routes are also important, not just the suppliers themselves. In fact, they are absolutely crucial.

Secondly, if we are to counteract the crisis in oil and gas supplies, we will have to rely on our own, European, sources of energy. Over a period of two and a half years, the European Union has clearly...
acknowledged that energy savings and renewable sources of energy are a priority. This is set out in all the
documents, including those dealing with research and development of new technologies. Biofuels are very important here, although some legislation is still needed.

Thirdly, the European Union is continuing with the EURATOM programme, which is the oldest Community programme and which has brought Europe a relatively safe and reliable source of energy through use of the atom. This programme must be continued. Renewable energy on its own will not be enough, although I support my colleagues who talk of the need for renewable energy.

Fourthly, after years of neglect, Europe has finally remembered that almost all countries have their own energy resources in the form of coal. However, there can be no return to nineteenth and twentieth-century methods of coal consumption. Completely new technologies are needed.

I would like to thank the Commissioner and all my colleagues for deciding to undertake such actions within the framework of the European Union.

Joan Calabuig Rull (PSE). – (ES) Mr President, I would like to begin by congratulating the rapporteurs and pointing out that the problem of energy, which is the focus of our concerns today, will continue to be a problem over the coming years, probably to an even greater extent.

As the rapporteurs have said, I believe that the proposals in the Commission’s Green Paper are timely and necessary and that the work being done by Commissioner Piebalgs deserves to be highlighted.

Having said that, I simply wish to say that consumers must of course be placed at the centre of the energy policy, since we are talking about a public service that must be accessible to everybody, not just to those of interest to the market. Over recent years, we have been prioritising the creation of the European market, but we have seen that that is not enough. Many countries are showing great reticence when it comes to applying the legislation. Just this week, the Commission has sent reasoned opinions to sixteen Member States.

I believe that we must ask ourselves why the market is not progressing and why there is not sufficient confidence and that the answer lies in the need for a common energy policy, and not just in the external field. We need cooperation and solidarity amongst the Member States because, otherwise, it will be very difficult to achieve our objectives and meet the challenges facing us.

Romana Jordan Cizelj (PPE-DE). – (SL) We have one debate, but a number of very important topics. Above all I would like to talk about the proposal for a common European energy policy.

Debates on energy have finally been made a high priority. Of course, they deserve such prominence, since the well-being of mankind is directly dependent on the quality, sustainability and cost of energy as well as the impact of energy on the environment. Europe faces problems in this sphere, and we will only be able to resolve them if we act with a common purpose. For this reason I support the idea of a common European energy policy. However, the question remains: how are we to bring it into being?

In the proposal for the single energy market, the thing that most strikes me as being absent is the idea of the gradual harmonisation and standardisation of administrative bodies and the unification of their powers. The European single market requires powerful national regulators, but we are also in need of a European regulator that will deal with cross-border problems. Another important concern is the drawing up of an appropriate timetable.

In debates on energy, I should also like to see more emphasis on the transport sector. Promoting public transport is a measure that can be successfully implemented now. In addition, the streamlining of procedures with regard to the import of bio-fuels and their unification among Member States is a measure which we could implement over a relatively short time period.

The difficult energy situation and environmental problems are forcing us to assess the comparative advantages and drawbacks of individual energy sources, together with their impact on other sectors, such as the timber industry and agriculture. In so doing, we must also carry out a realistic assessment of nuclear energy, which represents an important energy source in society, provided that it is used in combination with safe technology and within an appropriate safety culture.

Let us not confuse the peaceful use of nuclear energy with the abuses thereof. Let us focus on institutional development which can prevent abuse. It would be unwise, for instance, to renounce the use of nuclear
energy, the chemical industry and medical research simply because of potential abuses. It is for this very reason that Europe is earmarking some financial resources for the improvement of the safety of nuclear power stations in third countries.

Finally, in the field of energy we already have a large number of well-chosen objectives. It is time that we internationalised some of them. And it is also time that we ourselves began to work towards our set strategic objectives and implemented the legal requirements already adopted.

**Matthias Groote (PSE). – (DE)** Mr President, Commissioner, ladies and gentlemen, as shadow draftsman for the opinion of the Committee on the Environment, Public Health and Food Safety with regard to the strategy for biomass and biofuels, I would like to comment on two points in relation to this report. Firstly, it is very important that priority be given to the principle of sustainability in all phases when producing biofuels. In addition, however, we must also define standards in relation to cultivation and processing, in which connection the greenhouse gas balance during the entire production cycle must be the main criterion.

For my second point, I would like to mention the energy efficiency of biomass. Here, the principal criterion must be how many kilowatt hours can be harvested per hectare per annum without neglecting sustainability. As a result of the increased demand for fossil energy sources and the rapid price increases associated with this, it is important that the percentage share of renewable energy sources rises rapidly so as to dampen future price increases in fossil energy sources.

**Nicole Fontaine (PPE-DE). – (FR)** Mr President, Commissioner, ladies and gentlemen, the serious electricity blackout that occurred on 4 November, initially in Germany, demonstrated – if there were any need to demonstrate it – that energy security is definitely a European concern and that it is at European level that we must find solutions. It is to Europe that people are turning more and more to safeguard the balance between the supply of, and demand for, energy, which is increasingly subject to the volatility of suppliers and to the tensions resulting from the very unequal geographical distribution of resources.

Therefore, the Commission done the right thing in presenting us with this Green Paper, which we are examining today thanks to the report by our fellow Member, Mrs Morgan. I congratulate her on her excellent work, and I am delighted that a broad consensus within the Committee on Industry, Research and Energy should have been reached on such an important and sensitive issue as this and, above all, that the powerful idea that the three objectives of security of supply, competitiveness and environmental sustainability are absolutely paramount objectives, should have been highlighted. The same goes for the need to diversify the energy mix with the aid of the three pillars of fossil fuels, nuclear power and renewable energy sources. Finally, many people recognise that, in the current state of research, the act of abandoning one of these pillars would cause problems and would compromise the achievement of the aforementioned objectives.

I should like to acknowledge the significance of this debate, which encourages us to be bold. For the first time, we have been given the opportunity simultaneously to tackle the challenge of growth and the challenge of environmental protection, and this, in an increasingly worrying context due to the damage caused by greenhouse gas emissions. As Mr Turmes said just now, we have only one planet. I therefore particularly support the amendment which, taking account of serious environmental warning signs, proposes a global objective in terms of the percentage of non-carbon-generating energy sources.

To conclude, I will simply add, that, after the crisis caused by the failure of the referendums in France and the Netherlands, European integration must show the citizens that it is effective. Energy policy gives us the opportunity to do that. Let us hope the political will is equal to the task.

**Dorette Corbey (PSE). – (NL)** Mr President, I should first of all like to congratulate Mrs Morgan on her courage and determination. It would, in my view, be good to make three comments and not beat about the bush in doing so. First of all, the climate issue deserves to be given top priority.

Secondly, the conclusion we have to come to today is that liberalisation has not been all that beneficial to consumers, that compliance with European rules leaves something to be desired and that the directive on tradable emissions needs to be amended in one or two areas. Before we can ever talk about common energy policy, considerable improvements need to be made in the areas of compliance and implementation. This is a task not only for the Commission, but also for us. We will constantly need to question the Commission on the enforcement of European rules.
Thirdly, in the next few years, we will need to invest heavily in efficient, sustainable energy and innovative research. We need to give subsidies for polluting energy short shrift, and direct as much as is needed of our funds to sustainable energy. Billions are still being invested in polluting energy, especially coal and nuclear energy, and we really need to put a stop to this.

I should also like to give Mr Langen credit for his report on biofuels. Europe needs to opt for compulsory blending of both petrol and diesel fuels. Specific intervention is needed to guarantee that biofuels do not lead to the eradication of rainforests and a decline in biodiversity, or start competing with the food supply.

Andres Tarand (PSE). – (ET) Eluned Morgan’s report about the Commission’s Green Book on the Energy Strategy has, in the course of Parliament’s discussion of the topic, gone through numerous amendments from a slim draft report to a weighty report. Most of the European Union’s energy issues are covered therein. I would like to express my sincere thanks to the rapporteur for the hard work he has done.

I do, however, also have a critical comment. Clause 66, which contains the hope that Russia would sign the Energy Charter, is probably now obsolete, considering Mr Yastrzhembsky’s Tuesday statement. On the far shore of this continent, in Sakhalin, Shell is withdrawing, and on the opposite shore, in the Baltic Sea, the harmonisation of issues related to the gas pipeline has reached a decisive stage.

Here I would like to highlight the positions under discussion in Sweden and those that emphasise national sovereignty. I say this in order to underline the need for a common European energy policy, which is absent from the report and of critical importance in comparison with everything else. Although it is the first point in the opinion by the Committee on Foreign Affairs, but it has not received adequate emphasis in the report.

Teresa Riera Madurell (PSE). – (ES) Mr President, I would like to begin by congratulating Mrs Morgan and the other rapporteurs.

I would like to emphasise the need to support research and development in new cleaner energy technologies that can meet our needs and to support what that requires in terms of investment in R+D.

It is true that the Seventh Framework Programme provides for an investment of EUR 2 350 million, that, furthermore, the Seventh Euratom Framework Programme funds research into fusion energy, nuclear fission and protection against radiation and that the Competitiveness and Innovation Programme also provides for resources to fund innovation in energy.

Despite all of that, however, our investment in R+D in this field is still considerably lower than that of Japan or the United States, and most of it is dedicated to research into conventional energy sources. This demonstrates the clear imbalance between investment in R+D and the obligations stemming from a sustainable and ambitious energy policy such as the one we are debating today.

Ladies and gentlemen, this dysfunction must be corrected as a matter of urgency so that we can guarantee a genuine R+D strategy in the field of energy.

Andris Piebalgs, Member of the Commission. Mr President, after such a full and very rich debate it is very difficult and challenging to respond to the points that have been raised, because each of the three reports deserved a separate debate. I shall try to emphasise the common rather than the divisive issues.

Firstly, it is very important that Parliament state clearly that there is a challenge to act now. Actions to combat climate change should be taken now – there is no time left. Security of supply and the competitiveness of the European economy are also urgent matters. We should all like to see affordable prices for our industries and citizens. We should also like to ensure that energy is produced and used in a sustainable way.

I think we agree on what should be done to achieve that. We should provide for long-term perspectives for investment; we should provide for the full use of market forces; we should provide for diversification of energy sources and suppliers. We know that we should focus strongly on energy efficiency. We know that there is consensus for a focus on renewable energy, including heating and cooling. We know that we should focus on research and development. It is also important to realise that if we act alone, although it might be good for us, it will not be enough. In order to do this we need the EU’s economies of scale and scope. However, it is also clear that, to achieve that, we must have a common vision and present
legislation based on debate that responds not only to this vision but also to the principles of better legislation. We need a general consensus in Europe. We need one voice and to take joint action.

For those reasons I really believe that, when the Commission adopts the package on 10 January 2007, this will open the door, as Mr Langen said, to real action and real legislative proposals – good proposals not only in the legislative field but also in other areas.

I should like to thank Mrs Morgan, Mr Langen and Mr Seppänen for their excellent reports and the whole Parliament for this debate.

Unfortunately I have to finish on a sad note because last night I received the very sad news that my predecessor, Mrs Loyola de Palacio, has died. I wish to pay tribute to her. We will really miss her, because she was devoted not only to her energy remit but also to Europe. She had very strong and clear views, which were not always shared by everyone. We need spirits like hers. I really believe that the best tribute we can pay her would be by taking very ambitious action towards creating a European energy policy and not being discouraged by legal hurdles. In this way we will commemorate her in the best possible way.

(Applause)

President. The debate is closed.

The vote will take place at 11 a.m.

(The sitting was suspended at 10.50 a.m. and resumed at 11.00 a.m.)

Bogdan Golik (PSE). – (PL) I would like to express my support for Mr Langen’s report on biomass and biofuels.

At a time of increasing reliance on fuel and energy supplies from third countries and increasingly stringent standards for environmental emissions, renewable sources of energy are among the most important aspects of ensuring secure energy supplies. Developing the use of renewable sources of energy will enable the EU to reduce its dependence on mineral fuels and oil imports and reduce greenhouse gas emissions, as well as encouraging the economic revival of rural areas by creating new jobs and exploiting unused agricultural land.

Unfortunately, in many Member States legal barriers such as a lack of promotional campaigns, the lack of a long-term fiscal policy relating to tax concessions for biocomponents of fuels, and the lack of opportunities to use additional funding for investment in the production of biodiesel and bioethanol are hampering the development of the biofuels market.

We should therefore consider simplifying procedures which promote the cultivation of crops that can be used as components in biofuels. The further development of support mechanisms, including a system of excise benefits and concessions which take the real costs of creating biofuel components and biofuels into account, is an important element in creating conditions that will favour the development of the biofuels market.

András Gyürk (PPE-DE). – (HU) We are rapidly approaching the first anniversary of the gas price war between Russia and the Ukraine, which, along with minor distribution problems caused by a shortage of Russian natural gas reserves, awakened Europe to its energy dependence and the vulnerability of the security of its energy supply. In the eleven months since those events, the institutions of the European Union have responded with the rapidity one may expect from them. I shall sum up in three points the factors which, according to the parliamentary debates on the Green Paper published by the Commission in March, are of key importance in avoiding a similar situation in future:

1. We need a common European energy policy in order that we might speak with one voice at the international level to our suppliers, including Russia, which is openly using its position in the area of energy as a political tool.

2. In order that a common European energy policy might rest on a stable foundation, we need to create the necessary accompanying community legal framework as well. The extension of the treaty establishing an Energy community to southeastern Europe must serve as a model to be followed by the EU’s neighbourhood policy.
3. Finally, I wish to emphasise that Europe needs to create new infrastructure as well as a new legal framework. If we are to bring about the diversification that serves as the guarantee of a secure energy supply, we need to create new gas pipelines, gas storage facilities and LNG terminals as well as links. The construction of the Nabucco gas pipeline would ensure diversification of both the sources of supply and the transit routes. Alternative sources of energy must in future play a more significant part in the energy mix, and the role of nuclear energy also needs to be reassessed.

The energy dependence of European consumers is constantly growing. It is our joint responsibility to ensure security of supply and thereby the security of our citizens.

Ján Hudacký (PPE-DE). – (SK) I would like to touch on the need to increase liberalisation of the energy market. We must concede the fact that the Member States have formally complied with the relevant directives on the unbundling of energy generation, transmission and distribution, and that they are duly implementing these directives. Nevertheless, no substantial changes have been observed on their energy markets. There is still no competitive environment, and the incumbents largely retain their monopolistic position with respect to the unbundled operations in the energy chain. The entry of new companies into the energy sector has frequently been blocked by protectionist efforts and excessive government regulation, with a negative impact on energy prices and spending on research and development. I urge the Commission to keep up the pressure on the Member States to take more resolute measures to enhance the competitive environment, eliminate administrative barriers and thus facilitate the opening up of energy markets.

I would like to point out another important aspect, namely excessive government interference in regulators’ activities, particularly in the area of price regulation, which hinders energy sector liberalisation. Several Member State governments are jeopardising the independence of their regulators by amending the relevant laws, to enable them to appoint ministerial officials with the obvious aim of bringing pressure to bear on price regulation. It is therefore necessary for the Commission to accelerate harmonisation of the regulatory framework, including the possible establishment of a European regulator, which would effectively eliminate unreasonable interference in the independent status of national regulators.

David Martin (PSE). – I would like to congratulate my colleague Eluned Morgan on an excellent report which points the way towards a ‘green’ energy policy for Europe. I particularly support her call for a radical reform of the Emissions Trading Scheme to create a low carbon economy driven by a set target for a reduction of EU carbon emissions of 30% by 2020 and 60-80% by 2050. She is correct to call for enhanced R&D on clean energy technologies and for a step-change in energy efficiency. I hope when EU leaders meet next March to discuss energy policy they all have a copy of this report in front of them and that they take its recommendations seriously.

IN THE CHAIR: MR BORRELL FONTELLES

President

4. Tribute

President. Ladies and gentlemen, last night we received some sad news. At the end of the day we heard that Loyola de Palacio, Vice-President of the European Commission, Minister in the Spanish Government, head of the People’s Party’s list in the 1999 elections, had died.

During the final months of her life, she faced her illness with a courage that should serve as an example to all of us.

Loyola de Palacio, who was responsible for relations with the European Parliament as Vice-President of the Commission and who was an MEP before that, was a forthright person, a determined and strong negotiator, who was always true to her values and the values of Europe.

A tireless worker, who dealt with the people around her in a straightforward and open way, it was easy to appreciate Loyola’s firmness and direct language, in her office and in the corridors of this House. I can say this because I had many contacts with her. I was a Minister in the Spanish Government, and she was the opposition whip. We argued hard, but our arguments were always full of content and we related well as people.
Her death is sad news for all of us who knew her. I would like to say that my feelings today go much further than the institutional and political. Please believe me when I say that they are also personal. I am sure that all of us who knew her mourn her death. I am sure, moreover, that the Commission will wish to add to what I have said.

**Jacques Barrot**, *Vice-President of the Commission*. (FR) Mr President, on behalf of the President of our Commission, Mr Barroso, and on behalf of the Commission and of Mrs Grybauskaite, who is here beside me, I should like to thank you for the tribute you have paid to Mrs de Palacio and to join Parliament in mourning her loss.

Like many Europeans, I was very saddened to hear of Mrs de Palacio’s sudden death. All those who had the opportunity to know her admired her energy, her courage to the end, Mr President.

A woman of conviction, a committed European, Mrs de Palacio left her mark on the European Commission, of which she was vice-president between 1999 and 2004. In particular, she worked to promote European transport and European energy. Responsible as she was for relations with the European Parliament, she was able to establish trusting, fruitful cooperation with the institution and with all the MEPs, for the benefit of the Union.

Right up to the end, she worked tirelessly to help Europe. She continued to work in this way with me, coordinating the completion of the trans-European networks and their extension to neighbouring countries of the Union.

Like many of you, I have lost in Mrs de Palacio a friend from whom I could always seek good advice and unfailing support. I thank Parliament for joining in this tribute.

(*Applause*)

**President.** Times of bereavement put our problems and differences into their proper perspective. Let us observe a minute’s silence in memory of our colleague.

(*Applause*)

(*The House rose and observed a minute’s silence*)

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

**6. Voting time**

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

**6.1. 2007, amended by the Council (vote)**

- *Before the vote:*

**James Elles (PPE-DE), rapporteur.** – Mr President, as every year in this major exercise, there are a few technical corrections that need to be made at this stage. I will be very brief. I think the vote also will be as brief as I have known it.

Firstly, on Amendment 328 to line 22 02 02 ‘Transition and institution-building assistance to potential candidate countries’: this is accepted with + EUR 2 million for commitments and payments. These EUR 2 million are taken from line 19 05 01 ‘Cooperation with industrialised non-member countries’. As a result, Amendment 314 to line 19 05 01 is withdrawn.

Secondly, EUR 5 million in commitments and payments is added to line 16 02 02: ‘Multimedia actions’.

Thirdly, EUR 400 000 in commitments and payments is added to line 15 04 47: ‘European Year for Intercultural Dialogue’.

With regard to the amounts in reserve which are released: Amendment 302 to line 16 03 02 – ‘Local actions’ – the reserve is lifted; Amendment 251 on ‘European Schools’ – line 26 01 50 23; lastly, Amendment 330 to 28 01 01 – ‘Staff in active employment in the audit policy area’.
As regards EPSO, that is Amendment 255: it is replaced by an amendment to reduce the amounts in reserve to 25% of the appropriations on the relevant budget lines.

Finally, to take account of a problem on pre-accession assistance which arose from the Council’s reading, and which we were not able to pick up quickly enough, we ask the Commission at the end of paragraph 25 of the resolution, ‘to present a transfer request or amending budget during the course of 2007 if the amounts foreseen in the 2007 budget turn out to be insufficient’. This concerns budget line 05 05 01 01.

I recommend that we vote on these particular elements which I have put forward as technical adjustments.

(Parliament accepted the technical amendments proposed by the rapporteur)

Ulla-Maj Wideroos, President-in-Office of the Council. (FI) Mr President, ladies and gentlemen, you have brought the 2007 budget to second reading. It is the first budget for the enlarged EU of 27 Member States. At the same time, it is the first budget in the financial framework for 2007-2013.

I am pleased to note that the consensus reached at the negotiations meeting between Parliament and the Council on 21 November 2006, finalised at the tripartite meeting on 28 November, has now been incorporated in the 2007 budget. I realise that there are small differences of opinion over interpretation regarding the classification of expenditure in the budget, and I would like to remind you that the Council reserves its rights regarding this. The Council may approve the ceiling for the rise in expenditure proposed as a result of Parliament’s second reading.

I would now like to thank the Chairman of the Committee on Budgets, Janusz Lewandowski, and the rapporteurs, James Elles and Louis Grech, for the spirit of cooperation which pervaded the entire budgetary procedure.

(Applause)

President. Ladies and gentlemen, I would note that the 2007 budgetary procedure has been carried out in accordance with the Treaty and with the Interinstitutional Agreement of 6 May 1999 and that, pursuant to Article 13 of the Agreement between the Council and Parliament, explicit agreement on the maximum rate of increase of non-obligatory spending, as laid out in Parliament’s second reading, has been expressed. The budgetary procedure can therefore be considered to have been successfully completed. The budget is definitively approved.

(Having invited the President-in-Office of the Council, Ulla-Maj Wideroos, the representative of the Commission, Dalia Grybauskaite, the Chairman of the Committee on Budgets, Janusz Lewandowski, and the rapporteurs, James Elles and Louis Grech, to accompany him, the President of Parliament, together with the President-in-Office of the Council, signed the budget)

(Applause)
6.2. Draft general budget for 2007, amended by the Council (all sections) (vote)

IN THE CHAIR: MR COCILOVO
Vice-President

6.3. Procedure for prior examination and consultation in respect of certain provisions concerning transport proposed in Member States (codified version) (vote)

6.4. Elimination of controls at the frontiers of Member States (road and inland waterway transport) (codified version) (vote)

6.5. Transmission of data subject to statistical confidentiality (codified version) (vote)

6.6. Submission of nominal catch statistics by Member States fishing in the north-east Atlantic (codified version) (vote)

6.7. Community criteria for the eradication and monitoring of certain animal diseases (codified version) (vote)

6.8. Agreement between the EC and Paraguay on certain aspects of air services (vote)

6.9. R&D activities in the domain of intelligent manufacturing systems (EU-Australia Agreement, Canada, Norway, Switzerland, Korea, Japan and the USA) (vote)

6.10. Direct support schemes under CAP; the COM for sugars; restructuring of the sugar industry; owing to the accession of Bulgaria and Romania to the EU (vote)


6.14. Double-hull or equivalent design requirements for single-hull oil tankers (vote)

6.15. European Fund for the Integration of Third-country Nationals (2007-2013) (vote)


− Before the vote:

Romano Maria La Russa (UEN), rapporteur. – (IT) Mr President, ladies and gentlemen, I will be brief. I deeply regret the decision to resort to urgent voting on the three framework programmes
concerning the area of freedom, security and justice for the period from 2007 to 2013. While understanding the acute need to adopt the reports by the end of the year in order to allow the procedures for finance allocation to be started this coming 1 January, I believe that programmes of such importance at least deserved a debate in the Chamber.

Since I was not given the opportunity previously, I now take the opportunity to thank all those who worked together with me for over a year and a half: as well as my staff, I thank my colleagues for their work and the officials of the group and the secretariat for their efforts.

6.17. Numerical strength of the committees (vote)

6.18. European Institute for Gender Equality (vote)

6.19. Driving licences (vote)


- Before the vote:

Richard Corbett (PSE). – Mr President, this vote adapts our procedures to take full advantage of the new powers of the European Parliament in the context of the comitology procedure, new powers that were secured earlier this year through the interinstitutional agreement negotiated by Mr Daul and myself. It means that, when we confer implementing powers on the Commission through the legislation we adopt under the codecision procedure, any subsequent implementing measures of a quasi-legislative nature can be vetoed by Parliament. This is the most important increase in the powers of the European Parliament since the Treaty of Nice and probably the only significant increase during this legislature. The new rule will facilitate our use of this new power.

6.21. Amendment of the Rules of Procedure (committees, quaestors) (vote)


- Before the vote:

Barbara Kudrycka (PPE-DE), rapporteur. – (PL) Mr President, I would like to inform this House that during the tripartite talks on the border fund we were assured by the Commission and the Council that firearms do not qualify for purchase using this fund. It will not therefore be possible to use the fund to buy firearms.

I therefore appeal to this House to adopt the compromise amendment referred to in the text as the LIBE Commission proposal.


- Before the vote:

Barbara Kudrycka (PPE-DE), rapporteur. – (PL) Mr President, I would like to draw your attention to an outstanding controversy, which is the requirement announced since the beginning of this Parliament making the establishment of a Return Fund conditional on the need to adopt a returns directive by the end of next year.

It is essential for this House to link the Return Fund with a Return Directive, but it has not succeeded in doing so. I would therefore like to inform the Council that it is possible that if a Returns Directive is not adopted, Parliament may make use of its budgetary entitlements and suspend payments to the Return Fund in the 2008 budget. That is why this matter is so important.
I therefore call upon this House to vote in favour of the Return Fund, because previously the Council threatened us with a veto of the Integration Fund. I therefore urge you to vote together in this matter.

**Ulla-Maj Wideroos**, President-in-Office of the Council, (FI) Mr President, ladies and gentlemen, the Council will continue its work, during which it will be in close contact with the European Parliament to ensure that consensus is reached soon on the proposal for a Directive of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally remaining third country nationals.

The Council would point out that agreement on this proposal is one of the priorities that the Council and the Commission set in the action plan on the implementation of the Hague Programme established to strengthen freedom, security and justice in the European Union. The Council will do all it can to promote the achievement of this objective and remind everyone of the European Parliament’s role in any agreement on this proposal.

**Andris Piebalgs**, Member of the Commission. Mr President, the Commission will continue to encourage the Council in all appropriate fora to make progress on the proposal for a European Parliament and Council directive on common standards and procedures in Member States for returning illegally staying third country nationals and to intensify negotiations with the European Parliament on this proposal, with a view to reaching an agreement by the end of 2007.

The Commission recalls that agreement on this proposal is one of the priorities set out in the Council and Commission’s action plan implementing the Hague Programme on strengthening freedom, security and justice in the European Union.

The European Commission is open to discussions on improvements to the proposal. In doing so, the Commission will, however, remain committed to maintaining the dual objective of the directive: to be an efficient instrument of return policy and, at the same time, an efficient protection instrument for the third country nationals involved. Moreover, the Commission will propose to include the implementation of legislation in the field of return, in particular this directive, as one of the priorities for the strategic guidelines, for the intervention of the Return Fund in the period 2008-13.

**6.24. Medicinal products for paediatric use (vote)**

**6.25. European Small Claims Procedure (vote)**

- Before the vote on block 1:

**Hans-Peter Mayer** (PPE-DE), rapporteur. – (DE) Mr President, ladies and gentlemen, I applied to speak for two minutes but will not need that long. All the same, I would like to emphasise several points in particular regarding the introduction of the European Small Claims Procedure. First of all, it is important that in case of doubt, the law is interpreted in the German language version since this was generally the working language of the European Parliament as well as being used exclusively by the Council and Commission for orientation purposes in the many trilogues. Furthermore, it is important that the Member States utilise all the opportunities afforded by this procedure and therefore use the possibilities offered by modern means of communication. Member States should authorise and promote telephone, e-mail and video conferencing as means of communication.

A further important simplification is that form D must be translated by one person who is authorised to do translations in one of the Member States. This expressly precludes expensive authentications and the need for certification, for instance, by a notary. I wish to emphasise that with regard to all decisions made by the Court within the Small Claims Procedure, it should always be remembered that the procedure is economical, quick, simple and citizen-friendly. Anything which constitutes an obstacle to this is therefore inconsistent with the aim of this Regulation.

I therefore call on all my fellow Members to give their approval to this new and citizen-friendly civil law procedure which is the same across the whole of Europe.

(The oral amendment was accepted)

6.27. Criminal justice (2007-2013) (vote)

6.28. Preventing and fighting crime (2007-2013) (vote)

6.29. Development of the second generation Schengen Information System (SIS II) (vote)

6.30. Development of the second generation Schengen information System (SIS II) (vote)

6.31. Nuclear Safety and Security Assistance (vote)

- Before the vote on Amendment 25:

  Esko Seppänen (GUE/NGL), rapporteur. – (FI) Mr President, when the subject was being debated the sum of money proposed in this amendment was out of date and the correct sum in the multiannual financial framework is EUR 524 million. I suggest that it should be corrected for this amendment.

  (The oral amendment was accepted)

6.32. Visas for crossing Member States' external borders (vote)

6.33. Sakharov Prize (vote)

  - After the vote:

  Edward McMillan-Scott (PPE-DE). – Mr President, I received this information too late to add it to the resolution. Mr Gao Zhisheng, a distinguished human rights attorney in Beijing who was arrested in August, has been tried secretly this week and imprisoned. I am sure the House would wish to express its regret at that news, part of a continued crackdown on human rights activists in China.

  (Applause)

6.34. Data protection within the framework of police and judicial cooperation in criminal matters (vote)

6.35. A European strategy for sustainable, competitive and secure energy (vote)

- Before the vote on Amendment 10:

  Claude Turmes (Verts/ALE). – Mr President, in this amendment, one phrase was deleted from the original text which I believe is important – it is supported by the Socialists and the Liberals – and which reads as follows: ‘strengthening laws with regard to competition policies’. We should add that. It then makes more sense to vote for the whole paragraph.

  (The oral amendment was not accepted)

6.36. Biomass and Biofuels (vote)

  - Before the vote on paragraph 76:

  Mechtild Rothe (PSE). – (DE) Mr President, we would like to propose a brief amendment at this point, namely in the middle of the paragraph, ‘as part of the energy package for 2007’.
(The oral amendment was accepted)

President. – That concludes the vote.

7. Explanations of vote

Draft general budget of the European Union - 2007, amended by the Council

Hélène Goudin and Nils Lundgren (IND/DEM), in writing. (SV) We would again offer our fundamental perspective on the EU’s budget.

The June List believes that the EU’s budget should be limited to 1% of the Member States’ average GNI. We have therefore chosen to vote against all the increases proposed by the European Parliament, at the same time as the June List has welcomed the few savings proposed in the form of amendments by either the Committee on Budgets or individual Members.

There are quite a few unfortunate budget headings, but the June List particularly regrets the large amount of aid for the EU’s agricultural policy, Cohesion Fund and fishing industry, as well as the budget headings under which various forms of information campaign are to be subsidised.

The June List also believes that Parliament’s constant commuting between Strasbourg and Brussels must cease and that the European Economic and Social Committee and the Committee of the Regions should be closed down.

On 23 October 2006, the EU’s Court of Auditors observed for the thirteenth year in a row that it could not guarantee that more than a small part of the EU’s budget had been used correctly or for the purposes intended. How can this madness continue whereby, year after year, financial resources are appropriated, only a small portion of which can be guaranteed to be used for the purposes for which they were intended?

Jens Holm, Kartika Tamara Liotard, Erik Meijer and Eva-Britt Svensson (GUE/NGL), in writing.

We cannot support this budget for a number of reasons. First of all, out of protest against the fact that a few months ago the Court of Auditors once again did not approve the EU’s accounts. Because the EU cannot successfully combat fraud and inefficiency, it should not increase its budget. Secondly, we believe this budget makes the wrong political choices, such as too large a focus on industrial agriculture and foreign policy and military projects, and not enough on environment and social projects. Finally, this budget does not adequately change some policies which are simply wasteful, such as mass subsidising of destruction of wine and continuing subsidies for growing tobacco.


Laima Liucija Andrikienė (PPE-DE). – (LT) Mr President, I voted for the 2007 European Union budget. European Parliament budget rapporteur James Elles, a United Kingdom representative, undoubtedly has his own vision for the formation of the European Union budget and allocation of its funds. I believe that it is largely because of his efforts that the 2007 budget is innovative and based on the ‘value for money’ principle. I am pleased that a compromise was reached with respect to the financing of European Union common foreign and security policy, the application of the flexibility instrument, defence of the European Union’s outer perimeter, and financing of the life-long education programmes. I am happy that we will begin the first year of the new financial perspective with a confirmed European Union budget in place.

Ole Christensen, Dan Jørgensen, Poul Nyrup Rasmussen, Christel Schaldemose and Britta Thomsen (PSE), in writing. (DA) The Danish Members of the Socialist Group in the European Parliament – Mr Rasmussen, Mrs Thomsen, Mrs Schaldemose, Mr Jørgensen and Mr Christensen – have voted against Amendment 1, tabled by Mr Tomczak and Mr Bonde of the Independence and Democracy Group.

It is this delegation’s view that the amendment is incompatible with the regulations currently in force, for which reason we have felt obliged to vote against it.

The delegation wishes, nonetheless, to stress its support for a gradual general reduction in EU agricultural aid without the possibility of differential treatment for different Member States.
The Danish Members of the Socialist Group in the European Parliament – Mr Rasmussen, Mrs Thomsen, Mrs Schaldemose, Mr Jørgensen and Mr Christensen – have voted against Amendment 2, tabled by Mr Tomczak and Mr Bonde of the Independence and Democracy Group.

It is this delegation’s view that the amendment is incompatible with the statutes currently in force, for which reason we have felt obliged to vote against it.

Nonetheless, it is the view of the delegation of Danish Members of the PSE Group that there is a need for a reform of the rules governing travel expenses so that, in future, they are paid out in amounts corresponding to costs actually incurred. In this regard, the delegation would make reference to its work on the new statutes for the work of the European Parliament, which will enter into force in 2009. In this context, the delegation is pleased that with the new statutes will come new rules under which, from 2009 onwards, travel expenses will be covered in amounts corresponding to costs actually incurred.

Pedro Guerreiro (GUE/NGL), in writing. (PT) One might say, with regard to the budget proposal for 2007, that history is repeating itself, but, given what has happened before, the significance of this budget is more worrying than that.

After it ‘criticised’ the budgetary ceiling proposed by the Commission and the Council, Parliament has just endorsed a budget in which the appropriations for payments amount to 0.99% of Community GNI, below the figure of around 1.06% agreed just a year ago in the financial perspective for 2007 – a cut of some EUR 8 billion.

Given that 2007 is the first year of the 27-Member State EU, a year that will set the bar for future budgets, Parliament has adopted a budget that falls well short of the funding needed for effective economic and social cohesion, a budget whose priorities are far from being an adequate response to this issue. Quite the opposite, in fact. The reduction in the so-called financial ‘compensation’ to Portugal is testimony to this.

It is a budget that is aimed – to cite just a few examples – at supporting the implementation of the neoliberal policies contained in the Lisbon Strategy, such as the liberalisation of the labour market and the internal market and the financing of major capital; at promoting the scrapping of many fishing vessels; at gradually destroying family farming; and at promoting the militarisation of the European Union and interventionism on the part of the EU.

Hence our rejection.

Anne E. Jensen and Karin Riis-Jørgensen (ALDE), in writing. (DA) The Danish Liberal Party’s MEPs have voted against Amendments I and 2, tabled by Mr Tomczak and Mr Bonde of the Independence and Democracy Group.

The Danish Liberal Party believes in reforming agricultural aid, but does not believe that this is the way to achieve such a reform, nor that the report on the annual budget is the place to state one’s desire for proposals to that effect. Mr Bonde’s proposal may be regarded as poorly thought through.

The Danish Liberal Party also believes in reforming travel allowances, so that reasonable and necessary travel expenses are refunded. This, however, has already been decided under the new Statute for Members, which will be implemented as of 2009. Mr Bonde’s proposal is contrary to the statute currently in force and may therefore be regarded as poorly thought through.

David Martin (PSE), in writing. I congratulate the rapporteur on putting together a package which found a large majority across the House. In 22 years as a Member, this is the shortest budget vote I can recall. I regret that Parliament has agreed a number of reductions in order to stay within budgetary limits. In particular I think it very unfortunate that we have reduced the budget for ‘aid for trade’. This is a vital budget line to assist developing countries connect with the global trading system.


Jens-Peter Bonde (IND/DEM), in writing. (DA) It is deeply unjust for there to be discrimination against the new Member States by means of not granting them the same aid as is given to the old Member States. I have nevertheless voted in favour of the transitional arrangements, as failure to adopt these could lead to Bulgaria and Romania receiving nothing.
In general, I am opposed to agricultural aid, which I believe should be phased out. I would therefore rather have seen a reduction in aid to the old Member States so that the same conditions applied all round. Such a reduction would start from the top, with a EUR 40 000 ceiling per legal entity, as I proposed in my amendment to the budget.


Hélène Goudin and Nils Lundgren (IND/DEM), in writing. (SV) These reports are permeated by a host of populist proposals attacking one of the most basic principles of a state governed by law: the right of self-determination in connection with criminal law. It is recommended, for example, that there be a genuine European judge and genuine European criminal law. The purpose of these proposals is unambiguous. There is a desire to construct an EU superstate, and the proposals constitute a decisive step in that direction. That is wholly unacceptable.

The June List champions the sovereignty of the nation state with regard to legal issues. EU cooperation must be limited to obtaining an efficient internal market and dealing with cross-border environmental issues. The EU must definitely not have a harmonised legal system.

We have accordingly voted against these reports in today’s vote.


Bernadette Bourzai (PSE), in writing. – (FR) I feel that Mr Langen’s report on a strategy for biomass and biofuels successfully describes all of the advantages and disadvantages of using renewable energy sources.

However, I should like to point out a few amendments tabled within the Committee on Agriculture and Rural Development that have not been accepted.

Firstly, while renewables can help reduce the European Union’s energy dependence, we must also take a broader look at our energy consumption and, thus, at our lifestyles and production methods so that we consume better but, above all, so that we consume less.

Next, we should not launch into an intensive and high productivity-focused process for manufacturing renewable energy sources, as this would have harmful environmental, economic and social consequences and would not fall within the European sustainable development strategy.

The main function of agriculture must remain food production. Forest resources must be exploited in moderation. Cogeneration must be the rule where biomass production is concerned.

Finally, we must organise and improve the channels for supplying, distributing and marketing agricultural and forestry raw materials and energy produced at local market level by preventing excessive journey times.

Luís Queiró (PPE-DE), in writing. (PT) The extent of illegal immigration in the EU cannot blind us to the relevant issue of refugees, and in particular political refugees. The right to asylum is, first and foremost, a fundamental value in any society that seeks to protect democracy, dignity and human rights. It is also evidence of a spirit of solidarity in that community. Consequently, because we should take the lead in protecting human dignity and because, when it comes to values, mere words are insufficient, those escaping persecution, torture, war and human rights violations must know that here in Europe they will be properly welcomed when it is possible for us to welcome them, and in order for us to be fully equipped for the task, this fund is necessary and most desirable.

Alyn Smith (Verts/ALE), in writing. Mr President, I am delighted to support the establishment of this fund for refugees. Too often we see refugees being ignored and at the end of Member State priorities, and it is only right that where Member States fall down the Union should step in to ensure our standards are maintained. This report takes us closer to a coherent system and I am pleased to support it.


Richard Corbett (PSE), in writing. I support the measures on double-hulling that should help diminish maritime pollution from oil tankers, which are particularly important for the Yorkshire coast and the Humber estuary.
Athanasios Pafilis (GUE/NGL), in writing. – (EL) The group of the Greek Communist Party in the European Parliament voted for the proposal to amend Article 4, paragraph 3 of Regulation (EC) No 417/2002, both during approval in the Committee on Transport and Tourism on 22 November 2006 and in plenary in the European Parliament on 14 December 2006, so that heavy grades of oil are only carried in double-hull tankers.

The Greek Communist Party is fighting consistently together with seamen and workers in general against the anti-grassroots policy of the EU and the governments of the Member States and against shipowners and capital for strict measures to be taken to strengthen safety rules for tankers and for all classes of ships in general, in order to protect human life at sea and the environment.

Luís Queiró (PPE-DE), in writing. (PT) Maritime safety is extremely important to the EU, because of accidents such as that of the Prestige and the socio-economic and environmental consequences of such accidents and because of the need to prevent further tragedies, which undermine the sustainability of our seas and territories.

The measures put forward in the Le Rachinel report are a vital step towards ensuring that Community provisions are clear, consistent and stable.

The oil tanker sector, for example, requires an extremely stable and clear Community legal and judicial framework, without which the effectiveness and transparency of economic and trade relations in the marine sector cannot be guaranteed and maintained. Accordingly, although in practice the Member States already observe and apply the ban on single-hull oil tankers, which transport heavy oil products, entering Community ports, this proposed amendment to the regulation will act as much-needed clarification and confirmation of the text.

Following thorough analysis of the socio-economic impact of this measure, it is clear that it is a sensible measure and that we must continue to bring Community measures into line with the objective of ensuring maximum marine safety for our vessels, our ports and our territories.

Alyn Smith (Verts/ALE), in writing. Mr President, this package on double hull oil tankers has been a long time coming, though I am pleased to support it today. We saw in Scotland the disaster that the wreck of the Braer inflicted upon the Shetland Islands and we must do all we can to ensure the safety of our European marine environment and our coastlines. The EU must impose high standards on these international operators, and this report takes us some of the way there.


Bruno Gollnisch (NI), in writing. – (FR) As it is designed, this fund is going to help finance the accelerated communitisation of European societies. We are talking here about a kind of crazy ‘urban policy’ at Member State level.

In my country, we have already experienced the consequences of these policies, which are focused on absolute respect for the cultural differences of immigrant populations. These policies inject substantial, non-refundable sums into measures aimed at people who do not want to integrate, but who claim their right to social, economic and political rights that should be reserved for nationals. The consequences of this are ghettoisation, inter-ethnic clashes, anti-French riots, the destruction of public amenities – sometimes resulting in deaths – and the rise in power of Islamism.

However, since the sums allocated to each Member State will be commensurate with the number of immigrants it receives, this fund may in the end prove useful: it will enable us at last to know the real immigration figures. For, constantly massaged as they are, the official figures fluctuate between 17 and 40 million non-EU nationals living on EU soil.

Thus, in becoming aware of the scale of the problem, the people of Europe might just be able to wake up to it before it is too late!

Luís Queiró (PPE-DE), in writing. (PT) One of the most important issues in immigration policy is that of integration. The capacity to integrate immigrants and the capacity of immigrants to integrate is the major factor – or at least one of the major factors – in overcoming potential conflict and tension between different communities, which is a highly topical issue.

As I have said on a number of occasions, the first thing to note when it comes to immigration is that the host country stands to gain a great deal from welcoming men and women who have gone through terrible
ordeal in search of a better life. These are people who enrich our communities. Acknowledging that this is the case, however, does not mean that we must overlook the other side of the coin, namely the difficulties involved in integration. In the attempt to address this question, this Fund can play an extremely relevant role, in financing programmes aimed at facilitating and promoting integration. Everything will, of course, depend on the political vision underpinning the way in which it is used. This, however, is above all an issue that falls under the competence of the Member States.


Athanasios Pafilis (GUE/NGL), in writing. – (EL) The committee report on the programme to finance Prevention, Preparedness and Consequence Management of Terrorism goes even further than the Commission proposal for a decision, by adding to the objectives of the programme the protection of critical infrastructures and 'continuity of public action'. In other words, it brings it under the EU's revised action programme on terrorism, which focuses on the prevention of 'violent radicalisation' and the protection of critical infrastructures in the Member States of the EU. On the basis of this programme, ideological perceptions, positions and stands which challenge the 'holy of holies' of capitalist barbarity and the exploitation of its political systems come within the definition of 'terrorism', while customary action which the mass grassroots movement has acquired the right to take, such as the symbolic takeover of buildings or roads, which they may consider jeopardises 'critical infrastructures' or the unimpeded functioning of public services can potentially be classified as 'terrorist action'.

The programmes and measures by European capital and its political mouthpieces against the rights and freedoms of the peoples and action by grassroots movements accurately illustrate their fear. They are not as omnipotent as they say. Only the peoples are unvanquished when they decide to claim and impose their rights in return.

Report: Gröner (A6-0455/2006)

Zita Pleštinská (PPE-DE). – (SK) The principles of non-discrimination and gender equality are democratic cornerstones of the European Union. It is therefore natural that the European Union should be striving to establish institutional mechanisms, such as the European Institute for Gender Equality, in order to promote gender equality more effectively. Therefore, I have voted in favour of this report in the second reading as well.

We welcome the Commission’s decision to establish the Institute for Gender Equality in a new Member State, as the new Member States are particularly lagging behind in terms of gender equality compared with the old fifteen states. I am truly delighted by the December Council decision to establish the Institute in Lithuania. I must admit that I feel a little disappointed that Slovakia, a country ranking fairly low in terms of gender equality statistics, failed to win over the Council despite the advantage of her central geographic location. I am convinced that, through our interventions and the active promotion of Slovakia in the European Parliament, fellow MEPs Mrs Záborská, Mrs Bauer, Mrs Belohorská and myself contributed substantially towards efforts aimed at establishing the Institute in Bratislava.

Ilda Figueiredo (GUE/NGL), in writing. (PT) This is something that women's organisations have for a long time been calling for; Parliament has supported it, but achieving it has been an arduous process. Finally, following the Commission's proposal to set up a European Institute for Gender Equality, Parliament adopted its position at first reading on 14 March 2006, with the adoption of 50 amendments to the Commission’s proposal, which was published on 8 March 2006. In the interim, the Council adopted its common position on 21 September 2006, incorporating 35 amendments tabled by Parliament. Given the need to get the Institute up and running in 2007, amendments were negotiated with a view to reaching a rapid agreement at second reading. This was the compromise to which we gave our agreement, which includes 13 amendments to the common position.

Among its provisions, this agreement provides for removing the Bureau proposed in the common position and for reintroducing the Experts’ Forum, a consultation forum made up of experts in the area of gender equality, and this is something that both the Commission and Parliament want. The Council has rethought its position and agreed to the replacement of the Bureau by an Experts’ Forum made up of one representative from each Member State, two members appointed by Parliament and three representatives from the social partners.
Sérgio Marques (PPE-DE), in writing. (PT) I wish to congratulate Mrs Gröner and Mrs Sartori on their timely report on the Recommendation for a second reading on the Council common position for adopting a regulation of the European Parliament and of the Council establishing a European Institute for Gender Equality, to which I lend my full support. I particularly welcome the idea of replacing the Bureau with an Experts’ Forum, as part of the structure of the Institute.

The objective of getting the Institute up and running as quickly as possible, in 2007, which is shared by all of the institutions, meant that they worked together towards achieving this objective. The speed and manner in which the entire process has been conducted is worthy of praise.

David Martin (PSE), in writing. I voted in favour of this report on the establishment of a European Institute for Gender Equality. The Commission’s feasibility study concluded that there is a clear role for such an Institute. The proposed agency would be small, with a staff of 10 or so. The overall objective of the Institute will be to assist the Community institutions, in particular the Commission, and the authorities of the Member States in the fight against discrimination based on sex and the promotion of gender equality and to raise EU citizens’ awareness of gender equality.

Report: Grosch (A6-0414/2006)

James Hugh Allister (NI), in writing. Today I voted to reject the Council’s common position on the proposed package for a European Driving Licence system. National transport issues are a matter for national governments and, accordingly, each Member State should be free to determine its own rules and criteria on drivers’ licences. In no way does this over-bureaucratic and over-regulatory proposal appear to improve road safety records and therefore I consider it to be another unnecessary and unjustifiable piece of legislation.

Hélène Goudin and Nils Lundgren (IND/DEM), in writing. (SV) Road safety is an extremely important cross-border issue. The EU’s Directive on Driving Licences could, then, contribute practical added value. As usual, however, the Commission and the European Parliament are attempting, in their zeal for regulation, to control the Member States’ rules in this area in detail.

We believe that the principles of subsidiarity and country of origin should be applied in full, something that does not happen in the current report when it comes, for example, to the detailed proposals on driving licence regulations governing motorcycles and mopeds. We believe in the principle of mutual recognition and consequently have every confidence that the Member States are capable of taking wise and well-considered decisions. Driving licence regulations can be harmonised without a detailed proposal for a directive like the current Directive on Driving Licences. We have consequently voted in favour of Amendment 6, which recommends that the common position be rejected on the grounds that it is excessively regulatory, without improving road safety.

Jörg Leichtfried (PSE), in writing. (DE) I have voted in favour of the adoption of the European Driving Licence System since this overhaul represents significant progress as far as I am concerned. The new Driving Licences Directive entails greater security and less criminality in dealings with driving licences, since the possibility of so-called driving licence tourism is substantially reduced. The establishment of a database of traffic offenders who have had their driving licences taken away in their home countries is particularly important in this connection. As a result, drunk drivers can be clearly prevented from simply undertaking new driver training abroad.

However, I sense that the 26 year period during which all driving licences which are valid today have to be withdrawn from service, is overly long.

David Martin (PSE), in writing. I voted in favour of the Grosch report, which aims to recast the Driving Licences Directive to have all rules on driving licences in one document and thus make them more transparent and accessible to the citizen. If these proposals find their way into law they should end the practice of driving licence tourism, where an individual banned in one Member State obtains a licence in another Member State. I know many motorcyclists are concerned about the minimum age of 24 years for access to more powerful machines. I hope they will find the compromise of allowing them access at an earlier age if they have sufficient experience acceptable, as that keeps safety at the top of our concerns.

Seán Ó Neachtain (UEN), in writing. I welcome this directive which will replace over 110 different driving licence models currently in circulation throughout the EU. I believe that this new single EU-wide credit card format will also go a long way in combating driving licence tourism. The net effect of this
will be that Member States like Ireland can refuse to issue a driving licence to an applicant whose permit was restricted, suspended or withdrawn in another Member State.

I also support the targeted road safety aspect to this report, with a theory test for mopeds becoming compulsory from 2013. Also, the principle of “progressive access” will mean that riders must accumulate experience on smaller motorcycles before moving up to larger engines.

I have always maintained that on certain issues exchange of best practice and standard setting at EU level can often reap positive results. In this respect I believe that EU standard setting on the basic qualifications and retraining programmes for driving examiners is a positive development.

Frédérique Ries (ALDE), in writing. – (FR) In 2032, our grandchildren will all have the same driving licence: one licence for all Europeans, in the form of a credit card, a ‘made in the USA’ driving licence. This is evidence of heightened security, and a tangible sign where European identification is concerned. I regret the fact that it has taken 26 years to achieve harmonisation; that being said, the very first licences will be distributed as from 2012.

About time too! There are 110 different types of driving licence in the European Union today. This creates confusion that benefits the most dishonest among us, and makes the roads more dangerous than they need to be. Harmonising national laws means fighting against ‘driving licence tourism’, that is, against the opportunity for European citizens who have been stripped of their driving licences in their countries following a serious offence to obtain another licence elsewhere in the Union.

The rules on training examiners will also be harmonised. This will guarantee the quality of training throughout Europe.

Alyn Smith (Verts/ALE), in writing. Mr President, I support this report with a few reservations, namely that I am not convinced that the certification of drivers should be dealt with on an EU level, provided there is suitable recognition of standards from other EU members. I am sceptical of concerns that have been expressed by the anti-European right that this package would introduce ID cards by the back door, but I do have some sympathy with the idea that this package is answering a need not in fact felt on the ground.


David Martin (PSE), in writing. My colleague Richard Corbett is undoubtedly Parliament’s leading expert on constitutional matters. I welcome this latest report which amends the rules of procedure to bring them in line with the new agreement on comitology. While this can be seen as a technical matter it is in fact highly political because the way we adapt our rules directly impacts on our ability to influence EU legislation. Richard has always been adept at maximising Parliament’s influence.


Richard Corbett (PSE). – Mr President, you will have noticed that this report, this change to our rules, was adopted by a majority of only seven votes. It was very close. I think that is indicative of the feeling of this Chamber that this is a change that was not strictly necessary to our rules, but one that has been brought in on a temporary basis – there is a sunset clause and it expires at the end of this legislature – to help with the particularly difficult situation that we have now. I think the lesson of this close vote is that any attempt at the end of this legislature to prolong the life of having a fourth Vice-President for each committee and a sixth Quaestor would be doomed to failure, and I would advise against it.

David Martin (PSE), in writing. I voted against the Leinen report on amending the Rules of Procedure to increase the number of committee vice-chairmen from three to four and the number of Quaestors from five to six. I think it is frankly ludicrous to have four vice-chairs per committee. There is no obvious role for a fourth vice-chair and this increase is simply political expediency to ensure that group leaders have enough jobs to hand round to keep key supporters happy. As for the increase in Quaestors, this may be marginally more justified but I think it dangerous to have an even number of Quaestors.


Luís Queiró (PPE-DE), in writing. (PT) The decision to set up a Fund for the Union’s external borders is a timely one. Whilst it is true that the borders of each Member State fall exclusively under the competence of national sovereignty, it is also true that these borders are at the same time the external borders of the EU. There is therefore a duality that needs to be recognised and addressed accordingly.
At a time of increased risk – be it the terrorist threat, illegal immigration or economic crime – the need to strengthen our borders is paramount, although this must not, let me state clearly, lead to high walls being erected around Europe or a fortress-continent being built. This is about sharing part of a burden the cost of which arises, in part, from belonging to the EU. It is the right thing to do. We hope, most importantly, that it will work efficiently.


Bruno Gollnisch (NI), in writing. – (FR) On reading the title of the report, I thought that the European Union was proposing financially to help the Member States repatriate to their countries of origin illegal immigrants that are subject to an expulsion measure, or even to help them along, when their legislation provides for aid to resettle legal immigrants in their own countries.

We believe that the EU does not and should not have competence in the field of immigration. Indeed, such a proposal could have been explained by the consequences for every European country of disastrous regularisation policies pursued by a few countries, such as Spain and France, which attract illegal immigrants like moths to a flame.

It is also a question of funding not only the repatriation of illegal immigrants, but also cash incentives and other aid for reintegration, employment and goodness knows what else, for the purpose, and I quote, of the ‘personal development’ of the repatriated immigrant!

This is, in a way, a bonus for acting illegally, and an encouragement to start over again.

Athanasios Pafilis (GUE/NGL), in writing. – (EL) The European Return Fund is yet another step towards promoting the anti-immigration policy of the EU. It forms part of the broader funding programme entitled ‘Solidarity and Management of Migration Flows’, which is confined to providing economic support for ‘Fortress Europe’ by stepping up controls and ‘rapid response forces’ at the external borders of the EU, basically abolishing asylum and protection for refugees and further repressing economic migration.

The European Return Fund is designed to reinforce the mechanisms of forced repatriation of ‘illegal’ immigrants to their countries of origin; in other words, it is basically a fund for supporting mass deportations of economic migrants and refugees, thereby concealing the hypocritical nature of the pronouncements by the EU about the social integration of immigrants.

EU migration policy moves solely within the framework of the Lisbon Strategy, from the point of view of increasing the profitability of European capital. Within the framework of this policy, the reactionary institutional framework of the Member States and of the EU is taking shape, keeping millions of immigrants throughout the EU in an illegal or quasi-illegal regime, in order to hold them hostage to the harshest exploitation of capital, with poorly paid, insecure work with no fundamental employment rights and exclusion from access to basic social and political rights.


David Martin (PSE), in writing. I voted in favour of this report, which is an adaptation to the new comitology procedure. Even though this is a technical report I wish to stress my backing for the content, which ensures that medicines and other products for children are tailored to their needs and not simply variations (i.e. lower doses) of adult medicines.


David Martin (PSE), in writing. I warmly welcome this report, which sets out to establish a European procedure for small claims. It is intended to simplify and speed up litigation concerning small claims (up to EUR 2000) and reduce the costs for litigants. The fact that it is easier in some countries for creditors to pursue claims creates a distortion in the single market, so I welcome this attempt to create a level playing field.


David Martin (PSE), in writing. I fully support the objectives of this report on preventing and fighting crime. The specific programme ‘Prevention and fight against crime 2007-2013’ is a welcome attempt to contribute to a high level of security for citizens by preventing and combating crime, organised or otherwise, in particular terrorism, trafficking in persons and offences against children, illicit drug trafficking and illicit arms trafficking, corruption and fraud. Clearly all these activities have a cross-border
aspect to them and therefore EU coordination can bring real added value to domestic law enforcement efforts.


**Carl Lang (NI), in writing.** – (FR) A proposal has been made to change the ‘SIS’ Schengen Information System which, although described as a success, will be unable to function with more than 18 Member States. According to the pro-Europeans, ‘SIS II’ ought therefore to become a highly technologically advanced system and to enable the new Member States, too, to apply the Schengen acquis in full by abolishing the controls at the internal borders with their neighbours.

Conceived at the beginning from the universally appealing angle of cooperation among Member States, in particular of police and judicial cooperation in criminal matters, one might wonder today about the risks of the federalist and totalitarian excesses to which such a tool might give rise. This potential European big brother actually possesses the most extensive database on people, with more than 15 million entries containing information, including people’s surnames and first names, physical characteristics and lost, stolen or embezzled banknotes.

Besides the fact that such a concentration of information could constitute a threat to people’s privacy and freedom of thought, it is justifiable to fear SIS II going beyond its principal task of police and judicial cooperation and one day becoming the self-proclaimed informer of the pro-European and pro-globalisation system.


**Árpád Duka-Zólyomi (PPE-DE).** – (SK) I am satisfied with the outcome of the vote on nuclear safety regulation. Nuclear energy is an important component in securing a stable and clean electric power supply for the world.

After the accidents at the Three Mile Island and Chernobyl nuclear power plants, the Community’s attention has been focused on the countries of Central and Eastern Europe and the former Soviet Union. The assistance provided to them has contributed substantially towards increasing the safety of nuclear plants in these countries. The Slovak Republic has also received extensive assistance towards increasing the safety of the Jaslovské Bohunice and Mochovce nuclear power plants, and therefore they now enjoy the same safety levels as similar nuclear plants in Western European countries.

It would also be desirable for the Community to provide aid for nuclear facilities that are being constructed, operated and decommissioned, as well as to promote safety and security in handling radioactive waste and spent fuel. The draft regulation is in line with the interests of the European Union, as well as the goals and mission of Euratom. By enhancing the safety of nuclear facilities beyond the EU borders it will contribute to protecting the health of EU citizens as well as making an important contribution to the non-proliferation of nuclear weapons.

**David Martin (PSE), in writing.** I voted in favour of the report which deals with assistance and cooperation in the area of nuclear safety between the Community and third countries, mainly states in Eastern Europe and Central Asia. It aims at establishing an Instrument for Nuclear Safety and Security Assistance. The Chernobyl accident in 1986 highlighted the global importance of nuclear safety. In order to create the conditions of safety necessary to eliminate hazards to life and health the EU should be able to support nuclear safety in third countries. This report strikes the right balance by allowing the EU to promote the use of safer technologies and methods while not relieving third countries of their duty to ensure that nuclear plants on their territory operate safely and environmentally responsibly.


**David Martin (PSE), in writing.** I supported the Commission’s proposal for a Council regulation amending Regulation (EC) No 539/2001 listing third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from the requirement, but we must have exemption for persons who are not nationals of any country, who reside in a Member State and who are holders of an alien’s passport, a non-citizen’s passport or another travel document issued by that Member State.

Motions for resolutions: B6-0665/2006 and B6-0666/2006
Gerard Batten, Graham Booth, Derek Roland Clark, Nigel Farage, John Whittaker and Thomas Wise (IND/DEM), in writing. Although we fully support democracy and we condemn human rights abuses, we do not recognise the European Union's moral or political authority to make pronouncements in this area.

Athanasios Pafilis (GUE/NGL), in writing. – (EL) The Greek Communist Party neither recognises nor participates in the proceedings for the so-called Sakharov prize, which is supposed to be given for freedom of thought, but which in practice serves the political and ideological objectives of the EU. The EP considers 'freedom of thought' to be primarily in those who espouse and serve imperialism; that is why it mainly rewards 'personalities' or 'organisations' which promote imperialist barbarity. Such a prize was given to the Cuban counter-revolutionaries and, in 2006, to Milinkievic, the Belarusian chosen by the USA, NATO and the EU, who gained a 'surprising' 6% in the last elections, supported by a package of several million euros from the EU.

We consider the resolution, which is provocative interference in Cuba's internal affairs, to be unacceptable in its decision to send a delegation from Parliament to Cuba, thereby ignoring the government of the country which has popular support and is fighting heroically against the embargo and the undermining actions of imperialism.

We express our solidarity with Cuba, which defends and builds socialism, despite the rabid attempts of the imperialists to overturn it.

The political groups in the European Parliament, including the majority of the Confederal Group of the European United Left/Nordic Green Left, have huge political responsibilities, in that they are trying to create preconditions for the justification of the overt or covert war which has been unleashed against the Cuban revolution. Defending it is the duty not only of the communists but also of every progressive person.

Luís Queiró (PPE-DE), in writing. (PT) Sakharov Prize winners are men and women whose lives have been devoted, always at great personal sacrifice, to the cause of freedom of expression, democracy, freedom and human rights.

It comes as no surprise, therefore, that some of these men and women are prevented from receiving the prize by the repressive regimes in their countries. Unsurprising it may be, but that does not mean we should turn a blind eye to the problem. I therefore welcome Parliament’s decision to keep up the pressure on these regimes by taking the decision to create a mechanism for monitoring cases in which the winners have been prevented from receiving their deserved prize or from returning to the European Parliament, as in the cases of Oswaldo Payá, of Aung San Suu Kyi, who is still under house arrest in Myanmar, and of the Women in White, who were winners in 2005 and who were prevented by Fidel Castro’s regime in Cuba from receiving the prize.

By stopping the winners from receiving their deserved prize, these regimes are proving that the award was deserved. It is therefore necessary to keep up the fight for the most basic freedoms in both Myanmar and Cuba …

(Explanation of vote abbreviated in accordance with Rule 163(1) of the Rules of Procedure)


Sarah Ludford, on behalf of the ALDE Group. – Mr President, it gives me no pleasure to say that the ALDE Group voted the wrong way on amendment 1, by the PPE-DE Group, to the Roure report. We should have voted against this amendment and it was a sheer mistake on the voting list. I accept that, technically, the amendment went through and there is nothing we can do about that, but I would say that, politically, the vote does not represent the will of the House, which was expressed in the Committee on Civil Liberties, Justice and Home Affairs on Monday evening, when a similar amendment was wholeheartedly rejected.

Nothing can be done about that, but the position of the ALDE Group remains that we will not agree to the VIS Regulation unless and until we have an adequate framework decision on data protection, and we are utterly committed to everything that Mrs Roure, as rapporteur, is doing to seek to promote that decision on data protection. We wholeheartedly support her, and the fact that we did not express it on
this occasion is a technical – I could use a ruder word – mistake for which, I am afraid, a number of us probably bear responsibility.

We will try to ensure that no such mistake ever happens again, but the way we voted did not represent our actual position on amendment 1.

Carlos Coelho (PPE-DE), in writing. (PT) We must guarantee the protection of personal data and prevent them from being used inappropriately. Every individual has the right to his or her identity and privacy.

Increased cooperation between the judicial and police bodies in fighting transnational crime has led to the transfer of more and more personal data.

We have been campaigning to ensure that this exchange of information upholds fundamental rights such as respect for privacy and the protection of personal data and reinforces mutual confidence between the competent police and judicial authorities.

We want to see a framework decision that comes into line with what is laid down for the first pillar. It makes no sense for the Union to have a high level of personal data protection under the first pillar and to make completely different laws in respect of the third pillar.

The important thing is to guarantee a high level of protection, while taking account of the particular characteristics of police and judicial work.

This issue has been dragged from Presidency to Presidency, and the Council has regrettably shown little inclination to take a decision.

The Council must understand that this framework decision is linked to various proposals currently on Parliament’s table, such as the Visa Information System, but that these proposals must not become hostages to the adoption of the framework decision.

Camiel Eurlings (PPE-DE), in writing. The EPP-ED Group is keen that the Council not only adopts a Framework Decision on Data Protection which takes due account of the opinion of the European Parliament, but that it does so soon, as it undertook to do at the time of the adoption of both the SIS II package and the EU-PNR agreement. We believe strongly that a strong Framework Decision will greatly facilitate the adoption of the VIS package. However, while we consider it highly desirable that a Framework Decision be adopted soon, we agree with the statement of the rapporteur that the adoption of the Decision cannot be construed as a sine qua non for future work. The EPP-ED Group will do everything in its power to prove responsible and loyal partners in the legislative process.

Athanasios Pafilis (GUE/NGL), in writing. – (EL) The proposal for a recommendation formulates the basic refusal of the European Parliament to protect fundamental human rights even to the minimum.

Whereas the political forces of capital have previously voted in favour of the Schengen Agreement and its updated version, the SIS II information system, whereas they accept the VIS visa information system, which legalises the collection, processing and exchange of personal data relating even to the political, ideological, philosophical, religious and other views of every citizen of the EU and the introduction of biometric data and DNA-related data, now they are pretending to be worried because the Council is moving towards a decision which will not safeguard a 'high level of protection' for personal data. Having accepted the facility to transmit personal data to the police authorities and secret services in third countries, such as under the agreement between the EU and the USA on the transmission of the personal data of Europeans flying to the USA (PNR), having agreed to the facility to transmit personal data even to private individuals, they are now calling on the Council to safeguard protection for personal data, having taken account, however, of the 'peculiar nature of the work of the police and judicial authorities'.

The hypocritical recommendations of the European Parliament cannot conceal its full alignment with the policy to legalise the monitoring of and the holding of files on European citizens.


Bernadette Bourzai (PSE), in writing. - (FR) I would like to congratulate Mrs Morgan for the initiative she has taken in drawing up a report on the Green Paper presented by the Commission on a European strategy for sustainable, competitive and secure energy.
Indeed, today we have to respond to some big questions about the future of Europe: how can we can guarantee a secure energy supply at prices that are predictable and affordable, particularly for the poorest citizens? How can we reduce our dependence on fossil fuels and on a few producer countries at a global level?

However, I have had to abstain from the final vote because I think that the proposed complete separation of the ownership of energy networks will not allow us to respond to these questions in a decent way, particularly questions about the security of investments and supply.

As Vice-President of the EU-Central Asia Delegation, I am concerned about the call to increase energy supplies from Central Asian producers such as Kazakhstan, Turkmenistan and Uzbekistan.

These countries are in fact zones where there is little respect for democracy or for the rule of law, and I think, like President Borrell, that one does not exchange petrol, gas or electricity for human rights.

Ilda Figueiredo (GUE/NGL), in writing. (PT) This report that has been adopted is unfortunately entirely in line with the Commission's proposal, spelling out what it means by the 'European energy strategy', namely liberalisation, control over sources of supply and threatening people's sovereignty.

Working on the premise that the 'market' will solve the problem of energy supply and consumption, the report seeks to hide the increasingly obvious fact that the ‘market’ has worked in the interests of the few, who have obtained fabulous profits, and not in the interests of the consumers, who face ever higher energy bills and ever more frequent blackouts. The ‘market’ is put forward as a solution to the lack of a genuine policy aimed at overcoming energy dependency on fossil fuels and excessive energy consumption.

We also find it unacceptable that the solution to issues of pollution is a system of emissions trading, given that this does not help reduce ‘greenhouse gases’. All it does is boost the profits of those in a position to earn them, thereby exacerbating inequality as regards development.

Furthermore, the path of a common external energy policy is a fresh threat to the sovereignty of those Member States that are most dependent, …

(Explanation of vote abbreviated in accordance with Rule 163(1) of the Rules of Procedure)

Vasco Graça Moura (PPE-DE), in writing. (PT) The Green Paper on ‘A European Strategy for Sustainable, Competitive and Secure Energy’ forms the basis of the European Energy Efficiency Action Plan, to be submitted at the beginning of 2007, a highly important document that will play a key role in combating climate change, environmental pollution and the abuse of natural resources, and in safeguarding energy supplies.

This report puts forward crystal-clear objectives: 20% of the energy produced in the EU to be from renewable energy sources by 2020 and 50% by 2040; and a 30% reduction in European carbon emissions by 2020 and a reduction of at least 60% by 2050. It also highlights the target set by the Green Paper on energy efficiency to reduce European consumption by 20% by 2020.

As regards renewable energy, the report proposes that investment be made principally in marine resources – waves, tides and the enormous potential of offshore wind power installations – and solar energy. It also calls on the Commission to carry out an impartial analysis of the potential benefits and shortcomings of nuclear power and nuclear power plants …

(Explanation of vote abbreviated in accordance with Rule 163(1) of the Rules of Procedure)

Marie-Noëlle Lienemann (PSE), in writing. (FR) I am voting against this report which, under the pretext of sustainable development and energy security, proposes a new stage of liberalisation and competition in a sector in which public services should, on the contrary, be consolidated.

The report asserts the necessity of increasing the separation between actors responsible for the marketing of energy and the owners and managers of energy networks. What is more, it insists on imposing a difference in the ownership of these two areas. Clearly, this is a challenge to the existence of public enterprises responsible for the entirety of public service functions.
I cannot validate such a policy of privatisation and total competition: it will lead to an increase in energy prices, it does not ensure the reduction of energy consumption, nor does it ensure the development of renewable energy sources, and it increases inequalities between regions and citizens.

David Martin (PSE), in writing. I voted in favour of the Morgan report on European energy strategy. I am convinced it points the right way forward for a sustainable, competitive and secure energy policy for Europe and one that the Heads of Government would do well to take careful note of when they meet in March to discuss the future of EU energy policy. My one disappointment is that the Parliament was not stronger on the need to ‘unbundle’ energy ownership to avoid conflicts of interest and to create a more level playing field for energy competition.

Mary Lou McDonald (GUE/NGL), in writing. In this report there are a number of points we do not agree with, particularly in relation to nuclear power and liberalisation. However, we have decided to vote in favour as there are a lot of positive elements in the report, particularly its emphasis on renewable energy, which is clean, cost-effective and secure. We also agree that there should be an emphasis on fuel poverty.

Peter Skinner (PSE), in writing. In voting for this report I voted to put consumers at the centre of energy policy alongside an effective approach to dealing with harmful emissions such as CO2.

The effectiveness of a sensible Carbon Tax Trading Scheme depends upon internationalising the market. Furthermore, strong targets for 2020-2050 for reduction of CO2 emissions as pronounced in this report are the only reasonable way ahead.

However, tidying up the ETS in both methodology and targets is something the EU must crucially put into action to remain a world leader in both working for a cleaner environment as well as sustaining a pan-European energy policy. There is a danger that unless action is taken now then both our environment and our energy security will be under threat.

Alyn Smith (Verts/ALE), in writing. Mr President, I wholeheartedly congratulate our rapporteur Ms Morgan on this report, and am grateful that she has taken so many amendments which specifically answer Scottish concerns. The Union's energy markets are increasingly interlinked and interdependent, and it is right that an EU framework be created to ensure that our consumers benefit from our common market. From a Scottish perspective, we have a particular stake in the energy debate given our massive energy resources and even greater energy potential. That potential is currently being held back by the shortsightedness of the UK Government, and this report will help us, from the EU side, to hold them to account.

Catherine Trautmann (PSE), in writing. - (FR) I would like to congratulate my colleague Mrs Morgan on her own-initiative report on the European strategy for sustainable, competitive and secure energy.

This report contains notable advances on the social level, particularly in terms of facilitating access to energy for the poorest citizens, as well as on the environmental level.

However, I have abstained from the final vote because I regret the total separation of ownership in the gas sector. Because of the specific features of this strategic sector, I think that a more flexible separation would have made it easier to ensure the security of supply and investments.


Ilda Figueiredo (GUE/NGL), in writing. (PT) In spite of its inadequacies and even some points to which we object, there are some positive aspects in this report, inter alia in the area of protecting alternative and renewable energy sources. However, we would stress the fact that biofuels cannot, on a sustainable basis, resolve the major problems of energy dependency, as they are of only local technical interest and have a limited impact. Most importantly, the production of biomass and biofuels should not replace the main function of agriculture, which is food production.

I wish to highlight the devastating effects of the production of various oilseeds in developing world countries, for example the destruction of vast areas of forest, and oilseeds are the raw material for producing biofuels in Europe.
We therefore do not go along with the excessive emphasis placed on promoting energy crops for obtaining biofuels, given that such crops use scarce production factors like water and soil, as well as various fertilisers.

We therefore feel that the best thing would be for the Community to support the production of biomass and of biofuels obtained from various organic waste sources, such as forest residues, solid and urban waste, edible oils and waste resulting from the treatment of waste water.

Bruno Gollnisch (NI), in writing. (FR) Whatever hopes we place in biomass and biofuels, they cannot be more than a partial solution to our countries’ problems of energy dependency and to the search for clean and renewable energy production.

This is, firstly, because the entire arable and forest areas of Europe, and even the planet, would not be enough to satisfy our needs, and because we do not want to replace one dependency by another more serious one, related to foodstuffs; and, secondly, because the current state of global carbon is not necessarily as positive as some would like us to believe.

It is true that we should profit from the potential of these energy sources, but not to the detriment of food production, not to the detriment of biodiversity and of the existence of the forests, nor to that of other uses for these products in the wood sector or other sectors, or even to the progress that we can hope for from research into the new hydrogen motors. We should start, moreover, by getting rid of the absurd regulations which mean that in my country, in France, a community or a farmer may be sentenced to heavy fines for using biofuels in public transport or in a tractor, in violation of nonsensical fiscal rules.

Alyn Smith (Verts/ALE), in writing. Mr President, I congratulate our rapporteur for negotiating this complex area. Biomass and biofuels are of massive global potential, yet the growth of this sector must at all times be managed sensitively. I am sure I am not alone in receiving correspondence from many constituents worried that an unforeseen consequence of this policy could be the decimation of tropical rainforest to make way for biofuel monocultivation. I believe this report, as amended, takes due account of these concerns and am happy to support it today.

8. Corrections to votes and voting intentions: see Minutes

(The sitting was suspended at 1.00 p.m. and resumed at 3.00 p.m.)

IN THE CHAIR: JANUSZ ONYSZKIEWICZ
Vice-President

9. Approval of Minutes of previous sitting: see Minutes

10. Hague Convention on securities (debate)


Pervenche Berès (PSE), author. -(FR) Mr President, Commissioner, this afternoon we will address the question of the European Union’s signature of the Hague Convention on the law applicable to certain rights in respect of securities held with an intermediary.

This Parliament has accepted the Union’s signing up to the Hague Convention in so far as it is intended to exercise democratic control on each sectoral ratification. The Convention we are debating concerns
us in more than one respect, particularly because it will lead to the revision of a certain number of directives which we have adopted in the area in question. I am thinking of directives on ‘collateral’, ‘settlement finality’ and ‘winding up of credit institutions’. That said, we could revise these directives without much difficulty, if we did not fear three fundamental obstacles.

Firstly, the ratification of this Convention on the law applicable to certain rights in respect of securities leaves such a wide margin of discretion for parties to choose the applicable law that we greatly fear that all of the instruments that we have carefully and at length put in place at European Union level to combat money laundering may quite simply be bypassed.

Secondly, the recommendations of the Financial Action Task Force, the FATF, on the need to be able to identify the owners of securities seem to us to be totally incompatible with this Hague Convention in so far as, once again, it allows parties too much freedom to choose the applicable law.

Thirdly, we fear that the coming into force of such a Convention will lead to the bypassing of the provisions that the Union has adopted in order to deal with abuses of the market. Once again, without clear identification, we fear that it may be possible to bypass certain obligations laid down at European Union level. From this point of view, I will now invoke the opinion of the European Central Bank – just the once will not do any harm - in order to ask for the withdrawal of this proposal. As you know, the European Central Bank has expressed some very important reservations in its opinion; it has particularly highlighted the systemic risks and the risk of an exponential growth of litigation which could prejudice a clear arbitration with respect to determining the ranking of securities.

Mr Barrot, your Commission has almost made ‘better legislation’ into the leitmotif of its activity: here is a textbook case in which you could put this principle into practice. This is why we call on the Commission to withdraw its proposal to ratify the Hague Convention on the law applicable to certain rights in respect of securities.

Jacques Barrot, Vice-President of the Commission. (FR) Mr President, Mrs Berès, ladies and gentlemen, the Commission’s proposal of 2003 on the signing of the Hague Convention on securities is at a standstill. The United States and Switzerland signed the Convention in July 2006, Europe debates with itself and the Council is divided.

The introduction, in 1998, of the provision on the location of the account in the directive on the finality of settlement and, later, in the directive on the winding up of credit institutions and in the directive on financial collateral arrangements – all this has helped to ensure legal certainty in respect of laws applicable to securities held with an intermediary.

If it is indeed true that there is no proof that practical problems exist in the internal market, the scope of this instrument is essentially limited to situations in which securities function as guarantees in the banking sector. Determining the location of securities accounts in the dematerialised and virtual world in which we now live necessitates the development of a new common legislation, for example by means of a standardised numbering system for bank accounts.

The objective of the negotiations on the Hague Convention on securities was to create one single, common provision which could be applied at an international level. For this purpose, the Convention proposes to leave it up to the parties to choose the legislation that will regulate the legal ownership of securities. Given that, at the time, all the Member States had accepted this compromise, in 2003 the Commission proposed signing the Convention. At that point, several Member States raised new questions about this project. Then the Council asked the Commission for precise details on four specific legal questions. The response was given in the form of a legal impact assessment of the Convention, carried out by the services of the Commission and communicated to the Council on 3 July 2006.

In this assessment, the services of the Commission considered that signing up to the Convention represented today the simplest solution to the question of how to have a single regulation at an international level. The impact assessment also proposed alternatives to signing the Convention, in particular extending the ‘location of account’ clause to cover all uses of securities, and not only uses of securities as guarantees.

However, in order to obtain a solution at an international level on this basis, it would be necessary to enter into new negotiations with third countries. At this stage, according to the opinion of my colleague in charge of the internal market, we do not think that an assessment of the economic and financial impact of the Convention, as mentioned in the oral question, would help us to come up with a solution. In fact,
the Member States which negotiated the Convention in 2002 and which today are debating within the 
Council did not deem it necessary to have such a study – neither then nor now.

In accordance with the Interinstitutional Agreement and in the desire to legislate more effectively, the 
Commission would favourably receive any additional external legal or economic impact assessment 
which might help us to make some progress.

As I have already told you, the issue is at a standstill in the Council, but the Commission remains open 
to all proposals. This is what I wanted to say about this question on behalf of Mr McCreevy and the 
Commission, while underlining, obviously, the difficulty of the problem. Of course I remain very 
attractive to any proposals and suggestions that Parliament might make on this issue.

Jean-Paul Gauzès, on behalf of the PPE-DE Group. - (FR) Mr President, Commissioner, ladies and 
gentlemen, the Hague Convention on securities held with an intermediary is intended in particular, as 
we have just heard, to determine which legislation is applicable to property aspects resulting from the 
registration of securities held with an intermediary. This text is far from having found a consensus within 
the European Union, and this justifies the pertinent questions posed by Mrs Berès.

First of all, the Hague Convention respects the autonomous free will of the investor and his intermediary 
in allowing them to designate the law to which they will be bound in the case of litigation. This is 
contrary to the law in force in most European countries, which regards the country of location of the 
securities account as the relevant factor in deciding which law is applicable. In other words, this means 
that from now on the choice of law would become purely contractual, and this is quite obviously a 
source of legal uncertainty in this field.

Furthermore – and let us not be naïvely optimistic about this - if we take into account the importance 
of American credit institutions in this field, it is to be feared that from now on the contractual choice of 
American law will become the norm. This will not occur without causing a certain number of negative 
consequences. On the one hand, in terms of activities: there is a great risk that the mastery of American 
law - which United States institutions obviously possess – would work in their favour and give them a 
competitive advantage over European institutions. On the other hand, in terms of protecting the investor: 
if, under most European legal systems, the investor and holder of a security has, in fact, rights with 
regard to the issuer of the security, under American law he only has rights with regard to the intermediary. 
Hence there are legitimate concerns in the case of the issuer going bankrupt.

Finally, the provisions of the Convention are such that, as Mrs Berès has said, they would completely 
bypass any instruments used to combat money laundering, because these are based upon the principle 
of territorial attachment. Declarations of suspicion must be made to the national authority concerned, 
that is to say to the authorities of the country in which the intermediary is based. There is therefore a 
potential conflict between the law which would apply to the security, a law which might insist upon 
rules of financial confidentiality on behalf of the account holder, and the obligation to declare suspicions 
about the intermediary. The European Central Bank has expressed its concerns, particularly about the 
risk of incompatibility between the prudential and stability rules of the financial system and the provisions 
of the law chosen by the parties. Moreover, it seems difficult to reconcile the principles of most European 
countries, under which there is a direct relation between the investor and the issuer of securities, with 
the principles of Anglo-Saxon law under which there is no direct relation between the issuer of securities 
and the investor.

You said, Mr Barrot, that the process of joining the Hague Convention on securities held with an 
intermediary was at a standstill: we emphatically want it to stay at a standstill

Antolín Sánchez Presedo, on behalf of the PSE Group. – (ES) Mr President, Commissioner, ladies and 
gentlemen, the Hague Conference has been working since 1893 with a view to unifying gradually the 
rules of International Private Law at world level through the drawing up of conventions.

On 5 October, the European Council, having heard the opinion of Parliament, adopted a Decision on 
the European Community’s accession to the Conference.

The current initiative relates to the Convention on the law applicable to certain rights in respect of 
securities held with an intermediary, which has been negotiated over three sessions of the diplomatic 
Conference held in December 2002.
This Convention is of an open nature, and hence, on 15 December 2003, although the European Community was not a member of the Conference in which it was drawn up, the Commission presented a proposal for a decision on its signature.

The first objective of this initiative is to emphasise the need to respect the European Parliament’s competences in this field and to guarantee more democratic control of the work relating to the Conference.

The European Union’s competences, in which the European Parliament acts as co-legislator, in relation to judicial cooperation in civil matters with cross-border repercussions are affected by the scope of the Convention insofar as is necessary to ensure the proper operation of the internal market.

Furthermore, according to the opinion of the European Central Bank, it may have consequences in terms of defining and implementing monetary policy, the operation of clearing and payment systems and the effectiveness of the provisions of the Community acquis.

The proposed signature of the Convention is causing considerable worries and serious concerns within the European Union, involving both the form and the content. The key element of the Convention, contained in its Article 4, which is that the law applicable in this field is that of the State whose identity is expressly agreed by the contracting parties, raises immense questions and risks that have yet to be resolved.

Its enormous possible legislative impact requires that Community standards be applied in order to better legislate for a consultation process and a public debate, as happened in the United States when legislative changes less extensive than those proposed in the Convention were carried out.

The Convention introduces greater complexity and uncertainty, by introducing the possibility of numerous legislations being applied to a single system of recording, clearing and settlement. In the absence of harmonisation of the fundamental aspects, this may have adverse effects and put the system at risk.

The solution proposed, far from contributing to the unifying objective of the Conference, increases its incoherence and is incompatible with the Community legislation establishing the criterion of the location of the securities portfolio. This criterion had helped to increase certainty and efficiency within the Community.

According to the Convention, the power of negotiation will determine the law applicable. This opens the way to legislative relocation, to the detriment of investors and financial bodies. Its entry into force may encourage an uncontrolled process of world and regional consolidation of settlement and clearing activities, increasing the risk of concentration outside of the European Union and with damaging effects in the field of prudential supervision, the prevention of the funding of terrorism and the fight against money laundering.

The formula chosen may have repercussions in terms of the political rights of investors, transparency and good business governance.

It raises many doubts, and the proposal, Commissioner, should therefore be subject to a more exhaustive impact study or be abandoned and withdrawn.

**John Purvis (PPE-DE).** – Mr President, I have come to this issue only recently, but I am nonetheless surprised that those who tabled this oral question apparently want to stick so steadfastly to what is, essentially, an outmoded system of law relating to securities. It works adequately in a European context, but we are now concerned with participating fully in a global market, and the Hague Convention is designed to provide legal certainty in modern – global – circumstances, where securities are, more often than not, held indirectly via mostly electronic-based intermediaries. It defines the law as that specifically agreed by the participants, rather than by location of account, and, in these modern electronic conditions and in a system where there could well be multiple intermediaries, this seems a sensible solution.

The Commission has, therefore, concluded that the best solution is to sign up to the Convention. Indeed, it came to this conclusion after being asked by the Council to investigate the legal implications, which it has now done. The Hague Conference on private international law has been working since 1893 to harmonise international private law, and, on 5 July this year, the USA and Switzerland – not just the USA, but also Switzerland – were the first countries to sign the Convention. The Commission has recommended that the EU Member States should also sign it. Many of the other 64 Member States of the Conference are preparing to sign up to it. Instead, the Member States of the European Union seem
unwilling to come to terms with reality, and we in Europe have as much, if not more, interest in achieving certainty in this area if we are to participate fully in today’s global financial markets. It will surely be critical in achieving an effective and efficient clearing and settlement system.

So please, colleagues, let us encourage the Commission and Member States to accede to this Convention. Europe should be in the vanguard of modernising and harmonising the legal context for securities. The Commission is prepared to provide the necessary amendments to Community law, so, surely, we should encourage – indeed, insist – that our Member States reach agreement and proceed to sign, and then ratify, this important Convention.

Marc Tarabella (PSE). - (FR) Mr President, Commissioner, ladies and gentlemen, all of us in this House know how much the effectiveness of the markets determines the world economy. The term ‘markets’ here implies liquid assets and the capacity for financial instruments to be transferred rapidly, and this under optimum security conditions. The legal framework that regulates these transfers is an essential parameter when it comes to security. Because of globalisation, the chain of actors stretches across an ever increasing number of States, which raises this legitimate question: how does one determine the applicable law? The Hague Convention of 13 December 2002 was supposed to answer this question. If this Convention were to be ratified, then far from solving this problem, it would increase the systemic risks and undermine European institutions.

Given the – supposed - impossibility of defining an objective place in which the securities account is to be located, and, therefore, given the impossibility of determining the applicable law, the Convention gives priority to parties’ freedom of choice in deciding which law will apply to the contracts. This legal principle is opposed to the Community principle, PRIMA, which guarantees the location of securities accounts and was adopted in three directives: that on settlement finality (1998), that on collateral (2002) and, finally, that on the winding-up of credit institutions (2001).

For a start, let us consider the methods used. It is not normal for Parliament not to have been consulted on the negotiations conducted in the Hague, in particular on the abandonment of the location of account principle. There must be democratic control over negotiations undertaken in the context of the Hague Conference on private international law.

Basically, adopting this Convention would mean that Europe would be running a considerable risk, from investors to issuers. It would have a negative impact on the fight against money laundering, because it would make it potentially easier to bypass both obligations to declare suspicions and mechanisms to fight money laundering. It would have repercussions for delivery regulation systems, for prudential risks and for financial law, and particularly on the aim of preparing a European financial law. It must be added that free contractual choice would, in most cases, mean choosing the law with most influence in this sector, namely American law, which would reduce the competitiveness of European companies.

I would like to point out four things: firstly, the location of account is possible and it works very well in Europe; secondly, the prerogatives of the European Parliament must be respected; thirdly, it is essential to defend general European interests, especially the rights of European investors and the competitiveness of European companies in the financial markets; and fourthly, it is important to favour a framework that enables us to fight money laundering. This is why the Commission should withdraw its proposal to ratify the 36th Hague Convention.

Jacques Barrot, Vice-President of the Commission. (FR) Mr President, I have listened carefully to the various comments and I am sure that Charlie McCreevy, the Commissioner responsible for the internal market, will read them carefully. May I remind you that the Commission proposed signing the Hague Convention because it believed it was a good solution and that the Convention aimed to clarify which law was applicable, nothing more. The Commission thinks that even today investors can open an account in the United States and that, in that case, too, US law applies.

In this respect, the Convention changes little because people already have the freedom to choose where their accounts are held, even though for some of you the Convention is a step forward in the matter. All the same, Mr President, after listening to what the various speakers have said I would nevertheless like to say that the Commission does not intend to turn a deaf ear to these comments.

This debate shows that the Convention is still a source of serious concern. The Commission will therefore remain open to any suggestion relating to this technically complex matter, which is at present blocked.
in the Council despite the fact that all the Member States initially supported the contents of the 2002 Hague Convention.

That much I can add. The Commission will of course gladly work with the Council and Parliament to find a solution that will allow a legal framework to be drawn up, and we are, incidentally, aware of the risks that entails. You can count on us to mitigate the negative effects of the solution adopted, if necessary.

Pervenche Berès (PSE). – (FR) Mr President, Commissioner, I would simply like to be sure, when you report back to Commissioner McCreevy about this debate, that you will be careful to tell him that the debate we have just held is addressed to him but that he must also give an account of it and relate what has just happened here this afternoon when this question is raised in the Council again. The Council must be made aware that the action that will be taken on this matter is of concern to Parliament.

President. I have received the draft resolution(1) submitted in accordance with Article 108(5) of the Regulation.

The debate is closed.

Voting will take place today at 17.00.

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

President. The next item on the agenda is the debate on cases of breaches of human rights, democracy and the rule of law.

11.1. Fiji

President. The next item on the agenda is the debate on the situation in Fiji(2).

Justas Vincas Paleckis (PSE), author. – (LT) The situation in Fiji is very tense after yet another coup d’état. I believe that the European Parliament should react firmly. Four revolutions over twenty years – that is really too many, and it promises nothing good for the people or the country. This frightens off overseas investment, sharply reduces the flow of tourists, and stops financial aid.

The European Union allotted large sums of money to raise the educational standard and political sophistication of all ethnic groups, but unfortunately it has not been enough. Thus far, the revolution has not claimed human victims. The legal government welcomes acts of peaceful resistance. Its position is supported by influential church representatives and the Great Council of Chiefs. The situation is controlled by the army and censorship has been introduced. The arrests and questioning of opposition representatives indicate that the situation may still become more acute.

The EU and our allies in this region should give a clear signal that the use of force will not be tolerated and that avoiding bloodshed is essential.

I invite my colleagues to condemn the use of force in Fiji, not to recognise the usurpers of power, and to support the opposition’s invitation to the people of the country to oppose the revolution through peaceful demonstrations. It is important to organise democratic elections in Fiji that meet the international standards as soon as possible, which are based on an equality principle between people despite their ethnic origin, and return to efforts of observing principles of legal superiority and democracy.

Nirj Deva (PPE-DE), author. – Mr President, yet again we are confronted with a coup d’état in Fiji. Fiji has now suffered four coups d’état in the last ten years and the latest one is based on the most unbelievable logic of Commander Bainimarama, who says that he took action to have a coup because the democratically elected government of Fiji was going to pardon the previous coup leaders. The logic of this beggars belief but, whatever internal differences there may be between the Fijian leaders, it should not damage the fragile democracy of this Pacific island state.

(1) See the agenda.
(2) See the agenda.
The European Union, together with Australia and New Zealand, spent a considerable amount of money and resources to ensure that a fair and free election took place in Fiji in May 2006. The Government of the Prime Minister came in with a considerable majority. It is a unique constitution, under which the ethnic element – ethnic Indians and indigenous Fijians – shares power. All that has been put at risk by the commander of the army taking the law into his own hands. No commander of any army has the right to take any law into his own hands and subvert the course of democracy.

Therefore, I ask Parliament and my colleagues to send a strong signal that we will stop non-humanitarian aid. We will tell the European population who want to go on holiday in a country like Fiji that they should not until democracy is restored. We must send a signal to the Fijians that we are in complete solidarity with them on this very important issue of freedom, democracy and justice.

Tobias Pflüger (GUE/NGL), author. – (DE) Mr President, the military coup in Fiji has brought a country which is undergoing a tragic development to the attention of worldwide public opinion. The economic situation in Fiji has also been worsened as a result of the EU’s policy regarding sugar.

In the meantime, according to German radio, credit transfers from Iraq for the Fijian economy are no longer conceivable. These ensure the survival of entire families and rural communities and, in the meantime, more money is arriving in Fiji from Iraq than is being generated by the local sugar industry. How has this situation come about? In Iraq, there are very many mercenaries from Fiji who make their money there and then return as individuals, some of whom have been heavily traumatised. The military, which has become independent after a fashion, has played a role.

The talk is always of how the conflict in Fiji runs along ethnic lines. Whilst, superficially, it may perhaps be considered an ethnic conflict, essentially, it is a question of power. Which chieftains have a say? Moreover, this conflict between the various clans is happening as we speak. This coup d’état essentially points to the fact that conditions there are unstable. It is also to do with the fact that the conflict is a post-colonial one. Here is a brief recap: since 1879, the British colonial administration has been bringing Indians from the subcontinent to work in Fiji, primarily in the cotton and sugar cane industries. Consequently, this is one of the prevailing conflicts between the various ethnic groups.

When the EU now talks about condemning this military coup d’état, something I wish to emphasise, we must also concede at the same time that the EU has made a not insignificant contribution to the causes of the conflict in Fiji. We should also bear this in mind.

Raül Romeva i Rueda (Verts/ALE), author. – (ES) Mr President, I too believe that we must condemn this coup d’état, the fourth in twenty years, in a country, a former British colony, that is actually one of the richest and most developed in the South Pacific and that is among those with the most tourism.

Commodore Frank Bainamarama, commander of the Fijian army, deposed the elected prime minister and took power in a blatantly illegal manner. He said that he was taking over President Ratu Josefa Iloilo’s and Prime Minister Laisenia Qarase’s powers on a transitional basis with the intention of restoring them in the future, without stipulating when elections would take place.

The situation is clearly complicated, uncertain and worrying. The Secretary-General of the United Nations himself said this clearly a little while ago: he condemned the military coup. I believe that that is precisely what we in this House must do. We must not just condemn the coup, but we must also make an explicit appeal for the release of the prisoners and hostages and demand the restoration of order and the rule of law, which had made it possible for elections to take place in a normal and acceptable fashion within a democratic context.

In addition to that, however, we must also acknowledge the European Union’s responsibility. We have a very strong instrument available to us: the Cotonou Agreement. It is possible for us to use this framework – suspending non-humanitarian aid to Fiji – to apply pressure and achieve a political change in the region, provided that we bear in mind that this must not be to the detriment of humanitarian aid and certain educational projects that are already under way.

I would also like to support the proposed amendment presented by Mr Pflüger, which demands that these measures also help to ensure that the indigenous population of Fiji is not forced to flee and to ensure that any dialogue in the region includes all of the communities currently living in the country.

Adam Jerzy Bielan (UEN), author. – (PL) Mr President, the international community must unequivocally condemn the military coup in Fiji. We cannot pass over the military coup and overthrow of a
democratically elected government in silence. The European Union must answer the question of what measures it should apply to bring democracy and the rule of law back to the country. This is the fourth military coup Fiji has seen in the last 20 years. Seizure of power by the Army, which controls the government and the administration, and the suspension of a number of articles of the constitution will holdback the country’s development. It is hurting ordinary citizens and undermining Fiji’s image as one of the most developed countries in the region and a destination for thousands of holidaymakers from all over the world.

I appeal to the Commission and Council to do everything in their power to overcome the present political crisis and restore democracy in Fiji. The overthrow of the democratically elected government by the armed forces must be decisively condemned, and everything possible must be done to restore lasting principles of respect for human rights and the rule of law to this country. I also ask that we consider imposing a travel ban to the countries of the European Union on the members of the army responsible for the military coup in Fiji and for the suspension of all aid other than humanitarian aid. The international community needs to send out a clear signal that political and economic relations with the West will only be restored if the legal, democratically elected government in Fiji is returned to power.

István Szent-Iványi (ALDE), author. – (HU) Last May, Fiji held parliamentary elections. The European Union sent an observation mission to these elections.

The great honour of leading this election observer mission fell to me. I can assure you, in full awareness of my responsibility, that the elections were free and fair, in line with international standards, and faithfully reflected the will of Fiji’s electorate.

The only factor that already then cast a shadow on the electoral efforts was the unconstitutional, or anti-constitutional, declarations made by Commodore Bainimarama. He was already threatening a coup d’état at the time, and I myself spoke with him and very firmly drew his attention to the fact that he was thereby seeking to undermine the credibility of democracy.

In September, when I was next in Fiji, the situation seemed to have stabilised. The two largest parties had formed a coalition in accordance with the constitution, or that conformed to the constitution, under the leadership of Prime Minister Qarase, and it seemed generally that the mood and tensions had calmed down. It is most regrettable that on 5 December, the army transferred power to the military and overthrew the democratic government; it is impeding freedom of the press, has expelled people from the country and has detained protesters. The country is now seeing the development of a visibly forceful yet peaceful, non-violent protest, which is extending to ever wider circles. It is regrettable that the leadership of the second largest opposition party, the Labour party, does not distance itself unambiguously from the coup.

We must consistently demand that the army immediately and unconditionally return power to the democratically elected government, and we must use the available instruments, namely sanctions, to make it clear that what is currently happening in Fiji is entirely unacceptable to us.

Bernd Posselt, on behalf of the PPE-DE Group. – (DE) Mr President, my home province of Bavaria has maintained close ties with Fiji for decades. The Hanns-Seidel Foundation has been supporting democratic-related projects there for many years and a former Member of this House, the sadly now deceased Minister of State, Mr Fritz Pirkl, supported the cause of democracy in Fiji more than almost anyone else.

It is therefore truly distressing to see that barely six months after the democratic elections in May, such a brutal military coup d’état has taken place, a coup d’état which we are unable to condemn with sufficient force. Nevertheless, we must be clear on one point, however. The overwhelming majority of the parliament elected in May, as well as all the major democratic forces, with the deplorable exceptions indicated by my fellow Member, Mr Szent-Iványi, are on the side of democracy there. Likewise church groups, the different religions, the National Council of Chiefs, that is, representatives of the traditional structures, are quite clearly on the side of the democratically-elected Prime Minister.

We, as the European Union, must use all of our authority to restore freedom and rule of law in Fiji. Therefore, no leniency whatsoever should be shown towards these tyrants and dictators. That is why funds, right down to humanitarian aid, must be frozen. However, we must also exert all the political pressure at our disposal to restore democracy and freedom on this beautiful group of islands immediately.
Józef Pinior, on behalf of the PSE Group. – (PL) Mr President, today the European Parliament is condemning the military coup in Fiji by the military junta on 5 December. The coup was in breach of the constitution, contrary to the rule of law, and against the democratic system developing in Fiji. The latest elections there, held in May this year, were approved by EU observers as being properly conducted.

The coup d’etat is seriously undermining the Fijian economy, primarily in the tourist sector. We should act promptly now, in particular by suspending non-humanitarian aid to Fiji under Article 96 of the Cotonou Agreement, and by imposing an EU travel ban on members of the junta, their families and their staff. We must do everything we can to help democracy and civil society to deal with the current military coup d’état and restore democracy.

Marcin Libicki, on behalf of the UEN Group. – (PL) Mr President, regarding the coup d’état in Fiji there are three points we should consider. Firstly, we should condemn the coup, as we are doing in our declaration. Secondly, we need to consider whether the toppled democratic government was acting fairly with respect to the aboriginal minority, which supported the coup: the fact that it was a democratically-elected government does not necessarily mean that it was honest, fair and just.

Thirdly, we should consider supporting the initiative of the Polish premier, who said that the European Union needs to set up its own armed forces which could where necessary intervene on behalf of victims of injustice, and where, as in Fiji, a coup d’état has taken place.

Let us therefore analyse the causes of this coup before issuing our final opinion. In the meantime, we will in our resolution rightly condemn the coup and demand the restoration of democracy.

Michael Gahler (PPE-DE). – (DE) Mr President, when I was in Fiji last year with my fellow Member, Mrs Carlotti, and two colleagues from the ACP-EU Joint Parliamentary Assembly, on the day of our departure, the headline in the largest daily newspaper read coincidentally: ‘Army: No more coups’.

Unfortunately, barely two years later, events are repeating themselves for the fourth time in 20 years. This country has inherited a highly sensitive composition of peoples since colonial times, with Fijian natives just about outnumbering a very strong Indian minority, but with the latter dominating economically speaking.

For our part, we must make it perfectly clear that the balancing of interests between these groups can only be achieved by means of a thorough interethnic dialogue and not through the military. Consequently, by putting a stop to financial assistance which would not benefit the people but which would simply make the work of the government easier, by placing travel bans on the rebels, and by supporting countermeasures undertaken by the Pacific Forum countries, we must make it clear to the military that they should return to their barracks immediately.

I do not believe that in this particular case, as mentioned by my fellow Member Mr Pflüger, the sugar market regime has brought about this coup d’état. What I mean is that, irrespective of the reform of the sugar market regime, the distribution of property in this country is very problematic because those parties who are engaged in the sugar trade, that is, Indians, have only rented the land from the original inhabitants and this leads to problems time and again if this involves extending leases. I do not believe that EU policy has contributed to this coup d’état through the sugar market regime. I wanted to clarify this again here.

Jacques Barrot, Vice-President of the Commission. (FR) Mr President, ladies and gentlemen, the Commission agrees with Parliament. The military takeover in Fiji is indeed a matter of great concern to us all. Commissioner Michel has strongly condemned this seizure of power; it was also condemned by the Finnish Presidency and the European Union on 11 December 2006. The takeover has been condemned by Fiji’s ACP partners in the Pacific and by Australia, New Zealand and the United States.

These condemnations are more than mere words. They result in international isolation, which will have serious consequences for Fiji. It has already been suspended from the Commonwealth and cannot remain in the chair of the Pacific Forum.

The military takeover is a clear violation of Article 9 of the Cotonou Agreement and the essential parts of it concerning human rights, democracy and the rule of law. It means there will have to be consultations pursuant to Article 96 of the Cotonou Agreement, which may lead to appropriate measures being taken to rectify the situation, including as a last resort suspension of development cooperation.
The European Union wishes to continue the dialogue with Fiji’s legitimate authorities to find a consensus and encourage Fiji’s return to democratic governance under the constitution.

The Commission is preparing a proposal for the opening of consultations under Article 96. The military takeover will damage the Fijian economy. The islands’ most important economic sector is tourism: it will now suffer as a result of the instability and the security situation. The interest rate has been raised, growth rates will suffer, the investment climate will deteriorate.

What has happened in Fiji is so serious that our continued cooperation is now at risk: much will depend on how the military behave in the next few days and weeks, in particular on how quickly they facilitate the return to democracy and the rule of law.

Mr President, I would like to thank the honourable Members who have spoken; I believe they are in agreement and show that everyone in the European Community is united on this.

President. The debate is closed.

Voting will take place today at 17.00.

11.2. Implication of the UN forces in sexual abuses in Liberia and in Haiti

President. The next item on the agenda is the debate on the implication of the UN forces in sexual abuses in Liberia and in Haiti(3).

José Javier Pomés Ruiz (PPE-DE), author. – (ES) Mr President, why are we talking about the United Nations? Because the European Union is the main donor of the funds that make it possible for that wonderful invention to operate.

I have here with me Nirj Deva, who is a fierce advocate of the necessary role that the United Nations must play in the world.

A hundred thousand people are working for the United Nations to maintain peace in the world and practically every single one of them does their work very well, but there have been accusations of, and complaints about, crimes of sexual abuse, child prostitution and paedophilia. There have been accusations in the Republic of Congo, in Kosovo and now in Liberia and in Haiti, the country from which I have just returned.

Since 1994, amongst the one hundred thousand personnel deployed as peace-keeping forces, more than three hundred cases of sexual crimes against children, against people with few resources, have been investigated. As a result of the three hundred and nineteen cases investigated, one hundred and seventy-nine soldiers have been found guilty. If we are going to maintain peace and if we need the Member States of the United Nations to send personnel, we must do everything we can to ensure that they are going to maintain peace and not to indulge in sexual tourism paid for essentially with Europeans’ money.

This Resolution is therefore intended to praise the role of the United Nations, but also to state that we need the Member States responsible for peace-keeping forces and soldiers to behave in a civil manner that respects human rights.

We must therefore prevent any more rapes of women and children, we must prevent paedophilia and we must stop European money being used, via the United Nations, for the purposes of committing sexual crimes.

Ilda Figueiredo (GUE/NGL), author. – (PT) It has been well documented that there have been complaints of children being subject to rape and forced into prostitution by UN peacekeeping forces in Haiti and Liberia. This follows on from other similar scandals, including paedophilia perpetrated by UN personnel in the Democratic Republic of Congo and the trafficking of human beings in Kosovo.

These are deeply shocking acts, which we condemn, and we would like measures to be put in place to prevent such acts from happening again. We are in denial about the fact that these acts of sexual abuse

(3) See the agenda.
and exploitation and other forms of criminal behaviour committed by UN staff, which violate human rights and which run counter to, and are a betrayal of, the UN’s humanitarian and peacekeeping mission take place. As the resolution to which we put our name stresses, we know that action has been taken in the form of inquiries and disciplinary measures. As recent cases show, however, the troops’ countries of origin too must take action to prevent any repetition and to ensure that the outstanding work of the majority is not tainted.

We also call on the UN to take steps to protect vulnerable people such as women, children and refugees in areas in which its troops are operating. We call on the Commission and the Member States, moreover, also to support initiatives aimed at safeguarding the rights of women in conflict or post-conflict zones and to take economic and social measures to make these women less vulnerable to sexual exploitation.

Marek Aleksander Czarnecki (UEN), author. – (PL) Mr President, in the last century the gravest cause for concern were aggressive superpowers such as Germany under Hitler or the Soviet Union. Unfortunately, these problems did not end with the turn of the century. In the 21st century we are still encountering violence and inhuman, humiliating treatment of others. This is particularly regrettable when the organisations whose duty it is to help nations which have been oppressed and suffered injustices send in peacekeeping personnel who, instead of bringing help, bring more suffering and humiliation.

Such is the situation in Liberia and Haiti at the moment. Instead of maintaining security, peace and respect for individual rights the peacekeepers have been engaging in the disgraceful practice of sexually abusing women and young girls. There have even been cases of children being raped and forced into prostitution. Any kind of sexual abuse and other forms of criminality that are blatant violations and betrayals of peacekeeping and humanitarian missions by UN personnel, and which are infringements of human rights, must be condemned categorically.

The people in question have suffered enough already. They waited hopefully for salvation, but what did they get instead? The same story all over again, except this time round the perpetrators were those who they expected to help them.

Miguel Angel Martínez Martínez (PSE), author. – (ES) Mr President, giving the UN the greatest possible support is a strategic priority within the European Union’s foreign policy. Our Parliament has reiterated this, with particular acknowledgement of actions in the field of conflict prevention and peace missions. This support was expressed once again by Parliament’s delegation that visited New York a few weeks ago and that held talks with the Secretary-General and the people in charge of peace-keeping operations.

What we have said is consistent with the House’s decision to award the Sakharov Prize to Kofi Annan, for the work that had been done in the very field that we are dealing with here. The Resolution that we are to approve should therefore be seen within the context of the solidarity that the European Union is expressing with the UN’s difficult work in this field.

It is regrettable and extremely unfortunate for the organisation itself that certain personnel acting in the name of the United Nations have behaved in a criminal fashion, carrying out proven sexual assaults on women and children in countries in which they were carrying out missions. That kind of behaviour tarnishes the image of the UN, which also faces great pressure from certain people in the world who, taking a unilateralist view of international relations, adopt the opposite view to us and would prefer to see the UN’s role greatly restricted.

While we are condemning this behaviour, therefore, we are also acknowledging that they are exceptional cases and expressing our satisfaction at the fact that it has been the UN itself that has brought them to light. We must also urge the United Nations to take the greatest possible care in its selection and training of people taking part in these missions, either as agents of the UN or as participants from the Member States or associated NGOs.

For the UN and for those of us who identify with it, it is essential to clear up any doubts over the view we take of the behaviour being condemned, and we all have the responsibility of ensuring that the guilty people do not go unpunished.

Raül Romeva i Rueda (Verts/ALE). – (ES) Mr President, while it is unacceptable that anyone should exploit or abuse women and children, taking advantage of their defencelessness and vulnerability, as we are seeing on a daily basis in Afghanistan or — as has already been mentioned — in the recent cases
of Sudan or the Republic of Congo, it is absolutely unforgivable that those responsible for that abuse should also be responsible for protecting the women and children concerned.

This is particularly serious if, to make matters worse, it is United Nations personnel, whose stated role, as has been pointed out, is to protect not just these people’s lives and dignity, but also peace as a concept.

The constant cases of sexual violence, therefore, such as those committed in Haiti or in Liberia by United Nations staff and particularly by soldiers, civilian personnel and police, must not under any circumstances be ignored or go unpunished. They must be appropriately condemned and penalties applied.

In this regard, it is extremely worrying that the staff expelled from the organisation for having engaged in sexual exploitation or abuse are rarely prosecuted in their countries. The governments of those countries therefore have a responsibility, and it is therefore also necessary that impunity in relation to incidents of this kind should not be accepted under any circumstances. That requires that we move towards the adoption of an international treaty which, being of a binding nature and involving penalties, can clearly detect, and take action in relation to, practices of this kind when they take place.

Any kind of flexibility in this regard would be entirely unacceptable. I believe it necessary, firstly, for the fundamental and classic principle of zero tolerance to be properly applied, as the Secretary-General of the United Nations, Kofi Annan, has said on several occasions. Secondly, the issue must also be tackled from the point of view of the vulnerability suffered by women in post-war conflict situations. It is therefore important that aid programmes should prioritise the empowerment of women so that they themselves can defend themselves in these situations and be less vulnerable than they are at the moment.

IN THE CHAIR: GÉRARD ONESTA

Vice-President

Michael Gahler, on behalf of the PPE-DE Group. – (DE) Mr President, the UN is an organisation which enjoys a high degree of credibility worldwide on the subject of maintaining peace. It is extremely important that this good reputation is preserved. If all we receive is shocking reports of rape and sexual abuse, we must also assume, unfortunately, that a high number of incidents have gone unreported, also in view of the fact that reports are circulating of a culture of silence within the UN missions themselves. I am convinced that only a strategy of zero tolerance will succeed. This means that the commanders on site must be able to send the persons in question home immediately, in which connection the country responsible for sending the individual in question is under an obligation to prosecute said party at home under criminal and disciplinary law. For the individual soldiers, many of whom are from developing countries, such deployment is also of financial interest. If it gets about that examples are actually to be made by sending people home, meaning that money is no longer paid, this would presumably be the most effective way of reducing such incidents in future. However, it must also be made clear that superiors who tolerate such conduct will no longer be available for deployments of this nature in future.

Karin Scheele, on behalf of the PSE Group. – (DE) Mr President, the references to the sexual abuse of children in Haiti and Liberia by UN personnel is just the most recent in a long list of similar scandals. These human rights violations contrast starkly with the humanitarian task of the United Nations to preserve peace.

In many parts of the world, UN troops assist in overseeing the transitions from dictatorships to democracies and transformation processes. Time and again, however, individual UN soldiers have committed serious misdemeanours, damaging the reputation of the peacekeepers. Since troop training and discipline is ultimately also the responsibility of the Member States, we call on those countries which provide UN contingents to initiate disciplinary proceedings against the parties accused. We call on the United Nations to create a working environment in which the culture of silence does not stand a chance, for this is inconsistent with the zero tolerance policy of the United Nations.

It should not be the case that sexual abuse goes unreported for fear of reprisals. Reference has also already been made today to the importance of strengthening the role of women. In connection with this, I would like to appeal to the Council, the Commission and also to the UN, that Resolution 1325, which was adopted by the UN Security Council in 2000, be implemented in practice.

Marios Matsakis, on behalf of the ALDE Group. – Mr President, there is now ample evidence that a number of United Nations peacekeepers have, in recent years, been involved in hideous crimes against
the vulnerable civilian populations they are supposed to protect. These crimes include such abominable acts as rape and sexual exploitation of children.

In considering the subject, there are three aspects that are extremely worrisome and disconcerting. First, it is almost certain that the reported and investigated cases are only the tip of the iceberg. Some claim that, for every case investigated, there are ten that will never come to light. Second, in most instances a cover-up operation is put in motion, not just by the criminals involved, but also by their superiors in command – the comradeship-in-arms of soldiers becoming the conspiracy and concealment of criminals.

In any event, carrying out a proper investigation under the circumstances involved is not just difficult, but, in most cases, it is impossible. Of relevance here is the fact that jurisdiction over UN soldiers lies with the country of origin of the individuals involved. Such a jurisdiction process is strewn with procedural and legal problems and, in effect, provides UN soldiers with immunity from prosecution.

Third, in most cases investigated and found to be substantiated, the guilty get away with minimal punishment. Ordinarily, a paedophiliac rapist would get life imprisonment in most countries, but a UN paedophiliac rapist would probably merely be disciplined, or would just be excluded from again being hired by UN missions.

This shameful, despicable and abhorrent criminal activity by UN personnel cannot go unpunished, and neither can the ultimate political responsibility of the UN hierarchy be swept under the carpet. The outgoing UN Secretary-General, Mr Kofi Annan, has a lot of explaining to do in this respect.

Urszula Krupa, on behalf of the IND/DEM Group. – (PL) Mr President, the present debate on breaches of human rights is particularly shocking and repulsive as it relates to human trafficking and sexual abuse against children in Liberia, Haiti, Congo and elsewhere by the staff of humanitarian missions who are supposed to provide help and care to the victims of starvation and armed conflict and ensure their security, protection and nourishment.

Exploitation, sexual abuse, forced prostitution and trading in starving children show what degradation and moral depths people can sink to when they are driven by their urges and ignore moral principles. Even if only a handful of individuals are guilty of such vile and shocking practices, it is the others, the thousands of dedicated mission personnel, who bear the burden of suspicion, and this leads to a loss of hope.

That is why we cannot remain silent and must demand that the guilty be punished, and that the personnel of humanitarian missions be carefully selected and screened.

Józef Pinior (PSE). – (PL) Mr President, I would like to highlight three issues. Firstly, the shock and horror that resulted from the reports of UN forces being implicated in sexual abuse in Liberia and Haiti make it clear that these questions must be fully cleared up by the structures of the UN, and that the individuals guilty of these crimes must be brought to justice and punished.

The second point is what Miguel Angel Martínez has already spoken about, which is the role of UN peacekeeping forces in the modern world, and the importance which the European Union attaches to these forces.

The third point is the need for special training for UN peacekeeping forces in human rights, which should include an element of gender relations. I would also like to underline that there should be a proportionate participation by women in UN peacekeeping missions. These actions could in future become a guarantee that crimes of this type are never repeated.

Kathy Sinnott (IND/DEM). – Mr President, after East Timor, Somalia, Kosovo and Congo, can we really see what is happening in Haiti and Liberia as exceptional? Wherever the UN goes it seems that sexual abuse occurs against the civilians they are supposed to protect.

Kofi Annan has been the Secretary-General of the UN and its peacekeeping forces for many years while this abuse by UN personnel, for whom he bears responsibility, has been taking place. He has done nothing about it. Instead, he allows it to be covered up, as an internal UN report on sexual abuse in East Timor demonstrates. Though sexual abuse has been a problem there since the arrival of the UN in 1999, not one UN staff contractor or soldier has been brought to justice, even when it involved East Timorese children. The Pope and the Vatican are held responsible for sexual abuse by priests, so why does the same principle not apply to Kofi Annan and the UN?
Mr Annan will retire soon to great honours and a generous pension. I hope his successor will take sexual abuse seriously.

**Jacques Barrot, Vice-President of the Commission. (FR)** Mr President, ladies and gentlemen, it goes without saying that the Commission shares Parliament’s indignation and concern at this unacceptable and intolerable behaviour by soldiers engaged in peacekeeping operations.

As such, of course, this question is not strictly speaking within the Commission’s competence. It is, however, obvious that the exploitation and sexual abuse of which some of the Blue Berets have been guilty can only be of very serious concern to us. These incidents have not only sapped the confidence of the local populations, who are already traumatised and impoverished, but they are also in breach of the obligation of care incumbent on all peacekeeping personnel.

The Commission therefore fully supports the measures taken by the UN as part of its policy of zero tolerance towards such acts of exploitation and sexual abuse. Obviously, the Commission joins the European Parliament in encouraging the UN to quickly take the severest action in this matter.

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

The vote will take place presently, following this afternoon’s debates.

**11.3. Myanmar (Burma)**

**President.** – The next item is the debate on six motions for resolutions concerning Burma(4).

**Thomas Mann (PPE-DE), author. – (DE)** Mr President, 10 December 2006 was International Human Rights Day. In many countries, this was not a holiday but a day for mourning. This is the case in Burma, for instance, where brutal attacks, killings and slave labour are the order of the day. Hundreds of thousands of people have been driven away or have fled in the face of rioting. For the first time in 18 years, there were changes in the government with a change of personnel in the armed forces. However, the Junta chief, General Than Shwe, remained, along with his deputy, Maung Aye. The EU established that gross human rights violations are still taking place. Just recently, Burmese people were forced to construct police stations and buildings for the military against their will. Workers had to walk like human tracker dogs through minefields. This perfidious slave labour should not be tolerated. The International Red Cross also experienced a worsening of the situation. It was prohibited from carrying out further work. It had to withdraw from its regional offices, leaving the population without medical supplies.

Essentially, aid for the Burmese people must come from outside, but this aid must reach the people directly, without falling into the hands of the powers that be. In Burma, around 30% of the children are malnourished whilst at the same time, the country is the second largest opium producer. Many thousands are political prisoners and the Sakharov prize winner, Mrs Aung San Suu Kyi, has been under house arrest for the last 16 years. Large ethnic groups have been oppressed and any opposition nipped in the bud.

We call on China and other countries to finally discontinue aid for the military Junta and to participate in international measures designed to bring about positive changes in Burma. Action taken by the ASEAN countries against those in power is an important and necessary step. Burma needs a road map to democracy in order to institutionalise human rights and to adopt a convention which introduces steps for the introduction of democracy. Commissioner, the EU must become much more active and perhaps even impose sanctions to bring the violence to an end.

**Erik Meijer (GUE/NGL), author. – (NL)** Mr President, countries governed by leaders whose power is derived, not from their electorate, but from their machinery of violence can be extremely attractive to foreign investors, who capitalise on low wages, bad working conditions and a population that has no scope for protesting. Moreover, free movements that want to protect nature and the environment from short-sighted decisions aimed at increasing short-term industrial profits have no means of functioning there. If their main goal is to keep the costs of their companies down and to derive benefit from this within the international market, then Burma has for many years been the right place for them to be, and

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(4) See Minutes.
it was international support from the likes of them that enabled the military regime to weather domestic protests in its early years.

Since a number of major companies withdrew from Burma under pressure from protests in their home lands, things have been quiet; the regime accepts the low standard of living and the criticism from outside as inevitable, without making any changes. Election results are still ignored; the leader of the opposition is still in jail, and minority peoples are oppressed and driven away, as they have always been.

International aid organisations are being sabotaged. This regime cannot even attract a political following for itself and now serves no purpose other than its own preservation. This regime in Burma will be able to survive unnecessarily long if its neighbouring countries do not isolate it, if the arms supplies are not stopped and if the European Union does not emphatically demand that economic sanctions be adhered to. Since the resolution supports the measures which my group has been demanding for years, we are happy to support it.

Marc Tarabella (PSE), author. – (FR) Mr President, ladies and gentlemen, I spoke here on the situation in Burma a little over a year ago. Even then, the words repression, ruling military junta and disregard for human rights occurred frequently in what I had to say.

Sadly, the situation has not changed. Burma is still making no effort to get power exercised more democratically. Moreover, the State Peace and Development Council (SPDC) has closed several International Red Cross offices, making that organisation’s humanitarian work impossible. The authorities there are preventing non-governmental organisations from working properly, causing many of them to leave.

We are also unable to understand why India is providing military aid. Does that country not proclaim itself to be the world’s largest democracy? It is utter nonsense and we condemn it. India cannot be unaware that such military aid will be used to repress ethnic groups and political opponents.

I think the United Nations Security Council should take strong measures against Burma, condemning this illegitimate regime and calling for the restoration of democracy.

I would also like to underline my confidence in the positive influence the other ASEAN countries may have: in seeking greater integration they are in my opinion playing a not insignificant role in relation to human rights.

I wish that China and India would play a similar role in future so that the Burmese regime will move towards democracy.

Marios Matsakis (ALDE), author. – Mr President, Commissioner, in recent years Burma has regularly been on the EU’s human rights agenda. For good reason, too, since the Burmese authorities continue to subject their citizens to gross human rights violations, including forced labour, persecution of political opponents and forced relocation.

A glaring example of the anachronistically deficient attitude exhibited by the profoundly irrational Burmese military regime is the fact that the National League for Democracy (NLD) leader, Nobel Peace Prize laureate and Sakharov Prize winner, Aung San Suu Kyi, has been under house arrest for the last ten years, despite an overwhelming international outcry. While the Burmese population suffers exhaustively through malnutrition and disease, the Burmese Government has thought it wise to embark on persecution of Red Cross representatives across the country.

In considering how to make such a totalitarian governing body understand our resolve to protect the human rights of the Burmese people, we are of the opinion that targeted sanctions, focused on economic income revenue to the junta, must be implemented. Furthermore, we call upon countries that continue to supply Burma with weapons to cease to do so. Additionally, we expect the UN Security Council to adopt a binding strict resolution on Burma. We hope that, eventually, the blinded military dictators of Burma will finally see the light of sense and democracy and hand over power to a civilian-elected government.

Alyn Smith (Verts/ALE), author. – Mr President, those of us active in these human rights debates will recognise the subject of this one with depressing familiarity. The situation in Burma is getting worse not better, as colleagues have said, and I echo everything that has been said thus far.
In our view this motion could have been better. However, there is one provision I would highlight and that is the paragraph recognising that the sanctions against the regime in force are not hitting the target and on occasion not being observed at all. The Council must ensure that all our Member States are observing the sanctions we have agreed and, if not, name and shame those falling down. We must put pressure on our international partners to put pressure on the Burmese Government itself.

Paragraph 9 states that we want to see the sanctions widened, but we must always target them against the specific individuals in the regime and avoid doing harm to the people of Burma, because the suffering of the people must be our main concern, not our distaste for the democratic standards of the regime itself. That is where this motion really could be better.

We wanted to see an explicit recognition of the 8 December briefing by the International Crisis Group and I shall quote the opening line: ‘With growing signs of a humanitarian crisis in-the-making in Myanmar, the international community needs to get beyond debates about the country’s highly repressive political system.’

Caught in the middle of the grand geopolitics along with the people of Burma are the NGOs active on the ground trying to ameliorate the situation for the citizens of that unhappy country. We must in all our efforts remember that we must not undermine their independence, their efforts or ability to help the people. The recent closure of five Red Cross centres, an organisation that prides itself on its impartiality and integrity, is a desperate act by the Burmese Government, but one that was carried out because of a suspicion that the NGOs are too close to western policy. We must in all our actions on this ensure that we do not cut down their scope for manoeuvre.

Therefore, in welcoming and supporting this resolution, my Group would also sound a note of caution that the people on the ground trying to help those most affected by the situation must not have their freedom of movement curtailed by our actions.

**Bernd Posselt, on behalf of the PPE-DE Group.** – (DE) Mr President, a brutal, totalitarian military dictatorship, corrupt rulers, the opium trade, expulsions (at the moment, we have over half a million internal exiles) and the suppression of many peoples, not least the Karen. All this characterises the sad situation which has existed in Burma for more than 40 years. There are, however, two new developments to which we must turn our attention.

Firstly, the ASEAN countries have finally decided on following a harder line, which we can only encourage and support. At last, the ASEAN countries are fulfilling their obligations and starting to exert pressure on Burma. Secondly, it is regrettable that Indians have allowed themselves to become more and more entangled in bad company with these military rulers. We are appealing to the world’s largest democracy, namely India, to take its democratic responsibility seriously and, together with ASEAN and the European Union, to support democracy and rule of law in Burma and not become chums with one of the world’s most evil regimes.

**Lidia Joanna Geringer de Oedenberg, on behalf of the PSE Group.** – (PL) Mr President, a year and a half has passed since the latest resolution of the European Parliament condemning the infringement of human rights in Myanmar. Unfortunately nothing has changed since then. The military regime that has ruled the country for forty years openly ignores the recommendations of the international community. Opposition politicians are imprisoned and tortured. Forced labour and the use of child soldiers are part of daily life.

The complete collapse of the education and health system is cause for concern. The death rates for malaria, TB and AIDS is rocketing, while the regime bans the activities of non-governmental organisations and has closed the headquarters of the International Red Cross.

Also worthy of condemnation are the acts of aggression and forced displacement of ethnic minorities that have affected more than eighty thousand people this year alone. If we do not provide financial assistance, pro-democracy and human rights organisations in Myanmar will be condemned to failure. At the moment it seems that the only way to force the regime in Myanmar to introduce changes in favour of democracy are economic sanctions backed by a UN Security Council resolution.

**Jacques Barrot, Vice-President of the Commission.** (FR) Mr President, ladies and gentlemen, like the other European institutions and like your Parliament, the Commission is very concerned at the situation in Burma. It is exactly 15 years since the European Parliament awarded Mrs Aung San Suu Kyi the
Sakharov Prize. We deplore the fact that the political process in that country has been completely paralysed since then. It is true that, like other developing countries, the Burmese authorities are faced with considerable challenges – guaranteeing national unity, political stability, speeding up the country’s economic and social development – but that does not prevent the establishment of a legitimate civilian government.

The present government has said many times that the military authority would be replaced by a legitimate, elected regime based on the road map for Burma, but we are still at the stage of promises. It is for all of us, observers and international backers, inconceivable that a transition to a legitimate and democratically elected regime should take place without dialogue. Such a dialogue must bring together government and political players. It must include Burma’s many ethnic minorities and bring an end to the fighting in the areas where those minorities live.

In the same way, political transition is inconceivable so long as the present regime’s political opponents are in prison or deprived of their liberty, as is still the case of Mrs Aung San Suu Kyi and more than 1 000 of the regime’s opponents. The vision of a democratic and prosperous Burma also assumes respect for human rights. Such respect is cruelly lacking. Despite the existence of a civil society, the exercise of basic rights is far from guaranteed: intimidation, arbitrary arrest, imprisonment of civilians for exercising their civic rights, and restrictions of individual liberties are continuing. Members of political parties are under constant surveillance by the security services. Part of the population is being exploited by the army, which is using them as forced labour. It goes without saying that the restrictions imposed on the International Committee of the Red Cross, as you rightly said, are intolerable: there are few signs that the government is undertaking to remedy the matter.

What is the European Union’s position on all this, ladies and gentlemen? The Universal Declaration of Human Rights and the Charter of the International Labour Organisation are our benchmarks. The European common position imposes restrictions on visas and investment. On the trade front, Burma no longer enjoys the preferential trade arrangements conferred by the system of generalised preferences. For all that, the very nature of the Burmese regime makes the Burmese population highly vulnerable to poverty and disease. For that reason, the Commission has decided to increase its assistance appreciably from 2007, especially in the fields of health and education. The Global Fund To Fight AIDS, Tuberculosis and Malaria, under the aegis of the United Nations and cofinanced by the Commission, should enable those three diseases to be combated more effectively.

In that country’s particular context, any programme calls for vigilance and commitment. The programmes financed by the Community, to the tune of around EUR 24 million, are being implemented by UN agencies and international NGOs. The Commission has also set up a decentralised cooperation programme to support civil society. Moreover, the Commission is by far the largest donor to Burmese refugees in Thailand.

In critical dialogue with the government, the Commission will not cease reminding the Burmese authorities of their responsibilities. The transition in Burma must respect human rights. The admirable struggle of Mrs Aung San Suu Kyi, the European Parliament’s Sakharov Prize laureate, reminds us of that every day.

Mr President, may I say on my personal behalf that I have particularly appreciated these debates on human rights, especially the debate on Burma. I would really like to assure Parliament that the Commission will be showing the utmost vigilance and the utmost determination in doing all it possibly can to bring to an end the situation currently prevailing in that country.

(Applause)

President. – The debate is closed.

The vote will take place after the debates, that is in a moment.

12. Voting time

President. – The next item is the vote.

(For results and other details of the vote: see Minutes)
12.1. Fiji (vote)

12.2. Implication of the UN forces in sexual abuses in Liberia and in Haiti (vote)

12.3. Myanmar (Burma) (vote)

12.4. Hague Convention on securities (vote)

President. – That concludes the vote.

13. Membership of committees and delegations: see Minutes

14. Verification of credentials: see Minutes

15. Decisions concerning certain documents: see Minutes

16. Written statements for entry in the register (Rule 116): see Minutes

17. Forwarding of texts adopted during the sitting: see Minutes

18. Dates for next sittings: see Minutes

19. Adjournment of the session

President. – I declare the session of the European Parliament adjourned.

(The sitting was closed at 4.35 p.m.)
ANNEX (Written answers)

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

Question no 12 by Panagiotis Beglitis (H-0984/06)

Subject: Implementation of UN Security Council Resolution 1701

Recently, there have been a number of particularly serious violations of UN Security Council Resolution 1701 by the Israeli airforce in Lebanon, which have caused operational problems for the international peacekeeping force.

A typical example is the recent incident involving the German naval force taking part in UNIFIL.

What is the Council's assessment of the implementation so far of Resolution 1701 by Israel, Syria and Hezbollah? How will it protect Member States' forces taking part in the international peacekeeping force in Lebanon? Is it examining the possibility of taking an initiative to bring the issue of violations of Resolution 1701 before the UN Security Council?

Answer

(FI) This answer, which has been drafted by the Presidency, and which in itself is not binding on the Council or its members, was not presented orally in Council question time in the part-session held by the European Parliament in Strasbourg in December 2006.

The honourable Member is referring to several recent incidents connected with Israeli military aircraft flying in Lebanese airspace.

The Council has consistently held the opinion that everyone should respect Lebanese sovereignty on its land, in its waters and in its airspace.

Owing to the incidents regarding the French and German vessels that the honourable Member alludes to, in its conclusions of 13 November 2006 the Council urged Israel to end its violations regarding Lebanese airspace. In addition, the United Nations Interim Force in Lebanon and two EU countries made official contact with the Israeli authorities with respect to this issue. Since then there has been no news of any ‘pretend’ attacks against UNIFIL peacekeepers by Israeli jet fighters.

The Council expects Israel to comply with the agreement to end hostilities.

The Council staunchly supports the full implementation of UN Security Council Resolution 1701. It has consistently called on all countries in the region to comply with the Resolution, especially with regard to non-proliferation. The EU has a high profile in the UNIFIL operation, which is reflected in the extent to which the Member States are involved in the operation. More than 8 000 troops from EU countries are already positioned in southern Lebanon to support the armed forces.

It is the Council’s opinion that the UNIFIL peacekeepers are the best people to ensure that there is compliance with UN Security Council Resolution 1701.

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Question no 13 by Alain Hutchinson (H-0985/06)

Subject: Respect for human rights in Colombia

The Office of the United Nations High Commissioner for Human Rights provides fundamental support for respect for human rights in Colombia. Its reports make clear the constant, recurrent violations of human rights perpetrated there, and constitute an essential source of information, the propagation of which helps to protect individuals. The government of President Uribe would like to discontinue the monitoring functions of the Office and reduce its role to one of technical assistance. However, pressure
from international organisations has succeeded in maintaining the Office’s functions as they are for one further year.

Does the Council take the view that the human rights situation in Colombia continues to be worrying and, if so, what action does it intend to take to guarantee that the Office will be able to continue fully to play its role?

Can the Council also undertake to ensure that the Human Rights Council includes Colombia in the group of countries in need of special attention, so that the Office’s reports can be discussed in the Council and, if necessary, lead to recommendations to, and pressure on, the Colombian government?

Answer

(FI) This answer, which has been drafted by the Presidency, and which in itself is not binding on the Council or its members, was not presented orally in Council question time in the part-session held by the European Parliament in Strasbourg in December 2006.

In recent times the EU has in various contexts pointed out emphatically to the Colombian authorities that it considers the work of the Office of the United Nations High Commissioner for Human Rights to be important. The Office has had a major impact on human rights protection and the promotion of international humanitarian law in Colombia. The EU has also stressed that it would support a longer-term agreement that could guarantee the continuity and predictability of the work of the Office. The Council is expecting to engage in regular dialogue with the High Commissioner for Human Rights regarding the role of the Colombian Office.

Despite efforts on the part of the Colombian authorities and an improvement in the general situation, the human rights situation is still worrying, especially since the humanitarian agreement with the Revolutionary Armed Forces of Colombia on the release of captured individuals was watered down. The Council is worried about the state of collapse that has resulted from new outbreaks of violence and is urging all sides to do all they can to find a solution.

The EU still endeavours to ensure that the appropriate UN bodies, including the Human Rights Council, and other major international organisations, such as the International Labour Organisation, continue to watch the human rights situation in Colombia.

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Question no 14 by Robert Evans (H-0987/06)

Subject: EUFOR

How would the Council evaluate the role of EUFOR during the recent Presidential elections in the Democratic Republic of Congo? What lessons have been learnt?

Answer

(FI) This answer drawn up by the Presidency, which is not in itself binding on the Council or its members, was not given orally at Question Time to the Council at the December 2006 part-session of the European Parliament in Strasbourg.

The EUFOR RD Congo operation carried out pursuant to UN Security Council decision 1671 (2006) has given timely and powerful support to the actions of MONUC in ensuring that the electoral process in the Democratic Republic of Congo was completed peacefully.

The EUFOR RD Congo operation was carried out in close and active cooperation with MONUC and the authorities of the Democratic Republic of Congo, and it helped prevent unrest and preserve peace and order during the electoral process, particularly in Kinshasa, where EUFOR troops intervened rapidly and decisively at the time of the incidents in August.

The EUFOR RD Congo operation has been present in all the areas of its assignment, particularly in Kinshasa, for the whole period of the assignment. The operation has now been brought to a successful conclusion and the withdrawal of troops has begun on schedule in compliance with UN Security Council decision 1671.
Question no 15 by Zdzislaw Kazimierz Chmielewski (H-0989/06)

Subject: Baltic cod fishing quotas for 2007

The agreement reached by the Council on 24 October 2006 cuts the TAC for Baltic cod by some 10% in 2007. With regard to cod stocks in the eastern Baltic, this means a lower TAC than that provided for in the multiannual plan for cod stocks, namely some 62 thousand tonnes. Even if one accepts that this optimistic plan was influenced by the extremely good 2003 year class of cod, there are still very real grounds for calling for the TAC to be maintained at the current year's level of 49.2 thousand tonnes. Does the TAC cut resulting from the Council agreement take proper account of the views expressed by Baltic scientists?

Answer

(FI) This answer, which has been drafted by the Presidency, and which in itself is not binding on the Council or its members, was not presented orally in Council question time in the part-session held by the European Parliament in Strasbourg in December 2006.

The Council would like to point out that the political consensus reached in October 2006 was a compromise that took account of the bad state of affairs regarding cod stocks. The compromise took into consideration the views of all parties, that is to say, the Member states, industry, NGOs and researchers.

The 10% cut is an acknowledgement of Community policy, according to which total allowable catch (TAC) can vary by +/- 15 % each year. This is a way of guaranteeing that the industry can continue to survive.

The agreement contains a condition that states that the Council must adopt a multiannual plan for cod stocks in the Baltic by 30 June 2007. Otherwise, the TACs and quotas for cod stocks will automatically be reduced further on 1 July 2006. All catches that exceed the new quotas announced on that date will be deducted from the quotas for 2008.

Question no 16 by Hélène Goudin (H-0992/06)

Subject: Cod fishing in the North Sea and east of Bornholm

Numerous reputable organisations, including the Swedish Society for Nature Conservation (SNF) and the International Council for the Exploration of the Sea (ICES), have criticised the EU's fishing quotas as being far too generous. On 3 November 2006, a group of researchers presented their findings in the journal Science which indicate that, in 40 years' time, table fish will have died out. The Commission and the Council, however, do not appear to take these alarming signals seriously. The EU Council of Fisheries Ministers decided at the end of October that cod fishing in the North Sea and east of Bornholm should be reduced by only 10% in 2007. This decision stands in stark contrast to the recommendations made by numerous researchers and organisations, such as the ICES and the SNF.

How does the Council justify maintaining the high quotas for cod fishing in the North Sea and east of Bornholm? Does the Council not share the view that table fish is in danger of dying out in the long run? Does the Council intend to take any genuinely forceful measures to get to grips with this obvious problem?

Answer

(FI) This answer, which has been drafted by the Presidency, and which in itself is not binding on the Council or its members, was not presented orally in Council question time in the part-session held by the European Parliament in Strasbourg in December 2006.

On this matter the Council would like to remind you that the political consensus reached in October 2006 only applies to cod stocks in the Baltic Sea and not to those in the North Sea. That same consensus was, moreover, a compromise that took account of the worrying state of affairs with regard to those
particular fish stocks. For this reason the solution arrived at contains a condition that states that the Council must adopt a multiannual plan for cod stocks in the Baltic by 30 June 2007. If the Council fails to do this, total allowable catches (TACs) and quotas for cod will be automatically reduced further on 1 July 2007. TACs and quotas for Baltic cod would be cut by 15% compared to levels this year. All catches that exceed the quotas announced on that day will be subtracted from those for 2008. Furthermore, the Council’s agreement called for a reduction in the number of days when cod fishing in the Baltic Sea is specifically permitted. Cod fishing in 2007 has been prohibited generally for around five months in the eastern part of the sea and four months in the western part. In both areas the ban is approximately one month longer than it was this year.

The Council expects to reach an agreement at its sitting of 19-21 December 2006 on a proposal for TACs and quotas in other waters, such as the North Sea.

With regard to the honourable Member’s other questions, the Council would refer to the answer which it gave to the honourable Member’s previous oral question (H-0915/06), and which remains completely relevant.

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Question no 17 by Jens Holm (H-0995/06)

Subject: Suspension of EU free trade agreement with Israel

The Israeli military continues its indiscriminate killing of Palestinian civilians. During Wednesday morning of 8 November, 19 innocent people died when Israel shelled their houses in the village of Beit Hanoun. At least 40 people were injured. Since Israel launched 'Operation Autumn Cloud' just over a week ago, 80 Palestinians have been killed.

The EU is Israel's most important trading partner. Israeli currently has a very favourable trade agreement with the EU, though it is not without conditions. One of its requirements is respect for human rights.

The Swedish Foreign Minister has sharply criticised the recent Israeli attacks, saying that the country's actions are contrary to international law. The suspension of the EU's free trade agreement with Israel would make a significant mark and a practical impact in persuading Israel to cease the attacks.

This has happened in the past. On 3 October 2005, the Council decided on a partial suspension of the partnership and cooperation agreement with Uzbekistan because of excesses and violations of human rights in the country.

Does the Council share the Swedish Foreign Minister's assessment that the Israeli attacks on the Palestinian people constitute a breach of international law, and is the Council prepared to move from words to action and suspend the EU’s free trade agreement with Israel?

Answer

(FI) This answer, which has been drafted by the Presidency, and which in itself is not binding on the Council or its members, was not presented orally in Council question time in the part-session held by the European Parliament in Strasbourg in December 2006.

The honourable Member is referring to Israel’s military operation in the town of Beit Hanoun in Gaza on 8 November 2006.

The Presidency and High Representative gave a clear and categorical opinion on these military actions in its statements of 8 November.

Although the EU recognises Israel’s right to protect its citizens from terrorist strikes and from rockets fired from Gaza at its territory, it has constantly stated that Israel is obliged to exercise this right in accordance with international law.

Regarding recent positive events, the EU was pleased with the ceasefire that came into effect in Gaza on 26 November. It is important that this should be reinforced and extended to cover the West Bank. We need to provide encouragement to both sides so that they now start taking other measures to boost trust, such as the release of prisoners.
The Council is still of the opinion that the political process in the roadmap is the only way to negotiate a two-state solution based on a mutual agreement by both sides. The result would be a viable and independent Palestinian state existing peacefully alongside Israel and surrounded by recognised and secure borders. Ending the EU-Israel Association Agreement, as referred to by the honourable Member, would do nothing to bring this aim any nearer.

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**Question no 18 by Paul Rübig (H-0997/06)**

**Subject: Fuel rod problems at the Temelin nuclear power station in the Czech Republic**

The newspaper ‘Oberösterreichische Nachrichten’ reported on 2 November 2006 that, at the Temelin nuclear power station in the Czech Republic, there were ever increasing problems in the active zone because of excessively deformed fuel rods. The extent of the problems was such that safe operation could no longer be guaranteed. Reportedly, two fuel elements had already been irreparably damaged, and it was not yet certain how this was to be compensated for because replacing them with other fuel elements presupposed extensive recalculations.

What steps will the Council be taking in this connection? What measures does the Council take to ensure that nuclear power stations with serious technical defects are immediately taken off-line? Has the Council already drawn up a plan of measures enabling prompt and effective action to be taken in such situations?

**Answer**

(FI) This answer, which has been drafted by the Presidency, and which in itself is not binding on the Council or its members, was not presented orally in Council question time in the part-session held by the European Parliament in Strasbourg in December 2006.

The Council will not adopt a position on news published in the mass media and is not familiar with the findings to which the honourable Member refers.

As the honourable Member knows, the Union has consistently emphasised the importance of strict nuclear safety standards and high levels of environmental protection. The Council will state once again that it regards nuclear safety as being extremely important and that it gives its full support to efforts to ensure high levels of nuclear safety everywhere in the European Union. As the honourable Member will perhaps recall, the Council undertook a thorough study of nuclear safety in the new Member States before they acceded to the Union, and made special recommendations regarding the Temelin nuclear power station.

Every nuclear power plant operator must comply with the regulations on safety and precautions in the Community and the relevant Member State. The national nuclear safety and radiation authorities are responsible for the necessary inspections. Council Directive 96/29/Euratom lays down basic standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation, and stipulates basic obligations relating to radiation protection, which must be complied with.

Under Articles 35 and 36 of the Treaty establishing the European Atomic Energy Community (Euratom) the Commission is to be kept informed of radioactivity levels to which the public is exposed. It is also the Commission’s task to ensure that secondary legislation, such as Directive 96/29/Euratom, is properly implemented.

Article 28 of the Euratom Treaty states that the Commission has the right to require a Member State to take measures to prevent infringement of the basic standards.

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**Question no 19 by Dimitrios Papadimoulis (H-1000/06)**

**Subject: Possible sanctions against Turkey**

Unusually, in presenting its report on Turkey’s progress towards accession, the Commission did not submit any proposals for possible sanctions in the event of Turkey failing to fulfil its obligations, which constitutes a fundamental aspect of the decision to be taken by the European Council meeting in
December. This omission has caused concern in some Member States which fear that there will be some abrupt and unexpected manoeuvring shortly before the December Summit. Moreover, in its resolution on Turkey's progress towards accession (2006/2118(INI)), Parliament 'emphasises that, unlike in previous negotiations, in the case of Turkey it would be necessary to inform the European public continuously and intensively about the negotiations themselves and Turkey’s progress in this regard.'

Given that Parliament meets in part-session only a few days before the European Council, will the Presidency say whether the Council has reached any decisions about the possibility of sanctions against Turkey in the event of that country not fulfilling its obligations? If so, what are those sanctions?

Answer

(FI) This answer, which has been drafted by the Presidency, and which in itself is not binding on the Council or its members, was not presented orally in Council question time in the part-session held by the European Parliament in Strasbourg in December 2006.

As the honourable Member says, Turkey has a contractual obligation to ensure full and non-discriminatory implementation of the Additional Protocol to the Ankara Agreement, and the removal of all obstacles to the free movement of goods, including restrictions on means of transport. This obligation is clearly set out in the Negotiation Framework and is part of the Accession Partnership. The Declaration of 21 September 2005 stated that the Union would evaluate full implementation in 2006. In the Declaration it was emphasised that the opening of negotiations on the relevant chapters would depend on Turkey’s implementation of its contractual obligations to all Member States, and that if these were not implemented fully, it would affect the overall progress in the negotiations. Moreover, the Council in 2006 also agreed that it would ensure the monitoring of progress achieved on all pertinent matters contained in the Declaration. This was confirmed this year by the European Council which met in June.

The General Affairs and External Relations Council examined and made a thorough appraisal of the situation on 11 December. It decided that the EU would not commence talks on any subsequent chapters before the Commission had ensured that Turkey had fulfilled its agreements relating to the Additional Protocol:

– Free movement of goods
– The right of establishment and the free provision of services
– Financial services
– Agriculture and rural development
– Fishing
– Transport policy
– Customs union
– Foreign relations.

The General Affairs and External Relations Council also decided that there would be no decision taken for now on discussion of any chapter before the Commission had ensured that Turkey had fulfilled its agreements relating to the Additional Protocol.

Talks on the other chapters will resume in accordance with the Negotiation Framework.

The Council’s conclusions of 11 December are available to the honourable Member for closer scrutiny. All the other important documents relating to Turkey’s accession process are also available to the honourable Member. These are the General Negotiation Framework, the Accession Partnership, the Declaration of 21 September 2005, previous conclusions of the European Council, and the Commission’s recent Enlargement Strategy document 2006 and its Progress Report on Turkey 2006. This means that the European Parliament is very well aware of the general situation with respect to the negotiation process with Turkey. The Council is unanimous in its opinion that the European Parliament and the European public must be kept informed of the future prospects for that process.
Question no 20 by Maria Carlshamre (H-1002/06)

Subject: The rights of the indigenous people of Sámi

The Sámi people are the only indigenous people of the EU. They live in a region covering parts of Finland, Sweden, Norway and Russia. There are several Sámi languages which according to UNESCO are either endangered or seriously endangered, with native speakers of a few hundred left. During centuries the Sámi have been discriminated against by the states in their region – their religion and their language made illegal and their land rights taken away from them. In the infamous race biology of the 1900s they were described as having ‘minor heads’. This tragic history is unknown to most of the people living in Sweden and Finland today, and there is almost no information or teaching on the history and present day situation of the Sámi people. For example, in Sweden in a recent study of 30 school history books, only one had a proper picture of this minority.

What is the Council prepared to do to guarantee the intergenerational transmission of the Sámi language and culture before it is too late?

Answer

(FI) This answer, which has been drafted by the Presidency, and which in itself is not binding on the Council or its members, was not presented orally in Council question time in the part-session held by the European Parliament in Strasbourg in December 2006.

The Sámi are the only indigenous people of the European Union. They live in a region covering four countries. When Finland and Sweden joined the European Union, the Member States recognised the obligations and commitments of Sweden and Finland with regard to the Sámi people under national and international law, as stated in Protocol 3 to the Accession Agreement. This was especially relevant to these countries’ commitment to preserving and developing the means of livelihood, language, culture and way of life of the Sámi people, and they considered that traditional Sámi culture and livelihood depended on primary economic activities, such as reindeer husbandry, in the traditional areas of Sámi settlement. In the Protocol it was agreed that, notwithstanding the provisions of the EC Treaty, exclusive rights to reindeer husbandry within traditional Sámi areas may be granted to the Sámi people in these countries. It was also agreed that the Protocol may be extended to take account of any further development of exclusive Sámi rights linked to their traditional means of livelihood. Exclusive rights relating to reindeer husbandry may be decided nationally, but decisions on other exclusive rights pertaining to Sámi livelihoods are taken by the Council using the procedure described in the Protocol. The Sámi have exclusive rights to reindeer husbandry under the Protocol in Sweden, but not in Finland.

Article 22 of the Charter of Fundamental Rights of the European Union states that the Union shall respect cultural, religious and linguistic diversity. The Charter also states that everyone is equal before the law and mentions non-discrimination, which is also stated in Article 13 of the Treaty establishing the European Community.

The Council has not, however, discussed the issues referred to in the question, and there are no projects pending in the Union in connection with either them or the rights described in Protocol 3.

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Question no 21 by Gay Mitchell (H-1004/06)

Subject: Methamphetamines

Will the Council provide a work plan for worrying rise in the use of methamphetamines in Europe?

Answer

(FI) This answer drawn up by the Presidency, which is not in itself binding on the Council or its members, was not given orally at Question Time to the Council at the December 2006 part-session of the European Parliament in Strasbourg.
Reducing the quantity of synthetic drugs, such as metamphetamines, produced and offered for sale is among the aims of the EU Action Plan on Drugs (2005-2008)(5). The Member States and Europol have given undertakings to develop operations and intelligence-gathering projects to reduce the manufacture and supply of synthetic drugs (Objective 20.1). The implementation of the Action Plan on Drugs is monitored systematically and the first annual assessment report is scheduled for submission in December 2006.

The Honourable Member is also asked to read the 2006 Annual Report of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), which states that use of metamphetamine is on the increase worldwide. Use of metamphetamine is reported to have caused substantial problems in various parts of the world, inter alia in the USA, South-East Asia and the Pacific region, as well as Africa. Although the problem has grown worldwide, use of metamphetamine in Europe is limited to a few countries where long-term problems have arisen. However, the fact that more and more countries have reported seizures of metamphetamine clearly shows that even in Europe there may be a risk that use of this drug will become more prevalent.

In view of the above, the Council intends to continue to monitor the situation closely in its appropriate bodies and international forums.

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Question no 22 by Bogusław Sonik (H-1010/06)

Subject: Regulation on spirit drinks with reference to the Council political compromise agreement

With reference to the ongoing discussions on the draft proposal on spirit drinks regulation and especially with reference to the political compromise agreement at the Council meeting of 24 October, I would like to ask the Council to justify the introduction of a new sales denomination, 'vodka made from [raw material]'.

According to available industry statistics, at least about 97% of all vodka consumed in the EU is made from grain, potatoes and molasses and only fractions of one percent from other raw materials. The raw material of the remaining 3% is unknown. Therefore I would like to ask what the justification is for introduction of the above-mentioned new sales denomination.

In particular I would like to ask if you can provide statistical evidence about volumes in the EU of spirit drinks distilled from raw material other than grain, potato or sugar beet that producers or importers currently label as 'vodka', as well as examples of names (trademarks) of such products being sold in the EU and information about how long such products have been sold in the EU.

Answer

(FI) This answer, which has been drafted by the Presidency, and which in itself is not binding on the Council or its members, was not presented orally in Council question time in the part-session held by the European Parliament in Strasbourg in December 2006.

The Council would like to confirm that it adopted a ‘general approach’ at its sitting of 24 and 25 October 2006, which is based on the proposal for a regulation drawn up by the Presidency on the basis of the Commission proposal. The proposal is the basis for discussions prior to first reading, in accordance with the codecision procedure. No political consensus has yet been reached on the matter in the Council or the European Parliament.

The Presidency is of the opinion that the Member States broadly support the general approach based on intense discussions on the basis of the Commission proposal. As the Honourable Member knows, however, the debate is still not over. Some points in the regulation, such as regulations on the definition of vodka, are still to be examined by special delegations in the Council. It would therefore be premature of the Council to say on what basis the Council and Parliament might finally reach agreement.

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Question no 23 by Brian Crowley (H-1012/06)

Subject: Combating youth and long-term unemployment

Can the Council make a statement outlining what measures it has pursued in the year 2006 to combat youth and long-term unemployment in Europe?

Answer

(FI) This answer drawn up by the Presidency, which is not in itself binding on the Council or its members, was not given orally at Question Time to the Council at the December 2006 part-session of the European Parliament in Strasbourg.

In general, the Council would ask the Honourable Member to read the answer which the Council gave to Question H-0073/06.

Numerous Council measures can and do help to combat youth and long-term unemployment(6) in Europe, either directly or indirectly.

As it is difficult to present all the actions taken by a European institution such as the Council, mention may be made, in this connection, of certain Council measures adopted in 2006 which particularly related to youth or long-term unemployment.

It is worth stressing that the Member States themselves are responsible for planning and implementing their measures to reduce youth and long-term unemployment under the European Employment Strategy. In 2006 the Employment Committee continued to make comparative assessments of Member States’ employment policies, this being an established practice, and reported to the Council on its findings. In general it was possible to observe that youth and long-term unemployment was among the priorities of action by the Member States. The Member States were conscious of the themes requiring action, and this year's national reform programmes included more political measures in accordance with the European Pact for Youth, so that the situation is expected to improve as far as young people are concerned.

The Honourable Member will naturally be aware that, as legislators, the Council and Parliament negotiated and also succeeded in reaching agreement on various funding programmes for the years 2007-2013 which either sought to improve understanding of the situation of the unemployed or specifically took as their target group young people or the unemployed. Among these, reference may be made to the PROGRESS programme – which serves, inter alia, to support the implementation of the European Employment Strategy – the new Youth in Action programme, the European Structural Fund financial measures to solve problems arising from early school leaving and the future European Globalisation Fund.

In 2006 the Presidencies, Austria and Finland, asked the Employment Committee to consider issues relating directly to youth and long-term unemployment. During Austria's Presidency, the Employment Committee considered 'flexicurity' – the combination of flexibility and security – and during Finland's Presidency the Committee drafted an opinion on increasing productivity and creating new and better jobs, including for those in a weak position on the labour market. Both opinions were forwarded to the Council, which approved them. The opinions were intended as a stimulus for a future Commission communication on flexicurity

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Question no 24 by Liam Aylward (H-1014/06)

Subject: EU-Russia energy agreement

Can the Council make a statement as to what progress it has made during the Finnish Presidency of the EU in terms of guaranteeing the security of energy supplies from Russia to the territories of the European Union into the future?

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(6) For example, policies on innovation, economic growth, taxation and equal opportunities.
Answer

(FI) This answer drawn up by the Presidency, which is not in itself binding on the Council or its members, was not given orally at Question Time to the Council at the part-session of the European Parliament in Strasbourg in December 2006.

As the Honourable Member may be aware, the Council has of late been working very actively, in close cooperation with the Commission, towards developing a Community external energy policy, with a view inter alia to ensuring security of energy supply in the Community. The Council stresses that this policy in its final form will shape relations between the EU and Russia in the field of energy.

During the Finnish Presidency significant progress has been made in understanding the views of the two sides. At the unofficial dinner of the Heads of State and Government in Lahti on 20 October, energy matters were discussed in an open exchange of views with President Putin. These unofficial discussions played an important part in paving the way for the EU-Russia summit held in Helsinki on 24 November. The summit concentrated on cooperation between the EU and Russia in various areas, including in particular that of energy.

The Community is working towards the inclusion, in the new comprehensive EU-Russia agreement replacing the current partnership and cooperation agreement, of an important section on energy matters. The negotiating mandate for a new agreement was discussed during the Finnish Presidency and it is hoped that it will be completed in the near future so that negotiations with Russia can begin as soon as possible.

In connection with the dialogue between the EU and Russia on energy matters, the second meeting of the EU-Russia Permanent Partnership Council on energy was held on 8 December 2006. The Permanent Partnership Council was satisfied with the four thematic surveys – dealing with the topics of investments, infrastructure, trade and energy efficiency – as well as with the recommendations for further work.

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Question no 25 by Seán Ó Neachtain (H-1016/06)

Subject: The future of INTERREG programmes in Europe

Will the Council support the continuation of the INTERREG cross-border programmes in Europe for the financial period 2007-2013 and, if so, how much money will be allocated for the development of cross-border programmes between the Republic of Ireland and Northern Ireland for this period?

Answer

(FI) This answer drafted by the Presidency, which is not binding as such on the Council or its members, was not presented orally at the part of Question Time given over to questions to the Council at Parliament’s December 2006 part-session in Strasbourg.

The Council cannot supply the requested information about funding, because it does not manage implementation of the programmes financed under the Structural Funds. Questions on that subject should be addressed to the Commission.

However, in Council Regulation (EC) No 1083/2006 laying down general provisions on the European Regional Development Fund, the European Social Fund, and the Cohesion Fund, EUR 7750 million has been set aside for the European territorial cooperation objective, whereby activities falling within the scope of the INTERREG Community initiative will be continued in the next funding period. Out of that sum, EUR 5576 million has been earmarked to finance cross-border cooperation.

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Question no 26 by Eoin Ryan (H-1018/06)

Subject: Elections in the Congo

Can the Council make a comprehensive statement concerning the recent elections that took place in the Congo?
Answer

(FI) This answer drafted by the Presidency, which is not binding as such on the Council or its members, was not presented orally at the part of Question Time given over to questions to the Council at Parliament’s December 2006 part-session in Strasbourg.

At its meeting of 13 November 2006 the Council expressed its satisfaction at the fact that the second round of the presidential election and the provincial assembly elections held in the Democratic Republic of Congo on 29 October 2006 had, on the whole, passed off peacefully and been conducted in an orderly manner. The elected President, Joseph Kabila, was inaugurated on 6 December 2006.

The Council praised the Independent Electoral Commission, which had enabled the electoral process to remain credible and transparent.

It drew particular attention to the role of those who had supported the elections, that is to say, the international community, especially the United Nations, including the UN monitoring troops (MONUC), together with the African countries which had entered into bilateral commitments, as well as the Southern African Development Community (SADC) and the African Union.

The Council noted that the EU had provided assistance in order to help the DRC fulfil the essential preconditions for, and to facilitate the run-up to, the elections, and that the EUFOR military mission had likewise made a useful contribution in support of MONUC. It confirmed that the EU was ready to back the DRC and its new democratically elected leaders in their future efforts to develop their country for the benefit of the Congolese people.

The Council pointed to the regional significance of the elections, which would help to promote stability and development in the Great Lakes region and Central Africa.

This subject will also be discussed at the Foreign Ministers’ dinner at the European Council on 14 and 15 December 2006.

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Question no 27 by Derek Roland Clark (H-1026/06)

Subject: Oral Question (O-0115/2006 - B6-0442/2006) - European initiative in the field of civil protection

I asked the following questions in this oral question debate on Wednesday 15 November but at the time I received no reply from the Council, Ms Lehtomäki. I will, therefore, ask them again.

What do you mean by 'European Consulates', are these to be imposed on national systems, over and above them?

A European civil protection force, what is that to do, is it an armed unit? If so, where based and under whose control? Could it be deployed without national government request or permission?

Finally the proposed European Constitution, now defunct following its rejection by two Member States, included 'a European policy on the prevention of natural disasters and on civil protection'.

Is this an attempt to introduce parts of the dead Constitution into new legislation?

Answer

(FI) This answer drawn up by the Presidency, which is not in itself binding on the Council or its members, was not given orally at Question Time to the Council at the December 2006 part-session of the European Parliament in Strasbourg.

The questions raised by the Honourable Member relate to the plenary debate in the European Parliament on 15 November 2006 after Finland's Minister for European Affairs, Paula Lehtomäki, replied to Oral Question O-0115/06 - B6-442/06.
The proposal for the establishment of a European civil protection force was made in the report, 'For a European civil protection force: European aid', presented by Michel Barnier in May 2006. The June 2006 European Council noted the report with satisfaction and described it as an important contribution to the debate. The proposal for the establishment of a European civil protection force is not, as such, being considered by the various bodies of the Council.

The June 2006 European Council asked the Secretary-General of the Council/High Representative, and the Commission, to make proposals on protection by consular authorities and, inter alia, on establishing mutual consular assistance points in pre-identified regions. However, protection by consular authorities is a matter for Member States, while the EU Institutions provide administrative or logistic assistance only at the request of the Member State concerned or of the Presidency.

The Council's work to improve the European Union's emergency and crisis preparedness is described in a report to the December 2006 European Council.

The Council is currently considering two legislative proposals from the Commission: the proposal for a Council regulation establishing a Rapid Response and Preparedness Instrument for major emergencies (renamed 'Civil protection financial instrument') and the proposal for a Council Decision establishing a Community civil protection mechanism (recast).

Question no 28 by Jörg Leichtfried (H-1029/06)

Subject: The migration problem in Europe

As is known, migration policy works only at European level. Will the Council, therefore, say why it refuses to draw up general rules for a workable European migration policy, leaves the problem, furthermore, in the hands of the individual Member States and thereby deliberately prevents a solution being found to this problem?

Answer

(FI) This answer, which has been drafted by the Presidency, and which in itself is not binding on the Council or its members, was not presented orally in Council question time in the part-session held by the European Parliament in Strasbourg in December 2006.

The Community’s scope of involvement and competence regarding immigration policy is described in Article 63(3)(a) and (b) and (4) of the Treaty establishing the European Community.

We should remember that the relevant provisions in the Treaty have been implemented through the adoption of a number of important instruments in the areas of immigration by nationals of third countries and the return of nationals of third countries illegally resident. I should point out here that the Council has acted in accordance with its mandate given in the Tampere programme in 1999 and the Hague Programme in 2004, since these determine the strategy to follow in the field of justice and home affairs, including migration.

Question no 29 by Georgios Toussas (H-1033/06)

Subject: Violation of trade union rights by the Government of South Korea

According to the World Federation of Trade Unions (WFTU), the Government of South Korea has launched a furious attack against workers’ and trade union organisations. Trumped-up charges have been brought against the leaders of the Korean Federation of Construction Industry Trades Unions (KFIICTU), while the forces of repression have used great violence to close the offices of the Korean
Government Employees Union (KGEU), acting on the pretext that it was an ‘illegal organisation’. These actions constitute a flagrant violation of trade union rights and freedoms and also of international commitments undertaken by the government to protect workers and trade union rights, as the International Labour Organisation (ILO) has repeatedly complained in successive recommendations.

Will the Council say whether it condemns these measures by the South Korean Government as a blatant violation of the democratic and trade union rights and freedoms of workers?

Answer

(FI) This answer, which has been drafted by the Presidency, and which in itself is not binding on the Council or its members, was not presented orally in Council question time in the part-session held by the European Parliament in Strasbourg in December 2006.

The Council has not discussed the events to which the honourable Member makes reference. Accordingly, the Council cannot adopt a position on them.

The EU’s 2006 human rights report clearly states that the EU considers economic, social and cultural rights to be just as important as national and political rights. In the same way it believes that it is important to comply with the International Labour Organisation’s main conventions on the fundamental rights of workers. Both groups of rights are based on the notion of a person’s inherent worth, and the genuine implementation of each right is a precondition for implementing the other rights too, in all respects.

The EU will be monitoring the situation in South Korea and would point out that the right to join a trade union at work is a fundamental human right and part of the economic, social and political process.

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Question no 30 by Athanasios Pafilis (H-1038/06)

Subject: Murders of trade unionists in Colombia

Colombia has recently witnessed a number of murderous attacks on leading members of the trade unionist movement and the opposition. Those murdered include the university lecturer Edgar Fajardo Marulanda, the trade unionists Alejandro Uribe and Amaya Ruiz, while an attempt has also been made to kill an official of the Communist Party of Colombia and Alternative Democratic Pole, Raúl Rojas Gonzáles. These are acts which openly target the trade union movement, intensifying the climate of terrorisation against the working class and the people.

Does the Council condemn these acts, which are taking place with the tacit approval of the Colombian Government, and what is its position on the Colombian Government's escalating offensive against the people's trade union and civil liberties which is also creating the framework for the murder of trade unionists themselves?

Answer

(FI) This answer, which has been drafted by the Presidency, and which in itself is not binding on the Council or its members, was not presented orally in Council question time in the part-session held by the European Parliament in Strasbourg in December 2006.

The Council is aware of the many murders of trade union leaders and members in Colombia over the last 10 years. It has repeatedly condemned the murders and urged the Colombian authorities to adopt the necessary security measures.

The European Union made a statement in November 2006 on the ILO Governing Body’s Technical Cooperation Committee in which it urged the Colombian Government and the Social Partners to implement fully the Tripartite Agreement on Freedom of Association and Democracy as well as the agreement made not so long ago by a tripartite working group that defines the mandate of the ILO’s permanent representation. At the same time, the EU encouraged the ILO and its members to support these measures actively.

The Council is still closely monitoring human rights issues in Colombia, also with regard to the key ILO conventions on the rights of workers, and will take action if necessary.
Question no 31 by Edith Mastenbroek (H-1041/06)


A new proposal on the enforcement of Intellectual Property Rights (IPR) is currently on the table (COM(2006)0168 final). This proposal seeks to impose criminal sanctions for the infringement of IPR. At the moment various actors are questioning and debating the proportionality and subsidiarity of the proposal, as Directive 2004/48/EC already exists but is not yet being implemented by all Member States.

Can the Council inform this House which Member States have not yet fully implemented Directive 2004/48/EC and why?

As Directive 2004/48/EC already provides procedures, remedies and civil and administrative measures for the enforcement of IPR, but is not yet fully implemented, so that it has not yet been possible to evaluate the effectiveness of Directive 2004/48/EC to its full extent, does the Council share possible doubts regarding the timing of COM(2006)0168 final? It seems logical that no new legislation should be proposed in advance of full implementation of the existing legislative framework.

Answer

(FI) This answer, which has been drafted by the Presidency, and which in itself is not binding on the Council or its members, was not presented orally in Council question time in the part-session held by the European Parliament in Strasbourg in December 2006.

The Council is presently looking at the amended proposal regarding the European Parliament and Council Directive, to which the honourable Member refers. This is a directive for criminal sanctions with a view to ensuring compliance with intellectual property rights.

At the Justice and Home Affairs Council in October 2006 several Member States said that they hoped that the need for criminal proceedings to protect intellectual property rights at EU level would be examined further from the angle of the principle of subsidiarity. Many Member States also stressed the importance of an appraisal of Directive 2004/48/EC and the judgment of the Court of Justice of the European Communities in case C-440/05, which provides guidance on the Community’s competence in adopting criminal sanctions. Consequently, there has been no continuation of the debate on the proposal for a directive during the Finnish Presidency.

With regard to the implementation and appraisal of Directive 2004/48/EC, the honourable Member should remember that further action on this falls within the competence of the European Commission, and so the Council is unable to answer this question.

Question no 32 by Diamanto Manolakou (H-1042/06)

Subject: Continuation of anti-communism in the Czech Republic

The Czech Senate has decided to establish a special committee which will investigate whether the Communist Party of Bohemia and Moravia is legal. This unacceptable decision in respect of a party which in the June elections won 12.81% of the vote, is represented in the national parliament and has six members in the European Parliament is the last in a long series of anti-communist attacks which have taken place over the last few months in the Czech Republic. These include the recent government decision to ban the actions of the Communist Youth Union of Czechia (KSM) and violent verbal and physical attacks on Communists, in particular the beating up of Jiri Dolejs, the vice-president of the Communist Party of Bohemia and Moravia.

Will the Council condemn these efforts to outlaw the communist party of Bohemia and Moravia and the decision to ban actions by the Communist Youth Union of the Czech Republic? Does it consider that these are actions which are completely contrary to the right of freedom of expression and circulation of ideas and freedom of citizens to organise themselves in political parties and organisations?

**Answer**

(FI) This answer, which has been drafted by the Presidency, and which in itself is not binding on the Council or its members, was not presented orally in Council question time in the part-session held by the European Parliament in Strasbourg in December 2006.

The Council has not discussed this matter, as it does not fall within its competence.

The promotion of human rights, however, is one of the European Union’s priority objectives. The commitment of the Member States of the EU to fundamental rights is also established in the Charter of Fundamental Rights of the European Union. The EU Member States are also members of the Council of Europe and are thus committed to obligations arising from the European Convention on Human Rights.

When the European Fundamental Rights Agency has been set up, it will strengthen the EU’s facilities for monitoring and providing information and so promote fundamental rights.

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**Question no 33 by Piia-Noora Kauppi (H-1045/06)**

**Subject:** Youth research

On November 13 2006, the Council held an exchange of views on the contribution of youth research to a better understanding and knowledge of youth. What were the concrete results of this exchange of views?

**Answer**

(FI) This answer, which has been drafted by the Presidency, and which in itself is not binding on the Council or its members, was not presented orally in Council question time in the part-session held by the European Parliament in Strasbourg in December 2006.

Insofar as any such discussion can be said to have a concrete outcome, the Education, Youth and Culture Council held on 13 November 2006 enabled attention to be paid to many areas where youth research was thought to be capable of promoting understanding and knowledge of youth.

During the discussion there was general agreement both that the development of youth policy depended on whether reliable data, both quantitative and qualitative, would be obtainable through independent research, and that in such research there should be a focus on areas that are important for political decisions in the youth sector. Member States should continue their work to establish a knowledge base for questions pertaining to youth, at the same time focusing too on the priorities mentioned in the European Pact for Youth. If the European Pact for Youth and other priorities on youth policy are to be implemented effectively, a fact-based approach will need to be adopted.

We were also broadly of the opinion that the most effective way to develop and implement a coordinated horizontal youth policy is better organised dialogue between actors in the youth sector. Research into the importance of a youth policy should be carried out in close cooperation with authorities in the field, young people, players actively involved in the youth sector and with youth organisations, taking care that research topics are closely linked to young people’s ordinary everyday lives. To this end, there should be efforts to develop policy, research, youth work and national networks that cover young people.

Several delegations emphasised the importance of the role of the European Knowledge Centre for Youth Policy. The quality and viability of this tool depend, however, on the work of the national contacts that supply it with information and update it. These should therefore be supported in all respects.

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Question no 34 by Rodi Kratsa-Tsagaropoulou (H-1049/06)

Subject: Assessment of the Finnish Presidency in relation to transport policy

Among its priorities for transport policy, the Finnish Presidency attached prime importance to the use and application of the results of logistics systems, particularly in terms of providing logistics services and investment in infrastructure in the developing regions of the EU by promoting Community legislation. Does the Council have an assessment of the practical initiatives and measures taken by the Commission to implement and promote those policies?

At the same time, commitments were made to address matters such as EU external relations in the field of air transport, the third maritime safety package and coastal shipping in the field of sea transport, the third railway package and public rail transport services. What is the final assessment of developments in those fields?

What are the results of the Presidency's efforts to implement the European satellite positioning system, GALILEO?

Answer

(FI) This answer, which has been drafted by the Presidency, and which in itself is not binding on the Council or its members, was not presented orally in Council question time in the part-session held by the European Parliament in Strasbourg in December 2006.

As the honourable Member quite rightly says, it was one of the aims of the Presidency to revive the debate in the Council on the development of freight transport logistics. The Council’s conclusions on the Commission communication entitled ‘Freight Logistics in Europe – key to sustainable mobility’ were adopted at its sitting on 12 December 2006.

In the field of EU external relations in air transport, on 4 December 2006 the Council took a decision to sign the Euro-Mediterranean agreement on aviation and its temporary enforcement with Morocco. In addition, three horizontal agreements were finally adopted with the Maldives, Paraguay and Uruguay during the Finnish presidential term. The Finnish Presidency has been closely monitoring the talks on the air transport agreement with the United States of America (‘Open Sky’) and has made a major contribution to them. In the negotiations between the EU and Russia agreement was reached on charges for Siberian overflights at the EU-Russia Summit on 24 November 2006 in Helsinki. Moreover, on 12 December 2006 the Council agreed that the Commission should be authorised to commence talks with Ukraine on air transport.

On 11 December 2006 the Council adopted a common position on the Port State Control Directive, one of the proposals in the Third Maritime Safety Package. The Finnish Presidency drafted a review of the situation regarding a proposal for a directive on the liability of carriers of passengers by sea and inland waterways in the event of accidents. The review gives an account of the outcome of discussions on the proposal by competent bodies in the Council, and it was presented to the Council on 11 December 2006. The Presidency also initiated a debate on a proposal for a directive on compliance with flag state requirements.

The honourable Member will know that the Council submitted its common positions on the three legislative proposals contained in the third railway package to the European Parliament in September 2006. The Council is now awaiting Parliament’s opinions on the second reading of the proposals. With regard to the regulation on public passenger transport services, the Council intends to confirm its common position on public service obligations as soon as the legal and linguistic amendment to the political agreement has been finalised, after which it will be submitted to Parliament for second reading.

The Finnish Presidency has worked closely with the Commission and the Member States to promote the multi-agency Galileo Programme. Discussions on negotiating the licence agreement are under way. Significant progress has also been made in talks on the budgetary and financial mechanisms which the Community is to establish as part of the public and private sector partnership. In November in Helsinki, the Presidency held a workshop on matters of funding for transport and budget experts. At international level, a cooperation agreement was signed with South Korea and Morocco. Regarding regulation, let me say that on 12 December 2006 the Council adopted Council Regulations amending Council Regulation (EC) 876/2002 setting up the Galileo Joint Undertaking and Council Regulation (EC) 1321/2004 on the establishment of structures for the management of the European satellite radio-navigation programmes.
The Finnish Presidency has also made significant headway with a decision on a location for the Galileo Supervisory Authority. The Member States now have a clear idea about the candidates and they all have at their disposal reference data on the candidacies.

Question no 35 by Paulo Casaca (H-1051/06)

Subject: Mass executions of Arabs by the Iranian regime


Has the Council any information on compliance with this appeal by the Iranian authorities? Can the Council assure the welfare and security of the Arabs Abdullah Suleymani, Abdulreza Sanawati Zergani, Qasem Salamat, Mohammad Jaab Pour, Abdalamar Farjallah Jaab, Ali Reza Asakreh, Majed Alboghubaish, Khalaf Derhab Khudayrawi, Malek Banitamim, Sa'id Saki and Abdullah Al-Mansouri?

Can the Presidency report any favourable developments as regards respect for minorities in Iran, namely the Arab minorities?

Answer

(FI) This answer, which has been drafted by the Presidency, and which in itself is not binding on the Council or its members, was not presented orally in Council question time in the part-session held by the European Parliament in Strasbourg in December 2006.

The Council is aware of the alarming news that some men who belong to the Arab minority in Iran are believed to be in immediate danger of being executed.

The EU has raised the matter with the Iranian Government and the head of the judiciary. The European Union condemns the use of the death penalty and works to abolish it in all circumstances. In Iran’s case, the Council has condemned its use and, in particular, the rise in the number of executions. The EU is constantly taking up this and other urgent human rights issues directly with Iran and in international bodies, especially the United Nations. The EU supported the resolution by the UN General Assembly on the human rights situation in Iran, which was adopted by the Third Committee on 21 November 2006. It appealed to Iran to abolish in law and practice public and other executions, the carrying out of which contravenes internationally recognised safeguards. Furthermore, the Council has appealed to the Iranian authorities that all prisoners should be assured the possibility of legal assistance.

With regard to the Arab minority, the Council has raised the issue of discrimination against minorities living in Iran, including ethnic minorities, directly with Iran, though also via the UN. The UN resolution that I have referred to urges Iran to abolish in law and in practice all discrimination against minorities, such as the Arabs, so as to ensure that they have the same equal opportunities for education as all other Iranians and that these matters are dealt with openly in full cooperation with those minorities.

The Council continually monitors the human rights situation in Iran and regards it as regrettable that the human rights situation there, including that of minorities, has worsened. The Council has appealed to Iran on many occasions to ensure that its human rights obligations are implemented.

The Council had expected a round of talks on human rights between the EU and Iran, which was meant to take place in December. Despite the mutual agreement, Iran decided in the end not to engage in dialogue. The EU is still keen to start talks and is continually raising urgent human rights cases with the Iranian authorities, an example of which is the case now before us. In its relations with Iran, the EU still focuses its main attention on concerns over human rights.
Question no 36 by Laima Liucija Andrikienė (H-1052/06)

Subject: Assessment of the outcome of the 22nd round of the EU-China dialogue on human rights

How does the Council assess the outcome of the 22nd round of the EU-China human rights dialogue which took place in Beijing on 19 October 2006?

Answer

(FI) This answer, which has been drafted by the Presidency, and which in itself is not binding on the Council or its members, was not presented orally in Council question time in the part-session held by the European Parliament in Strasbourg in December 2006.

The 22nd round of the EU-China dialogue on human rights was held in Beijing on 19 October. At the meeting, special attention was paid to the fight against racism, freedom of speech and the reform of China’s criminal justice system. The answers to some key problems in China were partly unsatisfactory, especially regarding the ratification of the Internal Covenant on Civil and Political Rights (ICCPR) and the reform of the ‘Re-education Through Labour’ (RDL) system. Despite repeated requests, the timetable for ratifying the ICCPR is still not available. The EU urged China to continue cooperating with the UN Special Rapporteur on Torture and to implement his recommendations. There was a lengthy discussion on his visit and report.

The Council is still deeply concerned about the continuing restriction on freedom of speech in China, which extends to use of the internet, and it mentioned this to China as well. The EU also expressed its concern about the large number of defenders of human rights, lawyers and journalists in jail, and urged China not to harass or punish people who peacefully exercise their right to freedom of speech.

During the discussions, China presented in closer detail some of the advances it had made recently in the area of legal reform. It said that there had been results under the Chinese Supreme Court’s Second Five-Year Reform Plan in several areas. These included reforming the system of court adjudication committees and the system of criminal evidence, attempts to reform the prison system and extend the practice of individual investigations, improvements to the advisory and legal aid system, public hearings in cases where the death penalty is being considered in a court of second instance, sound or video recordings of hearings to prevent torture, avoidance of overlong detention periods through better supervision mechanisms and smoother reporting channels, the protection of farmers’ rights and improvements to legislation on the right to work, and the protection of the rights of vulnerable population groups, including opportunities for the partially abled and disabled for rehabilitation and work.

In the talks the EU raised several issues relating to UN mechanisms, including the possibility of enhancing the status of the Office of the UN High Commissioner for Human Rights in China. According to China, the UN Human Rights Council should work this year primarily to develop the new Council structures and not pass resolutions on individual countries.

Other matters discussed included the recent incident on China’s frontier with Nepal, when Chinese soldiers opened fire on a group of Tibetans who were trying to cross the border. The EU asked for an investigation and requested China to investigate the case thoroughly.

To support the dialogue, a legal seminar was once again organised between European and Chinese researchers. The work groups in the seminar examined issues connected with workers’ rights and access to information. Their recommendations were discussed in the official dialogue.

The next human rights dialogue round will be held during the German Presidency in spring 2007.
QUESTIONS TO THE COMMISSION

Question no 43 by Diamanto Manolakou (H-1043/06)

Subject: Reactions of Greek fishermen

The entry into force of Regulation (EC) No 1281/2005 (11) has caused anger and indignation among small and middle-sized fishermen in Greece. The conditions laid down for the renewal of licences, which include the provision of a statement by the fisherman concerning the main fishing gear he uses, are unrealistic since fishing gear is used on a seasonal basis and no distinction can be made between main and subsidiary gear. The long-term aim of the new regulation to restrict fishing to one type of fishing gear only will significantly reduce the fishing capacities and incomes of medium-sized fishermen, to the benefit of major fishing undertakings which will be left to pillage Greece's rich fishing resources.

What measures does the Commission intend to take to amend Regulation (EC) No 1281/2005 so as to remove the requirement that fishermen should declare their main fishing gear in order to renew the fishing licence?

Answer

(EN) In reply to the Honourable Member’s question concerning Commission Regulation 1281/2005 on the management of fishing licences and the information to be contained therein, the Commission would like to clarify its position.

Among the information to be contained in the licence, Member States have to include the main fishing gear and the secondary fishing gear, where the latter exists. It is, however, clear both from the title of the Regulation, as well as from the title of Article 5 and from the Annex to this regulation, that this information is the minimum information that is required by Community law. It, therefore, follows, that those Member States, whose fishermen are allowed to use more than two fishing gears, as it is the case with Greece, may include additional gears in the licence. There is no limitation on the number of additional gears to be included.

The regulation specifies that one gear has to be qualified as the main one, but it does not specify the criteria on the basis of which this is to be done by Member States. The latter are, therefore, free to define as main gear those which they consider to be the most important in terms of the fishing effort exerted or on the basis of other criteria. If all the gears used by a particular boat are considered equally important, any one of them may be reported as main gear. In any case the qualification of a gear as main gear has no fisheries management implications under Community law.

Question no 44 by Rodi Kratsa-Tsagaropoulou (H-1050/06)

Subject: Protection of the Mediterranean and Green Paper on maritime policy

In its Green Paper (12) entitled ‘Towards a future Maritime Policy for the Union: a European vision for the oceans and seas’ the Commission emphasises that a healthy marine environment can only be achieved if the most serious threat to it, most of which (80%) take the form of land-based pollution or operational discharges from vessels can be brought under control. A recent MEDPOL (Mediterranean Pollution Programme) report left no room for doubt that ‘land-based sources’ such as oil refineries, industrial effluent, fertilisers etc. are constantly increasing pollution levels in the Mediterranean, which is the recipient for millions of tonnes of toxic discharges each year (from 9400 factories, refineries etc.).

The third Euro-Mediterranean interministerial environmental meeting of 20 November 2006 in Cairo stressed the need for environmental protection of the Mediterranean coastline and inshore waters and

for coordinated measures covering the entire Mediterranean. In view of this, will the Commission, in the context of deliberations regarding the Green Paper on maritime policy, consider initiatives to heighten awareness and promote coordinated efforts in partner countries to prevent marine pollution in the Mediterranean? What does it think of policies implemented to date and the results thereof? Does it agree that the existing European Pollutant Emission Register (EPER) covering the twenty-five Member States, which is to be integrated into the European Pollutant Release and Transfer Register, should, in this context, be extended to include the Mediterranean partner countries also? Is it envisaging the institutional coordination of policies affecting shipping and maritime policy (environment, transport, fisheries, industry, energy), extending also to Euro-Mediterranean cooperation?

**Answer**

(EN) The Green Paper on an EU Maritime Policy seeks, to examine the economic activities of Europeans operators which are linked to, or impact on, the oceans and seas, and the policies dealing with them, with a view to finding better ways of enabling Europeans to derive more – and sustainable – benefit from the oceans. We believe that Europe should look at the oceans and seas in a holistic and cross-cutting manner, thus eventually stimulating growth and jobs in accordance with the Lisbon agenda in a sustainable manner and one that ensures the protection of the marine environment.

A Maritime Policy is important if we are to act decisively and preserve, the resource base upon which all maritime economic activities are built. This means that we have to ensure that the development of ocean uses and maritime activities do not undermine the marine environment. In this context, it is also worth nothing that the Commission has recently put forward a Marine Thematic Strategy, including a proposal for legislative action. This Strategy is one of the pillars upon which any maritime policy for the Union must rest and this principle has been made clear in the Green Paper. Furthermore, the recently adopted Third Maritime Safety Package is expected to make a substantial contribution to maritime safety, thus securing the marine environment from pollutant activities of vessels.

European policies on the marine environment need a general framework within which to operate, and at the same time implementation of such policies will need to take account of the realities of Europe’s geographical situation. The Thematic Strategy for the Marine Environment proposes an ecosystem-based regional planning. It encourages Member States to cooperate within the framework of Marine Regional Conventions which, in the Mediterranean basin, is that laid down by the Barcelona Convention. In addition, the Green Paper underlines that, where appropriate, Member States should use existing regional organisations whose activities impact on maritime activities, such as the Barcelona Process for the Mediterranean. Moreover, it points out the need for joint cooperation between Member States and non-EU countries for developing and implementing strategies at regional level.

This is of particular importance to the Mediterranean basin. The Mediterranean Action Plan has contributed to the development of the Marine Thematic Strategy, and, as a confirmation of the necessity for enhanced cooperation, a EURO-MED workshop on the Green Paper is currently planned for the first semester of 2007 with the aim to identify problems and stimulate a dialogue between maritime related actors in an integrated manner.

The policies and measures regarding the protection of the marine environment are many. On the one hand, given the complexity of the marine environment itself and of the human activities impacting upon it, a shift towards holistic and integrated policies is needed. On the other hand, when causes of concern have been identified and assessed, there is no reason to delay the definition and the implementation of adequate policies and measures tackling them in specific areas.

Thus, the holistic approach adopted in both the Marine Strategy and the Green Paper aim at abolishing the current fragmentation among the different maritime policy areas, which makes it difficult to comprehend the potential impact of one set of activities upon others. Hence, for instance, the fact that almost 80% of ocean pollution results from land-based human activities means not only that ocean problems cannot be viewed in isolation from one another, but they also cannot continue to be viewed in isolation from what happens on land or in the atmosphere.
In the Mediterranean context, the Annex\(^{(13)}\) to the Commission Communication establishing an environment strategy for the Mediterranean\(^{(14)}\) stated that whilst the Horizon 2020 initiative will pursue pollution reduction projects in the 3 priority sectors\(^{(15)}\) responsible for up to 80% of the pollution in the Mediterranean Sea, "other pollution such as that originating from ships should also be addressed as soon as possible."

To streamline efforts at the national level, a common harmonised database of major pollution sources would be of importance for further evaluations, impact assessments and decision-making in the Mediterranean area. A big part of the pollution emitted into the Mediterranean Sea is already reported under the European Pollutant Emission Register (EPER) and, beginning in 2007, under the European Pollutant Release and Transfer Register (PRTR), which implements the UNECE\(^{(16)}\) PRTR Protocol. Apart from the EU Member States, Croatia and Albania will in future report according to the the UNECE PRTR Protocol. Other partner countries are not bound by EU or UNECE provisions and are therefore not obliged to report according to the provisions of the European PRTR/UNECE PRTR Protocol. Given the advantages of a common harmonised database they should however be encouraged to do so on a voluntary basis.

The importance of co-operation with the Mediterranean countries is duly taken into account in the Green paper on EU Maritime Policy. The already existing cooperation, however, needs to be underlined as well.

In this respect, attention has to be given to co-operation with REMPEC\(^{(17)}\), a UNEP\(^{(18)}\)/IMO\(^{(19)}\) body responsible for the implementation of the maritime related part of the Barcelona Convention and, in particular, to the SAFEMED\(^{(20)}\) project, a multi-country 3 year assistance project under the MEDA programme, which started in January 2006. SAFEMED aims to bridge the gap between the implementation of the international IMO rules on maritime safety and the prevention of pollution from ships by the non EU Mediterranean countries and the implementation of these rules by the EU Member States on the basis of an important set of EU Regulations and Directives.

The Euro-Mediterranean Process also offers the possibility to pursue cooperation at regional level and such collaboration is already underway between environment ministries and there are now also annual meetings of the Euro-Mediterranean Water Directors. Whilst under Euro-Mediterranean cooperation no specific mechanism is foreseen for shipping, integration of environmental concerns into other sectors is one of the basic aims of the Euro-Mediterranean process. The conclusions of the Foreign Ministers' meeting in Tampere on 27/28 November 2006 "underline the importance of integration of environmental concerns into other relevant sectors in order to contribute to the development of sustainable production and consumption across the region."

It should be also noted that the activities carried out under SMAP III (i.e. the 3\(^{rd}\) Regional Environment Programme for the Mediterranean), support measures have been put into place in order to help Mediterranean Partner countries to improve their efforts towards integrating environmental considerations into their national policies and strategies in a wide range of sectors. Integrated coastal zone management is also encouraged through a number of concrete demonstration projects. Both types of actions should contribute to addressing the overriding issue of the protection of the Mediterranean sea.

EU institutional coordination mechanisms exist for the development of all policies, not just those related to shipping, and will continue to be used. With this in mind and given that a number of Mediterranean partners have strong maritime interests, cooperation with these partners in the form of a coordinated

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\(^{(15)}\) Urban waste water, municipal waste, industrial emissions

\(^{(16)}\) UNECE: United Nations Economic Commission for Europe

\(^{(17)}\) REMPEC: Regional Maritime Pollution Emergency Response Centre for the Mediterranean Sea

\(^{(18)}\) UNEP: United Nations Environment Programme

\(^{(19)}\) IMO: International Maritime Organization

\(^{(20)}\) SAFEMED: a project for the Euro-Med Cooperation on Maritime Safety and Prevention of Pollution from Ships
Maritime Affairs dialogue is in the EU’s interest, particularly in the context of the development of an integrated approach to Maritime Affairs in the EU.

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**Question no 45 by Laima Liucija Andrikienė (H-1053/06)**

**Subject: Influence of fishing quotas on the fishery industry in Lithuania**

Fishing quotas for Lithuania are so low that fishing companies may have a profit from a maximum of 25 ships, all others have to be sawn up as not profitable. Last year in Lithuania 20 fishing ships were sawn up this year at least 11 ships. Therefore, Lithuania at the moment has only 34 fishing ships in its fleet and obviously the process of sawing up ships will continue next year. Even though the EU pays more than 1 million litas for each sawn up ship, as a consequence of the low fishing quotas the Lithuanian fleet navy will be destroyed. Does the Commission foresee a possibility to increase fishing quotas for Lithuania in order to save its fishery industry and to preserve a long tradition of fishery in the Baltic Sea?

**Answer**

(EN) The main objective of the Common Fisheries Policy is to balance fishing activities with the available natural resources, and therefore to make the best use of fish stocks in a sustainable manner.

The Commission is responsible for proposing the overall Total Allowable Catchs (TACs) at Community level. The basis for this is the scientific advice on the status of the stocks and the respective catch options that can be foreseen as being sustainable. The TACs are then agreed in the Council and national shares are allocated to the Member States, based on the "relative stability" principle, which has been agreed to by all Member States.

An increase of the Lithuanian fishing quota is therefore only possible if the status of the stocks allows for an overall increase in the Community TAC. For the Baltic, the October Council has increased the overall catch options for 2007. Where TACs have been reduced, Member States have agreed to do so in light of the need to recover the stocks concerned, in order to ensure that the fishing on stocks like the Eastern cod stock can continue in the long-run.

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**Question no 48 by Philip Bushill-Matthews (H-0994/06)**

**Subject: Next steps for Working Time Directive**

Following the latest failed round of negotiations on the Working Time Directive (93/104/EC\(^{(21)}\)), can the Commission describe its future plans, particularly given that 23 out of 25 countries are now ‘illegally’ running their national health services? Does it recognise that the majority of countries want a more flexible solution and that for the Directive to be truly considered health and safety law, the focus should be on guaranteeing rest time rather setting an upper limit for working time?

**Answer**

(EN) The Commission is presently considering how best to proceed regarding Working Time, following the outcome of the recent Council meeting on 7\(^{th}\) November.

The Commission will take account of the views expressed by the Parliament and the Council, who are co-legislators on this issue, in order to assess the chances of an agreement on the basis of the current proposal.

Should it become evident that such agreement will no longer be possible, the Commission will not hesitate to draw the appropriate conclusions and to take whatever measures are needed in order to ensure that Community law is respected.

The Honourable Member is well aware that the current Working Time Directive already contains provisions guaranteeing rest time, on a daily, weekly and annual basis. However, the Directive also sets upper limits for working time. In fact, the Parliament's own plenary report on this legislative proposal (22) insisted on setting stricter upper limits to working time, by quickly abolishing the opt-out which is the main exception to the upper limit already fixed by the Directive (48 hours per week, averaged over a reference period).

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Question no 49 by Dimitrios Papadimoulis (H-1001/06)

Subject: Decision of the Plenary of the Court of Auditors (Greece)

The Hellenic Court of Auditors ruled on 8 November 2006 that the civil courts were not competent to determine the nature of an employment relationship and, therefore, did not accept final decisions in favour of workers converting their contracts into contracts of indefinite duration. This decision quashes final judgments handed down by courts of higher instance in favour of the workers and renders futile any appeal by workers to the Greek courts in pursuance of the application of Directive 1999/70/EC (23).

The European Court of Justice has stressed in Case C-212/04 that, pursuant to Directive 1999/70/EC, 'the application of national legislation which, in the public sector alone, prohibits absolutely the conversion into an employment contract of indefinite duration of a succession of fixed-term contracts that, in fact, have been intended to cover 'fixed and permanent needs' constitutes an abuse. Does the Commission, therefore, consider that the decision of the Hellenic Court of Auditors, which essentially removes workers' legal protection, is consistent with the principles of the European Union?

What measures will the Commission take to ensure that this decision, which contravenes the letter and the spirit of Directive 1999/70/EC, is reversed?

Answer

(EN) Directive 1999/70/EC on fixed-term work (24) requires Member States to adopt measures to prevent abuse of successive fixed-term contracts. Member States, however, are not required to convert fixed-term contracts into open-ended contracts as long as there are other effective measures to prevent abuse.

It follows that the refusal of the Greek audit authority to execute court decisions on conversion of fixed-term contracts into open-ended contracts does not in itself imply a failure to apply the Directive. However, if the general courts in Greece have found that the only effective remedy available in a particular case is the conversion of the fixed-term contract, the refusal to execute such a decision would raise an issue as regards the application of Directive 1999/70/EC insofar as the a case is covered by the Directive.

The Commission is currently examining the recent developments in this matter and may, for this purpose, have to ask the Greek authorities for further information. Such an examination will enable the Commission to make an informed assessment of the system put in place in Greece in order to ensure application and enforcement of the national legislation transposing Directive 1999/70/EC.

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(23) OJ L 175, 10.7.1999, p. 43.
Question no 50 by Proinsias De Rossa (H-1020/06)

Subject: Bullying and harassment at work

In response to Oral Question O-0076/03, on 14 January 2004 the Commission rejected my colleague Stephen Hughes' claim that nothing was being done by the Commission to protect workers from bullying and harassment at the workplace, saying 'We have put the matter on the agenda for 2004'.

Will the Commission now comment on recent research by the European Foundation for the Improvement of Living and Working Conditions, which records that 5% of EU workers have experienced violence at work – while as many as 10% of workers in the Netherlands, 9% of workers in France and the UK, and 8% of workers in Ireland report such abuse? Can the Commission now state when and how it intends to progress this matter and offer workers real protection from abuse?

Answer

(FR) The Commission regards the protection of workers' health and safety against all forms of violence at work, including psychological harassment, as extremely important.

In its communication ‘Adapting to change in work and society: a new Community strategy on health and safety at work 2002-2006’ (25), the Commission announced that it would 'examine the appropriateness and the scope of a Community instrument on psychological harassment and violence at work'.

On 23 December 2004, the Commission adopted the document concerning the first phase of consultation of the social partners on violence at work, under Article 138(2) of the Treaty. This consultation aimed to gauge the opinion of the social partners on the protection of workers’ health and safety against all forms of violence at work, including psychological harassment.

In response to this consultation, the social partners have informed the Commission of their intention to launch a negotiation process with a view to negotiating a voluntary agreement at European level in this area. In fact, this negotiation process began in February 2006 and should continue until the end of 2006.

The Commission will examine all the issues arising from the negotiation process between the social partners, and, where appropriate, the results of introducing any agreement at European level, before deciding whether other initiatives are needed in this area.

In any case, the Commission would like to draw the attention of the honourable Member to the fact that Framework Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work (26) already covers all risks at work, including psychological nature such as harassment. 

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Question no 51 by Nils Lundgren (H-1031/06)

Subject: Directive on working time

The Swedish media have reported that disabled elite athletes risk being adversely affected by the EU directive on working time (2003/88/EC) (27). That directive stipulates that an employee is entitled to at least 11 hours' rest per 24-hour period and a minimum uninterrupted rest period of 36 hours per week. In order to meet these requirements, a disabled person needs three personal assistants to carry out a week's training, which entails considerable additional costs, particularly if the training takes place abroad. The Swedish Minister for Employment, Sven Otto Littorin, has stressed that he will try to find a solution whereby disabled people are not adversely affected by the directive on working time. The Swedish Municipal Workers' Union is resigned to the fact and claims that there is nothing it can do to avoid the directive adversely affecting disabled athletes.

(25) COM (2002) 118 final
(26) OJ L 183 of 29.6.89
Are the Swedish media correct in saying that the directive is to be interpreted so strictly that it may have the abovementioned consequences for disabled elite athletes?

**Answer**

(EN) It is not possible to comment on the exact requirements of the Working Time Directive as regards the specific situation of personal assistants required to provide support to professional disabled athletes travelling abroad, without more detailed information than is provided by the Honourable Member.

In general terms, the Working Time Directive\(^{(28)}\) sets out minimum requirements to protect the health and safety of workers, particularly against the health risks which can arise from excessive working hours. Among these are the requirements for a minimum of 11 consecutive hours' rest in each 24 hours and for 24 hours' uninterrupted rest in each 7 days.

The Directive allows for derogations from these requirements in a range of situations. These include three which might be relevant to the situation mentioned by the Honourable Member: derogations by collective agreements, or where a worker is working at a distance from their residence or normal workplace, or in activities which require continuity of service. Such derogations are subject to the Directive's overall requirement of ensuring compensatory rest periods sufficient to avoid fatigue which risks causing injury to fellow-workers or to others, or causing injury or short- or long-term health damage to the worker concerned.

The Court of Justice has interpreted the Directive, notably in Jaeger, C-151/02, as requiring two further conditions which could be relevant in the situation mentioned by the Honourable Member. Firstly, any time spent on call at a place dictated by the employer may not be taken into account in calculating rest periods, even if the worker is not actively working during the whole of the on-call period. Secondly, compensatory rest breaks in the context of derogations must, according to the Court, be taken 'immediately after' the working time which they are supposed to counter-act.

The Directive does refer to situations where it is objectively impossible to provide compensatory rest breaks, in which case alternative protective measures could be substituted. Depending on the facts, this provision might allow for flexible arrangements in the situation mentioned by the Honourable Member.

In order to clarify the Directive's legal requirements in situations such as that raised by the Honourable Member, the Commission made a legislative proposal in 2004\(^{(29)}\) to amend the Working Time Directive. Under the Commission's proposal\(^{(30)}\), only active on-call time would be considered as effective working time, and compensatory rest breaks would not need to immediately follow the period worked, but would follow within a reasonable period to be determined by national legislation, by collective agreement or by agreement of the social partners. The Commission regrets that the Council has so far been unable to reach agreement on this legislative proposal.

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**Question no 52 by Georgios Toussas (H-1034/06)**

**Subject: Organisation of working time**

The Finnish Presidency's initiative to amend Directive 2003/88/EC\(^{(31)}\) on the organisation of working time contains the term 'the inactive part of on-call time' which, according to employers, is not considered working time even though workers are obliged to remain at the workplace and at the disposal of the employer! This initiative maintains the opt-out clause, calculates working time on a 12 monthly basis, abolishes any upper limit for daily and weekly working time and, by extension delivers a body blow to collective employment agreements and the social rights of workers. Twenty-three of the twenty-five Member States already violate the anti-labour Directive 2003/88/EC but also the judgements of the European Court of Justice and the courts generally which recognise on-call time as working time, as

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\(^{(29)}\) COM (2004) 607  
\(^{(30)}\) As modified (COM (2005) 246) following the Parliament's report.  
Commissioner Špidla admitted, citing as an example in Greece junior doctors and employees of department stores belonging to employers' groups. This is a heavy blow to the rights of workers.

Bearing in mind the mass mobilisation of workers against such measures does the Commission intend to abolish flexible forms of employment and the opt-out clause and to regulate the fixed daily working time of workers on a 7 hour, 5 day, 35 hour basis?

Answer

(EN) The Commission does not share the interpretation given by the Honourable Member to the compromise of the Finnish Presidency. As far as the Commission is concerned, the Finnish Presidency's proposal constituted a solid basis for a compromise in that it recognised the exceptional nature of the opt-out and defined strict conditions to the use of the opt-out.

Regarding daily and weekly working time in the Working Time Directive, the compromise always maintained the existing limits (including a minimum of 11 hours' continuous rest per day and a maximum average working week of 48 hours including overtime) and there was never any suggestion that these would be changed under the Presidency's proposal.

Regarding the opt-out, the Commission's report in 2003 already noted the negative impact of long working hours on health and safety and concluded that the opt-out 'could put at risk' workers' protection. It also noted that there were difficulties in practice in ensuring that real guarantees were provided for opted-out workers. The Commission's amended proposal, moreover, proposed that the opt-out would no longer be available after a three year period, unless Member States could secure the Commission's agreement to extension for specified reasons. Nevertheless, in the very lengthy negotiations in Council to date, it has not proved possible to secure any agreement in favour of clearly phasing out the opt-out.

The Commission does not intend to propose legislation to reduce average working time to a maximum of 35 hours per week. Such measures may, of course, be adopted by collective agreements or by national legislation.

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Question no 53 by Alejandro Cercas (H-1035/06)

Subject: Directive on working time

On 7 November 2006 the Council of Employment and Social Affairs Ministers failed in its attempt to reach an agreement on Directive 93/104/EC concerning working time. At that Council meeting it was forgotten once again that the European Parliament is firmly in favour of phasing out the opt-out, since health and safety are paramount and Europe cannot be built on the basis of unfair competition between Member States.

Why does the Commission not clearly advocate phasing out the opt-out and support the Member States which are most committed to the principle whereby rules governing social matters must be applied to all the Member States without exception? Furthermore, why in the search for an arrangement applicable to on-call time does the Commission not take the lead and - with due respect for the Community acquis - seek an arrangement through a process of social dialogue at either EU or Member-State level?

Answer

(EN) The Commission has been fully conscious of the position of the Parliament regarding the revision of the Working Time Directive, as shown by its efforts to achieve a balanced solution which is capable of being acceptable to both the Council and the Parliament.

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(32) COM (2003) 843
Regarding the opt-out, the Commission's report in 2003\(^{(35)}\) already noted the negative impact of long working hours on health and safety and concluded that the opt-out 'could put at risk' workers' protection. It also noted that there were difficulties in practice in ensuring that real guarantees were provided for opted-out workers.

The Commission's amended proposal of 31 May 2005\(^{(36)}\) proposed a number of guarantees for opt-out workers, aimed at reducing or preventing such negative impact. It also proposed that the opt-out would no longer be available after a three year period, unless Member States could secure the Commission's agreement to extension for specified reasons. Nevertheless, in the very lengthy negotiations in Council to date, it has not proved possible to secure any agreement in favour of clearly phasing out the opt-out.

Regarding on-call time, the Commission recalls that the European social partners were consulted twice on the present revision of the Working Time Directive, but did not indicate their wish to resolve these issues by themselves concluding an agreement. The Commission's amended proposal, nevertheless, would afford an extensive role to collective agreements, or agreements between the social partners at national level, regarding the treatment of on-call time.

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**Question no 56 by Sajjad Karim (H-0967/06)**

**Subject: Alcohol harm reduction strategy**

Europeans consume the largest volume of alcohol per capita in the world and alcohol has an adverse impact on the European economy amounting to EUR 125 billion every year. The negative impact of alcohol related harm is a significant contributor to ill health and to inequalities gaps in life expectancy. The impact on families and social networks is hard to quantify in cost terms, but the evidence is seen in the numbers of children affected by parental alcohol problems and domestic violence.

Does the Commission agree that Article 152(1) TEC, which states that 'A high level of human health protection shall be ensured in the definition and implementation of all Community policies and activities' gives rise to an obligation to ensure that policies are put in place to enable alcohol harm reduction and therefore ensure a high level of health protection? What work has the Commission carried out, or does it plan to carry out, in this regard in the future? Is the Commission prepared to publish an EU alcohol harm reduction strategy?

**Answer**

(EN) Alcohol-related harm is a key public health concern across Europe. In fact, reducing the harmful use of alcohol across the EU would contribute to the European Council’s Lisbon objective of more Healthy Life Years for All.

Although most Member States have taken actions in this respect, the level is still unacceptably high. Harmful alcohol consumption is estimated to be responsible for almost 200,000 deaths each year – alcohol is responsible for 25% of deaths of young men between 15 and 29.

Article 152 clearly gives the Community the competence and responsibility to support Member States to reduce alcohol-related harm. According to Article 152, the Community has the obligation to contribute to the achievements of the public health objectives and furthermore, Community action should complement national policies and be directed towards improving public health, preventing human illness and diseases, and obviating sources of danger to human health. This has been the guiding principle in the EU’s public health work on alcohol.

The Commission has, on 24 October, adopted a Communication on a European strategy to support Member States in reducing alcohol-related harm.

The Communication examines the issue of reducing alcohol related harm comprehensively, while at the same time being clear about the roles and limits of competence of different actors. The Commission’s

\(^{(35)}\) COM (2003) 843

\(^{(36)}\) COM (2005) 246
main contribution will be to complement national strategies, encourage cooperation and coordination between Member States, to facilitate the dissemination of good practice across the EU.

The Communication covers five priority themes: protecting children and adolescents, addressing drink driving, preventing harm among adults and at the workplace, information, and building the evidence base.

In order to implement the strategy, the Commission intends to create an Alcohol and Health Forum by June 2007, to support, provide input and monitor the implementation of the strategy. This would include and engage both Member States and stakeholders. Moreover, the Commission will set up a group of stakeholders for co-operation on responsible commercial communication and sales.

The Commission is now looking forward to discussing the Communication with Parliament and its position on it. The Council adopted during the EPSCO\(^{(37)}\) Council of 30 November very supportive Conclusions.

Combating alcohol-related harm is a key public health priority which needs to be addressed across government and society. The Commission is ready to play its role in this important work.

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**Question no 57 by Panagiotis Beglitis (H-0980/06)**

**Subject: World avian influenza pandemic**

On 23 October 2006, the World Health Organisation published a new action plan to combat a world avian influenza pandemic. Its objective is to increase the quantities of vaccines available in order to meet more effectively the great demand that will arise in the event of a pandemic. Even though the World Health Organisation reports that there are still no signs of an immediate risk of an influenza pandemic, it has warned that there will be a severe shortage of billions of vaccines in the event that one does occur.

Bearing in mind that the action plan will begin to produce results in 3-5 years' time and that it will cost up to $10 billion, what measures will the Commission take following the publication of the above action plan? What plans are there for cooperation with the European pharmaceutical industries in response to any possible pandemic? What measures have the Member States taken to protect their citizens in the event of an emergency?

**Answer**

(EN) The recently published World Health Organisation (WHO) action plan, referred to by the Honourable Member, identifies 3 main mechanisms to increase vaccine supply:

Developing a policy to increase the demand for seasonal vaccines,

Increasing the influenza vaccine production capacity,

Promoting research and development for influenza vaccines.

In April 2005, the Commission published a position paper called ‘Towards sufficiency of pandemic influenza vaccines in the EU’\(^{(38)}\) outlining a public-private partnership between the public sector and the vaccine industry. One of the proposed public sector contributions is a firm commitment by all EU Member States to increase seasonal influenza vaccine coverage in line with World Health Assembly Resolution 56.19. This resolution recommends influenza vaccination coverage of 75% of people at risk by 2010.

In a resolution adopted in 2005, the Parliament also urged the Member States to increase the vaccination coverage in line with the World Health Assembly Resolution.

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\(^{(37)}\) Employment social policy health consumers

The Commission is pleased to inform the Honourable Member that many Member States have in the meantime increased, and continue to increase, their seasonal influenza vaccination coverage.

With regard to increasing production capacity, the Commission has signed a contract for a project that undertakes concrete actions in the framework of a public-private partnership. The European Medicines Agency (EMEA) has also developed guidelines for industry on new technologies that boost production capacity.

In addition, projects on research and development of new influenza vaccines and on increasing production capacity are funded by the Commission via the Framework Programme. In the 6th Framework Programme, €16 million extended by another €28.3 million were spent on projects in the area of avian and pandemic influenza.

The proposed public support to industry as outlined in the public-private partnership could potentially save 2 – 3 months in having a vaccine available for public use.

In addition, the European Medicines agency (EMEA) has established a procedure for fast track approval of pandemic vaccines as well as a fee waiver for the submissions of such registration dossiers.

On the measures that the Member States have taken to protect their citizens in the event of a pandemic, the Commission is pleased to see that all EU Member States have in the meantime developed a national pandemic preparedness and response plan. Careful preparedness and response planning as well as interoperability of the national plans are of key importance in protecting EU citizens.

The Commission is working closely with the European Centre for Disease Prevention and Control (ECDC) and WHO Europe in assessing national pandemic preparedness plans through country visits.

Both Romania and Bulgaria have pandemic influenza preparedness plans. As already done for the majority of the EU-25 Member States' plans, ECDC is planning assessment visits to Romania and Bulgaria (second half of 2007) to ensure interoperability and to identify any gaps that may exist.

In addition, Member States are stockpiling antivirals as a first line of defence before pandemic vaccines become available. Most countries will reach their target antivirals coverage by the first quarter of 2007.

In conclusion, it is clear that the Commission, together with all the stakeholders, has been pro-actively pursuing the recommendations identified in WHO’s action plan. The Commission maintains a continuous dialogue with all stakeholders, including the pharmaceutical industry. As the influenza pandemic virus knows no national borders, the Commission’s initiatives aim at coordinating the Member States’ actions to optimally protect their citizens in the event of a pandemic.

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Question no 58 by Zbigniew Krzysztof Kuźmiuk (H-0990/06)

Subject: Embargo on Polish exports to Russia

The embargo on exports of plant and animal products to the Russian market has remained in force for almost one year, despite the fact that during that time the Polish Government has fulfilled all the product safety requirements laid down by the Russians. On several occasions, the Commission has given assurances that it would help secure the lifting of the embargo on exports of Polish food products to Russia. Given the utter failure of the Commission’s efforts so far, will it raise this matter during the forthcoming EU-Russia Summit in November?

Answer

(EN) From the outset the Commission has been actively involved in seeking solutions to Russia’s embargo on Polish meat and plant product exports.

The Commission has raised the issue with the Russians on several occasions, both at technical and political level. Russia has maintained that there continue to be problems in Poland and as long as these problems are not solved the bans will remain in place.

Therefore, the Commission has organised, in agreement with Poland, fact finding missions to verify on the spot whether there remains any justification for the Russian concerns.
The most recent mission of the Commission’s experts to Poland in November noted improvements compared to the situation last July although a few issues remain to be better addressed by the Polish authorities.

These issues do not justify the complete ban on Polish exports but it is of utmost importance that the Polish authorities continue their efforts to correct them as soon as possible.

This should help the Commission to convince Russia that no justification remains for Russia to maintain the ban.

When raising the issue with Mr Putin at the EU-Russia Summit in November, the President of the Commission stated that the Russian ban is disproportionate and called for it to be lifted.

He also proposed trilateral talks between Poland, Russia and the Commission with the aim of resolving the issue.

The Commission shall continue its efforts until a satisfactory solution is achieved.

* * *

Question no 59 by Hélène Goudin (H-0993/06)

Subject: EU regulation on foodstuffs

Non-profit-making associations and churches in Sweden have expressed their concern that, in practice, the EU's new Regulation (EC) No 852/2004\(^{(39)}\) on foodstuffs means that they must bake bread and cakes in inspected and approved kitchens and be subject to controls by food inspectors. I have previously tabled a question (P-3868/06) to the Commission concerning the Swedish authorities' application of the regulation on foodstuffs. The Commission's answer does not make the situation entirely clear. The Commission notes that premises where food is handled, prepared, stored or served occasionally and on a small scale are not subject to the requirements of the regulation on foodstuffs. The interpretation of the terms 'occasionally' and 'on a small scale' is therefore crucial in determining whether an activity is allowed or not. The Commission stresses that it is a matter for the national authorities to interpret these terms. The Commission's interpretation, however, takes precedence over that of Member States' national authorities. The Swedish National Food Administration considers that an activity should be regarded as continuous (and therefore covered by the regulation on foodstuffs) if it is carried out more than a few times a year.

Does the Commission consider that to be the correct interpretation? Can the Commission say in plain language whether a church or non-profit-making association which sells bread and cakes to the general public every week may continue with that activity without having to comply with the extensive requirements laid down in the foodstuffs regulation?

Answer

(EN) The Commission considers that an activity taking place on a frequency of more than once a month throughout the year would be covered by Regulation (EC) No 852/2004 on the hygiene of foodstuffs; irregular activities with no fixed frequency, or a frequency of 3 or 4 times a year, would however not be covered.

The event described is local, does not have an impact on trade and falls within the scope of subsidiarity. It is up to the competent authorities to interpret the notions of ‘small scale’ and ‘occasional’. The interpretations should take into account a risk analysis of the food produced (i.e. type of food produced, quantities, target group and other relevant parameters) and the general principle of proportionality. The Commission cannot, therefore, state what position the Swedish competent authorities should take in this particular case.

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Question no 60 by Gay Mitchell (H-1005/06)

Subject: Suicide

What is the Commission doing to combat the societal problem of suicide?

Answer

(EN) The Commission is very concerned about the high number of suicides in the EU and the fact that suicide rates in some Member States are among the highest in the world.

In its Green paper “Improving the mental health of the population. Towards a strategy on mental health for the EU” of 2005, the Commission put much emphasis on suicide. At present, the Commission is working on a strategy on mental health. This strategy could include actions to combat suicidal behaviour. The adoption of the strategy is planned for spring 2007.

Under the Programme of Community Action in the field of Public Health (2003-2008), the Commission is co-financing a project “European Alliance Against Depression”. This project is now in its second phase. It is implemented in regions in 31 countries including Member States and accession countries. The project approach is to build up regional networks against depression. In a previous pilot phase in a German region the project was able to significantly reduce the rate of suicide attempts. Further information about this project is available on the following website: www.eaad.net.

Recently the Commission adopted a Communication setting out a strategy to support Members States in combating the harmful effects of alcohol, “An EU strategy to support Members States in reducing alcohol related harm”. The Commission would see this initiative as a contribution to combating suicide.

Under the 6th Framework Programme for Research and Technological Development (RTD) (2002-2006), the Commission is financing several projects that will improve our understanding of the pathophysiology of suicidal behaviour, as they cover basic and clinical research on mood disorders and alcohol addiction. Three large integrated projects and three specific targeted research projects (STREP) are financed for a total of € 32 million.

Furthermore, under the 7th Framework Programme for RTD (2007 – 2013), the Commission is planning to cover three topics potentially relevant to the issue of suicide/mood disorders, namely:

- Neurobiology of anxiety disorders,
- From mood disorders to experimental models and
- Childhood and adolescent mental disorders.

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Question no 61 by Justas Vincas Paleckis (H-1009/06)

Subject: Strategy on mental health

The EU’s new strategy on mental health, presented in a Green Paper, is important for all the Member States. However, it is twice or even three times as important for the new Member States and the applicant countries. In that part of Europe, mental health indicators paint a disheartening picture: it is still standard practice to invest not in bodies and services whose aim is to improve welfare, but rather in practices which perpetuate traditions of stigmatisation, discrimination and social exclusion inherited from the past. Escaping this vicious circle calls for determined political action and investment in new areas. Some Member States are determined to employ just that approach: for example, Lithuania has made preparations and its parliament is currently in the process of adopting a new national strategy on mental health.

The transition from a statement of new political objectives to practical action will be a very difficult one. How could the European Union, and in particular the Commission, contribute to the process of fundamental change in the new Member States? Would it not make sense to provide even more detailed information about the need for new, high-quality investment in order to cope with the challenges associated with mental health? What mental health-related problems in the new EU Member States does the Commission regard as most important, and what specific forms of investment is it recommending, in the light of these countries’ increasing prosperity?
Answer

(EN) The Honourable Member's question refers to the Commission’s Green paper “Improving the mental health of the population. Towards a strategy on mental health for the EU” of October 2005. This was in fact a consultation document. Currently, the Commission services are drawing the conclusions from the successful consultation. Hopefully, a follow-up Communication setting out a mental health strategy for action at Community level can be adopted in spring of 2007.

There are some particularly pressing challenges in the field of mental health in some new Member States and applicant countries. In many populations, suicide and alcohol consumption rates are at rather high levels. The living and care conditions for people with mental health problems are sometimes unacceptable. Governments should address these issues as a priority. The Commission therefore very much welcomes the efforts undertaken by the Government of Lithuania and others.

The key element of reforms should clearly be the move from institution-based mental health systems towards community based systems.

The Commission cannot prescribe solutions, but it can and will continue to facilitate and support change through providing information, promoting the exchange between countries and offering support to them through the Commission’s own policy instruments. For instance, new Member States could request funding for investment into mental health from the health-priority of the Structural Funds. They can also participate in projects under Community action programmes, such as the Public Health Programme (2003-2008). A good example is a project “Child and Adolescent Mental Health in enlarged Europe. Development of effective policies and practices”, which is led by experts from a new Member State (State Mental Health Centre, Lithuania).

* * *

Question no 62 by Linda McAvan (H-1011/06)

Subject: Maximum safe levels for vitamins and minerals

Can the Commission indicate when it will be coming forward with proposals for establishing maximum safe levels for vitamins and minerals as required under Directive 2002/46/EC(40) relating to food supplements?

Answer


In the absence of such harmonised rules, the maximum amounts of vitamins and minerals in food supplements remain regulated by national rules. These rules vary significantly across the Member States.

Such a divergent situation has inevitably caused problems in relation to the free circulation of products within the European market, created unequal conditions of competition and, in some cases, limiting consumer choice for these products.

Work has already started in order to address these problems, and in line with the provisions contained in the above mentioned Directive, the Commission has launched the exercise which aims to establish maximum permitted amounts of vitamins and minerals in these products.

Given this complex situation and the importance of the exercise, the first step of this process has been the publication of a discussion paper where the Commission has identified the issues to be considered and requested the input of all interested parties. The consultation closed on 30 September 2006.

The Commission is currently analysing the answers received. On the basis of these contributions it is going to evaluate the best way forward for this exercise.

The principle of safety, which lies at the heart of all EU legislation, is its guiding principle in this exercise.

Finally, the Commission would like to reassure the Honourable Member that any future proposal would take into account the principles of Better Regulation and it would seek to avoid unnecessary burdens or restrictions on economic operators.

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Question no 63 by Liam Aylward (H-1015/06)
Subject: EU public health strategies 2007-2013

Can the Commission make a statement as to how it is going to spend €56 million per year which is earmarked for the period 2007-2013 for the promotion of public health strategies in Europe?

Answer

(EN) In May 2006 the Commission presented a modified proposal for a new Health Programme to run from 2007 to 2013. This has a total budget of € 365 million.

The proposal was designed to ensure that the programme was adapted to the budgetary agreement on the new financial framework that allocated a much smaller health budget than foreseen.

It also incorporates into the programme the main concerns of the Parliament (expressed in its Opinion of March 2006, during first reading).

The modified proposal has 3 focuses – health security, health promotion, and knowledge and information.

The first objective of the programme is to improve health security in the EU. Here the Commission plans actions to protect citizens against health threats. This includes developing capacity to respond to a cross-border threat, for example from communicable diseases, by strengthening health emergency planning and preparedness measures. In addition, this security objective includes actions related to patient safety, risk assessment and Community legislation on blood, tissues and cells.

The second objective is to promote health in the EU. The programme would take forward action on the determinants of health, such as nutrition, alcohol, tobacco and drug consumption, as well as social and environmental factors. This objective would also include measures to address health inequalities, with a particular emphasis on the newer Member States, and action to promote healthy ageing. These are two key issues underlined by the Parliament. The Commission would continue action in areas such as injuries and accidents and on prevention of major diseases.

The third objective is to generate and disseminate health knowledge. The Commission proposes to continue work to develop health indicators and tools and ways of disseminating information to citizens. In addition, it will be putting an emphasis on exchange of knowledge in key areas, such as children’s health or rare diseases.

The Commission believes that, even with a smaller budget than in its initial proposal, the health programme will make an important contribution to improving health across the EU.

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Question no 64 by Michl Ebner (H-1021/06)
Subject: Rotten meat in Europe

Consumer confidence in European agricultural products, consumer protection and food safety represent major challenges in terms of consumer policy and must continue to be ensured. Recently, however, there have frequently been surprise setbacks for the European Union in this connection. For instance, meat past its use-by date by up to a year has been confiscated. As a result of relabelling and repackaging, a large quantity of spoiled meat and sausages has come onto the market.

How, in the Commission’s view, should such business practices be combated?
What steps will the Commission take to ensure throughout the EU that only edible meat and sausages come onto the market?

Answer

(EN) The Commission considers that regular and strict enforcement of EU legislation by the Member States should be able to prevent fraudulent activities with meat in cold stores. The risk based inspection systems implemented by Member States should include the handling of meat in cold stores.

The EU Labelling Directive already imposes the marking of the “best before” date for retail level. The Commission is considering preparing legislative amendments to require food business operators to indicate at least the freezing date on packaging for wholesale and cold storage. In addition, the Commission is considering a ban on repackaging in cold stores and to prohibit changing the dates at any step of the food chain.

According to Community legislation, the primary responsibility for placing safe food on the market rests with the food business operator. He is bound to ensure compliance with detailed requirements for specific products. Only material fit for human consumption may enter the food chain. Community rules on animal by-products (Regulation (EC) No 1774/2002) require that unfit material or material which is no longer destined to be consumed by humans shall be either disposed of or used for specific purposes. However, under no circumstances may such material re-enter the food chain.

Question no 65 by Avril Doyle (H-1023/06)

Subject: Wild bird trade in the EU

Despite the fact that many species can now be bred in captivity, the 25 Member States of the EU are the largest consumers of wild birds taken from their natural habitat. Between 2000 and 2003 more than 2.7 million CITES-listed birds were imported into the EU, representing approximately 93 percent of total global imports. The USA has already banned commercial imports of wild birds. The EU bans the export of our own bird life, but paradoxically is responsible for the extraction of hundreds of thousands of birds from the wild for importation each year, which raises serious animal welfare questions, as the mortality rates for these captured birds are frighteningly high. Furthermore, the illegal trade in CITES-listed species is estimated to be as lucrative as the illegal drugs and arms trades.

Will the Commission extend the current temporary ban on the import of wild birds, introduced in October 2005 as a precaution against avian influenza and due to expire at the end of 2006? What measures are being taken to stop the illegal trade in wild birds?

Answer

(EN) The Commission on 25 April 2005 requested the European Food Safety Authority (EFSA) to prepare a Scientific Opinion on the animal health and welfare risks associated with captive bird imports. This Opinion was adopted by EFSA on 27 October 2006.

The Opinion identifies a number of ways in which the provisions for captive bird imports can be improved so as to significantly reduce any risk posed to animal health in the EU.

Based on the EFSA Opinion, the Commission intends to amend the entire set of provisions for captive bird imports, including quarantine requirements, laid down in Decision 2000/666/EC.

Because this Scientific Opinion will guide the future policy of the EU on the animal health and welfare aspects of these imports, it is important to properly assess the scientific input received by the Commission.

In the light of the current world animal health situation regarding avian influenza the restrictions provided for in Dec. 2005/760/EC have been prolonged for a transitional period in order to allow the Commission, in close cooperation with the Member States to finalise this evaluation and to prepare the measures to be laid down.

This ban was first adopted in October 2005 as part of the EU preventive measures against avian influenza in third countries.
However, the aim is to ensure that the new measures are adopted and enforced in early 2007.

A Commission proposal to prolong until 31 March 2007 the EU ban on all imports of live captive birds was presented to the Member States at the meeting of the Standing Committee on the Food Chain and Animal Health on 1 December 2006 as they requested more time to examine the Scientific Opinion and discuss the measures to be adopted.

The Member States were all in favour of this approach.

On illegal trade of wild birds, measures are in place and customs and veterinary authorities work closely together to prevent such illegal importation. The Commission is always open to discuss this issue if further improvements can be made.

* * *

**Question no 66 by Ivo Belet (H-1036/06)**

**Subject: Fighting obesity**

Europe and the Commission are fighting obesity on all fronts. Last year the Commission published a Green Paper and embarked upon a public consultation exercise. On 16 November, 48 European countries signed the Charter on Counteracting Obesity at the WHO Ministerial Conference. What are the results of the public consultation further to the Green Paper?

According to Eurobarometer, 85% of people in Europe consider that the authorities should do more to tackle obesity. 9 out of 10 Europeans believe that marketing and advertising influence children's choices of food and drink. What measures will the Commission take to satisfy these expectations?

As children spend much time watching television, why not opt for a ban on the advertising of unhealthy food in children's programmes?

Proposals to this effect are circulating in connection with the directive on audiovisual media services. Can the Commission endorse such a ban?

**Answer**

(EN) The Commission fully agrees with the Honourable Member about the seriousness of the rising prevalence of obesity in our society. It is of great concern to the Commission that prevalence is rising so markedly among children.

The Commission believes it is essential that more is done to address it, and for this reason it is planning to publish its proposals next year in the form of a White Paper on Nutrition and Physical Activity.

The Green Paper process on “Promoting Healthy Diets and Physical Activity” was an important element in the development of our approach.

Of particular interest was where there was consensus from respondents. Such as:

- the urgent need to do more to protect children,
- a European approach should be comprehensive and inclusive of a range of actions across a number of sectors.
- The analysis of responses, which can be accessed on Commission’s websites, is also an excellent source of ideas.
- Perhaps predictably, however, there was little consensus among respondents to the Green Paper about the appropriate mix of self regulatory actions and mandatory legislation.
- The Honourable Member refers to the issue of the advertising of foods to children on television. The Commission believes that advertising, among other elements of our environment, has an influence on the diet of children.
- It is the Commission's view that society should aim for a situation where the diet that is marketed or advertised reflects the balanced, healthy diet. The Commission also believes that the marketing and
advertising industries have a role to play in developing an environment where foods are advertised responsibly.

This is why self regulatory mechanisms should be tested, and given a chance to prove themselves.

Ultimately, it is only if self regulatory approaches are not proving to be effective that legislation should be considered after due consideration of the economic impact thereof.

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**Question no 67 by John Bowis (H-1047/06)**

**Subject: Diabetes**

The Commission's announcement that it will bring forward a recommendation on diabetes is welcome; when does the Commission expect to publish this, and how will it respond to the Resolution on diabetes tabled at the UN?

**Answer**

(EN) Diabetes is a major public health scourge in the European Union, and in developed countries more generally. The epidemic of type II diabetes we are seeing today is closely connected to changes in lifestyles – nutrition and diet, lack of physical activity, smoking and excessive alcohol consumption.

Austria has made diabetes prevention a key priority in its Presidency and has organised a major conference on its prevention. Subsequently, in June last year, the Council adopted conclusion which embedded the diabetes issue in a broader health determinants approach.

In the meantime, the Commission is discussing with organisations in the area how best to take forward work on identifying good practice in diabetes prevention. Just recently, the Commissioner in charge of Health and Consumer Protection sent a representative to a major conference organized by the International Diabetes Federation in Warsaw, through whom he expressed his support to the ongoing work to tackle Type 2 Diabetes. However, no announcement was made from the Commission on bringing forward a Recommendation on diabetes.

Moreover, the Commission appreciates the initiative by Bangladesh for designating the current World Diabetes Day, 14 November, as a United Nations (UN) World Diabetes Day. The proposed resolution also encourages Member States to develop national policies for the prevention, treatment and care of diabetes in line with the sustainable development of their health care systems as outlined in internationally agreed development goals including the Millennium Development Goals.

For its part, regarding the key determinants of diabetes, the Commission is planning to publish next year a White Paper on Nutrition and Physical Activity. The Commission would also like to refer the Honourable Member to its recent Communication on alcohol-related harm, and its solid track record in smoking prevention. The Commission believes that this will constitute a key contribution in particular to the prevention of Type 2 Diabetes.

In the meantime the Commission will continue to provide support to projects from the Public Health and Research Programmes and will pursue with Member States how best to support their efforts in developing their national strategies to counter diabetes.

In the forthcoming 7th Framework Programme for Research and Technological Development (RTD) (2007 – 2013), research into diabetes is planned to focus on aetiology of the different types of diabetes, and their related prevention and treatment. Special attention will be given to juvenile diseases and factors operating in childhood.

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**Question no 68 by Marie Panayotopoulos-Cassiotou (H-0957/06)**

**Subject: Discrimination against European families in the provision of services**

There are growing protests by European families concerning the discrimination they suffer in connection with the provision of services and the exercise of the right to move freely within the European Union.
simply because they are accompanied by children under the age of 15. Reports were recently published in the Greek press regarding the exclusion of children from commercially-run public places such as hotels, restaurants, etc.

What steps will the Commission take to eliminate discrimination and age apartheid against children, adolescents and their families? Will the rules governing the provision of services and the guarantee of freedom of movement within the EU be harmonised so as to prevent any infringement of the rights of European minors and their families?

Question no 69 by Paulo Casaca (H-1037/06)

Subject: Non-compliance with Article 13 of the Treaty

According to a major piece of journalism which made the front page of the Portuguese newspaper Público on 26 November 2006, children (or families with children) are widely banned from Portuguese hotels. According to that same newspaper report, Portugal is far from being unique within Europe, since discrimination against children is practised in other countries too.

Even though the Portuguese consumer-protection association (which has received a number of complaints) regards such discrimination as illegal and unconstitutional, the Portuguese body which checks that Portuguese hotels and those working in the sector comply with the law (the Food Safety and Financial Security Authority) is reported in the newspaper article as deeming such discrimination to be perfectly legal.

Does the Commission not regard such a practice as humanly and socially shocking and as contrary to the European Charter of Fundamental Rights (as proclaimed at Nice), and does it not think that urgent action should be taken at European level under Article 13 of the Treaty, which allows action to be taken against discrimination on the grounds of age?

Joint answer

(EN) Article 18 of the EC Treaty grants every Union citizen the right to move and reside freely within the territory of the Member States subject to the limitations and conditions laid down in the Treaty and in the measures adopted to give it effect. Article 49 of the EC Treaty prohibits restrictions on freedom to provide services within the Community in respect of nationals of Member States who are established in a State of the Community other than that of the person for whom the services are intended. This freedom includes the freedom for the recipients of services, such as tourists, to go to another Member State in order to receive a service without being obstructed by restrictions.

Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States provides that beneficiaries of this Directive are entitled to equal treatment with nationals within the scope of the EC Treaty.

The fact that certain private entities such as hotels or restaurants do not admit children, as part of their commercial policy, cannot be considered as an obstacle to free movement nor as discrimination on grounds of nationality forbidden by the EC Treaty and by Directive 2004/38/EC.

Furthermore, Directive 2000/78/EC establishes a general framework for equality in employment, occupation and vocational training. The Directive prohibits discrimination on grounds of age, disability, sexual orientation and religion or belief. This Directive only applies in the employment and vocational training field, and does not cover access to goods and services such as hotels or restaurants.

The Commission has commissioned a study on the legislation in the Member States which would prohibit discrimination on grounds of age (amongst others) in fields outside of employment, and this study should be available at the end of 2006.

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Question no 70 by Ioannis Gklavakis (H-0958/06)

Subject: Decline in marine biodiversity

The Commission has announced a programme of action to check the ongoing decline in biodiversity up to 2010. In places, however, the programme is unclear, specifically with regard to measures to
conserve marine biodiversity which is still being continually eroded, largely as a result of not only illegal fishing but also pollution from various activities both on land and at sea.

Is the Commission satisfied that the marine environment can be protected against these two threats under the existing institutional framework or does it consider further measures to be necessary?

Finally, the accession of Bulgaria and Romania will extend EU waters to the Black Sea. Will existing arrangements be sufficient to conserve biodiversity in the Black Sea or will new measures be necessary?

**Answer**

(EN) The Commission is fully aware of the threats faced by the EU's marine biodiversity and has recently made a number of proposals to tackle them.

The Honourable Member recalls the Commission Communication "Halting the loss of biodiversity by 2010 — and beyond. Sustaining ecosystem services for human well-being" (41), adopted earlier this year and which is accompanied by an Action Plan.

As regards fisheries pressures, one of the priorities identified by the Commission in the above Communication is to take full advantage of the reformed Common Fisheries Policy to ensure sustainable management of fish stocks and prevent fishing activities from harming the marine environment on which their sustainability depends. Given the magnitude of present fisheries pressures, halting the deterioration of fish stocks is in fact a precondition if the European Union is to fulfil its commitment to halt biodiversity loss by 2010. Of key importance is the enforcement of Community fishing management measures and, in particular, the definition of better means to tackle Illegal, Unregulated and Unreported (IUU) fishing. As marine biodiversity cannot be healthy unless commercial fish stocks are healthy, further integrating environmental concerns into fisheries policy remains essential.

The proposed Thematic Strategy on the Protection and Conservation of the Marine Environment adopted by the Commission in October 2005 (42), on which the Parliament completed its first reading on 14 November 2006 on the basis of a report from the Environment Committee prepared by Ms Lienemann and an opinion from the Fisheries prepared by the Honourable Member, will make an essential contribution to the more effective protection of Europe's marine environment. The EU Marine Strategy will act as an important environmental integration tool for all activities affecting the marine environment – including of course fisheries.

As pointed out by the Honourable Member in his question, fisheries are not the only pressure on the marine environment. There are a number of other pressures affecting the marine environment and its biodiversity ranging from coastal development, agriculture, shipping to tourism or oil and gas exploration. Pollution from both land-based and maritime sources undoubtedly contributes to the deterioration of the marine environment and should therefore be addressed.

The proposed Marine Strategy Directive will ensure that the marine environment is fully protected from the harmful effects of pressures affecting it. The proposed Marine Strategy Directive will complement existing EC water legislation, thus completing the full water cycle from inland to marine waters.

With respect to the specific question on the Black Sea, the Commission shares the Honourable Member's concerns about worrying environmental degradation trends in the region.

These trends result in particular from the combined impact of pollution, over-fishing, coastal degradation and the introduction of non autochthonous species. Many of the attendant environmental problems, such as eutrophication or the deterioration of marine living resources, have an obvious trans-boundary dimension and require concerted action in order to be tackled effectively. The Commission is actively supporting international action and efforts for the conservation of the marine environment in the Black Sea and since 2002 the Commission has coordinated the preparation of investment projects to remedy the environmental situation in the region under the DABLAS (Danube-Black Sea) Initiative.

The Commission's efforts to enhance protection of the marine environment in the Black Sea will of course take a new course with the accession of Bulgaria and Romania in the coming months. Upon

(41) COM (2006) 216
(42) COM (504)2005 and COM(505)2005
accession, the Black Sea will become a sea bordered by Member States of the EU and thus the obligations of the proposed Marine Strategy Directive will be extended to this marine region. The Parliament indeed proposed to include the Black Sea among the Marine Regions to which the proposed Directive would apply. Achieving a high level of protection of the marine environment in the Black Sea will be a challenge. The Commission will do its utmost, in cooperation with countries in the region, to deliver this objective.

A first, essential step which we are exploring at the moment is the possibility of becoming a contracting party to the "Convention on the protection of the Black Sea against pollution" which at present constitutes an adequate regional platform for cooperation on the protection of marine biodiversity in the region.

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Question no 71 by Manuel Medina Ortega (H-0960/06)

Subject: Community aid for the processing of waste on islands

What action is the Commission proposing to take in order to help small islands to discharge the obligations imposed on them by the EU as regards the processing of waste, ranging from preventive measures to measures concerned with waste disposal (including re-use, recycling and alternative disposal)?

Answer

(FR) Improving the environment will be a key priority for the 2007-2013 cohesion policy programming period, as well as for the current Structural and Cohesion Fund programming period.

Waste management is explicitly listed among the priorities of the ‘convergence’ objective. Better access to networks and to cross-border waste management facilities is also one of the priorities of the ‘European territorial cooperation’ objective (cross-border section). Finally, the Cohesion Fund will provide significant support for waste management projects in the eligible Member States.

Particular attention will be paid to areas with geographical or natural handicaps, such as islands, in the next programming period. Article 10 of the Regulation on the European Regional Development Fund (ERDF) of 5 July 2006 stipulates that the ERDF may contribute towards the financing of investments aimed at improving accessibility, promoting and developing economic activities related to cultural and natural heritage, promoting the sustainable use of natural resources and encouraging sustainable tourism.

Over the same period, the outermost regions will benefit from a specific additional ERDF allocation in order to offset the additional costs linked to the handicaps of these regions, as recognised by Article 299(2) of the EC Treaty. Article 11 of the ERDF regulation stipulates that this allocation will enable the ERDF to intervene in order to co-finance investment expenditure, limited to 50% of the total allocation granted, and, for the first time within the framework of cohesion policy, to co-finance operating expenditure linked to the additional costs incurred by public and private enterprises, and financial compensation linked to performing public service obligations. Waste processing forms an integral part of the areas of eligibility covered by the aforementioned Article 11.

In order to support the competent authorities in their efforts to plan and organise waste management on islands, the Commission has published a specific manual on this subject, entitled ‘Codes of practice for waste management on islands’, which is available on their website: http://ec.europa.eu/environment/waste/publications/pdf/manual_waste_mgt_islands.pdf.

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Question no 72 by Claude Moraes (H-0962/06)

Subject: Tooth whitening kits and EU consumers

Is the Commission aware of the growth of the consumer market in tooth whitening kits, which contain various chemicals including hydrogen peroxide? Is the Commission aware of the increase in sales of such kits, both online and in the high street?

Is the Commission aware that such kits have produced alleged medical conditions such as ulceration of the gums?

In view of the increase in online sales, which are EU-wide, will the Commission investigate this possible health threat to consumers?

**Answer**

(EN) Tooth whitening kits are generally to be considered as cosmetic products in the sense of Council Directive 76/768/EEC. As such, they must respect the requirements laid down by this directive. Indeed, the Cosmetics directive currently requires that the concentration of hydrogen peroxide cannot be in higher than 0.1%. This concentration was fixed in 1992 on the basis of an opinion of the scientific committee responsible for cosmetic products, which considered that concentrations at this level posed no risk to human health.

The possibility to use hydrogen peroxide in higher concentrations in cosmetic tooth whitening products has been evaluated by the Scientific Committee on Consumer Products (SCCP). In March 2005, the scientific committee delivered an opinion (44) that considered tooth whitening products with hydrogen peroxide content up to 0.1 % safe, while those with hydrogen peroxide content between 0.1-6% are considered safe if used after consultation with and approval of the consumer's dentist. Following from this, the Commission entered discussions with Member States and stakeholders on how to implement this opinion. However, the Commission has been recently informed of the existence of new data which had not been evaluated by the Scientific Committee. Therefore, the Commission’s adoption of the draft Directive which was discussed with Member States has been postponed.

In order to ensure that all necessary guarantees in the matter of health protection are taken, the Commission is in the process of requesting the scientific committee to evaluate this new evidence. If, taking into consideration this new evaluation, the Commission considers that the proposed modification of the Cosmetics Directive needs to be amended, a new proposal will be drafted and will be presented to Member States. Parliament will be informed in the framework of the right of scrutiny.

Regarding the current allowed limit of 0.1% of hydrogen peroxide, in application of the Cosmetics Directive, Member States must take all necessary measures to ensure that only cosmetic products which conform to the provisions of the Cosmetics Directive are put on the Community market.

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**Question no 73 by Manolis Mavrommatis (H-0968/06)**

**Subject: Scholarships for the study of Chinese**

The People's Republic of China has officially announced that it will award 100 scholarships to EU students from 2007. China is to implement a five-year programme beginning in January 2007 to provide 100 scholarships each year to EU students wishing to learn Chinese. As part of a more cohesive strategy for cooperation between China and the EU in the fields of education and culture, the two sides have agreed that they should take action to create viable mechanisms and institutional bodies to support the establishment of an official cooperation agreement between the People's Republic of China and the European Union in the field of education.

Given the topics which were discussed at this conference between the EU and the People's Republic of China, does the Commission propose to provide financial support in the form of equivalent scholarships to EU students wishing to learn Chinese, thereby consolidating cooperation with China? What other objectives were agreed in order to strengthen China's cooperation with the EU on matters relating to education and exchanges?

**Answer**

(EN) It is correct that, at the 2006 EU-China Summit in Helsinki, the Chinese Government announced its intention to create a programme of scholarships to enable European students to undertake training in the Chinese language.

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(44) http://ec.europa.eu/health/ph_risk/committees/04_sccp/docs/sccp_o_022.pdf
The Commission has no specific budgetary resources for the provision of similar training for EU students, and this Chinese initiative is in fact seen as a demonstration of China's appreciation for the scholarships that are awarded to Chinese students for postgraduate training courses in EU universities under the Erasmus Mundus programme, and the specific Erasmus Mundus 'China Window' which is financed under the EU-China co-operation programme.

This being said, the Managers Exchange Training Programme (with EC financing of €17.2 million - also from the EU-China co-operation programme) will provide Chinese language and business culture training to some 200 EU managers (age group 26-45), expected to come from small and medium sized enterprises, over the five-year period from 2006 to 2010.

Language training apart, exchanges with China in the field of higher education take place in several ways; through the contact group established under the Erasmus Mundus Programme referred to above; through the policy discussions between the Commission and the Ministry of Education that have developed over the past two years, covering subjects such as the Bologna Process, the European Credit Transfer System, and quality assurance in higher education; and through networking of Higher Education Institutions under the Asia Link programme which promotes partnerships between EU and Asian (including many Chinese). In October 2007 the Asia Link programme will sponsor a European Higher Education Fair in Beijing, alongside which an Asia Link Forum will be organised with the objective of furthering the policy discussions referred to above.

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**Question no 74 by Willy Meyer Pleite (H-0969/06)**

**Subject: Stage reached in the investigations into the contravention of human rights in Atenco (Mexico)**

On 11 August 2006 the Commission issued a reply to the question (E-2988/06) which I had tabled on 4 July concerning the contravention of human rights which occurred as a result of repressive police action in Atenco (Mexico). In that reply, Mrs Ferrero-Waldner (Commissioner) states that the Mexican authorities have given assurances that administrative and legal investigations will be opened into the excessive use of force by the forces of law and order.

A report published on 4 June by the International Civilian Committee for the Observation of Human Rights following a visit to Atenco came to the conclusion that the events and in particular the police abuse constituted a clear infringement of international human-rights legislation. Hence I am asking the Commission once again to provide information concerning the stage reached in the investigations which the Mexican authorities are supposed to have carried out.

**Answer**

(EN) The sad facts of Atenco, the offences to human rights and dignity reported by some of the protesters indicate, as promptly admitted by the Mexican Government itself, that the professionalism and training of police forces still remain an open challenge for Mexico. The context in Atenco was a hard one. Some policemen were taken hostages; there was a situation of civil unrest. However, nothing justifies the humiliating treatment reserved to the detained persons and to the women in particular.

The Mexican Government has informed the Commission in writing about the incidents and since then it has maintained a dialogue with the Mexican authorities about the issues in Atenco and about other cases where human rights were not adequately protected in Mexico. The Commission has also obtained information from the civil society and from concerned non-governmental organizations whose contributions have greatly helped it in obtaining a wider understanding of the facts and have allowed it to consider them from different angles.

Administrative and judicial investigations are on-going. In June 2006, 4 policemen in charge of detachments of the state security agency were fired. 5 other policemen were suspended and 17 of them accused of abuse of authority received an arrest warrant and will have to face a trial. This was an initial healthy reaction by the Mexican society and State.

Various Mexican institutions are in charge of the investigations which are currently under way, among them State and Federal Justice. The Mexican Congress is also kept informed about the case. The head
of the State Security Agency appeared at the Mexican Congress and was interviewed by Congressmen belonging to all main political parties.

With regards to the specific claims of violence against women in custody and the death of two civilians, the Mexican authorities started investigations aimed at clarifying the events and identifying and localizing those who are responsible.

The Mexican authorities also informed the Commission that 30 demonstrators remain in jail up to now.

In November 2006 the Mexican Human Rights Commission issued a comprehensive report on the events. The report contains important recommendations to the principal authorities involved in the incidents. The issues of professionalisation of state police forces and of inter-institutional coordination between Mexican authorities were raised in this report in order to prevent further incidents of this kind.

According to Commission's information, the investigations follow the due course of law. The final results of the judicial investigations will be presented by the competent authorities once the first investigations have been concluded. The Mexican authorities informed us that criminal charges may be issued against the perpetrators of the abuses. The Commission will attentively follow the forthcoming of the investigations and will keep the Parliament informed on any progress made.

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**Question no 75 by Katerina Batzeli (H-0970/06)**

**Subject: Method of recording unemployment in the EU**

Commission Regulation (EC) No. 1897/2000\(^{(45)}\) defines an individual as unemployed if he/she fulfils three criteria, namely that the person does not have work during the week in which the survey is carried out, the person is available for work and is actively seeking employment.

The national statistical services carry out periodical labour force surveys which categorise as employed anyone who has worked, even for one hour, during the week preceding the day on which the survey was conducted and anyone who, owing to disappointment, no longer declares that he/she is seeking work, the total number of whom could be up to 2 per cent of the country's labour force.

This method results in an artificial reduction in each country's unemployment figures, while EUROSTAT's European statistics, on which the EU's macroeconomic policies are also based, suffer a loss of credibility.

Does the Commission consider that there is now a need to redefine the criteria for dividing the labour force into the employed and the unemployed so that the decisions taken by the ECB and the Commission to promote economic growth in the eurozone take account of what is actually required to tackle unemployment?

**Answer**

(EN) Commission Regulation (EC) No. 1897/2000 defines the division of the population between employed, unemployed and inactive persons and gives precise implementation details in the labour force survey questionnaires. Each person of the sample is first defined as employed or not employed and then as unemployed or inactive.

This regulation follows the International Labour Organisation conventions especially as concerns the definition of employment on the basis of one hour worked in the reference week. This principle ensures the comparability of employment and unemployment data at international level.

Complementary analyses are needed to study people in border line cases. For this purpose, Eurostat publishes results\(^{(46)}\) on part time employment, full time equivalent employment rates and hours worked by persons employed full time and part time, along with results on time related under-employment and

\(^{(45)}\) OJ L 228, 8.9.2000, p. 18.

persons outside the labour market but wishing to work. The last category includes persons who wish to work but who are not looking for a job because of belief that no work is available. It also identifies all inactive persons who wish to work although they are not looking actively for work or not available to start a work within the two weeks following the survey. The results from the labour force survey, 2005 annual averages, to be published early 2007, show that 5.2% of the population aged 15-64 are not in the labour market but nevertheless willing to work, of which 0.2% because of belief that no work is available.

The Commission does not foresee to change the criteria for dividing the population into employed, unemployed and inactive since they rely on international standards ensuring comparability among Member States. In order to fully describe the complex underlying situation, complementary statistics, as mentioned above, are available for the monitoring of the employment policy.

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**Question no 76 by Johan Van Hecke (H-0971/06)**

**Subject:** Term of protection for sound and video recordings

The term of protection in relation to the reproduction of video and sound recordings in the European Union is one of the shortest in the world, in spite of the high artistic quality and cultural and musical diversity enjoyed in Europe. Not only the US, but also a large number of South American countries and even African countries lay down longer terms of protection in their legislation.

Is it correct that the Commission is reviewing the relevant directive with a view to extending the term of protection? If so, could the Commission indicate when such a revision will be carried out? Is the Commission prepared to speed up the review in order to prevent a large number of recordings made by artists more than 50 years ago from being available on the market without protection in the foreseeable future?

**Answer**

(EN) The Commission fully shares the view of the Honourable Member with regard to the need to sustain Europe's creative industries and performers and their importance for culture and cultural diversity. It is for this reason that the Commission has consistently pursued a policy of providing a high level of protection of creators, while at the same time taking into account the larger public interest.

As part of a general review of copyright law, the Commission is looking at the issue raised in the question. In line with the principles of Better Regulation, the first step is an impact assessment which will examine the impacts of any change, including its impact on competitiveness and on cultural diversity. The Commission expects the impact assessment to be published in 2007. Further action will be taken in the light of its outcome.

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**Question no 77 by Mairead McGuinness (H-0975/06)**

**Subject:** Commission funding of coercive abortion, forced sterilisation and infanticide?

Can the Commission confirm or deny that the following takes place under its development programme, namely 'coercive abortion, forced sterilisation and infanticide', as claimed by some MEPs with reference to budget Title 21 in last month's vote on the budget?

Can the Commission clearly outline to which projects development funding is allocated, if any of the above practices are funded, and if so, in what countries?

**Answer**

(EN) The Commission's and the Member States' agreed policy on sexual and reproductive health and rights, including the positions abortion and sterilisation, is set out in the Programme of Action as adopted at the International Conference on Population and Development (ICPD) in Cairo 1994.

Coercive abortion, forced sterilisation and infanticide or other human rights' abuses are clearly not in line with this agreed policy.
The Commission notes that the principle of choice is guiding the Programme for Action, the purpose of which is to provide universal access to a full range of safe and reliable family-planning methods and to reproductive health services which are not against the law of the country. The Programme aims at assisting individuals and couples to achieve their reproductive goals and give them the full opportunity to exercise the right to children.

The Programme does not promote abortion to be used as a method of family planning. Governments are committed to deal with the health impact of unsafe abortions as a public health concern and to reduce the recourse to abortion through improved family-planning services. It is set out in the Programme that when abortion is not against the law, abortions should be safe. Health problems, infections etc, incurred due to abortions should be regarded as public health concerns. The Programme for action calls for safe abortions but as such does not promote nor prohibit abortions However, if abortions are legal, they must be safe.

The European Consensus on Development (2006/C46/01) states in section 94 that "The MDGs cannot be attained without progress in achieving the goal of universal sexual and reproductive health and rights as set out in the ICPD Cairo Agenda." The Commission development programmes are certainly not promoting any actions in contravention to these policies.

With regards to projects funded by the Commission under geographical or thematic budget lines, the Commission is monitoring and assessing each project to ensure that they are performed correctly. The Commission confirms that no funding is awarded to recipients if there are suspicions of actions such as indicated by the Honourable Member. Each Call for Proposal is set up to carefully reflect our policies and proposals received in response to these calls are carefully reviewed.

Another question is the extent to which the Commission is able to exercise control over the partner countries which receive EC support. Our tools include ongoing political dialogue with each and every recipient country on a broad agenda including good governance. Any shortcomings would then be addressed promptly by the Commission.

In the European Consensus for Development it is clearly stated that budget or sectoral budget support are the preferred ways to support partner countries. The abuses of HR become evident during the political dialogue that we pursue with each and every partner country (Cotonou Agreement for the ACP states and bilateral co-op agreements with other developing countries).

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Question no 78 by Antonio López-Istúriz White (H-0978/06)

Subject: Equal reductions on air and sea fares for non-Community residents of the Balearics

Royal Decree 1316/2001 regulates the discounts given to residents of the autonomous communities of the Canaries and the Balearic Islands on standard fares in air and sea transport (43% discount on the price of tickets, rising to 50% in 2007). This measure was introduced to offset the disadvantages associated with islands.

The regional government of the Balearics is seeking to extend the right to claim this discount to immigrants resident in the Balearics. It is basing its action on the principle of 'equal obligations - equal rights', since immigrants residing in the islands are obliged to contribute to the public purse but do not enjoy the right to benefit from discounted fares on scheduled air and sea transport services. Achieving a genuine integration policy entails offering non-Community residents the same incentives as those granted to national or Community residents. This will make it possible for these residents to be effectively and genuinely integrated, in a context of solidarity and equality.

Does the Commission believe that the European institutions should be involved in this issue, since it relates to integration policy seen from the point of view of human rights, democracy and the rule of law? Could the Commission oblige or advise the Spanish Government to amend the above decree so as to extend equal rights to all residents, regardless of whether they are nationals of Member States or of non-Community countries?
Answer

(EN) The integration of third-country nationals who are legally residing in the Member States is a key element in promoting economic and social cohesion, a fundamental objective of the Community stated in the Treaty.


Article 11 (1) (f) of this Directive provides that long-term residents shall enjoy equal treatment with nationals as regards access to goods and services and the supply of goods and services made available to the public and to procedures for obtaining housing.

The issue raised by the Honourable Member (equal reductions on air and sea fares for non-Community residents of the Balearics) appears to be covered by this provision.

It goes without saying that any legislative measure taken in Member States with a view to implementing the non-discrimination principle contained in Directive 2003/109/EC is welcomed by the Commission. Even though there is currently no obligation under Community law to extend the application of Article 11 (1) (f) of Directive 2003/109/EC to third country national residents who do not yet enjoy long-term resident status (e.g. because they have legally resided in a Member States for less than five years) any such extension at national level is nevertheless strongly supported by the Commission as fully coherent with its horizontal policy, set out in the September 2005 Communication on a "common agenda for integration"(47).

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Question no 79 by Georgios Karatzaferis (H-0979/06)

Subject: INTERREG III A Programme Greece-Turkey

The Commission provided an inadequate answer to my question H-0832/06(48), which sends the wrong signals to Turkey. I would come back, therefore, to INTERREG III A Greece-Turkey. Has the Commission been informed in writing by the Greek authorities of the provocative arguments put forward by Turkey concerning EU borders in the Aegean, which have paralysed the implementation of the above programme? Is calling EU borders into question not a matter which concerns the Commission?

Answer

(EN) As stated in its previous reply to the Honourable Member (oral question H-0832/06(49)), the Commission is aware of the different viewpoints with respect to the terminology employed in the programme and hopes that the current deadlock can soon be overcome.

In this regard, the Commission is considering proposals recently received from the Greek Authorities, which reiterate Greece's willingness to work for a solution for the benefit of the people on both sides of the border.

The Commission would like to stress once again that the implementation problems do not concern the structure and content of the programme. In fact, the overall programme framework (programming document and programme complement) is satisfactory and fully coherent with the Structural Funds and external funding regulations. The Commission would be pleased to support steps to ensure that the programme implementation could start so that genuine joint co-operation projects assisting the socio-economic development of the participating partners in Greece and Turkey could be financed.

The Commission strongly encourages the development of Greece-Turkey co-operation, which shall continue under the future Instrument for Pre-Accession in 2007-2013.

(47) COM(2005)389
(49) Written answer of 24.10.06
**Question no 80 by Alain Hutchinson (H-0986/06)**

**Subject: Respect for human rights in Colombia**

The Office of the United Nations High Commissioner for Human Rights provides fundamental support for respect for human rights in Colombia. Its reports make clear the constant, recurrent violations of human rights perpetrated there, and constitute an essential source of information, the propagation of which helps to protect individuals. The government of President Uribe would like to discontinue the monitoring functions of the Office and reduce its role to one of technical assistance. However, pressure from international organisations has succeeded in maintaining the Office’s functions as they are for one further year.

Does the Commission take the view that the human rights situation in Colombia continues to be worrying and, if so, what action does it intend to take to guarantee that the Office will be able to continue fully to play its role?

Can the Commission also undertake to ensure that the Human Rights Council includes Colombia in the group of countries in need of special attention, so that the Office’s reports can be discussed in the Council and, if necessary, lead to recommendations to, and pressure on, the Colombian government?

**Answer**

(EN) The Commission thanks the Honourable Member for his concern about human rights in Colombia and the extension of the mandate of the Office of the High Commissioner for Human Rights in Colombia.

The Commission continues to be concerned about the human rights situation in Colombia and is engaged in a range of activities to highlight these concerns and to contribute to the defence of human rights by the High Commissioner for Human Rights as well as other human rights defenders such as non-governmental organisations.

During 2006 the EU has pursued actively its belief that the mandate of the Office in Colombia of the High Commissioner for Human Rights should continue unchanged - notably through the Presidency Declaration of 26 June which expressed the EU’s full support for the presence of the Office in Colombia and underlined the importance of the active support and use the full range of the services of the Office by the Government of Colombia, in the areas of advice, technical cooperation, monitoring and evaluation of the Human Rights situation in the country. We will continue highlighting the importance we attach to the Office with our Colombian counterparts.

The Commission and the EU Member States are committed to ensuring that the newly established United Nations (UN) Council for Human Rights will continue to have the powers which its predecessor, the Human Rights Commission, had which allowed it to select specific countries for special attention.

The Human Rights Council is, however, still at the stage of defining its internal procedures, and this has hindered its progress in tackling the substantive work on human rights which it has been created to undertake. In numerical terms, the EU’s influence on the specific issue raised may be limited given that only 8 out of the total of 47 members in the Council are EU Members States. But the Commission and the Member States will make every effort to ensure that the Council can continue the UN’s valuable work in support of human rights in specific countries including Colombia.

**Question no 81 by Robert Evans (H-0988/06)**

**Subject: Short-haul flights**

Does the Commission consider it would be more sensible to discourage short-haul flights where there is a viable rail alternative?
Answer

(EN) As set out more fully in the Communication "Keep Europe moving" – Mid-term review of the 2001 Transport White Paper\(^{(50)}\), the Commission is of the view that shifts to more environmentally friendly modes must be achieved where appropriate, in particular in congested corridors.

In practice one can observe that this phenomenon is already taking place as a result of market conditions, e.g. as regards substitution of air by rail in France as a consequence of the development of the High-Speed Train network. Between France and Belgium, the market share of aviation on the Paris – Brussels segment has been reduced to zero, following the expansion of the Thalys high speed services in the recent years.

More generally, the current EU legislation already allows for restrictions on environmental grounds. Under the air transport liberalization measures,

"When serious congestion and/or environmental problems exist the Member State responsible may… impose conditions on, limit or refuse the exercise of traffic rights, in particular when other modes of transport can provide satisfactory levels of service."\(^{(51)}\)

In conformity with the subsidiarity principle, it is therefore for the Member States to decide, on a case-by-case basis, what measures should be taken. As far as short haul flights are concerned, the national/ regional levels are normally better equipped to determine, depending on the alternatives available at local level, what restrictions should and can be implemented.

It should be very clear that the measures taken must not unduly distort competition nor create discrimination on the ground of nationality, as laid down also in Regulation 2408/92.

To the knowledge of the Commission, some restrictions already exist in some bilateral agreements signed by Member States, where coterminalisation (i.e. short haul flight terminating an international flight) is restricted in some cases.

At regional level, the Commission has also recently been made aware of recent measures taken by the Government of Wallonia in order to ban coterminalisation between Liège and Charleroi for flights to/from Morocco.

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**Question no 82 by Jens Holm (H-0996/06)**

**Subject: Construction of the Pubugou dam in China**

The rapid economic transformation of China is creating fresh social tensions in the country. Four years ago, the Chinese regime decided that the Pubugou dam would be built on the River Dadu. The construction of the dam and the rise in the level of the river will force some 100 000 people to relocate. Critical voices point out that the regime's promises to compensate those people lack credibility and that any newly distributed agricultural land is considerably less productive than previous land. At the same time, the popular unrest and resistance which has arisen has been met with silence. Pubugou is one of many examples of dams being built in China which make it impossible for thousands of Chinese to earn a living, people who are forced instead into insecurity and poverty.

The Commission has previously talked of the need to influence China towards socially and economically sustainable development.

Is the Commission aware of whether European companies are involved in the construction of various dams in China and has specific criticism of the construction of the Pubugou dam been conveyed to the Chinese regime?

\(^{(50)}\) COM(2006) 314 final

The Commission fully agree with the Honourable Member's statement that China’s economic growth is creating often significant social tension. This is a point on which the Commission sets out its thinking in some detail in its recent China Communication.

In that the Commission welcomes China’s most recent 5 year programme, which shows increased recognition of the social consequences of development and the need for more socially responsible and balanced growth.

But it is clear that there is much more to be done. The 3 Gorges dam project highlights the range and the scale of problems which remain to be addressed, and the Commission has voiced its concerns to the Chinese government, and indeed concerns have been voiced within China. Other linked and smaller dam projects are equally important and our concerns are the same.

The Commission will continue to raise these issues with the Chinese government, engaging with them, sharing experience and urging progress.

The Commission is not able to answer the Honourable Member’s request for information of the potential involvement of EU companies in such projects, but it will write to him when the information becomes available.

Question no 83 by Paul Rübig (H-0998/06)

Subject: Fuel rod problems at the Temelin nuclear power station in the Czech Republic

The newspaper ‘Oberösterreichische Nachrichten’ reported on 2 November 2006 that, at the Temelin nuclear power station in the Czech Republic, there were ever increasing problems in the active zone because of excessively deformed fuel rods. The extent of the problems was such that safe operation could no longer be guaranteed. Reportedly, two fuel elements had already been irreparably damaged, and it was not yet certain how this was to be compensated for because replacing them with other fuel elements presupposed extensive recalculations.

What steps will the Commission be taking in this connection? What measures does the Commission take to ensure that nuclear power stations with serious technical defects are immediately taken off-line? Has the Commission already drawn up a plan of measures enabling prompt and effective action to be taken in such situations?

Answer

In spite of the judgment of the Court of Justice of the European Communities on 10 December 2002 in the C-29/99 case recognizing the competences of the European Atomic Energy Community to legislate in the field of the safety of nuclear installations, the lack of support in the Council made it impossible to proceed with the so called "nuclear package".

The latest proposals presented by the Commission on 8 September 2004 (52), taking into account the opinions of the European Parliament and the European Economic and Social Committee, have not been considered by the Council so far.

In the absence of binding Community legislation on the safety of nuclear installations, the Commission can only obtain information based on the good will of the competent institutions of Member States.

The Commission will raise the issue of nuclear safety at Temelin Plant with the Czech State Office for Nuclear Safety (SUJB) in an official letter, in order to collect the information.

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Question no 84 by Frank Vanhecke (H-0999/06)

Subject: Land reform in South Africa

A recent discussion document on land reform in South Africa emanating from officials of the ministry responsible holds out the prospect of a drastic change in government policy on the purchase of land. The present ‘willing buyer, willing seller’ principle would be replaced by a temporally unlimited right of pre-emption for the State. Moreover, expropriation would become a normal instrument for the purchase of farms. Another joint discussion document drafted by South African officials and the World Bank provides for the introduction of a special land tax applicable only to white farmers.

Is the Commission aware of these documents? Do they reflect future official policy? What is the Commission’s view of these proposals? Are white farmers fully involved in the debate, as they ought to be? Will the Commission, if necessary, propose that they should be?

Answer

(EN) The document the Honourable Member refers to is an internal discussion document of the South African Department of Land Affairs that has not been made public. The Commission is aware of its existence, but has had no access to the paper. The World Bank office in Pretoria seems to have contributed to it as consultant.

The document is not part of public policy on Land reform issues, at least not as yet. It must be seen against the background of the Department of Land Affairs on-going internal analysis of the causes of slow progress in the implementation of key government objectives for Land reform and of its thinking on how to chart a way forward.

It is difficult for the Commission to comment upon an internal discussion paper of a government department of which it has no official knowledge. However, in a more general way, the Commission closely follows the issue of land reform in South Africa and indeed in the Southern African region, given its potential political consequences. It has brought its concerns to the attention of the South African government on several occasions, including at ministerial level.

To the best of the Commission’s knowledge, the internal discussion paper has not been formally submitted to interested stakeholders, such as farmers and land owners.

However, in July 2005 the SA government hosted its first ever National Land Summit, in which all stakeholders in the land reform process were invited to participate and voice their concerns. The Summit emphasised the need for faster progress in order to contain political instability. The government recognises that radical land reform is not an option in a democracy, but a more state-led interventionist approach, including greater use of expropriation, might be applied in the future. Adequate compensation in the case of expropriation is a constitutional right in South Africa. To date expropriation has only been used in very few cases, where negotiations have deadlocked.

Further to the involvement of farmers, it should be added that the South African government has a policy of consulting relevant stakeholders when developing new policies or preparing new legislation. In this instance the Department of Land Affairs has publicly declared that any proposal for a change in policy will be presented for discussion at the existing consultative fora with all interested stakeholders. There exists a forum on land issues that regularly meets with the South African President where commercial farmers are also represented.

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Question no 85 by Maria Carlshamre (H-1003/06)

Subject: The rights of the indigenous people of Sámi

The Sámi people are the only indigenous people of the EU. They live in a region covering parts of Finland, Sweden, Norway and Russia. There are several Sámi languages which according to UNESCO are either endangered or seriously endangered, with native speakers of a few hundred left. During centuries the Sámi have been discriminated against by the states in their region – their religion and their language made illegal and their land rights taken away from them. In the infamous race biology of the 1900s they were described as having ‘minor heads’. This tragic history is unknown to most of the people
living in Sweden and Finland today, and there is almost no information or teaching on the history and present day situation of the Sámi people. For example, in Sweden in a recent study of 30 school history books, only one had a proper picture of this minority.

What is Commission prepared to do to guarantee the intergenerational transmission of the Sámi language and culture before it is too late?

**Answer**

(EN) The protection and preservation of cultural and linguistic diversity are core principals of the European Community, recognised in the EC Treaty, and more specifically in its Article 151.

They are also at the heart of the activities of the United Nations Educational, Scientific and Cultural Organisation (UNESCO), including its normative work, in particular within the framework of the recently adopted Convention on cultural diversity, which the Community and the Member States are currently in the process of ratifying.

Exercising its responsibility as guardian of the treaties, the Commission promotes mutual respect and cultural diversity, including respect for the cultures of indigenous people, among and within its Member States. However, the main responsibility for the protection and preservation of linguistic and cultural diversity lies with the Member States. The Community complements their action through Community policy initiatives and programmes.

Such policies and programmes apply to the Sámi people living on the territories of Finland and Sweden.

Moreover, the Commission works jointly with the European Union High Representative for the Common Foreign and Security Policy in furthering European values within the international community. This external dimension of European policy may apply to Sámi communities living within the territories of Norway and Russia.

The European Commission also promotes cultural diversity and intercultural dialogue through Community programmes:

Since the eighties the Commission has provided funding for bodies active in the field of regional and minority languages. The European Bureau for Lesser-Used Languages (EBLUL) promotes and disseminates information on behalf of regional and minority languages. EBLUL has national committees in the Member States, namely in Finland and Sweden, both developing an active information activity on the Sámi people, which may be seen on their respective websites: http://www.sweblul.se/; http://fiblul.eblul.net/index.php?option=com_content&task=section&id=7&Itemid=55&lang=en

Moreover, through its funding programmes the Commission also promotes language awareness and access to language learning resources. The new Lifelong learning programme 2007-2013 has the promotion of language learning and linguistic diversity as a specific objective and offers funding possibilities for multilateral projects and/or networks for all languages present in the European Union. Of course the selection and participation criteria, namely the number of partners, have to be respected. The first call for proposals will be published by the beginning of 2007.

Furthermore, in its recent Communication "A new framework strategy on multilingualism" the Commission highlights the fact that the European Union is founded on "unity in diversity", including the indigenous languages present in the EU. The Commission has invited the Member States to set up national plans to give coherence and direction to actions to promote multilingualism amongst individuals and in society. National strategies should take account of the teaching of regional and minority languages.

Recently the Commission has welcomed the decision of the Council, which is awaiting final confirmation by the Parliament, to declare 2008 the European Year of Intercultural Dialogue. This Year may provide for an opportunity for the Member States to reinforce national initiatives aimed at the promotion of cultural diversity, including among indigenous people such as the Sámi people, living on the territory of the European Union.

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(53) COM (2005) 596
Indeed the promotion of language learning, including minority languages, is essential for intercultural
dialogue.

The EU also has supported unanimously the prompt adoption by the United Nations (UN) General
Assembly of the draft Declaration on the Rights of Indigenous Peoples and cooperates, including
financially, with UN bodies and mechanisms such as the UN Special Rapporteur on the Rights and
Fundamental Freedoms of Indigenous People.

Moreover, the European Year of Intercultural Dialogue includes an external dimension, making it
possible for non-EU countries to be associated with its policy objectives and initiatives.

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Question no 86 by Jim Higgins (H-1006/06)

Subject: Combating the problem of drugs in the EU

Is the Commission satisfied that the EU Action Plan on Drugs is working effectively? Does the
Commission accept that there is a need for greater cooperation between the Member States in terms of
combating the prevalence of drugs in the Community?

Answer

(EN) While the drugs situation varies from one country to another there can be no doubt that the problem
cannot be solved by each Member State working alone. There has to be a coherent policy response
across the EU. In view of tackling the drugs phenomenon, in 2004 the European Council endorsed the
EU Drugs Strategy (2005-2012) which sets the framework, objectives and priorities for two consecutive
four-year Action Plans to be brought forward by the Commission.

The Drugs Action Plan 2005-2008(54), endorsed in June 2005 contains around 80 actions in different
fields, such as demand reduction, supply reduction, fight against illicit trafficking and international
action. This approach obviously integrates different complementary levels:

Within the framework of Community powers (public health, precursor control, money laundering,
development aid for third countries),

Within the framework of close cooperation between Member States (foreign policy, justice and home
affairs),

Within the framework of partnership with numerous international organisations.

The EU Action Plan also sets out the distribution of responsibilities and schedules for their
implementation. Member States are responsible for most of the actions proposed, showing the need for
cooperation at all levels. Clear and concrete assessment tools and indicators have been introduced for
each action proposed, to enable proper monitoring and evaluation.

Based on this, the Commission carries out a continuous and overall evaluation of the measures contained
in the Action Plan, with the support of the European Monitoring Centre for Drugs and Drug Addiction
and Europol. In this framework, the Commission presents Annual Progress Reviews to the Council and
the Parliament on the implementation of the Action Plan. The objective of these reviews is not only to
report on progress but also to deal with identified gaps and possible new challenges. The first review
since the adoption of the Action Plan places the results achieved within the context of a year and a half
of implementation and will be presented by the Commission services by the end of 2006.

The same exercise will be repeated in 2007 and will by then allow for a more substantial analysis. In
2008, a final evaluation/impact assessment will be presented by the Commission. This impact assessment
should provide an overview not only of the specific outputs of the Action Plan but also of the state of
the drugs situation in the European Union which it seeks to address. This assessment will be the basis
for policy makers to prepare the next Action Plan under the EU Drugs Strategy 2005-2012.

Question no 87 by Inese Vaidere (H-1007/06)

Subject: The situation of democracy, human rights and freedom of expression in Russia

The situation in relation to democracy, human rights and the rule of law, as well as freedom of speech, continues to deteriorate in Russia. Parliament has on numerous occasions expressed its concern in this regard, and the DROI subcommittee has frequently received reports of specific cases of blatant violations of human rights, freedom of the press, and an almost complete lack of regard for the rule of law in Russia.

The current EU - Russia Partnership and Cooperation Agreement (PCA) will expire at the end of 2007. Parliament has repeatedly called on the Commission to take a principled and more consistent stand in its negotiations on a new PCA, so as to accord democracy, human rights and freedom of expression fundamental importance in any future agreement, and to ensure clear mechanisms to monitor implementation.

Does the Commission have any concrete plans or intentions to influence, through the new PCA and the current negotiations, the situation regarding democracy, human rights and freedom of expression in Russia?

What specific measures will be taken, and precisely what new conditions will be imposed on Russia in the new PCA in order to achieve visible progress in the area of democracy, human rights, and freedom of speech and the press in Russia? Exactly what kind of mechanisms will be introduced to ensure efficient monitoring of Russia's compliance with her obligations?

Answer

(EN) The Commission attaches great importance to the respect of democracy, human rights and the rule of law as fundamental values underpinning the EU-Russia strategic partnership. This is the case today under the Partnership and Cooperation Agreement (PCA) and will be so in the future under the new EU-Russia agreement to replace the PCA. The Commission hopes negotiations with Russia on the new agreement can be launched in the near future.

Our objectives for the new agreement in terms of democracy and human rights are as follows:

The new agreement should contain the standard human rights clause included in all EU agreements with third countries.

We also envisage the objectives and principles of the new agreement having strong references to democracy and respect for human rights and the rule of law. Since Russia is a member of the Council of Europe, a reaffirmation in the new agreement of the commitments undertaken in the Council of Europe framework will constitute an important advance compared with the human rights clauses in the PCA.

We also envisage institutionalising in the new agreement the regular EU-Russia human rights consultations which have been held since 2005.

Detailed arrangements for the functioning of specific mechanisms are not a matter for the new agreement but the EU will continue to use the EU-Russia political dialogue to raise human rights issues at all levels. The EU is also exploring with Russia the possibility of expert seminars on particular human rights themes.

The Commission would also like to refer the Honourable Member to the ongoing projects under the European Initiative for Democracy and Human Rights and Tacis which are, inter alia, supporting human rights education programmes. The EC € 20 million programme for the socio-economic development of the North Caucasus region is also relevant in this respect. The Commission will continue to examine how financial cooperation with Russia can contribute to supporting the protection of human rights and the development of democracy and civil society in Russia.
Question no 88 by Cristobal Montoro Romero (H-1008/06)

Subject: Structural factors hampering European growth

The Commission has quite rightly indicated that although 2006 has been a growth year, we are still posting growth figures lower than other areas of the world economy, and also ones lower than expected when economic and monetary union entered its third phase.

When the Commission cites structural factors as the cause of low potential growth, particularly in the larger Eurozone economies, what does it mean by 'structural factors'?

Answer

(EN) In a monetary union, well-functioning product, labour and capital markets have an important role to play in raising growth potential and cushioning the impact of economic shocks. However, if those markets have structural characteristics that make them rather rigid or inefficient, that undermines their ability to function properly and they cannot play their important role. Improving the situation necessitates structural reforms to tackle the markets' rigidity or inefficiency characterisitcs.

Evidence shows that the euro area's growth potential and ability to absorb the impact of economic shocks is rather low and that the functioning of its product, labour and capital markets is less than optimal. Structural reforms are therefore needed.

Such reforms should aim to achieve sustainable public finances, bolster labour and total factor productivity, and raise employment and participation rates whilst respecting the imperatives of sustainable development. A particular focus should be on structural reforms which (i) have significant spillovers on other euro area countries, and (ii) contribute most to essential flexibility and adjustment capacity in the context of monetary union or correct market inefficiencies. Key priorities in this regard include ensuring the sustainability of public finances, stepping up the pace of technological progress in the euro area, promoting greater competition in service and network industries, completing the integration of European financial markets and achieving greater labour-market adaptability, wage formation mechanisms better responsive to economic conditions and modernising social security systems.

In mid-December 2006, the Commission will produce its Annual Progress Report as part of the refocussed Lisbon Strategy. This will provide a comprehensive assessment of structural reforms inside the European Union as a whole and in the euro area. The report will detail what structural reforms each Member State most needs and assess the progress made in terms of implementation.

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Question no 89 by Seán Ó Neachtain (H-1017/06)

Subject: Aviation security arrangements

The new EU aviation security regulations introduced on 6 November last across the EU, Iceland, Norway and Switzerland are a good example of European leadership on homeland security policy.

In cooperation with the EU, the US and Canada have implemented near identical regulations for liquids in passenger hand luggage, thus extending similar security systems across many of the world's leading airports.

What is the Commission doing to promote the 100 ml/ 1 litre restrictions and the 'tamper evident' bags systems as a global standard with its US and Canadian partners, with the International Civil Aviation Organisation and with other stakeholders?

Answer

(EN) Since the adoption of Regulation 2320/2002 establishing common rules in the field of aviation security, the Commission cooperates with countries such as the United States in order to have, to the extent possible, harmonised security standards when addressing terrorist threats.

Furthermore, at the international level the Commission participates in the work of the International Civil Aviation Organisation (ICAO) on worldwide minimum standards for aviation security.
As regards stakeholders, the Commission always consults, extensively the associations representing airports, airlines and other relevant actors prior to decisions on new rules for aviation security.

Turning to the new regulation that came into force on 6 November 2006, Commission Regulation 1546/2006(55) laying down rules on liquids has been developed on the basis of the aforementioned coordination and cooperation mechanisms. This has contributed to establishing largely identical rules for travels between the EU and North America.

Immediately after the adoption of Regulation 1546/2006, ICAO was informed by the Commission about these rules in order for them to inform all ICAO Contracting states.

The Commission intends to continue its endeavours to strengthen international cooperation on the implementation of new rules on liquid items for the sake of improving the quality of security whilst facilitating travel conditions.

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**Question no 90 by Eoin Ryan (H-1019/06)**

**Subject: Nigerian airlines**

Can the Commission make a statement as to the number of Nigerian airline companies that are banned from travelling to the European Union because of breaches in their safety standards and their increased involvement in airline accidents? Does the Commission envisage placing any further bans on Nigerian airline companies in the future?

**Answer**

(FR) No Nigerian operators currently appear on the Community list of airlines subject to a ban on use within the Community. Nonetheless, the Commission, in close collaboration with Member State civil aviation authorities, is keeping a watchful eye on developments in air transport in this country, mindful of the fact that Nigeria has suffered three serious accidents since October 2005. Technical investigations are still in progress.

The Commission is, however, pleased to note that the Nigerian authorities have already adopted a number of measures aimed at improving air safety. These measures involve, in particular, withdrawing air operator certificates from certain local companies, including two of the three operators having recently suffered accidents (Sosoliso Airlines and ADC Airlines). These airlines have therefore stopped their activities, thereby removing the need to impose a European ban.

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**Question no 91 by Marielle De Sarnez (H-1024/06)**

**Subject: Funding of Europe Houses (’Maisons de l’Europe’)**

The Europe Houses organise local schemes to promote better relations among Europeans and to improve their understanding of the EU and its goals. To this end, the Houses employ a variety of measures wherever possible aimed at reaching a broad range of people. They have formed national federations in several Member States and belong to EUNET, an association of non-governmental organisations set up in 2004.

It appears that, in spite of the adoption of the 'Citizens for Europe' programme, the aim of which was to provide structural assistance for each Europe House, these bodies will not receive European Union funding owing to a lack of thereof, with available monies to be reserved for the supervisory board of the European network EUNET. Can the Commission clarify the situation and confirm that the Europe Houses will continue to receive operational funding from January 2007?

Answer

(FR) The Commission shares the honourable Member’s view that Europe Houses (‘Maisons de l’Europe’) play an important and useful role in bridging the gap between Europe and its citizens. For this reason, following negotiations on the ‘Europe for citizens’ programme, the Institutions decided to add the ‘Maisons de l’Europe’ to the list of bodies designated in the legal basis for a directly allocated operating grant for the years 2007, 2008 and 2009, under Action III of the programme, entitled ‘Together for Europe’.

As regards which bodies receive structural support, Annex 2 to the legal basis specifies that it ‘may be provided directly … for the “Maisons de l’Europe” federated at national and European level …’.

Structural support is therefore provided for the ‘Federation of Europe Houses’ for its own operation in its capacity as a network complying with both the spirit and the wording of the legal basis. The Commission would like to point out to the honourable Member that the federation in question was established and still exists under the name ‘EUNET’.

Furthermore, Europe Houses located in various European towns may also receive grants for projects for which they wish to submit an application within the framework of Action I ‘Active citizens for Europe’ and Action II ‘Active civil society for Europe’. Indeed, their respective activities will exemplify many of the priorities and subjects for which the programme is to be applied.

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Question no 92 by Bill Newton Dunn (H-1025/06)

Subject: Study to discover the feasibility of and obstacles to the creation of a federal police force for the EU

Following Parliament’s first reading of the 2007 Commission proposed budget, in which my amendment 909 was approved by a large majority of over 300 votes, the Commission commented to Parliament’s Budgets Committee that ‘it believes that such a study is covered by the work of Europol.’

Will the Commission therefore kindly provide details of any study which EuroPol has ever made ‘to discover the feasibility of and obstacles to the creation of a federal police force for the EU’?

Answer

(EN) The Commission would like to clarify its comment on amendment 909 tabled by the Honourable Member.

The Commission does not favour undertaking a feasibility study on the creation of a Federal Police Force because it fully supports EUROPOL in the performance of its present mandate and backs the developments under way which are geared towards ensuring that EUROPOL is fit to meet future challenges.

A wide-ranging debate on the future of EUROPOL was launched this year under the Austrian presidency of the Council. The discussions that ensued highlighted that there was indeed scope for improvement in terms of this body’s operation.

The Commission fully shares the views of those who think that Europol should be a police agency aimed at gathering and disseminating police information in support of the law enforcement agencies of the Member States rather than an agency with coercive powers. It intends to submit a proposal recasting Europol as soon as possible.

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Question no 93 by Olle Schmidt (H-1027/06)

Subject: Citizens' initiative

In September, my predecessor, Cecilia Malmström, delivered the first citizens' initiative concerning a single seat for the European Parliament to both the Commission and the Council. As yet, the Commission has said nothing about what action it intends to take on this matter. The fact that the Commission -
which backed the draft Constitution and works hard to improve the EU's communication and dialogue with the public - has so totally ignored an appeal from 1 million EU citizens is a problem. Is it the case that the Commission wishes to select itself what the public thinks is important? Can we interpret the Commission's silence in any way other than that the issue is too politically 'loaded' to tackle?

Answer

(FR) On 21 September 2006, the Commission received a petition of one million signatures relating to the seat of the European Parliament, following the initiative launched by Cecilia Malmström. As the honourable Member has rightly pointed out, it is in the Commission's interest to be duly informed of this type of initiative, signed by a large number of citizens.

The Commission would like to point out, however, that the subject of the petition does not fall within the scope of its powers, as stated previously, when the signatures were submitted. Indeed, in accordance with Article 289 of the EC Treaty, it is the responsibility of the Member States to determine the seat of the institutions, by common accord.

The governments’ decision on this subject was addressed in the ‘Protocol on the location of the seats of the institutions and of certain bodies and departments of the European Communities and of Europol’.

Amendments to this Protocol should follow the regulation applicable to revision of the Treaties as defined in Article 48 of the Treaty on European Union, which requires an intergovernmental conference to be convened and amendments to be ratified by all Member States.

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Question no 94 by Carlos Carnero González (H-1028/06)

Subject: Demands by the European Commission to the City Council and Community of Madrid regarding the underground routing of the M30, and replies from both administrations

The Socialist Municipal Group in the Madrid City Council has had access to the letter sent on 27 October by the Director-General of the European Commission's DG Environment concerning the infringement proceedings opened in respect of the underground routing of the M30 on the basis of the inquiry launched in 2004 following the question I submitted that year (P-0494/04). In that letter, the European Commission requires the competent administrations (the City Council and Community of Madrid) to perform the mandatory environmental impact assessment on projects implemented, in progress or pending implementation, to take whatever minimising and compensatory measures are needed in all those projects and to forward to the Commission a detailed schedule for all these things within one month of receiving the letter. The letter from the European Commission constitutes a positive response to protecting the rights of local residents and compels the City Council and Community of Madrid to remedy their prior decisions and comply with the law. Can the Commission indicate whether it has received the aforesaid detailed schedule in due time and form? What measures and deadlines for implementation does it contain? Does the Commission consider these adequately to conform to the law in force?

Answer

(EN) Following a previous written question (56) tabled by the Honourable Member and the subsequent and thorough investigation of the facts in the case, the Commission issued a Letter of Formal Notice in April 2006 (57), concerning the M-30 Ring-road Project in Madrid, since some provisions of Directive 85/337/EEC concerning the assessment of the effects of certain public and private projects on the environment (58) as modified by Council Directive 97/11/EC (59), had not been complied with in relation to this project.

In summary, the project, sub-divided into a number of smaller projects had not been submitted to a global impact assessment, only some of the resulting projects had undergone some equivalent procedures;

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(56) Written question E-0494/04 by Mr Carnero, OJ C 84E of 3.4.2004
(57) Infringement procedure, Press release IP/06/445
(58) OJ L 175, 5.7.1985
(59) OJ L 73, 14.3.1997
others none at all. Some of the projects are still to be implemented while others have already been completed.

The reply from the Spanish authorities of July 2006 has been assessed by the Commission. In summary the answer explains that the breach of the Directive in relation to this project was rather due to a non-conformity of Spanish EIA legislation than to the deliberate will of the Madrid authorities not to comply with their obligations under EC law. The Spanish authorities explained that they are ready to launch full impact assessment procedures for the remaining projects and to take additional minimisation and compensation measures regarding projects already implemented.

As the Honourable Member states in this question, in October the services of the Commission sent a letter to the Spanish authorities. This letter follows the reply from the Spanish authorities, of July 2006, to the Letter of Formal Notice issued by the Commission in April of the same year. The purpose of this letter was to specify what needed to be done, in the view of the services of the Commission, to repair to the extent possible some of the mistakes incurred by the Spanish authorities with regard to the above mentioned Directives.

The answer of the Spanish authorities has not yet been received, but it is expected within the next few weeks.

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**Question no 95 by Manfred Weber (H-1030/06)**

**Subject: Development of Danube between Straubing and Vilshofen**

The Rhine-Main-Danube waterway is a key transport route in Europe. It is also regarded as an environmentally sound mode of transport, which should be strengthened. There are still a number of bottlenecks which make it more difficult for logistics operators to use the waterway as a transport route. In particular, in the Bavarian section of the Danube between Straubing and Vilshofen use of the route cannot always be relied on.

The government of Lower Bavaria, the authority responsible, has concluded the regional planning procedure. What is the Commission’s view of the way in which the procedure has been carried out?

The development of the Danube between Straubing and Vilshofen will have an adverse impact on the natural environment. Do the Habitats and Birds Directives prohibit measures which would have an adverse impact on the natural environment? Is it possible to take measures which would have an adverse impact provided that measures are taken to offset that impact and provided that the added value from the point of view of transport justifies it?

Under the regional planning procedure a number of alternatives were proposed by the developer. Not all of the alternatives would achieve the transport development objectives. On what conditions with regard to development does the European Union intend to provide TEN funding to finance planning costs and/or construction costs?

**Answer**

(EN) The inland navigation axis Rhine/Meuse-Main-Danube is one of the 30 priority axes and projects of European interest, contained in Annex III of the Decision 884/2004/EC of the Parliament and the Council.

Four projects have to be implemented on the Danube, namely:

Vilshofen-Straubing (to be completed by 2013);

Vienna-Bratislava;

Palkovikovo-Mohacs (Slovakia-Hungary);

and

This non-conformity issue was tackled in a separate infringement procedure that concluded with the ruling of the European Court of Justice of 16.3.2006 in case C-332/04.
According to the above mentioned Decision where a waterway forming part of the network is modernized or constructed, the technical specifications should correspond at least to class IV.

The Commission was informed in March 2006 of the regional planning procedure carried out under the responsibility of the government of Niederbayern. The Commission takes note of the conclusion of the procedure. It is for the Federal Government to decide which of the assessed variants should be realised.

Projects for which financial support from the Transeuropean Networks (TEN) budget is sought must comply with all the relevant Community environmental legislation such as for example the Habitats and Birds Directives. The Habitats Directive does not generally prohibit projects like water regulating measures. Article 6(3) of the Habitats Directive requires an assessment of plans and projects which are likely to significantly affect protection sites under this Directive and the Wild Birds Directive. If the result of the assessment is negative, the plan or project may exceptionally still be authorised if the conditions set in Article 6(4) of the Habitats Directive are met: overriding public interest, absence of an alternative solution and compensatory measures to ensure the coherence of the Natura 2000 network.

Financial assistance will only be granted if the projects fulfil the objectives and criteria laid down in Decision 884/2004/EC and Regulation 2236/95/EC and at the same time respect all relevant Community legislation, in particular that on environment and public procurement.

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**Question no 96 by Yiannakis Matsis (H-1032/06)**

**Subject: Return of Famagusta**

Does the Commission approve, respect and adopt the international legal order, which also includes UN resolutions, such as Security Council resolution 550, and the agreements concluded at the 1979 Summit (Kyprianou - Denktash), according to which the return of the closed-off city of Famagusta does not essentially constitute part of the overall solution to the Cyprus question but a matter of priority and a confidence-building measure towards a final settlement?

**Answer**

(EN) The Commission is aware that the issue of the return of Varosha to its lawful owners has been until 1994 subject of confidence-building measures proposed by the United Nations.

More recently, this issue has been part of the comprehensive settlement of the Cyprus problem in the Annan Plan.

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**Question no 97 by Athanasios Pafilis (H-1039/06)**

**Subject: Unscientific and dangerous theories**

The Polish State Secretary for Education has stated that the theory of evolution is nothing more than a literary fable. Moreover, the Polish Minister for Education has refused to condemn this provocative and unscientific approach, thus paving the way for medieval notions which contest a theory confirmed by all scientific data during the last 160 years since it was formulated, and promoting the model used in a significant number of schools in the USA where teaching of the theory of evolution has been replaced, with government encouragement, by various bigoted religious theories.

Does the Commission condemn this method of eliminating the theory of evolution from school textbooks as a reactionary and retrograde distortion of scientific truth? Will it defend the principle that teaching about nature and society in school should be based on scientific and historically factual approaches?

**Answer**

(FR) In accordance with the provision of Article 149 of the Treaty establishing the European Community, the content of teaching and the organisation of education systems are the responsibility of the Member
States. Thus the Commission does not have the power to intervene regarding the content of school textbooks.

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Question no 98 by Milan Gaľa (H-1044/06)

Subject: Proposed weakening of the TDI anti-dumping and anti-subsidy rules

The Commission is planning to carry out a review of the anti-dumping and anti-subsidy principles (TDI = Trade-Defence Instruments) which are mainly intended to counter the impact which increasing globalisation has on traditional corrective mechanisms in the business world, with adequate monitoring of "consumers' interests".

At the same time, TDIs play an essential role in the protection of open trade. However, most of the proposals put forward could lead to a marked weakening of EU disciplinary measures against unfair foreign trade and would paralyse the EU's manufacturing sector. Amongst other things the proposals would shackle the aims, the operation and the achievements of trade-defence instruments.

I should like to know why the Commission is thinking of recommending that the existing TDIs be weakened, since that would distort the competitive environment and would go against the principles of an open market and free trade.

Answer

(EN) The Green Paper is primarily aimed at looking at the impact of the growing globalisation on the application of Trade Defence Instruments (TDI). The Commission fully shares the Honourable Member's view that TDI plays a vital role in the defence of open markets since it addresses uncompetitive practices in a global economy.

The Green Paper is not meant to weaken trade defence instruments. The Green Paper is only meant to be the starting point for a thorough and open-ended reflection on TDI.

Consequently, the Green Paper does not put forward proposals for a change of TDI. On the contrary, it contains some 30 open questions. They cover several aspects of TDI law and practice mainly focussing on whether our TDI are still sufficiently adjusted to today's globalized world.

Since the last substantial reflection on TDI took place 10 years ago this is the right time to reflect and discuss and if necessary to adjust our TDI to the needs of a global market.

This reflection process is still at the beginning. There are no preconceived ideas. Only the comprehensive stakeholder process will show whether and to what extent changes to our TDI are ultimately needed. The Commission will involve the Parliament throughout this process and is looking forward to its input.

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Question no 99 by Piia-Noora Kauppi (H-1046/06)

Subject: Transparency of pricing of legal services

In various Member States, codes of conduct ensure that the prices of legal services are stated openly, for example on the website of the business offering them. Although legal services only to a limited extent fall within the scope of the Services Directive, has the Commission considered the possibility of drafting a European code of conduct for the pricing of legal services?

Answer

(EN) With regard to the objective of achieving a real Internal Market for services and facilitating the free movement of services across Europe, the Parliament adopted its second reading on the Services Directive on 15 November 2006 based on the text of the common position adopted by the Council on 24 July 2006. The formal adoption of the Directive is expected in the coming weeks.

Following the text of the Services Directive, as agreed by the two institutions, the Services Directive will apply to the regulated professions, including the legal professions (with the exception of notaries
and bailiffs), as regards aspects other than those dealt with by the Professional qualifications Directive 2005/36 and the Lawyers' Directives (98/5 and 77/249). Moreover, it has been clarified in the Services Directive that in case of conflict, the specific provisions of the sectorial Directives, notably the Professional qualifications Directive 2005/36 and the Lawyers' Directives (98/5 and 77/249), will prevail over the Services Directive.

The Services Directive will permit notably the legal professions to facilitate the provision of their services across Europe, to modernise their legal framework and to make them more competitive whilst ensuring high quality standards. In this context, a specific provision in the Services Directive encourages the drawing up of codes of conduct and other quality enhancing measures such as quality charters by professional associations at Community level. Such provisions aim at promoting the quality of services whilst taking into account the specific nature of each profession. In this respect, the content of such codes of conduct should comply with Community law, especially competition law.

Concerning the specific issue of fixed tariffs for legal professions, Member States will have to conduct a “screening” of their legislation and evaluate it in the light of the conditions and obligations established in the Directive. In this respect, the European Court of Justice (ECJ) held, in the Arduino case (C-35/99), that a Member State was technically not liable under Articles 10 and 81 of the EC Treaty for delegation of regulatory powers to an association where that Member State adopts a law or regulation which approves, on the basis of a draft produced by a professional body of members of the Bar, tariff fixing minimum and maximum fees for members of the profession. The ECJ emphasised that in this case a delegation of regulatory powers by the State had not taken place because the State maintained the ultimate power to amend and enact the draft fee scale submitted by the professional body and the State maintained control over the implementation of the fixed tariffs. This reasoning was confirmed by the ECJ in its recent judgment in joined cases (C-94/04 and C-202/04) Cipolla and Macrino. Moreover, it is important that the ECJ in the same judgment in joined cases Cipolla and Macrino held that State legislation containing an absolute prohibition by agreement to derogate from minimum fees set by a scale for lawyers' fees constitutes a restriction of the freedom to provide services laid down in Article 49 EC. The ECJ held that such restriction can only be lawful if the Member State concerned is able to show that this restriction is justified by the protection of consumers or the proper administration of justice as overriding requirements relating to the public interest, on condition that the national measure in question is suitable for securing the attainment of the objectives pursued and, secondly, it does not go beyond what is necessary in order to attain these objectives.

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