

THURSDAY, 25 SEPTEMBER 2008

IN THE CHAIR: MR SIWIEC

Vice-President

1. Opening of the sitting

(The sitting was opened at 10 a.m.)

2. Area of Freedom, Security and Justice (AFSJ) 2007 (motions for resolutions tabled): see Minutes

3. Transfers of appropriations: see Minutes

4. Social package (Second part: Cross-border healthcare) (debate)

President. – The next item is the statements of the Council and of the Commission concerning the Social Package (Second part: Cross-border healthcare).

Roselyne Bachelot-Narquin, *President-in-Office of the Council.* – (FR) Mr President, Commissioner Vassiliou, Mr Bowis, co-rapporteurs, draftsmen of the opinion, ladies and gentlemen, I thank the European Parliament for agreeing to defer our working meeting originally scheduled for the beginning of this month.

As you know, the French Presidency attaches great importance to consultation and dialogue on legislation. I felt it was essential to hold an initial exchange of views with my ministerial colleagues at the informal Angers Council on 8 and 9 September before coming before you to set out not, of course, the French position, but the position of the Council of 27 health ministers.

That first exchange of views, like the initial work done in the Council's working group on health, will not enable me to answer all your questions on this highly complex and varied subject but I am certain our sitting today will give the Commissioner responsible for health a chance to explain the European Commission's major decisions and allow me to share the Council's first impressions with you.

The Council supports the adoption of a directive on cross-border healthcare and patients' rights. It would be inconceivable to leave the decisions in this area solely in the hands of the Court of Justice of the European Communities. In my view, which I share with my colleagues, that should not be taken as a criticism of the Court or even of the content of its judgments, which often bring about major advances for patients. Nonetheless, it would be advisable for health policy in Europe to be developed by the two co-legislators, i.e. you and us, as the outcome of a political dialogue and a democratic process. It must be our common objective to build up a legislative framework that can contribute toward legal certainty.

Second point: in Angers, the delegations from the 27 countries all praised the quality of the work done over these past months and agreed that they had been listened to during the recent consultations. Commissioner Vassiliou was warmly thanked for that at the informal Council meeting. Indeed, the Slovenian Presidency will no doubt have informed you that the Council was very hesitant about the initial version of the text, the broad lines of which had been presented to the EPSCO Council of 19 December 2007. Only a small minority of states had supported that version. In fact, there was similarly great opposition to it in your Parliament, as MEPs confirmed to me during my preparatory consultations with the French Presidency in Strasbourg, Brussels and Paris. There is no doubt that the political dialogue Commissioner Vassiliou started as soon as she took office helped establish a sound basis for negotiation and the Council welcomes that.

Third point: with regard to the timetable, this proposal that the college of Commissioners adopted on 2 July came too late for us to be able to envisage a first reading during our Presidency, but we will press on with negotiations in the Council as far as we can, while entering into a political dialogue with the European Parliament. In that vein, the public health working group has already considered the directive on several occasions. It will be meeting again tomorrow to continue examining the text article by article. In this area as with our other political priorities, France will play its part in the presidential trio by working closely with

the Czech Republic and Sweden. For the record, let me remind you that the subject of European health in the service of the patients has been a priority of our common 18-month programme.

Fourth point: regarding the scope of the draft directive, I know from talking to MEPs on the Committee on the Internal Market and Consumer Protection when they were in Paris last May that many of you regret the decision to confine this text solely to patient mobility and not to address the question of the mobility of health professionals. Given that I myself was an MEP at the time of the vote on the report by Evelyne Gebhardt and left Parliament just a few days before the debate on Bernadette Vergnaud's report, I well understand the reasons for that regret. Excluding health services from the directive on services in the internal market leaves a grey area that is not entirely covered by the current proposal for a directive, which only addresses patient mobility. One could even say that the proposal for a directive has more to do with the wish to incorporate and adapt Court of Justice case law than with excluding health services from the services directive and therefore with the demands by some MEPs for a specific sectoral instrument covering health services. There was no debate on that subject by the health ministers. Yet, in that regard, it is all a question of timetables and the European Commission's decision can be explained by the need to respond as rapidly as possible to the challenges that exist in the area of patient mobility, which already covers a very wide field. It is certain that a more broadly-based directive that included the mobility of health professionals would have had no chance of being adopted before the elections next June.

Fifth point: regarding the content of the text, we have not yet addressed all the proposed provisions. Nevertheless, the Presidency can say at this stage that in the Council's view prior authorisation for hospital care is a key question for EU Member States. It could even be described as the fundamental concern of health ministers. During the working lunch on the subject organised in Angers on 9 September, ministers who spoke were in favour of moving towards a better balance between the individual rights of patients to mobility and maintaining national regulatory and planning powers for the benefit of all.

The text reflects that improved balance, in particular by restoring the need for prior authorisation for hospital care. It is not a question of calling into question the case law of the Court of Justice, which specified how the principles of free movement set out in the Treaty applied to the health field, but of the need to incorporate in positive legislation the balance that the Court has already established in its case law between the principle of free movement and Member States' regulatory capacity. In fact, it distinguished between outpatient care, where the affiliation system cannot require prior authorisation, and hospital treatment, where the requirement of prior authorisation appears to be a necessary and reasonable measure.

At a time of serious budgetary constraints – ageing, technical progress – Member States must be able to be fully in charge of the care they provide in this respect, in particular hospital planning. As the Court itself recognised, one purpose of that planning is to ensure adequate and permanent access to a balanced range of quality hospital treatment throughout a national territory. It also forms part of the effort to control costs and to avoid, where possible, any waste of human, financial or technical resources.

I also want to point out that the requirement of prior authorisation ensures that cross-border care can be provided as soon as it is medically justified. In fact, the regulation on the coordination of social security systems already recognises this: authorisation may not be refused in the event that the same treatment is not available within a reasonable time. Nor must we forget that prior authorisation is also a protective measure for patients, since it ensures that any care provided in another Member State will be reimbursed.

Lastly, even if we keep to what we regard as the correct interpretation of the Court's case law, the directive would still offer great added value by clarifying the rights of patients, providing them with the necessary information and ensuring that this case law is interpreted in a uniform manner and is therefore applied universally and consistently in all the Member States of the European Union.

Thank you for your attention. I will be taking the floor again at the end of the debate to answer your questions.

Androula Vassiliou, *Member of the Commission*. – Mr President, I have already had the opportunity to discuss this proposal at length with various stakeholders and players in the decision-making process. You may recall that I presented the proposal to the Committee on the Environment and Public Health upon its adoption by the college and had a fruitful exchange of views. And I have also had the chance to exchange views with various national parliaments and, of course, the Member States in the context of the recent informal Health Council in Angers. It now gives me great pleasure to have this discussion, and I am looking forward to it with you, the honourable Members, in plenary. I take this opportunity to thank Mrs Bachelot-Narquin for the support and the chance she gave me to discuss this issue at length with the ministers.

I would like to put the proposal on patients' rights into context. Following the numerous discussions of the European Court of Justice on the question of the inherent right of European citizens under the Treaty to seek health care in the Member State of their choice and following the specific request by the European Council and the European Parliament alike to present a proposal to regulate the right after the health-care-related provisions had been taken out – and quite rightly so – of the Services Directive proposal, the Commission adopted the proposal on patients' rights in cross-border health care on 2 July.

It is without doubt the most important initiative on health of this present Commission. Its aim is to provide patients with better opportunities and access to health care, regardless of their place of residence while fully respecting national responsibilities over health-care organisation.

It has three main objectives: first, to clarify the conditions under which patients will be entitled to seek cross-border health care and be reimbursed and to make it effective, if this is the best solution for their particular situation; second, to ensure high-quality and safe cross-border health care throughout Europe; and, third, to foster European cooperation between health-care systems.

It is based, as I said, on the Court of Justice jurisprudence. It is fully in line with the Treaty, on the one hand, and, on the other hand, with the competences of the Member States for the organisation and delivery of health services and medical care.

The proposal is structured around three main areas.

First, it clarifies and reaffirms the common principles of all EU health systems: universality, equity, access to good-quality health care, and solidarity. It recalls the overarching principle underlined by the Treaty and the Court that the Member State on whose territory the health care is provided is fully responsible for setting the rules and ensuring compliance with these common principles.

To help the Member States translate this principle in more transparent terms, we have proposed to better clarify the objectives in terms of quality and safety standards for health care provided on their territory to patients from other Member States.

We also introduced a provision so as to ensure that patients from other Member States shall enjoy equal treatment with the nationals of the Member State of treatment.

Second, the directive clarifies the entitlements of patients and related conditions to receive health care in another Member State. For instance, for people in border regions, it may be easier to seek health care abroad rather than travelling long distances to the nearest relevant domestic health facility.

The added value of cross-border health care is also evident for people seeking highly specialised treatment, which only a very limited number of practitioners in Europe can provide. This might be the case, for example, for rare diseases.

The reality, however, is that most patients are simply unaware that they have the right to seek health care in another EU country, and that they are entitled to reimbursement for such treatment. And, even if they are aware of this right, the rules and procedures are often far from clear. This is what we aim to clarify with this new directive: patients will all get the same clear information and guarantees on cross-border health care.

In practice, as long as the treatment is covered under their national health-care system, patients will be allowed to receive that treatment abroad and be reimbursed up to the cost of the same or similar treatment at home.

We are also clarifying that, under specified circumstances, Member States are entitled to introduce limits on the reimbursement or payment of hospital health care obtained abroad through prior authorisation, if there is a clear risk – even potential – of undermining the national health system.

In addition to this, the Directive clarifies the definitions of hospital and non-hospital care and in that way simplifies the procedures and conditions to access cross-border health care.

In such a context, I would like to stress that we have maintained the possibility to expand the concept of 'hospital care' to some health care which does not necessarily require hospitalisation, but which is by nature costly or needs a heavy infrastructure to be properly delivered.

Third, the directive establishes a new framework for European cooperation in areas that we have identified as key areas for the future and where we must act together at EU level to better meet the challenges ahead of

us. This is done in line with the principles I mentioned earlier through streamlined and improved cooperation, through common technical guidance and through a systematic search for best practices.

This framework will provide for developing enhanced future collaboration at European level in areas such as European reference networks, with a view to pooling together expertise, knowledge and medical skills, both for applied medical research and for diagnosis and treatment. In particular, this will be very important in the field of rare diseases, the provision of new therapies, as well as the rapid spread of new health technologies.

The second area is health-technology assessment, whereby the most efficient therapies will be identified at EU level by the best experts from the Member States, and spread in order to promote their use. Indeed, as regards new therapies and their high costs, the resources available being limited, we must ensure that they will be chosen and used in the most efficient possible way.

The third area is e-Health, where it is time to promote technical requirements to ensure interoperability at all levels and help to establish – at least – e-Health as an integral part of health-care services of tomorrow.

Fourthly, there is a need for a wider approach at EU level on the collection of health data related to cross-border health care in order to better monitor the effects of the proposed measures and enhance our epidemiological surveillance.

Finally, there is the facilitation of the recognition of medical prescriptions in all Member States. However, we must note that prescriptions issued in another Member State will be reimbursed by the patient's country of origin, only if the medicine is approved and eligible for reimbursement in his country of origin.

Let us also be clear that this initiative is not about harmonising health-care systems. It is not about changing roles in the management of health care. Member States are responsible for deciding how to organise their respective systems, what benefits they provide to their citizens and what treatments and medicines they will pay for. This will remain the case.

For now and for the future, what we want with this draft legislation is to grant patients the opportunities and information to access the safest, best-quality and most suitable treatment wherever that treatment is available in Europe. More cooperation between health systems will also create more solidarity and more health-care availability.

The aim of the proposed legislation is, indeed, to pave the way for better health care across Europe.

The directive is already being discussed, as was said by Mrs Bachelot-Narquin, in the Council, and I hope that the discussions will proceed swiftly in Parliament as well and that ultimately they will bear fruit.

(Applause)

John Bowis, *on behalf of the PPE-DE Group*. – Mr President, we all know that question on the doorstep: what does Europe do for me? Here is an answer: Europe is providing a new opportunity for patients. That is good news; we just have to make sure it works, and we will work together – the three institutions, and certainly within this Parliament – to make it work. But we are talking about court judgments. We are not talking about a blank sheet of paper, so we are not starting from afresh. We have to take into account those judgments.

Those judgments, in laymen's terms, are that, if you are facing undue delay for treatment, you have the right to go to another Member State, to have that treatment and have the bill sent back home, so long as the cost is comparable and so long as the treatment is normally available. That is straightforward. When I produced my patient mobility report in this Parliament, it was overwhelmingly accepted. Above all, we said, this must be a decision of politicians, and not of lawyers.

Mrs Bachelot-Narquin, to quote Jean Giraudoux, 'No poet has ever interpreted nature as freely as a lawyer interprets the truth.'

That is why we want politicians and not lawyers interpreting this. That is why we want legal certainty, so that everyone knows where they stand: governments, health services, patients, doctors. And it is why we must make it work for patients and for health services. It must be an opportunity and not a nightmare back home for health-service managers.

So we have questions. We have questions that the patient has the right to have answers to. Do I qualify? If I do, how do I proceed? What are the checks that I can carry out on where I might be going and who the doctor

might be? What is the choice? What is the confidentiality requirement? And what happens if something goes wrong?

Those are all questions for which we must find the answer. And then there are issues we have to discuss among ourselves; some of them have been raised already.

Firstly, prior authorisation. My instinct is that, for in-patient hospital care, it is fair to have prior authorisation. The Court did not say that this was wrong in itself; it said it is wrong to refuse it under certain circumstances, so we need to look at that very carefully.

We also need to look at the issue of prescriptions. Yes, I understand that the home state must have the decision on what is prescribed, but if you are prescribed a course of drugs as part of your treatment in another Member State and you go back home and they say you cannot have the rest of that course, where does that leave the patient? That is the sort of question we have to answer.

Another issue is reimbursement. The patient does not want to have to go with a pocketful of cash. There must be a way of having the bill sent back home, I believe through a central clearing house.

But this is a measure for patients – not for services, that is for another day. It is patients who are at the centre of this – patients, not lawyers – and it is for all patients, not just for a few.

Dagmar Roth-Behrendt, *on behalf of the PSE Group*. – (DE) Mr President, ladies and gentlemen, we are speaking today about a proposal that truly does focus on people in the European Union, namely patients. I am very grateful to the Commissioner for her introduction, but I also wish to express my gratitude to Mr Kyriakou for all the groundwork he has done at a difficult time.

Why do I call it a difficult time? Because in many instances the Member States are still the last fossils left in this European Union, cast in stone, failing to understand that people are the focal point and believing that the world revolves around them and their systems. That is not the case. The focus is on patients, and they are the weakest links in our society, because they are ill and infirm.

If we talk about patient mobility today, knowing that it is actually a right in the internal market, which means that it ought to have applied for more than twenty years, we should consider whether this is a timely debate and whether the Member States are abreast of the times. I tell you they are not! If the Eurobarometer is showing us today that 30% of all people in the European Union are unaware of their right to obtain treatment outside their own country, this means that all the Member States have been getting it wrong. They have not informed people of their rights; they have not been telling them what they are entitled to do and which options are open to patients.

Yes, I share the view of Mr Bowis and others here, and the Commissioner too, that the Member States should certainly retain their autonomous health systems. We have no wish to interfere with that, but we also want to ensure that patients have freedom of movement.

In connection with Member States' autonomy, I also recognise the need to be able to plan ahead, particularly when it comes to in-patient treatment. For this reason, authorisation will have to be one of the main topics of our discussions. Mr Bowis has already made that point.

Networks and information points must ensure that patients know what they are allowed to do, but they must also know where the best treatment is available – whether it be in Germany or in Cyprus – so that patients also have the opportunity to be cured.

If we succeed in improving the quality of health care and people's access to health care close to home, that will surely be a marvellous achievement, and no one need shop around anymore. That is what we really want.

Jules Maaten, *on behalf of the ALDE Group*. – (NL) Mr President, Commissioner Vassiliou, Minister Bachelot-Narquin, last week I attended a presentation of a new website on patient rights in all the EU languages, organised by my Danish colleague in the ALDE Group, Karen Riis-Jørgensen.

There was a lady there from Denmark who very nearly might not have been. She had breast cancer and was not getting anywhere under the Danish system because she had the wrong number of tumours. If she had had five tumours she would have been treated, but she had seven and did not qualify under the criteria. So somehow or other she needed to get rid of two tumours before she could be helped. In short, an unending struggle. In the end she found help in Germany. She did it – she borrowed money from friends and family

and went to Germany where she was helped. Her secondaries have now disappeared. She is cured, to the extent that you can ever say you are cured of cancer.

It is inhuman to make someone like that, an individual, battle against a system at a time when they are sick, at a time when they are as weak as they could possibly be. That is putting the system before the patient. I find it totally unacceptable! The Danes did in the end pay for much of the treatment, and all was well in the end. But what that woman had to go through was not exceptional; it happens all too often.

So the European Commission's proposal is a huge step forward to help these patients and my group is very keen to support it. We also need to ensure that this debate does not turn into an ideological debate. This is not just another directive about health services. This is not about how to reform health in the European Union. It is not about whether or not there should be a free market in healthcare. To my mind it is not really a matter of subsidiarity either. The question is not whether the Member States prevail or the Union. No, the question is whether or not the patient wins out. That is all that matters really. We shall definitely have to talk about all these other things, perhaps argue about them robustly during the election campaign, but in my view and that of my group they are not our concern today.

We are not trying to harmonise health, now is not the right time for that and maybe it cannot be done anyway. But we must learn to make use of the opportunities which the European Union offers us, the economies of scale we can benefit from, so that real specialist help can be provided to people with rare medical conditions. That possibility has of course existed for years, but now we really can make use of it and we must.

To conclude: last week Parliament also held a meeting hosted by Dagmar Roth-Behrendt at which the European Patient Forum outlined its manifesto. I am glad to see patients banging the drum, because it is patient input that we need. We are poised now to take a democratic decision, following the lead given by the lawyers. But the decision will now be taken by the right people, namely the elected representatives of the people.

Ryszard Czarnecki, *on behalf of the UEN Group*. – (PL) Mr President, it is a shame that we did not have the opportunity to discuss this particular issue during the previous session, when we were discussing the two previous legislative proposals. But, as the saying goes, better late than never. We are pleased to see that the Commission's proposals really do go in the direction requested by the European Parliament, in the direction in which the European Parliament encouraged the Commission to go in this regard.

If Europe is really to be a Europe without borders then this has, first of all, to be in the area of healthcare. Guaranteeing healthcare to the inhabitants of our Member States will show that we have really done something for European taxpayers and voters. After all, what the average Pole, as well as the average Hungarian, Cypriot, Englishman and Italian are interested in, much more than the Lisbon Treaty, is whether they will be able to access healthcare abroad during their holidays, or even if they can make a special trip to take advantage of a highly specialised hospital.

Finally, I believe that the measures that we are discussing today could really improve healthcare for foreigners and at the same time increase the authority of the EU, an authority that has recently been shaken by ideological debates and by trying to impose unwanted institutional solutions onto EU citizens.

Jean Lambert, *on behalf of the Verts/ALE Group*. – Mr President, I welcome very much the statement that has been made, certainly, by Council on this particular directive and the limits and context of it. As Parliament's rapporteur on the update of the coordination of social security, and indeed its rapporteur on the implementing regulation, I have a very specific interest in this because questions about reimbursement – how it is provided, what information is given, the speed and method of it etc. – come within the scope of that particular regulation. I think that when we are talking about issues such as health care for people who are on holiday elsewhere in the European Union, we should remember that comes under the European Health Card and under the coordination of social security. That is clear.

What this directive is aiming to do is to pick up some of the issues which are not necessarily dealt with in that particular regulation, and I think we need to be careful where the dividing line is on that. The question of prior authorisation has of course been an extremely important one. I think we need to be clear that we are not talking necessarily about an absolute right of patients to move and be treated within the European Union under their national systems, in terms of their national systems reimbursing them. It is a qualified right and I think we need to be clear on that.

I think we also need to be clear that what this directive is proposing, as I understand it, is that what will be paid for is care that will be available under the national system, not new or different treatments, so that again qualifies the right that we are talking about in terms of this particular directive.

There is no question that prior authorisation needs to be managed better, and that not only the patients but also the administrations involved need to understand what that is and how it should operate speedily in terms of medical need. That is the criterion set down by the Court: medical need. Administrations therefore need to reflect that, not necessarily their own cost basis.

There is a lot to be welcomed in this directive, and issues around best practice, issues about quality, legal certainty, who is responsible, are also important. As John Bowis has mentioned, we also need to take steps forward on questions, for example, about continuing care or prescriptions which may not be valid in one Member State because of their own systems. But we also need to be careful – and this applies to the implementing regulation on 883, as it does to this – that we should not be in the business of helping patients make a profit by playing different systems off against each other. I do not think that health-care systems benefit from that whatsoever.

I want to make clear on behalf of my group that increasing the amount of cross-border care is not of itself a goal. Mrs Roth-Behrendt said that most patients wish to be treated at home and have the quality and speed of treatment there, so increasing the amount in itself, as I say, is not a goal. A lot of claims are being made about the effects of trying to increase the amount of cross-border care which I think we need to be wary of, and I am glad the debate has reflected that.

There are people who are arguing that this introduces competition, that this drives up national standards, and that we even need to open the market as a reason for actually increasing and encouraging cross-border health care. However, this Parliament has made its position very clear: health is not a service like car insurance. It has a very particular role and its users are not simply consumers, but people in need and potentially vulnerable.

Many of those who tell us that increasing cross-border health care is a good thing will also reassure us that it only covers 2-3%. I want to know what the estimates are for the future and what the effect of this will be on the 98% of people who do not move and currently do not want to.

Roberto Musacchio, *on behalf of the GUE/NGL Group.* – (IT) Mr President, ladies and gentlemen, I am sorry that I cannot share the optimism of fellow Members, since I am convinced that this directive may well do more for business than for health: a kind of *Bolkestein* directive, but on health.

The crucial point for Europe has to be that every citizen must have the right to the best possible treatment in his or her own country; the sacrosanct right to be treated anywhere will otherwise mask the fact that treatment is not available at home – something that cannot be put down to questions of subsidiarity. It also masks the interests of those keen to speculate on health, providing big business for insurance companies and increasing costs for citizens as well as European health spending.

A directive which is, in my view, mistaken, because it pays no attention to harmonisation, to the universal nature of the service that Europe must ensure, and is not based on the notion that health is a right which has to be guaranteed by the public sector and not left to people's ability to take out private insurance. The unions are rightly very concerned and we are concerned with them.

Derek Roland Clark, *on behalf of the IND/DEM Group.* – Mr President, the central feature of this package – travelling for non-hospital treatment outside the home country – is funding by the home country, but limited to the amount it would have cost there. So there are benefits in going to a country where treatment is cheaper, as long as it is better. Health tourists will have to find the difference between the costs where treated and the home country's base of provision. Yes, travel costs are paid, ultimately by the home country, but at the home country's own level, leaving the health tourist to find the treatment top-up and probably travel cost excess. The poorest cannot afford to do this and they are left with the lowest standard of treatment. The rich can do it, but they will probably go for private care anyway. Regarding waiting lists, if a country's health care is poor and expensive they will not be troubled by health tourists, but where it is cheap and good they could soon be overburdened. This, therefore, produces a two-tier health care system. Is that what they call an unintended consequence?

Luca Romagnoli (NI). – (IT) Mr President, ladies and gentlemen, four out of every hundred citizens in Europe go abroad for treatment; in my view, however, health tourism is symptomatic of local shortcomings and a

lack of services. The Italian health service spends some EUR 40 million a year on Italians who go for treatment in other countries, and that obviously does not include private insurance.

What are the reasons for this? Without a doubt the very long waiting lists for services. In Italy, for instance, people have to wait 300 days for a prostate operation and very often a month or more for a CAT scan. Secondly, services such as dental treatment and cosmetic surgery have to be paid for in Italy and not in other countries. Thirdly – and I draw everyone’s attention to this – people go abroad to take advantage of techniques such as artificial fertilisation which are prohibited or partly prohibited in their own countries, or which are absolutely illegal as in the case of purchase of live organs – while India is a sad example, there may well have been equally sad examples in other countries before their accession to the Union.

All in all, people decide to embark on health tourism because high-quality and less expensive services are on offer; in many cases, however, I feel that supervision by the Union needs to be tightened up both as a guarantee for consumers and to ensure that competition is on an equal footing. The social context in which services are provided is often a mixture of public and private, in those countries which have recently acceded as well, and, Mrs Vassiliou, I would therefore recommend, over and above the principles on which you have focused, strict supervision of compliance with existing regulations which make the use of raw materials, the CE mark and conformity documents compulsory, because the salubrity of medical devices and treatments has to be guaranteed. Let us not forget that there is always someone ...

The President cut off the speaker

Charlotte Cederschiöld (PPE-DE). – (SV) Mr President, Commissioner, Minister, now we European parliamentarians have a chance to show that we are just that, European parliamentarians. That we are standing up for the Treaty and the rights it gives us. That we are legislating with the patients’ best interests at heart, not to protect and support the protectionism which sometimes informs the debate. That we are committed to finding added value in cooperating to give our patients the best possible care, wherever that may be.

The proposal that Commissioner Vassiliou has presented is a good starting point and to be applauded. We must complete what she has begun and ensure that no unnecessary bureaucratic obstacles are introduced. To spell it out, that means that the Member States have no right to prevent free movement without reason. Requirements for prior authorisation may be imposed only in exceptional cases – if they are specified on the Commission’s list or if there is a risk of a mass exodus of patients which would undermine the health system. The idea that it might be imposed because so few patients have chosen to seek care abroad is highly unlikely. Thus the starting point is: no prior authorisation. Anything else would be contrary to the Treaty.

The next stage in this work on creating the conditions for optimum care is to implement the directive correctly. Sick people should not have to go to court in order to validate their rights and to get unjustified requirements for prior authorisation overruled. The Court of Justice will rule in favour of freedom of movement, but at what cost in terms of money and the health of patients who have to seek enforcement of their rights every time! I really hope that we can escape that experience, and I call on my fellow Members and the President-in-Office to help us; I am quite convinced that our Commissioner will help us.

Bernadette Vergnaud (PSE). – (FR) Mr President, Mrs Bachelot-Narquin, Commissioner, ladies and gentlemen, following my own-initiative report on health services that Parliament adopted on 23 May 2007, the Commission is now proposing, as part of the social package, a directive addressed solely at patients’ rights in regard to cross-border health care.

I am, therefore, very sorry this text shows so little ambition and does not take account of the many internal challenges that need to be resolved in order to combat the growing inequalities in the health sector, such as the ageing population, social inequalities, geographical segregation and medical demography problems. On an issue that is so vital to the citizens of Europe, the Council and Parliament cannot, therefore, simply codify the Court of Justice’s rulings. We need to find a certain balance, which will safeguard both the rights of patients – who are not merely consumers – to cross-frontier care, and equal access for all to quality care, with solidarity-based responsibility; to ensure social and territorial cohesion and respect for the principle of subsidiarity. There is still a worrying grey area in relation to definitions, such as prior authorisation and the concept of hospital care. We need clarification here, so as not to open the door to discrimination that might give rise to a two-speed health system within Europe instead of creating added value in Europe.

Health has no price but does have a cost; the directive, on the other hand – and that is a good thing – reaffirms both the principle of subsidiarity and the need for closer cooperation to bring the medical research networks and patient information centres closer together.

The debate will begin; it must be an in-depth and fruitful debate, rather than a precipitate one, and must be shared by all the players involved, with the object of constructing a genuine European social model.

Elizabeth Lynne (ALDE). - Mr President, why should a patient have to lose their sight waiting for a cataract operation in the UK, for instance, when it could be done in another Member State? And why should a person waiting in agony for a hip operation not be able to take advantage of the lack of waiting lists in some Member States, sometimes at a lesser cost to the country of origin? And why do some heart patients have to wait months to have surgery to unblock arteries when there really is no need?

If a clinician advises treatment, and this cannot be provided at home, then we need a legal framework to ensure that we can seek it elsewhere. All too often it is the poorest people that face discrimination and inequality in access to health care. That is why we must ensure that Member States can authorise treatment in another country prior to that treatment. We must not restrict cross-border health care just to those who can afford it.

Equally, this new directive must not compromise standards of care for those people who do choose to stay at home. We must also ensure that there are safeguards in place that put the rights and safety of the patients first. That is why it is vital that a mechanism is developed to share patients' records between the patients' home country and the country where they receive treatment.

Apart from that, we need to develop a system of compensation for patients who suffer avoidable harm when being treated in another country EU country. And, with regards to the sharing of best practice, I welcome Article 15 in the draft directive which calls for a system of European reference networks. These centres of excellence could prove a useful way of sharing knowledge, training and the exchange of information. All too often we look at health-care-acquired infections or cancer-screening guidelines; the answer is on our doorstep, and it is about time that we started learning from each other more effectively.

Ewa Tomaszewska (UEN). - (PL) Mr President, the main healthcare challenges facing us today are improving the health of older people, preparing to deal with geriatric diseases in relation to the ageing population, universal access to a proper level of healthcare, ensuring financial stability for national healthcare systems, giving particular attention to access to healthcare for disabled people, children, the elderly, and those from poorer families, guaranteeing the rights of the patient in cross-border healthcare, establishing cross-border electronic interoperability for medical records, while at the same time ensuring protection for personal data and the provision of good working conditions for employees in the healthcare sector.

The concrete measures proposed in the Social Package to meet these challenges, such as the preparation of a communiqué concerning meeting the needs of the ageing population, or the preparation of a green book as regards the issue of employees in the healthcare sector, give us some hope that we shall not remain only at the wish-making stage. I am glad to see that so much attention has been paid to the issue of cross-border healthcare, which is so important in this age of ever growing migration.

(The President cut off the speaker)

Eva-Britt Svensson (GUE/NGL). - (SV) Mr President, the directive means that more power will be given to the EU over healthcare, and I am opposed to opening up this field to EU legislation. Healthcare is and must remain a national prerogative. The idea that patients should engage in a form of healthcare tourism is an incorrect prioritisation of our common healthcare resources. The new fundamental principle that we should have a right to care in another EU country without prior authorisation opens up a fast lane to care for young, linguistically talented and relatively healthy persons and poses the risk of diverting resources from those with greater care needs, such as our elderly and those with functional impairments. Clearly everyone should have the right to care if they are sick in another EU country, but we already have that right without the need for new EU legislation in the field. Healthcare remains a national policy area.

Hanne Dahl (IND/DEM). - (DA) Mr President, we all wish for the fastest, best treatment if we should fall seriously ill, but I do not want to see the American model, where well-off citizens receive the best treatment and vulnerable members of society second-class treatment – if they are lucky. If they are unlucky, they receive none at all. Therefore, we must lay down some basic principles. There should be free and equal access to healthcare services for all, and people should be treated in turn and according to need. That is to say, a public authority must carry out an assessment to ensure that a medical professional determines what constitutes 'turn' and 'need'. It is the sickest who should be treated first, not the richest. A way forward in terms of free and equal access to healthcare services for all citizens would be to scrutinise public contributions to treatment in private hospitals and tax credits for private health insurance. EU legislation should not be oriented towards

an ideological school of thought based on the internal market, but should aim towards a flexible system in Europe, which guarantees minimum rights for all citizens in terms of treatment.

Irena Belohorská (NI). – (SK) The directive on the application of patients' rights in cross-border healthcare endeavours to solve an acute problem.

This problem is the conflict between the subsidiarity of healthcare systems and the right of European Union citizens to free movement, and also their fundamental human right of access to health services. Free movement is the right of any citizen living in a Member State and his health moves with him. Should he not be able to approach health services, he would face a serious obstacle hindering his free movement. Complete equality of services is impossible because of different taxes paid in individual countries in respect of health services, as well as differing rates of treatment in individual countries.

Although many politicians worry about the onset of health tourism, especially from the East, their fears are unsubstantiated. A very important thing for a patient is to be close to his relatives and not to face a language barrier. The patient-doctor relationship is very specific. The success of treatment partially depends on a patient's trust in his doctor or in the health establishment. A patient's readiness to travel abroad to get treatment depends on the seriousness of the illness. In cases of life-saving treatment or treatment of a serious illness, no other obstacles matter.

I think it would be preferable for these issues to be dealt with by the European Parliament rather than by the European Court of Justice. It is sad that, although we are the citizens' representatives, we find making decisions more difficult than the European Court of Justice which, in each case so far, has found that the patient was right.

I should like to mention one thing in conclusion. Many of my fellow Members talk about the rich and the poor. For me, as a doctor, there is only the patient. I do not care whether he owns a Ford or is homeless.

Ria Oomen-Ruijten (PPE-DE). – (NL) Mr President, to begin with, may I say how delighted I am to see our erstwhile colleague, Roselyn Bachelot, here with us today and hear her telling us once again that the European citizen is all-important. This piece of legislation reflects that emphasis. My compliments also go to Commissioner Vassiliou, who has seen this very difficult item of legislation through.

With this legislation we – the European Parliament, the European Commission and the Council – really are doing something for people. The directive provides legal safeguards for mobility and at the same time offers a statutory basis for existing initiatives in the area of cross-border healthcare.

But when I compare this directive with the earlier versions, those which were opposed, I see that the focus is now more on patient mobility and less on health services, and the reason for that is to keep the Member States happy. I have a word or two of criticism about that. Border areas that have already taken some good initiatives on cross-border healthcare – for example the cooperative arrangement between the *Universitätsklinikum Aachen* and the *Academisch Ziekenhuis Maastricht* in my own province of Limburg, which as part of the Meuse-Rhine Euroregion would dearly love to be a pilot area – are becoming far too dependent on mobility alone and thus on the whims of insurers or the goodwill or otherwise of national authorities, because the focus is now no longer on the services themselves. We should take a good look at Article 13 to decide how we can get regions working together a lot more. And whilst I am on the subject, Commissioner, may I make the point that we in the Meuse-Rhine Euroregion are very keen to be a pilot area.

Secondly, patient involvement in setting up national contact points. Mrs Schmidt in Germany has taken an excellent initiative on this and we should look at how we might tie that in more closely to our own wider plans.

Another point is the 'list of treatments, other than those requiring overnight accommodation, to be subject to the same regime as hospital care', the purpose of which is to exclude certain functions from this directive. This needs careful consideration too, because we cannot have a situation where an overly strict interpretation of that list rules out cooperative ventures of the kind I mentioned just now. It is most important to know that effective cooperation makes centres of clinical excellence cheaper, not more expensive, and more readily accessible to people. That, after all, is what we are aiming for.

Anne Van Lancker (PSE). – (NL) Mr President, Commissioner Vassiliou, Minister Bachelot-Narquin, Europe has an important duty to help guarantee everyone high-quality and affordable healthcare, close to home if possible or abroad if necessary. So I am very grateful to you, Commissioner, for your initiative which

unquestionably has many positive aspects in terms of guaranteeing quality and safety, information to the patient, more European cooperation, e-Health, reference networks and so on.

I also agree with you, Minister, when you say that it is not a good thing to leave rulings on patient mobility to the Court of Justice and that there is a need for legislation here. I agree too with the view of Mr Bowis and Mrs Lambert that we ought perhaps to think about a better balance in the matter of prior authorisation of patient mobility, because that prior authorisation is an important instrument of Member States' planning and policy.

A few other questions remain, Commissioner, about the fees to be charged, and mechanisms to prevent patient mobility leading to waiting lists in certain countries. But I am sure, ladies and gentlemen, that these are questions and concerns which we shall be able to resolve as we discuss this directive further.

Once again, thank you for your initiative, Commissioner. And we look forward, Minister, to cooperating with you.

Marian Harkin (ALDE). - Mr President, at the beginning of this year I conducted a number of consultation meetings throughout my constituency in the context of EU policy on social issues, and then these meetings fed into the Commission consultation on social reality stock-taking.

It was very clear to me that citizens are very interested in the EU becoming more involved in social policy, and that certainly includes patient mobility. Indeed, the call for more social Europe was reinforced during the Lisbon Treaty campaign, and this response from the Commission, while not fully addressing the concerns of citizens, is timely and a step in the right direction.

I certainly welcome the proposals on patient mobility, but agree with some of the previous speakers that very many issues still need to be clarified – in particular, the issue of prior authorisation.

However, the bottom line is that patients must be at the core of any policy and should have no worries about costs, safety and quality.

In the mean time, patients must be fully informed of their existing rights, since legal uncertainty always works to the disadvantage of individuals who do not have many personal resources.

Finally, the French presidency referred to the fact earlier that some people will be disappointed that the issue of the mobility of health-care professionals has not been dealt with. I am one of those people. If we are to put patients at the core of any policy, then patient safety is paramount, so we must establish standardised accreditation systems for health-care professionals throughout the EU.

IN THE CHAIR: MR ONESTA

Vice-President

Zbigniew Krzysztof Kuźmiuk (UEN). - (PL) Mr President, speaking in this debate I would like to say that, from the point of view of the new Member States, it is important to leave the possibility of introducing restrictions on the use of healthcare abroad to the national level, principally because of the insufficient funding allocated to healthcare in these countries. Similarly, it is essential to apply the principle that a patient has the right to a refund of costs up to the value of what would be paid if the patient had used healthcare in their own country until such a time as the differences in development between the old and the new Member States have become significantly less.

Finally it is worth emphasising that the proposed solutions, particularly as regards the introduction of the European Reference Network, and also the European Network for Health Technology Assessment, provide an opportunity to raise the standards of medical care and also to make more effective use of healthcare resources in the European Union.

Jiří Maštálka (GUE/NGL). – (CS) Ladies and gentlemen, as I am sure you know, the slogan of the upcoming Czech Presidency is 'Europe without barriers'. In this context I am glad that the Commission, in cooperation with the European Court of Justice, was able to put forward a proposal that breaks through one of the barriers, namely healthcare provision. I approve of the fact that, thanks to the negotiations that have taken place so far, citizens are closer to a solution. Being a physician, I should like to see the necessary documents adopted as soon as possible, but I assume that the matter is so complex that the old Roman adage of 'hurry up slowly' applies here. At present, I think that the following fundamental issues should be debated. Firstly, we all agree

that it is necessary to ensure legal protection for patients who have the right to healthcare within the European Union, in keeping with the judicial decisions of the European Court of Justice. Secondly, it is not possible for the directive to establish new competences for the Commission because they are not vital. Thirdly, I think it is erroneous that, although the basic purpose was to ensure free movement of medical services, the text of the directive itself concentrates, first and foremost, on movement of patients in need of non-urgent healthcare. Further debates represent an opportunity not only for the Czech Presidency but also for Europe.

Kathy Sinnott (IND/DEM). - Mr President, I am both looking forward to and dreading the cross-border health directive.

I am looking forward to it because I know so many people who are more disabled, and so many people who have died, as a result of a long wait for treatment in Irish public hospitals. So the thought that my constituents will be able to get their medical records and travel without the current prior authorisation obstacle presented by the E112 scheme, to go and get treatment promptly, is wonderful. I will certainly be advising those of my constituents who can travel to do so.

However, I am also aware that this will further exacerbate the problems in the Irish health system, and for those who cannot travel, and who must rely on that health system, I am in dread.

Gunnar Hökmark (PPE-DE). - (SV) Mr President, this issue is about the right of the individual to seek healthcare where good care is available. The representative of the Group of the European United Left, Eva-Britt Svensson, said here earlier today that it will lead to healthcare tourism. I would like to inform her that, when sick people seek care, it is because they are in pain, they are suffering, they are damaged, and they need care. It is not about tourism.

Ultimately, this question is about the power of bureaucracy versus the right of the individual. It is about whether old frontiers should be used as a barrier to people seeking healthcare or whether the openness of today's Europe should be used as a means for people throughout Europe to get the best healthcare they can. It was illuminating to hear what the Group of the Left thinks but, since I have the representative of the Social Democrats, Jan Andersson, in front of me and he is right after me on the speakers' list, it would be interesting to hear from him whether he shares Eva-Britt Svensson's view that sick people who seek care abroad are engaging in healthcare tourism. Does he, like her, want to erect barriers of various kinds or will you, will the Social Democrats, work to ensure that we have the greatest possible openness, in which patients do not need to ask permission from the authorities to get healthcare? This question, Jan Andersson, is about Social Europe. It is not about how individual decision-makers should determine what others can do, but how the individual can get the best healthcare. Over to you, Jan Andersson.

Jan Andersson (PSE). - (SV) Mr President, Commissioner, let me especially welcome Mrs Bachelot-Narquin. We have worked well together in the past and I hope that we shall do so in the future. Welcome to Parliament. Briefly to Mr Hökmark, this is not a domestic debate. I do not check my opinions with Mrs Svensson, I prefer to form my own.

I welcome this directive for several reasons. We need clarification in legal terms. I think it is better than the draft that we had previously. There are considerable advantages, particularly for people who live in border areas, as I do myself. That said, I would also point out that it is important to link the arrangements to the various systems around Europe, in terms of organisation, financing and similar aspects.

There is one aspect that we must pay particular attention to. That is equality. We know that there is prioritisation in healthcare, but it is important that people are all treated equally and that some should not be able to take precedence because of their resources, and it is important that we should be able to combine these two aspects in cross-border care. The question of prior approval is also important. That is something to which we must devote further discussion. The limit specified in the directive is not good. Inpatient care, outpatient care: it varies considerably from one country to another, and the pattern changes over time. We must find other criteria. I look forward to cooperation. In our committee we shall be dealing with the financing of social security systems, which forms part of this cooperation. I look forward to cooperation with the other committees on this matter.

Anneli Jäätteenmäki (ALDE). - (FI) Mr President, the most important thing is for patients to receive good, safe and cheap care, and more often than not they want to receive their care as close to home as possible. In other words, national healthcare services need to be delivered appropriately.

The Commission's proposal before us should nevertheless be welcomed. It is important that care and treatment can also be available in another country. That would ensure more freedom of choice and that there were clearer guidelines and advice, whilst health and safety issues also become clearer. For patients, then, this would be a good thing.

For the Member States the issue is slightly more complicated, because the directive cannot work well until the electronic social welfare and healthcare systems in the Member States of the Union are compatible. We know that they are not today, and the implementation of this directive would demand a lot from the Member States. We need to ensure that when the directive has been adopted it also means that patient's details can pass from one system to another, information security is guaranteed and the patient's safety is assured. The patient is what is most important.

Søren Bo Søndergaard (GUE/NGL). – (DA) Mr President, the road to hell is paved with glittering promises, and one does not need to be a professor to foresee the result of this proposal in its current form. On the one hand there will be an 'A team' consisting of the wealthy, the well educated and those with the right connections – generally speaking, all of us in this Chamber. We are to be able to jump the waiting list in our home country and seek out the best experts in the EU – as we can afford to spend money on treatment, and we can afford the travel and other additional costs. On the other hand there will be the poor and underprivileged. They are allowed to join the back of the queue and, when it finally comes to their turn, they obtain the treatment that we, the richest, did not want. On special occasions, the EU presents itself as an alternative to the United States, but the point is that the EU is increasingly resembling the United States – including in the health field. Our group supports free and equal access to the treatment people need, so we reject this proposal.

Alojz Peterle (PPE-DE). – (SL) The social landscape of Europe has changed. We are faced with new challenges which require a modernisation of the European social model. The healthcare landscape of Europe is also changing. Success rates in the case of some diseases are on the increase, as is spending on running healthcare systems. However, citizens encounter huge differences in the quality of healthcare, both between the Member States and within them. Cancer survival rates differ by as much as 10% between the Member States.

I welcome the European Commission's intention to look closely at the issue of healthcare within the framework of a renewed social agenda. At the same time, however, I regret that the increased attention paid to citizens' health-related rights has come about solely as a result of a judgment of Court of Justice. I speak as someone who has himself survived cancer and who knows of cases where patients have been told 'there is nothing more we can do for you' in one country and received effective care in another.

Freedom of movement means the ability to choose. The ability to choose leads to greater competition and thus greater quality and possibly also lower costs. I am sure that the directive on patient mobility will enliven Europe and have many positive consequences. Our common goal is health for all. The directive on cross-border healthcare undoubtedly means greater closeness to citizens, who are not interested so much in debates on competences than in the shortest route to health – naturally one which is clearly signposted.

The most successful European policy is policy which citizens feel in their pockets, as was the case with the roaming directive. In the case of the directive on cross-border healthcare, citizens will not feel it directly in their pockets, at least not initially, but they will have greater choice for the same money. And that is not a bad feeling, particularly where health is involved.

Evelyne Gebhardt (PSE). – (DE) Mr President, Minister, Commissioner, when we talk about a social Europe, we must always put people and their concerns at the forefront. Putting them at the forefront means that we must have a top priority, which is that the health system should provide people with the best possible care locally. That is the number one priority. That is the proviso which must underlie our approach to this directive.

There are, however, many other considerations, for which we also need other solutions, be it because people are travelling or are working in other countries or be it because they have a rare disease or because they will receive better care in another country. This means that there is also a need to remove the obstacles to mobility in such cases and to ensure that legal certainty is created. That is the second priority.

The third priority is that we must remember time and time again that, under the European treaties, healthcare in the Member States is a matter for the Member States, and we must respect that. In other words, the organisation and funding of healthcare systems are the responsibility of the Member States, and our legislation can do nothing to change that. It is not an option, we cannot do it, and we have no intention of doing it unless we were able to agree at some future date to create a common health policy. That would be the ideal scenario, but I am afraid we are still far from ready to take such a step.

Othmar Karas (PPE-DE). - (DE) Mr President, Commissioner, ladies and gentlemen, we and the people of Europe are pleased that we can finally begin the parliamentary discussion of this proposal.

I regret that the threats the PSE Group made to the Commission last December resulted in a deadlock lasting several months. The proposal is good and provides added value for the people of Europe. We want to see the political creation of cross-border legal certainty, so that individuals no longer have to resort to the Court of Justice to assert their fundamental right to personal freedom of movement.

We are discussing a directive on patient mobility, not on health services. Primary responsibility for the assured delivery, the quality and the funding of health care continues to rest with the Member States. We know, however, that we need more cooperation among the Member States in the field of health care and more cross-border European input in research, in the key area of hospital provision and on the supply side.

This question is the free movement of patients. We are not asking whether health-care systems and high-quality health services can be organised without unwanted side-effects; we are asking how it can be done. We are moving in an area between four poles: patients' rights, protection of the healthcare systems, protection of health insurance schemes and quality assurance with regard to health services, security of funding and legal certainty.

Patients have a legitimate interest in seeking out what seems to be the best health service. To enable them to do so, we need a legislative framework and legal certainty. On the other hand, the great majority of the population want health services as close as possible to their own homes. We have the problem of funding the system of health care in the Member States. More mobility at the same cost is therefore the right way forward. We have the issue of quality assurance with regard to health services. We should launch the debate on European minimum standards in this area too.

Mia De Vits (PSE). - (NL) Mr President, Commissioner, I share the view of other Members that it is an important achievement to have this proposal on the table at last. It meets a need, a reality on the ground and it means we can really do something for people.

Some members claim that only the well-off will be able to get themselves treated abroad. We must make sure that healthcare abroad is accessible not only to the most affluent, because they are able to use the law to obtain expensive procedures. Patients have a right to clarity and legal certainty and we can work on that, that is our job.

The proposal is a distinct plus for EU citizens. It is not perfect, of course, there are a few improvements to be made. I am thinking of the definitions of 'hospital', 'non-hospital care' and so on and the identification of specific cases where prior authorisation may be warranted. These are things we shall certainly address in the debate.

So I hope our debate will be calm and pragmatic and not an ideologically based debate. Other aspects will need to be dealt with by national legislation, but I absolutely cannot agree with those who say that this proposal undermines the ability of Member States to organise their healthcare. I think it most important that we discuss this proposal.

Milan Gaľa (PPE-DE). - (SK) Responsibility for the health systems in the Union rests first and foremost with Member States. Responsibility for the organisation and provision of healthcare and medical services in accordance with Article 152 of the Treaty is fully recognised.

The proposal aims to introduce and ensure a transparent framework for the provision of safe, high-quality and effective cross-border healthcare within the Union, at the same time ensuring a high level of health protection while fully respecting the principle of subsidiarity. Although I wholeheartedly approve of the intention and goals set in the directive, I should like to point out certain shortcomings of the proposal that could be overcome.

Some are afraid that this type of care might place the health insurance systems in some Member States under undue pressure. We need a more precise definition of procedures relating to providing care and reimbursement in respect of repeated hospitalisations and damages, as well as treating complications. We must set a time horizon for reimbursement of costs and at the same time clearly state that the directive neither will nor wants to solve the long-term healthcare issues in such establishments where the health and social systems usually meet.

The term 'beneficial for the patient' must be specified. The medical aspects should be taken into consideration in the first place, not subjective benefits. When specifying the terms 'hospital care' and 'outpatient care', it would also be good to specify the term 'specialised outpatient healthcare'. In addition to that, the problem of the method of reimbursement of prescriptions issued in other countries still remains.

Ladies and gentlemen, just like on those other occasions when we witnessed the introduction of free movement in the past, certain worries exist. In my opinion, however, they are not insurmountable.

Pier Antonio Panzeri (PSE). - (IT) Mr President, ladies and gentlemen, it has been said that health services are a major pillar of the European social model. For that reason, it seems entirely right that we should address the issue with a view to ensuring a high level of health protection and equal access to healthcare for all; unfortunately, the text under discussion does not seem to be moving in that direction.

We need to avoid striking at the roots of the purpose for which the directive should be issued, and that is to guarantee, within the framework of free movement, the right of citizens to take advantage of health services within the Union. In practice, the text can be seen as an instrument geared towards opening up the health market at Community level, something which is quite different and could well lead to a right to health for the well-off.

The text provides solely for the reimbursement of the costs paid by them and only the cost of the health service as compared with the cost in the country of origin, disregarding the costs of travelling to and staying in the host country. Further critical points have also been discussed, ranging from the need to guarantee standards of service at Community level to the important issue of information.

For those reasons, I consider that more detailed thought is needed so that we can try together to provide European citizens with the answers that are still lacking in the directive itself.

Roberta Alma Anastase (PPE-DE). - (RO) First of all, I would like to welcome the entire proposal made by the Commission regarding a new social package. The necessity of modernising the European social model is obvious in the specific context of the 21st century and of the objectives sought in the Lisbon Strategy concerning sustained economic growth and the prosperity of the population.

The directive currently under debate is important in the enforcement of the renewed social agenda, particularly in the context of priorities related to the promotion of geographic and professional mobility, as well as to a longer and healthier life of European citizens. I hope that the provisions of the directive will bring healthcare services closer to home, and I am referring to all social categories, including emigrants, people working abroad and undergraduates studying abroad.

It is essential that healthcare should provide secure, quality services, no matter where in Europe it is provided. In this regard, I would like to stress the importance of education and training of European professionals in the field, as well as the importance of facilitating European communication and the exchange of good practice. Given the crossborder nature of the directive, professional training should include knowledge of foreign languages and familiarity with the fundamentals of intercultural dialogue.

Not least, adequate knowledge of information and communication technology is just as necessary for the success of the directive; moreover, it is crucial in strengthening the so-called field of e-health.

Daciana Octavia Sârbu (PSE). - (RO) The provision of healthcare services is a pillar of the European social model, and the creation of an internal market for these services should not encourage medical tourism, which will be available only to well-off patients who can speak many foreign languages and have access to information.

What is required is a clarification of the conditions for the reimbursement and licensing of healthcare, as well as a clarification of the concept of healthcare. I am concerned about the effects that this directive will have on the new Member States. European citizens will not travel to countries where healthcare is very expensive; on the contrary, they will go to countries such as Romania, Bulgaria, or Poland, leading to an exodus of patients from Western Europe to Eastern Europe.

Although healthcare provision in the new Member States in accordance with clearly defined standards of quality and security does not apply uniformly to all types of healthcare, the demand for dental services in Eastern Europe is constantly increasing. This will cause prices to soar in the host countries, rendering their citizens' access to healthcare more difficult, owing both to high prices and to the fact that certain companies will look for customers willing to pay more.

Opening up the European market in healthcare services will have a severe impact on the healthcare system in Eastern Europe, leading to inequality. Increased freedom of choice in the manner and location of healthcare provision is a positive thing, as long as all citizens have access to services, irrespective of their social standing.

Dariusz Rosati (PSE). - (PL) Mr President, the aim of the social package should be to guarantee universal and equal access to high quality healthcare services to all EU citizens. To a certain extent, this objective can be reached by appropriate regulation at European Union level, but there are many problems that result from mistaken and ineffective solutions at the level of individual Member States. For this reason, the Commission should encourage Member States to reform their national healthcare systems, primarily through spreading good practice and through effective financing methods.

A precondition for effective healthcare is the free movement of medical personnel between Member States. In this context I must draw your attention to the restrictions that continue to apply to Polish nurses and midwives wishing to work abroad. This is discrimination against Polish workers and is a blatant breach of the principle of free movement of labour and the principle of equal treatment. I call on the Commission to put an end to these discriminatory practices and to give back to Polish nurses the right to carry out their profession, without restrictions, in other European Union countries.

Zita Pleštinšá (PPE-DE). - (SK) The Committee on Internal Market and Consumer Protection held intensive discussions about the provision of cross-border healthcare back when the Services Directive was debated. The agreed compromise was reached only because healthcare services were excluded from the scope of the Directive due to their specific nature. Since this is a complex problem, I welcome this debate.

Clear and understandable information must be available to the patient even before he requests healthcare in another EU Member State, in particular regarding the level of treatment costs, the possibility of being reimbursed by his health insurer and the need for prior authorisation. Ladies and gentlemen, we have to adopt rules at European level that will enable the patient to make use of healthcare services anywhere within the EU, rather than make him a victim of the system.

Arlene McCarthy (PSE). - Mr President, many speakers stress the fact that all patients, whether they travel or stay at home, are entitled to high-quality, safe health care. Let us not forget that one of the biggest demographic challenges we have is an ageing population who will inevitably want health care in their own locality. So we need clarity to respect the right of patients to access health services, and at the same time we need to respect the Treaty provision stating that the organisation of health services, especially financing, is a competence of the Member States. We must recognise that 27 states have different systems, different funding systems. I regret that the directive is not clear on this point, but I have confidence that our rapporteurs can clarify these issues: if we want to keep out the lawyers we must have clarity, not just to avoid patients going to court, but to avoid them going to court on cross-border medical negligence issues.

So we need to have more innovation in our approach. The ideal mix, I believe, is to have patient mobility and to encourage Member States to buy in expert services, not just to treat one patient but to treat groups suffering from the same condition. This could be more cost-efficient, and could enable patients to stay close to family and friends.

Marios Matsakis (ALDE). - Mr President, this directive is wonderful in theory, but it could turn out to be a nightmare in practice. I say this because it could lead to services getting better in some centres but worse in others. I will give you an example: if patients from a small country like Cyprus with a neurosurgical problem all go to Sweden or Britain to have their neurosurgical treatment, then what will happen to the neurosurgical services in Cyprus? The standards will diminish, inevitably, and this holds for cardiovascular services, for orthopaedic services, for oncological services and for many others. So we must be very careful.

I fully support this directive, but we must make sure that we do not make good centres better and bad centres worse. We must be careful to raise the health standards right across Europe, in large countries as well as in small countries.

Czesław Adam Siekierski (PPE-DE). - (PL) Mr President, the purpose of the new social agenda is, among other things, to reduce barriers to mobility in a society that accepts the principle of equality, where there should not be any barriers in anyone's way. A very important issue here is the proposal relating to the directive concerning the rights of patients in cross-border healthcare. This is needed for people to be able to function in today's fast-moving world, where people travel hundreds of kilometres to attend a specific meeting. For this reason it is very important that every European should know that if their lives are in danger, someone will save their life and safeguard their health without unnecessary regulations or other obstacles. We should

make sure that every inhabitant of the EU knows that, in order to be able to access healthcare in an emergency, they must have a European Health Insurance Card. Patients must know that, in an emergency, they should be treated on the same basis as the citizens of the country where they are being treated. Quality, productivity and, above all, the safety of patients are the issues that, for us, should be the most important.

Christel Schaldemose (PSE). – (DA) Mr President, I should like to thank the Commission for presenting this Directive. I think it incredibly important that politicians have the opportunity to discuss patient rights, rather than it being left to the European Court of Justice to take decisions in such an important area. In my view, patients are of supreme importance. We must put the spotlight on patients, but for this reason we must also reflect on how to orient this Directive, so that the spotlight is on giving all patients the opportunity to receive good treatment. Therefore, I believe it is important to ensure that the Directive enables patients staying at home in their own Member State to have access to proper treatment too. Thus I believe that this prior authorisation should be the rule rather than the exception.

This is what I believe we need to focus on. In addition, I would agree with my colleague Mrs Sârbu in what she said about the need for us to take care that this Directive does not create a divide between east and west, north and south in Europe.

Colm Burke (PPE-DE). - Mr President, I welcome the proposal from the Commission. The question that is being asked is 'What can Europe do for me?'. I think it is important that we make health care available if it is not available in the home country. As one of the people who has benefited from cross-border health care – but I could afford it – it is important that it is available to everyone right across the Community. However, the issue that arises is that there should not be a delay in making sure that treatment is available. That is one of the things that I think is important in developing this policy.

Proinsias De Rossa (PSE). - Mr President, I believe there are a number of principles that have to be addressed in this issue. The first is that patients' health obviously has to be at the heart of it.

We must not leave the issue of these rights to decision by the courts. We as lawmakers must make the law in this area.

Thirdly, competition must not be encouraged, or be the outcome of this directive, between national health services; nor indeed should competition generally be encouraged in this area.

Petru Filip (PPE-DE). - (RO) The new Member States are facing a significant level of migration of highly skilled workers in the health services sector, a phenomenon which is leading to severe imbalances, correction of which will require a significant financial outlay. It is necessary that the new Member States benefit from extended European funding programmes to develop flexible healthcare provision for all patients, in a concrete, non-discriminatory manner.

Monica Maria Iacob-Ridzi (PPE-DE). - (RO) European mobility policy is one of the most important EU policies, allowing all citizens to establish themselves and work in those countries where they can benefit from an improved standard of living. However, free movement is significantly hampered by concerns about the possibility of recouping the cost of medical treatment abroad.

Therefore, I move for the creation of a European health insurance scheme, recognised by all Member States, facilitating European cooperation in the field of crossborder healthcare. This will lead to the development of a modern social agenda which will contribute to fostering opportunities in the field of education and employment.

Elisabeth Morin (PPE-DE). – (FR) Mr President, this proposal for a directive is concerned with the interest of patients and it is that human approach on the part of the Commissioner and the Minister that I welcome. I also appreciate the improved cooperation between Member States in terms of respect for national health systems and I hope this opportunity for Europeans will be enhanced by the provision of proper information, which is something they need. Effectiveness and humanity: that is what pleases me in this proposal for a directive.

Panayotis Demetriou (PPE-DE). – (EL) Mr President, I am proud that this directive has been created and promoted by two Cypriot Commissioners, Mr Kyprianou and Mrs Vassiliou. The directive is correct and necessary, and must be implemented.

The main focus of this directive is the patient, who is entitled to the best possible medical care, particularly when it cannot be provided in the patient's own country.

The practical difficulties have been correctly identified and need attention, because bad practice may end up nullifying an idea that is sound in other respects.

Roselyne Bachelot-Narquin, *President-in-Office of the Council*. – (FR) Mr President, Commissioner, ladies and gentlemen, let me start with a few personal comments and say how happy I was to meet up again with my colleagues from the Committee on Employment and Social Affairs, Mr Andersson, its chairman, Anne Van Lancker, Ria Oomen-Ruijten, Jiří Maštálka and others. May I offer them my warmest greetings.

John Bowis, speaking on behalf of the PPE, put the issue in its proper context by asking: ‘What does Europe do for me?’ He reintroduced the question of a neighbourhood Europe, followed by numerous others such as Dagmar Roth-Behrendt on behalf of the Socialist Party and Jules Maaten for the ALDE Group.

Many of those who spoke after John Bowis also emphasised that patients take precedence over states and systems. That is very true. Yet we must not end up by opposing patients, states and health insurance systems because any destabilisation of health insurance systems would have dreadful repercussions on the organisation of healthcare and, specifically, on the patients we want to protect.

That is why I would reply to Dagmar Roth-Behrendt that the question is not of patients’ right of movement within the European Union, which is a self-evident, fundamental right. The question the directive raises is of reimbursement and reimbursement terms, of the right or not to reimbursement. Article 152 of the Treaty makes it clear that Member States are free to organise and finance the healthcare they provide as they wish.

At the heart of the issue of prior authorisation lies the question of balance, of the soundness of the accounts of the national health support and insurance systems, especially those of the poorest states. This text reminds us of that responsibility and under no circumstances can states use this directive as a means of evading those responsibilities.

Basically, Jean Lambert was saying that cross-border care is not a goal in itself and Derek Roland Clark pointed out that perhaps we should make sure the provisions of the new directive did not ultimately benefit only a few of the wealthiest, most educated and best informed patients while the poorest patients would, of course, be treated unfairly.

The key question here, however, the question under debate, which the Commission and the Council should look at in depth, is prior authorisation for hospital care because that is indeed where there is the greatest risk of deregulation of national systems.

Jean Lambert asked whether the proposal for a directive was compatible with the regulation on social security coordination. The Court has found that those two reimbursement systems were compatible. We must ensure, therefore, that the two systems are properly structured. The proposal for a directive before us gives priority to implementing the regulation, which seems reasonable. Yet the principle of the patient’s freedom of choice must continue to apply if, for any reason other than financial, a patient prefers to go down the road opened by ECJ case law.

Like Bernadette Vergnaud, some MEPs regretted the fact that this text does not cover all the difficulties encountered by patients within the EU, and more specifically in their country of origin. When you look at the difficulties to be resolved by this text alone, you can see that it was unlikely that proposing a wider-ranging text would have been the best way of making progress in terms of resolving certain very practical problems, such as reimbursing healthcare for patients moving to another European country for the purpose of study, work or simply holidays.

Similarly, this is not just a directive on health services, to be regretted or welcomed. So it serves no useful purpose to decry it as some kind of ‘Bolkestein directive’. That really is not what this directive is about.

Once its basic principles have been established – and I have noted them – this directive must therefore enable us to preserve a certain means of regulation, as it already exists between the Commission and the Council but also between many MEPs on all benches, in regard to respect for these options open to patients. As regards prior authorisation for cross-border healthcare, Member States must remain responsible for deciding on the range of care they offer.

It is also important that when a state imposes certain conditions of access to care for public health reasons – such as the doctor’s referral system or what is known as gate-keeping in English – its systems are respected and applied when patients turn to a health system in a country other than their own.

Obviously, this discussion on the directive cannot be dissociated from the Commission's forthcoming communication or from the Council's proposal for a recommendation on Community action in the field of rare diseases. I believe it is entirely possible to hold those discussions at the same time. Another issue that many MEPs raised was the interoperability of health information systems. This directive may contribute to that in legislative terms.

Commissioner, ladies and gentlemen, of course we are only at the start of this dialogue, of the discussion on this subject, which will have to cover such vast areas as data protection, transparent enacting terms and perimeters. Here again, however, with the directive creating legal certainty, we should be able to advance along the road of interoperability, which does not mean going it alone but, quite simply, harmonisation and greater compatibility.

Thank you all for your deep and meaningful contributions, which have shed great light on our debate.

Androula Vassiliou, *Member of the Commission*. – Mr President, this has been a very interesting discussion.

Let me say that very often we hear the question: how can we bring the citizen nearer to the European Union?

This is one example of how we can make the citizen feel that the European Union is doing something for him or her. Under the present system, there are many inequalities. With the clear legal framework provided by the draft directive concerning citizens and the various issues we are trying to give clear information to the citizen about their rights and how they can exercise them.

It is true that there are concerns. I listened very carefully to your concerns, and I am sure that during the course of the debate and the deliberations we shall have, we have to address these concerns so that the end result will be something which is really of benefit to the citizen.

This is not a Bolkestein Directive II – far from it – and we should never think that this is so. It is about patients' rights and how to exercise those rights.

We are not trying to harmonise health systems. Member States can continue to exercise and regulate their health systems, and they can decide for themselves what benefits they want to offer to their citizens, and to what extent.

We are not trying to encourage health tourism. We are not trying to give citizens the chance to have their faces and their bodies fixed; rather, we are trying to give citizens the right to have proper health care when they are sick and they need it.

Nor do we expect a big exodus of European citizens from their home state to another Member State. According to the calculations and to the impact assessment that we have, only a very small percentage of citizens wish to go abroad. Why? Because they want to have the care that they need nearer to their families, they want to speak their own language and to be in a familiar environment.

However, there are cases when they need some extra health care which their home state cannot provide. This is a right that we give them – this extra right to have an informed choice and decide for themselves where they go for their health treatment.

Indeed, we have had encouragement from the European Court of Justice to legislate. We cannot leave it all the time to the Court to decide about the rights of the patient case by case. This is not just. How many European citizens can afford a lawyer and can afford to go to court? Only a very few. Therefore, we must offer solutions to all the patients, give them the right information and let them decide for themselves what they need.

This is a time for all of us to work together – the Council, the Commission and Members of Parliament – to find the best possible solutions for patients.

(Applause)

President. – Thank you, Commissioner, I think the applause in the Chamber reflect Parliament's satisfaction.

I have received, pursuant to Rule 103(2) of the Rules of Procedure, six motions for resolution winding up this debate.⁽¹⁾

⁽¹⁾ See Minutes.

I would inform you that the EPP-ED Group has now withdrawn its motion for a resolution.

The debate is closed.

The vote will take place in a few minutes' time.

Written statements (Rule 142)

Livia Járóka (PPE-DE), in writing. – Healthcare for Roma has been systematically denied or rarely taken into consideration across Europe, despite the fact that access to healthcare is a fundamental right for European citizens. The Renewed Social Agenda on cross-border healthcare must address the problems Roma encounter in their failure to have healthcare services within a short distance of their community. Most Roma live on the periphery of urban centres, and miles away from health facilities. Their segregation from these services results in the life expectancy of Roma being estimated at 10 years less than the national average. The prevention of and vaccination against diseases prevalent in Roma communities as well as the question of emergency situations and regular health checks have yet to be resolved. Another factor limiting the access of Roma to healthcare stems from their lack of identity cards, which would enable them to apply for insurance or social assistance. With the fall of the communist regimes, many Roma were not acknowledged, or were forgotten or erased from country citizenship records. Lastly, the health of Roma women must be addressed, as they are the caretakers of the Roma community. If the Commission is to help Europeans obtain healthcare services within the EU, they must ensure this is universally and equally applied.

Lasse Lehtinen (PSE), in writing. – (FI) In a properly functioning Europe, the patient must be able to apply for proper care and treatment wherever it is available. If there are waiting lists for a heart operation or a hip replacement in one country, access to treatment in another country must be possible without any protectionist jungle of legislation. The removal of barriers also means better use of existing resources. Most of the speeches opposing the movement of patients and services appeal to the worst aspects of Europeanness, xenophobia and mistrust. Properly functioning health services, both public and private, are part of the welfare society – the European welfare society.

James Nicholson (PPE-DE), in writing. – Cross-border healthcare is a key element of the social package. While the EU has facilitated freedom of movement and the right to live and work in other EU countries, clarification regarding patients' rights to access healthcare in other Member States was urgently required.

Despite numerous European Court of Justice rulings on this subject, citizens are not fully aware of their rights on this issue. Moreover, they are not adequately informed about their exact entitlements, how to go about arranging treatment, or indeed reimbursements.

In Northern Ireland, projects have been piloted around the border counties which ensure that people can benefit from the most appropriately located healthcare services. These projects have been very successful and have been very much appreciated by the people who have benefited from them. In this regard, I would like commend the British Medical Association (NI) and the Irish Medical Association for their efforts in promoting cross-border healthcare between Northern Ireland and the Republic of Ireland.

While I welcome this work by the Commission, I cannot help feeling that it is overdue. Now that this issue has been clarified and given a legal framework, I sincerely hope that Member States will fully cooperate.

Marianne Thyssen (PPE-DE), in writing. – (NL) We are still glad that the European Parliament excluded health care services from the general directive on services. Healthcare is after all a specific sector requiring a specific approach.

The fundamental premise of the proposal, in line with established case-law, has to be that the organisation and funding of healthcare are the responsibility of Member States. This means on the one hand that patient mobility cannot be made an absolute right and on the other hand that there are no excuses for not investing in one's own health system. That premise also necessarily implies that Member States must be able to charge the real cost to the patient. There must be solidarity, but there must also be the possibility of differential treatment for patients who have contributed in their own country through the social security and tax system and foreign patients who have not.

The fact that we have the directive is a good thing, but anyone familiar with the sector feels that it still needs a lot more work. To my mind the quality, accessibility and financial sustainability of healthcare on the basis of socially responsible solidarity remain the key criteria here.

Silvia-Adriana Țicău (PSE), *in writing*. – (RO) I believe that access to quality healthcare is one of the essential values of a Social Europe. Patients' rights within the EU and crossborder cooperation in this field among the Member States constitute a significant part of the new social package. Patients must have access to quality health services in any Member State and they must have the possibility of being reimbursed with amounts that are equal to the amount they would receive in their own country. Today there are significant differences within the EU as regards both the quality of health services and the reimbursable amounts. I believe that an assessment of the European health system and of the medical technology in use is required as a matter of urgency. The appropriate equipment of all hospitals with the technology required to diagnose and treat various conditions is a prerequisite for the provision of quality healthcare. Physicians and nurses move from one Member State to another both in search of better wages and due to the availability of better diagnostic and treatment facilities. It is important that the directive on the patients' rights include, according to EU priorities, a minimal list of health services which should be fully covered by health insurance budgets.

IN THE CHAIR: MR PÖTTERING

President

5. Welcome

President. – Ladies and gentlemen, allow me, on behalf of you all, to welcome a delegation from the Knesset headed by Amira Dotan.

In the framework of the regular contacts between the European Parliament and Israel, an interparliamentary meeting will take place during this part-session. This will be the 33rd such meeting between our two assemblies.

I bid a warm welcome to Amira Dotan and the members of her delegation, with whom we have already had the opportunity – on Tuesday – to converse at greater length.

We wish you success and hope that your work will be marked by a willingness to engage in dialogue and a desire for mutual understanding – qualities that are indispensable to a resolute quest for peace in the Middle East.

The European Parliament is following that process very attentively and is determined to be an objective and active contributor to the pursuit of peace in the Middle East.

(Applause)

*
* *

Sarah Ludford (ALDE). – Mr President, this is about the building in Strasbourg and the decision to go back.

The Secretary-General sent an e-mail on Tuesday morning saying we would go back in October. I understand there was no vote or decision by the Bureau, which is strange.

Mr Rømer made no mention of the availability of the expert report. I had to rely on information from the Vice-President for Transparency to know that the Secretary-General had told the Bureau he would make it available to Members on request in the French and German versions in which it exists, although he would not translate it.

I have now sent a total of three e-mails over the last two days asking for the report in French, with no response. I find this unacceptable and I am now raising the matter under Rule 28 of the Rules of Procedure on accountability and Rule 96 on transparency.

I want to know the basis on which we are going back to Strasbourg. I have read the note which went to the Bureau on Monday, but it seems to me that the works only relate to the false ceilings. So, firstly, what do we know about the reasons for the collapse? Is it the design, the materials, the quality of construction or the building inspection? It has got to be one of those four.

Secondly, what does it tell us about the rest of the building? We do not know whether the whole building has been checked. Are there faulty materials? One rumour is that the steel used in the building is the same as in the Charles de Gaulle airport roof which collapsed. Is that true or not?

(Protests)

Well, if you do not give us the truth, rumours will proliferate.

This is all without prejudice to Mr Matsakis' concerns about asbestos in the building which he is pursuing with vigour, also with no response I think.

I want to know, first of all, why I have not been given the report, what is the basis for the decision to go back to Strasbourg, is the building truly safe, and who has decided it is?

(Applause)

For my part, this is not, and should not be – and I hope it is not being – dealt with as a political issue. People could have died if they had been there in August, and they could die if anything goes wrong. Please could I have some answers?

(The President cut off the speaker.)

President. – Baroness Ludford, as far as I am aware, you are a citizen of the United Kingdom. Citizens of the United Kingdom are noted for their pragmatism and their *sang froid*. May I therefore advise you to keep a cool head now. There was no reason to abuse the right to ask questions.

We are preparing an e-mail for all Members. The technical details will be set out in that e-mail in the appropriate languages. Have confidence in the parliamentary administration! We are doing what is necessary. There was no need to admonish us to tell the truth. We are always bound by honesty in all matters, including this one, Baroness.

(Applause)

Alexander Alvaro (ALDE). - (DE) Mr President, on Tuesday five Members from four different political groups put up a large poster to publicise written declaration No 75. The requisite authorisation was obtained from the competent quaestor, Mr Fazakas, before the poster went on display. Someone removed the poster on Tuesday afternoon without informing any of the authors of the written declaration. Yesterday we could not find it at all. Today we discovered that it is with the security service. The reason given to us was that a political decision had been taken to the effect that this written declaration could not be advertised.

Since when has the administration decided what is politically right and wrong, particularly after the competent quaestor has given his approval? We are democratic Members of Parliament with the right to state our position. You do not have to agree with the content of the declaration, but removing the poster without informing the authors is wrong; it is a preposterous curtailment of Members' rights. I ask you to comment on this matter.

(Applause)

President. – Mr Alvaro, your intervention, which is entirely legitimate, is the first I have heard of this incident. I assure you that we shall look into this matter.

6. Statement by the President

President. – Ladies and gentlemen, the Conference of Presidents has asked me to deliver a brief statement about tomorrow, the European Day of Languages. I shall gladly do so, but please bear with me, because this statement is written in several languages, which makes it a daunting task for me too. I ask you to take note of this statement.

On 26 September 2008 we are celebrating the European Day of Languages. In that framework, the European Union, together with the European Council, is supporting a series of European initiatives aimed at promoting the valuation of languages and cultures and at highlighting to the European public the importance of learning languages.

(DE) The linguistic diversity of Europe is an essential element of our intellectual heritage and is one of our cultural treasures. In the course of European unification, linguistic diversity has gradually become less of a barrier and more of an opportunity. This is why the latest communication from the Commission on multilingualism rightly describes our linguistic diversity as a trump card.

(FR) Multilingualism and promoting linguistic diversity are cornerstones of our day-to-day activities in the European Parliament. Our motto is 'no legislative work without translation'.

(IT) Translation and interpreting of our work as representatives of the peoples of Europe play a vital part in ensuring its legitimacy and transparency and bringing our Parliament ever closer to European citizens.

(ES) In that context it should be noted that the European Parliament is the only international organisation which has a website and web television in 23 different languages.

(PL) A European Union that is united in diversity need have no concerns about its future.

(DE) Thank you for your attention, ladies and gentlemen.

(Applause)

*
* *

Elizabeth Lynne (ALDE). - Mr President, I have a point of order. If you have the information to tell us that it is safe to go back to Strasbourg, why can you not make a statement now before we leave this plenary and risk going back to a building that some of us think is still unsafe?

President. - Mrs Lynne, all the information given to me indicates that the building in Strasbourg is every bit as safe as this building here in Brussels.

7. Voting time

President. - The next item is voting time.

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

7.1. Community Media in Europe (A6-0263/2008, Karin Resetarits) (vote)

7.2. VAT on insurance and financial services (A6-0344/2008, Joseph Muscat) (vote)

7.3. Area of Freedom, Security and Justice (AFSJ) 2007 (vote)

- Before the vote on Amendment 1

Manfred Weber (PPE-DE). - (DE) Mr President, on behalf of the PPE-DE Group, may I move an oral amendment for the reformulation of Amendment 1. Before doing so, let me say that the report from Mr Deprez and the entire committee is excellent, and the PPE-DE Group would like to vote in favour of it. We do, however, have one key point, which is the question of voting rights for migrants in the European Union, not because we reject enfranchisement in general but because we take the view that subsidiarity should apply to such decisions. Electoral law is not a European matter.

For this reason, we would like to build a bridge to the amendment by proposing that it be reworded. We ask our fellow Members in the other groups to support the new wording so that we can all approve this good report.

The new wording reads as follows:

'a proposal concerning the integration of long-term residents into the political life at European and local level; a step forward which could help the social, cultural and political integration of these long-term residents;'

(DE) I ask for your support.

President. - I see there are objections.

(The oral amendment was not adopted)

7.4. Concentration and pluralism in the media in the European Union (A6-0303/2008, Marianne Mikko) (vote)

– *Before the vote*

Ignasi Guardans Cambó (ALDE). - (ES) I have asked to speak pursuant to Rule 166 of the Rules of Procedure, in relation to Rule 45(2) of the Rules of this House.

Rule 45(2) was recently amended to prohibit amendments to motions for resolutions contained in own-initiative reports.

The result, as we shall see in the forthcoming vote, is that if a Parliamentary group wishes to amend one line or one paragraph of an own-initiative report, it is required to table a completely separate alternative motion for a resolution where the only difference is one comma, or the insertion or deletion of a single word.

Perhaps at the time it seemed like a good idea when the rule was being amended but what is happening now is that it is making it difficult to reach agreements within this Chamber, and reaching agreements should be one of our main objectives. It is impossible to reach any agreement between political groups if the only thing we can do is table a separate text, as we will see in the vote shortly.

Mr President, I request that the amendment to Rule 45(2) be reviewed because the effect it is having is absurd and it is interfering with the political relationships between groups in this Chamber.

(Applause)

President. – I must point out that the European Parliament, in its wisdom, took that decision.

(Objection by Mrs Pack)

I am afraid so, Mrs Pack, but that cannot be altered. In the meantime, we must adhere to the letter of the law.

Monica Frassoni (Verts/ALE). - (IT) Mr President, ladies and gentlemen, Mr Guardans should perhaps ask his group as it was one of the proponents of this rule. I should nevertheless like to say this: the report on which we are voting today, the Mikko report on concentration and pluralism in the media, is the first report which we are approving under this procedure, which prevents us from having a full debate, which prevents us from tabling amendments, on a day when there has been a serious, very serious, attack on freedom of expression in Italy, with the announcement of the sacking of 25 journalists from the only television channel over which Berlusconi does not at present hold sway. I think that the way in which we are debating these problems is also indicative of a lack of will in this House to introduce rules, laws or directives on media concentration and pluralism which are increasingly urgently needed in the European Union.

(Applause from the centre and the left)

Marianne Mikko (PSE). - Mr President, I would to thank everybody who contributed to this extremely important and high-profile report on media pluralism and concentration in the European Union. The report is about safeguarding democracy. We have tried to include everything that strengthens democracy in this report. That is why you should try to focus and think twice before you vote. What are you in favour of, and what are you opposing? We are sending this message to our citizens today. Please think.

(Applause)

Pál Schmitt, on behalf of the PPE-DE Group. – (HU) Mr President, as shadow rapporteur for this topic, I would like to join those who say that this system is not good as it is. I would have liked to express the opinion of the People's Party in the Parliamentary debate, but, as shadow rapporteur, I was not given the floor.

I would like to ask why, if pluralism in the media is so important, pluralism of opinion is not so important? I would have liked to explain the fact that we do not agree on some things, but I was not given the floor. Of the whole Parliament, two people were allowed to speak on this topic; the rapporteur and the Commissioner. We absolutely must consider whether this system is good, because we are curious about each other's opinions, and this is called pluralism of opinion. Please, Mr President, help us to bring this to fruition.

(Applause from the right)

President. – Ladies and gentlemen, I give Mr Cohn-Bendit leave to speak, but then we must proceed to the vote. We can draw the appropriate conclusions about the consequences of our own decision. If we have made a questionable decision, we have the right to amend it ourselves, but the amendment must be made in accordance with the proper procedures.

Daniel Cohn-Bendit (Verts/ALE). - (DE) Mr President, this particular piece of nonsense you just referred to was adopted by the majority of this House in spite of our voting against it. It was your decision! Give your chairman hell now so that he gets it amended!

(Applause from the centre and left)

President. – We do not really want to give anyone hell, but conclusions can be drawn if the majority of the House so wishes.

Stefano Zappalà (PPE-DE). - (IT) Mr President, ladies and gentlemen, I have no intention of looking in any detail at the inaccurate statements that Mrs Frassoni has made, but I feel that I must make one clarification to the House. In Italy, it is not President Berlusconi but other groups which own television channels. Mr President, in Italy, there are three state television channels: Rai 1, Rai 2 and Rai 3, there is the Mediaset group and then in Italy there is LA7 ...

(Protests from the centre and the left)

President. – Ladies and gentlemen, there is no reason to get worked up. You took a decision.

If Parliament has taken a decision that the majority may deem to have been unwise, it can be changed. But a rule is observed until such time as it is amended. That is the principle we follow in Parliament.

(Applause)

7.5. Getting a grip on energy prices (vote)

– Before the vote on Amendment 1

Urszula Gacek (PPE-DE). - Mr President, I have a genuine point of order with respect to the new Rules of Procedure. We have been told that, because debate has been curtailed, we can now put in more written statements over the single written statement we were able to do before the new Rules came into effect. Today I tried to submit two written statements, and the internet site will not allow it. So my voice in the debate for controlling energy has not been noted anywhere.

Can you make sure the technical problem is solved? The revised Rules of Procedure are not being adhered to.

President. – You can submit a written declaration, Mrs Gacek, but that was not the right time to raise the point.

7.6. White Paper on Nutrition, Overweight and Obesity-related health issues (A6-0256/2008, Alessandro Foglietta) (vote)

7.7. Collective management of copyrights online (vote)

7.8. 'IASCF: review of the constitution – Public accountability and the composition of the IASB proposals for change' (vote)

Piia-Noora Kauppi, *on behalf of the PPE-DE Group.* – Mr President, as you already said, the PPE-DE Group would like to request the postponement of the vote on this resolution. Certainly, the governance of the International Accounting Standards Board is not going to be solved in the next two weeks, so we have time to vote about this resolution in the next mini-plenary session here in Brussels.

The reason for this is that we have got some new proposals from the European Commission and maybe it is possible to polish up some of the wordings of the resolution.

The deadline was very tight and that is why we want to have more time and to have the vote on this during the next Brussels session.

Pervenche Berès, *Chairman of the ECON Committee*. – (FR) Mr President, I am speaking as Chairman of the Committee on Economic and Monetary Affairs. In the current financial crisis, everybody realises that accounting standards and their potentially procyclical nature are a major issue. The governance of the structures that develop these accounting standards is a very important matter.

The European Commission, already addressed on these issues in the Radwan report, has chosen to draft a proposal that does not involve those who are responsible for the stability of the financial markets, that was drawn up hastily with American authorities who are reaching the end of their mandate and have been disowned by all the candidates in the American presidential election, and without consulting the Council or the European Parliament.

In a spirit of compromise and openness, we agree to reopen this discussion if the Commission for its part agrees to reconsider its proposal and to give a hearing to the European Parliament's proposals. That is why I would like the Commission to make a statement and undertake to reconsider its proposal. In that case we would be able to support Mrs Kauppi's proposal.

Androula Vassiliou, *Member of the Commission*. – Mr President, the Commission does not have a position on this point.

President. – The Commission has not expressed an opinion.

Mrs Berès, did I understand correctly that you would support the proposer of this motion, Mrs Kauppi, in these circumstances?

Then we shall take the vote on this motion.

(Parliament adopted the motion for postponement of the vote)

7.9. Social Package (vote)

– *Before the vote*

Philip Bushill-Matthews, *on behalf of the PPE-DE Group*. – Mr President, just to confirm briefly that the PPE-DE Group has decided to withdraw our resolution on the social package. We had a very full debate at the last part-session, at which all groups aired their views very fully. Meanwhile, our group has secured the rapporteurship on the renewed social agenda, which reflects the immense importance we give to social issues, and we look forward to getting the considered comments from all political groups over the coming months, so that together we can produce a report of which the whole House can be proud.

(Applause from the PPE-DE Group)

8. Explanations of vote

Zuzana Roithová (PPE-DE). – (CS) Mr President, I only want it to be recorded that I voted for Mr Foglietta's report but my voting equipment failed.

Oral explanations of vote

– **Motion for a resolution: Annual debate on the progress made in 2007 in the Area of Freedom, Security and Justice (Articles 2 and 39 of the EU Treaty) (B6-0425/2008)**

Simon Busuttil (PPE-DE). – (MT) Naturally, it is difficult to be understood in this chaotic situation. I wanted to stand to explain my vote in favour of the resolution we have just passed, that we have just approved, on the annual debate on the progress made in the Area of Freedom, Security and Justice. Today, the Council of Ministers of Justice and Home Affairs is meeting to discuss and approve the European Pact on Immigration and Asylum. This is a very important subject and it is a very important proposal that is being discussed in the Council, and I hope that, in the discussion being held in the Council today, a declaration on the need to share the burden of immigration more fairly and equally is inserted in the Pact. I hope that the Ministers adopt this Pact today and that it contains reference to this common responsibility.

IN THE CHAIR: MR DOS SANTOS*Vice-President***– Motion for a resolution: Annual debate on the progress made in the Area of Freedom, Security and Justice (Articles 2 and 39 of the EU Treaty) (B6-0425/2008)**

Frank Vanhecke (NI). - (NL) Mr President, for many reasons the resolution we have just voted on was unacceptable to me and certainly to my group too. The main reason of course is that I believe Europe absolutely does not need a new, 'illegal' wave of immigration. Absolutely not.

It is all too easy for private-sector employers and governments to keep importing more and more foreign nationals from non-EU countries. That causes a brain drain from the developing world to Europe, and ultimately does not benefit either the developing countries or Europe, quite the contrary. We should at long last make a start – and I am looking primarily here to governments and to business and industry – on assimilating, re-educating and integrating into the regular labour market the huge, truly huge numbers of foreign nationals who are already here and who are not and never have been properly absorbed into our society.

– Report: Marianne Mikko (A6-0303/2008)

Neena Gill (PSE). - Mr President, I voted in favour of the Mikko report because I believe the media has a vital role to play in safeguarding democracy. With the expansion of the EU it is our role to ensure the convergence of standards for the protection of basic freedoms and democracy. I was involved in the opinion of the ITRE Committee on the Mikko report, and I would like to congratulate her because I think new technologies have led to the emergence of new media channels and new types of content, and the media remains an important political tool. In this context, a pluralistic media system is an essential requirement for the democratic social model.

When media ownership is concentrated in just a few people's hands, this favours the monopolisation of the advertising market and represents a barrier to new entrants. Competition law has helped restrict media concentration, but these problems still remain in a number of Member States where the market is dominated by a few large players.

So the report's suggestion of linking media law and competition law is therefore to be commended.

Zdzisław Zbigniew Podkański (UEN). - (PL) Mr President, media pluralism means diversity in the dissemination of information and the characteristic nature of broadcasters. Both of these areas are currently under threat in the media sector. An ever-increasing concentration of ownership among media companies that are competing in this sector has led to a situation where information that is valuable from the social and cultural points of view is difficult to find in the maze of easily accessible and standardised news for everyone. It is difficult to predict what the worsening situation in this sector will lead to, not just for individual consumers, but for society as a whole.

The rapporteur was right to emphasise the role of the public sector broadcasters as guardians of diversity, with a mission to broadcast high-quality information. She is also right to propose a model where there are strong public sector media outside the competitive media market coexisting with private media companies that are motivated by profit. There can be no doubt about the importance of balance between these two pillars. The text of the report, as well as the intentions of the rapporteur, seem to be clear and transparent. The compromise reached during the discussions of the Committee on Culture is a good one. In addition, the legal status of the new methods of disseminating information, such as Internet blogs, or other user-generated sites, should be clearly delineated so that the people creating these forms should be aware of their rights and responsibilities and any possible sanctions.

(The President cut off the speaker)

Frank Vanhecke (NI). - (NL) Mr President, I am happy to hear Parliament saying that all Member States must guarantee media pluralism and that public service broadcasters certainly have an important role there. That is quite right and proper. In a normal society that means democracy and freedom of information, and above all freedom of information for opposition groups.

Measured against those criteria, Belgium and even Flanders are not democracies. My political party, for example, a big political party in that country, is routinely and openly discriminated against and boycotted

by the Flemish public service broadcaster, and on the basis of official directives to boot. Why? Because our ideas and attitudes are not 'politically correct' or deviate from the prevailing line. Not all that long ago the former head of the public service broadcaster openly admitted that the King of the Belgians had made him a baron to reward him for his discriminatory efforts against the opposition party.

This report, otherwise not all that bad, might usefully have included a paragraph on the treatment of opposition parties which do not toe the accepted line.

Koenraad Dillen (NI). - (NL) Mr President, I abstained from the vote on this report. It quite rightly highlights various difficulties over media pluralism and the concentration of ownership in a number of Member States.

As a Fleming I can offer a word or two on the subject. Because there is no state in the European Union which has more need, for example, of a neutral media ombudsman to ensure freedom of expression and pluralism than Belgium. Here in Brussels, the institutional heart of the country, as my fellow Member has just said, not only the private media but also the organs of government shamelessly boycott the largest opposition party and deny people the right to free and balanced information.

It may be that the charter for media freedom which the rapporteur advocates can make this kind of abuse impossible, otherwise the whole thing will just be pure window-dressing.

I also wonder why it is that the rapporteur is keen on stricter regulation of the ultimate free medium – the Internet, and bloggers in particular – not to mention proper concern for authors' rights. Because it is precisely those states with no true media pluralism which most want tighter control over the Internet. This report furnishes them with additional arguments and that is regrettable.

Pál Schmitt, on behalf of the PPE-DE Group. - (HU) Thank you, Mr President. I shall speak in Hungarian. Diversity of the media is a particularly important area for the European People's Party, so we have decided that, instead of rejecting the report, our group will submit an alternative draft decision. Whilst preserving the virtues of the original report, the parts that are unacceptable to us have been deleted from the text, and the recommendations that we felt it was important to emphasise have been inserted.

Among other things to which the group objected, the report specifically mentioned individual Member States, whereas we are convinced that a report about media diversity must be neutral and have general application. The aim is not to shame certain countries as bad examples. Similarly, we have not been able to accept the fact that the report states that some media empires are motivated primarily by profit and material interests: this is an exaggerated generalisation and we cannot accept it.

The report, which has produced fierce political debate, must in any event draw the attention of the European Commission to the fact that it should deal with this issue in a manner appropriate to the gravity of the topic, and examine what kind of Union or national measures need to be introduced in the interests of enforcing diversity. Thank you.

- Joint motion for a resolution – Getting a grip on energy prices (RC-B6-0428/2008)

Peter Baco (NI). - (SK) I support effective control of energy prices. The price volatility of recent months is clearly not in the interests of European Union citizens, while speculators/intermediaries make profits. What is more, we are seeing an absolutely unacceptable situation where energy prices are determining the prices of food. We cannot quietly accept the cynical argument that there is enough food on a global scale but not everyone has enough money to buy expensive food.

In the opinion of World Bank experts, biomass energy is responsible for up to 80% of the sharp increase in food prices. In this context I have stressed, on many occasions, the need to increase food reserves and to regulate the use of food sources for energy purposes. This is a key problem related to food price control, and as such must be given much more specific attention.

Czesław Adam Siekierski (PPE-DE). - (PL) Mr President, we are currently facing rapid increases in the price of energy. This has a direct impact on the quality of life of the European Union's inhabitants and on increasing inflation. This means that we should create instruments to protect Europe's inhabitants from the consequences of these price rises. Even though we have recently seen reductions in oil prices, I believe that we should pay greater attention to mechanisms aimed at ensuring price stability. There is also the idea that there should be greater transparency in energy markets so that, in future, they should be less susceptible to speculation on world markets. While discussing the issue of energy, one cannot but emphasise the need, first of all, to intensify the work being done on increasing the proportion of energy obtained from renewable

sources, including nuclear energy, secondly, the introduction of new coal technologies and thirdly, we must introduce a wide-reaching programme to improve energy efficiency.

– Report: Alessandro Foglietta (A6-0256/2008)

Renate Sommer (PPE-DE). - (DE) Mr President, I voted against the Foglietta report, and I would like to thank all my fellow Members who supported me in rejecting it.

Although obesity is an increasing problem, this White Paper does not bring us any closer to a solution. On the contrary, it presents a random hotchpotch of diverse recommendations and demands for legislation. This makes us look ridiculous. I am pleased that at least the proposal on the red, amber and green colour-coding of food labels was thrown out, but other proposals survived, including some that pre-empted decisions which are in the process of being taken in the realm of food labelling, for which I am the Parliamentary rapporteur.

We decided that we shall call for censorship of advertising, that we want to ban artificial trans-fatty acids but intend at the same time to indicate TFA content on food labels, that our waistline will be officially measured in future and that the salt content in food will be monitored, which is tantamount to demanding intervention in food recipes. A new definition of healthy eating has been initiated; one of the stipulations is that healthy eating is possible only with organic produce. This amounts to discrimination against those who engage in conventional farming.

There is to be no such thing as bad food, which our legal regime would ban from the market. All consumers have the right to be informed, but they are also entitled to respect, which means that they must be allowed to make their own decisions.

Written explanations of vote

– Report: Karin Resetarits (A6-0263/2008)

Hélène Goudin and Nils Lundgren (IND/DEM), in writing. – (SV) This report on non-profit local community media in Europe deals with an area which is considered to need additional funding under EU support programmes. This is yet another example of how various special interests in this Parliament seek to increase the number of EU support programmes and, in addition, increase the financial resources allocated to them, so that they can hand out appropriations right, left and centre.

It is incomprehensible that support for non-profit local community media should be seen as an item of expenditure to be funded at EU level. The subsidiarity principle leads self-evidently to the conclusion that this is expenditure for the Member States or regional political bodies. They have the expertise on these media, and it is they who have the facilities to determine whether such expenditure should take precedence over the need for resources for such things as healthcare, schools, welfare etc.

In the interests of subsidiarity, we have voted against this report in its entirety.

Gyula Hegyi (PSE), in writing. – ‘Community media’ often plays an important role in local communities. It is an influential source of information amongst the local media; sometimes even the sole voice of local communities. That is why the European Union should focus more on these media, especially after the failure of the Lisbon Treaty, as they may serve as an efficient means to pass on EU related information to citizens.

As rapporteur for the report on the active dialogue with citizens on Europe, I fully support any kind of communication tool which may help to bring closer the EU to the citizens. Nevertheless, I am convinced that an essential precondition for community media as well as any other local media financed, even partially, from public funds, is to be independent not only from national but also from local power.

I know that community media, especially their financing, should be a primary concern of Member States, due to their various forms and local specialities. Where we may help at European level is in giving more visibility to the issue. This report is the first step in that direction.

Ian Hudghton (Verts/ALE), in writing. – The Resetarits report, which I supported, makes reference to the importance of media in strengthening cultural and linguistic diversity. This week saw the launch of the first ever Gaelic language television channel – a welcome development in the promotion of the linguistic diversity of both Scotland and Europe.

David Martin (PSE), *in writing*. – Community media has always had an important role to play in our society. Such media can promote intercultural dialogue by combating negative stereotypes. The EU must fully recognise this by improving Community media's legal recognition and access to radio spectrum for broadcasts. I voted in favour of the report.

Daniel Strož (GUE/NGL), *in writing*. – (CS) With regard to community and alternative media, I think that it is beyond any doubt that they can contribute towards a more pluralistic media environment and citizen awareness. In my opinion, the experience of most of the European Union Member States clearly shows that freedom of speech has become almost a myth, and that the character of so-called commercial media is shaped by their owner. The level of objectivity of information provided by statutory media is often significantly determined by the interests of those holding political power, regardless of the statutes and the legislative framework laid down for such media. This makes preventing community and alternative media from being misused, from being allowed to operate outside the limits of the mission that such media are supposed to have, even more important. I agree that these media deserve to get general legal recognition in the countries of the EU. However, the rules that must regulate their activities must be set, from the start, in such a way that will prevent community and alternative media from betraying their mission, their social role.

– **Report: Joseph Muscat (A6-0344/2008)**

Marian Harkin (ALDE), *in writing*. – I cannot support this report. While I agree with, and welcome, many of its proposals, I have concerns regarding the narrowing of the scope of the VAT exemption in respect of investment funds. I believe it is better to maintain the *status quo*.

Peter Skinner (PSE), *in writing*. – The EPLP believes that the upgrading of VAT requirements for financial services has been long overdue. The rapporteur has shown great diligence in his application to this task. We believe his approach has been very sympathetic to the issue of passing on costs to consumers and that he understands the problems that could be faced. We are uncertain how some points can be properly managed at a practical level – in particular, on the discretion for companies to be allowed to apply VAT. So we have reservations which could not be expressed in the particular amendments, because it was an 'en bloc' vote 1-28. The EPLP support the rapporteur but would have voted against Amendments 6 and 21.

I would personally like to thank Joseph Muscat for his work on this report and others and for his collegiate attitude in the European Parliament. I hope his career goes from strength to strength and that we can welcome him back as a future prime minister of Malta very soon.

– **Motion for a resolution – Annual debate on the progress made in the Area of Freedom, Security and Justice (Articles 2 and 39 of the EU Treaty) (B6-0425/2008)**

Philip Bradbourn (PPE-DE), *in writing*. – Whilst in favour of cooperation between Member States in the Area of Freedom, Security and Justice (AFSJ), UK Conservatives are voting against this resolution as we remain consistently opposed to any calls for further harmonisation in the field of AFSJ. In particular we are against calls in the report for the adoption of those Lisbon Treaty provisions which can be adopted under current arrangements.

Patrick Gaubert (PPE-DE), *in writing*. – (FR) I welcome the adoption by a very large majority of the resolution on the annual debate on progress made in 2007 in the area of freedom, security and justice.

It is a text of high quality that forcefully reminds us of the need for the rapid adoption of the Lisbon Treaty, which will strengthen the area of freedom, security and justice by providing for fundamental improvements in regard to the legitimacy and effectiveness of EU action.

It also invites the Commission and the Council to define the new priorities of the next multiannual programme for the area of freedom, security and justice for the period 2010-2014.

Lastly, it proposes a number of vital measures to be adopted in the area of fundamental rights and citizenship, in regard to border protection and to immigration and asylum. Those are the priorities advocated by our political group and most of them can also be found in the European Pact on Immigration and Asylum, which needs to be implemented on the basis of concrete action.

Pedro Guerreiro (GUE/NGL), *in writing*. – (PT) While we agree with several points in this resolution on the so-called 'Area of Freedom, Security and Justice' – a euphemism for the real process of bringing justice and

home affairs, which are sovereign powers of the Member States, into the Community system – it includes a set of objectives, priorities and proposals that we firmly reject.

In particular because it plays deaf to the rejection of the so-called 'Lisbon' Treaty – insisting on its imposition by the end of 2009 and calling for the process of bringing justice and home affairs into the Community system to be taken forward – bearing witness to the disrespect the EP majority shows towards the Irish people's sovereign and democratic decision.

And also, among other reasons, because it sets as objectives the development of the Schengen Information System (including decisions relating to the Prüm Treaty), Frontex and EU immigration policy (which is selective and protective and which criminalises immigration).

And despite complaining that the 'Union is creating de facto police and judicial cooperation with third countries, notably the US, by means of bilateral agreements on a range of issues, thereby circumventing the formal democratic decision-making procedures and Parliamentary scrutiny', the EP does not call it into question.

Tobias Pflüger (GUE/NGL), in writing. – (DE) 1. The motion describes the Treaty of Lisbon as 'an essential and urgent precondition for ensuring that the Union is an area of freedom, security and justice'. The Treaty of Lisbon has been rejected as a result of the Irish referendum. It is high time that was accepted.

2. The motion calls for the full entry into use of the second-generation Schengen Information System (SIS II) and for the strengthening of Frontex. The border protection agency Frontex is responsible for the operational implementation of the inhuman policy of closing off the EU to people in distress. This policy is an affront to humanity and must therefore be rejected outright.

Søren Bo Søndergaard and Eva-Britt Svensson (GUE/NGL), in writing. – Generally speaking we support the idea of granting long-term residents the right to vote at European and local elections. However, we believe it is for the Member States to decide on the right to vote in local elections in accordance with the relevant international conventions.

– Report: Marianne Mikko (A6-0303/2008)

Alessandro Battilocchio (PSE), in writing. – (IT) I should like to stress the importance of safeguarding pluralism in the media (already cited in Article 11 of the Charter of Rights of the European Union) in order to underpin a democratic process through which the various citizens of Europe can be provided with information in a transparent manner. We know that political pressure too often influences the media, especially those within the public service, which need a sizeable and stable market share so that they can rise above inadequate funding and political lobbies.

I will therefore vote in favour of this motion for a resolution, which seeks to entrust three European universities with the task of monitoring this pluralism using indicators of reliability and impartiality. I also agree on the need to create supervisory systems to guarantee editorial and journalistic freedom in all Member States.

The time is ripe – given the coming 2009 European electoral campaign – for us to draft together a Charter of Media Freedoms to combat the current precarious working conditions of many publicists and journalists.

Finally, the new media channels, relayed in Europe and worldwide, do indeed need funding, but must also be used responsibly (for example the status of weblog authors and editors should be defined) and greater media literacy should be encouraged throughout Europe.

Jean-Marie Cavada (ALDE), in writing. – (FR) I reaffirm that I attach great importance to freedom of expression and media pluralism. Blogs are tools that may be a threat to people's privacy and can be put in the same category as 'violation of the press laws' if they are untrue or malicious.

Jorgo Chatzimarkakis (ALDE), in writing. – (DE) A pluralist media system is a fundamental prerequisite for the survival of the European model of a democratic society. The concentration of media ownership, however, creates an environment that is conducive to the emergence of monopolies, erects barriers to market entry and leads to uniformity of media content.

The development of the media system is increasingly driven by the profit motive. If conflicts of interest between concentration of media ownership and political authority are to be avoided, competition and media law must be dovetailed. The fact is that such conflicts of interest damage free competition and pluralism. In

order to strengthen pluralism, there is also a need to guarantee a balance between public and private broadcasters.

In addition, I call for measures to improve the competitiveness of media groups in order to foster economic growth. European and national competition rules must be applied consistently so as to ensure keen competition and an open market. In particular, national media regulation must be transparent and efficient.

For this reason I welcome the Commission's intention to develop indicators to measure the plurality of the media. I also call for the creation of additional indicators to measure factors such as democracy and codes of conduct for journalists. Moreover, I believe that the provisions on media concentration should also regulate the means of access to Internet content and its dissemination.

Lena Ek (ALDE), in writing. – (SV) Marianne Mikko's report is a shining example of when good intentions go too far and end up in conflict with the independence of the media and the fundamental principles of freedom of expression. Mrs Mikko's original proposal – which, among other things, covered the possibility of registration, a right to reply and facilities to prosecute authors of blogs – was far removed from the conception I have of freedom of expression and opinion-forming. Fortunately the report was redrafted on these points before the proposal came before the plenary. However, this redrafting was not sufficient to enable me to support the report; on many points, the proposal is still in conflict with the independence of the media, free opinion-forming and freedom of expression.

Amendment 5 – which was finally approved by Parliament – is a better alternative to the report. Better but not good. The issue of media concentration and diversity is important and should be discussed. But this resolution is not the right way to go. Questions concerning the media must always be handled in a responsible and considered manner. When it comes to media independence, freedom of opinion-forming and freedom of expression, I cannot compromise. These values are far too fundamental to tinker with. I therefore abstained in today's vote. By this action I seek to show my support for the debate, but also to express my concern over repeated attempts to regulate questions concerning the media and freedom of expression.

Ilda Figueiredo (GUE/NGL), in writing. – (PT) With the changes introduced into the Rules of Procedure of the European Parliament, which in these circumstances does not accept specific proposals for amendments, what has just been voted on was not the Mikko report, but rather an overarching proposal for an alternative resolution.

The final resolution approved is clearly better than the report, and we voted for it for that reason alone, but it retains certain aspects that we disagree with.

Our principal disagreement concerns the way it addresses a pseudo-balance in interlinking so-called 'competition law' with media law, in that experience has shown that the interests of capital outweigh all rights and freedoms, including freedom of expression in the media, very often calling pluralism into question.

Although it states elsewhere that 'the main objectives of public authorities should be to create conditions that ensure a high level of media quality (including those of the public media), secure media diversity and guarantee the full independence of journalists', we know that this is difficult to achieve when the democratic state's role is weak. The truth is that when the principal media outlets are owned by economic and financial groups, freedom of expression and journalistic independence are not guaranteed.

Glyn Ford (PSE), in writing. – I congratulate my colleague Marianne Mikko on her report. I will be voting in favour of the joint alternative motion for a resolution tabled by my group jointly with the Liberals and Greens, which is the closest to my own position. I see no reason why something that is illegal in written or oral form should be legal on the internet. Of course, enforcement may be difficult, but that is not a reason for inaction. After all, we have speed limits on remote country roads, when policing it is very hard. Yet this is not used to justify a free-for-all.

Hélène Goudin and Nils Lundgren (IND/DEM), in writing. – (SV) This report and the alternative resolutions tabled with it fall outside the legislative procedure and are nothing more than an expression of the desire of the federalist majority in the European Parliament to get the EU even more involved in the field of culture and media policy. During the preparation of the report, the rapporteur went much too far in her ambition to control and supervise the blogging universe. As luck would have it, the committee backed down somewhat in its proposal to plenary, and the motions tabled by some of the political groups are better than the report itself. But the basic question remains: why should this report be debated in the European Parliament at all?

The question of media concentration is important – so important that it should continue to be handled in the Member States. We have therefore voted against this report in its entirety.

Jörg Leichtfried (PSE), in writing. – (DE) I am voting in favour of Marianne Mikko's report on concentration and pluralism in the media in the EU.

Access to free and diverse media in all Member States is vitally important these days. The two-pillar model that was introduced for private and public television and audiovisual media services has developed very well. So that this development process can continue as fruitfully as possible, stable funding must be provided for public broadcasting corporations, enabling them to promote public interests and social values, to preserve pluralism in the media and to give people access to high-quality content.

I also support the creation of a charter for media freedom. This would be a bridgehead for efforts to guarantee freedom of expression. Provision for the independence of journalists, however, must be made by means of specific legal and social guarantees.

The concentration of media ownership is also a problem, since it encourages the emergence of monopolies. There is therefore a need to merge competition and media legislation in order to guarantee access, competition and quality. The report more or less covers all the main points, and for this reason I am backing the rapporteur.

Ramona Nicole Mănescu (ALDE), in writing. – (RO) As we all agree, pluralism should be a vital element of the mass media. Pluralism must be supported, and the adoption of the Mikko report constitutes a major step in this direction.

The need for a balanced mass media market should be recognised and supported by the Member States, which should commit themselves, both individually and collectively, to giving European citizens the opportunity of obtaining accurate and diverse information.

Cultural diversity, as well as the ever-increasing need for integration of the migrant population and of minorities, along with the importance of providing quality information to the active population, are the priority reasons for creating a Media Freedom Charter. I would like to express my full support for the European Parliament's recommendation that public media services should be encouraged to act as alternative providers of information to ones based exclusively on commercial criteria.

Active exercise of rights and obligations by European citizens, and their being informed and capable of understanding and criticising the provision of information is a necessity which should bear on every measure to be adopted in the future both by European institutions and by each Member State.

David Martin (PSE), in writing. – New technology has led to the emergence of new media channels and changes in media content. A wide-spanning media system is essential for nurturing democracy and free thought. I broadly voted in support of Marianne Mikko's recommendations.

Doris Pack (PPE-DE), in writing. – (DE) Concentration in the media is a widespread evil and must be combated. First of all, however, there are several countries in the EU where concentration in the media is a problem, and it is therefore unacceptable to mention only one country. Secondly, in several places the report calls on the European Commission to act in an area of activity that is covered by the subsidiarity principle.

Had that been amended, or had I been able to vote for such an amendment, I would have approved the Mikko report.

Dimitrios Papadimoulis (GUE/NGL), in writing. – (EL) The increase in media ownership by the few makes for greater monopolies and stifles the essential diversity of opinion.

Access to information today seems unrestricted and at the same time deficient. Business groups own a large proportion of the media and Internet services and are also their own best-advertised customers. It is essential to safeguard quality public television that is pluralistic, open and independent. As for freedom of expression on the Internet, the EU should place great emphasis on public dialogue to ensure both freedom of expression and the protection of personal data. The debate has only just begun. By cooperating with civil society, solutions can be found.

Zita Pleštinová (PPE-DE), in writing. – (SK) The amendment of the Rules of Procedure, as adopted by us on 8 July 2008, resulted in new rules on own-initiative reports. During this second September part-session, we have had the opportunity to see how these rules work in practice.

During the Monday evening debate on several own-initiative reports, it turned out, however, that this change was not the most felicitous. Only the rapporteur and a representative of the Commission were heard in the debate on each report. The debate lost its dynamism because the shadow rapporteurs were not allowed to speak either. Even the rule that members who took part in the preparation of the report can present their comments in writing is proving problematic. The rule in force is that, during the course of one part-session, each member can react in writing only once.

The procedure for voting on own-initiative reports is also proving problematic. Under the new rule, amendments are not admissible for consideration in plenary. Only an alternative motion for a resolution may be tabled on behalf of a political group.

In practical terms, the shortcomings of our decision affected this very report, by Mrs Mikko, on concentration and pluralism in the media in the European Union. The relatively balanced report contained some points concerning particular Member States. I think that the contents of a report touching on such a sensitive theme should remain neutral. I did not intend to vote against the report but we did not get the chance to vote on the motion for a resolution tabled by our political group, the PPE-DE Group. I am asking for this rule to be changed.

Zdzisław Zbigniew Podkański (UEN), in writing. – (PL) Mr President, pluralism in the media means diversity in the dissemination of information and the characteristic nature of broadcasters. Both of these areas are currently under threat in the media sector. An ever-increasing concentration of ownership among media companies that are competing in this sector has led to a situation where information that is valuable from the social and cultural points of view is difficult to find in the maze of easily accessible and standardised news for everyone. It is difficult to predict what the worsening situation in this sector will lead to, not just for individual consumers, but also for society as a whole.

The rapporteur was right to emphasise the role of public sector broadcasters as the guardians of diversity, with a mission to broadcast high quality information. She is also right to propose a model where there are strong public sector media outside the competitive media market coexisting with private media companies that are motivated by profit. There can be no doubt about the importance of balance between these two pillars. The text of the report, as well as the intentions of the rapporteur, seem to be clear and transparent. The compromise reached during the discussions of the Committee on Culture is a good one.

In addition, the legal status of the new methods of disseminating information, such as Internet blogs, or other user-generated sites, should be clearly delineated so that the people creating these forms should be aware of their rights and responsibilities and any possible sanctions. There will be more of this type of content. Basing these measures on a code of ethics is a step in the right direction.

Marek Siwiec (PSE), in writing. – (PL) In the resolution on concentration and pluralism in the media in the European Union that has been adopted, Members of the European Parliament, including myself, were right to speak in favour of guaranteeing freer access to diverse mass media as well as of freedom of expression.

It should also, however, be pointed out that, as regards Internet blogs, the resolution differs significantly from the initial version of the report by Marianne Mikko and the Committee on Culture and Education. This report assumed there would be a clarification of the status of Internet blogs and user-generated sites such that they would be subject to regulations that are similar to those used for other publications. However, the resolution that was in fact adopted calls for an open discussion on the status of Internet blogs. For this reason I voted in favour of the resolution.

In my view, the Internet and, specifically, Internet blogs, play an important role in promoting media pluralism and freedom of expression and, as such, should be free from any restrictions. Point 25 of the report in its previous version, if it were interpreted badly, constituted a threat to the freedom of expression of authors using this ever more popular medium. I would state in the strongest possible terms that any similar attempts at regulation and control in the future should be rejected by the European Parliament.

Andrzej Jan Szejna (PSE), in writing. – (PL) During today's vote, I supported the resolution on concentration and pluralism in the media in the European Union. I agree with the principle that motivates the rapporteur, namely that there has to be some equality as regards standards for the protection of democracy and basic freedoms.

In today's world, the mass media have an enormous and ever-increasing influence. The appearance of ever-newer media is a positive development. It increases dynamism and variety in this sector. I believe that,

in this regard, there is a need to create a system of monitoring and implementation based on indicators of media pluralism that are set in a reliable and impartial manner. We should defend media pluralism as an important aspect of democracy and freedom, in order to guarantee access to free and diverse mass media to all the inhabitants of the European Union.

In addition, I can see that it would be worth creating a charter of media freedoms, which would provide guarantees not just for the social rights of broadcasters and journalists, but would also guarantee freedom of expression.

– Joint motion for a resolution – Getting a grip on energy prices (RC-B6-0428/2008)

Roberta Alma Anastase (PPE-DE), in writing. – (RO) Continued increases in the price of oil is leading to major concerns as regards the impact of this phenomenon on economic growth within the EU, and in particular as regards its negative effect on consumer purchasing power and the quality of life.

EU foreign policy is crucial in this regard. Since the EU economy still depends to a significant extent on energy imports, it is necessary to institute a common energy policy based on the principle of solidarity, security and diversification of sources and external supply routes.

In my capacity as rapporteur on regional cooperation in the Black Sea area, I have constantly stressed the importance and urgency of these actions. Today, however, I urge the Commission and the Council to bring forward concrete measures to reduce EU energy dependence in the immediate future. My appeal concerns not only oil imports, but also gas imports, and includes the implementation of the Nabucco project.

Jan Andersson, Inger Segelström and Åsa Westlund (PSE), in writing. – (SV) We voted against Amendment 1 on the taxation of windfall profits, because we think that the text proposed is unclear and we question both how it is to be implemented and, more especially, what the ultimate purpose of the proposal is. However, we voted for the amendment advocating reduced VAT on energy-saving goods and services, since that is one of many possible ways of stimulating the switch to more energy-efficient alternatives. We would, however, point out that taxes are a national matter and decisions on them can only be taken by the Member States.

Carlos Coelho (PPE-DE), in writing. – (PT) I voted for this resolution because, in stressing the discrepancy between the value of crude oil on the international markets and the final price of fuel, it manages to address this sensitive issue without taking the emotive approach adopted by some governments, such as the Portuguese Government, for example.

In Portugal, Minister Manuel Pinho revealed not only his total confusion (and limited power to intervene), but also an unacceptable interference in the regulator's independence. This is no more than wishful thinking in the run-up to elections.

I reject any administrative price-fixing or fiscal harmonisation of fuel at European level.

I agree to tax intervention (VAT and production tax), provided it is temporary and selective in favour of the most seriously affected households and industrial sectors.

To my mind, the solution essentially involves reinforcing current oil regulations. Rather than expecting it to fall into line behind the Minister's statements or consumer complaints, the Competition Authority should act within its powers of initiative to overcome the climate of mistrust surrounding its capacity to oversee the oil sector. Portuguese public opinion deserves a firm guarantee that anti-competitive practices are not a factor in the establishment of prices. If it is confirmed that they are, then the Competition Authority must intervene impartially and impose exemplary sanctions.

Bairbre de Brún (GUE/NGL), in writing. – I am happy to support the practical ideas contained in most of this resolution on rising energy prices. National and regional authorities need to bring action plans as soon as possible to protect our most vulnerable citizens.

In the medium term a shift to renewable sources of energy coupled with increased energy efficiency will help protect us from the inevitable swings in prices that come with reliance on fossil fuels, but in the here-and-now concrete action is needed to relieve and eradicate fuel poverty.

I do not agree, however, that liberalisation of the energy markets is part of the solution to rising prices.

Glyn Ford (PSE), *in writing*. – I voted for the joint motion for a resolution on ‘Getting a grip on energy prices’. However, I voted against Amendment 1 calling for a windfall tax at European level. Rather, due to different levels of energy charges across the Union, this is something that must and should be done at national level.

Ian Hudghton (Verts/ALE), *in writing*. – I voted against the resolution on energy prices. Whilst I wholeheartedly agree that rising energy prices require affirmative political action, I reject the resolution’s references to ‘low carbon’ energy. I reject the idea that increased nuclear energy can have a positive impact on the environment and believe that political attention should be focused on non-nuclear renewable energy sources.

Catherine Stihler (PSE), *in writing*. – I welcome the positive vote today on recognising energy poverty and reducing VAT for energy saving goods.

– **Report: Alessandro Foglietta (A6-0256/2008)**

Jan Andersson, Inger Segelström and Åsa Westlund (PSE), *in writing*. – (SV) There is much that the EU can do to reduce the problem of obesity and on which we should focus attention in Parliament. It is good therefore that Parliament today voted for the report on nutrition, overweight and obesity. One of the consequences of that decision is that Parliament is now calling for a ban on trans-fats.

At the same time, however, we think that the report could have said a lot less about what schools should do and what food they should serve. We think that is best decided at national or local level.

Carlos Coelho (PPE-DE), *in writing*. – (PT) The fight against the serious public health problem of overweight- and obesity-related disease must be a priority from the early stages of life.

This report asks Member States, local entities and school authorities to monitor and to improve the quality and nutritional standards of school meals.

Nutritional information on food is important, particularly the difference between natural trans-fatty acids present in meat and dairy products and those produced during industrial processing (artificial). The undifferentiated labelling of trans fats will only confuse consumers, create a negative image of healthy dairy products and have undesirable effects on consumption, undermining public health (reduced intake of important nutrients such as calcium and proteins, for example).

European indicators such as waist size are useful for monitoring the risk factors people are exposed to in relation to various obesity-related diseases. An understanding of the distribution of abdominal obesity facilitates the planning of more effective measures to minimise such problems.

I agree with colour coding to label foods because, rather than clear and easily understandable labelling, what Europeans need are signs that they can interpret in order to make healthy choices.

Duarte Freitas (PPE-DE), *in writing*. – (PT) Overweight and diet-related diseases are a serious public health problem, which means that the fight against obesity must be set as a priority from the early stages of life.

The Foglietta report is highly relevant in calling on Member States, local entities and school authorities to monitor and improve the quality and nutritional standards of school meals.

I believe that nutritional information must always be provided on food, particularly an indication of artificial trans-fats, because these have more negative effects on health. Failure to distinguish artificial trans-fats from natural fats would mislead consumers and only contribute towards a negative image of some animal foods that contain natural trans-fats, such as meat and dairy products.

I also voted for the development of European indicators such as waist size and other obesity-related risk factors because I believe they may be useful in the future for assessing the risks facing the population, and for the success of the measures implemented.

Marian Harkin (ALDE), *in writing*. – I cannot support this report or Amendment 6 as I feel that it is inappropriate to include tax- or VAT-based issues in a health-based report such as this.

Ian Hudghton (Verts/ALE), *in writing*. – I voted in favour of the Foglietta report and welcome the White Paper on nutrition, overweight and obesity-related health issues. Obesity is a major problem across Europe and conditions related to obesity and bad nutrition have serious consequences across societies. In my own

country, the Scottish Government has taken positive steps to improve the nutrition within public institutions such as schools and hospitals and such initiatives are to be encouraged across the EU.

Eija-Riitta Korhola (PPE-DE), in writing. – (FI) I voted in favour of Mr Foglietta's own-initiative report adopted by the Committee on nutrition, overweight and obesity in our public health strategy. I applaud the basic view that industry should be given a chance to try and reduce health problems as a result of being overweight or obese through self-regulation, but where the Commission would also be empowered to ensure that attempts at reasonable and responsible advertising (especially in the case of children), for example, and reductions in the amount of salt, fat and sugar that people consume in food are actually realised.

It is important to provide consumers with comprehensive information on food package labelling, so that they know how to choose between good, better and worse food. In my view, and in contrast with current practice, the content of artificial trans-fats should definitely be included in food product descriptions. I voted against the line our group adopted on this

I supported our group's opinion, however, on the use of colour coding in the labelling of food. Colour-coded labels, whose purpose it is to send a clear message on how good a product is for the health and which has provoked much debate in Europe, are often misleading, and so of no value whatsoever. Many UK supermarket chains for this reason have aimed to do away with a practice they have previously adopted.

Jörg Leichtfried (PSE), in writing. – (DE) I shall be voting for Alessandro Foglietta's report concerning the White Paper on a strategy for Europe on nutrition-, overweight- and obesity-related health issues.

I agree with the rapporteur on the need for restructuring measures in health, sport and nutrition. Problems such as overweight and unhealthy eating habits occur most frequently among socially and economically deprived sections of the population. One of the first ways to solve the problem can be implemented in schools. More PE lessons and a balanced diet for children and young people would be among the first steps towards a healthier lifestyle, and nutritional science should be a compulsory subject in every European school. In addition, the labelling of food products would be welcome, since it would enable consumers to compare products and to distinguish between good and inferior food.

The report does not offer a perfect solution, but it does propose some very good measures. These measures can change a few things for the better, which is why I judge them very favourably.

Astrid Lulling (PPE-DE), in writing. – (FR) It is laudable of the European Commission to concern itself with healthy food and exercise for all citizens, to prevent them from becoming overweight, obese and chronically ill. I certainly support the intention to sound the alarm in face of the obesity epidemic that has struck three million children and 20-30% of adults, while 14 million children and half the adult population are overweight.

I welcome the fact that the influence on consumer behaviour of flavour enhancers – such as glutamates, guanylates and inosinates, which are found in massive quantities in a great many prepared dishes and industrially prepared food – is being recognised and analysed.

At the same time I regret that my amendment, which seeks to promote healthy eating habits by consulting Euro-Toques, an association of chefs that adheres to a code of honour and supports the intrinsic quality of products and the protection of local production, was not adopted. I believe we would be well-advised to draw on their know-how in order to promote best practice, in school dining halls among others, and to develop a taste in young people for quality food and healthy eating habits.

David Martin (PSE), in writing. – I welcome Alessandro Foglietta's report on the White Paper on nutrition, overweight and obesity-related health issues. The report contains a number of positive recommendations such as the proposal for an EU-wide ban on trans-fatty acids that have been found to be linked to heart disease and female infertility. However, I would join my colleagues in supporting measures that go further. Schools, for example, should not find themselves in the position where they have to consider the option of housing advertising of unhealthy foods on their premises. My vote reflects these views.

Dimitrios Papadimoulis (GUE/NGL), in writing. – (EL) Obesity has taken on epidemic proportions. The most obese people in Europe are to be found in Greece, where 3 in 4 are overweight and there has been a 956% increase in fast food.

To combat obesity, drastic measures must be taken here and now:

- VAT on fruit and vegetables must be reduced;

- VAT on health-food products and protection of traditional products must be reduced;
- Correct nutrition must be ensured from infancy;
- In schools, food must be checked in canteens and there must be physical exercise;
- Advertising and misleading information on products with a high fat, sugar or salt content should be banned;
- Clear nutritional information on labels should be compulsory, so that consumers can make healthy diet choices;
- Synthetic trans-fats and flavour enhancers in industrially produced convenience foods should be banned.

At the beginning of 2009 the European Commission programme for free distribution of fruit and vegetables to schools comes into effect. This will be funded with European capital to a total of EUR 90 million annually and will be supplemented with national funding. The Greek Government must secure the capital to launch this programme immediately.

Catherine Stihler (PSE), in writing. – The need for clear labelling on food will help in our fight against obesity. I was very disappointed to see the rejection of mandatory front-of-pack labelling with colour coding in this report. This is a measure I strongly support. I welcome the calls for an EU-wide ban on artificial transfatty acids.

– Joint motion for a resolution - Social package (B6-0378, 0427, 0429, 0433 and 0434/2008)

Proinsias De Rossa (PSE), in writing. – There are a number of basic principles that have to be applied to the right of EU patients to seek care in another member state other than their own.

WE cannot allow the ECJ to make policy in this area on a case by case, piecemeal basis. They will decide purely on market grounds and not on the basis of the uniqueness of health care as a non-market universal service.

The health and wellbeing of patients has to be at the core of the law we make in this area.

Until such time as there is agreement that we can harmonise our national health services to the highest standards, then MS must be free to plan and fund and manage services to deliver high quality public health services within their borders.

Competition between national health services must not be an objective or an outcome of this legislation. The best interests of patients will not be served by treating health as simply another commodity to be bought and sold. This in my view would drive standards down.

Hélène Goudin and Nils Lundgren (IND/DEM), in writing. – (SV) This resolution states views on appropriate policy measures covering such matters as employment protection, the fight against poverty, labour market measures, the integration of elderly people into the job market, professional mobility and differences in remuneration. Important labour market questions of this kind must on no account be regulated by way of lectures from the EU institutions. The Member States are better placed than the EU institutions to develop successful policy in these areas. Any international coordination that may be needed should be pursued within the framework of global organisations with broad democratic legitimacy, such as the ILO. We have therefore voted against this resolution in the final vote.

Marianne Thyssen (PPE-DE), in writing. – (NL) We are still glad that the European Parliament excluded health care services from the general directive on services. Healthcare is after all a specific sector requiring a specific approach.

The fundamental premise of the proposal, in line with established case-law, has to be that the organisation and funding of healthcare are the responsibility of Member States. This means on the one hand that patient mobility cannot be made an absolute right and on the other hand that there are no excuses for not investing in one's own health system. That premise also necessarily implies that Member States must be able to charge the real cost to the patient.

There must be solidarity, but there must also be the possibility of different treatment for patients who have contributed in their own country through the social security and tax system and foreign patients who have not.

The fact that we have the directive is a good thing, but anyone familiar with the sector feels that it still needs a lot more work. To my mind the quality, accessibility and financial sustainability of healthcare on the basis of socially responsible solidarity remain the key criteria here.

9. Corrections to votes and voting intentions: see Minutes

(The session was suspended at 1 p.m. and resumed at 3 p.m.)

IN THE CHAIR: Diana WALLIS

Vice-President

10. Approval of Minutes of previous sitting: see Minutes

11. Verification of credentials: see Minutes

12. Communication of Council common positions: see Minutes

13. Progress report on the reform of the European schools (debate)

President. – The next item is the debate on the oral question to the Commission on the progress report on the reform of the European Schools, by Katerina Batzeli and Erna Hennicot-Schoepges (O-0066/2008 – B6-0454/2008).

Erna Hennicot-Schoepges, author. – (FR) Madam President, I thank the Commissioner for having agreed to address this question, which was tabled some four months ago. Let me remind you of the responsibilities of the EP Committee on Culture and Education, which, according to Annex VI, Section XV(2) of the Rules of Procedure, include 'promotion of the system of European schools.'

Those schools give priority to educating the children of Community officials. Those children, classed as category I, make up around 70% of the total, pay no enrolment fees and the Commission contributes about 60% of the funding. Category II children, who make up 5%, and category III, who make up 25%, pay school fees of between EUR 4 000 and 16 000.

The 14 existing schools teach nearly 21 000 pupils, from nursery school to baccalaureate level, out of a total of 100 million in the Union of 27, in 14 official languages with an identical curriculum in all the language sections. Compared to the situation of all the other school children in the European Union, these pupils are, therefore, highly privileged.

In 2006 the Commission promised to reform the system – a laudable undertaking – with a view to establishing a European education system applicable to all types of school that wished to award the European baccalaureate, based on a common curriculum and, where possible, tuition in the mother tongue.

The school in Parma, which is approved by the Board of Governors of the European Schools, will be the first school of its kind to award a European baccalaureate in June 2009. For its part, the Board of Governors of the European Schools undertook an in-depth assessment of the baccalaureate with a view to the ongoing reform.

A study commissioned by the European Parliament's Committee on Culture and Education, which will be available in October, shows that 94% of those who have passed the baccalaureate go on to higher education in the main European universities and that 62% of them study in a university outside their country of origin. There is, therefore, far greater mobility among these students than among others.

That means we have at our disposal a European educational system that has proved its worth. In its resolutions of 2002 and 2005, the European Parliament advocated a profound reform of the schools system with a view to better governance and greater openness.

Given the successive enlargements of the EU and the increasing number of EU agencies and places of work of its staff, surely it is urgently necessary to reform the model of the European schools system and to begin to transpose it into the general educational systems?

Is it not time to offer European citizens a well-trying, multilingual and flexible model of schooling that responds to their concern for mobility and to draw on the experience gained from the European schools? Of course I know what the reply will be: that is not within our powers. At least we should work on this because surely the perception of the European schools as elitist and the categorisation of pupils within those schools are incompatible with the objectives of a single market, mobility and greater social cohesion?

What progress has been made in the process of reform and greater openness to ensure that the European schools system can move towards a system of European schooling, while maintaining everything that has been achieved to date? What kind of Community funding systems could be envisaged to improve the running of the accredited schools? Parma may show us a way forward.

Lastly, I would like to ask the Commissioner what progress has been made in the field of education for children with special needs? I am well aware that this subject is of interest to a large number of fellow Members and I thank the Commissioner and the President for this opportunity to hold a public debate on it.

Siim Kallas, *Vice-President of the Commission*. – Madam President, I thank the honourable Members for these questions and for this opportunity to discuss these issues in the European Parliament again.

For the Commission, the reform of the European School system is a priority issue, and this is one of the most complicated items we are dealing with. The Commission has always strongly promoted the wider opening of the European School system, and progress has been achieved. Political agreement on this issue was marked at the ministerial meeting of November 2006, under the Dutch presidency of governors of European schools.

Following formal approval by the Board of Governors in April 2008 of the concrete modalities to achieve this goal, any accredited school in the Member States can now teach the European curriculum and deliver the European Baccalaureate. It is up to the relevant authorities of the Member States to take initiatives to concretise this opening of the European School System in their national schools.

The opening of the European School System is in line with the European Parliament's wish to ensure that this would be possible both in places where an EU decentralised agency is located (so-called 'type-II schools'), and in locations without a direct EU presence (so-called 'type-III schools').

After almost 50 years of existence, the European Baccalaureate has indeed acquired a high intrinsic value. The Commission wants to maintain the high quality of this diploma.

The Board of Governors of the European Schools approved in April 2008 a revision of the European Baccalaureate Agreement. Accredited schools can now deliver the European Baccalaureate.

In 2007, Parliament's Committee on Culture and Education initiated a study to analyse the academic and professional careers of former pupils of the European Schools, as the honourable Member just mentioned. This study will show the specific benefits and possible difficulties experienced by former pupils of the European Schools.

The Secretary-General of the European Schools has also launched a study to make an external evaluation of the European Baccalaureate. I trust that the combined results of both studies will provide key elements to assess how to further improve the European School System in order to best adjust it to the changing needs of its pupils.

Finally, I can inform you that the European School System has considerably increased its efforts to integrate children with special educational needs (SEN). In the school year 2004/2005, the European Schools had 274 pupils with special educational needs. In the last school year, there were 411 such pupils enrolled in the European Schools. The SEN budget allocated for 2008 is EUR 3 123 000; in 2004, the SEN budget spent was a little over EUR 2 million.

The Commission would like to thank the Disability Intergroup of the European Parliament for taking the initiative to set aside a reserve of EUR 200 000 for a pilot project for a SEN resource centre. This initiative gives the European School system the opportunity to better fulfil the needs of SEN children.

The Board of Governors of the European Schools approved in July 2008 the proposal to use the European Parliament reserve of EUR 200 000 to make an evaluation of the existing SEN policy in the European Schools. This study will allow the European Schools to improve the quality of integration of SEN pupils.

The European Commission launched in July 2008 the financial procedure for the liberation of the European Parliament reserve of EUR 200 000. The transfer to the budgetary authorities is currently being initiated.

Progress has been achieved, but it is crucial that the European Parliament supports the reform process initiated by the Commission in order to finalise this reform and put it fully into practice as soon as possible. Again, the crucial role must be played by Member States. I would like to underline that we have good contacts with the Member States.

I hope that the Swedish presidency – which is not the presidency of the European Union but the presidency in the European Schools Board – will develop these initiatives. I would like to stress that the report drawn up by Mr Bösch, a Member of the European Parliament, has been very useful and he has been very instrumental in this issue.

I myself will do everything to develop the system of European Schools, because we are experiencing great difficulties with a system that was designed in 1953, and we must therefore implement some serious changes to make this system flexible and work well.

Cornelis Visser, *on behalf of the PPE-DE Group*. – (NL) Madam President, I have asked to speak because I am concerned. We are talking about the European Schools today, and I am grateful to Mrs Hennicot for that.

I should like to draw the attention of Commissioner Kallas to a specific aspect of the European Schools, namely religious education. During the course of last year a number of worrying reports reached me. As you all know, the Board of Governors of the European Schools ruled last year that a minimum of seven pupils of the same language was needed in order for a subject to be taught in the mother tongue. For general subjects such as geography and maths this is not a problem, but it is very different when it comes to religious education.

This raising of the minimum number means that there are now European Schools where pupils are no longer able to receive religious education in their own language. I am most concerned by this, especially at primary level. I think that religion, talking and learning about the standards and values we all prize so greatly in Europe, is extremely important. In religion, feelings are very important and as we all know, children are best able to express feelings and emotions in their mother tongue.

I find it unacceptable that, depending on their language and nationality, some pupils can and others cannot receive religious education in their own language. So I ask the Commissioner to give thought to this and to set clear guidelines. All pupils, whether their mother tongue is English, German or Dutch, must have the same opportunities and the same quality of instruction.

Consideration should be given not only to the pupils but also to the position of teaching staff. The 'minimum of seven' rule means that every year the question arises of whether there are enough pupils, and teaching staff are not sure whether religious education will be provided in the following school year. This professional uncertainty has consequences when it comes to finding good teachers of religious education in all languages. I urge the Commission to emphasise the importance of religious education for European School parents and pupils and to hold out for the continuation of religious education in pupils' mother tongue at the European Schools.

Maria Badia i Cutchet, *on behalf of the PSE*. – (ES) Commissioner, we have already noted here that the European Schools were, as official centres of instruction, established jointly by the governments of the Member States of the Union to provide multilingual and multicultural education primarily to the children of the staff of the institutions and that for many reasons they now need to be reformed, essentially in the light of new needs.

The Union's institutional development, enlargement, and the proliferation of agencies have led to changes in the profile of the pupils in the European Schools both as regards culture and language and in terms of numbers of pupils; applications to register have risen sharply.

Moreover, increased flexibility in employment contracts has led to new family and employment circumstances which affect social and family profiles and families' needs.

As Parliament has already noted in two resolutions, reform is necessary to modernise the schools so that they provide the required quality of service for which they were established, are accessible and overcome specific problems of access or segregation.

To that end I welcome the Commissioner's announcement on the two studies now under way, we will see if they bear fruit.

In short, despite the increase in the number of Community languages and the increased complexities we face on many fronts, progress must be made in the process of reform, openness and improvement of these schools while ensuring that their qualifications are recognised in all Member States of the Union.

Having said that, I would like to put two specific questions to the Commissioner.

The first relates to a number of complaints I have received from the parents of some pupils who have studied at the European School: it would appear that when they leave after taking the European Baccalaureate to continue their studies, one point is deducted from the average mark awarded; in other words they are penalised. I would like to know whether you are aware of this practice and the reason for it.

The second question relates to the children of Parliamentary assistants. I have also received complaints from assistants who have to send their children as category three entries if they want them to attend these schools; in other words, they have to pay school fees. I have visited the page which sets out all the information on how the Euroschools work; I have it here and shall read it in French because that is the language I found it in. It says, under category one:

(FR) 'The children of staff in the service of the Community institutions and of the organisations listed below employed directly and continuously for a minimum period of one year.'

(ES) A list of twelve points follows; point 4 says:

(FR) 'Persons with a directly binding contract of employment, governed by private law, with the European institutions'.

(ES) This, then, is the situation for people or the group of people who we might well think of as falling within category one. I would like to ask you why the children of Parliamentary assistants have to register under category three and pay school fees.

Hannu Takkula, *on behalf of the ALDE Group*. – (FI) Madam President, firstly I would like to say on behalf of my group that it is true that the present system is fairly complicated. It needs to be simplified, and we know that matters of education basically fall within the competence of the Member States, though in the case of the European Schools it also lies with the Union. Wherever there are EU agencies there must also be European Schools. That is a basic principle, and we should also remember that our various strategies allow us to tell the citizens of Europe that education is always an investment in the future. It is on that basis that we should act in the case of the European Schools.

I would next like to raise a few points concerning education. The first concerns the extent to which it is free. I think that we in Europe should have a debate on making all education free, whatever school we are talking about. Every child and young person should have the chance of a good education and the opportunity to benefit from good teaching, and not having to pay is one guarantee of that. I think that if the Member States want this and if we really believe that education is an investment in the future, we can achieve this goal.

It is also important that teaching is done in the student's mother tongue, as that is the basis of identity. Children and young people at European schools come from different cultures and different nations. It is important that they are taught in their own language, but is also vital to remember that we need special teaching facilities and also that students need to be taught cultural awareness, as they are often rootless, coming as they do from one country to another, which is a new and alien environment. For that reason we should also make sure of their overall personal development and growth as human beings. This is also the basis for European human rights policy and the European notion of humanity.

As for the special facilities I mentioned, class sizes are one thing that could be invested in. Class sizes must not be too large and every child should be given the chance to receive tailor-made options.

I will end by saying that the real educational standards amongst us Europeans will be measured in terms of how we treat those close to us who are worse off and how we look after children and young people, and the European schools are a shop window for the world. What are our actual standards of education and how do we look after our young people? Are we prepared to invest in them and their future? I hope that Europe can afford to do that and that it does actually invest in children and young people and in the European schools.

Ewa Tomaszewska, *on behalf of the UEN Group*. – (PL) Madam President, 50 years of experience in European Schools that are faced with the specific problem of different languages, cultural diversity and migration makes one consider whether this experience should be used to make this school model more widely available.

It is not just the children of officials working in European institutions who need to be taught foreign languages at the highest level, as well as integration with their peers from other European countries. It is not just they, who, because their parents have taken up posts abroad, need a particular approach to schooling.

We are opposed to discrimination. Why then should children other than the children of these officials be excluded from those schools? I would also like to draw attention to the issue that is being considered by the Committee on Culture and Education, namely the need to reinstate the classics, Greek and Latin, in schools in Europe and also an emphasis on teaching Latin and Greek in the European Schools. I believe it is essential to give urgent consideration to the need to extend and reform European Schools as well as the principles according to which they operate.

László Tókés, *on behalf of the Verts/ALE Group*. – Madam President, as a member of the Committee on Culture, allow me to extend my warm welcome to the initiative of Erna Hennicot-Schoepges and Katerina Batzeli, members of the Committee on Culture, to address an oral question to the European Commission and have this debate on the progress of the reform of the European schools.

Speaking of multilingualism and its importance, let me use this opportunity to raise a serious concern we have in Romania, where the recent initiative of the Ministry of Regional Development to complete the translation of the EU's regional operational programme from Romanian into Hungarian met serious attacks from the Romanian Social Democratic Party run by several leaders of the former communist regime. Please note that this is happening in one of the 27 EU Member States in the European Year of Intercultural Dialogue, at a time when Commissioner Leonard Orban issued a policy document entitled, 'Multilingualism: an asset for Europe and a shared commitment'. In the European Year of Intercultural Dialogue, a debate on the reform of the European Schools could not be of greater importance, as we live in a multicultural and multilingual Europe, where different cultures and languages coexist. We need to encourage and enable such cultural interaction for successful European integration.

Therefore, our European educational system needs to reflect this multicultural characteristic and allow a healthy and easy coexistence. European schools in particular were set up to meet these needs – to provide multicultural and multilingual education while also strengthening European identity. However, in an enlarged EU with greater citizen mobility and more agencies being created in different Member States, it has become a challenge to meet these needs. As the questions in today's debate underline, there is a great need to focus on reforms, as it has proved to be more and more complex to provide multilingual and flexible education of high quality.

Allow me to stress the fact that only by allowing students to express and practice their own cultural identity and use their own mother tongue throughout their education and formation can we allow them to evolve as true European citizens. If students studying in European Schools are not able first to develop their national identity through the use of their mother tongue and culture, I believe that they will not have a strong basis to build their European identity.

Thank you for your attention and I wish you good luck in the reform process of the European Schools.

Kathy Sinnott, *on behalf of the IND/DEM Group*. – Madam President, a number of years ago two problems were identified with the European Schools. One was that they were lagging far behind in inclusiveness and integrated policies for special education needs (SEN) children. The other was that when parents would make an application to the school for a child with special needs, they had a practice of saying that they were not really able to meet their needs and the parents should go and find something else. This really was not good enough.

In December 2007, Parliament set money aside in its budget to 'contribute to the financing of first-class education for SEN children and to promote the concept of inclusive education and that this sum is to be released upon presentation of a proposal for the launch of a pilot project for the SEN resource centre comprising qualified personnel with relevant experience and appropriate teaching materials'. In the time I have I will not go through the negotiations, the back and forth, that have gone on about this pilot project. What has come about is that the pilot project has become several half-posts in psychology and some other resources, but it is not what I would see as a pilot project: actual classes, integrated classes throughout the European Schools.

I feel it is time for us to be very clear about the goal. The goal is inclusion and the goal is to integrate children in a way that is possible for them. There are now 411 SEN pupils in the European Schools in the SEN project. This is 2%, and yet disability in the general population is 17%. We are still not allowing enough children

with special education needs into the schools, so we are still missing out on 15%. I cannot believe the figure for the population of people entitled to those schools is different from that in the general population.

We certainly need to have a project and assess the situation but we could do that for ever – we have been looking at the situation for ever! It is time to move beyond the pilot schemes. It is time to make a real approach to children as standard practice in all the schools. We are a long way from doing that.

This is the other meaning of diversity. It is not just about languages and cultures: it is about peoples' needs and their abilities and catering to the wide diversity of that as well.

Roberto Fiore (NI). - (IT) Madam President, ladies and gentlemen, while there is no doubt that the attempts to develop a European School have to be welcomed, we must not forget that the strategic objective is in some ways to make Europe into a guide from the scientific and social points of view, and into a model of cohabitation.

In that sense, we then have to build on Europe's cultural roots, for instance what Rome gave us in terms of law, what Greece gave us in terms of philosophy, and what Germany gave us in terms of music. However, it also has to be said that those languages considered to be dead, such as Latin and Greek, now need to be revived – and there is clear evidence of this – since they are languages that the most sophisticated American companies, such as General Motors or Yale University, consider fundamental for the *modus operandi* of entrepreneurs or, if you like, heads of family. It also has to be said that Christianity and the Christian values of our roots are fundamental elements in any genuine European School.

Marie Panayotopoulos-Cassiotou (PPE-DE). – (EL) Madam President, Commissioner, my fellow Members have presented you with a series of requests for more progress in European schools, which serve as examples for other schools in the Member States.

Please answer my question about how much local legislation affects European schools. We have found that there are differences between the schools in the Netherlands, Belgium, Germany and Luxembourg. We have identified these differences specifically in the approach to children with learning difficulties. They have received different treatment depending on whether they are in Brussels or in Luxembourg.

While we are on the subject of pupils, why should they be separated into categories? Why do they have to make a careful choice of Baccalaureate courses before they have any lessons? Why do religious knowledge and classical languages have to be taught according to the number of pupils in the class? Why are children not taught the history of their country of origin? Why are children not taught in their national language?

Let us turn now to staff: meritocratic selection in all the countries will provide a uniform standard among teachers' associations. Do you check the selection process in all countries? There is a turnover of administrative staff, but there are people who remain head teachers for more than 20 years. Why is there no selection of head teachers?

Flexibility, as you have said yourselves, will bring better results. The authorities of the Member States must take care to ensure that they do not have schools exclusively for 'elite' immigrants, but ones that serve as models for other immigrant schools.

Ryszard Czarnecki (UEN). - (PL) Madam President, I have come here not just as a Member of the European Parliament, but also as a person with practical experience of the European School, as I am the father of a child that attended the European School in Brussels for three years and who last year took the baccalaureate. From family experience, as well as from my occasional observations, for example, at parents' evenings at this, which is one of the four European Schools in Brussels, I feel that I know what we are talking about today. I wanted to say just one thing: the number of these schools is increasing. When my son went to this school three years ago, there were three schools in Brussels and now there is a fourth one. The permitted number of pupils in classes in European Schools is 32.

It is worth noting that in many European countries the permitted number of pupils in a class is considerably lower than in the European Schools. Our interest in this subject is clear: we have to take an interest in something that, as the European Union, we pay for. More than 50% of the budgets of these schools comes from European Union funds. The conclusion, Madam President, is this: it is sensible to open up these schools, but this should not be at the cost of teaching quality or an excessive number of children and young people in these schools.

Monica Maria Iacob-Ridzi (PPE-DE). - (RO) European Schools are recognised in Europe as elite institutions that provide quality education to young people. In 1953, Jean Monnet said that the purpose of these schools was to bring together European children, irrespective of their nationality, and to instill in them the European spirit and sense of belonging, so that they may eventually create a united and prosperous Europe. The reform programme of these schools must take into account the following important issues. All of the 23 official languages of the European Union must exist within these schools, and children must be given the opportunity to speak their native language. Unfortunately, there are still some official EU languages which are not spoken in any of the European Schools.

Furthermore, one of the objectives of European Schools is to foster unity within groups of children, to bring them together and to facilitate the development of a spirit of tolerance and communication among them. Therefore, I believe that dividing them into three categories is not a sound measure. Those falling into the last category, 'others', as it is called, get the opportunity to attend such a school only if there are places left after the children of European officials have been admitted. This categorisation is discriminatory and I suggest that it should be removed from the statute of European Schools.

Zdzisław Zbigniew Podkański (UEN). - (PL) Madam President, the concept of the 'European School' is become increasingly popular. This is a result of globalisation, which affects everything, including education. For this reason we have a guiding principle that we try to observe. This is where the problems begin. Finding an answer to the question 'what should the school be like' is very difficult. Should it be an elite school or universal, should it impose its own style and curriculum on all pupils, or should it be a school that moves in certain directions, but takes into account national and regional traditions; should it be a school where pupils are taught to appreciate and respect their own traditions, culture, history, religion and language, or should it teach openness to the cultures of other nations through multilingualism and appreciation of the whole world? There is one issue that, in principle, does not arouse any doubts. As there is a European Union, then diplomas issued by all the educational institutions of Member States should be recognised in the Schools.

Mihaela Popa (PPE-DE). - (RO) I believe European Schools to be the schools of the future in the EU, as they take into account increased mobility and the globalisation process and consequently give every student the opportunity to study in his/her mother tongue, thus promoting multilinguism.

I have researched this schooling system myself. I visited the oldest European School in Brussels, which was established more than 50 years ago, and I met over 40 Romanian students who have the opportunity to study in their native language. It should be said that European Schools foster social inclusion, as students of different nationalities get to know and help one another.

I would like to stress the effectiveness of the way in which the baccalaureate examination is organised, as it stimulates high performance and prepares students for their future lives as European citizens. I believe that the European School system should be extended to all the Member States, so as to become part of a common European policy in the field of education. Moreover, I move for the establishment and support of regional European Schools, which should take into account one basic principle of the European Union – regional policy in a mobile, knowledge-based Europe.

Dumitru Oprea (PPE-DE). - (RO) European policies concerning the reform of traditional schools and their evolution towards the status of European Schools, with the involvement of local and national administrative structures, require, in my opinion, three major types of reform: systemic reform, including reform of the curriculum, based on quality and effectiveness; continual reform, involving evaluation of and capitalisation on previous results, adapting them to European Schools; and a third reform, based on the responsibility and ownership of all social actors.

In this last regard, I believe that European schools should be taken as the model for a world school, where an 'after-school learning' component should come into play. Young people should have a special programme from 14.30 to 17.00 during term time, as well as during the summer holiday.

Roberta Alma Anastase (PPE-DE). - (RO) In their 50 years of existence, European Schools have proven their quality as regards the education of future generations. However, I believe that in today's debate we should focus on the need to adapt European Schools to present-day requirements, taking into account the enlargement to the EU-27 as well as such phenomena as globalisation, migration, and increased professional and geographic mobility.

There are two major issues that I would like to stress. First of all, we need to open up European Schools to a greater extent, so as to integrate all citizens in need of such assistance. Secondly, I believe that the recognition of degrees in all European countries is a priority.

Zbigniew Zaleski (PPE-DE). - Madam President, a human being takes about one third of his or her life to get ready for mature life through education. The second observation that I want to make is that the construction of the European Union – what we are doing right now – also requires an adequate education. There are many technical aspects, like equipment, diplomas and so on, but the Commission, as executor, needs to uphold the idea of education based on more languages, on common principles and on respect for national values. This is very crucial. Education obviously requires the investment of money, but if you do not support making this investment, then you will have to accept ignorance, which I think will be more costly for us.

So the European School is an admirable project, and I support it.

Czesław Adam Siekierski (PPE-DE). - (PL) Madam President, the European Schools exist on the basis of the Convention signed in 1957. There have been many changes in Europe over the past 50 years: a series of enlargements, an increase in the number of institutions and agencies and much more flexible employment contracts. There can be no doubt, therefore, that the European Schools system also needs change and reform.

There are a number of important areas that need changing. The issue that interests me the most is pupil selection, that is, the division into categories: one, two or three. After all, on the one hand the EU is trying to increase the mobility of European citizens in the labour market and to eliminate barriers and, on the other, it is blocking access to the Schools to children of potential employees of various institutions and companies from the whole of the EU. A solution needs to be found to the problem of overcrowding in certain schools. Measures also need to be taken as regards children with special needs.

Finally, I would like to ask for consideration to be given to the possibility of creating European Schools in the new Member States.

Tadeusz Zwiefka (PPE-DE). - (PL) Madam President, the education philosophy in European Schools and the teaching programme that leads to a European Baccalaureate should serve as an example of multilingual and multicultural education for all Member States. The growing number of student exchanges in European educational institutions and the globalisation of the world's economy mean that the true value of the European Baccalaureate would justify making it more widespread. It should also be recognised by institutions of higher education in Member States and also in third countries. Unfortunately this cannot be accomplished without a substantial increase in funding.

At present European Schools are perceived as elite schools that often exclude children whose parents are not EU officials. The exclusion of the greater part of society from the possibility of benefiting from European Schools is contrary to the objective of increasing the mobility of European citizens in our labour market. Member States themselves often try to create a new education system that will prepare young people better for the challenges associated with globalisation and a flexible labour market, while the system of European Schools and the European Baccalaureate have already long been in existence and, what is most important, have had excellent results, so we should duplicate them as much as possible.

Christopher Beazley (PPE-DE). - Madam President, I rise not merely as a Member of this House but also as a former schoolmaster. I wonder whether I might ask Commissioner Kallas, at his next meeting with the Council of Ministers, to have a particular word with the British Minister of Education to see whether or not it is possible that he might learn some of the lessons of the successes of the European School model. Perhaps in particular he might consider reversing the disastrous decision of the British Government to make the teaching of languages voluntary, in other words dropping European languages from the British curriculum.

Secondly, you might just remind him that Europe was divided for half a century, but that it has now been reunited for 20 years. Perhaps he might consider suggesting to his curriculum advisers that they remind the next generation of the history and the culture of Central and Eastern Europe, in which Britain traditionally was very much involved and did actually seek to support.

Mario Mauro (PPE-DE). - (IT) Madam President, Commissioner, ladies and gentlemen, the stress should not just be on the criticism, from various sides, of the inadequacies of the current model of governance. I believe that we all have a duty to understand, after this debate, what is at stake, i.e. the model that the European Schools can represent for the European area of education; and since we want to overcome the challenge of

the European area of education and are keen in this respect for good practices to win out, it is absurd and contradictory that we are sticking to a level and a model of governance unable to meet the challenges which we face. In my view, today's debate offers the Commission more than enough of a spur to realise that we have to undertake a radical overhaul of our schools.

Erna Hennicot-Schoepges, *author*. – (FR) Madam President, I would like to put two further questions to the Commissioner, who gave a figure but it is the current figure. Commissioner, are there also to be increases in appropriations for the next financial perspective; is there a system of funding in place that will ensure that these schools can continue to function? Apparently at this very moment they are short of 40 English teachers, given the financial problems experienced by Her Majesty's Government. May I ask you what solution can be envisaged in view of that situation? Secondly, the schools themselves would like more autonomy. Are you in favour of greater autonomy or would you prefer to keep to the present system, which is cumbersome and often ill-suited to local situations?

Siim Kallas, *Vice-President of the Commission*. – Madam President, several very serious and important issues have been raised.

First of all I would like to remind you that the European Schools system is a completely independent body. It is based not on the Treaty of 1958 but on the Statute of 1953, it has its own Board, its own Statute, and all rules are adopted by this Board. The Commission is only one voice on the Board.

As for the content of the education, this is fully the responsibility of the Board, and all this, including the different proportions between the language sections, and the curriculum, is totally in the hands of the Board of Governors of the European Schools. So the Commission has not very much to say.

As to financing, this is the second thing I would like to say in reply to one important question. The infrastructure is provided by the host countries. So the schools are built by Belgium, Germany, France etc. This gives us the full picture of the limits we have in developing the infrastructure.

What about the content of education? The honourable Member mentioned in her introductory remarks that the quality of the education is high – and it is high. This is one of the main priorities of the European Commission, to give every possible support so that this quality will be high. This will really be a benchmark for European educational systems, that European Schools give pupils an education which is highly appreciated everywhere. So I do not have any information that pupils with a European School education have any specific difficulties in getting to university after school if they so wish.

Concerning teachers, they count as part of the infrastructure, so teachers are also provided by Member States. English teachers, for example, are provided by the United Kingdom; in other words, the burden for bigger languages is correspondingly much higher. We, the Commission – or the European budget – pay the operational costs for this. This gives us a combination that results in a rather cumbersome system, and one objective is therefore to reform the system and to bring more clarity to responsibility and financing. You can also see the problems with Belgium, where, it has been said, one of the four schools is still a temporary school. The construction of the fourth school has been postponed and postponed, and we are in intensive discussions with the Belgian Government about this.

On the openness of European schools, in our view the key issue is the European Baccalaureate, and the certification of schools which want to award the European Baccalaureate. We promote this idea, which has basically been adopted by the Board of Governors, so the basic rules exist. Now the question is how to put this into practice in the Member States. Again, the leading role lies with the Member States. So this will to some extent settle the problem of different pupils.

Today, as I said, I am meeting Parliament and I hear your observations that category III is something which must be excluded, but I also regularly meet our staff – it is the same size, comprising hundreds of people – and they of course have a clear demand, namely that education for their children must be guaranteed.

So there is a requirement – and this is emphasised very strongly in the Treaty, in the Staff Regulations, in the regulation – to provide places in the schools and then, of course, the question arises who will distribute these other places which are to remain free and definitely in Brussels? This is more and more difficult. This is for me a very complicated question. At the beginning of this Commission, we insisted on behalf of our staff that there must be more clarity, and so the Central Enrolment Authority has been established by the Board of Governors to settle these questions.

So this is the overall picture, and I must just repeat that the Commission's attitude is that we must bring clarity to the financial issues and clearly share the burden, have clear responsibilities, clear obligations, and then we can also find better solutions to the infrastructure questions, but we cannot have any kind of reduction in the quality of education.

About some specific questions, one honourable Member raised the question about disabled students. You said that there are many more of them but I do not know that anybody has been rejected when parents have asked for special treatment: it has always been provided. So, if you have facts that there are some hidden pupils with disabilities, please provide these facts and we will deal with them.

Now, about parliamentary assistants, you know that at present parliamentary assistants are not covered by the Staff Regulations, they are a kind of special staff members in Parliament, but you know also that negotiations are ongoing to settle this and to have more precise rules, and then we can also consider what to do about access to the European Schools for the children of parliamentary assistants.

So these are more or less the questions which were raised, and of course all these questions – religious education, languages – are clearly in the hands of the Board of Governors, and the Commission is just one voice on that Board. The Board of Governors is dealing with these issues very seriously. They have held long discussions about this, and I can assure you that the Secretariat-General of the European Schools is very attentive to all needs of the different languages and different religious aspects. So this is their responsibility.

Just one thing more: if Parliament can draw Member States' attention, and especially if all Members of the European Parliament who have their own connections in their home countries can encourage the Member States' Ministers of Education, to promote this idea of the European Baccalaureate because this is their choice. We now have rules on how to go ahead with the European Baccalaureate. Now it is up to the national ministries to find interested schools. I know that there are a lot of interested schools, but the national authorities in many countries have not shown enough enthusiasm about this project, which can be a step forward and which can really then be a positive mark for the European Baccalaureate, so we can have European Schools not only in Brussels but everywhere – in new Member States and old Member States. This is a symbol of Europe. The Baccalaureate and European education is one element in our architecture.

President. – The debate is closed.

I would wish everybody a happy Day of European Languages tomorrow.

Written statements (Rule 142)

Alessandro Battilocchio (PSE), in writing. – (IT) I agree with the various solutions proposed for the reform of the European Schools: my privileged role as the Committee on Development's rapporteur on the Erasmus Community action programme leads me strongly to support the need for a multilingual and flexible European Schools model in which mother-tongue teaching is maintained (and is taught by teachers who are native speakers) but which is, at the same time, the same for all without class distinctions.

The European Baccalaureate will be the first instrument, followed by the opportunities offered by Erasmus, to guarantee real mobility for students, in Europe and then throughout the world. Tutoring obviously has an important role to play in the social, cultural and linguistic integration of incoming students and the achievement of excellent linguistic skills needs to be encouraged, with support from intensive courses (as has been underscored from 2001 to today by the Day of European Languages held every 26 September).

I consider that cooperation between the current European Schools and regional (primary and secondary) schools is a *sine qua non* for the development of a new European Schools system, but I cannot hide my concern for the future of Italian regional schools which – as a result of the new 'Gelmini' reform – could well disappear in some smaller, geographically disadvantaged, communities.

Cristian Silviu Buşoi (ALDE), in writing. – The processes undertaken by the European Union in the last few decades and the ever-evolving educational system have meant that a new perspective on the role and importance of the European Schools has to be taken into consideration. Given the latest enlargement of the EU to 27 Member States and with the increase in EU staff that implies, the significance of a well-reformed European School has become an issue of high priority.

In order to improve future expectations from the European Schools, we must approach the sensitive issues challenging the current system and identify the problems in order to design the foreseeable changes. Thus there is great demand for a newly drawn-up and comprehensive reform of the European Schools, so as to

make them more competitive and transparent on a European level and to design their full-weight purpose in a more up-to-date way.

The implementation of the principle of non-discrimination while granting fundamental freedoms to the pupils must be at the core of the new system in order to make it fully operational and in their own benefit. Nevertheless, the financing of the European Schools must be also reevaluated by taking into account indiscriminating measures for the pupils with regard to their division into categories.

14. Documents received: see Minutes

15. Written declarations included in the register (Rule 116): see Minutes

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

17. Dates of forthcoming sittings: see Minutes

18. Adjournment of the session

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

(The sitting closed at 16.05)

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 14 by Marian Harkin (H-0644/08)

Subject: Working Time Directive

Following the agreement reached by the Employment and Social Affairs Council on 9 June 2008 on the revision of the Working Time Directive and the recent French Presidency's commitment to work closely with the European Parliament to adopt the compromise reached, what is the Council's position in relation to the maximum time period a person can work without a break in the context of carers? Would the Council agree that the current Directive does not take into account barriers facing informal carers when seeking weekend respite cover, as two paid carers would be needed to cover weekend respite for one informal carer?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September II part-session of the European Parliament in Brussels.

It is a highly technical question. That must not, however, overshadow the political aspect of the problem you raise. It concerns the working time of carers.

Two cases must be distinguished:

First, the case of carers with an employment contract: the common position the Council adopted on 15 September 2008 (following the Council's agreement of 9 June) has just been forwarded to Parliament for second reading. It provides that the period when a carer is not actively working cannot be regarded as working time or included in the calculation of daily and weekly rest periods unless otherwise provided by national legislation, a collective agreement or an agreement between social partners.

As for compensatory rest periods, the Council acts on the general principle that workers should be granted compensatory rest periods in cases where they cannot take normal rest periods. In this context it is up to Member States to decide what is a reasonable period of time after which workers are granted equivalent compensatory rest periods.

Secondly, there is the case of 'informal carers', i.e. voluntary workers who do not have an employment contract and do not receive pay. Their situation is not covered by European law. The political agreement the Council reached on 9 June 2008 did not amend European law. That means that the provisions on working time and on compensatory rest do not apply in the case of such carers. The French Presidency confirms that it is committed to working closely and constructively with the European Parliament in order to reach an agreement as soon as possible on this important directive.

*
* *

Question no 15 by Bernd Posselt (H-0647/08)

Subject: EU presence in Kosovo

What is the Council's view of the current situation in Kosovo, and what concrete progress is being made in the establishment of an EU presence there?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September II part-session of the European Parliament in Brussels.

Generally speaking, the situation in Kosovo is now calm and stable. Over the seven months since the declaration of independence, the worst scenarios have been avoided and, at the end of a difficult initial period, the overall situation has taken a better turn than expected.

To a large extent, it has hitherto proved possible to avoid inter-ethnic incidents, which risk triggering an escalation in the current political climate, even if some clashes have occurred in Suvi Do, a region with an Albanian ethnic majority, north of the river Ibar, near the town of Mitrovica, as well as recently, on 27 and 28 August, in Kosovska Mitrovica.

On the ground, much still remains to be done in the political field, however. The Kosovar authorities, who have adopted a large part of the necessary legislation in accordance with the overall regulatory plan, must redouble their efforts to honour the undertakings they gave to the international community.

The situation in the north remains difficult. A number of serious incidents occurred in August, but MINUK managed to deal with them successfully and prevent the situation from getting out of hand.

These incidents show, however, that feelings still run high in northern Kosovo, and the international community must keep a close watch on the situation and stay in contact with Belgrade and the Serb rulers of Kosovo.

In the north, the rule of law remains very fragile and the deployment of the EULEX mission in that region will considerably improve the situation on the ground.

Given that the economic outlook is rather sombre and GDP per capita remains the lowest in Europe, the conference of donors organised by the Commission in Brussels on 11 July 2008 was of crucial importance to the stability of Kosovo. The outcome of the conference exceeded all hopes and produced promises of donorship amounting to EUR 1.238 billion, of which 285 million will come from the Member States and 508 million from the Commission.

*
* *

Question no 16 by Konstantinos Droutsas (H-0649/08)

Subject: New provocation by FYROM against Greece

The letter from the Prime Minister of FYROM, Mr Gruevski, to the Prime minister of Greece, Mr Karamanlis, which reiterates the unacceptable view that a Macedonian minority exists in Greece, is a new provocation. This letter confirms that the imperialist struggle in the Balkans is also marked by blackmail and irredentist statements, such as the claim that a Macedonian minority exists in Greece.

Does the Council condemn this action by Mr Gruevski? Does it support no change to the borders in the Balkans and does it consider that such irredentist statements or views could have dangerous implications for the people?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September II part-session of the European Parliament in Brussels.

The Council has made no statement about a letter from Prime Minister Gruevski to Prime Minister Karamanlis. In that regard, the Council points out that it is vital to maintain good neighbourly relations, including a negotiated solution that is mutually acceptable to all parties, on the name issue.

*
* *

Question no 17 by Mairead McGuinness (H-0650/08)

Subject: Flexibility within the eurozone Stability and Growth Pact

Does the Council consider that current fiscal rules for eurozone countries are flexible enough to allow governments to react to economic trouble but strict enough to ensure the sustainability of public finances?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September II part-session of the European Parliament in Brussels.

Following the adoption, in June 2005, of two regulations amending the preventive and dissuasive provisions on fiscal rules in the stability and growth pact, together with a new code of conduct for its implementation, the Council declared itself satisfied with the way the revised pact worked. The purpose of the revisions resulting from the changes to the legal framework of the pact was to adjust the fiscal rules to EU Member States' economic requirements, taking account of the divergences in their situations and of the economic fluctuations from one period to another.

On 11 July 2006, the Council adopted conclusions on the functioning of the fiscal rules of the revised pact on its first anniversary. It noted that: 'Overall the first year's experience with the revised SGP can be judged as positive.'

On 3 June 2008, the Council took note of the presentation by the Commission of a communication entitled 'EMU@10 – successes and challenges after ten years of Economic and Monetary Union'. When presenting it, the Commission confirmed that it did not envisage proposing any modification to the GSP fiscal rules.

The Council will be discussing that communication at its meeting of 7 October this year.

It should be noted that, at their informal meeting in Nice on 12 and 13 September, the Economics and Finance Ministers and the governors of the central banks supported the presidency's proposal to give a coordinated response to the economic situation in Europe. In budgetary matters in particular, States could allow the automatic stabilisers to play their part in order to support economic activity, without abandoning the attempt to control expenditure and observe the 3% deficit limit.

*
* *

Question no 18 by Zdzisław Kazimierz Chmielewski (H-0652/08)**Subject: Proposal for a Council directive concerning the general arrangements for excise duty**

One of the provisions of the proposal for a Council directive concerning the general arrangements for excise duty (COM(2008)0078) refers to the total destruction or irretrievable loss of excise goods, including losses inherent in the nature of the goods, and states that the goods in question will not be considered as having been released for consumption, so that they are exempt from excise duty.

Does the Council not take the view that consideration should be given to the possibility of specifying that the destruction or irretrievable loss must either be the result of unforeseen events or force majeure or inherent in the nature of the goods? If the provisions in question are not sufficiently detailed, taxpayers could exploit them for their own benefit.

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September II part-session of the European Parliament in Brussels.

The provision on the total destruction or irretrievable loss, including loss inherent in their very nature, of products subject to excise is a constituent part of the proposal for a directive on the general excise regime.

That proposal has been discussed in the Council bodies on several occasions, but the discussions have not yet borne fruit. Incidentally, I note that the EP has not delivered its opinion on the subject either.

*
* *

Question no 19 by Paulo Casaca (H-0653/08)**Subject: Australia considers Court action against Iran President**

According to AFP of 14 May, Prime Minister Kevin Rudd declared that Australia is considering taking Iran's President to the International Court of Justice for inciting violence against Israel.

Iranian President Mahmoud Ahmadinejad had threatened to eliminate the Jewish state, and the Australian Government was taking legal advice on launching a case against him at the International Court in the Hague, Prime Minister Rudd had said.

'The Iranian President's repeated extraordinary statements, which are anti-Semitic and expressing a determination to eliminate the modern state of Israel from the map, are appalling by any standards of current international relations,' he told Sky News.

Has the Council yet analysed the possibility of supporting this Australian initiative?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September II part-session of the European Parliament in Brussels.

The Council has, on numerous occasions, condemned the anti-Israeli, anti-Semitic and holocaust denial statements by Iranian leaders, in particular the President of the Islamic Republic of Iran. The Council considers such statements unacceptable and damaging and deplores calls for violence and the destruction of any State at all.

The Council has not debated the question by the honourable Member on the intentions of the Australian Government.

*
* *

Question no 20 by Dimitrios Papadimoulis (H-0654/08)**Subject: Developments in Turkey**

The political crisis in Turkey has culminated in the arrest of retired army officers who are accused of attempting to destabilise the country at a time when proceedings are under way in Turkey's Supreme Court to prohibit the operation of the governing party and suspend the President and Prime Minister from office.

What are the Council's views on developments in Turkey? Does it consider that they may affect the accession negotiations? If so, in what way?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September II part-session of the European Parliament in Brussels.

We are following developments in the situation in Turkey very carefully. I should like to point out that the general position of the European Union on respect for the fundamental principles of democracy and human rights is perfectly clear. As a candidate state, Turkey must meet the Copenhagen political criteria, in particular the stability of institutions guaranteeing democracy, respect for the rule of law and human rights.

The Union attaches considerable importance to those issues, which are also part of the reform process under way in Turkey. As the Council reaffirmed in its conclusions of 10 December 2007, the pace of the negotiations depends notably on the progress made by Turkey in addressing opening and closing benchmarks and the conditions laid down in the negotiations, including implementation of the Accession Partnership. Under the terms of the partnership, Turkey must continue the reform process and endeavour to improve the situation further as regards respect for the principles of freedom, democracy and the rule of law, for human rights and fundamental freedoms.

On behalf of the EU, the Presidency, taking due note of the decision, in particular invited all those involved to resolve their differences in a spirit of dialogue and compromise, while respecting the rule of law and

fundamental freedoms. The Presidency also stated in that declaration that the European Union, which was attentive to the democratic functioning of institutions, would continue to watch the situation in Turkey carefully.

The Council welcomes the fact that the Turkish Government, reaffirming the commitments already made to that effect, has indicated that it intended to continue the reform process and address the existing shortcomings and expresses the hope that those commitments will quickly be translated into effective concrete measures. The long-awaited reforms, particularly in the key areas of freedom of expression and religion, are matters on which Turkey must move ahead without delay. As the Council noted in its conclusions of 10 December 2007, significant further efforts are also needed in other areas such as judicial reform, the fight against corruption, minority rights and the strengthening of cultural rights, women's rights, children's rights, trade union rights, and the civilian control of the military. Those issues are also regularly discussed in the political dialogue with Turkey, most recently at the Ministerial Troika in Brussels on 15 September.

In the light of the above, the Council can assure the honourable Member that the European Union will continue to monitor the situation in Turkey closely and that the Council will continue to raise these issues at all levels, wherever appropriate.

*
* *

Question no 21 by Nicholson of Winterbourne (H-0656/08)

Subject: Attack on Indian Embassy in Kabul

India plays a significant role in Afghanistan and is a huge factor with regard to Afghanistan's security and stabilisation. India's assistance in reconstruction in Afghanistan has made an essential impact in the region. The Government of India has provided more than \$750 million to Afghanistan since the fall of the Taliban in 2002. There are also thousands of Indian citizens in the country working to make use of these funds to improve the lives of the Afghan people through fundamental capacity-and institution-building projects such as the reconstruction and completion of the Salma Dam Power Project in Herat province.

In light of the attack on the Indian Embassy in Kabul on Monday 7 July, what policy measures will the European Union undertake to provide its full support to the Governments both of India and Afghanistan to bring the perpetrators of this vicious attack to justice?

With the heightened commitment by the European Union at the International Conference in Support of Afghanistan in Paris in June this year to strengthen Afghan institutions and improve security in Afghanistan alongside a number of other vital commitments, can the Council state how it expects to continue to work with the Afghan Government and other partners like India to produce a situation where the essential capacity-and institution-building already taking place will effectively take root?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September II part-session of the European Parliament in Brussels.

The European Union attaches the utmost importance to its strategic partnership with India. We can appreciate how much progress has been made when we look back at the last eight years, since the first EU-India Summit in Lisbon.

– Relations between the EU and India have changed more or less completely. In particular, we have made substantial progress since the adoption of our Joint Action Plan in 2005, which helped extend the EU-India dialogue to new areas and increase contacts between experts.

– The EU-India dialogue on security provides for regular consultations on security matters at world and regional level in order to improve mutual understanding and identify possible areas of cooperation. The talks on Afghanistan are part of those consultations and it is one of the spheres in which the EU considers India an essential participant.

– As indicated in the 2003 European Security Strategy: 'in particular we should look to develop strategic partnerships with Japan, China, Canada and India, as well as with those who share our goals and values and are prepared to act in their support'.

– In their joint statement after the 2007 EU-India Summit, the two parties expressed their strong support for a sovereign, democratic and pluralistic Afghanistan. They reaffirmed their sustained commitment to assist the Afghan Government in the stabilisation and rebuilding of the country, working within the framework of the Afghanistan Compact.

– They welcomed Afghanistan joining the South Asian Association for Regional Cooperation (SAARC) as its eighth member at the 14th Summit held in Delhi in April 2007, and the Second Regional Economic Cooperation Conference held in New Delhi in November 2006. They noted that, although much had been achieved in recent years, formidable challenges still lay ahead.

– In that regard, the parties expressed concern over the security situation in Afghanistan due to the growth in terrorism and drug-related activities, and the danger those developments posed for the stability of Afghanistan and the region. They reiterated that coherent and united international commitment remained of paramount importance and agreed to continue cooperating and coordinating their efforts to impart greater strength to that process.

– Conscious of the important contribution India is making to regional stability in the south of Asia and appreciating its constructive and recognised role in Afghanistan, the Council pays close attention to any signals from India that it wishes to strengthen its relations with the European Union, including those in the field of foreign and security policy. As it has indicated numerous times in its frequent contacts with India, the European Union is ready to establish closer relations, for instance in the CFSP, and on Afghanistan.

*
* *

Question no 22 by Sarah Ludford (H-0662/08)

Subject: Fundamental rights

Can the Council confirm that Member States are considering impact assessments, particularly regarding fundamental rights, before proposing legislation?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September II part-session of the European Parliament in Brussels.

As the honourable Member is perhaps aware, in the points relating to impact assessments the interinstitutional agreement on better law-making adopted in 2003⁽²⁾ does not refer to the legislative acts submitted on the initiative of the Member States in accordance with Title VI of the EU Treaty.

Similarly, the joint interinstitutional approach on the 2005 impact assessment relates only to impact assessments drawn up by the Commission for its own proposals and those made by the European Parliament and the Council when they consider it appropriate and necessary for purposes of the legislative process, before the adoption of a substantive amendment to a Commission proposal.

In its communication to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions of November 2006 entitled 'A Strategic Review of Better Regulation in the European Union'⁽³⁾, the Commission stated that, under the 2008 review of the 'Common Approach to Impact Assessment', it expected that the institutions would agree to conduct impact assessments on Member States' initiatives in the area of Title VI of the EU Treaty (police and judicial cooperation in criminal matters).

In its communication of January 2008, presenting the second strategic review of better legislation in the European Union⁽⁴⁾, the Commission stated that, in the review of the Common Approach to Impact Assessment, it expected a commitment to conducting impact assessments on Member State initiatives in the area of Title VI of the EU Treaty.

(2) OJ C 321, 31.12.2003.

(3) COM (2006) 689 final.

(4) COM (2008) 32 final.

At the moment there is no obligation on Member States taking such initiatives to present to the Council and other institutions the impact assessments they might have made when planning the initiatives.

The current review of the common approach to impact assessment will need to consider whether the impact assessments of Member States' initiatives should be carried out by the Member State or States concerned or by the institutions and, in that case, by which of them.

The Council points out that, in accordance with Article 6 of the EU Treaty, the institutions of the Union are required to respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States, when exercising powers conferred on them by the Treaties, whether or not those powers are being exercised on the initiative of a Member State.

*
* *

Question no 23 by Bilyana Ilieva Raeva (H-0666/08)

Subject: Standardisation of entry plug connectors of the various peripherals for GSM handsets

In recent years, with the steady growth of the use of mobile telephones, their standards have been changing all the time (even between models of one and the same brand). This needlessly increases the spending on accessories.

The main reason for this anomaly is the lack of a uniform standard for entry plug connectors of the various peripherals (chargers, headsets, transmission cables), which would be universally valid for all GSM handset brands. Needless to say, the monopolisation of peripherals impairs competition, which in turn holds back quality and inflates prices.

Standardisation of peripherals (say, to USB format), would reduce costs and would facilitate the mobile telecommunication service, enhance consumer protection and competition, increase the demand for mobile services, reduce waste of electrical and electronic equipment, and save energy, materials, and resources.

What would the French Presidency do to initiate the requisite procedure, whereby we could encourage harmonisation of requirements in this sphere within the EU, as well as convince all stakeholders that this effort is in the best public interest?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September II part-session of the European Parliament in Brussels.

The Council has not received a proposal from the Commission on the matter referred to by the honourable Member. It is therefore unable to answer this question.

*
* *

Question no 24 by Ryszard Czarnecki (H-0669/08)

Subject: Harmonisation of company tax systems

Under the French Presidency, does the Council intend to take steps in the area of harmonising company tax systems?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September II part-session of the European Parliament in Brussels.

As you know, the French Presidency attaches great importance to the proper functioning of the internal market. In the case of taxation, the Council can only act unanimously on the basis of a Commission proposal. The Council has not so far received a proposal from the Commission on the harmonisation of company tax.

*
* *

Question no 25 by Paul Rübzig (H-0672/08)

Subject: Certification discriminating against SMEs

A small carpentry firm in Lower Austria has for decades had a reputation for outstanding quality. Because of an EU regulation, the firm can only go on making doors if it has a specimen certified. This currently applies only to exterior doors but will soon affect interior doors as well. A certificate costs around € 10 000 and applies to only one design. A customer who buys a door for which there is no such certificate will have a deficiency claim which, according to the product liability law, lapses only after 30 years. Since the organisation of the firm means that it produces just a small number of exterior doors which are mainly made to order (particularly for restoring old buildings), this kind of certification is not financially viable, and it cannot afford to offer a wider range of designs (cannot afford the certificates). The same is likely to happen in the case of interior doors when the legislation becomes applicable to them. SMEs, which survive precisely because of their individuality and the special nature of what they produce, are thus being forced out of the market.

Why are there no exceptions or concessions in this situation for SMEs which are not in competition Europe-wide?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September II part-session of the European Parliament in Brussels.

In answer to the question from Mr Rübzig, the French Presidency must first explain that, under the current Community rules, namely Directive 89/106/EEC as amended⁽⁵⁾, construction products must conform to the harmonised European standards, where such standards exist. That means that the producer must draw up a declaration of performance before placing a particular product on the market, which certainly incurs costs, but also provides access to the internal market comprised of the twenty-seven Member States of the European Union and the three EFTA Member States, which are party to the EEA Agreement.

Mr Rübzig must certainly be aware that Parliament and the Council are currently considering a proposal for a regulation of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products⁽⁶⁾. That regulation will replace Directive 89/106/EEC. According to Article 4 of the proposal, local, regional or national authorities will possibly not lay down requirements for the essential characteristics of a product, even when harmonised standards exist. In such cases, that means that the manufacturer, whether it is a small, medium-sized or large undertaking, is not required to draw up a declaration of performance. The competent authorities may therefore not impose conditions for the placing of a product on a specific market. That would not create any problems for cross-border trade, since manufacturers wishing to sell in another area, in which the authorities have set conditions, have to draw up a declaration of performance in any event.

It will then be for the European Parliament and the Council to support the solution proposed by the Commission for resolving problems of the type that Mr Rübzig describes, or to agree on another system.

*
* *

Question no 26 by Philip Bushill-Matthews (H-0674/08)

Subject: EU-Georgia Free Trade Agreement

At the Parliamentary Delegation visit to Georgia earlier this summer a novel proposal was agreed to fast-track an EU-Georgia Free Trade Agreement before the end of the year. In the light of current events, does the

⁽⁵⁾ Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products (OJ L 40, 11.2.1989, p. 12), as amended by Council Directive 93/68/EEC of 22 July 1993 (OJ L 220, 30.8.1993, p. 1) and Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 (OJ L 284, 31.10.2003, p. 1).

⁽⁶⁾ Council Document 10037/08 MI 167 ENT 110 COMPET 197 CODEC 676 - COM (2008) 311 final.

Council agree that such an Agreement should be concluded with all possible speed, and what steps is the Council taking to deliver this during the French Presidency?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September II part-session of the European Parliament in Brussels.

In its Communications COM(2006) 726 and COM(2007) 774, the European Commission clearly set out the conditions and basic principles underlying the free trade agreements with the States that are part of the European Neighbourhood Policy.

In the case of Georgia, in 2007 the Commission arranged for an independent study of the feasibility and economic impact of a free trade agreement, the results of which were published in May 2008. The conclusion of the study was that such an agreement would be worthwhile in the case of Georgia only if it were to be a full and comprehensive agreement. Since Georgia already benefits from the GSP+ scheme, which gives it important advantages, a free trade agreement would not have a great deal of added value. The study also showed that Georgia is not at present able to meet the necessary conditions for the conclusion of a full and comprehensive free trade agreement, in view of its limited capacity to implement the necessary reforms.

It is obvious that, after the events in August, Georgia needs extra support from the European Union. The European Union is prepared to respond to that situation not only by assisting the rebuilding of the country but also by strengthening its relations with Georgia, in the field of economic cooperation amongst others. In its conclusions of 1 September, the European Council expressed the commitment of the European Union to establish closer relations with Georgia 'including visa facilitation and the possible establishment of a full and comprehensive free trade area as soon as the conditions are met'⁽⁷⁾.

The General Affairs and External Relations Council on 15 and 16 September adopted conclusions on Georgia and welcomed 'the Commission's commitment regarding the strengthening of the EU-Georgia relationship, in particular by expediting the preparatory work on the facilitation of visas and on readmission, as well as on free trade'⁽⁸⁾.

The Council will continue working towards that aim, with a view to exploring the possibility of progress on a full and comprehensive agreement with Georgia, particularly in order to establish whether technical or other assistance might help Georgia meet the necessary conditions for such an agreement.

*
* *

Question no 27 by Pedro Guerreiro (H-0680/08)

Subject: Installation of parts of the USA anti-missile system in Europe

As part of the growing arms race and militarisation of international relations, led by the USA and its NATO allies, the US administration is seeking to install parts of its anti-missile system in Europe - in violation of established treaties - and an agreement has recently been signed with the Polish Government on the implementation of this goal. Given that decisions like this will provoke a fresh upsurge of militarism in Europe, what is the Council's position with regard to these intentions and this agreement?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September II part-session of the European Parliament in Brussels.

The European Union considers that the proliferation of weapons of mass destruction and missiles represents a growing threat to peace and international security. It is legitimate to consider what the response should

⁽⁷⁾ Extraordinary European Council, Brussels, 1 September 2008, Conclusions of the Presidency (doc. 12594/08).

⁽⁸⁾ General Affairs and External Relations Council, 15 and 16 September 2008, Conclusions of the Council on Georgia (doc. 13030/08).

be. The EU is making a full contribution to this in the context of implementation of the 2003 European Strategy against Proliferation.

As regards the agreements between the United States, Poland and the Czech Republic, these are bilateral agreements to put into effect the American project to install parts of a third anti-missile defence site in Europe. The Council has not expressed an opinion on that matter. I would simply point out that, contrary to the claim by the honourable Member, the agreements signed by the United States do not violate any international agreements or commitments.

*
* *

Question no 28 by Olle Schmidt (H-0686/08)

Subject: Morocco and Western Sahara

President Sarkozy has declared in a number of statements that he would like to see Morocco given special status, thereby giving the country access to certain EU bodies and a more privileged status than it has under currently applicable association agreements. The President has also stated that he considers that Morocco should remain one of the countries which receives most aid from the EU. I have previously criticised the EU's aid policy as far too indulgent towards dictatorships and that criticism also applies in this case. Western Sahara has featured on the UN's list of countries which should be decolonised since 1966 but every attempt to give the Western Saharans the opportunity to determine their own fate in a referendum has been sabotaged by Morocco. The royal family's power over parliament is so great that Morocco's form of government can at best be described as a sham democracy.

Does the President of the Council intend to require anything in return of Morocco if that country is to be awarded special status?

Does the President of the Council intend to discuss Western Sahara with Rabat during the negotiations?

Does the President of the Council intend to raise the question of Western Sahara with the EU Heads of State during the French Presidency?

Can the President of the Council specify what role he envisages for Morocco in the proposed Mediterranean Union?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September II part-session of the European Parliament in Brussels.

Morocco has taken a strategic decision to establish closer relations with the European Union. The European Union and Morocco have started a process of building an increasingly close partnership in a number of fields. The partnership comes within the general framework of the European Neighbourhood Policy and the Association Agreement between the European Union and Morocco.

The partnership with Morocco is also based on commitment to certain common values. Relations between the EU and Morocco are founded on respect for democratic principles, human rights and fundamental freedoms. Furthermore, Morocco has agreed to a human rights subcommittee being set up in its political dialogue with the EU. Those values were confirmed by the EU-Morocco Action Plan of the European Neighbourhood Policy in 2005. Morocco is also a vital partner in the Barcelona Process: Union for the Mediterranean. It has played a very positive and constructive role from the outset. We are counting on it to back the initiative started at the Paris Summit for the Mediterranean on 13 July, in regard to the definition of an institutional structure for the partnership and of concrete and visible projects on a regional scale.

The related problems, such as the situation in Western Sahara and its consequences, are at the forefront of all meetings held in the bilateral political dialogue. The Council fully supports the Manhasset negotiations and the process initiated last year by Security Council resolutions 1754 and 1783. The Council also fully supports the last Security Council resolution, 1813, adopted unanimously on 30 April 2008, which called upon the parties to show realism and a spirit of compromise and to open substantive negotiations.

The Council takes the view that it is important that the negotiations, under the auspices of the Secretary-General of the United Nations, should be able to achieve a just, lasting and mutually acceptable

solution under the United Nations resolutions. At the same time, the Council believes that the parties should enter into a more substantive negotiating phase and show restraint, good faith, realism, commitment and a spirit of compromise.

*
* *

Question no 29 by David Martin (H-0688/08)

Subject: Cariforum EPA - withdrawal of Regulation

With reference to the statement by the First Secretary of the Commission office in Jamaica, as reported in the Jamaica Gleaner on 29 August, can the Council confirm that the Regulation governing the preferential access to the EU market for Cariforum countries will not expire but that a decision would be needed by the Council before the Regulation could be withdrawn?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September II part-session of the European Parliament in Brussels.

The Regulation on market access for the ACP States⁽⁹⁾ offers possibilities for access to markets for countries with which Economic Partnership Agreements (EPAs) are being negotiated or have been concluded. If an ACP State decides that it does not wish to negotiate or conclude an EPA within a reasonable period or if it withdraws from an EPA, the Council may remove that State from the list of beneficiaries of the Regulation. That would indeed require an act by the Council on the basis of a Commission proposal.

*
* *

Question no 30 by Athanasios Pafilis (H-0691/08)

Subject: Murder of civilians in Afghanistan

According to international press reports, incidents involving the slaughter of civilians, in particular young children, by the joint military operations of the US-led NATO International Security Assistance Force (ISAF) occupying Afghanistan and Afghan government troops have been occurring more and more frequently and on a daily basis over the last few months.

Moreover, as a United Nations study points out, 698 civilians died between the beginning of the year and the end of June, double the number over the same period last year.

The murder of innocent civilians by the ISAF and its local government allies, which flagrantly violates in the most brutal manner every principle of international humanitarian law, has caused understandable outrage and strong protests among the population in the regions affected.

Will the Council say whether it condemns these abominable acts by the ISAF and whether it intends comprehensively to review its consent to NATO's unacceptable occupation of the country?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September II part-session of the European Parliament in Brussels.

Although the Council has not discussed the matter, I would point out that the ISAF is in Afghanistan under a United Nations Security Council mandate and at the request of the Afghan authorities, to provide assistance with stability and security until such time as the Afghans themselves can take over responsibility for the security of their country. The Nato force is there for the security and freedom of the Afghans.

⁽⁹⁾ Council Regulation (EC) No 1528/2007 of 20 December 2007 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements (OJ L 348, 31.12.2007, p. 1).

Most of the EU countries, 25 of the 27 Member States, have chosen to participate in the ISAF. Their contribution to the force accounts for nearly half its total manpower.

The European Union is a major actor in the reconstruction in Afghanistan in every field, through massive reconstruction aid and an ESDP police reform mission (EUPOL Afghanistan). The European countries share the aims that the countries contributing to the ISAF adopted at the NATO Summit in Bucharest last April in the presence of President Karzai, the Secretary-General of the United Nations, the Secretary-General of the Council and the President of the European Commission.

All possible steps must be taken to ensure that action by the international force does not claim innocent victims in the civilian population, at risk of casting doubt on the sense of the international action.

The Atlantic Alliance countries are conscious of that and we are confident that they will do everything possible to avoid a repetition of such tragedies.

*
* *

Question no 32 by Justas Vincas Paleckis (H-0693/08)

Subject: Setting up bilateral linguistic organisations

In 2007, at the initiative of the Commissioner responsible for multilingualism, Leonard Orban, a group of intellectuals (writers, experts, philosophers) was brought together with a view to ascertaining how multilingualism can strengthen Europe. In its conclusions, the group emphasised the need to strengthen bilateral language-to-language relations and proposed that countries with linguistic and cultural ties be 'paired'. The 'paired' countries would have the objective of creating bilateral organisations (associations, funds, institutions, committees) that would strengthen bilateral understanding, provide language teaching services, set up bilateral exchanges and bring together academics, artists, civil servants, translators, businesspeople and active citizens from both countries. Integrating such organisations into networks would improve understanding within the Union and promote the unique nature of each country.

Does the Council support the proposal made by this group of intellectuals? If so, how will the Council contribute to implementing this initiative?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September II part-session of the European Parliament in Brussels.

The group of intellectuals referred to in the question from the honourable Member was set up in 2007 to advise the European Commission on how languages could contribute to intercultural dialogue and mutual understanding. It presented its report, *A Rewarding Challenge*, at the special ministerial conference on multilingualism on 15 February 2008. However, it should be noted that, although the report made a useful contribution to the discussions at the conference, Ministers did not draw any formal conclusions from the report itself or from the specific initiatives it proposed.

It should, nonetheless, be added that the report by the group has proved useful in a different way since then. Apart from having served as a basis for the ministerial discussions at the conference, it was one of the factors taken into account by the Slovenian Presidency at the beginning of the year when it drew up the Council conclusions on multilingualism, which were adopted in May 2008. Similarly, the conclusions of the report will most probably have been one of the considerations for the Commission when it drew up its last communication on multilingualism in September 2008. Lastly, the French Presidency also used the report as a basis for the 'Etats généraux du multilinguisme' conference held in Paris on 26 September 2008, and in the preparation of the Council resolution on multilingualism, which it hopes to have adopted in November 2008.

*
* *

Question no 33 by Jana Hybášková (H-0697/08)**Subject: Ban on the promotion of feminism in the call issued by the Czech Republic's Ministry for Employment and Social Affairs concerning resources from the European Social Fund**

In connection with an operational programme entitled 'Human resources and employment' the Czech Republic's Ministry for Employment and Social Affairs has published Call No 26 for the submission of grant projects in Support Area 3.4. (Equal opportunities for men and women in the employment market - combining a job with a family). The call is accompanied by the following statement: 'Projects may not be political in nature and they must not seek to further any kind of political or ideological aim, including the ideologies of feminism or masculism.'

Does such a condition not contravene the rules governing the drawing of resources from the European Social Fund? Does the imposition of that kind of restrictive condition lie within the powers of a Czech body in relation to the ESF? If it does, is that condition not too strictly worded? Might it not contravene the proportionality principle or even be too discriminatory?

Feminism is not a radical ideology but, rather, a legitimate social principle. Movements and non-profit-making organisations which embrace feminist views are at the same time the main promoters and implementers of projects which help to bring about equal opportunities for men and women; the author of this question fears that this strictly worded condition may serve as a pretext for automatically excluding them as applicants.

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September II part-session of the European Parliament in Brussels.

The Council shares the concerns of the honourable Member on the need to promote equal opportunities in the European Union.

The implementation of Structural Fund programmes, in accordance with the principle of subsidiarity, is a competence of the Member States.

However, the correct application of the rules governing the Structural Funds depends on scrutiny by the Commission. It is therefore the responsibility of the Commission to ensure that Member States comply with the Community legislation in force.

As regards the specific issue raised by her question, the Council therefore suggests that the honourable Member addresses herself to the Commission.

*
* *

Question no 34 by Proinsias De Rossa (H-0700/08)**Subject: Human rights in Tunisia**

In April 2008, Mrs Radhia Nasraoui, a human rights defender and President of the Association Against Torture in Tunisia, was attacked by 30 police officers in an ongoing pattern of police harassment to stop her from working as a human rights activist in Tunisia. Radhia Nasraoui has been the subject of police aggression, surveillance, and physical attacks for almost a decade. Human rights organisations such as Frontline, Amnesty International and Human Rights Watch have expressed concerns about the safety of lawyers like Mrs Nasraoui and Tunisia's human rights violations as well as the judicial system.

What action has the Council Presidency taken in response to the continued abuses against Mrs Nasraoui by the Tunisian authorities which represent a breach of the EU-Tunisia Association Agreement, most notably Article 2, which commits both parties to respect human rights and democratic principles? Does the Council believe that Tunisia is making sufficient progress to reform as promised?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September II part-session of the European Parliament in Brussels.

The European Union always emphasises to its Tunisian partners on every occasion that respect for the values of democracy, human rights and the rule of law is an essential part of our relations.

In that connection, the Union regularly calls on the Tunisian authorities to make a stronger commitment to enabling human rights campaigners to do their work freely and without impediment.

At the first meeting of the Subcommittee on Human Rights and Democracy in November 2007, a dialogue focusing on those issues was opened with the Tunisians. It will continue at the second meeting of the subcommittee next October. The European Union hopes that the dialogue will allow progress to be made in the promotion of human rights, which remains a central aim of our foreign policy.

In that connection, the European Union pays particular attention to any efforts to promote a truly pluralistic democracy in which all participants in Tunisian civil society can be fully involved in public life and strengthen the rule of law.

The Council will continue to monitor the situation in Tunisia very closely, particularly with a view to the next EU-Tunisia Association Council to be held in November 2008.

*
* *

QUESTIONS TO THE COMMISSION

Question no 42 by Stavros Arnaoutakis (H-0646/08)

Subject: Measures to reduce electricity consumption by appliances in standby mode

With regard to the Commission's proposal for reducing the electricity consumption of appliances in standby mode (e.g. household appliances, televisions, office equipment, computers, etc.), can the Commission provide details of how much energy is currently consumed annually by appliances in standby mode, how much that contributes to greenhouse gas emissions and how it can be effectively reduced? Will the Commission fund campaigns at local level to provide information, raise awareness and actively involve the public?

Answer

It is estimated that currently approx. 50 terawatt hour (TWh) of electricity, an amount approx corresponding to the electricity consumption of Portugal, are consumed per year in EU-27 by standby and off mode of electrical and electronic household and office equipment. This corresponds to 20 Mt CO₂ emissions per year.

The technical, environmental and economic preparatory study⁽¹⁰⁾ for a standby and off mode ecodesign measure has shown that technical solutions exist which could lead to a significant reduction of power consumption. At the same time, it will reduce costs for the consumer/user when both purchasing and operating costs are considered. The draft regulation on standby and off mode (implementing the "Ecodesign Directive" 2005/32/EC) was endorsed by the Member States on 7 July 2008. It sets demanding maximally allowed power consumption levels, which are expected to save almost 75% of the standby/off mode electricity consumption in 2020 in the Community. It will thus reduce CO₂ emissions by approximately 14 Mt CO₂ per year.

The proposed Regulation foresees maximally allowed power consumption levels for standby/off mode which come into force in two stages. The levels of the second stage are close to what can be achieved with best technology. Therefore further activities as e.g. awareness-raising targeted at standby/off mode would provide limited additional energy savings, and no such activities are planned for the moment.

*
* *

⁽¹⁰⁾ Available on www.ecostandby.org

Question no 43 by Sarah Ludford (H-0663/08)**Subject: Nuclear waste management**

The European Commission's Eurobarometer surveys indicate that a safe solution to spent fuel and radioactive waste from nuclear energy generation remains an important issue among EU citizens.

Can the Commission give an assurance that the mandate of the European High Level Group on Nuclear Safety and Waste Management set up in July 2007 to advise on harmonising safety standards across the Union is not an excuse to lower national safeguards already in place?

In addition, what is the Commission's reaction to a recent UK parliamentary Public Accounts Committee report that showed that the cost of nuclear decommissioning was massive and rapidly rising?

Answer

The "High Level Group on Nuclear Safety and Waste Management" (HLG) focuses on identifying safety issues for priority handling and recommending actions to be taken at EU level. Its mandate is to assist the EU institutions in progressively developing common understanding and eventually additional European rules in the fields of the safety of nuclear installations and the safety of the management of spent fuel and radioactive waste.

In this context, the Commission emphasises that the promotion of the highest safety standards and the safe management of radioactive waste represent its main priorities for the use and development of nuclear energy throughout the EU.

In the absence of any legally binding instrument on the management of financial resources earmarked for decommissioning and waste management, the Commission is assessing Member States' practices in the light of the Commission Recommendation on the management of financial resources for the decommissioning of nuclear installations, spent fuel and radioactive waste⁽¹¹⁾. The Commission is further elaborating this recommendation with the support of a Decommissioning Funding Expert Group in order to achieve a common interpretation which will then allow addressing the area of concern and progress towards full compliance with the recommendation. The results will be presented in the 3rd Report from the Commission to Parliament and the Council.

The UK report underlines that costs associated with decommissioning of Nuclear Power Plants are undeniably significant with nuclear waste processing and storage being important contributors. An appropriate long term framework concerning waste processing and storage can only improve the long term cost situation and could help to reduce these costs. Current estimates seem to be inflated due to uncertainty and risk linked to the absence of stable and long term national provisions. With time and increased technical experience of decommissioning of Nuclear Power Plants, it is to be expected that the real costs of decommissioning will decrease.

The Commission is currently involved in a dialogue with Member States to identify best practices in financial planning for decommissioning of Nuclear Power Plants, with a view to encouraging all Member States to plan to have the necessary funds in place for the time when the decommissioning of a NPP should take place.

*
* *

Question no 44 by Yiannakis Matsis (H-0677/08)**Subject: Oil as a strategic asset of the international community**

Senior EU officials have admitted that low oil prices are a thing of the past. Will the Commission say whether, owing to the economic and other problems caused by high oil prices, the EU is studying or intends to study the classification of oil and its derivatives as strategic assets and whether it intends to support such a classification, which would mean that the price of oil would not be determined by the financial markets but by other means? If the EU has considered this matter, will it say how the price of oil can be determined internationally?

⁽¹¹⁾ Commission Recommendation of 24 October 2006 on the management of financial resources for the decommissioning of nuclear installations, spent fuel and radioactive waste, OJ L 330, 28.11.2006.

Answer

The Commission does consider oil as a strategic resource and is therefore following policies aimed at ensuring reliable and affordable supplies of oil and petroleum products for European consumers. Besides measures enhancing transparency and functioning of European oil markets, the Commission also vigorously follows implementation of Council Directive 2006/67/EC⁽¹²⁾ imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products for use at times of disruptions of supply.

Prices at which oil and petroleum products are traded are formed in a global market on the basis of various factors. While the integrity of supplies and good functioning of the markets can be underpinned by regulatory measures, the public sector, and the Commission in particular, are not in the position to replace market mechanisms. The Commission can however implement policies which may aim at influencing oil prices indirectly; the Commission is fully availing itself of this opportunity and consistently takes initiatives e.g. in support of alternative fuels, promotion of energy efficiency, etc.

The available evidence suggests that supply and demand have been the main drivers of oil price, and are set to underpin high prices in the future. The possible role of speculation has come under scrutiny. So far the evidence is highly uncertain. Further analytical work is clearly needed to better understand what possible role speculation can have as a driver of rising prices. In any case, more transparency in the oil market, both on contracts and related financial instruments and on fundamentals would be welcome.

*
* *

Question no 45 by Justas Vincas Paleckis (H-0694/08)**Subject: Covenant of Mayors**

On 29 February 2008 the European Union 'Covenant of Mayors', provided for under the Commission's Energy Efficiency Action Plan, was launched. The purpose of the Covenant of Mayors is to implement the Plan at local and regional level. The towns and cities that have signed up to the Covenant are determined to go beyond the proposed 20% reduction in CO₂ and to achieve even better results in the fight against climate change. All towns and cities involved in the Covenant of Mayors are committed to producing and publishing an annual report setting out the progress made in implementing the Action Plan.

As we approach the end of the year, it would be interesting to know how successful the towns and cities are in meeting their voluntary commitments. What fundamental problems in implementing the Covenant have come to light? What successes have been achieved?

Answer

On 29 January 2008 the Commission launched a public consultation procedure to define the European Union's 'Covenant of Mayors', provided for under the Commission's Energy Efficiency Action Plan. In its final version, issued this summer, the cities and towns signing up to the Covenant of Mayors commit to go beyond the EU objectives in terms of reduction of CO₂ emissions for 2020. They will have to submit, within the year following adhesion, a Sustainable Energy Action Plan outlining how they intend to achieve those objectives. They also commit to deliver bi-annual reports and accept termination of their involvement in the Covenant in case of non compliance.

Sustainable energy action plans for the initial group of cities are due to be submitted only in the beginning of 2009, so no plans have been received yet. All information received, as well as information on best practice, problems and opportunities will be made available on the website linked with the Covenant of Mayors⁽¹³⁾.

However, the huge interest in the Covenant of Mayors so far is the first success of this initiative.

*
* *

(12) OJ L 217, 08.08.2006, p. 8-15 - formerly Directive 68/414/EEC

(13) http://ec.europa.eu/energy/climate_actions/mayors/index_en.htm

Question no 51 by Manolis Mavrommatis (H-0676/08)**Subject: Protection of intellectual property rights under the Telecom package**

At the end of September the European Parliament is to vote on the 'Telecom package' (A6-0318/08). The provisions of the Directive (as proposed by the Commission and in the text we are being called upon to approve) contain only a passing reference to intellectual property rights and measures to combat Internet piracy, the widely-held view being that the directive is intended for consumers. However, it must be accepted that the absence of protection for intellectual property rights in no way obviates the existence of an 'artistic product' intended for consumers. Does the Commission agree that, if providers take steps to ensure that repeated infringements of intellectual property rights are clearly brought to the attention of the subscribers concerned with a view to ending their illegal activity, this could help to limit piracy? What specific proposals does it have to end the growing number of illegal downloads?

Answer

The Commission proposals of November 2007 on Telecom package⁽¹⁴⁾ contain elements which reflect the importance of intellectual property rights for the Information Society.

The proposals strengthen the obligations of operators, and propose to require them to inform their customers – both when a contract is concluded and regularly thereafter – about their legal obligation to respect copyright, as well as about the most common cases of infringements. In addition, a new clause in the Authorisation Directive emphasise that operators are under an obligation to comply with existing EU legislation in the area of copyright and enforcement of intellectual property rights, as transposed in national legislation and interpreted by competent judicial authorities.

The Commission welcomes the amendments proposed by M. Harbour in his Final Report which are generally supportive of the objectives behind the Commission proposals and aim at clarifying that providing information to citizens about their obligations to respect copyright, and in particular about the most common forms of infringements, is in the public interest which would be better served if public authorities were more closely involved in the process. The amendments are also likely to meet concerns of the private sector as to the possible liability implications.

Furthermore the Commission has adopted on 3 January 2008 a Communication on Creative Content Online⁽¹⁵⁾ which explores the most pressing current challenges that could be addressed at European level to improve the competitiveness of the European online content production and distribution industry. This Communication highlights four main horizontal issues:

- Availability of creative content;
- Multi-territory licensing for creative content;
- Interoperability and transparency of Digital Rights Management systems (DRMs); and
- Legal offers and piracy.

The Communication launched a public consultation in preparation for the adoption of a Recommendation on Creative Content Online during first quarter 2009 which will focus on three issues: Interoperability and transparency of Digital Rights Management systems, the fight against piracy and promotion of legal offers. Over 700 written contributions have been received and made available on our website⁽¹⁶⁾.

Increasing the legal offers of content on the internet and enhancing the cooperation between internet service providers/telecom operators and content providers is crucial for curbing piracy on the internet.

In parallel, to the aforementioned planned Recommendation, a stakeholders' discussion and cooperation platform, the "Content Online Platform" has been set up: it is devoted to content specific or cross-industry negotiations around the issues related to the online distribution of creative content.

(14) COM(2007)697 - COM(2007)698 - COM(2007)699 of 13/11/2007

(15) COM(2007) 836 of 03/01/2008

(16) http://ec.europa.eu/avpolicy/other_actions/content_online/consultation_2008/index_en.htm

Three meetings of the Platform have already taken place on the following topics: new business models (17 April 2008), legal offers and piracy (26 June 2008), management of copyright online (18 July 2008) and another one will take place in October, again on legal offers and piracy.

*
* *

Question no 52 by Maria Badia i Cutchet (H-0684/08)

Subject: Internet Governance Forum

The Internet Governance Forum, has been meeting annually since its inaugural meeting in Athens in 2006, provides an excellent framework for discussion of issues crucial to the global net, participation in it and access to it, such as the critical resources of the Internet, content diversity, openness or abolition of restrictions, and internet security; the net affects all citizens and all nations on earth.

The Commission sent representatives to the Second Forum in Rio de Janeiro last year. What issues will it be raising at the Third Forum to be held in India in the next few months? How does the Commission assess the work done so far, and the role of the European Union in this process?

Answer

Regarding the question of the Honourable Member on the topics for the next Internet Governance Forum which will be held from 3 to 6 December in Hyderabad, India, the Commission would like to point out that the agenda for this meeting is currently being finalised - a round of consultations took place in Geneva on 16 September. The overall topic for the meeting is currently expected to be "Internet for all". The main themes for this year's meeting are envisaged to comprise:

- Reaching the Next Billion;
- Promoting Cyber-Security and Trust;
- Managing Critical Internet Resources;
- Taking Stock and the Way Forward;
- Emerging Issues.

The ground for each of the thematic threads should be prepared by Main Session Workshops which are expected to focus in particular on:

- access and multilingualism;
- are we losing the battle against cyber-crime?; fostering security, privacy and openness
- transition from IPv4 to IPv6; arrangements for Internet governance – global and national/regional
- the Internet of tomorrow: Innovation and the evolution of the Internet

In addition it can be expected that a range of other issues will be addressed in workshops, best practice fora and meetings of dynamic coalitions.

The European Commission considers that the activities of the Internet Governance Forum have demonstrated that it serves as a very useful opportunity for open exchanges between all Internet Governance stakeholders. The EC has participated in all the meetings of the forum and in the preparatory work. Presentations in main sessions and workshops allowed not least to present best practices in the EU and to share European views on fundamental values. In this context, it is indispensable to emphasise that the active and strong involvement of the European Parliament, noted not only by the Commission but by many stakeholders in the process, has been very appreciated. It has inspired other Parliaments to send representatives to the meeting. The Commission would welcome a continuation of this excellent cooperation.

*
* *

Question no 56 by Marie Panayotopoulos-Cassiotou (H-0641/08)**Subject: Measures to promote multilingualism and the classics**

To what extent does the projected European Indicator of Language Competence relating to the five most widely spoken European languages include cultural and linguistic elements from the classics (ancient Greek and Latin) reflected in the languages spoken today in Europe?

Will ancient Greek and Latin be included among the first and second foreign languages spoken by EU pupils? Does the Commission intend to promote the cross-border recognition of classics degrees as a means of promoting the European ideal at international level?

Answer

According to the Commission Communication on the European Indicator of Language Competences of 1st August 2005, pupils will be tested in the first and second most taught foreign language. The Commission proposed that in the first round, and for practical reasons, foreign language competence could be tested in the five languages most frequently taught in the Union as a whole (i.e. English, French, German, Spanish and Italian).

The option to test Latin and ancient Greek is not taken into consideration as the European Indicator on Language Competence is foreseen to be developed only for official languages of the European Union. This means that only living languages are concerned by this project.

As cultural and linguistic elements from the classics (ancient Greek and Latin) are rooted in the languages spoken today in Europe, these elements might be reflected naturally in the test materials. However, the project of the European Indicator of Language Competence does not intend to emphasise particularly these elements.

The choice of the variety of foreign languages taught in the educational system in each of the EU countries is not decided on the EU level but falls within the competence of Member States. At the present stage of development of Community law, the recognition of diplomas for academic purposes also falls within the competence of Member States provided that they do not apply any direct or indirect discrimination on grounds of nationality.

*
* *

Question no 57 by Bernd Posselt (H-0648/08)**Subject: German language**

How does the Commission view the role of the German language (a) as a working language, and (b) as an official language of the European Union? What is its opinion of the German Bundestag's latest initiative in this regard?

Answer

The Commission is fully committed to multilingualism and linguistic diversity, the guiding principles being non-discrimination, effective support to better regulation and the democratic nature of the EU, while maintaining a swift decision-making process.

Under Article 1 of Regulation No 1/1958 of the Council⁽¹⁷⁾, which enumerates the official and the working languages of the institutions of the Union, all official EU languages are to be treated on an equal basis as far as the publication of legislation and other documents of general application is concerned. This means that Commission regulations and directives, as well all legislative proposals and communications formally approved by the Commission and transmitted to the institutions are translated in all the official languages of the Union, including German.

Furthermore, it must be noted that German is one of three languages, together with English and French, in which the Commission usually adopts its internal decisions.

⁽¹⁷⁾ Council Regulation No 1 of 15 April 1958 determining the languages to be used by the European Economic Community, OJ L7, 6.10.1958. Regulation as last amended by Regulation (EC) No 1791/2006, OJ L 363, 20.12.2006.

The Commission is considering, on an ongoing basis, all points of view expressed by the Member States in the field of translation and more broadly on multilingualism matters.

*
* *

Question no 58 by Robert Evans (H-0651/08)

Subject: Multilingualism in European businesses

The Commission is on record as saying that 'investing in language skills and managing diversity will be crucial for Europe to fully benefit from the globalised world'.

What discussions has the Commission had with the European business community in order to ensure that major European companies are preparing their employees to communicate with emerging markets in, for example, Latin America or China?

Answer

The Business Forum for multilingualism, set up in 2007 to explore how language skills can have an impact on trade and jobs in the European Union, delivered its report to the Commissioner for Multilingualism on 11 July 2008⁽¹⁸⁾. The report gives a clear overview of what needs to be done to help companies gain access to new markets and new business opportunities in the globalised world. It is based on research reports, case studies, interviews and personal experiences of members of the Forum, chaired by Viscount Etienne Davignon, Belgian Minister of State and former Vice-President of the European Commission. One of the main points emerging from the report is that "Europe is running the risk of losing competitiveness, as emerging economies, mainly in Asia and Latin America, are rapidly acquiring solid language skills together with other competences necessary for successful competition "

The report confirms the Commission's view that gaining competitiveness does not only imply improving language skills with regard to English as one of the major languages used for international trade but also acquiring competence in other languages in order to address local markets appropriately.

The report is particularly important to raise the awareness of small enterprises to the importance of recognising the added value of language skills and developing in-company language strategies to make more of the EU's internal market and to achieve a better mobility among the European workforce.

The conclusions and recommendations in the report have provided a contribution to the new strategic Communication on multilingualism, which was adopted on 18 September. To ensure the continued dissemination of the findings in the report and promote the implementation of its recommendations, the Commission will create a permanent platform for exchange of best practice for companies, gathering relevant information from the business community, social partners, trade organisations, chambers of commerce, trade promotion organisations, schools and education authorities.

*
* *

Question no 59 by Michl Ebner (H-0683/08)

Subject: Achieving the '1+2' objective in European language policy

Multilingualism in the European Union is a central component of European diversity. In particular, learning new languages not only represents a competitive advantage, but is also culturally enriching.

The objective of European language policy is what is termed the '1+2' strategy, under which, every EU citizen should learn two other Community languages in addition to his or her mother tongue.

While this programme is to be welcomed in principle, serious shortcomings are becoming evident in practice as far as implementation is concerned. Some regions in which learning languages is especially important because of their geographical situation continue to exclude learning neighbouring countries' languages from their curricula. This omission not only has consequences for individuals' competitiveness on a globalised market, but erects long-term barriers to the free movement of workers in the regions concerned because of a lack of language knowledge.

⁽¹⁸⁾ For more information see http://ec.europa.eu/education/languages/news/news1669_en.htm

How is the Commission verifying realisation of the multilingualism objectives laid down in the 1996 White Paper? What EU funds are available to national authorities for education policy reorganisation, especially in border regions?

Answer

The Commission shares the view of the honourable Member on the cultural importance of multilingualism in Europe and on the advantages of promoting the learning of the languages of neighbouring countries, particularly in the border areas.

The Commission strongly supports the 'mother tongue plus two' objective, which, as the honourable Member has pointed out, was first laid down in the 1996 White Paper and was adopted by the Member States at the European Council in Barcelona in 2002. Since then, that objective has been at the heart of the European multilingualism policy and has been developed in subsequent communications by the Commission⁽¹⁹⁾.

Whilst respecting the principle of subsidiarity and the powers of the Member States in this sphere, the Commission has collected information and data on the implementation of the objective. The adoption of the report on the implementation of the 'Promoting Language Learning and Linguistic Diversity' Action Plan⁽²⁰⁾, the regular publication of 'key figures on language teaching' and the preparation of the linguistic competence indicator are evidence of this.

The Commission supports the multilingualism policy in a number of European programmes and initiatives. Furthermore, its new communication on multilingualism, adopted on 18 September 2008, is accompanied by a list of all Commission programmes and initiatives in support of multilingualism. To reply more specifically to the question on multilingualism in border areas, the Commission would like to mention:

1. The Lifelong Learning Programme 2007-2013, in which the 'Comenius Regio' scheme initiated by Parliament will specifically promote cooperation between schools in border areas.
2. The Interreg Programme: one of the aims of the Italy-Austria cross-border territorial cooperation programme is to improve communication in order to create a solid basis for trade and to reduce the still existing barriers created by different systems in several spheres, notably linguistic.
3. The 'Citizens for Europe' Programme, which supports the twinning of towns and knowledge of their respective languages and cultures.

*
* *

Question no 60 by Anna Záborská (H-0702/08)

Subject: Application of the rules on multilingualism and status of the Slovak language

What political and financial measures is the Commission taking to ensure that Articles 21, 290 and 314 of the Treaty and Council Regulation (EEC) 1⁽²¹⁾ of 15 April 1958 are actually implemented, in particular by making available the resources necessary to meet the shortfall in posts for linguist officials?

What is the Commission's position on the use of German as principal working language, in particular as a pivot language for the various languages of the new Member States?

How does the Commission view the role of the Slovak language as an official language of the EU? Is it satisfied with the current position of the Slovak language, bearing in mind the planning and training measures for

⁽¹⁹⁾ COM(2003) 449 Promoting language learning and linguistic diversity: an Action Plan 2004-2006

COM(2005) 596 A new framework strategy for multilingualism

COM(2005) 356 The European indicator of linguistic competence

COM(2007) 184 Framework for the European survey on language competences.

⁽²⁰⁾ COM(2007) 554 Report on the implementation of the Action Plan 'Promoting language learning and linguistic diversity'.

⁽²¹⁾ OJ 17, 6.10.1958, p. 385

the staff of the European institutions taken since Slovak was introduced? What measures still need to be taken to raise the services provided in Slovak to a satisfactory level within the institutions?

Answer

First of all, the Commission complies fully with all its obligations flowing from Regulation No 1⁽²²⁾. This implies on the one hand that Commission regulations and directives, as well all legislative proposals and communications formally approved by the Commission and transmitted to the institutions are translated in all the official languages including German and Slovak and, on the other hand, that replies to citizens' letters are drafted in the language of their choice. Beyond its obligations under Regulation No 1 and in line with the principles of multiculturalism and multilingualism the Commission is committed to making all possible efforts to treat citizens, cultures and languages equally and with due care and respect. It is also committed to effective and efficient communication with the public, at central and local level and over the internet.

Given the need for the Commission firstly to fulfil its legal translation obligations, it is thereafter necessary to try continuously to strike the right balance between making available relevant and up-to-date information to EU stakeholders in as many languages as possible on the one hand and ensuring speedy and cost-efficient decision-making and protecting the European taxpayer from a disproportionate burden on the other hand. The deployment of translation resources is reflected in the Commission's Translation Strategy, which has been continually updated since 2004 and makes it possible to adjust demand and resources in a smooth and efficient way.⁽²³⁾

Furthermore, it must be noted that German is one of three languages, together with English and French, in which the Commission usually adopts its internal decisions.

As regards the Slovak language, the training has been on offer since 2003. Standard training in Slovak is being offered on the same basis as for all official languages; staff can participate in training actions organised internally by the Commission as well as in external training organised in Slovakia. The Commission's Directorate-General for Translation launched an initiative in 2007 to mobilise representatives of the Slovak ministries, universities, academies and the European institutions with a view to improving the institutional use of the Slovak language and its terminological consistency. The Commission's Directorate-General for Interpretation continues its support to training institutes in Slovakia as regards the training of conference interpreters. Accreditation tests are also organised regularly to increase the pool of interpreters working to and from Slovak.

The Commission meets its obligations in respect of the Slovak language and the services offered are of a high quality and the promotion of the Slovak language active. Indeed, very few complaints about the quality of the texts are received.

*
* *

Question no 63 by Eoin Ryan (H-0620/08)

Subject: Role and rights of all media players and journalists

As a former journalist, the Commissioner for Information Society and Media has spoken on occasion about the role and rights of all media players and journalists. In the context of future EU information and other campaigns, can the European Commission give assurances that it will target all national daily newspapers for the purposes of these new campaigns?

Answer

The media is one of the important channels of communication regarding information on EU activities. Therefore, the Commission undertakes information campaigns in the media in order to increase public awareness of important EU initiatives and to address the largest public possible.

⁽²²⁾ Council Regulation No 1 determining the languages to be used by the European Economic Community, OJ L 17, 6.10.1958. Regulation as last amended by Regulation (EC) No. 1791/2006 (OJ L 363, 20.12.2006).

⁽²³⁾ Current version: SEC(2006) 1489 final. Previous versions: SEC(2005) 984/3 and SEC(2004) 638/6.

It is for each newspaper, television or radio station to decide whether they wish to participate in information campaigns that the Commission is involved in. As regards any supplements or advertising produced, there are strict public procurement rules in place for any amounts involved, ensuring that any commercial arrangements are carried out in a fair and open manner. Therefore, the Commission cannot guarantee that all daily newspapers will be involved in every information campaign which is launched.

*
* *

Question no 64 by Willy Meyer Pleite (H-0627/08)

Subject: Mexico: Human rights monitoring mechanism

Following the signing of the EU-Mexico Preferential Treaty, which includes a human rights clause, leading international organisations have repeatedly complained of serious human rights violations by the Mexican Government.

The European Parliament urged the Mexican Government to take action with regard to the Acteal massacre and more recently, with regard to feminicide.

Has the EU established any kind of mechanism for assessing the human rights situation in Mexico? Is civil society involved in this mechanism? Does the Commission intend to undertake any action to activate the human rights clause in Mexico, as a result of the human rights situation there?

Answer

The Commission and the EU Member States take a close interest in the human rights situation in Mexico, as in all other countries. The Delegation in Mexico prepares regular factsheets, meets with human rights defenders, carries out field visits and develops an ongoing dialogue with the local civil society organisations.

The Commission is engaged with the Mexican authorities in an open and positive dialogue on this issue, having frequent meetings with the Undersecretary for Human Rights and Multilateral Affairs of the Mexican Foreign Ministry and with the Mexican Embassy in Brussels. This issue will be discussed again at the EU-Mexico Joint Committee in October 2008.

In terms of cooperation, the Delegation manages a local grants' programme to support human rights projects of the Mexican civil society organisations. In parallel, within the Country Strategy Paper 2007-13, a new human rights project has been launched together with the Mexican Government and will complement the forty-nine projects already supported by the European Initiative for Democracy and Human Rights since 2002.

Finally, the Commission believes that in the new political context created by setting up the EU-Mexico Strategic Partnership there will be more opportunities to engage with our Mexican partners on all sensitive issues, including human rights, both on the multilateral stage and at bilateral level.

*
* *

Question no 65 by Eva Lichtenberger (H-0628/08)

Subject: Chiapas: the Prodesis Project

The Commission and the government of the Mexican state of Chiapas, with the ad honorem involvement of the Mexican Federal Government, signed the Integrated and Sustainable Social Development Project, Chiapas, Mexico' (PRODESIS) 'ALA/B7-310/2003/5756' in December 2003.

Why was an extremely strife-torn region chosen without consulting or securing the agreement of the local population?

Given the criticisms levelled at the project, does the EU intend to establish consultation mechanisms? If so, how does it intend to ensure that the organisations being consulted will be representative and independent of either EU or Mexican Federal Government funding?

What mechanisms does the EU intend to use in order to guarantee that its projects are carried out in accordance with the provisions of the UN Declaration on Indigenous Peoples concerning the need to secure free and informed consent for any project being carried out on land belonging to indigenous peoples?

Answer

1. The project area for PRODESIS was selected in full awareness of the extremely high degree of marginalisation of its predominantly indigenous population. At every step of the project cycle, and even now with PRODESIS in its closing stages, the Commission has been aware of the difficult political and social situation on the ground. This is reflected both by PRODESIS' openness to local partner institutions, and its strong commitment to accountability to final beneficiaries and communities

2. During the feasibility study and formulation mission, there were multiple contacts and consultations with local beneficiaries and communities as well as national and regional civil society organisations.

During the project launch and execution, each planning exercise and productive activity financed by the project necessarily depended on the prior agreement and free consent of local communities and grass-root organisations.

3. From an institutional point of view, emphasis has been put on civil society participation and control within the project's Consultative Council, whose independent "civil society college" included approximately 30 members of regional and national Non State Actors (NSA).

*
* *

Question no 67 by Colm Burke (H-0634/08)**Subject: Motorways of the sea**

The development of motorways of the sea is stated as a priority under the Trans-European Networks Programme. These offer great potential for reducing costs, CO₂ emissions and congestion on land motorways for consumers, hauliers and public authorities alike.

Would the Commission therefore outline what level of support is available for new motorways of the sea routes and what level of support Member States are permitted to grant to these projects?

Answer

Motorways of the sea can be supported by various instruments at EU and national level.

At the EU level, the TEN-T Grant scheme supports funding of infrastructure and facilities. The maximum funding intensity is 20% for project parts located in only one Member State, and 30% for the cross-border parts of the projects. The support foreseen for the Priority Project Nr 21 - Motorways of the sea was established in the multi-annual work programme⁽²⁴⁾ 2007 and amounts to € 310 million for the programming period 2007-2013, distributed in calls published annually from 2008 to 2013.

The Marco Polo II programme⁽²⁵⁾ supports transport operations and includes Motorways of the sea as one out of five actions eligible for support. The total amount available for the programming period 2007-2013 is € 450 million (for all actions). The maximum funding intensity is 35% for up to five years.

The Cohesion⁽²⁶⁾ and Regional development funds⁽²⁷⁾ also allow for funding of Motorways of the sea, provided that Member States have included these actions in the corresponding programming documents. The maximum funding intensity is 85%."

⁽²⁴⁾ Commission Decision establishing the multi-annual work programme for grants in the field of trans-European Transport Network (TEN-T) for the period 2007-2013, C(2007) 3512 (see p14 & 16 of the annex).

⁽²⁵⁾ Regulation (EC) No 1692/2006 of the European Parliament and of the Council of 24 October 2006 establishing the second Marco Polo programme for the granting of Community financial assistance to improve the environmental performance of the freight transport system (Marco Polo II) and repealing Regulation (EC) No 1382/2003.

⁽²⁶⁾ Council Regulation (EC) No 1084/2006 of 11 July 2006 establishing a Cohesion Fund and repealing Regulation (EC) No 1164/94.

⁽²⁷⁾ Regulation (EC) No 1080/2006 of the European Parliament and of the Council of 5 July 2006 on the European Regional Development Fund and repealing Regulation (EC) No 1783/1999.

The European Investment Bank (EIB) can provide support for Motorways of the Sea either through senior debt financing or through the Loan Guarantee instrument for TEN-T projects⁽²⁸⁾ (LGTT).

Moreover, in the event that Community available resources are insufficient, Member States may complement Community financing with State aid in order to grant projects selected under Marco Polo II and TENT-T with the maximum intensity of public support. For the sake of legal security the Commission intends to explain this specific aspect in a communication to be adopted by the Commission in the autumn 2008.

Finally, at the national level, Member State may also provide national support to short sea shipping and Motorways of the Sea in accordance with the Community guidelines on State aid to maritime transport. The maximum funding intensity amounts to 30% for three years; prior to their implementation, national support schemes have to be authorized by the Commission pursuant to Articles 87 and 88 EC Treaty.

*
* *

Question no 68 by Alain Hutchinson (H-0643/08)

Subject: Reform of French public-sector television

French President Nicolas Sarkozy has undertaken to implement a major reform of public-sector television in France. The reform, which would bring to an end all commercial advertising, is facing major resistance from workers in the sector and, in a broader context, from public opinion, with fears that public-service television would soon cease to exist as it would not be able to compete with private channels if it no longer received income from advertisements. From here it is but a short step to believing, as many people do, that France has decided to kill off public-sector television to the benefit of the private sector, which stands to gain much from the procedure.

Could the Commission state whether this reform conforms to European legislation, and could it explain its position on this issue?

Answer

The application of Community rules to State aid in the field of financing public service television is based mainly on the Communication from the Commission on the application of State aid rules to public service broadcasting.⁽²⁹⁾

That Communication sets out the fundamental principles laid down in the Protocol on the system of public broadcasting in the Member States annexed to the Treaty of Amsterdam, i.e. the competence of Member States to provide for the funding of public service broadcasting insofar as such funding is granted for the fulfilment of the public service remit as conferred, defined and organised by each Member State, and insofar as such funding does not affect trading conditions and competition in the Community to an extent which would be contrary to the common interest.

In that legal context of subsidiarity, the choice of means of financing public service television is solely up to the Member States. Nevertheless, the Commission has to verify, under Article 86(2) of the Treaty, that the derogation from the normal application of the competition rules for the performance of the service of general economic interest does not affect competition in the common market in a disproportionate manner. In particular, State aid must be proportional to the objective of the common interest, i.e. must not exceed the net costs of the public service mission, taking also into account other direct or indirect revenues derived from that mission.

As regards the current reform of the public television sector in France, to date the Commission has received no formal notification from the French authorities. It is, therefore, too early for the Commission to comment on the matter.

⁽²⁸⁾ Regulation (EC) No 680/2007 of the European Parliament and of the Council of 20 June 2007 laying down general rules for the granting of Community financial aid in the field of the trans-European transport and energy networks.

⁽²⁹⁾ Communication from the Commission on the application of State aid rules to public service broadcasting, OJ C 320, 15.11.2001, p. 5.

*
* *

Question no 69 by Dimitrios Papadimoulis (H-0655/08)

Subject: Cofinanced 'Information Society' projects and Siemens

The conclusions thus far of the investigation carried out by the judicial authorities in Greece and Germany into the Siemens affair are that the company bribed political parties and persons in positions of responsibility with secret funds in order to gain an advantage over their competitors in obtaining works and procurement contracts from the government and public enterprises. This company, together with other companies, has carried out 'information society' projects cofinanced with Community funds.

What projects has Siemens carried out in the context of the 'information society' programme? What amounts were involved in those projects? Does the Commission intend to examine whether there was compliance with the procedures laid down by the European Community for undertaking and implementing projects?

Answer

The implementation of projects co-funded by Structural Funds under the framework of the Operational Programme "Information Society" 2000-2006 in Greece, is the responsibility of the Member States, as stated in Article 8, paragraph 3 of Council Regulation (EC) No 1260/99 of 21 June 1999 laying down general provisions on the Structural Funds⁽³⁰⁾, in application of the subsidiarity principle. The Member States are not obliged to inform the Commission on every project co-funded by the Structural Funds, unless it is a major project according to Articles 25-26 of Council Regulation (EC) No 1260/1999.

The Commission Regulation (EC) no 438/2001 laying down detailed rules for the implementation of Council Regulation EC no 1260/1999 as regards the management and control systems for assistance granted under the Structural Funds, foresees that the National Authorities should undertake management verifications checks on the projects under their supervision. The same regulation also foresees audits of system and projects by the national auditors.

For further information on the same topic, the Commission would refer the Honourable member to its replies to questions E-0505/08, E-0589/08, E-0839/08, E-2804/08, E-3847/08, E-4139/08, E-4180/08, E-4219/08, E-4294/08 and E-4374/08.

*
* *

Question no 70 by Nicholson of Winterbourne (H-0657/08)

Subject: Attack on Indian Embassy in Kabul

India plays a significant role in Afghanistan and is a huge factor with regard to Afghanistan's security and stabilisation. India's assistance in reconstruction in Afghanistan has made an essential impact in the region. The Government of India has provided more than \$750 million to Afghanistan since the fall of the Taliban in 2002. There are also thousands of Indian citizens in the country working to make use of these funds to improve the lives of the Afghan people through fundamental capacity-and institution-building projects such as the reconstruction and completion of the Salma Dam Power Project in Herat province.

In light of the attack on the Indian Embassy in Kabul on Monday 7 July what policy measures will the European Union undertake to provide its full support to the Governments both of India and Afghanistan to bring the perpetrators of this vicious attack to justice?

With the heightened commitment by the European Union at the International Conference in Support of Afghanistan in Paris in June this year to strengthen Afghan institutions and improve security in Afghanistan alongside a number of other vital commitments, can the Commission state how it expects to continue to work with the Afghan Government and other partners like India to produce a situation where the essential capacity-and institution-building already taking place will effectively take root?

⁽³⁰⁾ OJ L 161, 26.6.1999.

Answer

The Commission firmly condemned the terrible bomb attack on the Indian Embassy in Kabul on 7th July 2008, which caused many deaths among Afghan civilians, Indian diplomats and personnel and injuries to numerous other people. Indeed in the speech to Parliament on 8 July 2008, the day after the bombing, the Commission strongly condemned the attack and expressed its condolences to the families who have lost or suffered injuries to loved ones.

As the statement by the EU Presidency said at the time, such actions directed against the diplomatic representation of a State are unacceptable in nature. The EU gave the Indian authorities assurances of its solidarity and reiterated to the Afghan authorities its determination to support the fight against terrorism. All the people behind this appalling act of terrorism should be brought to justice.

The Commission is making significant efforts to enhance its relationship with India. The EC budget for India for the period 2007-2013 amounts to €260 million, in support of health and education programmes as well as the implementation of the Joint Action Plan. In the wake of the review of the Joint Action Plan EU-India, the Commission has made proposals to enhance cooperation in the fight against terrorism and proliferation.

Support to Afghanistan is and will remain in future a major priority. The Community has contributed €1.2 billion since 2002. At the Paris Conference on 12 June 2008 where the international community met to reaffirm its commitment to Afghanistan, it was recalled that the Commission was committed for the long term. The security situation has made it harder for the international community and the Afghan government to make the progress we so much need on the ground. However, the Community is committed to play its part in supporting the key institutions necessary to ensure rule of law and at the Rome conference on the Rule of Law in Afghanistan in 2007, the Commission announced that the Community would pledge up to €200 million in support of rule of law up to 2010. That will support the police and the judiciary. The Commission is working with the key justice institutions in Kabul, embarking on a project that aims at making them open, professional and legitimate. Progress is being made in some areas and donor co-ordination on this sector has significantly improved since Rome. The Commission is also continuing its support to police in particular through support to the Law and Order Trust fund (LOTFA). In time, this should contribute towards the strengthening of the key institutional capacity of Afghanistan.

*
* *

Question no 71 by Frank Vanhecke (H-0658/08)**Subject: Press freedom in Turkey**

Haci Bogatekin, publisher of the newspaper 'Gerger Firat', has been in custody since 13 April 2008 after writing in an article published in January 2008 that the Turkish Republic faces a greater threat from increasing Islamic fundamentalism than from the PKK. In the article in question, he also sharply criticised the army's campaign against the PKK in the region, at a time when the influence of the Islamist movement founded by Fethullah Gülen, which has close ties with the AKP, is steadily increasing. When the State Prosecutor Sadullah Ovacikli questioned him about this, the journalist published an article stating that Ovacikli himself has close links with Fethullah Gülen. On 25 June 2008 Bogatekin was sentenced to 18 months' imprisonment. He may face further imprisonment for a breach of Article 301 of the Turkish Criminal Code, following the publication of another article.

In the Commission's view, does this sentencing of a journalist to a term of imprisonment represent a breach of freedom of the press and freedom of expression? If so, what steps is the Commission taking and what impact will the case have on the current accession negotiations?

Answer

The Commission is closely following the case the Honourable Member is referring to. This case illustrates that there are still shortcomings in Turkey when it comes to safeguarding freedom of expression in line with European standards.

In April this year, the Turkish Parliament adopted amendments to Article 301 of the Turkish Criminal Code, which has been repeatedly used to prosecute and convict writers and journalists. These amendments intend to strengthen the safeguards for freedom of expression in Turkey. However, as the Commissioner in charge

of Enlargement has often repeated, what ultimately counts is proper implementation and visible improvements on the ground.

In addition, other legal provisions than 301 preventing freedom of expression also need to be addressed, in order to ensure that ungrounded prosecutions of people expressing non-violent opinions stop.

The Commission will continue to closely monitor the situation as regards freedom of expression. Our findings will be presented in the annual Turkey Progress Report, which is scheduled for adoption on 5 November.

*
* *

Question no 72 by Zbigniew Krzysztof Kuźmiuk (H-0659/08)

Subject: Opening-up of the German labour market

In its answer to my Oral Question on the opening-up of the German labour market to nationals of the new Member States (H-0340/08⁽³¹⁾), the Commission emphasises that the restrictions on access to the German labour market may be maintained for a further two years after 30 April 2009 only in the event of severe disruption to the labour market or if there is a danger of such disruption. The Commission must be informed of this measure prior to the expiry of the five-year period. On 16 July 2008 the German Government decided that Germany will not open up its labour market to workers from the new Member States before 2011, even though the situation on the German labour market is steadily improving: for example, in June 2008 the unemployment rate stood at 7.5%, the lowest level for many years. In that connection, can the Commission state whether the German Government has submitted detailed evidence pointing to severe disruption to the labour market? If so, is the Commission prepared to accept that evidence?

Answer

The Commission is aware of a decision by the German Government to extend the restrictions on EU-8 workers' access to its labour market until 2011. This is coupled with a decision to open access to the German labour market to university graduates from the EU-8 Member States, Bulgaria and Romania as of 1 January 2009.

To date, however, the German Government has not notified the Commission of the decision to extend restrictions, and under the terms of the Accession Treaty it does not have to do so until the end of the second phase on 30 April 2009.

Nevertheless, the Commission expects any Member State notifying a serious disturbance of the labour market or threat thereof to provide a full justification and convincing data and arguments. The Accession Treaty does not define how such a serious disturbance of the labour market or threat thereof can be proven. This means that it is up to the Member States to bring forward criteria and arguments which they consider to show such a disturbance. The Commission will carefully assess the arguments provided in the notification by the Member States concerned. As labour-market disturbances are country-specific, and the overall economic situation and developments on the labour market vary from one Member State to another, the Commission cannot give indications in this respect before receiving any notification.

*
* *

Question no 73 by Zdzisław Zbigniew Podkański (H-0660/08)

Subject: Restructuring of Polish shipyards

Although the Polish Government had until 10 July 2008 to complete its restructuring plans for the shipyards in Gdynia and Szczecin, the relevant documents were not submitted. The existing restructuring and privatisation plans for the shipyards in question were rejected by the Commission on the grounds that the following conditions had not been met: long-term profitability, a reduction in production capacity, a greater funding contribution from investors and an agreement not to provide any further support to the undertakings concerned from the State budget. If the Commission does not extend the deadline for submitting these documents, the shipyards will become insolvent. In addition, an Internet portal has reported that a Commission

⁽³¹⁾ Written answer of 20.5.2008.

representative advised investors interested in purchasing the shipyard in Szczecin to wait until it was declared insolvent.

What is the Commission's position on this matter?

Answer

The Commission took into account the advanced stage of the privatisation of Gdynia Shipyard and Szczecin Shipyard and decided to postpone the adoption of final decisions on State aid to these two yards until October 2008⁽³²⁾. This decision was based on the commitment of the Polish Government to submit, by 12 September 2008 at the latest, complete restructuring plans for these two yards complying with the EC State aid rules. The plans have to ensure that the firms, following a far-reaching restructuring, restore long-term viability and the ability to compete on the market on merits, without State aid. The restructuring should be financed to a significant extent by the firms themselves or the investors and should be accompanied by sizable reduction of production capacity.

New restructuring plans have been submitted by the Polish authorities on 12 September 2008. The Commission is carefully assessing these new plans in order to determine whether they significantly improve the situation and allow the State aid to be considered, in light of the Community Guidelines on State aid to rescuing and restructuring firms in difficulty⁽³³⁾, to be compatible with the common market.

On 20 June 2008 the Commission services met with the Polish authorities, who were accompanied by the Norwegian company Ulstein, which had expressed a preliminary interest in acquiring Szczecin Shipyard. The meeting was organised at the request of the Polish authorities and had as purpose to allow the potential investor to present his strategy for the restructuring of the yard. The Commission can assure the Honourable Member that no member of Commission staff advised the investor to await bankruptcy.

*
* *

Question no 74 by James Nicholson (H-0661/08)

Subject: Task Force for Northern Ireland

On 15 April 2008, the Task Force for Northern Ireland (TFNI) published its report, which addressed issues relating to 'the region's access to and involvement in Community policies and programmes'.

Can the Commission advise me if any of the recommendations in this report have been adopted, or if this report has contributed positively in any way to the impact of EU funding in Northern Ireland?

Answer

The report of the Northern Ireland Task Force adopted by the Commission in April 2008⁽³⁴⁾ aims to support efforts in the region in pursuit of competitiveness and sustainable employment. In pursuit of these aims, the report draws attention to the opportunity provided by the six new investment programmes for the period 2007-2013, which carry a total contribution from the European Union of 1.1 billion €. These include a third generation of the programme for peace and reconciliation, which remains unique to the region.

In addition, the report develops a number of leads for the region to follow-up in different European policy fields. Some of these leads have already been taken up even before the report was published or shortly afterwards. In certain cases, this has resulted in Northern Ireland competing successfully for financial aid from the European budget (see section 4 of the report), while in other cases, awareness in Northern Ireland has been raised regarding opportunities arising under new European programmes and policy initiatives.

The authorities in Northern Ireland have indicated that they intend to pursue the other leads, including new opportunities that may have arisen since the report was published, in a systematic way, by developing an action plan. The Commission is informed that the draft of the action plan is currently being finalised. The Commission has said that the Task Force will work closely with the region in its implementation.

⁽³²⁾ See press release IP/08/1166

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/1166&format=HTML&aged=0&language=EN&guiLanguage=en>

⁽³³⁾ Community Guidelines on State aid to rescuing and restructuring firms in difficulty OJ C 244, 01.10.2004, p.2.

⁽³⁴⁾ COM (2008) 186 and SEC (2008) 447/2

In the report of the Task Force, the Commission notes that, in the past, Northern Ireland "has a creditable track record" in participating in, and deriving benefit from, various EU policies. Given the new political situation in the region, and with the help of the Task Force, there are sound reasons to believe that past performance will be improved upon over the period of the financial framework 2007-2013.

*
* *

Question no 75 by Paulo Casaca (H-0664/08)

Subject: Support from the Community budget for the glorification of the child murderer Samir Al-Kantar

It is stated on the first page of the 24 July 2008 edition of the website of the Khiam Rehabilitation Centre (KRC), a popular organisation run by Hezbollah, that the person described days before as the 'son and hero' of Lebanon, Samir Al-Kantar, has visited the 'Followup Committee for the Support of the Lebanese Detainees' and the KRC (apparently the two organisations share the same premises). Below this news appears the logo of the European Union, with the words: 'Within the Framework of the European Initiative for Democracy & Human Rights (EIDHR) Project - Funded by the European Union - Implemented by KRC'.

The author of this question has, through a voluminous correspondence and through questions put directly to the Commission, assembled unequivocal evidence that the principal Lebanese project financed by the Commission has nothing to do with promoting democracy and human rights, but, far from that, seeks to undermine them by glorifying terrorism and fanaticism. This evidence has not led to any change in the Commission's position.

Does the Commission believe it is legitimate to spend EU taxpayers' money on glorifying the basest kind of racism and fanaticism in the person of someone who has murdered a child, apparently purely for being Jewish?

Answer

Concerning the Khiam Rehabilitation Centre (KRC) project funded by the Commission, the Delegation monitors it closely, and as the Commissioner in charge of External Relations and European Neighbourhood Policy stated in her letter of 5 June 2008 to the Honourable Member, the Commission is satisfied by the results of this project which addresses a very important subject, providing medical, social and psychological assistance to victims of torture. This use of EU taxpayers' money is fully in line with the objectives of the European Instrument for Democracy and Human Rights as approved by Parliament. Full details of the project have been provided to the Honourable Member, not only in the Commission's replies to the questionnaire of the Budgetary Control Committee in relation to the discharge for 2006, but also in extensive correspondence with the Commissioner in charge of Administrative affairs, Audit and Anti-fraud and the Commissioner in charge of External Relations and European Neighbourhood Policy, and she has provided the Honourable Member with the project's interim report on operational issues and financial matters, dated 29 April 2008.

The Commission condemns all forms of racism but does not link its financing of projects with an expectation that the Non-Governmental Organisations (NGO) concerned will systematically express opinions that are in line with EU external policy. Indeed the EU supports diversity of opinion and the right of expression, as long as fundamental democratic principles are not violated. In this case the material displayed on the KRC website reflected the general tone of Lebanese press coverage of the release of the detainees, and indeed was largely based on newspaper reports.

*
* *

Question no 76 by Bilyana Ilieva Raeva (H-0667/08)

Subject: Standardisation of entry plug connectors of the various peripherals for GSM handsets

In recent years, with the steady growth of the use of mobile telephones, their standards have been changing all the time (even between models of one and the same brand). This needlessly increases the spending on accessories.

The main reason for this anomaly is the lack of a uniform standard for entry plug connectors of the various peripherals (chargers, headsets, transmission cables), which would be universally valid for all GSM handset

brands. Needless to say, the monopolisation of peripherals impairs competition, which in turn holds back quality and inflates prices.

Standardisation of peripherals (say, to USB format), would reduce costs and would facilitate the mobile telecommunication service, enhance consumer protection and competition, increase the demand for mobile services, reduce waste of electrical and electronic equipment, and save energy, materials, and resources.

What would the Commission do to initiate the requisite procedure, whereby we could encourage harmonisation of requirements in this sphere within the EU, as well as convince all stakeholders that this effort is in the best public interest?

Answer

The Commission would refer the Honourable Member to its answer to the written questions E-0934/08 by Mr Hegyi and P-3953/08 by Mr Manders.

*
* *

Question no 77 by Ryszard Czarnecki (H-0670/08)

Subject: Relations between Georgia and Russia

Tensions between Georgia and Russia are growing. What steps is the Commission taking to normalise the situation in southern Caucasus and rein in Russia's hegemonistic tendencies in that region?

Answer

The Commission is fully associated to ongoing EU efforts for responding to the humanitarian and socio-economic consequences of the recent conflict between Georgia and Russia as well as for stabilising the security situation, within the scope of its institutional competences.

The Commissioner in charge of External Relations expressed, in a letter of 11 September 2008 to the Chairmans of the Parliament's Budget and Foreign Affairs Committees and to EU Foreign Ministers, the intention of the Commission to mobilize rapidly a financial package of up to -€ 500 million for the period 2008-2010 in order to contribute to Georgia's economic recovery. An equivalent contribution has been solicited from EU Member States.

Moreover, in accordance with European Council conclusions, the Commission has started preparations for organizing an international donors conference to be held in Brussels in October.

Another important way to support Georgia is to accelerate the process of its economic integration with the EU under the ENP (European Neighbourhood Policy) Action Plan.

In this respect, it is the intention of the Commission to accelerate as much as possible the preparatory work for starting negotiations with Georgia on a Visa Facilitation-readmission agreement and on a full and comprehensive Free Trade agreement, once the appropriate conditions will be met.

At the same time, the Commission intends to further encourage and support Georgia for continuing the process of reforms in the areas of democracy, rule of law, governance and media freedom. The Commission believes that promoting political pluralism and more efficient democratic controls is in the best long term interests of Georgia.

As regards Russia, the President of the Commission on August 26, the day that President Medvedev issued a decree recognising South Ossetia and Abkhazia, issued a statement condemning the move. The European Council on September 1 issued a firm and unanimous condemnation of the recognition. The EU's approach in the wake of the crisis in Georgia was set out in the conclusions of the European Council of September 1. As concerns the Commission, negotiations on the New Agreement that is set to replace the Partnership and Co-operation Agreement are postponed pending a withdrawal of Russian forces to positions held prior to August 7. The Commission is also contributing to the in-depth examination of EU-Russia relations, to enable the Council to draw conclusions in light of developments in time for the next Summit with Russia, scheduled for mid-November.

*
* *

Question no 78 by Margarita Starkevičiūtė (H-0671/08)**Subject: Performance of European Consumer Centres**

There are 29 European Consumer Centres in Europe, covering all Member States as well as Norway and Iceland. Their purpose is to provide consumers with wide range of services. However, there is a lack of data about the performance and effectiveness of activities of the European Consumer Centres.

Who is monitoring and analysing the performance of the European Consumer Centre network? Could the Commission present results of operational audits or similar types of analysis of this network? Could the Commission indicate the best performing European Consumer Centres? Where is it possible to find a list of services and descriptions of the best practices of the ECC activities?

Answer

The Commission devotes particular attention to the evaluation of activities which include financing. When the European Consumer Centre network (ECCs) was created in 2005, by merging two separate networks, the Commission took into account recommendations of an independent external operational analysis.

Before concluding a grant agreement for the operation of an ECC, the Commission evaluates and approves applications from the centres, which contain detailed operational and financial plans. Before any final payment is made, the Commission assesses all aspects of the execution of the individual work programmes, it determines a performance category for each centre, and shares the results of this evaluation with the centres and the co-financing Member States. In 2006, the most recent financing period for which the Commission has completed an assessment, 8 centres were considered excellent (AT, DK, FI, FR, IE, LU, PL and SE), 1 was considered unacceptable (MT), 4 were considered less than average (CY, PT, NL and UK) and the remainder 14 were considered average (BE, CZ, EE, DE, EL, HU, IC, IT, LV, LT, NO, SK, SI and ES). For 2007 only an interim evaluation has been concluded as the financing period will only be completed in 2008.

Recently, the Commission has also introduced a performance based evaluation of the centres, which will influence the final payments made to them. The Commission routinely carries out operational audits of the centres.

The Commission follows up the work of the centres also through the use of an IT tool allowing the ECC centres to work together and registering all contacts with consumers. In 2007 the IT tool registered more than 55.000 such contacts between the network and consumers.

Since its formation the ECC network has completed only two application periods, the third is to be finished at the end of 2008. The Commission is planning to carry out an audit of the network when sufficient experience has become available. The annual report of the network provides a snapshot of its activities, services and best practices which is published on the Europa website⁽³⁵⁾.

*
* *

Question no 79 by Ewa Tomaszewska (H-0673/08)**Subject: Lower rates of VAT on products for young children**

Issues relating to population decline in the European Union have been discussed by Parliament on many occasions, both in plenary and in committee. Various means of support for families that decide to have more children have been considered. One of the issues raised has been the need to cut VAT on products (food, hygiene products, clothing, etc.) specifically intended for young children.

Has the Commission considered the suggestions put forward, and how does it intend to go about solving this problem?

Answer

The Commission is well aware of the need to support families who decide to have more children.

⁽³⁵⁾ http://ec.europa.eu/consumers/redress_cons/docs/annual_report_ecc_2007.pdf

As regards Value Added Tax (VAT), the current Community VAT legislation⁽³⁶⁾ already provides for the option for Member States to apply a reduced VAT rate to foodstuffs for human consumption (excluding alcoholic beverages), pharmaceutical products, as well as to car seats for children.

Following the publication on the 5 July 2007 of the Commission's Communication on VAT rates other than standard rates⁽³⁷⁾, a broad political debate was launched in the Council, the Parliament and with other stakeholders on a general revision of the structure and scope of reduced VAT rates. This political debate, including also the efficiency and cost effectiveness of reduced VAT rates for boosting specific policy objectives, such as the support of families, has not yet been concluded.

Without prejudice to this debate, on 7 July 2008 the Commission tabled a proposal⁽³⁸⁾ to amend the legislation in order to tackle some urgent questions. This proposal includes the possibility for Member States to apply a reduced rate to baby nappies. The proposal is currently under discussion in the Council where unanimous agreement is required for the proposal to be adopted.

The Proposal of 7 July 2008 is to be considered as the first step in the process of revision of the current VAT rates legislation. An overall review of both the structure and scope of VAT rates will take place at a later stage when the outcome of the ongoing debate in the Council, the Parliament and with other stakeholders on the way forward will be known.

The contributions to the public consultation on this issue are also currently examined by the Commission and will provide substance for the further debate.

In this framework, the question of a further extension of reduced rates to products specifically intended for young children will be examined

*
* *

Question no 80 by Philip Bushill-Matthews (H-0675/08)

Subject: EU-Georgia Free Trade Agreement

At the Parliamentary Delegation visit to Georgia earlier this summer a novel proposal was agreed to fast-track an EU-Georgia Free Trade Agreement. In the light of current events, does the Commission agree that such an Agreement should be concluded with all possible speed, and what steps is the Commission taking to deliver this?

Answer

The EU policy concerning Free Trade Agreements (FTAs) with the countries included in the European Neighbourhood Policy (ENP), which include Georgia, is set out in the Commission's two Communications on the ENP, in 2006 and 2007.⁽³⁹⁾ These Communications, endorsed by EU Member States, stress the EU's objective of supporting political reforms and economic development in the ENP countries through strengthening their economic and regulatory ties with the EU. They recognise that so-called "deep and comprehensive" Free Trade Agreements (FTAs) with these countries can play an important role in the economic integration process. "Deep and comprehensive" FTAs are FTAs providing for the fullest possible liberalisation of not only trade in goods, but also trade in services and investment, as well as extensive regulatory convergence on issues like technical standards, sanitary and phytosanitary measures, protection of intellectual property, competition, customs etc.

The EU's long-term objective is to conclude deep and comprehensive FTAs with all the ENP countries. At the same time, as the Commission's Communications clearly specify, a launch of FTA negotiations with a partner country needs to be preceded by a thorough economic analysis and evidence that the partner is able to negotiate, implement and sustain an ambitious agreement, that would provide for an in-depth liberalization of trade with the EU. The partner's implementation of the trade provisions of its ENP Action Plan should be seen as a prerequisite in the preparatory process for a future deep and comprehensive FTA.

⁽³⁶⁾ Council Directive 2006/112/EC of 28 November 2006 on the common system of VAT, OJ L 347

⁽³⁷⁾ COM (2007) 380 final

⁽³⁸⁾ COM (2008) 428 final

⁽³⁹⁾ Doc. COM(2006) 726 and doc. COM(2007)774.

In the specific case of Georgia, the Commission launched an independent study on the feasibility and economic impact of a possible future EU-Georgia FTA in July 2007. The study was finalised in May 2008. It concludes that Georgia could enjoy significant economic benefits from a deep and comprehensive FTA with the EU, while a simple FTA (limited only to removal of the few remaining tariffs in the bilateral trade in goods) would not have economic value. It also concluded, however, that at this stage Georgia is not yet able to sustain the kind of reforms necessary to implement, or even negotiate, a deep and comprehensive FTA. In particular, Georgia has so far made only very limited progress in the implementation of the trade-related regulatory provisions of its ENP Action Plan and will need to intensify significantly its efforts in this respect before the launching of FTA negotiations could be possible.

In this situation, the Commission concluded that it was not yet time to start preparing for negotiating directives for FTA negotiations with Georgia. In the light of current events, the Commission has re-confirmed to Georgia its commitment to the objective of concluding a bilateral deep and comprehensive FTA and to intensifying its support to Georgia, including through its enhanced technical assistance, to enable Georgia to enter into negotiations on such an agreement as soon as possible. It should be noted that as an ENP country, Georgia has access to such instruments as TAIEX and Twinning which have proved their usefulness and pertinence in addressing the crucial issue of regulatory convergence in the case of new EU Member States.

The extraordinary European Summit on the current crisis between Georgia and Russia held on 1 September 2008 concluded that, "The EU also decides to step up its relations with Georgia, including visa facilitation measures and the possible establishment of a full and comprehensive free trade area as soon as the conditions are met."

In line with these Conclusions, the Commission intends to further enhance its support to Georgia's efforts to make the necessary reforms in view of engaging in a deep and comprehensive FTA as soon as possible. The Commission will continue its informal dialogue with the Georgian authorities on a future FTA and further develop its assistance to them in the implementation of the trade-related provisions of Georgia's ENP Action Plan. The Commission will in particular aim at establishing, together with the Georgian authorities, additional concrete EU technical assistance projects in order to tackle Georgia's most urgent needs as soon as possible.

*
* *

Question no 81 by Bogusław Sonik (H-0678/08)

Subject: Customs duties on foodstuffs, particularly wine, imported into the EU from Georgia

Pursuant to Commission Regulation (EC) No 1810/2004⁽⁴⁰⁾ of 7 September 2004, foodstuffs, including wine, imported into European Union territory are subject to a single customs tariff. This regulation also applies to imports from Georgia. That country, whose current situation is a matter of concern for the whole international community, has suffered serious economic damage which will restrict its development potential for years to come. This being so, would the Commission state whether it would be possible to reduce or completely abolish the custom duties imposed on Georgia's food exports, and particularly its wine exports, to the Member States of the Union?

Answer

The EU and Georgia are both Members of the World Trade Organisation (WTO) and in accordance with its rules they grant each other most favour nation (MFN) treatment with respect to customs duties (tariffs) on goods. The MFN treatment is further re-confirmed by the EU-Georgia Partnership and Cooperation Agreement. In addition, Georgia benefits from generous autonomous tariff preferences under the special incentive arrangement for sustainable development and good governance (GSP+) established in the framework of the EU's Generalised System of Preferences (GSP).

Under the rules of the WTO (namely principle of non-discrimination), the EU does not have the possibility of reducing or abolishing its customs tariffs on selected products originating in a particular third country, for instance foodstuffs imported from Georgia.

However, most of the agricultural products and foodstuffs imported to the EU from Georgia – hazelnuts, mineral waters, spirits, various fruits and vegetables – are covered by the GSP+ arrangement. Therefore

⁽⁴⁰⁾ OJ L 327, 30.10.2004, p. 1.

unlimited quantities of these goods originating in Georgia can enter the EU market without any customs duties.

As regards the specific case of wines, the EU's MFN import tariffs, applied also to Georgian wines, are on average very low (only around 5% ad valorem equivalent) and they do not represent a real obstacle to imports of Georgian wines to the EU. The main barriers are in fact non-tariff ones, notably the fact that Georgian wines are not yet sufficiently known in the EU market and that their quality is not yet recognised by the EU's consumers. With a view to helping Georgia overcome these problems, in July 2007, the EU and Georgia started to negotiate a bilateral Agreement on the Protection of Geographical Indications for Agricultural Products and Foodstuff. The negotiations have been proceeding smoothly and could be concluded in the near future. Furthermore, in the framework of its trade-related technical assistance, the EU offers Georgia a possibility to establish joint specific projects aiming at improving Georgian wine producers' market penetration, distribution and promotion strategies.

*
* *

Question no 82 by Pedro Guerreiro (H-0681/08)

Subject: Scheme to compensate for the additional costs incurred in the marketing of certain fishery products from the ultra peripheral regions

The 2008 Community Budget, adopted by the Council and the European Parliament, saw commitment and payment appropriations for the scheme to compensate for the additional costs incurred in the marketing of certain fishery products from the Azores, Madeira, the Canary Islands, and the French departments of Guiana and Reunion, raised by c. 2 million Euros, in keeping with the Resolution adopted by the European Parliament on 26 April 2007.

Given that the Commission has claimed that it is impossible to implement this increase, claiming that it exceeds what is laid down in Council Regulation (EC) No 791/2007⁽⁴¹⁾ of 21 May 2007,

Why has the Commission not already taken the decision to adjust the Regulation in respect of the new figures established by the Council and the European Parliament?

Answer

Council Regulation (EC) No 791/2007, providing for compensation for additional costs incurred in the marketing of certain fishery products from the ultra peripheral regions, applies from 2007 to 2013. We are therefore in the second year of application of the compensation scheme. The short period of implementation so far is insufficient to allow for a proper assessment of the scheme. Furthermore the Commission has not yet received all the reports that have to be drawn up by the Member States concerned on the implementation of the compensation. Pursuant to Article 8.1 of the Regulation, the reports have to be submitted to the Commission by 30 June of each year. In view of the above, the Commission considers that it would be premature to proceed to an amendment of Regulation No 791/2007 only one year after its adoption.

With regard to the expenditure incurred in the framework of the Regulation, the Commission intends to amend its Decision C(2008)1858 of 19 May 2008 in order to cover the outstanding compensation for the period 2003-2006 under Regulation No 2328/2003 as well as the total amount of compensation for 2007 and 2008 under Regulation No 791/2007. The amounts indicated in the amending decision represent a total of € 36,828,013 corresponding to the outstanding compensation for the period 2003-2006 (€ 6,834,477), the total amount of compensation for the year 2007 (€ 14,996,768), and the total amount of compensation for the year 2008 (€ 14,996,768). The total amount will be charged to budget line 11.020301 subject to the transfer of the necessary appropriations to that budget line.

*
* *

⁽⁴¹⁾ OJ L 176, 6.7.2007, p. 1.

Question no 83 by Konstantinos Droutsas (H-0682/08)**Subject: Environmental disaster in Lake Koroneia in Greece**

Lake Koroneia in the prefecture of Thessaloniki, one of the most important wetlands in Greece which is protected by the international Ramsar convention and Natura 2000 network, has been turned into a dangerous swamp. It is fishless, and thousands of birds are dying there. This demonstrates the inertia of successive governments and the local authorities confronted with the need to save the Lake. According to statements and studies by experts, the cause of this environmental crime, which impacts the local ecosystem and the social and economic life of the region, is waste from local factories and urban waste which have been polluting the Lake for decades because the biological purification has been out of action and because of a failure to change crop irrigation methods. The absence of any specific policy to manage and protect the aquatic resources has led to the present disaster.

In view of the above, does the Commission intend to intervene to save Lake Koroneia and to check how the millions of euros supposed to have been spent on saving it were actually spent?

Answer

The Commission has already opened an investigation on its own initiative to check compliance with the requirements of Community environmental legislation regarding the protection and conservation of lake Koronia. In particular, the Commission has questioned the Greek authorities in regard to respect for the obligations deriving from Directives 92/43/EEC⁽⁴²⁾ on the conservation of natural habitats and of wild fauna and flora, and 2006/11/EC⁽⁴³⁾ on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community. The Commission is examining the information forwarded by the Greek authorities and will take all the necessary measures to ensure the proper application of Community legislation.

With respect to specific action to save the lake, the Commission in 2005 approved a project submitted by the Greek authorities for assistance in the frame of the Cohesion Fund interventions, environment section (CCI:2005 GR 16 C PE 006 of 19.12.2005). The project, "Rehabilitation of lake Koronia in Thessalonica" was carefully studied by the competent services including those of the Ministry of the Environment while an Environmental Impact Assessment (EIA) was carried out in conformity with the requirements of Directive 85/337/EEC. The project, of a total cost of € 26.91 million and Community assistance of € 20.18 million, included works for the creation and formation of a wetland, works for the improvement of hydrological characteristics of the lake, as well as specific treatment basins for the pre-treated liquid wastes of the industrial units of the area. However due to certain technical and administrative difficulties the project did not follow the foreseen schedule and no significant progress has been reported by the Greek authorities. As a result, the Commission has not carried out any payments to this date (24 September 2008). The latest permitted date for eligible expenditure is 31 December 2008.

*
* *

Question no 84 by Ivo Belet (H-0685/08)**Subject: Field tests with genetically modified poplars**

Poplars are increasingly used as a source of sustainable energy. By means of genetic engineering it is possible to produce increased quantities of ethanol from the timber of improved varieties of poplar. This bio-ethanol is used for the production of second-generation biofuels.

Scientific investigation into GM poplars serves as a model for innovative policy in the Community. From that point of view it has a place within the broader Lisbon strategy.

In order to further refine and optimise the technology of these GM poplars, it is necessary to carry out field tests with these trees. However, such field tests sometimes come in for criticism owing to fears about the negative effects of the release of GM trees. Nevertheless, these field tests have received a generally positive opinion from, among others, the Belgian biosafety council.

⁽⁴²⁾ OJ L 206, 22.7.92.

⁽⁴³⁾ OJ L 64, 4.3.2006, p. 52.

What is the Commission's view on carrying out such field tests and the technology of obtaining ethanol from genetically enhanced poplars?

Answer

Field trials of GMOs, including GM trees, are carried out in accordance with the provisions of Part B (Articles 6-11) of Directive 2001/18/EC⁽⁴⁴⁾. It is the purpose of field trials to provide essential information on the performance and characteristics of the GMO in the environment, relative to conventional plant varieties. When seeking authorization under part B of Directive 2001/18/EC detailed information must be provided about the GMO and the trial and in particular the environmental risks identified and corresponding management measures. The Competent Authority will assess the application and if consent for the release is given, additional management measures may also be specified. Under article 6(9) of Directive 2001/18 Member States are required to ensure that material derived from GMOs under a Part B authorization, is not placed on the market.

Twenty deliberate releases of GM poplars for field trials have been approved by national competent authorities in Europe between 1991 and 2008. Four of these trials have taken place in the EU since 2002, when Directive 2001/18/EC entered into force. One trial is presently being carried out in France with a view to evaluating its properties for bio-energy production. It is also the aim of this trial to collect data on biodiversity. We understand that a final decision has not yet been taken with regard to the most recent proposal to carry out a field trial involving a GM poplar.

The Commission has not received any other information regarding criticism or potential problems related to the dissemination of GM trees outside the designated trial areas

In principle, ethanol derived from woody biomass has a potential to contribute to the EU targets for climate change mitigation. Further research is required in order to improve the efficiency of the production of such "second generation" biofuels. Biotechnology offers one way to contribute to this process, provided the resulting products are safe for the environment and human health. Field trials are a necessary prerequisite for a potential future approval of such products for commercial cultivation.

*
* *

Question no 85 by Zsolt László Becsey (H-0687/08)

Subject: Situation of European apple producers and quality criteria concerning concentrates

By what particular interests is the European Union guided when it takes into consideration the interests of importers rather than those of apple producers in its own Member States, given that the United States protects its own growers by imposing a 51.74% antidumping duty, in accordance with federal decrees 65 FR 35606 and 70 FR 22694, thereby restricting access to the USA for concentrated apple juice from China? Does the Commission consider it acceptable for European processors to enhance low-acid concentrated apple juice imported into the EU (e.g. from China) artificially (using lemon juice), rather than using Polish, Hungarian, Austrian, Italian, Romanian, Spanish and Portuguese apples with a high natural acidity, in accordance with Council Directive 2001/112/EC⁽⁴⁵⁾, as was formerly the case?

Answer

The United States (US) anti-dumping duty is an ad-hoc measure against unfair trade and not part of a general policy to give preference to domestic suppliers.

Although in the United States (US) the China-wide rate is 51.74% (anti-dumping duty) this rate only applies to a few Chinese firms. Moreover, a number of Chinese exporters challenged the US measures in court and had their duties reduced or removed completely in early 2004, which required the US to repay the deposited duties with interest. In practice, Chinese apple juice enters the US duty-free (the US Most Favoured Nation

⁽⁴⁴⁾ OJ L 106, 17.4.2001, p. 1–39.

⁽⁴⁵⁾ OJ L 10, 12.1.2002, p. 58.

(MFN) duty) whereas the European Union (EU) applies a duty of 25.5% (under the Generalised System of Preferences)⁽⁴⁶⁾ to the main category of Chinese apple juice in the EU (concentrated apple juice).

The current situation of low prices seems due to a fall in demand as the supply was not excessive in 2007/08 (low imports and low EU production). Therefore an anti-dumping duty or any other trade limiting tool is not justified in economic terms. As far as the use of lemon juice to regulate the acidic taste of in particular concentrated fruit juice, such use is authorised by the directive 2001/112/EC.

*
* *

Question no 86 by David Martin (H-0689/08)

Subject: Cariforum EPA - withdrawal of Regulation

With reference to the statement by the First Secretary of the Commission office in Jamaica, as reported in the Jamaica Gleaner on 29 August, can the Commission confirm that the Regulation governing the preferential access to the EU market for Cariforum countries will not expire but that a decision would be needed by the Council before the Regulation could be withdrawn?

Answer

The Commission can confirm that Council Regulation 1528/2007⁽⁴⁷⁾ has no expiry date and can only be repealed by a Council Decision.

*
* *

Question no 87 by Johan Van Hecke (H-0690/08)

Subject: EU banana tariff cuts

Banana producers in the African, Caribbean and Pacific (ACP) countries fear the attempts by Latin American growers to obtain cuts in European Union import tariffs for their fruit. Ecuador, the world number one banana exporter, wants to restart talks with the EU in October. The banana deal on the table would have cut EU import tariffs of EUR 176 (140 pounds) per tonne of bananas to EUR 114 by 2016.

ACP banana producers fear that they will be squeezed out of the European market if the EU tariffs are lowered. Latin American bananas are not only cheaper, they benefit from government subsidies. Though ACP countries produce only 0.9 million tonnes of the 17 million tonnes of bananas sold on the world market, local economies depend on banana exports for income and jobs.

Does the Commission take the fears of the ACP countries seriously, and will they be taken into consideration during the talks with Ecuador and other future talks on banana tariffs?

Answer

The EU import regime for bananas has been a complex issue for many years. The numerous threads include legal challenges at the World Trade Organisation (WTO) as well as the Community's negotiations on association agreements with Latin American countries, Economic Partnership Agreements with African, Caribbean and Pacific States (ACP) countries, the Doha Development Agenda and not least interests of EU Member States.

With the failure of the WTO Ministerial meeting in Geneva in July 2008, we have missed an opportunity to achieve a solution to the long-standing disputes on bananas. In the framework of the discussions under the Good Offices of WTO Director General, the Commission negotiated in favour of a balanced solution taking into account the interests and concerns of all parties involved, including ACP countries.

⁽⁴⁶⁾ Under the GSP+ scheme, the Commission applies a general reduction of 3.5 percentage points from the 'most favoured nation' duty-ad valorem rate (the specific duty remains unchanged). China benefits from such a regime. This implies that it can export apple juice concentrated (the most traded category of apple juices) at an ad valorem rate of 25.5%.

⁽⁴⁷⁾ OJ L 348, 31.12.2007

The Commission is fully aware of the importance of bananas for ACP banana exporting countries as for certain Latin American countries. It will continue close consultation on this matter with all the countries concerned.

*
* *

Question no 88 by Athanasios Pafilis (H-0695/08)

Subject: Illegal arrest of Spanish militant Remedios Garcia Albert

Remedios Garcia Albert, who is known for her involvement in movements of solidarity with the peoples of Latin America, was arrested in Spain in July on charges of 'involvement in an armed conspiracy', i.e. the FARC-EP, and was subsequently temporarily released subject to restrictions. She was arrested and charged under European 'anti-terrorism legislation' on the basis of data supposedly taken from a computer belonging to the FARC-EP commander Raoul Reyes who was killed by the Colombian army. This case has been fabricated against a Spanish militant in order to slander and criminalize left-wing movements, international solidarity and terrorize the population.

Will the Commission say whether it condemns the 'witch-hunt' launched against persons and organisations in the name of 'anti-terrorist action' in Europe? Does it intend to recognize the FARC-EP as a party to a conflict, to delete it from the 'blacklist' of terrorist organisations and indeed abolish this list?

Answer

In accordance with Common Position 2001/931/CFSP and Council Regulation (EC) No 2580/2001 the Council has included the Fuerzas armadas revolucionarias de Colombia (FARC or Revolutionary Armed Forces of Colombia) in the EU terrorism list in June 2002 and this decision has been confirmed several times, most recently on 15 July 2008. The individual referred to in the question is not included in this list.

The Regulation requires the freezing of funds and economic resources of the listed groups, entities and individuals. It also prohibits that anybody under EU jurisdiction make funds and economic resources available, directly or indirectly, to, or for the benefit of such groups, entities and individuals. If there are sufficient indications that this prohibition has been infringed, the national authorities should take appropriate law enforcement measures.

The EU terrorism list is published in the Official Journal. The Council communicates the grounds for its decision to the listed group, entity or individual, without making them public. In accordance with article 2 (3) of Regulation 2580/2001 it is up to the Council to review its decision concerning FARC, if there would be a material change of circumstances.

It is public knowledge that the FARC have committed criminal activities, including taking of hostages, a crime included in the EU definition of 'terrorist act' – some 700 of these are still in its power, even after the recent liberation of Ms Betancourt and 14 other captives. They have also committed other violations of human rights and international humanitarian law, such as the recruitment of minors and the placement of land mines. These activities continue and qualify by no means as acceptable political activities of an opposition movement or party.

*
* *

Question no 89 by Jana Hybášková (H-0698/08)

Subject: Ban on the promotion of feminism in the call issued by the Czech Republic's Ministry for Employment and Social Affairs concerning resources from the European Social Fund

In connection with an operational programme entitled 'Human resources and employment' the Czech Republic's Ministry for Employment and Social Affairs has published Call No 26 for the submission of grant projects in Support Area 3.4. (Equal opportunities for men and women in the employment market - combining a job with a family). The call is accompanied by the following statement: 'Projects may not be political in nature and they must not seek to further any kind of political or ideological aim, including the ideologies of feminism or masculism.'

Does such a condition not contravene the rules governing the drawing of resources from the European Social Fund? Does the imposition of that kind of restrictive condition lie within the powers of a Czech body in

relation to the ESF? If it does, is that condition not too strictly worded? Might it not contravene the proportionality principle or even be too discriminatory?

Feminism is not a radical ideology but, rather, a legitimate social principle. Movements and non-profit-making organisations which embrace feminist views are at the same time the main promoters and implementers of projects which help to bring about equal opportunities for men and women; the author of this question fears that this strictly worded condition may serve as a pretext for automatically excluding them as applicants.

Answer

Calls for proposals in the Czech Republic and the detailed conditions applying to it are prepared by the competent managing authority (in this case, the Czech Ministry of Labour and Social Affairs). The Commission is not involved in any way in the process, the selection procedure being the sole responsibility of the Member State.

The fact that the call for proposals referred to by the Honourable Member includes a statement to the effect that projects submitted may not promote the ideologies of feminism or masculism is not at variance with the programming document or the relevant legislation on the European Social Fund (ESF). In fact, any such statement would be superfluous since support for feminism or masculism as such (however they are defined) is not among the eligible activities of the ESF as defined in the ESF Regulation⁽⁴⁸⁾.

The condition in the call for proposals may legitimately apply to the type of project submitted and the activities involved but not to the organisation implementing the project. A feminist-oriented organisation can submit a project under the call for proposals and cannot be excluded solely on the grounds of its feminist-oriented nature.

*
* *

Question no 90 by Georgios Toussas (H-0699/08)

Subject: Deregulation of maritime cabotage resulting in huge profit increases for shipowners

This year coastal shipping line vessel owners are once more using a piece of legislation which is against the interests of the people, namely Community Regulation (EEC) 3577/92⁽⁴⁹⁾ 'applying the principle of freedom to provide services to maritime transport within Member States (maritime cabotage)' and, with the end of the tourist season, are laying up vessels and dismissing hundreds of maritime workers, thereby further aggravating the problems facing workers and island dwellers. Having made vast profits from massive rises in ticket prices and freight charges and the goldmine of state subsidies with the appearance of 'unproductive lines' which exceed 225 million euros over the last 8 years, shipowners are now laying up vessels, thereby depriving thousand of island dwellers, especially in remote regions, of transport. With unbelievable effrontery they are now using NGOs under their control to demand additional state subsidies.

Dos the Commission believe that Regulation (EEC) 3577/92 should be abolished? What measures does it propose to ensure permanent and stable employment for maritime workers and comprehensively to meet the communications needs of all islands, throughout the year, by safe and modern vessels and cheap tickets?

Answer

The Cabotage Regulation⁽⁵⁰⁾ has liberalised domestic maritime transport while respecting the needs for public transport to/from islands and leaving to Member States the choice on whether and to what extent public service should be provided. The principles and provisions of Community law on public service compensation impose that the compensation cannot exceed what is necessary to cover the costs of public service taking into account the operator's receipts and a reasonable profit.

Against this background, the Commission does not see any relation between the alleged practices by the shipowners designated by the Honourable Member and the Cabotage Regulation. The practices in question

⁽⁴⁸⁾ Regulation (EC) No 1081/2006

⁽⁴⁹⁾ OJ L 364, 12.12.1992, p.7.

⁽⁵⁰⁾ Council Regulation (EEC) No 3577/92 of 7 December 1992 applying the principle of freedom to provide services to maritime transport within Member States (maritime cabotage), Official Journal L 364, 12.12.1992.

– if ascertained – would breach rather than implement the Regulation, whose repeal is not envisaged by the Commission.

Bearing in mind the large concentration of European seafarers in the intra-Community maritime transport services and thus the need to promote employment and prevent potential shortages in this field, the services of the Commission launched a widespread study to further consider this sector⁽⁵¹⁾. This study is intended to present in particular both the economic and social aspects of the sector. It will be the basis for considering the appropriateness for potential future action to promote the employment in this field.

As above mentioned, the extent and quality of public service are left by the Cabotage Regulation to national authorities.

*
* *

Question no 91 by Proinsias De Rossa (H-0701/08)

Subject: Extraordinary rendition

What steps has the Commission taken to implement all of the recommendations to the Commission in the European Parliament resolution of 14 February 2007 on the use of European countries by the CIA for the transportation and illegal detention of prisoners (P6_TA(2007)0032), and particularly paragraph 193 which asked the Commission to 'undertake an evaluation of all anti-terrorist legislation in the Member States and of both formal and informal arrangements between Member State and third-country intelligence services, from a human rights perspective, to review legislation which international or European human rights bodies consider could lead to a breach of human rights and to present proposals for actions in order to avoid any repetition of the matters under the remit of the Temporary Committee'?

Answer

The Commission attaches great importance to the resolution of 14 February 2007 on the use of European countries by the CIA for the transportation and illegal detention of prisoners (P6_TA(2007)0032) and its recommendations.

The Commission has taken a number of steps following the Parliament Resolution. In particular, as indicated in its reply to written question P-2601/08, the Commission sent letters to the Polish and Romanian authorities in order to recall the obligation to carry out effective investigations concerning the allegations on the existence of secret detention facilities in those countries. On 5 August 2008 the Polish authorities informed the Commission on the launch of a criminal investigation. On 24 June 2008 the Romanian authorities transmitted the report of the Inquiring Committee of the Romanian Senate. The Commission is in contact with the Romanian authorities in order to obtain further clarification and explanation.

As regards air traffic, the Commission in January 2008 adopted the Communication "An Agenda for Sustainable Future in General and Business Aviation", which clarifies the border lines between "civil aircraft" and "state aircraft" making direct reference to the Parliament Resolution of 14 February 2007. Furthermore, concerning air traffic control, on 1 January 2009 the Commission implementing rules for the Single European Sky establishing common requirements for flight planning will enter into force. It will represent an additional tool for monitoring the actual movements of aircraft in the European airspace, and provide solutions for situations where aircraft entering the European airspace are operating without flight plans.

As regards the specific question on the evaluation of anti-terrorist legislation, raised by the Honourable Member, the Commission is currently conducting a general assessment on the situation in Member States as regards "Criminal Law, Administrative/Procedural Law and Fundamental Rights in the Fight Against Terrorism" and, to this end, sent a questionnaire to all Member States on 18 December 2007⁽⁵²⁾. Replies from all Member States have been received and the analysis is currently underway.

*
* *

⁽⁵¹⁾ Expected to be finalised before the end of the year.

⁽⁵²⁾ This questionnaire is available on the internet of Directorate-General Justice, Freedom and Security:
http://ec.europa.eu/justice_home/fsj/terrorism/fsj_terrorism_intro_en.htm