

THURSDAY, 18 DECEMBER 2008

IN THE CHAIR: MR BIELAN

Vice-President

1. Opening of the sitting

(The sitting was opened at 9:05)

2. Disclosure requirements for medium-sized companies and obligation to draw up consolidated accounts - Accounting requirements as regards medium-sized companies (debate)

President. – The next item on the agenda is the joint debate on

Mrs Ieke van der Burg's report, on behalf of the Committee on Legal Affairs,

on the proposal for a directive of the European Parliament and of the Council amending Council Directive 78/660/EEC and 83/349/EEC as regards certain disclosure requirements for medium-sized companies and obligation to draw up consolidated accounts (COM(2008)0195 – C6-0173/2008 – 2008/0084(COD)) (A6-0462/2008), as well as

the Commission's statement on accounting requirements for medium-sized companies

Ieke van den Burg, rapporteur. – (NL) Mr President, I apologise for the delay. These are difficult times for small and medium-size enterprises. The crisis has not just hit banks and listed companies, but is affecting the entire economy, and is also resulting in job losses in the SMEs. We, in our European work, would do well, therefore, to give that sector a shot in the arm.

This is where a set of measures that were presented last summer under the header of Small Business Act come in; I am working hard on a number of proposals from that set, including the statute for a European PLC, more scope for micro-credit and fleshing out the option for a low VAT rate for service providers who serve private persons within the local market.

A very important point of concern for smaller enterprises is the administrative burden, most of which is brought to bear by national and decentralised governments. Where European legislation is playing a role in this, though, we have pro-actively started to clean up and lighten this load. In fact, this also applies to this dossier. The duties of information, and both directives to this effect, which are 25 and 30 years old and have been amended many times, are now being cleaned up and simplified in what is known as a fast-track procedure.

These measures are only a small step in the direction of lightening the burden, though. Much more needs to be done. In this respect, we have expressly aired our impatience in Parliament's Committee on Legal Affairs. In this light, we submitted, along with this legislative dossier, a resolution to urge the Committee to fast-track a much more thorough review of legislation for small and medium-size enterprises. As it happens, the Committee was already on the case. The intention is to reach greater harmonisation where the European rules for small and medium-size enterprises are concerned.

Earlier, when we discussed this topic and a report by Mr Radwan in the Committee on Economic and Legal Affairs, we specifically said that it is not the international accounting standards board, which was involved in drawing up International Financial Reporting Standards (IFRS) for small and medium-size enterprises, that should be the way forward, but that we should reach further harmonisation within Europe on the basis of existing legislation.

During that discussion, it was particularly Mr Lehne, who was shadow rapporteur for this report, who suggested that Member States should already be given the option of excluding micro-entities, the really small companies, from this European legislation at this stage. This is, to my mind, an emergency measure which, even though it has been put forward by the Stoiber group, will not lead to fundamental simplification in the long term, because, as a non-compulsory measure, it will lead to major discrepancies between the Member States.

The ultimate objective and option should, therefore, be to achieve far-reaching harmonisation to the extent that companies that do not qualify as micro-entities, benefit from a similar, very simple, system. With regard to this simple system, I myself should like to remind you of the possibilities offered by the 'XBRL' (eXtensible Business Reporting Language), which is a system enabling various bodies to input data very easily and allowing various bodies to make use of those data. It would, consequently, become much easier and simpler for companies to supply this type of data, and these data could also be used in a great many ways.

In short, we need to have a proper debate soon on the resistance that is prevalent in the world of accountancy towards exempting these micro-entities. The Committee should come up with proposals. We should then examine the best method for medium-size enterprises, but also for these tiny enterprises, so as to guarantee transparency and a good bookkeeping system, which will help them do certain things, without lumbering them with an enormous administrative burden.

Jacques Barrot, *Vice-President of the Commission*. – (FR) Mr President, Mrs van den Burg, ladies and gentlemen, the European Parliament is today going to give its verdict on a proposal for simplification. This proposal is the first of three legislative proposals in the field of accounting. Its aim is to simplify the economic environment at Community level, particularly for small and medium-sized enterprises.

This first proposal is a good starting point. This is a good opportunity for the legislators, the interested parties and the Commission to exchange their points of view and to debate the elements to be included in the two other proposals to come.

As was announced in the European economic recovery plan a few weeks ago, the next proposal will be aimed at reducing the administrative burden weighing upon the smallest businesses, which are also the most common type of business in Europe.

During the first quarter of 2009, the Commission will submit a proposal that will enable the Member States to exempt these micro-enterprises from the obligation to draw up annual accounts. I should like to stress that the Commission's proposal will succeed in reducing the administrative burden only in so far as the Member States are willing to use this new option, since it is an option.

The external consultants have estimated that this measure could generate savings of up to EUR 5.8 billion per year. However, these savings will be made only if all the Member States implement this derogation option and do not introduce new and unnecessarily restrictive rules.

The second initiative that I announced at the end of September was the review and updating of the fourth and seventh accounting directives. The first technical preparations for this review have already begun. A public consultation on the direction it is to be given will be published during the first quarter of 2009.

Many of you will be happy to learn that the recommendations made by the high-level group chaired by Mr Stoiber will be taken into consideration as far as possible.

To come back to this proposal, which has recently been the subject of an accelerated procedure, we are very pleased to learn that the cooperation between the institutions has enabled this initiative to be dealt with as quickly as it has.

I invite you today to vote in favour of the conclusion of this procedure. Thank you for your attention.

Kristian Vigenin, *draftsman of the opinion of the Committee on Economic and Monetary Affairs*. – (BG) Commissioner, our assessment was that the proposals linked to this legislative initiative are not ambitious enough. The Economic Committee would therefore urge the Commission and you personally to adopt a more active policy on this matter.

But I can see that what you told us is a really important step and we actually expect more active measures from the Commission, obviously with the full backing of the European Parliament, as this matter is an extremely serious one for small and medium-sized businesses, especially in the context of the current financial crisis.

As draftsman of the Committee on Economic and Monetary Affairs, I would like to say that we fully support the Commission's initiative to reduce the amount of red tape for medium-sized businesses. We share this desire and have supported the fast-track procedure. This proposal will be supported today. We believe that, from now on, the measures which you are prepared to adopt will also enjoy our full support.

Jean-Paul Gauzès, *on behalf of the PPE-DE Group*. – (FR) Mr President, Mr Vice-President of the Commission, Commissioner, ladies and gentlemen, obviously, our group will vote in favour of the report presented by Mrs van den Burg, and I congratulate her on her work, which is, as we know, always very good.

Nonetheless, I should like to draw attention to the fact that small and medium-sized enterprises are not necessarily in favour of abolishing accounting requirements. We receive many letters in this regard telling us to be careful, that simplification is useful but that it ought not to backfire. Let me explain what I mean: accounting needs to be simplified, and that is the meaning of the resolution that states that the Commission has to propose to us, as soon as possible, and, more specifically, by the end of 2009, an accounting framework suitable for small and medium-sized enterprises. That does not mean a total exemption, however.

Why? Firstly, because accounting is an opportunity for directors to take stock, at least once a year, of their businesses' situation. Accounting is also a very useful element in business-to-business lending. It is also what banks ask for in order to grant loans. There are tax obligations. Therefore, let us not deceive the directors of small businesses by telling them that they will save a great deal of time and money if they no longer have any accounts to keep. That will lead to disaster.

What we need is an accounting framework to be implemented that is suitable for small businesses and the latter to be relieved of excessive or unnecessary obligations. However, I think the best simplification, Commissioner, would be once and for all to apply the rule that information is to be requested once in each Member State and that businesses are not to be asked periodically to redo the same statements, the same forms, in order to give the authorities information they already have.

It is in this way that we can help company directors; by making sure that they have accounting rules suitable for understanding their companies' situation and that they are relieved of totally pointless administrative tasks.

Sharon Bowles, *on behalf of the ALDE Group*. – Mr President, I welcome the reduction of the financial reporting burden on SMEs. Smaller companies are not simply downsized versions of large corporations, so some reporting required of large companies is not relevant at all. Other parts create an excessive drain on resources, do not fit with the realities of the huge variety of smaller companies that we have in Europe and, in consequence, do not serve the public interest. Unnecessary reporting does a lot more harm than good, so I am glad to be rid of some. Let us keep up the good work.

However, the part of the final text of the report that my group and others disagree with is that on correlation tables. The Commission wanted correlation tables on transposition to be mandatory, even in this little directive, and that is our position. The Council will not agree because it says this is an unnecessary burden. My answer to that is that it should not be. We must find a way to make transposition of EU legislation accessible. There is an enormous democratic deficit. Member States are responsible, but Europe gets blamed.

There are some similarities here with the criticism that has been made against the Lisbon Treaty, because it is unreadable as a stand-alone document. However, there should be even more of an outcry from the public because, day after day, this is just what many Member State governments are doing to their citizens and businesses in their transpositions. Let us be clear. This is something that is not an EU malaise. It is a Member State government malaise and it must end.

Patrick Louis, *on behalf of the IND/DEM Group*. – (FR) Mr President, ladies and gentlemen, the Commission intends to reduce the administrative burden on businesses, which is, in essence, a good intention. However, wanting to scrimp and save all the time will not fundamentally change the situation: excessive standardisation, countless decision-making levels and systematic constraints continue to be created in parallel by the Commission and imposed on European businesses, no matter what their size.

Today, only three States do not recognise the need for information to be published on businesses – from their creation to their closure – and the Commission itself admits that part of the information is lost. This loss will affect those who need the information most, namely individuals and SMEs, surrounding micro-enterprises and people directly linked to such businesses.

This proposal transforms transferable information, that is, information that anyone can access fairly easily, into contestable information to which, in the long term, only professionals with a precise knowledge of their search objective will have access. We cannot really accept this proposal since, acting in the spirit of a responsible legislator, the intended recipients of the economic information must systematically be all interested citizens, consumers and investors, and this, without any specific action being taken.

At the same time, this proposal can and certainly will have damaging consequences for the regional press, which is already in difficulty, since its remit is to publish judicial and legal announcements, which can account for between 25-50% of its advertising revenue. These newspapers have a vital economic and social role to play. They must be protected, because protecting them means protecting their social role in the local community. We would do well, perhaps, to try to make savings and to focus our work on other matters. As far as we are concerned, today, this particular matter is not ready.

Tadeusz Zwiefka (PPE-DE). – (PL) Mr President, the main aim of our enterprise policy is to create an appropriate environment for setting up and expanding new businesses. Improving the economic environment involves simplifying administrative and legal procedures and taking action regarding funding, taxes and both the social and the natural environment, as all of these have an impact on how businesses operate.

Uniform regulations would greatly benefit the entire international business community. First of all, supranational financial reporting standards would make it easier to assess and compare the financial situation of companies in different countries, and this would facilitate the decision-making process with regard to investments. Secondly, thanks to financial reporting based on universally acknowledged and approved accounting principles, companies would have wider access to capital.

Small and medium-sized companies often have to comply with the same legislation as large companies, even though their specific accounting needs are rarely examined. It is important to ensure that debates focus not only on simplification, but also on the impact of accounting standards on small and medium-sized enterprises, as opposed to large, listed companies. The debate on the subject of simplification generally focuses on costs. However, the debate on the implications of accounting requirements addresses the advantages of financial reporting and the needs of individual users.

There are a number of advantages to introducing simplified regulations for small and medium-sized enterprises. First of all, the implementation of universal standards certainly brings fewer benefits for small and medium-sized private enterprises than it does in the case of larger, public companies. This leads to a cost-benefit imbalance with regard to the implementation of standards. In order to establish an appropriate cost-benefit balance, costs must be reduced. Secondly, financial reporting does not play a significant role in meeting the information requirements of owners of small and medium-sized enterprises, as they have direct access to information. Thirdly, the users of the financial reports produced by SMEs have a more limited knowledge of financial reporting, and it should therefore be adapted to the user's abilities.

Lidia Joanna Geringer de Oedenberg (PSE). – (PL) Mr President, the European Parliament has for many years raised the alarm concerning the problem of the unnecessary and disproportionately high administrative costs imposed on European enterprises. We therefore welcome the news that the Commission has finally addressed this matter and proposed, by means of a fast-track procedure, amendments to the 4th and 7th Company Law Directives concerning disclosure requirements for medium-sized enterprises and the obligation to produce consolidated financial reports.

I support the Commission's approach, which aims to simplify the operating conditions for European enterprises. However, my support is conditional on these changes not hampering transparency or resulting in account users having limited access to information. The proposal to remove the requirement of disclosing formation expenses also seems justified. Extending the exceptions which benefit small enterprises, and which already greatly benefit the majority of Member States, to include medium-sized companies, may contribute to reducing the financial reporting burden on medium-sized enterprises.

With regard to the proposed amendments to the 7th Company Law Directive, the obligation to draw up consolidated accounts has no real justification, because the consolidated accounts would, in this case, be almost identical to the non obligatory individual financial statements.

The European Commission should make further efforts to revise the 4th and 7th Company Law Directives so that it can present a European accountancy framework before the end of 2009. A uniform standard will reduce the administrative burden for SMEs and increase transparency for everyone involved.

Jacques Toubon (PPE-DE). – (FR) Mr President, I should like to begin by thanking our rapporteur, Mrs van den Burg, our coordinator, Mr Lehne, and our shadow rapporteur, Mr Gauzès, for their efforts to arrive at a position that I consider to be extremely effective and reasonable.

Indeed, we are well aware that we need to adapt our rules to the specific circumstances of small and medium-sized enterprises, and that is why we very strongly support the plan for small and medium-sized

enterprises that has been proposed by the Commission and endorsed by the Council. Nevertheless, I would add that we must not do this, as it were, by regarding these small and medium-sized enterprises as sub-enterprises, by putting them in a kind of ghetto where there would be so many simplifications and so few rules that they would no longer provide the guarantees that enable them, in particular – and especially in the current crisis – to obtain the credit they need in order to operate and grow.

This is why I, like Mr Gauzès, very strongly support the resolution proposed by Mrs van den Burg and adopted by our committee, a resolution that is about asking the Commission to submit a proposal that would enable the Member States to exempt businesses that are characterised by their very small size – a balance sheet of less than EUR 500 000, a turnover of less than EUR 1 million and a staff complement of less than 10 people – and that have only local or regional operations in a single Member State, from having to comply with the directive.

This will therefore enable the Member States to adapt their legislation, as Germany has done, but at the same time to treat small and medium-sized enterprises like the others – that is very important. Small and medium-sized enterprises do not develop separately; Europe must take action to ensure that they are not at a disadvantage with regard to the others.

Ewa Tomaszewska (UEN). – (PL) Mr President, small and medium-sized enterprises in the European Union employ around 60% of all workers. That is why their economic situation is exceptionally important. In times of economic crisis, it is particularly important to avoid complicating their legal obligations, in order to make it easier for them to operate. This is an opportunity for these companies and their workers.

The simplified legislation in the field of financial reporting, as laid down in the amending directive, is a step in the right direction. However, I agree with my colleague, who stressed the need to ensure that local journalists have access to information.

Rachida Dati, President-in-Office of the Council. – (FR) Mr President, ladies and gentlemen, firstly, I apologise for the delay. We were delayed leaving Paris. Although I have not heard all of the debates, I also wanted to thank you for the debate that is taking place today.

The Council takes note and will continue to take note of all of the comments and recommendations that you make and of the interest that you show in these matters, especially as regards the commitment you are making within the context of simplifying the burdens on businesses.

This is an issue that is extremely sensitive today, but we absolutely must – especially given the crisis conditions – simplify without deregulating in order to create an environment of far greater certainty in Europe, so as to ensure the development of small and medium-sized enterprises.

Jacques Barrot, Vice-President of the Commission. – (FR) Mr President, I should like to welcome Mrs Dati and, like her, I should like to join with those who have thanked Parliament, Mrs van den Burg, Mr Lehne and Mr Gauzès for having carried through this work, which will enable us today to reach a conclusion on this first provision.

I have listened carefully to what was said about small businesses. The aim, in actual fact, is to adapt the rules for small businesses at the time of the planned review, but I should like to reiterate that the Member States will be able to choose either to use these rules or to create an alternative that is suited to local conditions.

I personally was very responsive to the argument that small businesses also should not be pushed, as it were, into a situation that would ultimately leave them somewhat sidelined from economic life, all on the pretext of simplification. That is what I wished to say; I believe that this debate will enlighten my colleague, Mr McCreevy, who is responsible for the internal market, and that this will enable us to work on this reduction of the administrative burden that places a strain on businesses, especially the smallest ones.

I am grateful to Parliament for its ongoing support, and we hope that this constructive cooperation will continue throughout next year.

Ieke van den Burg, rapporteur. – (NL) The message from this Parliament was, to my mind, loud and clear. The temporary solution of offering Member States the opportunity of excluding micro-enterprises from European legislation in the short term is a solution, but not a permanent one. I hope that this message struck home with the Commission too.

For those businesses too, and for small and medium-size enterprises in general, we would like to introduce uniform European legislation that enables them to operate within the internal market but that is simple legislation at the same time, as Mr Gauzès stated, in fact, with only one port of call and one set of rules, as is the case with eXtensible Business Reporting Language (XBRL), which means they will not be saddled with an enormous administrative burden as is currently the case. After all, even if you give Member States the option of exemption, this does not mean that the Member States can impose their own rules that are, moreover, different in every Member State. This does not solve anything in the medium term.

In the medium term, we are keen to make a proposal that provides for simple, harmonised legislation that can be used across the entire internal market and that does not entail an enormous burden for small and medium-size enterprises, particularly micro-enterprises: just a simple system to provide information about their annual accounts. This is Parliament's intention, and I hope that this message came across.

President. - I have received one draft resolution⁽¹⁾ submitted in accordance with Article 103(2) of the Regulation.

The debate is closed.

The vote will take place on Thursday 18 December 2008.

3. European Authentic Act - E-Justice - Cross-border implications of the legal protection of adults (debate)

President. - **The next item on the agenda is the joint debate on** Manuel Medina Ortega's report, on behalf of the Committee on Legal Affairs, with recommendations to the Commission on the European Authentic Act (2008/2124(INI)) (A6-0451/2008),

Diana Wallis' report, on behalf of the Committee on Legal Affairs, concerning recommendations to the Commission on e-justice (2008/2125(INI)) (A6-0467/2008), and

Antonio López-Istúriz White's report, on behalf of the Committee on Legal Affairs, with recommendations to the Commission on cross-border implications of the legal protection of adults (2008/2123(INI)) (A6-0460/2008).

Manuel Medina Ortega, rapporteur. – (ES) Mr President, this is an initiative by Parliament's Committee on Legal Affairs that aims to achieve recognition of European authentic acts.

This initiative of Parliament calls on the Commission to adopt the measures that it considers appropriate. It is based on the Hague Programme, namely the recognition not only of judicial decisions but also of authentic acts.

The purpose of this initiative is to facilitate the position of consumers within the European Union.

The formalities required for recognising such acts are both expensive and time-consuming.

It seems we should therefore facilitate the movement or recognition of such authentic acts so that whenever there is a cross-border formality, such as a marriage, a contract or something similar, it is not necessary to have to go through cumbersome procedures.

The difficulty that this report may present is the nature of the European authentic act or public document itself, which is recognised in most of the countries in the European Union but not in others.

There are countries where the system of the European authentic act issued by a public official does not exist. Instead there are simple private documents legalised by a notary public, although the nature of the document does not vary.

The precedent for this proposal is the Unibank judgment by the European Court of Justice, which laid down a number of requirements for the recognition of authentic acts. In specific terms, the first requirement was that public officials should issue them. In other words, the person authenticating the act must in some way

⁽¹⁾ See Regulation

be a public official, a position that does not exist in some EU countries, which therefore do not have this ability.

Secondly, the act must ensure that the will of the parties is appropriate to the achievement of particular legal purposes. The notarial act, under continental law at least, has a certain constituent character in that the parties express their will in it, but it is the notarial officer who performs the act.

Thirdly, the act cannot produce an effect that goes beyond that which is recognised in its country of origin. That is to say, if an act is merely probative in its country of origin, it cannot be considered an enforceable act.

I would say that these three factors are fundamental: firstly, the person authorising the act must have the status of a public official; secondly, the act is constitutive in nature and does not merely certify a signature; and thirdly, it must not produce effects other than those it would produce in its country of origin.

One area that very clearly needs to be excluded is all matters relating to property law. The law on immovable property appears to be closely tied to the land, to the place where the property is located. The possibility for transfers in this field is therefore limited by the existence of public registers and the fact that each country has strict legislation imposing special requirements in this area.

I hope the Commission will consider this proposal and will be able to submit an initiative. Specifically, the relevant legal bases are Article 65(a) and the second indent of Article 67(5) of the EC Treaty.

I believe that the legal basis is adequate and that this kind of initiative would facilitate legal relations between citizens and, above all, would improve their lives.

The difficulty that the Commission can and will raise is the problem of the diversity of our legal systems, but I think this is a matter that we will have time to discuss at a later stage, once the Commission has submitted its proposal.

Diana Wallis, rapporteur. – Mr President, e-justice seems to have been very much at the centre of both the previous Slovenian and French presidencies and we know that the coming Czech presidency also wishes to continue the good work on e-justice.

E-justice within this Parliament, and certainly within the Committee on Legal Affairs, also chimes in with the theme that we have long had close to our hearts, that of access to justice and how we provide access to justice on a cross-border basis. It is hard enough to get access to justice even in a national context: we think about access to lawyers, about affordability, about being able to understand or to comprehend the legal system. But put that into a European cross-border context, with different legal cultures and languages, and it becomes even more complex and difficult for our citizens to access.

But we should be able to harness those difficulties and put them together with all the possibilities offered by modern technology. If Europe is borderless, so is the internet; if languages are difficult, technological tools now offer us the possibility of instant translation. We should be able to develop the technological possibilities to deliver better cross-border access to justice.

It is clear that a number of our Member States have seen the possibilities within their own borders and are developing their own systems. That is good! Also there is joint working on a number of projects – some to provide linked-up registers to deal with businesses and land registries – and, again, it is good.

But for us, as parliamentarians, what we really want to see is something that delivers directly to our citizens and to their concerns about justice in their daily lives. We want Europe's citizens to feel the difference of an e-justice project at European level.

It appears that the work on the justice portal may do that: it may give information about who, what, where, which lawyers, which interpreters, where to get legal aid – all sorts of information. The project is ambitious, and it will need to be.

But we do not want to just stop there, at information. We would like to see the real possibility of access to cross-border justice online, to see those European instruments of the payment order, of small claims available to our citizens online. It is clear that some Member States are working on joint projects and, again, it is good that we harness that enthusiasm and that ambition. However, we also need the Commission to keep the European context – to keep it as a European ambition – so that we move forward together in a coordinated

way. That is why, attached to Parliament's report, there is an action plan that brings out many of these themes. This could deliver our dream of a real Europe of borderless justice. Let us make it happen.

Antonio López-Istúriz White, rapporteur. – (ES) Mr President, Minister, Vice-President of the Commission, the report I am presenting to you today deals with the protection of adults in the European Union. It has been difficult to address this subject in such a short time, especially as it has such broad, cross-cutting aims.

Moreover, the report was the subject of several different views within the Committee on Legal Affairs as regards the direction that it should take.

We are dealing with this text today in a joint debate with two other reports from the Committee on Legal Affairs: one on the European authentic act by Mr Medina Ortega, and the e-Justice report by Mrs Wallis.

The improved coordination between these separate instruments produced by our committee has doubtless made our proposals more effective and will certainly provide Europe's citizens with a better service.

First of all I should like to congratulate the French Presidency on the excellent job it has done over the last six months in leading the European Union. In this case I must especially thank the French Minister for Justice, Mrs Dati, for the interest she has shown in taking this issue forward beyond the established provisions to reach new, practical and effective solutions for all the Member States.

While I am on the French theme, I would also like to give a special mention to the judge and adviser to the Minister for Justice, Amélie Durand, and to my French colleagues who have played an active role, including Mr Gauzès and Mr Toubon.

Our Committee on Legal Affairs has shared the Presidency's concern regarding the subject that has brought us together here today: the protection of vulnerable adults. It therefore decided to draw up an own-initiative legislative report in order to make progress and reach new solutions from which our adult citizens could gain the greatest benefit.

Our committee has also recently been highly involved in the approval of a package of civil law measures, including mediation, the service of documents and the law applicable to torts.

Evidence of that was the hearing of the Forum on judicial cooperation in civil matters, which took place on 2 December in the Committee on Legal Affairs, in association with the Committee on Civil Liberties, Justice and Home Affairs, at which one of the items on the agenda was the need for protection of adults in our society.

Ladies and gentlemen, this is a subject that concerns all of the Member States, since the European Union is experiencing the increased ageing of its population. By 2050, 37% of people will be over 60 and 10% over 80.

It is important to remember that this situation has not just economic but budgetary and health implications that affect us all. We need to start finding solutions to these problems as soon as possible.

This report seeks to create an area of justice, freedom and security by two main routes: law enforcement, and cooperation among the competent authorities of the various Member States.

As I mentioned previously, this report had come a long way before it was adopted unanimously by the Committee on Legal Affairs on 17 December.

A compromise amendment was reached, which brought together the differing viewpoints held by the members of our committee. This amendment, which has now become Article 2 of the final report, is key to this report, since it reconciles the possibility for Member States to incorporate the Hague Convention of 13 January 2000 into their own legislation.

In addition, the report provides that in future, once sufficient experience has been gained in this field, the Commission should be called on to submit a legislative proposal to strengthen cooperation among Member States and improve the recognition and enforcement of decisions on the protection of adults and incapacity mandates.

I would like to point out to the House that, to date, only four countries have signed the Hague Convention and only eight have ratified it. We call on the Member States to ratify this convention so that we can be more consistent and effective in dealing with this issue that affects us all.

It should be remembered that under the Treaty establishing the European Community, the power to legislate lies in the European Commission. As we all know, however, there is a small provision in the Treaty – Article 192 – which grants Parliament the right to ask the Commission to draw up a proposal for legislation.

Ladies and gentlemen, we would like to apply this article. I will end by saying that, as the report states, the Commission should, in future, monitor the experience gained with the Hague Convention, in order to propose Community provisions supplementing the Convention and suggesting possible additional instruments for the future.

Rachida Dati, *President-in-Office of the Council*. – (FR) Mr President, Mr Barrot, ladies and gentlemen, I am fortunate to have the opportunity, once again, to talk to this House and, as such, I should like to thank you, on behalf of the Presidency, for the progress made in the field of justice.

After the previous debate, which concerned the life of businesses, the reports that are to be discussed now concern the everyday lives of European citizens. These are issues that have been addressed on numerous occasions under the French Presidency, in particular during the colloquiums organised on the movement of authentic acts and on the legal protection of adults.

As you know, the French Presidency has tried hard to make progress with a Europe of justice through practical projects, in order to bring the European institutions closer to our fellow citizens, and – as Mrs Wallis said just now – the Slovenian Presidency also did a great deal in this connection, and we have continued its work.

The three texts that appear on our agenda this morning are testimony to this: the Medina Ortega report on the European Authentic Act, the Wallis report on *e-justice*, and the López-Istúriz White report on the legal protection of adults. Indeed, they correspond to the Presidency's desire to promote new initiatives in order not only to have new tools adopted, but also to exchange our methods, to compare our practices and to look ahead to the future.

With regard to the report on authentic acts, the Presidency firstly commends the initiative taken by Mr Medina Ortega and the quality of his report. The interest shown by this House in the recognition and movement of authentic acts in Europe demonstrates that this is an important issue in the field of judicial cooperation in civil matters. This work is part of our desire to make the everyday lives of our fellow citizens, but also of our businesses, easier, and the law is above all made in order to ease social relations, with referrals to court remaining a necessary exception.

It is also important for the European Union to make a commitment along these lines. The authentic act is a key element in the lives of families and businesses, whether it be a marriage contract, a settlement, a will, a bill of sale or a contract between businesses. It enables people, as part of a non-contractual relationship, to entrust a recognised authority with the task of certifying the commitments it wishes to make and of dealing with the full consequences of this in advance by making this act enforceable. However, your work also shows that we must consider which conditions need to be set for an authentic act to be able to move freely within Europe, no matter what the field.

There is no doubt that this idea will have to be taken into account in the European Commission's future legislative programme. The discussion of authentic acts will not stop us from reflecting further on ways of improving the movement of other types of act. We need to move forward gradually, but we also need to lay down an extremely clear framework. It is possible to relax the conditions and the procedures for the mutual recognition of authentic acts because they offer enhanced guarantees.

If anyone wants to submit to the system acts that offer unequal guarantees, our aim will have to be scaled down, and this will obviously be problematic. Parliament's point of view as it emerges from this report is largely in keeping with the guidelines developed and proposed by the Presidency. Your report, Mr Medina Ortega, will serve as a crucial foundation for future work, since the Presidency will take due note of today's debate.

Improving and strengthening the European judicial area also means improving and modernising the way in which justice works, which in turn depends on our using new methods of communication; this is the essence of the *e-justice* project. The aim of the project is to develop, within a European cross-border context, the use of new information and communication technologies. This should enable us to strengthen the links between our judicial systems and to facilitate exchanges. Moreover, the framework decision that was adopted on the networking of criminal records plays a large part in this. The action plan on European *e-justice*, which was submitted at the last JHA Council of 28 November, is in line with the work done by successive presidencies, since the German Presidency.

Over the last six months we have endeavoured to draw up a draft action plan on European e-justice that is as balanced as possible, by taking account of the Member States involved in this project, of this House's position, but also of the role that will have to be played by the Commission. Our objectives are shared by Parliament, and, as such, the Presidency should like once again to thank the rapporteur, Mrs Wallis, for her commitment to this matter and for her high-quality report. The intense debate conducted at the European Parliament has enriched the Presidency's draft and has ultimately meant that we have ended up with a draft that has everyone's support.

Facilitating access and safeguarding the free movement of persons and of judicial decisions are objectives that can be fully achieved only if they take account of the most vulnerable in society. This is one of the reasons why the French Presidency wanted the situation of adults subject to legal protection measures to be improved.

Indeed, protected adults must be able to enjoy the same freedom of movement as other citizens, regardless of the protection they receive. The Presidency is pleased that this issue has been addressed within Parliament, and thanks its rapporteur, Mr López-Istúriz White, for his proposals on the legal protection of adults. This is an obvious sign of our common interest.

The Hague Convention of 13 January 2000 is due to come into force on 1 January, between France, Germany and the United Kingdom. Other EU Member States have signed it over the last six months. They are: Finland, Greece, Ireland, Luxembourg and Poland. It is important that all the Member States be able to participate in this instrument. I know that the future Czech and Swedish Presidencies will make a commitment in this area – they have indicated as much during this French Presidency – and, more broadly speaking, the movement of judicial decisions made in relation to the protection of adults must feature among our objectives.

It is on this condition that we will project the image of a Europe that is capable of responding to the needs of its citizens, including the most vulnerable ones. Your report makes an important contribution. In this connection, too, the French Presidency hopes that this issue can be incorporated into the Commission's future legislative programme, Mr Barrot. This is a major social issue. I know that this is a subject to which priority has been given and which is crucial to the Commission and to you, in particular, Mr Barrot. It is also proof that Europe, by creating a more certain legal environment, is also protecting its most vulnerable citizens.

The Presidency would like to thank you for these contributions, and I shall, of course, take due note of the comments made during this debate.

Jacques Barrot, Vice-President of the Commission. – (FR) Mr President, ladies and gentlemen, I am very pleased to be able to take my turn in congratulating the authors of these three reports, and I would say to Mrs Dati that, really, these reports are perfectly in keeping with the efforts which have been made by the French Presidency and to which we have obviously given full consideration. I believe that we have really laid the foundations of this European legal and judicial area to which I am personally very committed and which we are going to build together, via the Stockholm programme, in particular.

It is therefore true that this debate this morning has come at exactly the right time. Mrs Dati has already given a very thorough review of the three reports, but I am nonetheless going to briefly repeat what she said in order to confirm the Commission's intentions.

Firstly, please accept my thanks, Mr Medina Ortega. Mr Medina Ortega has presented us with an excellent report on the European Authentic Act. Certainly it is the everyday lives of consumers and citizens that are at stake, and the recommendations that you make to the Commission genuinely affect the lives of our fellow citizens, both as individuals and as businesses.

Indeed, individual citizens and businesses often aim to take decisions relating to family matters or commercial transactions simply by means of a voluntary agreement authenticated by a public body, and it is quite clear that, in this area of free movement, authentic acts must also be able to move.

However, this freedom of movement has been only partially realised today and, as you know, alongside the existing instruments, we have obviously provided for new measures. I am currently working on these: there are those that have just been adopted – and thank you, Mrs Dati, for the maintenance obligations – I am also preparing, Mr Medina Ortega, the measure on succession for March 2009. I am well aware, however, that there is still more work to be done, and that is why the Commission is going to prepare a Green Paper on the authentic act and possibly on other public documents, to really have the opportunity of a broad-based consultation on this subject.

It is clear, however, that, in this context, your report and the study prepared by the European Parliament will be very useful. Furthermore, as you stressed, there is also a need, in my view – I agree with you – for a legal basis that will enable us to take an initiative, while recognising that the diversity of our legal systems will nonetheless require in-depth work in order to make such action possible. However, thank you once again for this excellent work.

I turn now to Mrs Wallis, who very much emphasised this need to modernise the way in which justice works, and it is true that the action plan that has just been adopted under the French Presidency is of huge interest to the Czech Presidency. Therefore, by taking up your report, Mrs Wallis, we shall be able to see how we can fully make use of this access to e-justice.

You mentioned, in particular, cases in which such access would be hugely beneficial when it comes to settling small claims, for example. There is no doubt that your recommendations will help us to enhance the measures already taken by the Commission and will enrich the debates and the decisions taken at the European Council.

We shall work together to ensure that European e-justice permits easier access to information on European legislation, on national legal systems and on European procedures. I should also like to point out that the planned portal will be set up at the end of December 2009, at the latest. We are obviously going to work on this in close cooperation with Parliament. This European e-justice portal is therefore to come into operation by the end of December 2009, without fail. It is intended for European citizens, but we shall also see about how to resolve issues that more directly affect the judicial authorities.

Once again, I am very happy to see this synergy between our European institutions – the Council, Parliament and the Commission – on this subject; I believe, Mrs Wallis, that, in line with your wish for us to be careful and not to limit our ambition but rather to apply it to e-justice, the French Presidency and Mrs Dati have demonstrated such ambition. Rest assured that, as a commissioner, I shall be very committed in this regard.

Lastly, I come to the report by Mr López-Istúriz White; I am also very grateful to him for having taken up Mrs Dati's excellent initiative by having us work in Lille on this subject that is so important in our societies. Indeed, we know that our societies are going to comprise more and more people aged over 65 – this category already accounts for 16% of the total European population – and we are therefore convinced of the importance of protecting vulnerable adults. That is why we gave our very strong support to the French initiative by calling on the Member States to ratify the Hague Convention of 13 January 2000. Thanks to the stubborn determination of Mrs Dati, this Convention is going to come into force on 1 January 2009.

Mrs Dati listed a number of countries that are at the present time already members of this Convention. Their membership will once again, I believe, have a snowball effect and enable us to convince all the Member States to ratify this Convention.

It is true that there are no existing instruments at Community level. We have not yet mentioned the development of an existing instrument. We are going to look very closely at the application of this Convention, and then we are obviously going to incorporate this proposal in the framework of the Stockholm programme. We are going to examine all measures that will enable the Member States to cooperate more with one another and then we will be able to incorporate a possible Community initiative in this regard.

That is what I can say on this subject, which I personally recognise is very important. In any case, thank you, this morning's debate in the presence of Mrs Dati has already enabled us to see how we will go about proposing an ambitious Stockholm programme that lives up to the expectations of the people of Europe, who want this European judicial area. Thank you, Parliament.

IN THE CHAIR: MR MARTÍNEZ MARTÍNEZ

Vice-President

Panayiotis Demetriou, *rapporteur for the opinion of the Committee on Civil Liberties, Justice and Home Affairs*. – (EL) Mr President, first of all allow me to congratulate the French Presidency for everything it has achieved to date, especially in the field of justice. I should also like to congratulate the Commissioner. The Committee on Civil Liberties, Justice and Home Affairs endorses the positions of the rapporteur Antonio López-Istúriz White, as expressed in his report. Our elderly fellow human beings, who have limited capacities, like all our fellow men who have problems, cannot be left legally unprotected; they cannot be left victim to fate and often in the hands of opportunistic protectors, who sometimes humiliate and take advantage of them. Every society, every state with rule of law has a duty to pass judicial and administrative decisions and acts which safeguard the dignity and property of elderly people and the European Union has a cross-border responsibility.

I call on the Commission to help and to exert pressure on the Member States to sign and ratify the Hague Convention, which provides a framework for such protection. I call on all my fellow Members from countries which have not done so to work to make this a reality.

Luca Romagnoli, *draftsman of the opinion of the Committee on Civil Liberties, Justice and Home Affairs*. – (IT) Mr President, ladies and gentlemen, I would like to congratulate the French Presidency, Commissioner Barrot and all the rapporteurs, because technological development is moving inexorably forward and the justice system cannot escape this fact.

I believe that the introduction of information and communication technologies in judicial administration offers many possible solutions, by improving the way the judiciary functions, thereby helping to rationalise and streamline procedures and thus reduce costs. E-justice could also bring undoubted benefits and meet several different needs, the most important of all being access to justice and improvements in terms of efficiency and reducing time and costs. It is therefore crucial that e-justice aims to develop the use of information technologies by the judiciary, all the more so when we consider that almost ten million European citizens are involved in cross-border civil proceedings and that this figure is likely to increase in the future.

In addition to citizens we must also consider the benefits for those who work in the legal sector, not forgetting, therefore, the procedures in the area of judicial and penal cooperation. As I have already had seen in my work as the rapporteur of the report on the Electronic Court Register Informational System (ECRIS), in addition to this opinion, the potential sphere of application of electronic justice is vast and is destined to evolve in line with progress on the European judicial area as well as technological developments. I therefore welcome Commissioner Barrot's earlier announcement that the portal will be operational by the end of 2009.

I would like to conclude with the hope that our Europe can at last attain a just justice system and that the responsibility of stakeholders also can at last be shared. It is all too often the case, for example in my country, that the investigating party pays an extraordinarily high price and the tortured judicial course ends in an acquittal. In Italy judges do not have civil liability for miscarriages of justice – this is a grave social injustice and must be put right. I hope that the European judicial area will help sooner or later to rectify this great injustice.

My thanks go out once more to the French Presidency for their efforts on these matters and also to Mrs Wallis.

Jean-Paul Gauzès, *on behalf of the PPE-DE Group*. – (FR) Mr President, Mrs Dati, Mr Barrot, firstly I should like to commend the efforts of the French Presidency and the efforts that you personally have made, Mrs Dati, to promote a better area of legal freedom and effectiveness for the benefit of our fellow citizens.

Our rapporteurs have done an excellent job. That is why the Group of the European People's Party (Christian Democrats) and European Democrats will endorse these three reports: the Wallis report, the López-Istúriz White report and the Medina Ortega report. For my part I should like to clarify a few things regarding our group's position on the report by Mr Medina Ortega, with whom I have worked in close collaboration.

As you said, Mrs Dati, Mr Barrot, the idea has just been put to us in this report that we should make a considerable effort to mutually recognise authentic acts. There was a debate when this report came out concerning the possibility of an opening with regard to its terminology.

For our part we believe that this report concerns the authentic act, the characteristics of which have been laid down by the case-law, and that, at this stage, we should limit ourselves to the authentic acts and not create legal confusion by using inappropriate terms to expand on what ought to constitute an authentic act.

You said what the characteristics of the authentic act were, Mrs Dati, Mr Barrot, and I am not going to go back over them. All I would say is that, should debates be opened on other issues, on other acts that are different and that are essentially private agreements, this is not the role of this own-initiative report, which asks the real question today of how we can mutually recognise what the case-law recognises as authentic acts. I should like to thank Mr Medina Ortega once again for the excellent work he has done on this issue.

Manuel Medina Ortega, *on behalf of the PSE Group*. – (ES) Mr President, I now find myself playing a different role. I am now speaking not as the rapporteur of my report but on behalf of the Socialist Group in the European Parliament with regard to all three reports.

I would say that these three reports have one thing in common: they are all aimed at improving the situation for citizens. The fact is that, in this field of justice, the citizens' situation can only be improved in accordance

with certain principles of balance, by taking certain factors into consideration. In the field of electronic justice, for instance, we must not let ourselves get carried away with overenthusiasm for new technologies if they might jeopardise guarantees for citizens. In other words, the concern to provide everyone with an e-mail address, for example, might result in those people who have no access to an Internet connection being excluded from justice.

In the specific field of my report on the authentic act, I think both the President-in-Office of the Council, Mrs Dati, and Mr Barrot have highlighted the fact that legal guarantees are important here too. It is a question of taking documents that have legal value from one country to another, but not of recognising any kind of document if we have doubts as to its effectiveness. That is to say, even if a private document is notarised in a country where authentic acts do not exist, it cannot have the enforceable value that notarial acts in continental law have, since the latter have a binding enforceable value that is completely different.

Thus the balance between the need for the markets to operate effectively and the need for effective movement throughout the European Union should not lead us to abandon essential legal guarantees. Without legal guarantees, without guarantees for the people, there is no law. That, therefore, is the reason why, when the time comes to vote on these reports, the Socialist Group will continue to refine its positions in order, above all, to protect the interests of the normal, ordinary citizen, and not just the interests of the most powerful.

Diana Wallis, on behalf of the ALDE Group. – Mr President, I think my group will have no difficulty, I hope, in supporting my own report and certainly that of Mr López-Istúriz White.

The report I want to address – because it brings problems for Members across this House – is that of Mr Medina Ortega. We all share the same idea: we have freedom of movement of judgments. We would like freedom of movement of authentic acts, and I add: ‘or equivalent documents’. There has been much talk about facilitating the lives of our citizens. To me, that means the lives of *all* Europe’s citizens and it would not serve us well if a number of countries and a number of legal traditions were excluded from this area of justice. That is what will happen if we do not look more widely and have patience and tolerance for legal systems that on the face of it may appear different, but if you dig deeper have very similar ways of approaching things.

We have managed to recognise one another’s documents. There is no earthly reason why with tolerance and care we cannot recognise one another’s acts when they are done by contract or notarial act, but not in exactly the same manner and form.

My plea is: Please, respect the amendments that have been put today. They may not be passed, but the spirit of them is that this is a Europe of justice for all citizens and all legal cultures. It should not become exclusive.

Ryszard Czarnecki, on behalf of the UEN Group. – (PL) Mr President, we are discussing three very important reports. I would particularly like to thank Mrs Wallis for her extremely comprehensive, substantive, competent and outstanding report, which addresses all aspects of the problem. Parliament agrees with Mrs Wallis when she stresses the importance of a problem affecting at least 2% of the citizens of the Member States of the European Union. As many as 10 million of the 500 million citizens of the European Union are involved in cross-border litigation. For these people, the implementation of the most up-to-date IT systems in the field of justice might have a decisive impact, as it could make legal proceedings more efficient, simpler and shorter.

Our proposals, if they are approved by the European Commission, can facilitate access to justice, and in addition they will limit the cost of legal proceedings, something that is important to our citizens. Support for the idea of creating two e-justice Internet portals seems justified. The first portal would benefit citizens, and would ensure that businesspeople have access to legal advice in a range of languages. The second portal, aimed at the legal profession, would be a tool to assist lawyers, judges, public prosecutors, barristers and officials working in the administration of justice.

New technology may also help in the fight against international crime and in the field of crime prevention, to say nothing of the widespread use of video-conferencing as an obvious means of obtaining and gathering evidence in legal proceedings.

Rareș-Lucian Niculescu (PPE-DE). – (RO) It is vital for new technologies to be introduced and used as far as possible in the judicial process. We cannot allow the justice system to remain lagging so far behind other areas in this respect. It also goes without saying that any strategy on this matter must be looked at very seriously. However, when we look at the current situation, we must keep our feet firmly on the ground.

Within the European Union of the 21st century, there are some courts which do not have a computer or Internet access, a fact which is also highlighted in this report. No matter which search method is used, it is

still extremely difficult to access legal information, both for practitioners of the law and, in particular, for ordinary citizens looking to protect their rights. I am convinced that as part of the European finance schemes both for the area of civil justice and criminal justice there will be more funds in the future for remedying these shortcomings. Similarly, additional efforts are obviously required from Member States to make effective use of the funds currently available.

The report also highlights very similar problems with regard to the European Judicial Network in civil and commercial matters, voted on just two days ago. I am sorry that this report has not been debated. Improving the way in which this network operates is undoubtedly important and will provide added value for Europe's citizens. However, the problems I have already referred to persist in this area, as well, and involve lack of information, lack of translations in all the official languages and difficulty in accessing the justice system on a cross-border basis.

Thank you for your attention. I hope once again that these problems, which are major concerns for Parliament, will feature to a larger extent on the future agenda of the Commission and Council, too, especially as ordinary citizens are expecting concrete measures from the European Union which will simplify their everyday life.

Neena Gill (PSE). - Mr President, I welcome all three reports but I shall first speak on guardianship. The protection of the most vulnerable citizens is an issue which I care very much about. We know the population of Europe is getting older: life expectancy has increased to 80 years of age today and, by 2050, 37% of the population will be over 60 years of age. Populations are also more mobile. Last year in my own country 400 000 people emigrated to retire abroad, so it is important to make sure that they receive the same protection as they would at home.

The challenges for European society posed by such demographic changes are many, such as we have already heard on health and social care. I believe it is crucial to enable the older generation to live an independent life and a dignified life.

I was rapporteur last year on a report to ensure that older citizens can stay healthier and live longer and independently. The report we are debating today fits particularly well, I believe, with the proposals to ensure that they can continue to look after their own property and manage their everyday life wherever they live, free from exploitation and abuse. But I am also concerned about the Hague Convention. I welcome the Minister's action on this, but we should not just make sure that the existing legislation is ratified: we should make sure that it is effective.

I want to say a couple of things on the Authentic Act. I welcome the initiatives to cut down administrative burdens for our citizens, but I, too, am concerned that this report does not take into account the different legal traditions that exist within the Community, including different legal instruments such as the English deed or different forms of notarial professions as exist in England. I believe the report, as it stands, risks undermining the national law of certain Member States, particularly mine, in terms of administration of estates. I believe that ignoring such differences would go against the principle of mutual recognition and the aim of achieving equal access to justice for all citizens. For these reasons, I and my delegation are supporting the amendments by Mrs Wallis.

I very much welcome Mrs Wallis's report on e-justice. I think some of the issues we are raising in the other reports are interlinked, so it means that wherever people are in the European Union they will have equal access to justice.

Cristian Silviu Buşoi (ALDE). - (RO) I would like to congratulate the rapporteurs: Diana Wallis, Manuel Medina Ortega and Antonio López-Istúriz White for their excellent reports. E-justice is necessary at a time when the number of people involved in cross-border litigation in Europe is estimated at 10 million. Indeed, the use of information technologies in the justice system could make a significant contribution to improving the accessibility and efficiency of Europe's legal and judicial system. This is why Mrs Wallis's report and efforts deserve full consideration.

I also believe that this Authentic Act resolution is particularly important. As a lawyer from Romania, I cannot but emphasise the fact that the benefits derived from the Authentic Act and an amicable, non-contentious justice system are huge. In fact, the most important way in which preventive justice is demonstrated in Romania, as well as in other European countries with a civil law jurisdiction, is by means of the authentic notarial act. I understand that Mr Medina Ortega would like to refer exclusively to authentic acts and differentiate between authentic public acts issued solely by a specialised professional, delegated by public authority and those certified with a private signature.

However, regardless of the outcome of the debates and of whether the equivalent acts will be included or will appear on the agenda of another initiative, I think that this report needs to ensure that its objective is to guarantee protection for citizens and their legal security, as well as for cross-border family and property relations, by proposing reciprocal recognition of authentic acts.

Bogusław Rogalski (UEN). – (PL) Mr President, the European Union must address the problem of the significant ageing of the population in the Member States, which is linked to a significant increase in life expectancy. As a result, by around 2050, around 40% of the population of Europe will be over 60, and 10% of these people will be over 80 years of age.

These demographic changes will have a serious impact on our economy, our society, our health and our budget. Thus, we need to establish appropriate and specific protective mechanisms, which will guarantee equal rights and obligations across the board. Protected persons are increasingly spending time outside of their country of residence or receive hospital treatment abroad, and so not in the country where their assets are located. That is why the legal protection system must ensure continuity of court decisions, administrative decisions and decisions taken by the persons themselves. This particularly concerns powers of attorney affecting future legal protection, which must be enforced in the European Member States.

We must therefore create a mechanism to effectively transmit documents, especially in emergency cases, such as when a protected person needs hospital treatment while temporarily outside of their country of origin. In this way, Europeans could, without hindrance, stay or live in a Member State that is not their country of origin, without losing efficient and rapid access to treatment.

Dushana Zdravkova (PPE-DE). – (BG) Minister, Commissioner, ladies and gentlemen, I would like to assure you that today's debate on the three reports is of major interest both to the European Union's citizens and my fellow lawyers. This is why I would like to congratulate the rapporteurs of the three reports.

My career until now has been entirely within the judicial system: both as chairwoman of one of the largest courts in Bulgaria, which was the first to introduce online technology for processing cases, and as chairwoman of the Committee of Experts on Information and Law in the Council of Europe up to 2000. For this reason, I am very familiar with the issues surrounding *e-justice*. When we introduced information technology in 1995, I could not have imagined that this subject would cause a stir in the European Parliament. This is why I am very pleased to have the opportunity to talk about it today.

I would like to congratulate Mrs Wallis in particular for her report on *e-justice* because I believe that the use of information technology and new communications technologies in the field of justice will promote further the development of cross-border judicial cooperation, while also facilitating access to the judicial system for the European Union's citizens.

I would however like to emphasise that in order to achieve an efficient European system in this area, it is vitally important to devise a general strategy at institutional level and to draw up general standards supporting more effective communication between national systems, but bearing in mind the need too for many highly trained specialists.

We will only be able to utilise the potential of new technologies in combating cross-border crime and make the judicial system more accessible to citizens on civil and commercial matters when these prerequisites are in place.

With this in mind, I would like to urge all relevant projects to be promoted, whether it is the online criminal records network, insolvency registers or the European Judicial Network in civil and commercial matters. This is the only way in which we will achieve one of the fundamental aims of the European Union: greater interaction with its citizens.

Lidia Joanna Geringer de Oedenberg (PSE). – (PL) Mr President, in a communication to Parliament and the Council dated 10 May 2005 and concerning the Hague programme, the Commission stipulated, as one of its specific priorities that, by 2011, it aimed to guarantee an effective European area of justice in the field of civil law, with reference to the recognition and enforcement of court rulings and the principle of mutual recognition, as these measures provided a real means of ensuring cross-border legal protection for European Union citizens.

The European Union is expanding, and its citizens are being encouraged to be increasingly mobile. In the meantime, the movement of persons throughout Community territory is creating problems in relation to the transmission of authentic acts. The range of solutions applied by the Member States to the problem of

the mutual recognition of authentic acts has meant that, today, the movement of these documents is a complicated matter, and there are restrictions in terms of the number and the types of documents that may be transmitted.

The Commission must take concrete steps to immediately introduce a single, tailor-made, uniform system for both the enforcement and the mutual recognition of authentic acts in all Member States, which will make day-to-day life significantly easier for citizens and enterprises.

At the same time, given the differences in the structure and organisation of public registry systems in the field of ownership of immovables, entries to public land and property registries should be excluded from this Community instrument. This exception aside, recognition of the authenticity, probative value and enforceability of an authentic act for the purposes of its use in the requested Member State may only be refused in the case of serious and substantiated doubts as to its authenticity, or if recognition is contrary to public policy in the Member State requested.

Finally, I would like to thank the rapporteur, Mr Medina Ortega, for a very well prepared document.

Toomas Savi (ALDE). - Mr President, I very much welcome the idea of the Commission preparing an action plan on e-justice. I was quite surprised to learn that such an initiative had not yet been introduced. I would like to thank my colleague Diana Wallis for tackling this pressing issue in a very befitting manner. Rapid technological development has provided us with new efficient tools that we should not hesitate to use.

Alas, it has also presented us with new challenges, including e-crimes such as unauthorised monitoring, fraud, cyber warfare and many more. It is high time for the European Union to launch legislation on the definition, investigation, and penalisation of e-crime. E-crime crosses national borders and should therefore be addressed at supranational level. I expect the Commission to take a legislative initiative on this matter very promptly.

Costas Botopoulos (PSE). - Mr President, e-justice – electronic justice – can we say that such a thing is possible in an activity that is conditioned by human weaknesses and virtues, which are very human characteristics? No! Can there be borderless justice? As you said, no, again! Because this is a human activity, which is also very different in every part of the world.

Do those two 'nos' mean that we must turn our back on technological innovation? Again, of course, no! We must try to exploit human innovation. A portal for information: yes! Exchange of data: yes! Awareness of the interdependence of the judicial systems: yes! Contribution to the creation of a European demos: yes! But for common faceless justice – and I do not say that you are doing that in your report – no!

My father, who was a judge, would not be too eager for me to defend electronic justice before the European Parliament. If I myself speak from the European Parliament to my father, who is in heaven, I can tell him that I know that justice will always be a man, his defender and a judge – not before God but before their conscience.

Nicolae Vlad Popa (PPE-DE). – (RO) I would like to offer my congratulations on the initiative concerning the movement of authentic acts in Europe, as this will develop further the freedom of movement of persons and commercial entities within the European Union. Although physical borders have been removed, legal borders continue to remain. Proof of this are the complex procedures, varying from one state to another, for applying contracts signed in the presence of a representative of the public authorities.

It is our duty to offer every citizen the chance to have the provisions of the European Authentic Act applied without additional procedures in a Member State of the European Union, when the Authentic Act was drawn up in another Member State.

I welcome Mrs Wallis's initiative and report on e-justice, as I believe that adopting this report will ensure that Europe's citizens have access to the European legal and judicial system through the use of information and communications technology. The speedy administration of evidence at minimal cost and the simplification of judicial procedures using simple, practical instruments will facilitate access to the justice system for citizens in the event of cross-border litigation. In order to achieve these...

Armando França (PSE). – (PT) Mr President, Commissioner, Mrs Dati, e-Justice is an important step towards ensuring access to the law, justice and the courts. I welcome this initiative and congratulate the rapporteur and the French Presidency. The e-Justice project was among those discussed during the Portuguese Presidency and it therefore fell to Portugal to guide the development and implementation of the pilot project, which

will allow all citizens to access services in other Member States, in a simpler, cheaper and more convenient manner and in their own language.

This multilingual portal should be designed to help citizens and businesses seeking legal assistance and initial legal advice about cross-border legal problems. The e-Justice portal should be coordinated and managed by a unit that will also be responsible for coordinating the contributions of the various Member States and ensuring that they are interoperable. The e-Justice project will serve the people and strengthen our democracy. I welcome the launch of the portal in December 2009.

Marcin Libicki (UEN). – (PL) Mr President, first of all, I would like to congratulate Mrs Wallis on an excellent report and to draw your attention to two issues. As the Chairman of the Committee on Petitions, I notice how frequently the citizens of the European Union are not aware of their rights and, conversely, how they sometimes believe that they can intervene in matters when they have no right to do so. Therefore, this Internet portal, also referred to as the e-justice portal, will undoubtedly assist the citizens of the European Union in contacting the European Parliament and its Committee on Petitions.

I would also like to draw your attention to another matter mentioned by Mrs Wallis in her speech, namely the fact that we must respect local laws. This matter was raised 250 years ago by the famous French philosopher Charles de Montesquieu, who said that when drawing up legislation at a higher territorial level, it should always be remembered that small regions, smaller territories, and in this case the Member States of the European Union, have their own traditions, which must be respected.

President. – Ladies and gentlemen, during a discussion in the Bureau of Parliament the other day, the general view was that Members who had already spoken in a debate should not be given the floor again. Nevertheless, in what in Spain we call the Christmas spirit, we are going to make an exception and give Mr Romagnoli the floor.

Luca Romagnoli (NI). – (IT) Mr President, ladies and gentlemen, I cannot speak for everyone, but I hope that the Non-attached Members agree that the Common Area of Justice represents an indisputable advantage for citizens of the Union and will therefore support the initiative on the subject.

Ladies and gentlemen, more or less all of us here were present a few minutes ago and I do not wish to needlessly repeat what has already been said and so instead I would like to wish you all, and above all to wish Europe and the many citizens of the Union, who feel their quality of life is at risk, a new year of prosperity and, of course, justice.

Reinhard Rack (PPE-DE). – (DE) Mr President, it is good that integration in the justice sector, hitherto traditionally the preserve of the nation-states, is making progress. This is consistent with the changes in living conditions of the people of our Union. However – an observation that has already been made several times – this integration must not intrude too far into structures which have evolved by tradition and, most importantly, which work. Not everything can be measured by the same yardstick.

The organisation of authentic instruments and public registrars is completely different in many Member States. In Austria, but not only there, the notary's office enjoys a long tradition and a high level of security and confidence as a public registrars' office. This must not be jeopardised without good cause; that is, merely because such professions do not exist elsewhere. Therefore, I say 'yes' to integration and mutual opening-up, but in a balanced way.

Czesław Adam Siekierski (PPE-DE). – (PL) Mr President, each Member State has a different legal system and different principles for the recognition of administrative documents. We should, therefore, aim to make the cross-border movement of authentic acts as simple as possible. However, we must remember that ensuring the certainty and security of situations and of acts in law and situations takes precedence over making the movement of documents easier.

We must also harmonise the principles for recognising administrative documents, in order to make the everyday lives of our citizens easier and to make it simpler for businesses to operate. Indeed, this is what they expect of us. It is certain that such rules will save them time and money. We must work to establish a harmonised basis for the mutual recognition of authentic acts in individual Member States, but we should certainly not extend the scope of this scheme to include documents which do not meet basic criteria.

Rachida Dati, President-in-Office of the Council. – (FR) Mr President, Commissioner, ladies and gentlemen, the Presidency has paid a great deal of attention to your work on the three issues.

Your reports above all testify to your interest in these matters, and I know that we will have other opportunities to discuss them again in the future. I should like once again to thank Mr Medina Ortega for his remarks and his contribution. We need to make progress in relation to the movement and the recognition of authentic acts.

You rightly mentioned that the Unibank judgment provides a framework for action and a definition of authentic acts. As Mr Gauzès emphasised a moment ago, this is an excellent report that will help improve judicial cooperation. I should also like to make the point clear to Mrs Wallis: this should affect all European citizens, but we should also ensure that we create the conditions for real mutual confidence to be established. This is necessary for the purposes of legal certainty.

I should also like to highlight Mrs Wallis's involvement in the area of electronic justice. You are right; this is a way of improving access to justice. Let us not forget that 10 million people are thought to be involved in cross-border disputes, hence the need for effective methods of communication. I would echo the words of Mr Barrot, 'we shall remain true to this ambition'. Mrs Zdravkova's speech was along these lines, since the networking of the judicial system opens up a number of prospects to us.

Mr López-Istúriz White, I agree with what you said, we do need to do more to protect vulnerable adults, and elderly people, in particular, and I welcome the adoption of this report, which is fully in line with the recommendations and with our ambitions. I am also grateful to Mrs Gill for her comments, since her contribution makes this an extremely practical report.

Commissioner, you have also shown your interest in these subjects, and I hope that our debate today will be able to enrich the consultation that you are organising, I believe, at the moment.

Mr President, Commissioner, ladies and gentlemen, on behalf of the Presidency I should like to thank all of the speakers who have taken the floor. The comments made were very professional and very practical. What is more, they enable us to have confidence in the future and they show the interest that the EU takes in this matter concerning the protection of European citizens.

My assessment of the French Presidency's work in the area of justice is that the subjects have been practical, the decisions have been practical and our ambitions are even more practical. This has been yet another special opportunity for me to hold a dialogue with this House; it coincides not only with your work in plenary and in committee, but also with all the thematic conferences that have been organised in France on these subjects.

I am grateful to you for the excellent cooperation that has been established between the Council and Parliament. It has enabled us, moreover, to make very swift progress. I remember the start of the Presidency, when we debated our objectives and priorities. I can tell you that the objectives have been achieved and the priorities have been strengthened, and I believe that the presidencies following on from the French Presidency will absolutely continue along these lines.

President. – Mrs Dati, in my capacity as President I must also thank you and the Presidency of the Council for the work you have accomplished and the efforts that have been made, not least by you personally, over the last six months.

Jacques Barrot, Vice-President of the Commission. – (FR) Mr President, Mrs Dati, ladies and gentlemen, I should just like to point out, firstly, with regard to the Medina Ortega report, that we are going to hold meetings on the recognition of authentic acts within the framework of the Brussels I regulation. We are going to adopt a report concerning the application of Brussels I in early 2009, and we shall look into ways of reviewing the latter in the course of that year.

Secondly, as I told you just now, we shall hold another meeting concerning the instrument on succession and on matrimonial arrangements. The issue of authentic acts will therefore also be raised within the context of a Green Paper, which will more broadly cover all public acts. This Green Paper is planned for the end of 2009.

There is no question that the free movement of acts and documents must be improved, but as Mrs Dati quite rightly said, we still need to guarantee legal certainty, which can only come about if there is real mutual confidence. That is all I have to say regarding these meetings on the authentic acts, to which we are going to pay a great deal of attention in the forthcoming months of 2009.

With regard to e-justice, I can indeed confirm that the Commission is currently implementing contracts that will make it possible to develop an initial version of the European e-justice portal within the agreed timescales

and, as has been stressed, the networking of criminal records already seems to me to be a very promising indication of the future success of this *e-justice* initiative.

Lastly, as I indicated, we are going to follow very closely the implementation of the Hague Convention on the protection of vulnerable people. Throughout 2009 we are going to see exactly which improvements could be envisaged and whether we will need a Community initiative on this subject in order to make it easier formally to implement the provisions of the Hague Convention. I am thinking of the transfer of files and of information provided to vulnerable people concerning their rights. This is the Commission's response.

On a personal note I should like, if I may, Mr President, to really congratulate Mrs Dati, since we have had an extremely active French Presidency in the field of justice, with the seminars to which we, Parliament and the Commission, have been invited. These seminars have greatly enriched the debate and, I would say, have laid the foundations for this new Stockholm programme.

I am extremely grateful to you for your personal commitment, for the French Presidency's listening skills and, quite simply, for the way in which you too have worked, with regard to maintenance obligations and to the communication of criminal records and the strengthening of Eurojust. You truly have a great track record. Well done!

Manuel Medina Ortega, *rapporteur*. – (ES) Although this Parliament is not very generous with time, because of its very nature, nevertheless in the period of almost an hour that we have devoted to the subject of justice we have had an opportunity to discuss some of the outstanding issues to some extent. Specifically on the subject of the authentic act, I think one point needs to be clarified. An authentic act is one thing, and a private document is another, even if it involves a notary public.

A private document involving a notary public may be recognised as expressing the will of the parties. There are legal systems in which the notary public is limited to certifying that the will of the parties is expressed. This is universally recognised under the principle of the autonomy of the will and recognition of its existence.

What we are talking about here is a completely different instrument. We are talking about a public document, a document involving the intervention of an official – usually a notary in most countries with continental law – who is invested with public power. This raises the act to a level very similar to that of a judgment.

There is no discrimination here on the basis of country right now. If we were to adopt rules on the European authentic act, any European country could have this document and could gain this recognition, but for that to be so it would be necessary for it to be given the same recognition in the legal system in question that it has in the others.

In other words, the third element required for the recognition of the authentic act is that it cannot produce different effects outside that country from those it produces within the different country. Specifically, then, an English notarial document is recognised on the continent, but to the same extent that it is recognised under English law. It cannot be recognised beyond that. An English legal document cannot be recognised in France as if it were a French public document, for instance, because it does not have the same characteristics. It is an entirely different kind of document.

There is, therefore, no discrimination in this. This is an attempt to establish a common system for the whole of the European Union, and I think it is possible that some countries that do not have it will adopt this kind of document. To that end, the adoption of a single European act would be an important instrument.

Diana Wallis, *rapporteur*. – Mr President, I am afraid I cannot resist. Mr Medina says that the authentic act – and this is why I say that we must look carefully and we must look deeply – has to be a public act. If you look at English common law and if you look at an English solicitor who prepares deeds, an English solicitor is an officer of the court, authorised by the court, and therefore can prepare a public document. Look at it, please understand it. There are things that are common and deserve more investigation and consideration in other jurisdictions and other legal cultures.

Now I will finish that argumentative mood and turn to the French presidency to say: Madam Minister, thank you so much for your cooperation and the work that your staff and others have done over the months of your presidency. It has been fabulous. We have got through so much, and your determination and drive to really make a difference to our citizens' lives in the area of justice have been very much appreciated. Thank you. You will be missed.

President. – I should give the floor to Mr López-Istúriz White, but this fellow-countryman of mine tells me that he would like to give a minute of his time to Mr Toubon.

Jacques Toubon (PPE-DE). – (FR) Mr President, ladies and gentlemen, Minister of Justice, it is precisely in this capacity that I should like to address you at the end of this debate. Indeed, with the Portuguese Presidency, the Slovenian Presidency and, today, the French Presidency, that is, Rachida Dati as Keeper of the Seals, I truly believe – and I say this in the light of my experience as a former justice minister – that we in Europe have passed a milestone and that we will not go back.

Today, an attempt is being made to have the legal and judicial systems – which are, however, by nature suspicious of one another – come closer together, recognise one another and harmonise. There is even, on certain points, a move to embark upon legislation that is wholly or partly Community-based, such as, for example, legislation on maintenance obligations. It follows that, even beyond what we have done when the need dictates, for example in relation to security, criminal law and the fight against terrorism, we are now addressing those who need rules and dispute settlements that apply throughout Europe, because they live, by definition, in their country but also elsewhere, because they work and because they have relationships with everyone across Europe.

This point must be stressed, Mr President. It is without doubt the hallmark of the French Presidency. All of my fellow Members have said so, but it must be emphasised that this is without doubt an historic milestone that has been passed, with regard to cooperation and legislation in the field of justice. Europe, I believe, will no longer be the same if people genuinely feel that the European judicial area is something more than just fine words.

Antonio López-Istúriz White, rapporteur. – (ES) Mr President, this has, I think, been a very good solution and I am grateful for your courtesy towards myself and my colleague.

For my part, I simply appreciate all the speeches and thanks, especially some speeches that were kind to the report, and the collaboration from the Committee on Civil Liberties, Justice and Home Affairs on my report.

I would like to mention Mr Rogalski's speech in particular. As the Member representing the region of the Balearic Islands and as a Spanish Member, I must say that you can be quite sure that the reason why I took this report was to help those people, those older people who are now living on our islands in Spain as residents or tourists. I consider it essential that they should have that protection.

Nobody will therefore have failed to notice that I included my own country in the aspiration that it may shortly ratify and sign the Hague Convention.

I only differ from the Minister on one point. As you have seen, I have not mentioned any other presidencies. I join everyone else in saying that, in the end, we would have liked this French Presidency to have lasted much longer. For many of us it was too short.

That was my only difference of opinion.

President. – The debate is closed.

The vote will take place today at 11.30 a.m.

(The sitting was suspended at 11.00 a.m. and resumed at 11.35 a.m.)

Written statements (Rule 142)

Louis Grech (PSE), in writing. – This initiative seeks to establish a clear and comprehensive legal framework to further generalise recognition and facilitate the implementation of authentic acts.

Until now, the recognition of authentic acts among Member States has been handled inconsistently, creating legal uncertainty and unpredictability for citizens and businesses.

By creating a common system for the mutual recognition and enforcement of authentic acts the European Union will benefit in terms of time savings, lower costs and even more importantly by the adoption of simplified procedures. It would also promote the movement of authentic acts by making them more secure.

The enforceability of the authentic act and its superior probative value would contribute to the economic development and integration of the Union by facilitating the movement of goods and services. This is

especially relevant in a time of economic crisis and I would like to see the implementation of this legislation as soon as possible.

I also welcome the fact that this report is limited in scope to authentic acts and respects the particularity of private agreements and other intermediary categories of acts.

IN THE CHAIR: MR PÖTTERING

President

4. Welcome

President. – I am pleased to be able to inform you that a delegation from the National Assembly of Vietnam is with us today on the occasion of the 7th EP/Vietnam Interparliamentary Meeting. A very warm welcome to you all!

(Applause)

This Meeting takes place at a very important juncture in our relations. Vietnam is currently negotiating a Partnership and Cooperation Agreement with the EU and also plays an important role within ASEAN, the Association of Southeast Asian Nations, with which the EU is negotiating a free trade area. As you know, Mr Nassauer is the Chairman of our delegation.

I should like to extend a very warm welcome to the Vietnamese delegation, led by Mr Nguyen Van Son, Chairman of the Foreign Affairs Committee of the Vietnamese National Assembly, and wish you productive discussions. We did of course see each other yesterday.

Once again, I wish you a very warm welcome!

5. Membership of political groups: see Minutes

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Nicolae Vlad Popa (PPE-DE). - Mr President, I want to thank all colleagues for supporting the written declaration on fibromyalgia. It is the most beautiful Christmas present we can give to millions of fibromyalgia patients. Thank you all.

(Applause)

6. Voting time

President. – The next item is voting time.

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

6.1. Amendment of the Interinstitutional Agreement of 17 May 2006 on budgetary discipline and sound financial management (A6-0509/2008, Jo Leinen) (vote)

6.2. Amendment of the Interinstitutional Agreement of 17 May 2006 on budgetary discipline and sound financial management (A6-0504/2008, Reimer Böge) (vote)

6.3. Mobilising the Solidarity Fund of the European Union (A6-0474/2008, Reimer Böge) (vote)

6.4. Mobilisation of the Flexibility Instrument: facility for a rapid response to soaring food prices in developing countries (A6-0493/2008, Reimer Böge) (vote)

6.5. Draft amending budget No 10/2008 (A6-0481/2008, Kyösti Virrankoski) (vote)

6.6. Financial year 2009 as amended by the Council (vote)

– *After the vote:*

Éric Woerth, *President-in-Office of the Council*. – (FR) Mr President, ladies and gentlemen, your vote on the second reading of the draft budget constitutes the final stage of a procedure marked by a very high standard of cooperation between the two branches of the budgetary authority and with the Commission. I should like to extend my warmest thanks to all those involved, especially the chairman of the Committee on Budgets, Mr Böge, the rapporteurs, Mrs Haug and Mr Lewandowski, and Commissioner Grybauskaitė.

At our consultation meeting of 21 November we worked together to develop a balanced budget for 2009 that will guarantee that the funding of EU policies is properly assessed at the same time as European taxpayers' interests are protected. Together, we have come up with methods of funding the food facility, thereby fulfilling our duty to support developing countries and, together, we have designed practical measures making it possible to break the deadlock on cohesion policy and to finally launch the programmes for the period 2007-2013.

The importance of this initiative was stressed by the Heads of State or Government at the European Council, and this represents a major strand of the European response to the economic crisis, which we need to continue to work on without delay. Your vote will ensure that the results of the consultation are realised in full and, in accordance with the procedure laid down by the treaty, I can therefore confirm that the Council accepts the maximum rate of increase resulting from your second reading.

President. – Thank you for your statement, Mr Woerth.

As the Commission does not wish to comment, I note that the budgetary procedure went ahead in accordance with the Treaty and the Interinstitutional Agreement of 17 May 2006, and that, pursuant to Article 13 of that Agreement, the Council and Parliament have established that they agree on the maximum rate of increase for non-compulsory expenditure resulting from Parliament's second reading.

The budgetary procedure can thus be deemed closed and the budget is declared definitively adopted. We shall now sign the various statements, but in a minute we must vote on a further resolution.

(The President invited Mr Woerth, Commissioner Grybauskaitė, Mr Böge (Chairman of the Committee on Budgets) and rapporteurs Mrs Haug and Mr Lewandowski to join him)

(The budget was signed)

I have just learned that it is Mr Böge's birthday today, and wish to offer him my sincere congratulations.

6.7. Draft general budget 2009 as modified by the Council (all sections) (A6-0486/2008, Jutta Haug/Janusz Lewandowski) (vote)

– *After the vote on Amendment 1:*

Jutta Haug, *rapporteur*. – (DE) Mr President, we have of course attempted to take account of the new situation in our oral amendment. We wish to reiterate to the Council our willingness as Parliament to enter into negotiations on the EUR 5 billion that the Commission has proposed for revision. Our amendment reads as follows, therefore – I shall read it out in English, as we have been working in English, so as to get all our fellow Members on board as quickly as possible:

'Expresses its strong willingness to enter into negotiations with the Council on the basis of the Commission's proposal for a revision of the MFF 2007-2013 for EUR 5 billion in the framework of the proposed European Economic Recovery Plan; takes note of the conclusions of the December 2008 European Council in that respect'.

(The oral amendment was accepted)

– *After the vote on Amendment 15:*

Jutta Haug, rapporteur. – (DE) Mr President, this concerns the European schools in Brussels. We have discussed this at length in the course of many talks. The figures previously in the text need to be tightened somewhat, as we want the Commission to really take action. Therefore, the new text also sets a deadline for it to do so. I shall read it out in English again:

'Notes with concern the situation of present and future young pupils in the European Schools in Brussels resulting from the delayed and still pending opening of the fourth school in Laeken and the current enrolment procedure leading to long and unacceptable travelling times for the children; expects the Commission, in cooperation with the Secretariat-General of the European Schools in Brussels, to present a revised enrolment procedure by the end of March 2009 with objective and comprehensible criteria (including the principal residence and already enrolled siblings), which will come into force with the next enrolment period'.

(The oral amendment was accepted)

– *After the final vote:*

Robert Goebbels (PSE). - Very nice, very nice too!

6.8. Convention on International Interests in Mobile Equipment and its Protocol on matters specific to aircraft equipment (A6-0506/2008, Georgios Papastamkos) (vote)

– *Before the vote:*

Georgios Papastamkos, rapporteur. – (EL) Mr President, ladies and gentlemen, the cross-border trade in aircraft equipment to date has been subject to legal uncertainties. The new international legal framework is designed to facilitate the financing of aircraft equipment, namely aircraft, engines and accessories, by creating a particularly strong international guarantee for lenders (sellers on credit and institutions supplying credit for such sales). Basically, the new legal system will reduce the cost of financing aircraft equipment at global level and will help to save billions of euros a year in the aviation sector. Finally, the positive repercussions of what is now the most advanced regulatory framework in the history of financial law governing aviation will affect not only creditors and manufacturers, but also airlines, employees and passengers.

President. – There was no debate on this report, and so the rapporteur is entitled to two minutes' speaking time. Thank you, Mr Papastamkos.

6.9. The European Job Mobility Action Plan (2007-2010) (A6-0463/2008, Monica Maria Iacob-Ridzi) (vote)

6.10. Lifelong learning for knowledge, creativity and innovation – 'Education and Training 2010 work programme' (A6-0455/2008, Ljudmila Novak) (vote)

– *Before the vote:*

Ljudmila Novak, rapporteur. – (SL) It is clear from the joint report of the Council and the Commission for 2008 that some progress has been made as regards lifelong learning, but we cannot be satisfied with the achievements so far.

Some of the greatest challenges are students dropping out of education at an early age, poor participation in lifelong learning amongst older and low-skilled workers and poor skills levels amongst migrant workers. However, a knowledge-based economy will need an increasingly better skilled labour force.

I have stressed in my report that we need to improve the quality of education on all levels so that it can equip children and young people for autonomous, creative and innovative thinking and learning. Curricula need to be continuously modernised and the use of information technology increased amongst older people.

Lifelong learning programmes must be related to the economy and support entrepreneurship, enabling citizens to acquire the kind of knowledge that will help them establish, run and develop their own businesses. It is important to take into account local and regional needs, potentials and characteristics.

I call on the governments of the Member States and the institutions of the European Union not to cut resources for education at this time of financial crisis, because high-quality education that is available to all sections of the population is the best weapon against poverty and the best tool for finding a solution to the crisis.

Thank you to all my fellow Members and to the Bureau for your cooperation.

(Applause)

6.11. Safety of Toys (A6-0441/2008, Marianne Thyssen) (vote)

– *After the vote on Amendment 142:*

Herbert Reul (PPE-DE). – (DE) Mr President, on a point of order, we are of course in the process of adopting a decision, a directive, on the basis of a trialogue agreement. We had a similar state of affairs yesterday with regard to emissions trading. Today we are rightly putting all the other amendments to the vote separately after adopting the overall decision; which I feel is right and proper. We did not do so yesterday, and, indeed, I cannot understand why not. The facts of the matter were the same, but separate votes were not held; which I do not consider acceptable. After all, I and 40 fellow Members tabled amendments yesterday, and I think I am entitled to see votes on those, too.

President. – I am only doing my job, and I have only an executive function. I may have influence, but I do not have any real power.

Hannes Swoboda (PSE). – (DE) Mr President, it would make sense for you to get together with the Conference of Presidents to consider the introduction of a general procedure. I would certainly welcome the one followed yesterday, but we should always use the same voting system in such cases.

President. – We shall convey that to the Conference of Presidents, and shall come to a decision one way or another.

Evelyne Gebhardt (PSE). – (DE) Mr President, one component of the agreement between Parliament and the Council was a statement by the Commission, which Commissioner Verheugen had promised us. He failed to make this statement on Monday. I had assumed that Commissioner Verheugen – who is not present here today, of course, but is represented by Commissioner Barrot – would make this statement, which concerns three points important to Parliament, in this House prior to the vote, but I have yet to hear any such statement. I wish to know the actual course of the procedure without delay.

President. – The President was not informed about this, but I have taken note of it now. Mrs Gebhardt, when do you consider an appropriate time for the Commission to make a statement should it wish to do so – now or later?

Evelyne Gebhardt (PSE). – (DE) Mr President, we usually hear this statement before the vote, since it forms part of the text but the text is yet to be officially presented to Parliament in writing. We do need this text officially first, therefore – that should go without saying.

President. – Mrs Gebhardt, you say we usually hear this at the beginning, but that time has already passed.

Vice-President Barrot, if you would like to make the statement now.

Jacques Barrot, Vice-President of the Commission. – (FR) Mr President, in response to Mrs Gebhardt, I am going to submit the three declarations to you, and they can be added to the file.

President. – Mr Vice-President, how long is the statement? If it is not too long, may I ask you to read it out, as Mrs Gebhardt has requested.

Jacques Barrot, Vice-President of the Commission. – Mr President, there are three declarations: declaration of the European Commission on monitoring of safety aspects; declaration of the European Commission on the requirement concerning toys which are designed to emit a sound; declaration of the European Commission on the classification of books.

(FR) I can read them out to you.

President. – That was a technical explanation.

Hannes Swoboda (PSE). – (DE) Mr President, under these circumstances, may I ask that we proceed to the vote, but not hold the final vote? This will allow us to have a look at the text and then hold the final vote in January if we are satisfied.

(Members knock on tables in approval)

President. – I gather from your reaction that you support Mr Swoboda's proposal. In that case, we shall now proceed to the vote but refrain from holding the final vote.

– *After the vote on the amended proposal:*

We shall hold over the final vote until we have heard the Commission's position in full.

Jacques Toubon (PPE-DE). – (FR) Mr President, I have followed all these debates from start to finish, particularly the ones on Monday evening. We must adopt a responsible attitude regarding the safety of our fellow citizens. They are urgently awaiting this legislation, which should make children and families safer. We cannot wait.

On Monday evening Mr Verheugen gave a very precise account of the content of the three declarations that Mr Barrot has provided. This was merely a formal deposition of these declarations. As Commissioner Verheugen said on Monday evening, we can and must vote; this is our responsibility towards European consumers.

(Applause)

President. – Ladies and gentlemen, you were of the opposite opinion a moment ago. Let us then vote now on whether to take a vote.

Bernd Posselt (PPE-DE). – (DE) Mr President, with the greatest respect, I should like to ask why the Commissioner cannot read out what he has brought with him. Is there a fundamental problem in this regard?

President. – The Commissioner cannot or does not wish to answer, Mr Posselt. For my part, I do not wish to comment, as that is not my job.

6.12. European Quality Assurance Reference Framework for Vocational Education and Training (A6-0438/2008, Jan Andersson) (vote)

6.13. European Credit System for Vocational Education and Training (ECVET) (A6-0424/2008, Thomas Mann) (vote)

6.14. Securities settlement systems and financial collateral arrangements (A6-0480/2008, Piia-Noora Kauppi) (vote)

6.15. Deposit-guarantee schemes as regards the coverage level and the payout delay (A6-0494/2008, Christian Ehler) (vote)

6.16. Disclosure requirements for medium-sized companies and obligation to draw up consolidated accounts (A6-0462/2008, Ieke van den Burg) (vote)

6.17. Council's approach to revision of the OLAF Regulation (vote)

6.18. Evaluation and future development of FRONTEX EUROSUR (A6-0437/2008, Javier Moreno Sánchez) (vote)

– *Before the vote on Amendment 4:*

Javier Moreno Sánchez, rapporteur. – (ES) Mr President, I refer to Amendment 4 to paragraph 1 2a tabled by the Confederal Group of the European United Left – Nordic Green Left.

With the agreement of the GUE/NGL Group, I propose an oral amendment to resolve certain inaccuracies that have appeared in the different language versions. I shall read it out very slowly in Spanish.

It is a matter of replacing the words 'points out that the minimum requirement for EU cooperation with third countries must be compliance with international obligations' with 'points out that EU cooperation with third countries must be based on international obligations'.

With this oral amendment, my group – and, I think, several other groups – will be able to support the amendment tabled by the GUE/NGL Group.

(The oral amendment was accepted)

– Before the vote on Amendment 7:

Weber, Renate (ALDE). - Mr President, I will read it in English as amended: 'whereas the effect of the joint operations coordinated by FRONTEX is to create an 'externalisation of borders', which could call into question Member States' compliance with the EU's obligations concerning the protection of asylum-seekers and refugees'.

(The oral amendment was accepted)

6.19. Impact of counterfeiting on international trade (A6-0447/2008, Gianluca Susta) (vote)

– Before the vote on Amendment 1:

Carl Schlyter (Verts/ALE). - Mr President, many of our colleagues want to vote in favour of the idea in the Green resolution not to make internet providers and telecom providers responsible for the content on the internet and so on, but many of those colleagues who want to vote in favour of the Green resolution do not like paragraph 15, which is related to another subject. In a spirit of Christmas compromise, we would like, in an oral amendment, to withdraw paragraph 15 from our resolution, in order to enable more people to vote for it.

(The oral amendment was accepted)

6.20. Accounting requirements as regards medium-sized companies (vote)

6.21. European Authentic Act (A6-0451/2008, Manuel Medina Ortega) (vote)

– After the vote:

Hartmut Nassauer (PPE-DE). – (DE) Mr President, I wish to return to the subject of the final vote on the Susta report. We accidentally voted against it in the final vote, when we meant to vote in favour. This resulted from slight confusion about the oral amendment. I would ask you to accept our intention to vote in favour of the report in the final vote.

6.22. E-Justice (A6-0467/2008, Diana Wallis) (vote)

– After the vote:

Daniel Caspary (PPE-DE). – (DE) Mr President, I refer to the relevant rule of the Rules of Procedure. A few months ago, we voted on the Bauer report, and afterwards I wrote seeking clarification of how we should be voting on amendments to reports.

There is no doubt that we need a qualified majority in the final vote if we are to call on the Commission to take legislative action, but I fail to see why we also need a qualified majority beforehand for amendments. Unfortunately, I have yet to receive a reply.

We have now had another such report on the agenda. I would be grateful if the services could clarify this.

President. – Mr Caspary, I have just been informed that a reply regarding the Bauer report is on its way to you. I hope that it will reach you before Christmas.

6.23. Cross-border implications of the legal protection of adults (A6-0460/2008, Antonio López-Istúriz White) (vote)

6.24. Development perspectives for peace-building and nation building in post-conflict situations (A6-0445/2008, Nirj Deva) (vote)

IN THE CHAIR: MRS ROURE

Vice-President

7. Composition of Parliament: see Minutes

8. Composition of committees and delegations: see Minutes

9. Explanations of vote

Oral explanations of vote

- Report: Jutta Haug, Janusz Lewandowski (A6-0486/2008)

Zuzana Roithová (PPE-DE). – (CS) One positive aspect of the recently approved budget for 2009 is the inclusion of clear priorities, such as support for small and medium-sized enterprises, climate protection and support for the poorest countries in the food crisis. Unfortunately, we do not have many options for using the budget to solve the financial crisis, not only because it is tiny compared to those of the Member States, at just 1% of their size, but also due to a lack of flexibility in the rules set out in the framework budget for the period 2007–2013. I appreciate the efforts of MEPs who have entered into discussions with the Commission to make adjustments at least in relation to global problems. The Council has unfortunately not been willing to approve greater flexibility. Following the ratification of the Lisbon Treaty we will have more powers in the European Parliament.

Frank Vanhecke (NI). – (NL) Madam President, as I am, by nature, very critical of the workings and institutions of the European Union, it goes without saying that I voted against this report on the 2009 budget. First of all, I am not at all convinced that the European institutions are spending the high level of tax funds that are passing through these institutions wisely.

Secondly, we are, to my mind, interfering in far too many areas of policy, and subsidies that we pay out to the Member States are always considered over there as European funds of some sort that are nothing to do with them, and are, for that reason, badly and ineffectively managed by the Member States themselves.

Moreover, I have noticed that I hardly get any answers, if at all, to my parliamentary questions about the working expenses of the EU's many sister organisations and agencies. All of this fills me with suspicion, and only strengthens me in my no-vote for this budget.

- Report: Marianne Thyssen (A6-0441/2008)

Ignasi Guardans Cambó (ALDE). – (ES) Madam President, I should like briefly to point out that I abstained from the vote on Mrs Thyssen's report on the safety of toys.

Of course, I agree with the rapporteur and the majority of this House on the need to protect children's safety and the need to ensure consumer safety in general. It seems to me, however, that the cultural traditions of the various Member States must be respected and, above all, the safety debate must not be taken to legislative extremes that border on the ridiculous, as in this case.

Some of the safety requirements introduced in this directive certainly border on the ridiculous. This happened especially in the debate. It was saved as a whole. One day, I think, we will pass a directive forcing children to wear a helmet when they go out or to wear gloves when it is cold. That does not make sense in my view, but we are heading in that direction.

Therefore, although I realise that the directive includes some highly positive points, I believe it sometimes goes too far, which is why I abstained.

Zuzana Roithová (PPE-DE). – (CS) I am delighted that we have managed to pass the safety of toys directive at the first reading and that we have rejected an absurd proposal from the Greens and some Socialists for mandatory testing of all toys by independent bodies. They put forward this blocking amendment despite the fact that experience from both the USA and China has shown that toys on the European market are defective in spite of testing. Our aim is for producers and importers to bear full responsibility for safety. It is up to producers to confirm that their products meet the standards. Where such standards do not already exist, Article 18 of the directive imposes tests. The costs of external tests average around EUR 3 000 in the Czech Republic. This would put small firms in the EU out of business, while at the same time testing toys in China would not guarantee their safety. Responsibility must rest with importers and producers, but definitely not with unregulated testing centres around the world. My congratulations to parents with this gift from us.

Hiltrud Breyer (Verts/ALE). – (DE) Madam President, I did not endorse the compromise amendment on toys. Too many safety loopholes remain, particularly in the case of chemicals. Toxins do not belong in the hands of children, even in the smallest amounts. Today's decision is disappointing and, besides, lacking in ambition. In addition to there being too many loopholes, an unequivocal ban on all heavy metals and allergenic fragrances is lacking, as are clear objectives with regard to noise. It is deplorable how lily-livered we are being when it comes to the safety of our children.

Forgoing a first reading in a mad rush to reach agreement, purely to give the impression that all the toys under the Christmas tree next week will be safe, is downright absurd; a load of nonsense. Improvements have been made, but that should go without saying when we are talking about a 20-year-old directive due for revision. Taking stock, I would say: too much hype and too little substance. Responsibility cannot be delegated to industry; responsibility for clear legislation lies with us!

Zita Pleštinová (PPE-DE). – (SK) I have voted in favour of the report of Marianne Thyssen.

RAPEX is more than just five letters: it is a European rapid alert system which provides warnings for consumers about hazardous consumer products.

In 2006, thanks to the rapid exchange of information between the Member States, the system received 221 warnings about toys out of a total 924 warnings. The warnings about toys involved mainly the risk of injury to children or the danger of provoking various allergies and health problems, particularly for allergy sufferers.

I am pleased that Parliament has today voted for the directive, since these facts show that there is clearly a great need for it. Through today's vote on this directive the European Parliament has taken an important step in the area of toy safety and health and safety protection for children by modernising a toy directive which is now 20 years old.

I am delighted that this process in the European Parliament is also being followed by a group of visitors from Slovakia whom I warmly welcome and whom I wish a pleasant stay here at the seat of European democracy.

Kathy Sinnott (IND/DEM). – Madam President, I was very glad to see that the vote went ahead in the Toy Safety Directive for the simple reason that, if we are going to send a strong message around the world about toys and toy safety, it has to be done at Christmas. To have put it off would have diluted the message. At this time of year people are thinking about toys.

Again this year, millions of Chinese toys have been taken off the market, as they were last year. The issues – which have been lead, arsenic, mercury and PCBs – are very serious, and it does not matter what a toy is for – whether it is a book or something to ride on or whatever – I know as a mother that at some point it could end up in a child's mouth. So we cannot be careful enough with toys, but I am glad that we have sent this message now.

- Report: Thomas Mann (A6-0424/2008)

Milan Gaľa (PPE-DE). – (SK) I would like to thank my colleague Mr Mann for his report. We know how important it is to establish rules and to eliminate the barriers to mobility for students and workers who are relocating in response to supply and demand on the EU labour market.

The European system of credits for vocational education and training will facilitate the transfer, recognition and accumulation of training qualifications. They will apply to qualifications achieved through various training routes at all levels of the European Qualification Framework for lifelong learning.

Through our approval we have taken a step towards broader support for lifelong learning and higher levels of employment, openness, mobility and the social integration of workers and people on educational courses. It will therefore facilitate the development of flexible, individual approaches as well as the recognition of educational qualifications that are achieved through both informal and formal education.

- Report: Marianne Thyssen (A6-0441/2008)

Miroslav Mikolášik (PPE-DE). – (SK) I would like to start by thanking Mrs Thyssen, due to whom we have achieved a commendable compromise, as a result of which our children will be protected from undesirable materials in toys and which at the same time will not cause any harm to industrial firms.

As you may know, I have fully supported restrictions on the use of allergens in toys – I am myself the father of four children and I did not always think about the safety of every toy that my children picked up. Parents in Europe often rely on the assumption that if a toy is in the shops then it will not be harmful to children. I am therefore delighted that we have worked together to toughen measures for ensuring that only those toys which are suitable for children will reach the shops, as children really are the most vulnerable group of consumers.

Up to 80% of the toys on the EU market are imported, and it has to be said that during 2007 millions of toys produced in China were withdrawn from the market because they did not conform to European standards. The current circulation of goods means that we must re-examine the rules for placing goods onto the market and for checking their conformity to standards.

- Report: Christian Ehler (A6-0494/2008)

Zuzana Roithová (PPE-DE). – (CS) *(the beginning of the speech could not be heard)* deposit insurance, which the European Parliament has proposed in a very flexible way and which I have voted for, is clear. We want to harmonise a minimum level of protection for small savers by insuring deposits of up to EUR 50 000 and we want to establish a short deadline for paying out deposits, so that savers can obtain clear, timely and accurate information on the state of their bank deposits even in the middle of a crisis. This is a necessary measure, since savers are transferring their deposits in a chaotic manner out of healthy banks and into banks which saved themselves by obtaining government guarantees. This proposal is the only way to restore the confidence of small savers and to stabilise the market for banking services. I would like the guarantee to apply to small and medium-sized enterprises as well, since they perform an irreplaceable role in society throughout Europe and yet in times of crisis they are always the most threatened.

- Motion for a resolution: on the Council's approach to the revision of the OLAF Regulation (B6-0627/2008)

Frank Vanhecke (NI). – (NL) Madam President, I have voted in favour of the resolution on OLAF, because I wholly agree with Parliament's appeal to increase OLAF's independence. Something does indeed need to be done about this as a matter of urgency. At present, OLAF is, all things considered, hardly anything more than one of the Commission's directorates-general, and it is the Vice-President of the Commission who bears the political responsibility for it. This is not a healthy state of affairs. While OLAF may be independent operationally, it only has a hybrid status, and this needs to change. Good.

More generally, I take the view that the way in which the European institutions deal with the high levels of tax money is invariably casual. OLAF should at least have the means, the manpower and the responsibility to put a stop to the manifestly criminal aspects of this situation. As far as the generous attitude towards spending the funds lawfully is concerned, I am afraid that we will have to call a halt to this ourselves.

- Report: Javier Moreno Sánchez (A6-0437/2008)

Frank Vanhecke (NI). – (NL) Madam President, I have voted in favour of this surprisingly excellent report on FRONTEX, because I can only applaud the appeal made in it for reinforcement of that institution. As far as I am concerned, the fight against illegal immigration should be the Union's top priority, and in this framework, the agreements which FRONTEX has concluded with the authorities of third states are very

important indeed. It is to be welcomed that in this report, we call a spade a spade, and that the unacceptable attitude of candidate country Turkey is being criticised.

It should, to my mind, be made abundantly clear that the active refusal of the authorities of a third state, Turkey, which is a candidate country no less, to cooperate with FRONTEX, should have direct consequences for the political and economic relations between the Union and the state, to wit the suspension of the accession negotiations with the non-European country Turkey.

Philip Claeys (NI). - (NL) Madam President, I have voted in favour of the Moreno Sánchez report with some reservations. In all honesty, I only had modest expectations of the report, given the mood of political correctness that normally prevails in the Committee on Civil Liberties, Justice and Home Affairs. I have to say, though, that the report is balanced, addressing, as it does, a number of painful areas, including the lack of cooperation, or should I say sabotage, by third countries, such as Libya and Turkey.

Certainly in the case of Turkey, it is a disgrace that a candidate country should fail to meet its obligations in such a blatant manner. FRONTEX – and this is where the report leaves something to be desired – should be developed into an efficient instrument in the fight against illegal immigration, but also in the fight against international crime, as well as the drugs and arms trades.

- Report: Gianluca Susta (A6-0447/2008)

Philip Claeys (NI). - (NL) Madam President, I have voted in favour of the Susta report, because counterfeiting is, of course, a serious problem, and the text before us shows evidence of common sense.

In fact, I fully agree with Section 30 of the report, which reminds us that – and I quote – ‘Turkey will only become a credible candidate for accession when it is in a position to take on the Community acquis and guarantee full respect for IPR’. We can only deduce from this that Turkey is not a fully-fledged candidate for accession to the EU, of which I am taking note.

Syed Kamall (PPE-DE). - Madam President, I think that we in this – very full – Chamber all agree on the importance of intellectual property, not only for knowledge economies but also in terms of the serious damage that can be caused to consumers across Europe, for example by counterfeit medicines, counterfeit foods and counterfeit car parts.

I had some real reservations about the original resolution, which placed too much emphasis on consumers. We could have had the ridiculous situation in which travellers were searched at borders and had their computers, MP3 players and iPods taken from them and searched for potential counterfeit material. Thank goodness the Greens came forward with a more sensible alternative and were very willing, in the spirit of Christmas compromise, to withdraw the unwarranted amendment on the criticisms of companies. Overall, we were very pleased to vote for the resolution.

I have now achieved my ambition of speaking to an empty Chamber, and would like to end by wishing everyone who is still here a very merry Christmas and a happy New Year!

- Report: Antonio López-Istúriz White (A6-0460/2008)

Kathy Sinnott (IND/DEM). - Madam President, I would like to wish you Merry Christmas as well. You are not in a completely empty Chamber.

I voted for the López report on the protection of adults, especially with cross-border implications, because I know from experience the necessity of this, but also because I hope this is going to be one step closer to the day when we can see true mobility in Europe. In this we are dealing with adults who in some way are attached to a court situation. In many cases these are often very vulnerable people and in some cases they are wards of court or people with disabilities. But, if we can take this further, the logic of this would be to get one step closer to the day when social welfare recipients can bring their supports with them, so that they too can move around Europe the way employees do.

- Report: Nirj Deva (A6-0445/2008)

Kathy Sinnott (IND/DEM). - Madam President, I voted against the Deva report on development perspectives for peace-building and nation building in post-conflict situations because of one section, the one that states we should be able to take preventive as well as reactive initiatives that can even involve the use of coercive military force as an absolute last resort.

This is the Bush doctrine; perhaps the other people in the Chamber did not recognise this as the Bush doctrine that took us into Iraq, but it is. Sarah Palin was criticised because she did not know what the Bush doctrine was, but I wonder whether MEPs have understood that we have just voted for the Bush doctrine today.

Luisa Morgantini, *on behalf of the GUE/NGL Group*. – (IT) Madam President, ladies and gentlemen, I do not normally make use of this democratic instrument of the explanations of vote, I am doing so for the first time today on behalf of my group.

To explain, I regret to say that we have voted against a report that I myself helped to draw up, both as draftsman of the opinion of the Committee on Women's Rights and Gender Equality and as a member of the Committee on Development. This truly is a good report, and I would like to express my warmest thanks to Mr Deva and the Development Committee for the work they have done.

In fact we do agree with the vast majority of the text: integrating conflict analysis into cooperation, support for civil and local society, combating the proliferation of light arms, the need for a code of conduct for soldiers and the police, references to reproductive health, transparency in the use of natural resources and support for refugees. In particular, too, the report emphasises mainstreaming in gender policies. So why vote against it? The reason is simple: because in certain sections it tries to bring a military component into development aid.

This Parliament, the Committee on Development and the Mitchell report did in fact state very clearly when introducing the regulation and the Development Cooperation Instrument, that development funds must not be used to finance military spending. Hence in the context of Country Strategy Papers also, our Parliament has taken care to ensure that development resources are not appropriated for security operations.

Why should our various different resolutions contain such contradictions? Development funds should be used for development; for education, health, agriculture, local communities and women's organisations. Cooperation resources are too few to eliminate poverty, injustice and to build peace; therefore the military cannot be included.

Written explanations of vote

- Report: Reimer Böge (A6-0504/2008)

Pedro Guerreiro (GUE/NGL), *in writing*. – (PT) The EU has decided to create a 'new facility for rapid response to soaring food prices in developing countries (the "Food Facility")', and has approved a total amount of EUR 1 billion over three years.

Initially it was proposed to finance the 'Food Facility' from the margin of heading 2 (Agriculture) of the Multiannual Financial Framework (MFF) and then through the revision of the ceiling of heading 4 (External Actions) of the MFF. However, it was finally decided that it would be financed through the Flexibility Instrument, the Emergency Aid Reserve and redeployment within heading 4 from the Instrument for Stability.

To finance this initiative, the Interinstitutional Agreement is to be modified in order to increase the funds available in the Emergency Aid Reserve for 2008 to EUR 479 218 000 (in current prices).

While we regard the stated objectives of this initiative as positive, we would repeat that it should not be reduced to a mere balancing item or condition allowing the EU to impose an agreement within the World Trade Organization or Economic Partnership Agreements with the African, Caribbean and Pacific Group of States. It should also not be used to conceal the reduction in EU development aid or the huge sums made available to relaunch the arms race and militarise international relations, as promoted by the EU.

- Report: Reimer Böge (A6-0474/2008)

Pedro Guerreiro (GUE/NGL), *in writing*. – (PT) This new draft amending budget relates to the mobilisation of the EU Solidarity Fund (around EUR 7.6 million, to tackle damage costing EUR 176 million) for Cyprus following a period of severe drought.

The Commission points out, however, that 'taking into account the identification of excess appropriations in 13 04 02 Cohesion Fund there will be no need for fresh payment appropriations for financing the EU Solidarity Fund payments for Cyprus'. In other words, the financing needed to tackle this natural disaster will come from the cohesion policy.

The 'excess appropriations' in the Cohesion Fund have arisen (among many other reasons) due to the delay in implementing programmes in the 'cohesion' countries. As a result, instead of applying a concept of 'solidarity', which may penalise less economically developed countries, what we should have done was take decisions to prevent the continual under-implementation of structural and cohesion policies.

We would also draw attention, as we have done in the past, to the need to speed up the procedures for mobilising the Solidarity Fund, to ensure that regional disasters remain eligible and to effectively acknowledge the specific nature of natural disasters in the Mediterranean region, such as drought and fire.

- Report: Reimer Böge (A6-0493/2008)

Luís Queiró (PPE-DE), *in writing*. – (PT) The rise in food prices in developing countries is an extremely important issue which needs rapid EU action to counteract the harmful effects on the most needy populations. In this report Parliament therefore proposes financing a rapid response to the consequences of this situation, to the tune of EUR 420 million. Specifically, it is planned to mobilise the Flexibility Instrument provided for in the 2006 Interinstitutional Agreement. In the latter, the EU provided for the possibility of mobilising a Flexibility Instrument to allow the financing of specifically identified expenditure that cannot be financed within the ceilings available under one or more headings of the Multiannual Financial Framework.

The situation in question fully meets the institutional requirements and, without any shadow of a doubt, is justified under the EU's solidarity policy. As a result, no questions have been raised by the decision-makers, given the gravity of the situation.

Time is pressing and our prompt action and response could make the difference between an accident and a human tragedy with incalculable consequences for the future development of these populations.

- Report: Kyösti Virrankoski (A6-0481/2008)

Derek Roland Clark (IND/DEM), *in writing*. – UKIP voted in favour of this report because EUR 4.9 billion of unspent appropriations will be returned to the national governments.

Pedro Guerreiro (GUE/NGL), *in writing*. – (PT) In the current financial period (2007 and 2008), the Solidarity Fund has been mobilised nine times (Germany: EUR 166.9 million; United Kingdom: EUR 162.3 million; Greece: EUR 99 million; France: EUR 17.1 million; Hungary: EUR 15 million; Slovenia: EUR 8.2 million and Cyprus: EUR 7.6 million), making a total of around EUR 477.3 million compared to a ceiling of EUR 1 billion per year.

Without questioning the obvious need for this support – and without going into the procedure for activating and making this support available (which takes too long) – there is a question about the origin of the funds mobilised, particularly in view of the present draft amending budget.

In other words, while the urgent need to provide support in cases of natural disasters is in no doubt, the origin of these funds may be called into question, all the more so if they are 'deducted' from cohesion policy and not, for example, from the appropriations allocated to the EU's progressive militarisation. We believe that cohesion policy should be safeguarded.

Lastly, as we have done on other occasions, we would stress the need to make changes to the Solidarity Fund in order to speed up the procedures for its mobilisation, while ensuring that regional disasters remain eligible and effectively acknowledging the specific nature of natural disasters in the Mediterranean region, such as drought and fire.

- Draft general budget of the European Union – Financial year 2009 as amended by the Council

Hélène Goudin and Nils Lundgren (IND/DEM), *in writing*. – (SV) The June List believes it to be possible to halve the Member States' fees to the EU. The largest part of the EU's money is spent on unnecessary or socio-economically damaging activities, including agricultural policy, the Cohesion Fund, fisheries policy and subsidies for different types of information campaigns. In addition, there are the costs of the European Parliament's commute between Strasbourg and Brussels and of institutions such as the European Economic and Social Committee and the Committee of the Regions, which should be disbanded immediately.

Agricultural policy is particularly objectionable. The money goes from consumers to often very rich recipients. Farmers in the poor countries of the world lose out as a result of competition from the subsidised farmers of the EU.

There is a constant stream of exhortations from various EU institutions to the Member States about how important it is for them to reduce their public expenditure. At the same time, this House constantly demands increased expenditure at EU level. The whole thing is absurd. Member States spend public money on schools, health care, research, infrastructure and support for vulnerable groups in society, while most of the EU's expenditure goes on a lunatic agricultural policy, misdirected Structural Funds and the financing of EU institutions that should have been closed down a long time ago.

Our 'no' to the draft budget should be interpreted as a demand for a dramatic cut in the expenditure in the EU budget and a halving of the fee payable by Member States to the EU.

- Report: Jutta Haug, Janusz Lewandowski (A6-0486/2008)

Kader Arif (PSE), in writing. – (FR) In the Community budget for 2009, we, the Socialist Group in the European Parliament, proposed and obtained the adoption of a preparatory action for developing social tourism in Europe.

This project responds to the finding that many citizens are prevented from travelling for economic reasons and that this inequality needs to be corrected by guaranteeing everyone access to holidays. However, it is also useful in terms of territorial planning and local development.

By combining social mixing with local development and by providing access to members of the public for whom going on holiday is difficult, social tourism makes the tourism sector more profitable. It therefore provides opportunities to develop off-season tourism, particularly in regions in which this sector is highly seasonal, and encourages the creation of more permanent-type jobs in this economic sector. Thus, social and community tourism illustrates that there is indeed an intermediate sector between the leisure market and the non-creditworthy economy and that economic relevance is not incompatible with providing access to as many people as possible. The sector also helps to strengthen European citizenship by means of exchanges between European citizens.

This just shows how important this sector is, in terms both of economic returns and of public resources.

Pedro Guerreiro (GUE/NGL), in writing. – (PT) While economic forecasts are pointing to recession in various Member States (some of which are already in technical recession), the Council and Parliament are adopting an EU budget for 2009 which is lower, in terms of payments, than the 2008 budget.

However, if we compare the current draft budget for 2009 with the ceiling specified in the Multiannual Financial Framework 2007-2013 for this year – which we said at the time was inadequate to guarantee 'economic and social cohesion' in an enlarged EU-27 – the situation is even worse, as this budget falls short by around EUR 8 billion!

The EU budget for 2009 is the lowest, in terms of the percentage (0.89%) of Community GNI (Gross National Income), since Portugal entered the European Economic Community.

Despite expressing 'concern', particularly about the 'possible effects of a recession on European citizens' and the 'extremely low' levels of payments and implementation of appropriations in cohesion policy, Parliament is backing this budget. At the root of this is an attempt, without questioning the basics, to improve its image among workers and people in the various countries, hopefully so that all goes to plan in the forthcoming European Parliament elections next June.

That is why we have voted against.

Czesław Adam Siekierski (PPE-DE), in writing. – (PL) The 2009 budget does not fully meet our expectations, and only partially addresses new challenges and current concerns. It reflects previously adopted objectives and assumptions and, in this respect, it fulfils the necessary criteria. I voted in favour of its adoption. However, I would like to draw your attention to the following issues:

1. It is a good thing that we are increasing funding to support agricultural development in developing countries which experience food shortages. However, we should remember that, in the European Union, nearly 80 million people are threatened by poverty and 43 million citizens are at risk of suffering from malnutrition.
2. In spite of the CAP, the incomes of farming families are considerably lower than those of families who support themselves by other means.

3. In Europe we are witnessing the systematic collapse and bankruptcy of farms. Stocks of agricultural products are decreasing, which poses a threat to food security. Meanwhile, there are those who want to cut CAP spending.

4. Both cohesion policy and structural policy mention territorial, economic and social cohesion, as well as aligning levels of development and creating equal opportunities for development, especially in poorer regions. In reality, areas where farming conditions are difficult and where the state of the infrastructure leaves much to be desired are becoming depopulated.

Andrzej Jan Szejna (PSE), *in writing* - (PL) I supported the adoption of the report drawn up by Jutta Haug and Janusz Lewandowski on the EU draft budget for 2009. It is important that, ultimately, MEPs were able to reach a compromise with the Council with regards to the funding of Parliament's priority objectives, such as combating the impact of the economic recession, and action to promote economic growth, cohesion and employment.

Parliament will increase the financial resources earmarked for social and employment policy, namely activities to promote competition and cohesion. This expenditure will cover the Social Fund, which will receive an additional EUR 1 35 million, as well as the Regional Development Fund and the Cohesion Fund. In the current, difficult financial situation throughout the whole of the European Union, initiatives to promote development and employment are of paramount importance, and this must be reflected in the 2009 budget. It is laudable that the budget also intends to earmark additional funds for providing assistance to SMEs.

Developing countries will be able to count on financial aid to alleviate the effects of sudden increases in food prices, and an additional EUR 1 billion will also be earmarked for efforts to prevent famine in the Developing World. I also welcome the fact that Parliament intends to limit its administrative spending and to restrict this sum to under 20% of its total expenditure.

- Report: Monica Maria Iacob-Ridzi (A6-0463/2008)

Alessandro Battilocchio (PSE), *in writing*. – (IT) Madam President, ladies and gentlemen, I have voted in favour of the report by Mrs Iacob-Ridzi on the European Job Mobility Action Plan (2007-2010).

The desire to create a truly European job market requires us to adapt national legislation and clear the bureaucratic procedures that sometimes discourage workers' mobility. The Union has a fundamental role in the harmonisation of national social security systems and the transferability of supplementary pension rights. Furthermore, it is important that efforts are made to increase the level of information for citizens, not only through improving the EURES portal, but also through European information campaigns.

Ilda Figueiredo (GUE/NGL), *in writing*. – (PT) Although this report contains various recommendations that we support, these are all made in a liberal context. This is the case with defending the inclusion of the concept of labour mobility, especially in those policies concerning the completion of the internal market, ignoring the fact that such policies do not duly protect workers.

However, together with these acceptable recommendations, the report stresses the economic and social dimension of the Lisbon Strategy, forgetting that this strategy contains the most neoliberal policies that the European Union has, which have already given rise to proposals such as the notorious Bolkestein Directive, so-called flexicurity and the Council's proposal on the Working Time Directive.

As a result, the report is yet another propaganda document which is trying to conceal the antisocial policies of the European Union and ignore the consequences of neoliberalism, despite this being a secret that has already been let out of the bag. You only have to look at the contradictions in paragraphs 15 and 16 to see why we abstained.

Bruno Gollnisch (NI), *in writing*. – (FR) The problem, for the rapporteur, does not seem so much to be the lifting of the legal and administrative barriers to the professional mobility of European workers on EU territory, but, on the contrary, the fact that such mobility is not widespread and, above all, mandatory. It is the mixing of populations on a grand scale, speeding up the demise of Europe's nations, that we are being offered. It is wage competition, social dumping and the downwards harmonisation of wages that are being considered. With the creation of a European social security card with very blurred boundaries it is the undermining and dismantling of national social security systems that is being achieved.

Ask those workers in France to whom it was proposed, a few years ago, that their jobs would be protected if they decided to drop everything to go and work in Romania for a few hundred euros a month, what they think about your mobility!

Trying to resolve the taxation and social-rights-acquisition problems of frontier workers or workers who have pursued a career in several Member States is in fact the European Union's responsibility. However, this must not come at the cost of social uncertainty.

Zita Pleštinská (PPE-DE), in writing. – (SK) Mobility of labour is among the key elements for implementing the aims of the Lisbon Strategy, and yet it is constantly being obstructed through barriers of an administrative, legal, tax-related or social nature. The administrative barriers are mainly caused by differences in intra-state laws relating to the labour market, and responsibility for this rests largely with the Member States.

I would like to start by expressing my disappointment that some states in the EU-15 are still applying restrictions in the labour market against workers from the new Member States, despite the fact that the fears of the citizens and governments of these countries are not borne out by economic studies or statistical data.

People approach me with many problems which they encounter when attempting to exercise their right to mobility outside their country of origin. They have to confront refusals to recognise experience relating to mobility within the framework of professional development and problems connected with social security and pensions, especially in small and medium-sized firms. Language barriers are also among the main obstacles to the mobility of workers and their families, and the Member States must therefore actively support foreign language teaching, especially for adults.

I firmly believe that, through effective media campaigns, people can obtain relevant information about the EURES network, which provides a single point of contact for worker mobility in Europe, the TRESS network or the SOLVIT instrument, which helps to solve problems on the internal market and problems connected with worker mobility.

Nicolae Vlad Popa (PPE-DE), in writing. – (RO) I voted in favour of this report as labour mobility is a fundamental right granted by treaty to EU citizens. This makes it one of the basic pillars of the European social model, enabling the objectives of the Lisbon Strategy to be attained.

I congratulate the report because, apart from the fact that it draws attention to the obstacles preventing freedom of movement on the labour market for workers from the new Member States, it also includes important elements to supplement the European Job Mobility Action Plan presented by the European Commission, such as support for programmes which correlate the education system with the labour market, reciprocal recognition of qualifications and extending the EURES network.

Luca Romagnoli (NI), in writing. – (IT) Madam President, ladies and gentlemen,

I have voted in favour of the report by Mrs Iacob-Ridzi on the European Job Mobility Action Plan for the period 2007 to 2010. I share the view that professional mobility among the Member States of the Union has made a positive contribution to European integration: examples of this are the ease, compared with the past, with which it is possible to reside and work for a time in another country and the possibilities, which are growing every day, of accessing job offers in states other than one's country of origin. At this point, we must attempt to improve the legislative, administrative, fiscal and social situations by cutting red tape in this sector. However, we should always bear in mind that the action of the European Union must take account of the socio-economic differences among the Member States.

Andrzej Jan Szejna (PSE), in writing. – (PL) At the December session of the European Parliament a vote was held on the European Action Plan for Skills and Mobility, presented by the Committee on Employment and Social Affairs.

Worker mobility depends on the fundamental principle of the freedom of movement of persons within the internal market, in accordance with the Treaty Establishing the European Community. Along with security, this is one of the four fundamental freedoms to which European Union citizens are entitled.

Community legislation should protect migrant workers from losing the social protection to which they are entitled. Significant progress has been made in this respect, but we must still aim to remove the administrative and legal obstacles to mobility resulting from specific legislation in force in individual Member States.

In fact, job mobility can serve as a tool to strengthen the economic and social scope of the Lisbon Strategy. Mobility may be an essential step towards achieving a new momentum for the European social agenda and meeting a range of challenges, such as demographic change, globalisation or technological progress.

I support the European Action Plan on Skills and Mobility, including the concept of creating an information and advice portal, containing advice on all aspects of occupational mobility, such as job vacancies, healthcare and social insurance, and the mutual recognition of qualifications and training.

- Report: Ljudmila Novak (A6-0455/2008)

John Attard-Montalto (PSE), *in writing*. – Although we have devised many strategies for lifelong learning their implementation leaves much to be desired. Levels of commitment and expenditure vary from country to country. Unfortunately positive trends in public spending on education generally have staggered. An adequate share of the budget has to be allocated to adult learning. This is necessary as adult participation in lifelong learning does not appear to be on track. Greater effort needs to be made to raise skills in the adult population and to achieve flexibility and security across the labour market.

Employers should be encouraged to arrange education and training for their employees. Incentives to enable low skilled workers to participate in learning programmes are recommendable. Special serious consideration has to be given to long-term unemployed, especially those from a disadvantaged social background, people with special needs, young people from institutions, former prisoners and rehabilitated drug users.

Charlotte Cederschiöld, Christofer Fjellner, Gunnar Hökmark and Anna Ibrisagic (PPE-DE), *in writing*. – (SV) Explanation of vote in respect of the report on the implementation of the 'Education & Training 2010 work programme'.

We have today voted in favour of Mrs Novak's (Group of the European People's Party (Christian Democrats) and European Democrats, SL) initiative report (A6-0455/2008) on the implementation of the 'Education & Training 2010 work programme'. The report contains many constructive recommendations, particularly with regard to measures designed to facilitate mobility within the Member States for students and workers.

On the other hand, we do not believe that the recommendations seeking to influence the curricula in Member States are compatible with the principle of subsidiarity. The number of hours of sport in the school week and the possible introduction of media literacy onto national curricula is best decided by the Member States themselves.

Avril Doyle (PPE-DE), *in writing*. – The Commissions 2007 communication entitled 'Delivering lifelong learning for knowledge, creativity and innovation' is part of a series of biennially produced progress reports on the implementation of the Education and Training 2010 work programme. As such, the report provides an overview of progress made and a review of the situation of coordination in education and training within the aegis of the Lisbon Strategy objectives of making Europe both the world's most competitive economy and one with full employment by 2010.

This report gives us a valuable insight into the state of play of various educational initiatives, both successful and unsuccessful, and also documents means and measures appropriate to bring about further improvement. It sets out clear objectives and solid statistical indicators and benchmarks.

I fully support the efforts made to bring us to our agreed destination with the Lisbon strategy and give this report the support it deserves.

Ilda Figueiredo (GUE/NGL), *in writing*. – (PT) This report contains some important and acceptable recommendations in calling for greater economic and social support, complementary measures and integration of migrants and minorities, in underlining the importance of sport in education and training, and in stressing the need for greater support for pre-primary education and for teachers and students, particularly in primary and secondary education. However, it supports the European Commission's proposals, including the Lisbon Strategy, and insists on applying the Bologna Process with total disregard for its practical consequences.

Based on the Commission communication entitled 'Delivering lifelong learning for knowledge, creativity and innovation', the report accepts not only the picture of progress made and the areas where progress remains insufficient, but also proposes measures to change the situation in accordance with objectives which are not always totally appropriate, given that they accept and insist on neoliberalism being applied to education. It is therefore a political statement that can also be regarded as a roadmap for the coming years. That is why we fundamentally disagree.

In fact, we cannot accept, for example, that modernising higher education involves complementing the Bologna reforms and increasing sponsorship from the private sector, particularly when public higher education is being suffocated, as in Portugal.

Hélène Goudin and Nils Lundgren (IND/DEM), in writing. – (SV) Yet again the European Parliament's Committee on Culture and Education wants to interfere in the education sector. We in the June List would like to make the point, once again, in this House that education policy is a policy area for which the responsibility rests with the Member States.

As always, the European Parliament's Committee on Culture and Education has embarked on flights of fancy in its reports. This report once again raises the issue of sport in school. Paragraph 4 of the draft report states the view that at least three teaching periods per week should be set aside in the curriculum for sport.

This is yet another example of how EU politicians and officials are prepared to interfere in any area and at any level of detail in their eagerness to centralise political power. Subsidiarity is hailed in grand speeches but is never respected in the policies put into practice.

We believe that this area is nothing to do with the European Parliament and have therefore voted against it.

Zita Pleštinšá (PPE-DE), in writing. – (SK) Education and vocational training is the moving force behind the Lisbon Strategy. Comprehensive strategies and instruments for lifelong learning, especially the European Qualification Framework, Europass, the Framework of Key Competences and the recommendations for mobility and for ensuring quality in higher education should be applied more consistently across all Member States. Member State governments should be playing a very dynamic role in policies focusing on education. Even though the harmonisation of a European reference system for qualifications will not happen until 2010, the accelerated implementation of the European Qualification Framework in all Member States would limit the difficulties currently encountered by EU citizens.

Mobility of students and teachers is a fundamental aspect of professional mobility. More attention must be given to initiatives such as the Bologna Process and the Comenius, Erasmus and Leonardo da Vinci programmes, which make it possible to study abroad and emphasise the importance of professional mobility in the future.

A successful education system rests above all on the quality of syllabuses and teaching. We must quickly introduce into syllabuses the teaching of European citizenship, programmes aimed at teaching foreign languages, at protecting consumers, protecting the environment and the fight against climate change. It is important for Member States to allocate adequate resources to social security for teachers and to recruiting and training particularly teachers of foreign languages.

I firmly believe that if we fail to make the teaching profession more attractive, there will be a shortage of high-quality specialists in education.

Luca Romagnoli (NI), in writing. – (IT) Madam President, ladies and gentlemen, I have voted in favour Mrs Novak's report on delivering lifelong learning for knowledge, creativity and innovation and, in particular, the implementation of the 'Education and Training 2010 work programme'.

I uphold her argument that action in the field of education and training deserves systematic support from the European Union through targeted policies, above all in critical sectors that, according to the report presented by the European Commission in 2007, require improvements. These include lifelong learning, public spending and private investment in education, school drop-out rates, which are already too high at secondary school level, and the relevance of education compared with the job market. Furthermore, I would like to highlight the fact that training and education, research, innovation and the transfer of knowledge are vital to the Europe of today and of tomorrow and should therefore command joint effort at national and Community level.

Tomáš Zatloukal (PPE-DE), in writing. – (CS) Madam President, I have voted in favour of the 'Education and Training 2010' report of Mrs Novak. I agree with the need to support efficiency and effectiveness in the various education systems. One effective way to provide all children, including those from disadvantaged backgrounds, with the opportunity for lifelong learning, is to increase the quality of pre-school education. Subsequent primary and secondary education must support pupils and students in creative thinking and in developing the individual talents and abilities that will help them to secure employment.

In the area of specialised training we must increase the quality and attractiveness of the subjects on offer and above all we must link training with the economy in such a way that the training process corresponds to the needs of the labour market not only across the EU, but above all within a given region. In the area of university education I support the need to modernise the range of studies so that they fulfil current and future socio-economic requirements. Adult education programmes should concentrate mainly on supporting people who are in the least favourable position on the labour market and also on supporting employers who offer lifelong learning to their employees.

- Report: Marianne Thyssen (A6-0441/2008)

Ole Christensen, Dan Jørgensen, Poul Nyrup Rasmussen, Christel Schaldemose and Britta Thomsen (PSE), in writing. – (DA) In principle, the Danish delegation within the Socialist Group in the European Parliament is in favour of certain types of toys being required to be certified by a third party to ensure that the products comply with EU rules. However, this amendment is not worded appropriately for meeting this objective and, moreover, adoption of this amendment would result in the demise of the whole compromise. We want to improve the safety requirements for toys and we believe that, on the whole, this will be best achieved by accepting the compromise reached by the European Parliament and the Council.

Carlos Coelho (PPE-DE), in writing. – (PT) The toy safety directive represents an extremely important step towards ensuring our children's safety. It was absolutely essential to extend the scope and clarify the legislation on such an important issue. Aspects such as increasing the responsibility of manufacturers and importers and judiciously increasing the number of prohibited substances are proof of the rigour with which this issue has been tackled.

I must congratulate the rapporteur who, while successfully laying down rules to ensure children's safety, has taken into account the survival and stability of small and medium-sized enterprises in this sector.

However, we should think about the increased responsibility of Member States resulting from this legislation. To achieve this directive's objective – namely our children's safety – the Member States must meet their obligations, which are now being increased in terms of market surveillance.

Given the Portuguese situation and the successive surveillance failures in this respect by the responsible agency (under state control), I urge the Member States to properly assume their responsibilities. The progress made by this directive in terms of safety must be matched by effective and responsible surveillance action by the Member States.

Gérard Deprez (ALDE), in writing. – (FR) Toys have to be safer than other products because children are very vulnerable consumers. Dangerous toys already exist, however, within the Union. We can therefore be pleased with the compromise reached between Parliament and the Council on a text that sets the toy industry a whole series of safety criteria to meet before a toy can be placed on the European market.

As with many compromises, this text provides its share of advances and disappointments.

In terms of advances, I would mention in particular the demand for a guarantee from manufacturers that their toys are not harmful to a child's health or safety, the increase of the limit values for toxic metals, the increased prevention of the risks of suffocation and strangulation caused by small detachable parts, and the clarification of warnings on packaging or on toys themselves.

These advances justify my vote in favour of the final text.

With regard to the disappointments, I would mention, aside from the numerous derogations from the ban on carcinogenic, mutagenic and toxic substances, the abandonment of the idea of certification by independent third parties. I voted in favour of this provision, but it was not adopted, and I regret that.

Avril Doyle (PPE-DE), in writing. – MEP Thyssen's proposal for a Directive of the European Parliament and of the Council on the safety of toys proposes to increase the safety measures involved in and restrict the use of dangerous heavy metals in the preparation and fabrication of children's toys. The proposal aims to revise the current Directive (88/378/EEC) and includes a total overhaul to bring it in line with the specifications outlined in the Decision on a common framework on the marketing of products.

The proposal aims to extend the scope of the Directive with regard to 'double use products' which are also toys, increasing the amount of products concerned by the Directive. Concretely, issues concerning choking

hazards and the regulation of chemicals used in the fabrication process have been addressed to remove or reduce hazards for children. This seasonal proposal has my full support.

Edite Estrela (PSE), in writing. – (PT) I voted in favour of Marianne Thyssen's report on the safety of toys as I feel that the compromise text adopted will allow the safety requirements for toys to be strengthened, in terms of increasing the responsibility of manufacturers and importers for the marketing of their products and also increasing the market surveillance obligations of Member States.

However, I regret the rejection of Amendment 142, which required toys to be assessed by a third-party laboratory before being placed on the market in order to guarantee their conformity.

Ilda Figueiredo (GUE/NGL), in writing. – (PT) The aim of this proposal for a directive is to introduce better toy safety requirements, mainly in connection with the use of chemical substances and electrical properties. The new legislation also brings physical and mechanical properties into line in order to reduce the risks of suffocation. It also lays down measures to reinforce market surveillance by the Member States and new obligations for manufacturers.

The aim is therefore to improve the existing directive, bearing in mind the new safety risks which may arise as a result of the development and marketing of new kinds of toy, possibly made from new materials.

However, many questions arose in the debate and voting on this directive's proposals. The European Commission's guarantees were not available during voting, which led to a minor incident.

Furthermore, there are experts who are worried about maintaining requirements which do not completely eliminate the use of substances that are carcinogenic, mutagenic or toxic for reproduction (known as 'CMR substances'), although new restrictions are imposed.

There is also a difference of opinion about the limit values for metals, particularly arsenic, cadmium, chromium, lead, mercury and tin, which are highly toxic and which should not therefore be used in toy parts that children can access.

Our Group therefore voted against.

Robert Goebbels (PSE), in writing. – (FR) I abstained from voting on the Safety of Toys Directive to protest against this undemocratic procedure of confronting the European Parliament with reports negotiated during informal dialogues and thereby preventing it from carrying out its work in the usual fashion.

What is more, the proposed directive demonstrates the absurdity of the precautionary principle. The legislator is creating rule after rule and ban after ban to ease its conscience, while children are making a mockery of these rules by playing.

Małgorzata Handzlik (PPE-DE), in writing. – (PL) Parliament has adopted the Toy Safety Directive. It is an excellent Directive, which improves the safety of toys that reach the hands of our children. It is a particularly important step at a time when we hear a growing number of reports about accidents involving toys, such as children swallowing parts of badly assembled toys. It is worth highlighting that a large number (around 80%) of the toys on the European market are imported from China.

The Directive has managed to reconcile the interests of consumer interest groups and representatives of the toy industry. I cannot but be glad that a settlement has been reached on what is for me, as a parent, such a key piece of legislation. Both sides will benefit from this Directive. Consumers will be sure that the toys which reach the European market, and which end up in the hands of their children, comply with high safety standards, are free of all toxic substances and contain clearly legible warnings that can be read by those purchasing the toys.

The toy industry has frequently highlighted the fact that we cannot compromise on the safety of our children, which is why they are in favour of the proposed changes. However, these changes should not pose a threat to the toy manufacturers' position in the European market. The negotiated agreement will grant these businesses an additional two years to adapt to the new legislation on chemical substances.

Eija-Riitta Korhola (PPE-DE), in writing. – (FI) Madam President, I voted in favour of the directive on the safety of toys because it represents a valuable improvement. On the one hand, it does more to ensure the safety of toys and hence the health of children by imposing new bans on allergenic substances and CMR, heavy metals and components that present a risk of choking.

On the other hand, it is also a successful and balanced compromise that takes account of the fact that a significant number of the EU's 2 000 toy makers are cautious and acknowledge their responsibility as manufacturers. They should not have to suffer because of the irresponsibility of just some importers.

Especially considering the time of year, the Toy Safety Directive carries a message that the Union is willing and able to protect consumers, and their most vulnerable offspring, more effectively. We should probably remember, however, that no amount of legislation can absolve parents of their responsibility. The Toy Safety Directive cannot alone be a guarantee that what is in the gift pack is good for the child.

Mairead McGuinness (PPE-DE), in writing. – I voted in favour of the Thyssen report and was pleased to do so, even though procedural matters almost got in the way of the final vote.

Safe toys are a must and the EU should and is leading the way when it comes to safety concerns.

The total ban on the use of chemical substances that are carcinogenic, mutagenic or toxic for reproduction is essential. Even though there is a provision for exceptions on a case-by-case basis, this should only be on the strict advice of the European Scientific Committee.

It is also appropriate that allergenic fragrances be banned and 55 such substances will now be removed from toys.

Likewise very strict rules as regards heavy metals, with maximum levels imposed.

Parents buying toys this Christmas have a presumption of safety. This revised toy safety directive will improve the situation greatly, would that it were already in place for this Christmas season.

Rareș-Lucian Niculescu (PPE-DE), in writing. – (RO) There is no better proof than to present specific data. The Romanian press has published just today the results of an inspection carried out by the Romanian Consumer Protection Office. Inspectors noted during a recent inspection that 90% of the toys checked were non-compliant.

Some toys did not have any user instructions and did not specify the age for which they were recommended. The inspectors also found toy guns and swords which they considered to be dangerous. Other toys included easily detachable small parts.

According to the results of this inspection, China remains the main source of dangerous toys and is, nonetheless, the main supplier to the European Union. Radical measures are needed on this matter for the sake of our children's well-being.

Bart Staes (Verts/ALE), in writing. – (NL) Whilst this new law on safe toys is a step in the right direction, it does allow a few opportunities to go to waste. This is why I did not endorse the report.

For example, whilst the use of some allergenic fragrances and certain chemical substances that are carcinogenic, mutagenic or toxic to reproduction, amongst other things, has been curbed, they will not be banned completely, but phased out gradually. There are no binding standards for noise-producing toys either.

What is positive is that, in the eyes of the law, importers of toys will be equated with the manufacturers. Less positive is the directive's half-hearted monitoring provision in respect of toy safety standards, since manufacturers themselves are held responsible for the safety aspect.

The directive does stipulate that Member States must carry out random tests, but I fear that this stipulation is too noncommittal.

Monitoring safety is random and, to date, there is not really a European quality label that enables the parents to take informed decisions and, therefore, avoid toys that can be harmful to the health of their children. Compulsory certification by independent bodies could solve this problem. Both the USA and China take product safety extremely seriously, and recently voted in favour of introducing legislation that makes these checks compulsory. Why is Europe lagging behind in this?

Catherine Stihler (PSE), in writing. – The need to update existing rules on toy safety is long overdue. I welcome today's vote. Children's safety has to be our paramount consideration and I hope that the toy industry will take heed.

Bernadette Vergnaud (PSE), in writing. – (FR) I found the compromise on the Thyssen report too lax where safety rules and the presence of chemical substances in toys were concerned. Furthermore, the amendment

calling for the conformity of toys to be monitored by independent bodies was not passed, even though it seems obvious that the safety of children should be prioritised over the interests of one or two large industrial groups. I have always been in favour of stricter monitoring of goods in general, and even more so in the case of goods designed for children. It follows that the final disappointing content of this text – it falls far short of our initial ambitions, even though it contains a few advances – has led me to abstain from the vote.

- Report: Thomas Mann (A6-0424/2008)

Avril Doyle (PPE-DE), in writing. – The European Credit System for Vocational Education and Training, which aims to support and promote the transnational mobility of learners and access to lifelong learning. As an operational system, through ECVET, the transfer, recognition and accumulation of learning achievements will be improved. The European Qualifications Framework (EQF) already provides the means to 'translate' different means of assessing the variety of qualifications that exist in Europe. The ECVET provides an additional means of translation and transposition using a common methodological framework to facilitate the transfer of learning outcomes from one system to another. The importance of investing in the future of our knowledge economy in Europe cannot be under-emphasised and this transnational method of recognising educational results provides us with the material to do so. I fully support this proposal for establishing this Credit system.

Nicolae Vlad Popa (PPE-DE), in writing. – (RO) Vocational education and training are an area which has acquired particular importance in recent years.

Introducing a European Credit System for Vocational Education and Training will help develop and expand European cooperation in the education sector.

It will also help improve the mobility and portability of qualifications at national level between different sectors of the economy and within the labour market.

Vocational education and training are a crucial part of Europe's efforts to tackle the social challenges presented by ageing societies and to realign its position in the global economy and resolve the economic crisis.

For this reason, I feel it is important for Member States to validate non-formal and informal education, especially at a time when the number of graduates from vocational education and training is going to fall dramatically between 2009 and 2015. At the same time, however, there will be a significant increase in the need for staff with vocational qualifications who can take up the vacancies on the labour market. Consequently, I believe that it is particularly important for European agencies to actively support the partnerships between Member States and European companies in this area, on the basis of a cost sharing scheme.

Andrzej Jan Szejna (PSE), in writing. – (PL) Improving vocational training is a key means of achieving the aims of the Lisbon Strategy, namely economic growth, competitiveness, employment and social cohesion.

The proposed European Credit System for Vocational Education and Training (ECVET) is one of a number of initiatives at European level in the field of training. Learning outcomes vary greatly, due to the range of national education and vocational training systems. ECVET provides a methodological framework which covers acquired knowledge, skills and competences, addresses the issue of how credits are transferred and accumulated, and places them in the context of qualifications. This system facilitates the trans-border mobility of workers and makes it easier to achieve transparency with regard to professional qualifications obtained abroad.

ECVET could be a valuable instrument for adapting vocational training and education to the demands of the labour market, on condition, however, that it take into account specific national and regional circumstances. It must also meet its users' needs, namely those of workers and businesses, including SMEs and Europe's smaller workplaces. This system facilitates trans-border mobility, as well as access to lifelong learning in terms of vocational training and education. It should enable people undergoing training to choose their own career paths.

I think that the introduction of ECVET will make a major contribution to the creation of a European labour market, as long as the associated administrative burdens are eased.

- Report: Christian Ehler (A6-0494/2008)

Peter Skinner (PSE), in writing. – I agree with the approach as set out by the rapporteur which reflects the current concerns of so many European citizens.

The fact there has been coordinated European action on this issue draws attention to the fact that Europe can change people's lives for the better even in the middle of crises such as the current financial situation.

Practical measures have been understood by the rapporteur and this has assisted in making this proposal workable.

- Report: Ieke van den Burg (A6-0462/2008)

David Martin (PSE), *in writing*. – I voted in favour of this report which simplifies the accounts process for small and medium sized businesses, reducing their administrative burden.

Nicolae Vlad Popa (PPE-DE), *in writing*. – (RO) The action taken by the Commission to encourage the simplification and harmonisation of EU company law, with the direct aim of reducing the administrative burden by 25% by 2012, represents a necessary condition for boosting European companies' efficiency and making the Community business environment more attractive, by generating savings estimated at EUR 150 billion.

The initiative concerning the review of regulations featuring in the 4th and 7th Company Law Directive – in terms of waiving the obligations to disclose accounting information and draw up consolidated accounts not only for small enterprises, but also for medium-sized or parent enterprises with subsidiaries which are not considered material – also incorporates the contribution and has the support of the rapporteur, and guarantees, in the future, the stability and security of a legal framework suitable for a segment which plays a major role in creating jobs in the EU.

I also welcome the emphasis placed by the rapporteur on the need for transparency and the provision of accurate information for all stakeholders, particularly by means of a large-scale implementation of economic and financial reporting systems based on information and communications technology.

Andrzej Jan Szejna (PSE), *in writing*. – (PL) Mrs van den Burg's report on amendments to certain disclosure requirements for medium-sized companies and obligation to draw up consolidated accounts is a good legal document.

The report drawn up by the Committee on Legal Affairs aims, in the short-term, to simplify the operating conditions for small European enterprises. First and foremost, it aims to relieve them of the burden of having to disclose information pertaining to formation expenses treated as assets (costs related to setting up the business), as well as the obligation to draw up consolidated financial reports in cases where a parent company only has immaterial subsidiaries.

I believe that, within the framework of harmonising legislation concerning company law, allowing not only small, but also medium-sized enterprises to benefit from exemptions, poses no threat to transparency. In fact, I think that the opposite is true, as this move could significantly reduce their administrative and financial burden.

- Report: Javier Moreno Sánchez (A6-0437/2008)

Jan Andersson, Göran Färm, Inger Segelström and Åsa Westlund (PSE), *in writing*. – (SV) We four Swedish Social Democrats in the European Parliament have chosen ultimately to vote in favour of Mr Moreno Sánchez's report. We share some of the concerns expressed about the direction in which Frontex is developing. We do not think that Frontex should be militarised and have therefore voted in favour of Amendment 2. Nor must Frontex result in the EU building higher walls to the outside world. Instead, it is important to us that the EU should conduct a generous refugee and migration policy. However, we welcome the discussion about Frontex that this matter has brought about in the European Parliament. It is good that the European Parliament has asked Frontex to include the fight against people-trafficking in its tasks and also that a review will be carried out to check that EU law complies with international law otherwise applicable in the area, so that the EU can take the most effective action possible to help people in need.

Bruno Gollnisch (NI), *in writing*. – (FR) The FRONTEX Agency, which is responsible for the co-management of the European Union's external borders and the fight against illegal immigration, in particular, owes its existence solely to the dismantling of the internal border controls and to the desire of the Europe of Brussels and of the Member States' governments to pursue an active immigration policy. It is not a foregone conclusion that a Community agency such as this will provide real added value compared to classic intergovernmental cooperation, judging, to look at another area, from the differences between Europol and Interpol in terms of their effectiveness and usefulness.

What is more, the Agency's tasks seem destined to increase, to become more complex and, in fact, insurmountable so long as the root of the problem is not tackled: on the one hand, Europe remains a social and financial Eldorado for would-be illegal immigrants, in spite of the dangers of their journey and the problems they encounter on the ground; on the other, cooperation policy, as inadequate as it is, is being threatened by the immigration of degree-holding professionals orchestrated by the EU itself. It is therefore crucial to stop the immigration suction-pump effect and the policies under way.

Lastly, I should like to stress that local associations combating illegal immigration do exist. They include, for example, Emile Bomba's ALCEC in Cameroon, and they deserve to be helped and supported.

Pedro Guerreiro (GUE/NGL), in writing. – (PT) The European Parliament could not have marked International Migrants Day in any worse fashion than by adopting a report which advocates reinforcing 'Frontex' and which 'welcomes the adoption of the European Immigration and Asylum Pact by the European Council'.

Like 'Frontex', the inhumane 'Return Directive' is one of the central pillars of the EU's criminalising, security-focused, exploitative and elitist immigration policy.

Following its adoption by Parliament, the Transport, Telecommunications and Energy Council adopted this directive surreptitiously and without any great fanfare on 9 December, thanks to the Portuguese Government's vote in favour.

The MEPs from the Portuguese Socialist Party may well try to cover up the conduct of their party and government. The truth is that the latter voted in favour of this shameful directive in the EU Council.

It is now essential to combat this directive in its transposition process in Portugal. This means that we must denounce its inhumanity and its breach of human rights and mobilise all those who are fighting to defend the human dignity of migrants.

The Portuguese Communist Party will remain in the front line of this battle, fighting to reject the ignoble content of this directive and to ratify the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Carl Lang and Fernand Le Rachinel (NI), in writing. – (FR) In recital B of this report it is written that 'illegal immigration is a common European challenge'. Indeed, this is all the more true since, each month, illegal immigrants in search of a European Eldorado disembark on the Italian, Greek and Spanish coasts in their thousands.

In the face of this challenge which, let us not forget, is principally a product of the Schengen Agreements – which abolished the controls at the internal border of the Member States – the Union's response has been to create a European external border control agency: Frontex.

Only yesterday just a gimmick without resources, personnel or power, it would seem that, today, Frontex's remit allows it to provide its support to joint return operations and contributes in some, albeit small, way to the daily fight against illegal immigration.

We should keep in mind, however, that there is no use in closing a few gaps allowing illegal immigrants to pass through if all the EU Member States do not react as one to denounce the Schengen Agreements and to re-establish real controls at all their borders, both on land and at sea.

- Report: Gianluca Susta (A6-0447/2008)

Adam Bielan (UEN), in writing. – (PL) Our markets are being flooded by a growing number of counterfeit products. They pose a serious problem for European enterprises, which operate legally and comply with safety standards, and which cannot compete with cheaper, counterfeit goods. What is worse, however, is that counterfeit foodstuffs, car parts, cosmetics, toys and especially medicines, also pose a real threat to the health and lives of consumers.

The current legislation contains loopholes which allow counterfeit products easy access to our markets. For example, Polish legislation contains no definition specifying the characteristics of a counterfeit medical product. Taking counterfeit medication is certainly not the same thing as using a fake perfume. If people are not aware of the problem and use counterfeit medical products, the consequences may be tragic.

Glyn Ford (PSE), *in writing*. – I supported the report by Mr Susta. Counterfeiting can be the destroyer of jobs, the cause of ill-health and the source of funding to international criminal gangs and terrorists. Because of this it is vital that Parliament, Council and Commission take whatever steps are necessary.

Yet multinational corporations in their search to maximise profits create a climate that encourages the production of counterfeit goods and public acceptance of the process. I will give one example. The regionalisation/zoning of DVDs sees massive price differences across regions which consumers can only access by adapting illegally their DVD players or purchasing pirate DVDs illegally, as a global single market in their product has been prevented by technological chicanery. Imagine other companies indulging their profit-seeking in similar ways across the board.

Bruno Gollnisch (NI), *in writing*. – (FR) Counterfeiting is not just a problem of respect for intellectual property rights. As the rapporteur emphasises, this phenomenon kills any incentive to be innovative, causes the disappearance of thousands of skilled and unskilled jobs in Europe, and lays the foundations of an underground economy controlled by organised crime. These illegal practices can also threaten the health and safety of consumers and cause serious environmental damage.

The problem of the quality and dangerous nature of imported goods, the counterfeiting of which only increases the risks by misleading consumers, is more widespread. The countries of origin of these goods are clearly identified, with China being ranked first. The Union even agrees at times to open up its markets to goods that do not meet the standards that it imposes on its own producers, such as, for example, chlorinated chicken, which is cheaper to produce than chickens subject to veterinary checks.

In the raft of measures proposed by the rapporteur (bilateral or multilateral agreements, cooperation with the countries of origin, cooperation between the European services concerned, and so on), there are two obvious omissions: trade sanctions against states that accept these practices, and the introduction of a generalised national and European preference system.

Hélène Goudin and Nils Lundgren (IND/DEM), *in writing*. – (SV) The June List supports the free internal market and welcomes constructive proposals aimed at countering market-disrupting phenomena, including trademark counterfeiting.

However, both the committee's report and the alternative proposal for a resolution recommend legislation at EU level that is more far-reaching than is justified to tackle the problems caused by trademark counterfeiting.

The June List is opposed, in particular, to proposals for the coordination of the activities of the judicial and police authorities and harmonisation of the individual Member States' criminal legislation.

For these reasons, we find it necessary to vote against the report in its entirety.

Vasco Graça Moura (PPE-DE), *in writing*. – (PT) The growing importance of intellectual property rights (IPR) reflects an indisputable paradigm: the modern economy values and protects the knowledge on which it is based. Industries, regardless of their sector, very much depend on holding exclusive rights to use specific know-how. Counterfeiting is frequently condemned because the harm caused to legitimate industry has clear effects on employment, research and development. These effects are of particular concern in my country.

Having said this, the issues surrounding counterfeiting nowadays go beyond purely economic damage. The harm caused by counterfeiting has reached new boundaries: whereas previously there was counterfeit clothing, now there are fake medicinal and food products which can be harmful. The unwitting consumer does not understand the risks posed.

We must therefore fight this counterfeiting. That is why we need harsher penalties, coordination and cooperation among competent authorities and harmonisation of the legal principles applying in partner jurisdictions.

In addition to creating effective mechanisms to settle potential disputes and litigation, we now need something like the 'Anti-Counterfeiting Trade Agreement'. This is a multilateral international agreement, currently under discussion, which offers the legal innovation needed to develop efficient monitoring and punishment measures.

Pedro Guerreiro (GUE/NGL), *in writing*. – (PT) The resolution adopted by the European Parliament includes concerns and proposals that we support, although we disagree with some points.

There is no doubt that combating counterfeiting should be a priority. However, despite the resolution considering that intellectual property rights, 'including geographical indications and denominations of origin, are not always protected effectively by the European Union's trading partners', it should be underlined that the EU itself is not setting an example. The Council is currently blocking a proposal for a 'made in' regulation and has not adopted any other measure aimed at applying binding rules to imports from third countries on indicating the mark of origin of products.

For our part, we will continue to promote the adoption of Community measures encouraging each country to adopt and implement measures to combat counterfeiting of trade marks and smuggling, and also specific customs checks to identify products accompanied by false declarations of origin or which infringe the rules on trade mark protection.

Each country should implement measures to protect against aggressive exports by systematically checking and monitoring imported goods and resorting to safeguard clauses whenever necessary.

David Martin (PSE), in writing. – I voted in favour of this report which plays an important part in combating counterfeiting which accounts for some 7-10% of world trade, costing 500 billion euros. The aim of this report is to put forward a concrete and consistent proposal for the EU to fight against counterfeiting, a stance which I support. Whilst respecting fundamental rights such as the protection of privacy and data, it provides a framework for universal efforts to suppress counterfeiting, therefore protecting thousands of skilled workers' jobs.

- Report: Manuel Medina Ortega (A6-0451/2008)

Avril Doyle (PPE-DE), in writing. – MEP Ortega proposes a means to deal with legal instruments called authentic acts. Authentic acts are principally concentrated in Member States that come from a civil law tradition where legislation provides the primary source of law, in contrast to common law traditions (e.g. Ireland and the United Kingdom) and their reliance on customary rights and privileges. In the civil law tradition an authentic act is one established by a competent public officer or a competent authority and covers not only the act, but also its content. This content ranges from financial transactions but also the realm of public records and official documents of that kind.

The motion for a Parliamentary Resolution aims to promote increased legislative intervention across Member States that possess such acts by considering their mutual recognition and application in specific areas. This proposal adds additional weight to pre-existing legislation and is of potential benefit for countries from this legal tradition.

Carl Lang and Fernand Le Rachinel (NI), in writing. – (FR) This report concerning the cross-border use and the recognition of authentic acts presents risks of confusion in a variety of ways.

Indeed, and above all, it should be specified that the concept of the authentic act does not exist in common law systems. In England and Wales, solicitors fulfil the role of notaries. There are also scrivener notaries. The latter cannot issue authentic acts and are only authorised to certify signatures.

In its concern to harmonise the legal professions, the Commission attaches little importance to the differences relating to the very nature of the Member States' legal systems.

Unfortunately this political will does not contribute to legal certainty as a whole.

Europe must protect the identity of its peoples and the values and traditions peculiar to each of its States. The biggest mistake would be for it to develop in a way that is detrimental to its peoples.

- Report: Diana Wallis (A6-0467/2008)

David Casa (PPE-DE), in writing. – (MT) This is an extremely important report and that should be considered as the basis upon which many future decisions will be built. The use of ICT in the judicial field facilitates the work of both the administration and judiciary significantly. In a Europe that is moving towards closer integration and unity, both economically and socially, we also need the necessary tools to bring us up to date with the times. The concept of e-Justice does just this.

We must not forget however, that the traditional systems that were used before also had their merits and, therefore, I believe that if the proper balance is struck we can work together in more harmonised manner

for everyone's benefit. This goes especially for the judiciary, since using the e-Justice system will enable it to concentrate exclusively on its work without having to worry about the added administrative burden.

Carlos Coelho (PPE-DE), in writing. – (PT) The European Area of Justice has been developed (both through mutual recognition of legal judgments and through the creation of a culture of legal cooperation between competent authorities) in order to accompany the free movement of citizens throughout Europe.

It is estimated that around 10 million people are involved in cross-border litigation in Europe, with all the inherent challenges such as language, distance, unfamiliar legal systems and so on.

The use of information and communication technology in the administration of justice may offer new solutions, improve the functioning of justice (better accessibility and efficiency), help rationalise procedures and cut costs.

The strategy proposed in terms of e-Justice has the fundamental aim of making justice more effective throughout Europe, to the benefit of its citizens. However, the potential scope of e-Justice could be much wider, which is why the boundaries of its action must be clearly defined so that the effectiveness and credibility of the EU's actions are not called into question.

Any changes must be made gradually and according to progress in the European Area of Justice and the development of technology.

I support the request made to the Commission to prepare an Action Plan on e-Justice at European level and to create a European e-Justice portal.

Avril Doyle (PPE-DE), in writing. – The Justice and Home Affairs (JHA) Council met in 2007 and adopted conclusions on the use of 'e-Justice' regarding the cross border use of information and computer technology in the Justice Sector - and agreed that efforts towards creating a centralised system across the European area of freedom, security and justice should continue. As internet usage tips closer to saturation and the full impact of our information based society becomes clearer, the import of increased technologically based support of the justice sector is of clear benefit to all. However it is important to recognise that the levels of technological development across the Union are not uniform and that this opt-in element remains until such a time as development is more even, and advanced technical capacity is reached.

MEP Wallis' proposal concerns the establishment of a centralised e-Justice system which details a framework for action for the creation of a European e-Justice portal where civil, criminal and commercial matters are all regrouped, for example where criminal records, land registry deeds and insolvency registers are contained and thus accessible to Member States.

- Report: Nirj Deva (A6-0445/2008)

Alessandro Battilocchio (PSE), in writing. – (IT) Thank you, Madam President, I have voted in favour of Mr Deva's report on development perspectives for peace-building and nation building in post-conflict situations, which calls attention to the international community's responsibility towards states, or local groups, involved in conflict. I am pleased that the amendments tabled by the Socialist Group in the European Parliament have led to a substantial improvement of the proposal, with reference to the need for greater coordination between the activities of peace-building, humanitarian aid and development in countries emerging from conflicts. I would like to draw attention to the situation of children in conflict zones, in particular those who have lost one or both of their parents. Moreover, in times of conflict, very often hospitals and schools are subject to attacks by troops. We must work to ensure that children can overcome post-conflict trauma, through cooperation with UNICEF, which is already present in many at-risk areas throughout the world, in order to secure a satisfactory education and a better future for these children.

Hélène Goudin and Nils Lundgren (IND/DEM), in writing. – (SV) The June List believes that peace-building and nation building in developing countries are not matters for the EU. The responsibility for these challenges rests with the UN.

We are highly critical of all of the wordings in the report which recommend the continued development of the EU's military capacity and have therefore voted against the report.

Pedro Guerreiro (GUE/NGL), in writing. – (PT) As it is impossible to comment on the (intentional) amalgam that this report comprises, we will concentrate on what we regard as its main objective: to downplay the interference of the EU's major powers in third countries, under cover of the 'Responsibility to Protect' concept.

While underlining the sovereignty of states, the report considers, 'however, that where governments are unable or unwilling to provide such protection then the responsibility to take appropriate action becomes the collective responsibility of the wider international community'. It then notes that such action 'should be preventive as well as reactive, and should only involve the use of coercive military force as an absolute last resort'. The language clearly does not betray the intention.

However, there can be no doubt in this respect as the report 'demands' that 'the principle of non-intervention yields to the international Responsibility to Protect' and believes that 'there are two phases of peace-building and state-building: the stabilisation phase where the emphasis is on security, law and order and provision of basic services; and the second phase of state-building which focuses on governance and the institutions which will deliver it'.

This report therefore constitutes a primer for interference and colonialism.

Eija-Riitta Korhola (PPE-DE), in writing. – (FI) I voted in favour of Mr Deva's report on development prospects for peace-building and nation building in post-conflict situations because it raised in a comprehensive way the issues that are essential for successful reconstruction. The issue is an important one as half of all countries that emerge from conflicts return to conflict within five years. Apart from the country in a situation of fragility itself, the international community is an important protagonist in the development of nation building. I believe it is especially important to consult and support local women's organisations and international networks of peace more so than before and insist on the rights and opportunities that victims of sexual violence should have to access to justice. It is also worth remembering that peace is not only the absence of war. Crucial to any successful reconstruction policy is tackling the root causes of instability by means of those socio-economic, political and cultural measures which can foster economic development and create institutional and administrative capacities.

Luca Romagnoli (NI), in writing. – (IT) Madam President, ladies and gentlemen, I have voted in favour of Mr Deva's report on development perspectives for peace-building and nation building in post-conflict situations. He has outlined an excellent course for what should be the ideal transition from a post-conflict situation to a return to normal social and economic life.

I believe that this should be considered in the resolution of the too numerous and violent internal conflicts, above all in relation to the role of the European and international community. I agree with Mr Deva that the route to conflict resolution is easy to delineate but more difficult to pursue in practice. That does not change the fact, however, that at least as far as the European Union is concerned, our action should be focused on serious support for countries in difficulty and entirely free from hypocritical or convenient positions.

10. Corrections to votes and voting intentions: see Minutes

11. Documents received: see Minutes

(The sitting was suspended at 1.05 p.m. and resumed at 3.05 p.m.)

IN THE CHAIR: MRS KRATSA-TSAGAROPOULOU

Vice-President

12. Approval of the minutes of the previous sitting: see Minutes

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

13.1. Zimbabwe

President. - The next item is the debate on six motions for resolutions on Zimbabwe⁽²⁾.

⁽²⁾ See Minutes.

Marios Matsakis, *author*. – Madam President, the political, economic and humanitarian situation in Zimbabwe is going from bad to worse, with the threat of a generalised outbreak of cholera and other potential epidemics adding to the already dire conditions in which the Zimbabwean people find themselves.

It is now absolutely clear that Mr Mugabe cares very little about the well-being of his countrymen. He cares much more about living a life of personal luxury and extravagance. Mr Mugabe has proved beyond any reasonable doubt that he is totally unfit to govern his country in the modern world. He finds excuses for his political existence by pretending to fight the ghosts of the long bygone British colonial era.

There is no way we Europeans can convince Mr Mugabe to see reason. The only chance to force him to step down is a drastic change in the stance held by the African Union. It is shameful that this organisation has not intervened in a much more decisive and resolute manner already. I believe that our efforts must be directed at the African Union and the governments of the nations it consists of. We must make it absolutely clear to them that we hold them wholly responsible for the sorry state of affairs in Zimbabwe and expect them, even at this very late stage, to take proper drastic action to get Mr Mugabe's regime to step down and go home or face severe consequences, not excluding trial for crimes against humanity.

Catherine Stihler, *author*. – Madam President, if colleagues could think for a moment about their worst nightmare, it would not even come close to what is happening to the people of Zimbabwe. Once a prosperous country, it has been turned on its head by its President. The country is collapsing – no governance, no jobs, hyperinflation, no food, no health service – and the breakdown of the sanitation system is now creating a cholera outbreak.

A week ago, Zimbabwean President Robert Mugabe said the cholera outbreak had been arrested. He claimed Western powers wanted to use an epidemic as an excuse to invade Zimbabwe and topple him. However, South Africa has declared most of its northern border with Zimbabwe a disaster area, as the disease spreads over with refugees, and Oxfam has warned that the situation in Zimbabwe could get a lot worse.

Today's reported figures show that 1 111 lives have been lost and the disease is spreading. There are 20 581 cases of cholera. Cholera is a highly infectious disease caused by a bacterium which creates an intestinal infection. Symptoms include diarrhoea and dehydration. In its most severe form a sudden onset of acute watery diarrhoea can lead to death by severe dehydration and kidney failure. It can kill healthy adults in hours.

To give an example of the impact the disease is having on the population, I want to tell Parliament about Cynthia Hunde's son, Munashe. Munashe died of cholera shortly before his first birthday. Cynthia had gone to work in South Africa to try and provide a better future for her son, as there is no work in Zimbabwe, leaving Munashe in the care of her mother. When she returned to her mother's home, she found Munashe dying in his grandmother's arms. Interviewed by the BBC, she said: 'I feel so bad ... It's so hard to describe. When you have a son you have dreams for him. I came home expecting to find him running around the house, but that just didn't happen'.

Please, colleagues, support this resolution condemning Zimbabwe and please help innocent victims like Munashe.

Erik Meijer, *author*. – (NL) Madam President, in the previous urgent debates on the subject of Zimbabwe that were held on 7 July 2005 and 24 April 2008, I indicated why Mr Mugabe has managed to stay in power for so long.

The people remember their country's violent past. To many, he has remained the hero of the fight for freedom. According to this line of thinking, everything he does should *a priori* be considered good. Everyone who opposes him serves, as before, the interests of other countries and at home only those of the privileged white majority. If Mr Mugabe were to lose power, the country would be re-colonised, and the majority of the people would be discriminated against. The reality is different, though.

Mr Mugabe's sudden radicalism of a few years back, when he had never managed to overhaul agricultural land ownership and had allowed the chasm between rich and poor to continue to exist, was mainly intended to attract new supporters among a young generation and not to alienate his old comrades any further.

This approach may have won him more fanatical and violent allies, but certainly not the support of the majority of his fellow countrymen. For years, Europe and America had misjudged the situation in Zimbabwe and, by doing so, had brought on themselves the suspicion of having ulterior motives. Precisely these feelings of hostility ensured that Mugabe could stay in power.

Resistance is growing now that everyone realises how inefficient and disastrous his policy is. Without killing and intimidation, he would not have won the presidential elections, and the opposition's narrow parliamentary majority would have put it in government.

We have now reached a stage further than during the previous urgent debates. Drinking water supplies have broken down and cholera is claiming victims. This is no reason to triumph over the failing opponent, but to help the people of Zimbabwe. They deserve a better government, but this cannot be imposed from outside by anyone. What we can do is prevent Mr Mugabe from getting support from outside.

Mikel Irujo Amezaga, author. – (ES) As the report says, according to 2007 estimates Zimbabwe has a population of 12 million, and almost half of them are starving. Life expectancy is 36 years. Only 40% of the country's teachers are working and only one third of students attend classes. This shows that Mr Mugabe is not only killing the present: he is killing the future.

Repression and the trampling of human rights are also part of the daily agenda. People who uphold human rights in Zimbabwe have been systematically targeted with arbitrary detention, arrest and torture. Government legislation has severely curtailed the freedoms of expression, assembly, movement and association.

I would like to mention a few examples, since the government has introduced increasingly repressive laws that have been used against these activists defending human rights. They include the Access to Information and Protection of Privacy Act, used by the government to effectively silence journalists; the Public Order and Security Act, which has severely curtailed the freedom of assembly, and hundreds of defenders of human rights, including workers of independent means, have been arbitrarily detained; and the Private Voluntary Organisations Act, brought back by the government in 2002 and presumably used to intimidate and harass NGOs.

Madam President, in my mother tongue Euskera – Basque – which is not official in this House, 'mugabe' means 'without limit', a good motto for this individual.

The dictator of this African country is not just one more name on the long list of dictators that we have had the misfortune to have on this planet, but I would dare say he is up there among the top ten dictators. In my opinion, we in the EU have to do our utmost for this individual to step down and end his days facing a Court of Human Rights.

We therefore wish Zimbabwe a happy 2009 without Mugabe.

Andrzej Tomasz Zapłowski, author. – (PL) Madam President, two months ago, we discussed the great famine which afflicted the Ukraine during the 1930s. The following question was frequently asked: how could this tragedy have come to pass? Why did the world remain silent? Today, when we look at events taking place in Zimbabwe, a similar question comes to mind: how is it possible, in this day and age, for a leader to destroy his own country? Why is the world doing so little to address this problem?

Resolutions alone will not change the leadership in Zimbabwe. We should ask ourselves whether we are prepared to stand by while the Zimbabwean people are sent to their destruction, just as the UN forces looked on while people were being slaughtered in Rwanda. Perhaps our response to the situation in Zimbabwe might be more decisive if that country had a plentiful supply of raw materials. Today's resolution is an excellent document, but it remains nothing more than that. More dynamic action is needed if people are to be saved. That is why we must without fail support Zimbabwe's neighbours, so that appropriate aid can be provided on Zimbabwe's borders.

Charles Tannock, author. – Madam President, in the past few years Zimbabwe has figured so often in these debates that we could be forgiven for running out of condemnatory words to say, but we must speak up because the long-suffering people of Zimbabwe have themselves been denied a voice by this ruthless despot, Robert Mugabe.

He has forfeited all rights to claim democratic legitimacy, because of his wanton disregard for human rights, political freedoms and the rule of law. The recent shooting of Perence Shiri, one of Mugabe's henchmen, hints at the anger bubbling under Zimbabwe's surface. Shiri has the blood of 20 000 people on his hands. It was Shiri who, with assistance from Communist North Korea, systematically massacred innocent civilians in the early 1980s in Matabeleland. If that was not bad enough, Mugabe's neglect has now caused an epidemic of cholera, a disease that had been almost totally eradicated throughout Zimbabwe until recently.

In response to international concerns, Mugabe says, outrageously, that the outbreak amounts to genocide perpetrated by Britain, my country, the former colonial master. It is perhaps this groundless accusation of neo-colonialism, combined with our own post-colonial guilt, that prevents us in Europe from taking more robust action.

Yet when we look to Africa to provide a solution we find an ocean of indifference and ineffectiveness. The strident condemnation of Mugabe by the Prime Minister of Kenya and the President of Botswana stands out in stark contrast to the apathy of most other African states and leaders, and in particular South Africa, although we must now hope that a President Zuma takes a tougher approach.

If the African Union aspires to anything like the authority of the European Union, it needs to address Mugabe's reign of terror and consider the possibility of action to force Mugabe from office. One concrete measure we should encourage is the indictment of Mugabe in the International Criminal Court through a UN Security Council resolution, as has proven useful in the case of President al-Bashir over Darfur. I hope, the next time I speak on Zimbabwe, it will be to hail Mugabe's demise and departure from office.

Ioannis Kasoulides, *on behalf of the PPE-DE Group*. – Madam President, Zimbabwe is becoming a failed state. Half of the population will survive under foreign sustenance or will face starvation. Sanitation and unpolluted water are almost unavailable and, as a result, a devastating cholera epidemic is spreading within Zimbabwe and the surrounding countries.

All this is because Mr Mugabe and his cronies want to punish their own people because they voted for him to go. The South African mediation was unsuccessful and the African countries have so far been disappointing in taking resolute action. The above picture constitutes a grave humanitarian catastrophe, so, as a first step, Mr Mugabe should be referred to the International Criminal Court to be indicted for crimes against humanity and to have an international warrant issued for his arrest.

Lidia Joanna Geringer de Oedenberg, *on behalf of the PSE Group*. – (PL) Madam President, Zimbabwe has been struggling with a very serious humanitarian crisis for some time now: almost half of the population are starving, there is practically no access to running water and the sanitary conditions are terrible. During the past decade, the average life expectancy in Zimbabwe has fallen from 60 years for both sexes to 37 years for men and 34 for women. A spreading cholera epidemic has already claimed eight hundred victims, while over 16 000 people are infected. According to Médecins sans Frontières (MSF), around one and a half million people might soon be infected with cholera.

The country's economy is in a sorry state. The rate of inflation has long been the highest in the world. Over 80% of the population are living on less than a dollar a day. The authorities in Zimbabwe seem not to notice the seriousness of the situation and have taken no action. President Mugabe has not fulfilled his promise to create a government of national unity, and political opponents continue to be persecuted.

The critical situation in Zimbabwe requires a decisive reaction from the European Union, and both the Council and the Commission should confirm their commitment to the cause by continuing to provide humanitarian aid to the suffering population. We must put pressure on the Zimbabwean government to lift their restrictions on aid organisations and stop arresting human rights activists. In addition to this, we should support the Elders Group, so that its members can obtain permission to enter Zimbabwe.

The process of introducing democratic change to Zimbabwe will require commitment from other African countries, regional institutions and international bodies. Ensuring that parliamentary elections are fair and monitoring the creation of a new government might provide an opportunity to stabilise the situation. At the same time, the international community should be prepared to provide financial aid to help rebuild state structures that are based on the rule of law.

Zdzisław Zbigniew Podkański, *on behalf of the UEN Group*. – (PL) Madam President, the information contained in the Resolution on Zimbabwe is shocking: 5.1 million people, namely half of the population, are starving, over 300 000 people are threatened by a cholera epidemic, 1.7 million are infected with HIV and the average life expectancy is 37 years. All this is too much for any government to handle on its own.

That is why we should fully support all initiatives to improve the situation in Zimbabwe. The authors of the Resolution rightly draw our attention to the fact that we need to facilitate and extend the scope of humanitarian aid and that the Council, Commission and the European Union Member States need to undertake other activities, including diplomatic action and giving financial and practical support to Zimbabwe. This needs to focus not only on the present, but also the long term, and must be based on a specific programme. I say

'rightly', as yet another Resolution will not help to feed the people. What we need, and what the population of Zimbabwe are waiting for, is practical aid.

Michael Gahler (PPE-DE). – (DE) Madam President, the only good news from the ravaged country of Zimbabwe is that what we are currently seeing are probably the final months of the Mugabe regime.

The good news from Africa is that more and more countries are opposing the state of affairs in the country. As the first Vice-Chairman of the ACP-EU Joint Parliamentary Assembly, I can report that our African counterparts joined us in our critical assessment of the situation in Zimbabwe for the first time three weeks ago, at our session in Port Moresby. In South Africa, too, the pressure is growing for the government to withdraw its protection from the Zimbabwe regime at long last. The situation is worsened by the fact that the refugees are now also bringing disease into South Africa. It is to be hoped that this situation will have improved by the time of the World Cup, as this may explain why South Africa is making changes: out of fear that the visitors will stay away. That in itself should be a reason to withdraw its protection from the Mugabe regime.

Ewa Tomaszewska (UEN). – (PL) Madam President, we discussed the situation in Zimbabwe on 24 April 2008. During that discussion we addressed the problem of the election results, and more specifically, President Mugabe's continuing grip on power in spite of those results. Today, we are addressing the dramatic consequences of those events. Over 12 500 people suffering from cholera cannot count on the government for assistance, while 565 people have already died. This epidemic is also spreading across the border to the Republic of South Africa.

The above-mentioned figures, which come from UN reports from the beginning of December, are lower than those now being released by humanitarian organisations. According to them, the death toll already stands at more than a thousand people, while over 20 000 people are infected with cholera. Millions of people are starving or have no access to water. The African Union is not taking effective measures to improve the situation in Zimbabwe. President Mugabe must now be made to appear before the International Criminal Court and urgent action must be taken to control the cholera epidemic and ensure that food and medical aid reach the people of Zimbabwe.

Kathy Sinnott (IND/DEM). - Madam President, we have watched Zimbabwe's slow agony for many years. In addition to political violence and deepening poverty we now see it speed up as we see the inevitability of starvation and disease gripping the five million inhabitants. We must be there for the people, feed them, bring them medical relief, and support their yearning desire for freedom.

To help them, we must isolate its leader, Mugabe, from his African supporters by getting all African leaders to condemn him. Beyond Africa, we must work to remove the international supporters, the usual suspects China and Russia, by challenging them to cut off all support and trade with Mugabe. We have to examine our own conscience, though, because it is not so long ago that we, the EU, invited Mugabe to attend the EU-hosted AU-EU summit in Lisbon.

Jacques Barrot, Vice-President of the Commission. – (FR) Madam President, I am grateful to all the MEPs who have launched an urgent appeal for Zimbabwe, since Zimbabwe is facing a crisis on an unprecedented scale, and it is getting worse – not a single sector is spared.

On a political level, we are witnessing an increase in violence, as the reports of arbitrary arrests and the disappearances of human rights activists show. The fresh outbreak of political violence may cause any crisis solution to fail and drive the parties to adopt irreconcilable positions.

On a humanitarian level, the situation is worsening, as is shown by the cholera epidemic that is spreading and threatening Zimbabwe's neighbouring countries.

On an economic level, the situation is disastrous. The prices of basic commodities continue to increase. The cost of the average food shopping bill increased by 1 293% last week.

On a social level, the risks of an explosion increase more each day with the harmful effect this situation could have on the stability of the entire region.

So what can we do? Zimbabwe's needs are huge. They are increasing exponentially, and this is mainly due to the current government's mismanagement.

On a humanitarian level, the Commission continues to be actively involved. A mission on the ground, from 15 to 19 December, is currently reassessing the humanitarian situation. This will enable us, among other things, to determine very quickly whether there are any additional requirements.

On a political level, the Commission – and beyond that, the international community as a whole – will be able to help Zimbabwe only if it can work closely with a legitimate government that is flexible enough to adopt the political and economic measures required.

The latter depends on the agreement of 15 September being implemented and a government of national unity being established. It also depends on the stakeholders of the region and of the African Union becoming more involved. We express our earnest desire to see such an involvement in all the contacts we have with them.

To conclude, I can assure you that the Commission, which is monitoring very closely the situation on the ground, will continue to work with all the Member States, and with our African and international partners, to find an equitable solution that will enable Zimbabwe to emerge from the current crisis, which all of you have strongly denounced.

Thank you for your attention. It is true that, during this festive season, we cannot forget about all those people who are suffering in Zimbabwe. They rank among those people who are without doubt most in distress today.

President. - The debate is closed.

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

13.2. Nicaragua

President. - The next item is the debate on six motions for resolutions on Nicaragua⁽³⁾.

Marios Matsakis, author. – Madam President, freedom of expression, the independence of the judiciary and the preservation of the fundamental principles of democracy appear to be under threat in this Latin American country. It is our task and duty, as EU parliamentarians, to stand by the rights of the Nicaraguan people and to send a clear message to the Government of Nicaragua that we will not tolerate any breaches of such rights, but we will make sure that all necessary pressure is applied by the EU and the UN to safeguard and ensure respect for the human rights of the citizens of Nicaragua.

I hope this message, embodied in this motion for a resolution, will be heard loud and clear by those concerned and the necessary action to remedy the situation will be taken urgently.

Manuel Medina Ortega, author. – (ES) We have a motion for a resolution on Nicaragua in which we have to take a number of factors into account. First of all, there are allegations of fraud – in the two municipalities of Nicaragua and León, at least – and that tarnishes the outcome of the election on 9 November. On the other hand, we have a government that has tried to resolve some of the problems that take away human rights in Latin America, namely poverty, illiteracy, infant mortality, availability of drinking water, and lack of title to indigenous lands.

When we examine the case, therefore, we must make a clear distinction between these two aspects. On one hand we must boost human rights and uphold human rights, in their traditional sense, as political rights, whereas on the other we must encourage the Nicaraguan Government to continue helping the most deprived sectors in the country. We must also, of course, ensure that the opposition can fulfil its role, we must take a stand against fraud, and we must endorse the work of NGOs. Nonetheless, there must be a balanced outcome.

The Socialist Group in the European Parliament has tabled a number of proposals for oral amendments in an attempt to channel the final text into a more balanced form with regard to the allegations of violations of fundamental rights, whether or not criminal investigations should be launched, and the number of municipalities in which some kind of irregularity has actually happened.

⁽³⁾ See Minutes.

In short, we want to condemn the alleged infringements of fundamental political rights, but without going to the extreme of placing the Government of Nicaragua in a difficult situation, so that it can go on performing its role of supporting the most deprived strata of its society.

Pedro Guerreiro, author. – (PT) Madam President, just as it has done with other countries that have taken steps to affirm and defend their national sovereignty and independence – namely their right to decide their present and future – and that have developed a plan for emancipation, social progress and solidarity with the peoples of the world, the European Parliament is heading up yet another unacceptable and despicable attempt at interference, this time in relation to Nicaragua.

This debate and this motion for a resolution are simply intended to blatantly back those who support and encourage attempts to interfere with and destabilise a democratic and sovereign state such as Nicaragua. Instead of distorting the situation and the facts and trying to give Nicaragua lessons on democracy, the European Parliament should denounce the EU's anti-democratic attempt to impose a proposed European Treaty, which has already been rejected, in total disregard for the democratic decisions sovereignly taken by the French, Dutch and Irish people.

Instead of meddling in something which only the Nicaraguan people can decide, the European Parliament should have rejected the inhumane Return Directive, which violates the human rights of immigrants, many of whom are from Latin America, and should denounce the EU's complicity with the criminal CIA flights.

Instead of copying the interference advocated by the United States, the European Parliament should denounce the EU's unacceptable blackmail in relation to Nicaragua and demand that it fulfil the undertakings it has made to that country.

What is really bothering the sponsors of this initiative is that Nicaragua is determined to improve the living conditions of its people, in terms of nutrition, health and education, by supporting the most disadvantaged. The best denunciation of this attempted interference by the European Parliament is the genuine recognition of and solidarity with Nicaragua shown by the peoples of Latin America. Therefore, let me say it again: stop pretending that you can give lessons to the world.

Leopold Józef Rutowicz, author. – (PL) Madam President, Nicaragua is a very small, poor and debt-ridden country with a very low per capita income.

This country has had little luck. It has been governed by groups with a range of political affiliations, occupied by American troops, and has been caught between Cuba, the USSR and the USA. In addition to this, this country has been ravaged by droughts and battered by hurricanes, one of which claimed 6 000 lives in 1999 and was probably the most notorious and the most powerful hurricane in the world. Political changes and power struggles have undermined Nicaragua's development, as has been the case in many Latin American and African countries. This situation has produced violations of human rights and the drawing up of legislation contrary to international conventions.

The European Union, in providing aid to the people of this country, believes it is necessary to introduce the principles of democracy into the way it is governed, as well as adapting its legislation to comply with international conventions. Nicaragua, if it had a democratic government, could become one of the members of the Union of South American Countries, which might, in the future, become the European Union's ally in the field of global politics. As part of the process of democratisation, it is important for the political class in Nicaragua to take the steps mentioned in the Resolution, which I support.

Raül Romeva i Rueda, author. – (ES) Protection of the rights of human rights defenders is something that in my view cannot be subject to any kind of divisions based on political likes or dislikes. We in this House tend all too often to pass very harsh judgment on those with whom we do not share certain political ideals and to defend too vigorously those whom we regard as allies.

I must stress that, in terms of human rights, the issue has to be addressed from a universal point of view.

The risk we are running today is also present in the resolution on Nicaragua that has been tabled by certain political groups.

We must bear the context in mind. This context clearly shows us a country in a poverty situation, which needs to be tackled urgently with drastic structural measures. It seems to me that the current government of Nicaragua is doing many of the things that need doing in order to address this problem.

It is also important to remember, however, that the fight against poverty cannot be compatible with the persecution and harassment of people who, for one reason or another, disagree with the official line.

A true democracy is one that allows disagreement, debate and freedom of expression.

Certain situations have taken place recently in Nicaragua that deserve to be highlighted. Some of them are positive, like the abolition in July of Article 204 of the Criminal Law, which criminalised homosexuality. As Vice-President of the Intergroup on LGBT rights at the European Parliament, I am delighted at that.

Others, however, are negative and deeply worrying, such as the numerous examples that we have had cause to regret in connection with the worsening situation of women. In particular, there has been persecution of women who uphold their sexual and reproductive rights, *inter alia* by supporting a young rape victim by helping her have an abortion to save her life.

This is something that we must never lose sight of and which must be taken into account in the framework of the current negotiations to conclude an association agreement. Nevertheless, I also call on the Commission to consult with Parliament before coming to any decision on this matter.

Fernando Fernández Martín, author. – (ES) Today we are debating the situation that has been created in Nicaragua by the attacks on some defenders of human rights, on certain fundamental freedoms and on democracy.

I do not have to remind you here of Zoilamérica, or Ernesto Cardenal, or Carlos Mejía Godoy, or Jarquín, or Sergio Ramírez, or so many other Nicaraguans who now feel their hopes for a better Nicaragua have been betrayed.

In November 2006, Mr Ortega asked the Nicaraguans for what he called a new opportunity, and they democratically gave it to him. We now know what he wanted it for. Since then, arbitrariness, nepotism and corruption have taken hold in the institutions of government, culminating in the electoral fraud of the 9 November ballot. Prior to that, some very serious decisions had been made, such as annulling the legal status of some opposition parties, or threats and intimidation directed at members of civil society, journalists and the media.

President Ortega likened the governments of the European Union to flies landing in filth and considered the foreign aid that Nicaragua received mere crumbs. He soon realised that there was not enough Venezuelan oil for him to do without that development aid.

When we are prepared to enter a decisive phase in the negotiation of an association agreement between the European Union and Central America, the Nicaraguan government must understand that it will always find an ally and a friend in us, but that respect for human rights, freedom of expression and democracy is for us, in short, a condition that we shall never waive, because we believe that it is, above all, the people of Nicaragua who benefit from it.

Josu Ortuondo Larrea (ALDE). – (ES) Municipal elections were held in Nicaragua on 9 November this year. As on previous occasions, the electoral process has been called into question in terms of its democratic legitimacy. Accusations of fraud have been made, and demonstrations have taken place with clashes between supporters of different political parties. Many people have been injured, and the political crisis in which the country is immersed is getting deeper.

Two political parties were unable to put up candidates for the local elections. That is unacceptable, because it curtails the fundamental right of all citizens to political participation.

Moreover, we have received direct statements from representatives of human rights organisations telling us about the mood in civil society to question the judicial system, about the administrative repression mechanisms that have brought up to 17 social movement organisations before the courts, and about the persecution of independent journalists and even the delegation from the European Commission.

For all these reasons we must raise our voices and call firstly on the political parties to condemn the acts of violence perpetrated by their followers, and secondly on the government itself to reopen spaces for democratic participation, to respect freedom of expression, to stop banning marches, and to allow all NGOs to receive international cooperation aid and not only aid from Venezuela for pro-government associations.

In addition, they should revoke the criminalisation of therapeutic abortion in cases where the mother's life is threatened.

Finally, in the context of the negotiations on the association agreement between Central America and the EU, we call on the Commission to remind Nicaragua that it must respect the principles of the rule of law, democracy and human rights. That, however, must not prevent Europe from continuing to provide aid for the development and welfare of the Nicaraguan people, because we want them to have the best possible future.

Jacques Barrot, *Vice-President of the Commission*. – (FR) Madam President, the political situation in Nicaragua worsened in the run-up to the local elections of 9 November. The many actions and the appeals for calm that have come from the international community and, in particular, from the EU's and the Commission's missions, have been ignored.

Following the vote, the circumstances surrounding the counting and the announcement of the results caused a crisis with the main opposition party. The constitutionalist liberal party rejected the results and denounced the election as a massive fraud. Citizens' movements, the Church, employers' associations and the international community have all called for the votes to be recounted or new elections to be organised. What is more, the political institutions and, in particular, the parliament, have remained at a standstill due to the lack of an agreement between the two main parties.

The reports from our heads of mission in Nicaragua and the report from the electoral experts dispatched by the Commission have spoken of violations of electoral rules and of international conventions. On 10 December, the Commission, in agreement with the Member States and after consulting other partners, sent a letter to the Nicaraguan authorities offering its support for any concerted solution between the country's political forces, in order to end the crisis and to restore the citizens' confidence in the democratic institutions. That letter also announced the suspension, from 1 January 2009, of disbursements from the budgetary aid programmes, as well as the opening of a consultation period with the Nicaraguan authorities concerning the current situation and the methods of reorienting European cooperation with the country.

I should make it clear, moreover, that the Commission has not withdrawn its 2008 aid for Nicaragua – EUR 20 million have been distributed, including the emergency humanitarian aid – and everything that had been earmarked for this year will be paid insofar as the conditions inherent in each project are met.

As far as 2009 is concerned, the EUR 57 million earmarked for budgetary aid have not been withdrawn, but suspended. Cooperation will be focused on programmes and activities that guarantee that the aid reaches the beneficiaries – the Nicaraguan people – directly, without going through the government.

I would add that the foreign affairs minister, Samuel Santos, expressed his disagreement with the measure in a letter sent to Commissioner Ferrero-Waldner on 12 December. He reaffirmed the validity of the results and expressed his willingness to enter into a dialogue on the cooperation efforts that the Commission intends to carry out as soon as possible.

Lastly, in response to one of the speeches, I would say that the Commission obviously hopes that the current crisis will be resolved as soon as possible and, in any event, the importance attached by the parties to respect for democratic principles and values and to good governance is enshrined several times in the EU-Central America association agreement. The negotiations concerning this association agreement will serve as an opportunity to enhance the debate on these principles, their application in practice included.

That is the information that I am able to give you; I know that Mrs Ferrero-Waldner is monitoring this situation very closely together with the Commission services.

I should like to thank you and to thank all the speakers for having raised the Nicaraguan situation.

President. - The debate is closed.

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

Written statements (Rule 142)

Kathy Sinnott (IND/DEM), *in writing*. – Nicaragua has many urgent problems: political and police corruption, lack of independence of the judiciary, possibly fraudulent elections, growing poverty, illiteracy, poor healthcare. However, the fact that Nicaragua unlike Europe protects its babies before birth is not one of its transgressions.

We in Europe have the wealth to take care of our mothers and babies but allow over a million babies to be destroyed before birth. Nicaragua is poor and yet still holds out a welcome to its young. Nicaragua with all

its problems has a demographic future, whereas we in Europe who criticise Nicaragua face a harsh demographic winter.

We must help Nicaragua establish robust democracy, strong, honest economics and effective education and health systems, and help them to care for their families, their women and children, rather than destroy them with legalised abortion.

13.3. Russia: attacks on human rights defenders, and the Anna Politkovskaya murder trial

President. - The next item is the debate on six motions for resolutions on Russia⁽⁴⁾.

Marios Matsakis, author. – Madam President, Russia is one of the EU's most important trading partners. Amongst other things, it is responsible for supplying EU Member States with a large percentage of their energy needs. Furthermore, today's Russia is not what that country was in the past. In this respect we are pleased, for we wholeheartedly wish Russia to be a modern and democratic nation with which we can cooperate to further world peace and prosperity. Unfortunately, our wishes – and now our trust-building – are being shaken by the violation of human rights and disrespect for the rule of law that is still taking place in Russia, albeit at a much reduced rate. A good example is the totally unacceptable way that the whole affair concerning the brutal murder of Anna Politkovskaya in 2006 has been handled by the Russian authorities.

With this motion for a resolution, we call upon the Russian Government to do its utmost to ensure that the road to democratic reforms taken by Russia, and its consequent cooperation with the EU, are not put in jeopardy by the human rights violations still occurring in that country.

Józef Pinior, author. – (PL) Madam President, Elena Bonner spoke here yesterday, at the Sacharov Prize award ceremony, which she attended with her daughter, Tatjana Yankelevich. Her words still echo in this Chamber today. They were significant words indeed – conveying a message to the Europe of today, to the world of today, from someone who survived the totalitarian regime in Russia and who represents the true voice of Russia in today's world.

We, in the European Parliament, are concerned by the current situation in that great country. Lawyers and human rights activists are persecuted, intimidated, threatened with violence and live in fear for their lives. This is all part and parcel of Russia's current political system.

On 4 December 2008, the police searched archives, located in the offices of the Memorial organisation, a distinguished human rights institution active in the field of recording the crimes of totalitarianism. I have to admit that I cannot imagine what reasons the Russian authorities might have had for seizing equipment belonging to Memorial, its computers or its files on the Gulag period. I cannot think of any explanation as to why such files might pose a threat to public order in modern-day Russia.

We are also concerned about the trial of Anna Politkovskaya's killers. Not only is it our expectation that the trial will clarify exactly who committed this murder, who was responsible and on whose orders it was carried out, we also expect the court to explain all the circumstances surrounding this shocking killing. That is why the trial should be open to journalists, the media and all those who wish to monitor the proceedings.

I also think that a clause on human rights should feature in fundamental agreements between the European Union and Russia. The real Russia is the one that Mrs Bonner described yesterday in the European Parliament.

Erik Meijer, author. – (NL) Madam President, after 1991, Russia was for a while a land of open differences of political opinion and political debate with a multi-party system and varying opinions about the future. Unfortunately, this most democratic period was also accompanied by administrative incompetence, random privatisations and corruption. The chaotic period under President Yeltsin in the 90s has created a climate for a hark-back to a strong, central authority without much scope for opposition or critical investigative journalism.

Although now, contrary to what happened in the Communist era, various parties take part in the elections, the power resides with one party once more, other parties are systematically sabotaged and the leader of the ruling party is being glorified. A large proportion of public opinion is behind this leader and has no time for

⁽⁴⁾ See Minutes.

any criticism, alternatives or opposition. This is set to stay this way, as long as Russia has suddenly become rich and successful on the back of gas and oil exports. The scope for real democracy has as a result been limited considerably.

Those who oppose current prevailing opinions point to the enormous chasm between the rich and the poor, the high level of secrecy, intolerance, the limited rights of autonomous regions, the treatment of ethnic minorities, the violent situation in Northern Caucasus, the neglect of economically weak regions, the abuse of conscripts, discrimination against homosexuals, the impunity of some murderers, the unilateral party choice of police and justice, and the restriction of freedom of non-governmental organisations and media.

Our sympathies must lie with the critics. We can help those critics by setting a good example and supporting human rights activities in the fight against disappearances, intimidations, secrecy and killings. In practice, countries with a well-functioning parliamentary democracy unwittingly contribute to the opposite.

We help the critics not by erecting a rocket shield or by supporting Georgian efforts to occupy Abkhazia and South Ossetia. These are seen as acts of hostility that only result in people rallying round Mr Putin. Neither do we help them, in our need for gas and oil, by condoning the human rights violations in Russia. The resolution is right to state that, in our contacts with Russia, human rights, the rule of law and democracy should receive priority.

Tunne Kelam, *author*. – Madam President, this debate is long overdue. We continue to quote the word ‘interdependence’. That interdependence does not only relate to energy and trade. It also concerns values, justice, human dignity and truth. These are values to which Russia committed itself when it became a member of the Council of Europe.

This debate should remind us of our shared responsibility for the alarming regression in the field of democracy and human rights in Russia.

On 3 December 2008, 17 Russian human rights groups sent a joint statement to the EU. Europe’s reaction has not been adequate, they tell us, to what is taking place in Russia and with Russia’s relations with neighbouring states like Ukraine and Georgia. The EU has failed to hold Moscow to the same standards it insists on holding other partners to. It is precisely that failure, they conclude, that has allowed the Russian authorities to crudely violate human rights and international law.

Yesterday, Elena Bonner delivered to us the essence of Andrei Sakharov’s message: do what you have to do; do what your conscience tells you to do. Should we not do this, we risk sharing responsibility for gassing justice and human rights in our neighbourhood, while making pragmatic attempts to secure energy supplies for ourselves.

Can we make a difference? All those people who have experienced the brutality and seeming omnipotence of Soviet totalitarianism can assure you that we can make a difference if we value our own values seriously. The Russian people deserve to enjoy the same values and justice we do.

Ewa Tomaszewska, *author*. – (PL) Madam President, in Russia, murder and assassination continue to be used as a means of silencing human rights activists and anyone who thinks differently.

In Moscow, on 28 October, Fr Otto Messmer, the Jesuit Superior of the Russian Region, and Fr Victor Betancourt from Ecuador, were murdered. On 31 August, Magomet Yevloyev was killed. Attempts have also been made on the lives of Ahmed Kotiev, Zurab Tsetchoev, Dimitri Kraiuchin, Stanisław Dmitriewski and Karina Moskalenko. On 4 December, Russian public prosecutors organised a raid on the offices of the Memorial organisation, during which a database containing the details of thousands of victims of Stalin’s regime was seized.

The trials concerning the murders of Anna Politkovskaya and Alexander Litvinienko indicate that the Russian authorities are trying to prevent a fair outcome and that they are trying to prevent the world from knowing who ordered the killings. In Russia, it is common practice to arrest peaceful protestors and bully conscripts.

I strongly protest against violations of human rights in Russia. I call on the Russian authorities to stop persecuting human rights activists.

Michael Gahler, *on behalf of the PPE-DE Group*. – (DE) Madam President, we have expressed our will to cooperate with Russia on many occasions. We want economic exchange and political dialogue with the country. Europe and Russia need each other. All the more worrying, then, the developments with regard to

the rule of law and democracy in the country, whose people have already suffered under Soviet dictatorship for so many decades.

All the democratic indicators have been pointing downwards since Vladimir Putin took office: press and media freedom, freedom of expression, assembly and association – and not just for political parties – judicial independence and respect for minorities.

The condemnation of Russia on various occasions by the European Court of Human Rights here in Strasbourg is depressing proof of the civil-rights situation in the country. One of the things that the raid on the Research and Information Centre 'Memorial' in Saint Petersburg on 4 December shows is that the current leadership is obviously seeking to throw off the burden of the country's Stalinist legacy and to gloss over Stalin's terror. This is not a good basis for the development of the democratic society on which successful economic and social development in the country is conditional, or for confidence on the part of its European neighbours in its being a reliable, peaceful partner.

It is in the common interest for us to press for a return to rule of law and democracy in Russia in all our contact with the government, civil society and the business community.

Janusz Onyszkiewicz, *on behalf of the ALDE Group.* – (PL) Madam President, Russia is too important for us not to be concerned about what is happening in that country. During the Communist period, it was not freedom of speech that was the problem. Instead, the problem involved one's freedom after speaking. Today, the situation seems to be even worse. Now, it is not only freedom that is at stake, but people's very lives.

The Resolution highlights the numerous and shocking assassinations of human rights activists, or people regarded as inconvenient by the national or local authorities for other reasons. The people responsible for these killings are allowed to disappear from the country, as in the case of Anna Politkovskaya's killers, or are allowed to hide behind their parliamentary privilege, as in the case of Alexander Litvinenko's murderers. This alarming situation means that it will be difficult for us to treat Russia as a country with a real will to uphold the basic principles of the rule of law.

Mikel Irujo Amezaga, *on behalf of the Verts/ALE Group.* – (ES) I am sorry about the confusion earlier regarding the order of my speech.

Human rights and freedom are the most important pillars of the European Union and they must also underpin our dialogue with Russia.

Unfortunately, the list of violations is getting longer by the day, and the difficulty facing human rights activists in their work is also getting worse from day to day.

Several violations of human rights have taken place in recent months, among many others. The home of Stanislav Dmitrievsky, a consultant to the Nizhny Novgorod Foundation for the Promotion of Tolerance, has been attacked. Armed troops have kidnapped and beaten Zurab Tsetchoev, a human rights defender in Ingushetia. Relatives of Ilyas Timishev, a human rights lawyer, have been detained, questioned and ill-treated.

I would also recall here that last week, on 12 December, the Spanish government decided to extradite Murat Gasayev to Russia. Mr Gasayev, a Russian citizen from Chechnya, was detained by the Russian secret service in 2004 and tortured for three days, according to Amnesty International.

Mr Gasayev fled to Spain, where he sought asylum in 2005. His application was turned down on the basis of a confidential report drawn up by the Spanish authorities to which neither he nor his lawyer had access.

Spain is a signatory to the Convention against Torture, and his extradition is based on the diplomatic assurances given by the Russian authorities for it to go ahead.

Countless reports by human rights organisations have repeatedly raised concerns about the use of torture in the Russian Federation, particularly in the republics of the northern Caucasus, such as Chechnya and Ingushetia.

If Murat Gasayev is extradited, there is a very real danger that he will be subjected to torture and other forms of ill-treatment once he is in Russian custody.

I will finish – I am now using the extra minute of speaking time, as agreed – by repeating something that a colleague in my group, Mr Horáček, said. Last July he recalled that the prisoners in the Yukos case, Mikhail Khodorkovsky and Platon Lebedev, are detained in the Siberian prison of Chita. There are others too.

I would therefore like to request that we do everything in our power to secure their release, and also encourage Russia to make freedom of opinion and freedom of the press a reality and not to hinder the work of NGOs. All these factors are vitally important for our common future in Europe.

Andrzej Tomasz Zapalowski, *on behalf of the UEN Group*. – (PL) Madam President, today, once again, criticism has been levelled at the Russian government for tolerating, or sometimes even instigating, activities that are far removed from the principles of citizenship which are fundamental in any civilised country. Russians have been outraged by the kidnapping, intimidation or even murder of human rights activists. At the same time, however, there is also significant support in Russia for this very government, in spite of the blatant way in which it crushes all opposition.

The majority of Russians like strong leadership – even ruthless leadership. Russians want to rebuild the Russian empire, regardless of how this end is achieved. Europe is pretending not to notice this, as economic interests are, of course, of the utmost importance. And a large part of the Russian population want the former Soviet republics to reunite with Russia, even those which today belong to the European Union. This poses an even more serious problem than the human rights violations taking place in Russia. And yet, in spite of this greater danger, we remain silent on the subject.

Kathy Sinnott, *on behalf of the IND/DEM Group*. – Madam President, Russia is Europe's largest and closest neighbour and, because of our trade relations, also one of the most important. What happens in Russia is very important to Europe for these reasons. Also what happens in Russia has a very big influence on Europe. For these reasons, as well as the human rights violations which it contains, this is a very important resolution.

I would like to highlight the fact that I met with Gary Kasparov, while he was a candidate for the presidency of Russia, in this Parliament here in Strasbourg. He came as an honoured guest when he was a candidate. Kasparov made it clear to us – even then – that the Kremlin's attitude towards political activity meant that they treated him as a subversive and a criminal – many of the things we are talking about today – liable to manhandling and always under threat of arrest and the arrest of his supporters.

Sometimes this sort of activity even goes beyond Russian borders and even into the EU. On a recent trip by the Petitions Committee to Bulgaria, we were told by the Bulgarian Orthodox Church, which is suffering severe persecution in Bulgaria, of the influence of Russia in their situation.

We must put aside considerations of our fear about energy security that soften our approach to Russia and make us tiptoe in their presence, and speak to Russia strongly and clearly, reminding them that they are members of the Council of Europe and signatories to the European Convention on Human Rights and the Strasbourg Accord, and we must insist that they respect democracy and human rights in Russia and beyond.

Bernd Posselt (PPE-DE). – (DE) Madam President, the problems with the rule of law in Russia are not random aberrations but a cancer, spreading systematically. We are in phase 2 of the Putin era, with Mr Medvedev as window-dressing, and the third phase is currently in preparation.

Mr Putin began his first phase with the second Chechen war, an attack on a small country that was akin to genocide and was motivated by massive colonial interests in its raw materials. Since then, the matter has escalated; the rule of law and freedom of the press have been curtailed, human rights defenders such as Karinna Moskalenko have been pursued all the way here to the European capital of Strasbourg, and we have seen a total lack of progress and, as I said earlier, not just random aberrations but the systematic loss of the little democracy and rule of law that remain.

Therefore, the European Union must show considerably more vigour. In our negotiations on an agreement, we owe this to the people – Anna Politkovskaya, Alexander Litvinenko and many others – who have died for daring to investigate these aberrations or call a spade a spade.

Anyone discussing the subject openly in Russia puts their life at risk, and each time there is talk of a mysterious, obscure context. Therefore, we who live in freedom and relative safety have a duty to ensure that some light is shed on the circumstances at long last, and that we in this House at least do what we can; that is, to speak clearly and frankly to the Russian powers that be. After all, that is the only language they understand, as Elena Bonner made clear in her moving speech yesterday.

Let us follow the example set by courageous people such as Elena Bonner and Andrei Sakharov, and let us stop being hypocritical and kidding ourselves at long last. Let us tell it like it is. This would be the best service we could render the Russian people.

John Bowis (PPE-DE). - Madam President, two years ago Anna Politkovskaya was murdered. She was shot down at home, in the lift of her block of flats. A gun was dropped beside her. It was broad daylight. The question at the time was 'who pulled the trigger?'. The question since then has been 'who pulled the strings that pulled the hands that pulled the trigger?'. It was in the style of a mafia killing, but she never wrote about the mafia. She only wrote about the Russian Government and its actions in Chechnya. It was a warning – a warning to other free-spirited journalists to keep off the authoritarian grass.

It will succeed unless world opinion and a clear message from the EU institutions force a proper trial and a proper exposé of those who gave the orders. We cannot bring Anna back, but we can bring her justice. We can make her a symbol of freedom, and not one of suppression. We must unite to that end.

Paulo Casaca (PSE). – (PT) Madam President, we are about to end an extremely important debate which, as has already been said, is one that we should have had a long time ago. Russia is vital to us in all respects, but particularly as a country in which human rights must be respected. These human rights necessarily include the rejection of xenophobia and homophobia, and I want to call on all Members to ensure that an explicit reference is made to these two great scourges in Russia, which are rightly considered as such in the motion for a resolution, and that they do not agree to remove these references.

Zbigniew Zaleski (PPE-DE). – (FR) Madam President, Commissioner, the resolution refers directly to reprehensible cases.

This resolution must not be an urgent resolution but a constant appeal to the Russian authorities, since we condemn their persecution methods. This resolution is an appeal to the Russian people, the militants and the Russian heroes who will fight for freedom until such time as no one has to fear being executed for having exercised his or her right to freedom of expression.

I believe that we should communicate our appeal within the context of the relations and the meetings between the Russian Government and our European Commission.

Marcin Libicki (UEN). – (PL) Madam President, today we are discussing human rights violations, such as Mrs Politkovskaya's murder, as well as other incidents which have taken place in Russia, and which are indicative of the state's policy of terrorism against its own people.

We must be aware of the fact, in addition to its human rights violations, Russia is also becoming more imperialistic and, after a brief pause at the start of the nineties, is once again threatening its neighbours. This situation stems from the fact that Communism has never been formally held to account and condemned. Today, we can talk about Germany being a democratic country which respects its people, because Germany has overcome Hitler and its Nazi past.

Today, we must try to ensure that both here, in this Chamber, and wherever we can exert our influence, the Communist past is dealt with, as this is the only way to stem the tide of Russia's policy of terror at home and its imperialist ambitions abroad.

Jacques Barrot, Vice-President of the Commission. – (FR) Madam President, on 5 November, in his first annual speech to the Federation Council, President Medvedev made explicit reference to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

This symbolic reference during this, the anniversary year of the Universal Declaration of Human Rights, shows the interest taken by the new president in matters relating to judicial reform and to the impact of these reforms on human rights. His words are encouraging, but the European Union will have to monitor developments in this area very closely. The reality of the last few weeks has reminded us once again of the major challenges faced by human rights defenders in Russia. We have listened carefully, of course, to the various speakers, Madam President. They have made a point of stressing the serious threats to human rights in Russia.

Two years on from her death, the murder trial, in the case of Anna Politkovskaya, has begun. It was initially open to the public, then continued *in camera*, then was re-opened again to the public. The trial will be followed closely by all those who defend freedom of expression.

As the murder of Magomed Yevloyev – who was killed while in police custody at the end of August – reminds us, in Russia, journalism is becoming an increasingly dangerous profession.

At the beginning of December, Memorial, one of the oldest and most prestigious of the NGOs working on the painful past of 20th-century Russia, was the subject of a police search. This search resulted in the confiscation of historical archives on the gulags.

If we really want to continue the work that we began in April during the conference on the crimes committed by totalitarian regimes in Europe – a conference that I myself opened – then it goes without saying that historians absolutely must have access to the archives. The search of 4 December is a worrying message for those who believe in the need for a debate, and an honest one at that, on the deep wounds of the past. This debate is needed to ensure necessary reconciliations in the future.

Of course, the consultations between the EU and Russian authorities on human rights represent so many opportunities to reiterate the need for the commitments to which Russia subscribed in the area of human rights to be honoured. The Commission is continuing its work in support of the initiatives of civil society, not least through the European Initiative for Democracy and Human Rights.

Support for judicial reform is also a priority in our cooperation programmes with Russia. During the last meeting with Russia I came into contact with the new officials in charge of justice, and I fully intend to pursue a demanding dialogue with them. Furthermore, the European Union and Russia are currently negotiating a new contractual basis to replace the existing partnership and cooperation agreement.

Obviously respect for human rights must be a key element of this new agreement. The commitments that the parties have undertaken within the framework of the UN, the Organisation for Security and Cooperation in Europe and the Council of Europe have to find their place; the Commission remains active in this regard. Mrs Ferrero-Waldner has asked me to thank you for having introduced this debate and has assured me of her personal commitment. I would add my own commitment to this, since I have the opportunity to hold a dialogue with the Moscow authorities in the area of security and justice.

That is all I can say on this matter, Madam President. I hope that 2010 will be an opportunity for the Russian officials to honour their commitments better, for this is something that they have not done in the course of this year.

President. - The debate is closed.

The vote will take place now.

Written statements (Rule 142)

Urszula Gacek (PPE-DE), in writing. – Severe human rights violations persist in the ongoing Yukos affair. Five years after Mikhail Khodorkovsky's arrest, he and other Yukos officials remain incarcerated under questionable circumstances. Of gravest concern is the case of former Yukos lawyer Vasily Alexanyan, held in pre-trial detention since 2006. Now near death suffering from AIDS, lymphatic cancer and tuberculosis, Alexanyan has stated that he refused to submit to blackmail to provide false testimony against Khodorkovsky in exchange for medical treatment. His previously controllable medical condition therefore developed terminal complications. Even with expiry in December 2008 of the statute of limitations for the allegations against him, judicial authorities will only release Alexanyan if he pays an unconscionable bail of EUR 1.4 million. Meanwhile, Khodorkovsky has not been paroled, though eligible for release under Russian law and practice. Investigators have prepared implausible new charges against Khodorkovsky and have been holding him in pre-trial detention for nearly two years.

The handling of these and several other cases exposes deep weaknesses in Russia's justice system. The release of these people will be a benchmark of Russia's success combating 'legal nihilism'. The EU-Russia Partnership and Cooperation Agreement should be contingent upon resolution of rule-of-law issues including the issue of political prisoners.

Eija-Riitta Korhola (PPE-DE), in writing. – (FI) Russia is a member of the Council of Europe and of the Organisation for Security and Co-operation in Europe (OSCE), and is, or at least it should be on the basis of its membership, fully committed to a respect for human rights. The country's actual human rights situation, however, is poor. Xenophobia and homophobia are on the increase, according to the Moscow Bureau for Human Right, and in 2008 have led to the death of 100 people on the grounds of race, nationality, religion and sexual orientation. In October Otto Messmer, leader of the Russian Jesuit order, and the Ecuadorean priest Victor Betancourt were brutally murdered in their Moscow flat. The problem is that the Russian authorities do not in practice condemn such crimes as these.

Furthermore, if you defend human rights in Russia it means putting yourself in a particularly dangerous situation. The situation for human rights activists is a serious concern, as are the problems that NGOs that promote human rights have to face. The European Court of Human Rights in Strasbourg has handled numerous cases brought by Russian citizens. The judgments suggest that many cases involve serious breaches of human rights and oppression on the part of the Russian state authorities.

We now have to take a serious view of these matters as we negotiate a new framework agreement that provides a comprehensive context for relations between the EU and Russia. The talks that were initiated at the EU-Russia summit in November must recognise the key status of human rights, the rule of law and democracy. We must also insist that the Russian authorities comply with all the judgments of the European Court of Human Rights without delay.

Human rights lawyers that deal with allegations of abuse and at the same time take enormous personal risks investigating cases deserve the greatest respect for the valuable work they do. They should be guaranteed the protection of the state and adequate support by the international community.

14. Voting time

President. - The next item is the vote.

(For outcome of the vote and other information on the vote: see Minutes)

14.1. Zimbabwe (vote)

14.2. Nicaragua (vote)

- *Before the vote*

Manuel Medina Ortega, author. – (ES) Some requests have been submitted on behalf of the Socialist Group in the European Parliament for a split vote on paragraphs 1 and 4, as well as some proposals for oral amendments, namely on paragraph 2, recital A and recital F. I am sure the President is aware of this, but if not I could explain it to her.

- *Before the vote on paragraph 2*

Manuel Medina Ortega, author. – (ES) In paragraph 2 we would like to include an oral amendment specifying the municipalities in which the disturbances are happening, which are León and Managua: it would read ‘municipalities (León and Managua)’.

(Parliament agreed to accept the oral amendment)

- *Before the vote on recital A*

Manuel Medina Ortega, author. – (ES) With regard to the text of recital A, the Socialist Group in the European Parliament was proposing an oral amendment to put ‘allegation’ in the singular, instead of the plural ‘allegations’.

(Parliament agreed to accept the oral amendment)

- *Before the vote on recital F*

Manuel Medina Ortega, author. – (ES) In recital F, instead of ‘criminal investigations’, we propose ‘judicial investigations’; in other words, we propose replacing ‘criminal’ with ‘judicial’.

(Parliament agreed to accept the oral amendment)

14.3. Russia, attacks on Human Rights defenders and murder trial of Ana Politkovskaya (vote)

- *Before the vote on paragraph 6*

Michael Gahler (PPE-DE). - Madam President, in the first line we want to replace the words 'xenophobia' and 'homophobia' with 'violence', because we think that the violence goes beyond xenophobia and homophobia and also covers national minorities or religious minorities.

We would like to say 'trends of violence' in the first part, because later we refer to various other issues – nationality, religion and sexual orientation. As they remain in the text, I think it would be too narrow to refer only to xenophobia and homophobia in the first line. Could colleagues agree to the word 'violence' in the first line?

(Parliament agreed to accept the oral amendment)

15. Communication of Council common positions: see Minutes

16. Decisions concerning certain documents: see Minutes

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

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

19. Dates of forthcoming sittings: see Minutes

20. Adjournment of the session

President. - The Minutes of this sitting shall be submitted to Parliament for approval at the start of the next part-session. If there are no comments, I shall immediately send the approved resolutions to their recipients.

I declare the session of the European Parliament adjourned.

(The sitting was closed at 4.35 p.m.)

ANNEX (Written answers)

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

Question no 1 by Bernd Posselt(H-0879/08)

Subject: Situation in Macedonia

What action is the Council taking to commend and support the candidate country of Macedonia, where not only leading representatives of the Albanian ethnic community but all ethnic minorities are included in the government coalition with full powers to make their voices heard, and the Government is energetically pressing ahead with the reform process?

Answer

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

In its conclusions of 19-20 June 2008, 'the European Council underlines that further steps by the former Yugoslav Republic of Macedonia in its progress towards the EU are possible by the end of this year, provided that the conditions set out in the December 2005 European Council conclusions, the Copenhagen political criteria and the key priorities of the February 2008 accession partnership are met. In this context, the European Council takes note of the conclusions of the GAERC of 16 June 2008. Maintaining good neighbourly relations, including a negotiated and mutually acceptable solution on the name issue, remains essential.'

The framework for relations between the European Union and the former Yugoslav Republic of Macedonia is essentially defined by the status of candidate country (conferred by the Council in December 2005), the Stabilisation and Association Agreement (in force since April 2004) and the presence of the European Union's Special Representative (since 2001). Since 2005, Ambassador Erwan Fouéré has taken on the twin function of European Union Special Representative and Head of the Delegation of the European Commission in Skopje, which facilitates close, high-level communication with the government, the political parties, civil society and the other stakeholders. Moreover, in the spring of 2008, the Commission delivered a 'road map' to the government, setting out clear and realistic criteria for the liberalisation of the visa system. The Council and the Commission will closely monitor this process on the basis of an assessment of the progress made.

Moreover, and in general, the Council welcomes the effective transposition of the reforms set out in the Ohrid framework agreement, concluded on 1 August 2001, into the legislative system.

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Question no 2 by Hélène Goudin(H-0881/08)

Subject: Fisheries agreements and the aim of eradicating poverty

In the Lisbon Treaty, under Chapter 1 on general provisions on the Union's external action, paragraph 2d of Article 10a states that the Union shall define and pursue a common policy to 'foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty.'

In what way does the Council consider that the EU's current fisheries agreements with poor developing countries are in line with the objective of eradicating poverty?

Answer

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

As you know, following the Conclusions of the Council of July 2004, the Community has been gradually introducing a new type of bilateral fisheries agreement: the Fisheries Partnership Agreement.

In the Council's opinion, such agreements make a significant contribution to the eradication of poverty in a context of sustainable development.

From this perspective, two elements of these partnership agreements are worth underlining: on the one hand, to avoid the over-exploitation of stocks, the allocation of fishing opportunities to Community vessels is based on scientific advice and, on the other hand, a proportion of the financial contribution, known as 'sector support', is intended to develop the fisheries industry of the partner coastal state.

Poverty is not easy to overcome, and various methods will have to be used to eradicate it. The sector support offered by the fisheries partnership agreements is just one way in which the Community is contributing to the essential aim of eradicating poverty.

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Question no 3 by Nils Lundgren (H-0883/08)

Subject: Common constitutional traditions

Researchers agree that Europe's economic, social and cultural success has its origins in the competition between relatively small independent states which had an incentive to develop differing institutional arrangements at local, regional and national level.

Article 6(3) in the General provisions section of the new draft Treaty states that '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, shall constitute general principles of the Union's law.'

Does the Council therefore consider that the 27 Member States have 'common constitutional traditions'?

Answer

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

The honourable Member's attention is drawn to the fact that the provision that he cites in his question already exists in the current paragraph 2 of Article 6 of the Treaty on European Union. This establishes that the European Union will show respect for fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and those arising from constitutional traditions common to the Member States, as general principles of Community law.

'Constitutional traditions common to the Member States' is a concept which has been recognised and used for a long time by the Court of Justice of the European Communities. The Court refers to the concept especially as a source of inspiration in the context of respect for fundamental rights in the Community legal system.⁽⁵⁾ Moreover, the Member States recognised this concept when they decided to include it in the Treaty on European Union.

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Question no 4 by Manuel Medina Ortega (H-0885/08)

Subject: Outermost regions and wider neighbourhood policy

Bearing in mind the negative impact that the current global financial crisis is having on developing countries, does the Council not believe that the time has come to activate the Commission's earlier proposals on

⁽⁵⁾ See, amongst others the decisions: 17 December 1970, 11/70, Internationale Handelsgesellschaft mbH / Einfuhr- und Vorratsstelle für Getreide und Futtermittel; 14 May 1974, 4/73, Nold; 13 December 1979, 44/79, Hauer; 18 December 1997, C-309/96, Annibaldi; 27 June 2006, C-540/03, Parliament / Council; and 3 September 2008, Kadi / Council and Commission, C-402/05 P and C-415/05 P.

implementing 'wider neighbourhood' policies from the European Union's outermost regions, aimed at fostering development in neighbouring countries in Africa and the Caribbean?

Answer

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

For several years now, to adapt to our globalised world, EU development cooperation has been progressively aimed at regional integration. Indeed, countries within the same region, whether they belong to the group of ACP states, the Overseas Countries and Territories (OCT), or the outermost regions, often share the same characteristics (assets or handicaps).

In this context, in May 2004, the Commission presented a report containing a global approach to the particular features of the situation of the outermost regions (ORs), aimed at defining the measures required for their development in accordance with their specific needs⁽⁶⁾. The Council has examined the communication from the Commission.

Then, in September 2007, the Commission presented to the Council and to the European Parliament, in particular, a review of this strategy and forecasts for the future⁽⁷⁾. In their 18-month programme for the Council⁽⁸⁾, the French, Czech and Swedish presidencies have planned to continue work on the full introduction of the 2004 strategy for the outermost regions, on the basis of the Commission communication on the review and forecasts for this strategy. In May, an interinstitutional and partnership conference on the future of this strategy was held in Brussels.

The results of these deliberations have just been published in a new Commission Communication⁽⁹⁾, dated 17 October 2008: 'The outermost regions: an asset for Europe'. This recommends developing the unique characteristics of the ORs and using them to help meet the challenges facing Europe and the world, such as: climate change, migratory flows, and the sustainable management of maritime resources and agricultural products. One chapter is, in fact, dedicated to the strengthening of regional integration, and it states that the 2007-2013 territorial cooperation programmes, cofinanced by the ERDF, offer opportunities for the development of the action plan for the wider neighbourhood.

Nor should it be forgotten that there are specific provisions in the Economic Partnership Agreements (EPA) negotiated between the EU and the ACP countries, the aim of which is to ensure that these countries are integrated more within their regions.

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Question no 5 by Marie Panayotopoulos (H-0888/08)

Subject: Participation of young people in the design and implementation of educational programmes

What can be done to support the full participation of young people in the design and implementation of educational programmes for migrants and how can this be combined with learning the language and culture of their country of origin?

Answer

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

The Council has endeavoured to get young people to participate in formulating and implementing national and European policies which affect them directly.

⁽⁶⁾ doc. 10166/04 + ADD 1 and 2.

⁽⁷⁾ doc. 14838/07 + ADD 1.

⁽⁸⁾ doc. 11249/08.

⁽⁹⁾ doc. 14620/08.

In its resolution of 27 June 2002⁽¹⁰⁾, on the 'Framework of European cooperation in the youth field', the Council noted that it was extremely important for policies and initiatives affecting young people, at both national and European level, to take into consideration their needs, situation, living conditions and expectations. To this end, it has become a central element of youth policy that there is regular consultation, at both national and EU level, with young people whenever policies which affect them are drawn up and implemented. Practical instruments to facilitate the active participation of young people in civic life and also a regular dialogue with young people have therefore been included in the framework of European cooperation in the youth field.

In practical terms, in the aforementioned resolution, the Council adopted four thematic priorities for cooperation at EU level, including the active participation of young people in public life. As a result, the Member States have adopted common objectives on youth participation and information and have agreed to report regularly to the Commission on the implementation of these objectives.

In addition, in its resolution of 15 November 2005⁽¹¹⁾, concerning 'the implementation of the European Youth Pact and promoting active citizenship', the Council invited the Member States and the Commission to begin a structured dialogue with young people and youth organisations at European, national, regional and local levels on political measures which affect them. As a result, forums for structured dialogue and debate have been created at all levels, according to a schedule determined by the EU's policy programme.

Finally, in its resolution of 12 December 2006⁽¹²⁾, on 'implementing the common objectives for participation by and information for young people in view of promoting their active European citizenship', the Council confirmed the pertinence and validity of the common objectives and the lines of action aimed at encouraging young people to participate in public life, stressing that these objectives remained essential to the development of active citizenship amongst young people, especially amongst those with fewer opportunities.

In this respect, it is suggested that the Member States more clearly define the obstacles to the participation of given groups and disadvantaged young people and encourage the introduction of measures and mechanisms to overcome these obstacles, notably by taking account of the diversity and of the priorities of these populations.

The Council's resolution of 22 May 2008 on the participation of young people with fewer opportunities in particular called upon the Commission and the Member States to ensure, in cooperation with youth organisations, that the structured dialogue with young people with fewer opportunities was open to all, at all levels, and, if necessary, to adapt the format of the meetings.

Also in 2008, the Green Paper of 3 July, 'Migration and mobility: challenges and opportunities for European education systems' and the communication of 18 September, 'Multilingualism: an asset for Europe and a shared commitment' are texts in which the European Commission has been able to stress the importance of the issue of migrants' languages.

The Council resolution of 21 November 2008 on a European strategy to promote multilingualism in particular called upon the Member States and the Commission, within the framework of their respective competences and in full compliance with the principle of subsidiarity, to support and use the language skills of immigrant citizens as a means to strengthen both intercultural dialogue and economic competitiveness.

On the occasion of the European Year of Intercultural Dialogue, in Marseille from 5-9 July the Council Presidency sought to bring to the forefront the relationships built between youth, education and migrants' languages. Some workshops agreed on the importance of a partnership between public authorities and youth organisations in the creation of legislative texts which affect young people, especially in relation to education and to language learning.

From the same perspective, the 'New perspectives for intercultural dialogue in Europe' conference, held on 17-19 November 2008 in Paris, highlighted the importance of education in intercultural dialogue and of its role in promoting social cohesion and the integration of migrants.

⁽¹⁰⁾ OJ C 168 of 13.7.2002, p. 2.

⁽¹¹⁾ OJ C 292 of 24.11.2005, p. 5.

⁽¹²⁾ OJ C 297 of 7.12.2006, p. 6.

In 2009 an assessment will be made of the general framework of European cooperation in the youth field, which will no doubt provide an excellent opportunity to examine how young people could play an even more significant and effective part in public life.

Since the specific issue of the teaching of the language and culture of migrants' countries of origin has a direct effect on the lives of young people, it goes without saying that the Member States have been encouraged to listen to young people's views on this issue. However, this falls within the national powers of the Member States and must therefore be examined at national level.

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Question no 7 by Seán Ó Neachtain(H-0895/08)

Subject: Safeguarding the MDGs in the current financial turmoil

What is being done by the Council to protect developing countries against the global financial crisis and to ensure that pressing domestic economic concerns do not distract from the realisation of the Millennium Development Goals?

Answer

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

At their informal meeting of 7 November 2008, the Heads of State or Government of the European Union Member States stressed that the necessary reform of the international financial system should be included in the set of challenges which the European Union and its Member States remain determined to face, in particular, food security, climate change and the fight against poverty. They also stressed that the European Union would ensure that developing countries were fully involved in this process.

Thus, at the Doha International Conference on Financing for Development held between 29 November and 2 December, at which over 90 states were represented, the European Union supported the principle of a high-level conference on the financial and world crises and their impact on development. This conference, the details of which will be announced by the President of the United Nations General Assembly by March 2009, will address issues of international financial architecture. It is scheduled to take place next autumn.

In Doha, and on the basis of the guidelines adopted by the Council on 11 November 2008, the European Union re-affirmed its commitment to dedicate 0.7% of GNI to development aid in 2015 and the need to take into account the new financial, economic and environmental challenges.

As the current financial crisis is likely to have a major impact on the populations and the economies of developing countries, the EU drew the attention of all the donors to the situation and the needs of the poorest and most vulnerable people, in the firm belief that the Millennium Development Goals (MDGs) could still be achieved in every region, including Africa, provided that all of the development partners take immediate, properly targeted measures to accelerate progress. Achievement of all eight MDGs is a shared responsibility: all the partners should honour the commitments they have made.

On the strength of the declaration approved by the Council on 11 November, whereby it 'committed to working with its partners to explore new ways to contribute to financing sustainable economic, social and environmental development, promoting the implementation of innovative mechanisms to mobilise the additional resources and making policies more coherent', the European Union has invited the international community to take further steps to introduce innovative financing to ensure sustainable development aid.

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Question no 8 by Eoin Ryan(H-0897/08)

Subject: Supply of illegal drugs

What are the immediate plans of the Council to implement initiatives to reduce the supply and demand for illegal drugs within the territory of the EU?

Answer

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

In the context of the EU's Drugs Strategy (2005-2012)⁽¹³⁾ and, given that the first of the two action plans under this strategy (2005-2008⁽¹⁴⁾) is due to come to an end, the Council is in the process of examining the EU's second new drugs action plan, which was proposed by the Commission⁽¹⁵⁾ and which covers the Union's priorities in the fight against drugs for 2009-2012. This action plan is a dynamic instrument and is focused on achieving practical results in the specific priority areas.

This second action plan⁽¹⁶⁾ provides a framework for a complete, balanced and integrated approach to combating drugs, by addressing all of the links in the chain, from drug production to the social rehabilitation of addicts. The objective of this plan is to reduce both the supply of and demand for drugs, using several specific measures, and to extend international cooperation. In comparison with the 2005-2008 plan, it is more concise, and the number of actions is more targeted.

It follows that, on the supply side, the plan aims to improve the effectiveness of enforcement at EU level in order to hinder the production and trafficking of drugs, using an intelligence-based approach which makes full use of the capacities of Europol and other existing European-level structures. It includes substantial new directions, for example, on alternative development in producer countries, on the strengthening of legal and police cooperation, and even on the identification, seizure and distribution of criminals' assets.

One of the new features, and a cornerstone of the plan, is the creation of a 'European Alliance on Drugs', which aims to mobilise civil society and the public sector in favour of an awareness campaign on the risks of drug-taking.

The Council would also point out that, in order to stop the flow of drugs into the EU from third countries and to agree on a coordinated approach, the Council is holding regular or ad hoc dialogues on this issue with producer countries and countries on drugs routes, including those in Latin America, the Caribbean, the Andean countries, Afghanistan, Russia and the Western Balkans.

Furthermore, at its meeting of 24 October, the Council focused specifically on West Africa as a new transit point for cocaine arriving from Latin America⁽¹⁷⁾.

It is up to the Member States, the Commission, the European Monitoring Centre for Drugs and Drug Addiction, Europol, Eurojust and the Council to implement the action plan.

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Question no 9 by Brian Crowley(H-0899/08)

Subject: Conflict in Sudan

Will the Council actively assist the proposed Egyptian plan for dialogue to find a resolution to the conflict in Sudan?

Answer

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

⁽¹³⁾ doc. 15047/08, not published in the O.J.

⁽¹⁴⁾ O.J. C 168 of 8.7.2005.

⁽¹⁵⁾ COM(2008), 567.

⁽¹⁶⁾ The action plan for 2009-2012 should be adopted at the CAG-RELEX of 8-9/12/08

⁽¹⁷⁾ see conclusions, doc. 14667/08, p. 16.

The Council is not aware that Egypt has proposed a specific plan to attempt to resolve the conflict in Sudan. Under the aegis of the chief AU/UN mediator, the former foreign affairs minister of Burkina Faso, Djibril Bassolé, the political process has been re-launched with unprecedented speed. Support for these efforts is coming from the facilitation work of Qatar, whose involvement alongside Mr Bassolé is crucial. Contacts at Doha are on the increase. Qatar's approach, in coordination with that of the AU and the UN, differs from the calls by the Arab League for the UN Security Council to suspend the ICC's investigation of the Sudanese President.

The Council supports the mediation of Mr Bassolé and the Qatari facilitation efforts. It is in close consultation with both players via the Presidency and the European Union Special Representative for Sudan. The regional players, especially Egypt, must play a full part in this process.

The Council calls on the Sudanese authorities and the rebel movements resolutely to commit to the search for a political solution to the Darfur crisis, not least through the cessation of violence, as this is the only way to create an environment favourable to dialogue.

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Question no 10 by Marian Harkin(H-0901/08)

Subject: Food labelling

Would the Council consider that the country of origin (where the animal is slaughtered) is the minimum identification needed for poultry products, in order to avoid distortion of competition and ensure fully informed consumer choice?

Answer

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

Where poultry meat is imported from a third country, the regulation implementing the regulation establishing a common organisation of agricultural markets ('Single CMO' regulation) stipulates that the poultry sector must indicate the country of origin on the packaging or on a label. This regulation also requires the labelling to show other information in addition to the country of origin (price, abattoir accreditation number etc.).

As for poultry marketed within the European Union, the provisions of Directive 2000/13/CE apply. These provisions include the obligation to indicate on the label the place of origin or provenance of the foodstuffs, where failure to do so would be likely to mis-lead the consumer as to the real origin or provenance of the foodstuff.

The Council is, however, open to considering the possibility of greater clarity of labelling information for poultry products and, in particular, to examining the option of a uniform country of origin mark (identical system for imports and intra-community trade), provided that proposals are submitted to it by the Commission.

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Question no 11 by Claude Moraes(H-0903/08)

Subject: Accession of Turkey to the EU

The Negotiating Framework for Turkish membership of the EU, agreed upon in 2005, states that 'the shared objective of the negotiations is accession'.

Could the Council confirm its commitment to the objective of Turkey's full membership of the EU, provided Turkey meets the obligations imposed on it under the Negotiating Framework?

The Commission reported last month that progress had been slow in some key areas of reform in Turkey. Nevertheless, does the Council have any plans to open any of the remaining *acquis* chapters in its accession negotiations with Turkey, or to unfreeze the previously opened chapters?

Answer

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

In the conclusions that it adopted on 8 December 2008, the Council pointed out that the renewed consensus on enlargement, approved by the European Council of 15-16 December 2006, remains the foundation of the EU's enlargement strategy. This renewed consensus rests on the consolidation of commitments, on equitable and rigorous conditionality, on improved communication and on the capacity to integrate new members.

In its conclusions, the Council also pointed out that the tempo of the negotiations continues to depend, in particular, on the progress achieved by Turkey in meeting the required conditions, including the fulfilment of the opening and adjournment criteria and of the requirements defined within the negotiating framework, which specifically cover the implementation of the partnership for membership and compliance with the obligations arising from the association agreement. Lastly the Council pointed out that the chapters for which the technical preparations are complete will be provisionally opened or adjourned, in line with the procedures laid down, in accordance with the negotiating framework and subject to the Council of 11 December 2006. In this context, the Council awaits with interest the Intergovernmental Conference with Turkey scheduled for December, during which further progress in the negotiations should be recorded. It should be remembered that, since negotiations with Turkey began, eight chapters have been opened, and analysis of the progress (screening) is complete for twenty-two chapters.

As for the chapters that cannot be opened in accordance with the Council's conclusions of 11 December 2006, the Council regrets that Turkey has so far failed to fulfil its obligation to implement, in full and in a non-discriminatory manner, the additional protocol to the association agreement and that it has not made any progress either towards normalising its relations with the Republic of Cyprus. Progress is now urgently awaited.

To conclude, I wish to re-affirm the Presidency's intention to spare no effort in opening up new chapters for negotiation with Turkey during the Intergovernmental Conference, which will take place in December.

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Question no 12 by Gay Mitchell(H-0906/08)**Subject: Iceland**

Iceland's Business Affairs Minister maintains that his country should reconsider applying for membership of the European Union and joining the common EU currency so as to help in future financial crises.

Can the Council please comment on how Iceland's application to the EU would be evaluated, and what stipulations would the Council put on its membership? Can the Council also shed some light on whether or not the EU would be willing to embrace Iceland after many years of the country remaining cold on membership of the Union?

Answer

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

The Council has not examined the issue raised by the honourable Member, as Iceland has not applied to join the European Union. However, the EU and Iceland already cooperate in several areas, particularly within the framework of the European Free Trade Agreement.

As far as the procedure for EU membership is concerned, Article 49 of the EU Treaty specifies that 'any European state which respects the principles specified in Article 6(1) may apply to become a member of the EU. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members.

The conditions of admission and the adjustments to the Treaties on which the Union is founded, which such admission entails, shall be the subject of an agreement between the Member States and the applicant State. This agreement shall be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements.'

In 1993, the European Council defined the 'Copenhagen' criteria, which specify that 'membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.' The European Council also specified that 'the Union's capacity to absorb new members, while maintaining the momentum of European integration, is also an important consideration in the general interest of both the Union and the candidate countries'. In December 2006, it pointed out that 'the enlargement strategy based on consolidation, conditionality and communication, combined with the EU's capacity to integrate new members, forms the basis for a renewed consensus on enlargement'.

When a European State applies for membership, where appropriate, the Council asks the European Commission to assess the candidate State's ability to satisfy the conditions for membership and, in particular, to comply with the EU's fundamental values. It is on this basis that the Council, acting unanimously, decides firstly to grant candidate status to the country concerned, then, secondly, to open official negotiations, provided that the required conditions are fulfilled.

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Question no 13 by Jim Higgins(H-0908/08)

Subject: Democratic Republic of Congo

In June 2008, in a reply to a question to the Commission (E-1793/08) on the situation in the DRC, Commissioner Michel indicated that the peace process was progressing well. However, recent international news coverage has brought to the international community's attention that all is not well in the DRC and that the peace process has been shattered. Is the Council concerned that the EU is reacting later than it should be to these problems, which have developed over months rather than simply dropping out of thin air?

Answer

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

On 31 October and 1 November Bernard Kouchner, acting in his capacity as representative of the Council Presidency, travelled to the Democratic Republic of Congo (DRC) and, in particular, to the town of Goma. On 10 November the Council discussed the situation in the DRC and subsequently adopted new conclusions, in which it expressed its deep concern about the growing conflict in North-Kivu and the consequences for the population in the east of the Democratic Republic of Congo and for the region as a whole. In response to the emergency situation, the European Union took action to provide humanitarian aid to the populations suffering from the conflict, with additional contributions of over EUR 45 million (Member States and Commission). In addition, the European Union has actively contributed, via intense diplomatic activities, to the search for a political solution, which is the only means of ensuring a permanent return to stability in the region. The EU is determined to continue its efforts along these lines, especially within the framework of the International Facilitation effort. The EU Special Representative to the Great Lakes region, Ambassador van de Geer, is present on the ground almost all of the time and is very involved in the International Facilitation work. As such, he maintains very close links with the UN Secretary-General's Special Envoy, Mr Obasanjo, the former President of Nigeria. The High Representative for the CFSP and the Presidency of the Council are in very regular contact with the Secretary-General of the United Nations in order to ensure suitable European support for the UN's work in the DRC.

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Question no 14 by Mairead McGuinness(H-0910/08)**Subject: Driving licence tourism**

Driving licence tourism and fraud remain real problems within the EU.

One prominent website boasts that it can obtain an EU driving licence using methods it admits to being 'sneaky, but not illegal'. It boldly claims a host of obstacles – like not having passed a test – to be 'No problem' to acquiring a licence.

Can the Council confirm if past discussions found agreement amongst Member States to work together to prevent driving licence fraud and tourism and if so, what specific plans are in place?

Answer

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

The Council would like to draw the honourable Member's attention to Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences⁽¹⁸⁾, which will come into force from 19 January 2013. This directive contains provisions against forgery and against the practice known as 'driving licence tourism'. In terms of the fight against forgery, Articles 1 and 3 and Annex I of the said directive impose a single model European driving licence in the form of a plastic card and require the Member States to take all necessary measures to avoid the risks of forged driving licences, including for model licences issued before the entry into force of the aforementioned directive.

For the purposes of combating 'driving licence tourism', Article 7 introduces a maximum administrative validity of 10 years for driving licences (point 2. a) and establishes the principle of one person only per driving licence (point 5. a). Member States are required not only to refuse to issue a driving licence if they discover that the applicant already holds a driving licence but also to refuse to issue a licence to, or to recognise the validity of a licence of, a person whose driving licence has had a restriction attached or has been suspended or withdrawn in another Member State (Article 11(4)). In order to facilitate the application of this provision, the Member States are required to use the European Union's driving licence network, which holds the necessary information on the issuing, replacement, renewal and exchange of driving licences.

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Question no 15 by Avril Doyle(H-0912/08)**Subject: Biodiversity**

Can the Council please give an update on the current state of play regarding the 2010 goal of halting the loss of biodiversity?

What efforts have been made under the French Presidency and what has been achieved thus far?

Answer

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

In relation to the EU's most ambitious objective of curbing and reducing the loss of biodiversity on its territory in 2010⁽¹⁹⁾, the Member States and the Commission are making great efforts to implement the multitude of practical measures laid down in the second EU action plan of 25 May 2006⁽²⁰⁾ on biodiversity, entitled 'Halting the Loss of Biodiversity by 2010 – and Beyond'. This action plan aims, among other things, to

⁽¹⁸⁾ OJ L 403, 30.12.2006, p. 18.

⁽¹⁹⁾ Formulated by the European Council of Gothenburg of 15 and 16 June 2001, see conclusions of the Presidency doc. 2001/01 REV 1 p. 718.

⁽²⁰⁾ Commission communication COM(2006) 216. The first plan was laid down in Commission Communication COM(2001) 162 of 27 March 2001.

increase the integration of biodiversity and ecosystem services in the Union's horizontal and sectoral policies, such as the agriculture, forestry, rural development and fisheries policies. It follows that, in its conclusions of 18 December 2006⁽²¹⁾, the Council asked the Member States and the Commission to re-double their efforts to fully implement the 'Natura 2000' network, both on land and at sea, and to guarantee effective management and adequate financing of the network, which aims to ensure biodiversity by conserving natural habitats and wild fauna and flora on the territory of the Member States. Deforestation and forest degradation are major factors in the loss of biodiversity. On 4 December, the Council adopted conclusions on the Commission's communication: 'Addressing the challenges of deforestation and forest degradation to tackle climate change and biodiversity loss'. These conclusions include the objective of halving gross tropical deforestation by 2020 and of stopping it completely by 2030. In this context, the Council is now waiting for the Commission to present its proposals on the 'biodiversity package', which should include a mid-term report on the progress made in implementing the above-mentioned action plan.

The French Presidency is fully committed to mobilising the positions and actions of the entire EU in many international biodiversity protection forums, in particular within the framework of

- the Agreement on the Conservation of African-Eurasian Migratory Waterbirds, the parties to which met for the fourth time on 15-19 September 2008,

- the 10th Conference of the Parties to the Ramsar Convention, held from 28 October to 4 November 2008,

- the meeting on the memorandum of agreement on the conservation of birds of prey,

- the meeting of the parties to the Convention on the Conservation of migratory species, held at the start of December 2008 in Rome.

The EU is also committed to studying the creation of an international mechanism to provide objective scientific knowledge on biodiversity and to define policies on the issue, as established at the United Nations Environment Programme Intergovernmental Conference on biological diversity and ecosystems services, held in mid-November 2008.

Finally, in May 2008, the ninth meeting of the parties to the Convention on Biological Diversity (CBD) was held in Bonn. This meeting took place in a context of extreme urgency in terms of the fight against the impoverishment of biodiversity at international level. Thanks to the special commitment of the EU Member States and of many partners, it has been possible to mobilise substantial funds within the framework of the 'LifeWeb' initiative. These funds will help countries that are rich in biodiversity but less developed economically to better protect their fauna and flora and their ecosystems.

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Question no 16 by Dimitrios Papadimoulis (H-0916/08)

Subject: Redesign of the Stability Pact

The financial crisis has clearly exposed the shortcomings of the Stability Pact, not only as regards the restrictions it imposes but also the division of roles among the institutions concerned (role of the European Central Bank and that of governments and political authorities).

Does the Council think that the Stability Pact needs to be redesigned, particularly as regards the division of roles among the institutions concerned?

Answer

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

The financial crisis naturally represents a challenge for the revised Stability and Growth Pact as it will mean testing the flexibilities introduced when the Pact was revised in 2005. As you know, this revision was intended precisely to adapt the Pact to the economic needs of the Member States, taking into account the differences in the economic situations of the Member States and the economic fluctuations which could occur.

⁽²¹⁾ doc. 16164/06.

In this context, the Presidency believes that the Pact has not been shown to be lacking.

In its conclusions of 7 October 2008 on a coordinated EU response to the economic slowdown, the Council re-affirmed that 'the 2005 reformed Stability and Growth Pact is the adequate framework and should be fully applied. It contains flexibility to allow fiscal policy to play its normal stabilisation function'⁽²²⁾. On 2 December, in its contribution to the European Council on a coordinated European response on growth and employment, the Council specified that, in addition to the monetary policy and to the measures already taken to stabilise the financial sector, the budget policies should play an important role in stabilising the economy, using the complete set of automatic stabilisers and also additional budgetary and fiscal measures. This coordinated response should be consistent with the objective of long-term stability of public finances and should make judicious use of the flexibilities offered by the Stability and Growth Pact.

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Question no 17 by Josu Ortuondo Larrea(H-0920/08)

Subject: Initiatives for respecting and protecting peoples and national identities

The French presidency of the EU will finish at the end of 2008, and the occasion may be marked by raising an issue which is essential for the future of the Europe we are building - namely respect for peoples within that Europe.

To quote President Sarkozy in his speech of 25 September 2007 to the UN General Assembly: 'There will not be peace in the world if the international community compromises with the right of peoples to self-determination or with human rights (...) There will not be peace in the world without respect for diversity, without respect for national identities (...) Commitment to one's faith, to one's identity, to one's language and culture, and the way one lives, thinks and believes is legitimate and profoundly human. To deny it is to fuel humiliation.'

To be included here is a people with a language and identity believed to be among the oldest in Europe - the people of Euskal Herria, or the Basque Country, whose existence is today denied outright by the French state.

As the French presidency draws to an end, can the Council state what measures and initiatives are in place for respecting and protecting peoples and national identities existing within Europe but lacking their own state?

Answer

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

The Union is not competent to take initiatives on the issue of respect for and protection of peoples and national identities. This competence lies with the Member States.

That said, the honourable Member's attention is drawn to the fact that Article 6 of the Treaty on European Union states that the Union must respect the national identity of its Member States.

It should be recalled, moreover, that the interests of regional and local communities are taken into account at European Union level by the Committee of the Regions, which is consulted by the Council or by the Commission in cases laid down in the treaties.

In relation, more specifically, to respect for diversity, especially linguistic and cultural diversity, I would refer the honourable Member to the resolution on a European strategy for multilingualism, adopted by the Council on 20 November⁽²³⁾, in which it is affirmed that linguistic and cultural diversity is a component of European identity and that multilingualism is also particularly important in the context of promoting cultural diversity. I would also point out the Council's conclusions of 21 May⁽²⁴⁾, in which priority is given to promoting the

⁽²²⁾ see doc 13927/08, p. 4.

⁽²³⁾ Doc. 15368/08, pp 19 - 24.

⁽²⁴⁾ Conclusions of the Council on intercultural competences, Doc. 9849/08 pp 14 - 18.

active participation of each citizen in cultural life and to promoting their access to culture and heritage in all their diversity.

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Question no 18 by Frank Vanhecke(H-0921/08)

Subject: Relations between the EU and Jordan

It is known that Jordan wishes to prosecute a Danish cartoonist, ten Danish journalists and the Dutch MP Geert Wilders on charges of 'blasphemy, contempt for Islam and the feelings of Muslims, and slandering and defaming the Prophet Muhammad'. Jordan has even asked Interpol to detain the people in question and bring them before a Jordanian court.

The Association Agreement between the EU and Jordan signed on 24 November 1997 entered into force on 1 May 2002. Article 2 of this Agreement lays down that respect for democratic principles and fundamental human rights is an 'essential element' of the Agreement. 'Appropriate measures' may be taken if there is a violation of the Agreement.

Does the above constitute a violation of the 'essential element' clause of Article 2? If so, what steps will the Council take under this Agreement?

Answer

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

The Council is aware of the information published in the media, according to which, on 21 April 2008, Jordan's Attorney General, Mr Hassan Abdullat, undertook to prosecute eleven Danish and one Dutch citizen, accusing them of blasphemy and of threatening public order.

Freedom of expression is a fundamental right for all the Member States of the European Union. As the honourable Member knows, and in accordance with international laws, such freedom also includes duties and specific responsibilities. This means that limits to freedom of expression may be authorised by law, in certain conditions, and that penalties may be provided for, should such limits be exceeded.

It is therefore the responsibility of each society to define what constitute acceptable limits to freedom of expression, in accordance with international human rights standards. Under the Convention for the Protection of Human Rights, the Member States of the European Union do indeed recognise that freedom of expression may be subject 'to certain formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society', especially for 'the protection of the reputation or the rights of others'. Other countries have an even more restrictive approach, developing press codes that prohibit various behaviours, in particular the denigration of religions or their symbols.

The crux of the matter is therefore to determine whether a ban on the denigration of religions or their symbols complies with universal human rights. The EU's Member States do not believe that it does: for us, human rights are not intended to protect religions or their symbols, but rather to protect men and women throughout the world. We abide by the letter of the provisions of international law relating to human rights.

Nevertheless, the denigration of religions is perceived in some countries as an act of intolerance which attacks not only faith but, indirectly, those who hold such a faith. Moreover, as in the case in point, the denigration of religions can cause public order disturbances. The maintenance of public order is one of the accepted limits to freedom of expression in the international standards.

As you will have gathered, there is a lively debate on the limits to the exercise of freedom of expression, where human rights are cited both as the guarantee of such freedom and as a reason further to restrict it. I can assure you that the EU Member States are making many efforts to maintain the dialogue with everyone on this important issue not only within international forums but also in discussions on human rights that the EU holds with third countries, in which it asserts its position. This approach is the most effective way of making the EU's points of view known, the cultural dimension of this debate being particularly sensitive for all concerned.

The Council considers that this question is of major importance, and it will therefore continue actively to encourage dialogue and understanding, tolerance and mutual respect in application of human rights, via all existing mechanisms, especially those laid down in the agreements between the EU and Jordan. In this respect, the EU has again reminded the Jordanian authorities of our commitment to respect for human rights and fundamental democratic principles, during the last meeting of the EU-Jordan Association Council of 10 November 2008.

The Council will, of course, continue to monitor the situation closely.

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Question no 19 by Justas Vincas Paleckis(H-0931/08)

Subject: Capping oil taxes

Now that prices for oil have subsided, the time is ripe to reconsider earlier proposals by the French Presidency on capping oil taxes across the EU and/or using part of national revenues from value added tax on oil products to create a fund helping those affected. Encouragement of Member States to build up reserves of oil, as proposed by Commission in its Second Strategic Energy Review, follows in the same footsteps as the Presidency. Will this package of valuable proposals for our citizens be lost or reinforced before the Czech Republic takes over the baton?

Answer

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

To date, the Council has not received a Commission proposal aimed at introducing a ceiling for taxes on oil or concerning the creation of a fund to help consumers.

The Council believes that oil stocks are some of the means that could help both to control energy prices and to guarantee energy security. The honourable Member will be aware that, since 1968, the Council has had in place a mandatory system for the creation of emergency oil stocks, by the adoption of the Directive (68/414/EEC) on oil stocks (codified and repealed by Directive 2006/67/EC⁽²⁵⁾). The coordination mechanism included therein works well in the case of minor disruptions, especially in response to joint actions coordinated by the International Energy Agency (IEA).

The Council also welcomes the fact that the Commission recently submitted to it its second strategic analysis of energy policy,⁽²⁶⁾ which includes, among other things, a proposal to revise the Directive on oil stocks, with the specific aim of re-inforcing the consistency with the IEA system and of increasing the reliability and transparency of oil stocks through the weekly publication of stock levels. This is in line with the conclusions of the European Council of March 2007 which, in its action plan 'An Energy Policy for Europe'⁽²⁷⁾, stressed the importance of increased transparency of data on oil products and a re-examination of the EU's oil supply infrastructures and oil storage mechanisms, with a view to supplementing the crisis mechanism provided for by the IEA, particularly as regards availability in the event of a crisis. The Council is looking forward to a fruitful working relationship with the European Parliament so that it can make rapid progress on this important issue.

In relation, more generally, to the second strategic analysis of energy policy, the Council debated this during its meeting of 8 December, paying particular attention to energy security, and will continue its work over the next six months.

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⁽²⁵⁾ Directive 2006/67/EC of the Council making it obligatory for Member States to maintain a minimum level of crude oil stocks and/or oil products (OJ L 217 of 8.8.2006.)

⁽²⁶⁾ Doc. 15944/08.

⁽²⁷⁾ Conclusions of the European Council of 8 and 9 March 2007, doc. 7224/1/07 REV 1, Annex, pp. 16-23.

Question no 20 by Jacek Protasiewicz(H-0936/08)**Subject: Progress in the negotiations with the Belarusian authorities in the context of possible abuse of the criminal code against political and civil activity**

Having in mind the declaration by Mr Aleksandr Lukashenka in the interview for the Wall Street Journal that he is ready to free all political prisoners;

In view of the fact that Mr Alyaksandr Barazenska is being held in custody pending his trial for the January demonstration, despite his voluntary appearance at the Minsk city police department on 27 October for questioning, and is not allowed to face the charges without being kept in custody, which would be a common practice in democratic countries;

Following similar cases, as well as the sentences of restricted freedom imposed on the other opposition activists in Belarus;

Is the Council aware of this situation? Has the Council already called on the Belarusian authorities for an immediate release of Mr Barazenska and a review of similar cases? If not will the Council make this issue one of the subjects of its negotiations with the representatives of the Belarusian Government?

Answer

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

The Council has been informed of Mr Barazenska's situation. The Presidency has already raised this issue with the Belarusian authorities, on 24 November. The Council will continue to demand the release of this person in its contacts with the Belarusian officials.

The detention of individuals for political reasons is systematically condemned by the Council. The Council's conclusions of 13 October also stipulate that the European Union's gradual re-engagement with Belarus is dependent on the regime's making progress in the areas of democratisation, respect for human rights, fundamental freedoms and the rule of law.

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Question no 21 by Catherine Stihler(H-0940/08)**Subject: Rheumatic diseases**

In light of the successful written declaration (P6_TA(2008)0262) on rheumatic diseases can the Council update Parliament on actions taken to help those suffering from rheumatic diseases across the EU?

Answer

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

The Council has taken due note of the written declaration on rheumatic diseases issued by the European Parliament on 5 June 2008.

In the context of an ageing society, and given that the majority of people aged over 70 present chronic or recurrent rheumatic symptoms, the 18-month programme for the French, Czech and Swedish Presidencies underlines the support for all initiatives aimed at creating a social environment in which the elderly are treated with respect and dignity. They should be able to lead a healthy, active and independent life, playing a role in society and enjoying a better quality of life. When they do need care, they should receive high-quality care, with dignity. Preventive measures in the health field are essential for preserving the health of citizens and avoiding future increases in healthcare spending.

Community action in the public health field must fully respect the Member States' responsibilities in relation to the organisation and delivery of health services and medical care. The Council has already adopted conclusions on obesity, nutrition and physical activity, which are very important factors in the prevention of rheumatic diseases.

In the Council conclusions of 10 June 2008, a mechanism for cooperation between the Council and the Commission for the implementation of the EU health strategy was established. The first area of activity selected is the promotion of a culture of quality in health services, which will also benefit people who present musculo-skeletal problems and who require medical treatment.

With regard to the creation of a Community strategy to combat rheumatic diseases or a strategy to improve access to information and to medical treatment for these diseases or a Council recommendation on early diagnosis and treatment of these pathologies, the Council has not had any initiatives on these issues referred to it by the Commission.

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Question no 22 by Georgios Toussas (H-0945/08)

Subject: Inadmissible embargo imposed by Turkey on the Republic of Cyprus

The Turkish Government is defiantly continuing to deny not only Cypriot-registered vessels and aircraft but also those which have previously made use of Cypriot ports or airports access to its own airspace, airports or ports, as the case may be. The Council decision to freeze the relevant chapters of the negotiations concerning Turkish accession has to date proved inadequate, given that the Turkish authorities are demonstratively refusing to budge on this issue, as confirmed on the occasion of a visit to Cyprus by a delegation from the European Parliament's Transport Committee. This inadmissible embargo imposed by Turkey, in open defiance of international law, is compounded by its continued military occupation of half the territory of the Republic of Cyprus.

What measures are being envisaged by the Council to ensure compliance by Turkey with its international obligations and with international law and secure the lifting of this inadmissible embargo against the Republic of Cyprus?

Answer

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

The EU's position on the issue of the additional protocol to the association agreement is clear. The complete and non-discriminatory implementation of the protocol is a contractual obligation on Turkey and it is imperative that it be complied with. This position, which appears in the negotiating framework and in the revised Accession Partnership adopted by the Council, and also in the declaration of the European Community and of its Member States of 21 September 2005, has been pointed out to Turkey on several occasions, not least within the framework of the political dialogue which the EU maintains with the Turkish authorities.

Referring to its conclusions of 10 December 2007, in its conclusions on enlargement of 8 December 2008, the Council regretted that Turkey had so far failed to satisfy its obligation to implement, in full and in a non-discriminatory manner, the additional protocol to the association agreement and that it had not made any progress towards normalising its relations with the Republic of Cyprus.

Therefore, in accordance with its conclusions of 11 December 2006, the Council reiterated that it would continue closely to monitor and examine the progress made on the issues covered by the declaration of the European Community and of its Member States of 21 September 2005.

Finally, the Council stated that progress is now urgently awaited.

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Question no 23 by Jean-Pierre Audy (H-0946/08)

Subject: Council's response to the Annual Report of the European Court of Auditors on the implementation of the 2007 budget

In its Annual Report on the implementation of the 2007 budget the European Court of Auditors draws attention to a large number of errors stemming from the shared management of measures with the Member States in the following policy areas: agriculture, cohesion, research, energy, transport, external aid,

development, enlargement, education and citizenship. Could the Council, as the budgetary and political authority required to deliver an opinion as part of the discharge procedure, give its views on the persistence of a significant error rate in connection with shared management in the areas referred to above and on the failure by many Member States to issue national declarations? Could the Council also give its views on the relationship which the European Court of Auditors identifies between the complexity of regulations and the number of errors detected and on the advisability of further simplifying European regulations, whose application is often made more difficult by additional national rules?

Answer

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

The President of the Court of Auditors, Mr Vítor Caldeira, presented the Ecofin Council of 2 December with the Court's annual report on the implementation of the EU budget for the year 2007.

This report still has to be examined by the Council's competent bodies, for the purposes of drawing up a recommendation to the European Parliament on the discharge to be given to the Commission for the implementation of the 2007 budget. The Council should adopt this recommendation in its session of 10 February.

I should like to point out that the Council attaches the utmost importance to sound financial management of Community funds. In this context, the annual report of the Court of Auditors is a very important tool.

The Council has taken due note of all the concerns expressed by the honourable Member and will certainly consider them as it prepares its recommendation on the discharge to be given to the Commission for the implementation of the 2007 budget.

In this context, I wish to confirm that the Council's recommendation will be presented to the European Parliament by the President of the Council at the February 2009 meeting of the Committee on Budgetary Control and that a comprehensive exchange of views on the various issues raised will most certainly be able to take place at that time.

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Question no 25 by Konstantinos Droutsas (H-0949/08)

Subject: Continuation of Israeli crimes against the Palestinians

On 5 November, Israel destroyed five Palestinian homes in east Jerusalem because, according to the Israeli authorities, they had been built without authorisation. The Israeli human rights organisation, B'Tselem, reports that the Israeli authorities have destroyed 350 Palestinian houses in east Jerusalem since 2004.

At the same time, the criminal Israeli embargo against the Palestinian people, the killing and unlawful arrest of thousands of Palestinians, including children, continue. An average of 700 children a year are reportedly arrested by the Israeli occupation forces.

These operations by the Israeli occupation forces are a brutal violation of the fundamental rights of the Palestinians and a flagrant breach of international law.

Does the Council condemn the criminal actions of the Israeli army of occupation against the Palestinian people?

Answer

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

The various concerns raised by the honourable Member of the European Parliament are shared by the Council.

The Council would point out that it re-iterated its support for the principles of the Israeli-Palestinian peace process, re-launched at the Annapolis Conference, in the GAERC conclusions of 8 December 2008. On this

occasion it called on the parties to respect the commitments entered into under the road map and to implement significant changes on the ground to promote peace in the region.

The Council considers that continued colonisation constitutes one of the main obstacles to peace and calls into question the viability of the future Palestinian State. It asks the Israeli authorities to comply with international law and to put an end to its colonisation activities, including those linked to 'natural growth', including in East Jerusalem. On 10 November the Council expressed its deep concern at the destruction of Palestinian homes in East Jerusalem. This position has been communicated to the Israeli authorities, at various levels. On 5 December the Presidency of the Council of the European Union welcomed the Israeli Government's decision to evacuate a Palestinian house which had been forcibly occupied by Israeli colonists. The Council calls on Israel to take other actions to strengthen the diplomatic process under way.

The Council is deeply concerned about the restrictions on the freedom of movement and travel imposed by Israel in the West Bank and in Gaza. On 14 November the Presidency of the Council of the European Union expressed its deep concern at the latest blockade of Gaza, which is illegal under international law, and asked the Israeli authorities immediately to re-open the crossing points into the territory to allow the entry of humanitarian aid. In parallel to this, the Council calls for an immediate end to the firing of rockets into Israel from the Gaza Strip.

Finally, the Council points out that the European Union attaches the greatest importance to respect for human rights in the Palestinian Territories. The freeing of the Palestinian prisoners held in Israel is a crucial step towards restoring a climate of mutual confidence essential for the progress of the peace negotiations. The Council calls on the Israeli authorities to free more of the Palestinian detainees.

The issues of the prisoners and of the anti-Palestinian violence committed by the colonists are among the matters raised in political dialogues between the EU and Israel. The creation of human rights subcommittees, involving the EU and Israel, on the one hand, and the EU and the Palestinian Authority, on the other, demonstrate the EU's interest in human rights in the region.

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Question no 26 by Hans-Peter Martin(H-0956/08)

Subject: Council preparatory bodies and COREPER

Will the Council say whether representatives of industry or business are also permitted to attend meetings of the Council's preparatory bodies and COREPER?

If so, which representatives of industry and business attend such meetings and how frequently?

If not, which other institutional opportunities exist for representatives of industry and business to meet officials of the preparatory bodies and COREPER and other Council officials? Where and how frequently do such meetings take place?

Answer

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

Pursuant to Article 203 of the EC Treaty, only representatives of the Member States' governments may participate in Council meetings. Because of the role assigned to it in the treaties, the Commission also attends. Finally, in some specific cases, the treaties allow for the presence of representatives from other bodies, such as the European Central Bank. This rule applies mutatis mutandis to the meetings of all the Council's preparatory bodies, and especially COREPER. It follows that representatives from industry or business may not therefore attend these meetings.

Contacts with the social partners may occur, including at the highest levels, as at the tripartite social summit, the last meeting of which took place on 15 October 2008, or at the Macroeconomic Dialogue, which meets twice a year and which is attended by the Presidency of the Council, the presidents of the European employer and trades union associations and the President of the European Central Bank and two commissioners. In addition, the members of the Employment and Social Protection Committees regularly meet representatives of the social partners. Mention may also be made of the regular meetings between the Presidency, the social

partners and NGO members of the 'social platform', where informal discussion of issues on the Employment and Social Policy Council agenda takes place.

In addition, contacts are equally desirable, but in an informal setting, with representatives from industry and business.

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Question no 27 by Catherine Guy-Quint(H-0958/08)

Subject: Halting the decline of the sheep- and goat-farming sectors in Europe

The sheep-farming sector has been hard-hit over the last ten years by a series of crises affecting the ruminant livestock sector. Two statistics tell the story: the total number of small ruminants fell by 7.6% in the EU as a whole in the period from 2000 to 2006; and if no action is taken, sheep and goat production could decline by over 25% by 2015. That is why I decided to table two amendments to the budget headings in the general budget for 2009 relating to sheep and goat premiums and to the additional premiums for producers of sheep meat or goat meat in less-favoured or mountain areas (increasing them by €20 and €15 million respectively). The Council, when voting on the second reading of the draft budget for 2009, decided to reject my proposal. Would the Council publicly state its reasons for rejecting this proposal at a time when it is proving possible to renegotiate all the rules (on VAT, the Stability Pact, revision of the FP, etc) in order to save the banks?

Question no 30 by Michel Teychenné(H-0963/08)

Subject: Budget: aid for the sheep- and goat-farming sectors

The sheep- and goat-farming sectors are facing an unprecedented crisis, exacerbated by the epizootic of catarrhal fever. This is an industry which makes an important contribution to land use and planning, particularly in the most problematic areas. That is why the European Parliament adopted at first reading, at the October part-session, two amendments by Mrs Catherine Guy-Quint to the 2009 general budget adding €35 million of aid to the sector. Yet in spite of the urgency of the situation and the European Parliament's insistence, the ministers rejected these amendments in the course of the conciliation on Friday, 21 November 2008. Mr Barnier has announced the introduction of a rescue plan for the French farming industry; is it not a contradiction to obtain nothing at European level? In other words, when will words be followed by action?

Joint answer

(FR) I wish above all to stress the importance the Council attaches to the agricultural sector, which is essential to the European economy, and in particular to the direct subsidies to farmers, especially in the sheep and goat sectors.

In this context, I would stress that, during the Council meetings of 29-30 September and 27-28 October, the Presidency and many Council members drew the Council's and the Commission's attention to the policy to be followed on blue tongue disease and, in particular, on a vaccination strategy.

At its second reading of the draft 2009 European Union budget, the Council considered that, in relation to the 'Conservation and management of natural resources' (heading 2 of the financial framework), the estimates made by the Commission in its preliminary draft budget, amended by letters of amendment No 1/2009 and No 2/2009 were an appropriate response to the needs, taking into account the market situation in the period concerned.

However, I can only repeat the assurance that the Council will not fail to examine, with the greatest attention, any proposal that the Commission might make on the issue.

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Question no 28 by Pedro Guerreiro(H-0959/08)**Subject: Protection of production and employment in the textile and clothing sector in various EU Member States**

Following the answer to question H-0865/08⁽²⁸⁾ on the (possible) expiry on 31 December 2008 of the joint surveillance system regarding exports from China to various EU Member States of certain categories of textile and clothing products, and in view of the increasing number of firms folding or relocating production (especially in Portugal), leaving behind a trail of unemployment and social crises, can the Council state whether any Member State has proposed or requested that the Commission prolong the validity of the dual surveillance mechanism beyond 31 December 2008 or that it adopt any other measures in that framework? If so, can it name the Member States and explain what measures each is currently proposing? Has any Member State opposed adopting such measures and, if so, which, and on what grounds in each case?

Answer

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

The Council has not received a proposal from the Commission on this issue, and therefore the issue has not been discussed. Incidentally, the answers given to questions H-0781/08 and H-0865/08 remain fully valid. This is especially true for the work carried out in the Council's competent preparatory body, the Article 133 Textiles Committee. This committee has debated this question several times. As for the various positions taken by the committee members, it is not the responsibility of the Council to make these public or to reveal the justifications or arguments used during these debates.

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Question no 29 by Laima Liucija Andrikienė(H-0961/08)**Subject: Prospects for EU-China relations**

The EU-China Summit scheduled for 1 December was postponed by the Chinese Government, blaming the French Presidency for meeting with the Tibetan spiritual leader, the Dalai Lama. What is the Council's assessment of the current state of play of EU-China relations? What are the future prospects for those relations? What is the Council's evaluation of the activities and contribution of the European Parliament in the framework of EU-China relations?

Answer

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

The European Union has noted China's decision to postpone the summit with the European Union on the grounds that some European leaders have met or will meet the Dalai Lama. The EU regretted this decision by the Chinese, who bear the responsibility for their action.

In spite of this unprecedented act, China remains a major European Union partner in economic and commercial matters, as well as in major international issues. The EU intends to continue to promote its strategic partnership relationship with China, particularly at a time where the world economic and financial situation calls for very close cooperation between Europe and China. Regular contacts with the Chinese authorities will continue within the framework of the various dialogues undertaken by the two parties. The European Union is especially pursuing the negotiations on a partnership and cooperation agreement and also foresees the signing of cooperation agreements and projects upon which agreement with the Chinese authorities has already been reached.

The European Parliament, via its various committees, is making its contribution to European Union foreign policy in general and to policy in relation to China in particular.

⁽²⁸⁾ Written answer of 18.11.2008.

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Question no 31 by Silvia-Adriana Țicău(H-0965/08)

Subject: Importance given to road transport policy

Still on the subject of question H-0614/08 to the Council of 15 July 2008, and despite the assurances given by the Council representative at the plenary of 23 September 2008 that Parliament would be forwarded the Council's position in September, the Council is hereby informed that no such document has been received to date. Given that the new version of the regulation on access to the profession of road transporter is to come into force on 1 June 2009 and that by 1 January 2012 the Member States are to have linked up their national electronic registers under that regulation, can the Council state what degree of priority has been given to the 'road transport package' for the next five months and explain the timetable proposed so that the new amended regulations can be adopted by 1 June 2009?

Answer

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

In June 2008, under the Slovenian Presidency, the Council reached a political agreement on the 'road transport' package, which consists of three legislative acts concerning access to the occupation of road transport operator (2007/0098 (COD)), access to the market in the carriage of goods by road (2007/0099 (COD)), and access to the market for passenger travel by coach and bus (2007/0097 (COD)), respectively. The Council is currently working on a common position on each of these matters, to be presented to the European Parliament in January 2009. The future Czech Presidency is firmly committed to starting informal discussions with the various rapporteurs in order to examine the possibilities of arriving at an agreement with the European Parliament as quickly as possible. In this respect, the honourable Member's attention is drawn to the fact that, until the end of October 2008, the Bulgarian and Romanian versions of the above-mentioned draft legislation had not been sent by the Commission and that, as a result, the preparatory procedural work has not been able to progress.

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QUESTIONS TO THE COMMISSION

Question no 38 by Marco Cappato(H-0919/08)

Subject: National and European flags at the next Olympic Games

'Esperanto', a radical association forming part of the Non-violent Radical Party, has launched a campaign aimed at the national Olympic committees to allow each Member State taking part in the next Olympic Games to represent Europe as well as itself. Every athlete would display two flags, that of his or her own country and the European flag, and the medal tally would also show the total number of medals won under the European flag.

Does the Commission intend to support this initiative?

Answer

(EN) The Commission is well aware of the crucial role played by sport as well as of the potential sport has for forging a sense of belonging. However, as stated in the White Paper on Sport, the organisation of sport and of competitions on a national basis is part of the historical and cultural background of the European approach to sport, and corresponds to the wishes of most European citizens. In particular, national teams play an essential role not only in terms of identity but also to secure solidarity with grassroots sport, and therefore deserve to be supported.

The responsibility for sport lies either with national authorities, or with sports organisations, or with a combination of these. In this context it should be remembered that the idea of having European flags on the sporting clothes of athletes was already highlighted in the Adonino Report "The Europe of the Citizens"⁽²⁹⁾.

The choice of whether and how to publish results from the Olympic Games belongs to the organisers, bearing in mind that the selection system in certain disciplines allows Europe to send more athletes to the Games (27 teams), which raises the chances to earn medals compared with other participants. The Commission therefore underlines that Member States participate in the Games as nation states and to recall that the slogan of the EU is: "United in Diversity".⁽³⁰⁾

The Honourable Member will therefore understand that the Commission is unable to support initiatives for a tally of medals won under the European flag. As concerns the display of two flags during the next Olympic Games, the Commission, while certainly not opposing the display of such a symbol of unity, wishes fully to respect the autonomy of sport and the primary responsibility of Member States as regards sport policy. Support by the Commission could however be provided were such an initiative to be launched in full agreement with the competent bodies.

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Question no 42 by Gay Mitchell(H-0907/08)

Subject: Budget deficit

The budget deficit in Ireland is currently at a level of around 5 per cent. This is well over the 3 per cent budget deficit limit defined in the Stability and Growth Pact and enough to trigger the Emergency Warning Procedure.

In an interview in an Irish newspaper Commissioner Almunia stated that 'The Stability and Growth Pact is not about fines. It is not about blaming Member States... In some cases it is about peer pressure, trying to use the European dimension and multilateral surveillance system to push governments to implement policies.'

Will the Commission state what understanding it entered into with the Irish Government in relation to the current budget deficit situation?

Answer

(EN) According to the 2008 update of the stability programme submitted by the Irish authorities on 14 October, the estimated outcome for the general government deficit in 2008 in Ireland is 5.5% of GDP, compared to a planned deficit of 0.9% of GDP in the previous update.

The Commission applies the Excessive Deficit Procedure (EDP) in conformity to the provisions in the Treaty and in the Stability and Growth Pact. When the government deficit exceeds 3% of GDP the Commission has to prepare a Report in conformity with Article 104(3) of the Treaty. Any excess over the reference value which is not exceptional, temporary and close to the threshold (Article 104.2) will lead to the country concerned being put formally in excessive deficit by the Council on a recommendation from the Commission (Article 104(6)).

The excessive deficit procedure should be seen as providing peer support to overcome current difficulties and ensure long-term sustainability of the public finances.

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Question no 43 by Dimitrios Papadimoulis (H-0917/08)

Subject: Solvency of Member States of the Eurozone

During the current financial crisis, many Member States are finding difficulty in servicing their public debt, since the deterioration in government bond spread is leading to a sharp rise in the cost of borrowing.

⁽²⁹⁾ COM (88) 331 final, 24 June 1988

⁽³⁰⁾ http://europa.eu/abc/symbols/motto/index_en.htm

Bearing in mind that some Member States such as Greece have for many years struggled to reduce their public debt significantly, to what extent is the economic crisis affecting the solvency of Greece and of the Member States of the eurozone in general? At what rate of interest are Greece and the Member States of the eurozone borrowing? Based on the ten-year German government bond, what is the government bond spread for Greece and the Member States of the eurozone?

Answer

(EN) The financial market turmoil has triggered a "flight to safety" that has increased the cost of servicing government debt of countries with a history of high deficits and high levels of debt.

In some countries, including Greece in particular, current account imbalances could further add to the negative perception regarding their ability to cater for the negative effects of the economic slowdown in the longer run.

As of the 6 November 2008 and compared with 6 November 2007 values the spread on 10 year government bonds has increased by 120 percentage points in Greece (from 31 to 151 pp) taking the German bond with same maturity as benchmark. This jump is one of the most pronounced in the EU27, with only Hungary (+262 pp), Romania (+194), Latvia (+182) and Poland (+145) surpassing Greece and by large the highest in the euro area (Italy is the second euro area country with the highest increase with +75 pp, followed by Belgium with +64 pp). While these evolutions are particularly pronounced for the aforementioned countries, these increases have affected the EU27 as a whole (+67.7 pp on average) and the euro area countries (+46 pp) during the same period. (Data source: Eurostat)

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Question no 46 by Claude Moraes (H-0904/08)

Subject: The Commission's European Health Strategy and older people

The first objective of the Commission's European Health Strategy is "Fostering good health in an ageing Europe". Whilst I commend the Commission for placing ageing firmly on its health agenda, there has nevertheless been a lack of concrete proposals and actions in this field. For example, the programme of the Open Health Forum of 10-11 December targets only youth and includes no reference to older people.

In this context would the Commission please outline what specific policy measures and initiatives it intends to take in order to promote healthier and longer lives among older people in Europe using the EU instruments that exist, such as the Open Method of Coordination on social protection and social inclusion?

In particular, what does the Commission plan to do in order to encourage Member States to include older people as a target group in their health prevention and promotion activities, and does the Commission intend to develop a European strategy on healthy ageing reaching all generations?

Answer

(EN) Fostering good health in an ageing society is indeed a key objective of the EU Health strategy 2008-2013 and of the Health Programme.

The Health Strategy foresees actions to improve the health of older people, including guidelines on cancer and work on neuro-degenerative diseases. In this context, the Commission plans, for example, to put forward a Community initiative to help address Alzheimer next year.

The Commission also seeks to ensure that different policy initiatives contribute to healthy ageing and help health systems adapt to the demands of the ageing population.

In addition, the Commission promotes the exchange of good practice in this area. For example, the Health Programme has recently financed a project that issued recommendations on healthy ageing policies.

But fostering healthy ageing is much more than measures targeted at old people. Many chronic diseases experienced by older people can be prevented if people live healthier lives when they are young. This is why the strategy advocates prevention and promotion throughout the lifecycle, with initiatives targeted at people of all ages including the young. Commission action in this area includes the European Platform for Action on Diet, Nutrition and Physical Activity, and the strategies on alcohol and nutrition.

The Commission is also supporting Member States in their efforts to promote healthy ageing. Under the Open Method of Coordination on Social Inclusion and Social Protection, the Commission takes a keen interest in the initiatives proposed by the Member States on health promotion and disease prevention targeted at the elderly population.

Finally, the Commission is currently reflecting upon possible future initiatives to further support Healthy Ageing.

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Question no 47 by Jim Higgins(H-0909/08)

Subject: Mental health

Could the Commission indicate if it is satisfied with the current provision of mental health facilities in the Member States, and the amount of resources made available to such services, and whether it is concerned that mental health is still under resourced and poorly positioned to help those in need, and if it has specific concerns with regard to regional imbalances in the services provided?

Answer

The organisation and delivery of health services and medical care is the responsibility of the Member States.

The Commission recognises that there is a need to improve mental health systems. EU-Member States acknowledged and agreed to this when, in 2005, they adopted the World Health Organisation's mental health declaration for Europe. In the meantime, several Member States undertook steps to revise their mental health strategies or to develop new ones.

One of the priorities of the European Pact for Mental Health and Well-being, launched in June 2008, is to provide support to enable Member States in improving their mental health systems, through exchange and cooperation on EU-level and on the basis of identified good practices.

In addition to the activities under the Mental Health Pact, Member States can make use of existing EU-instruments. For instance, they could undertake measures to improve the training of staff or to address regional imbalances in mental health services, through use of their Structural Funds programmes.

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Question no 48 by Avril Doyle(H-0913/08)

Subject: Patients' rights in cross-border healthcare

The proposal for a directive on patients' rights in cross-border healthcare [Proposal for a Directive on the application of patients' rights in cross-border healthcare 2008/0142(COD)] sets up a network of health technology assessment authorities. These authorities, such as the Health Information and Quality Authority (HIQA) in Ireland and the National Institute for Health and Clinical Excellence (NICE) in the UK, issue recommendations on which treatments should or should not be available for patients.

To date, these review processes have often lacked transparency, been lengthy and not clearly focused on the needs of the patients. Recently, the head of NICE had to apologise publicly for the delays during a review of a new treatment method.

Does the Commission agree that a directive entitled 'Patients' Rights' should also ensure patients' participation in these review procedures?

Answer

(EN) The Proposal for a Directive on patients' rights in relation to cross-border healthcare aims at establishing on a permanent basis a network connecting the national authorities or bodies responsible for health technology assessment. The purpose would be to support cooperation and exchange of information, knowledge, methods used and best practices between the 27 Member States.

The provision does not aim at harmonising national decision-making processes for health technology assessment and therefore does not prescribe patients' participation in the national review procedures. That

issue could be considered when measures for the implementation of this provision will be adopted. However, it should be noted that, according to article 17 of the proposed Directive, the network in question is composed of authorities or bodies responsible for health technology assessment designated by the Member States.

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Question no 49 by Bart Staes (H-0915/08)

Subject: Cross-border health care

More emphasis is placed in the Commission proposal (COM(2008)0414) on the right of the patient to cross-border health care than on the right of the Member State to finance and control its own health care system. This may put more pressure on the health care system, particularly in countries with a large influx of patients. There is, moreover, already Regulation (EEC) No 1408/71⁽³¹⁾ which coordinates social security schemes and contains rules on reimbursement, prior authorisation, etc.

What guarantees have been built in by the Commission so that a Member State's own health care system is not put under any unnecessary pressure, and how does the Commission intend to clarify the situation for patients now that the new Directive is to co-exist alongside Regulation (EEC) No 1408/71 on social security schemes?

Answer

(EN) As regards the question of impacts of the proposal for a Directive on the application of patients' rights in cross-border healthcare⁽³²⁾ on the Member States' healthcare systems, the impact assessment shows that the additional costs of treatment arising from these proposals are not likely to be such as to undermine the sustainability or planning of health systems overall.

This is because under the proposed Directive citizens are only entitled to be reimbursed for healthcare that they were entitled to at home, so Member States only have to pay for healthcare that they would have had to pay for in any case. The impact assessment estimated that the additional costs of treatment would be a small fraction of overall health expenditures, and is far outweighed by the benefits of this proposal.

But in any event, if in the short term an unpredictable surge of cross-border healthcare were to cause a major problem - in planning local facilities, for example - the proposal allows Member States to put in place limits necessary to safeguard their overall system, such as the introduction of a prior authorisation system for patients seeking cross-border hospital care under the conditions set out by the Directive which reflect the case law of the Court.

Moreover, in the long term, the added value of European cooperation on issues such as European networks of centres of reference; sharing assessments of new health technologies; and using information and communication technology to provide more efficient healthcare ("e-health") will help to improve the quality and efficiency of all healthcare, both for those patients who move and those who do not.

As regards the question of relationship of this Proposal with the existing framework for coordination of social security schemes and in particular the Regulation (EC) No 1408/71⁽³³⁾, the existing framework for coordination of social security schemes will remain in place alongside the proposed Directive, with all the general principles on which the regulations on coordination of social security schemes are based.

Regulation (EC) No 1408/71 ensures that if the appropriate care for the patients' condition cannot be provided in their own country without undue delay, then they will be authorised to go abroad, and any additional costs of treatment will be covered by public funds. Whenever the conditions set out in Article 22(2) of this Regulation are fulfilled, the authorisation shall be granted and the benefits provided in accordance with it. This is explicitly recognised by the proposed Directive. Regulation (EC) No 1408/71 will therefore continue to provide the general tool and the "safety net" to ensure that any patient who cannot have access to healthcare

⁽³¹⁾ OJ L 149, 5.7.1971, p. 2.

⁽³²⁾ COM(2008)414.

⁽³³⁾ Regulation (EC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Community, OJ L 149, 5.7.1971

in their own country within a reasonable time will be authorised to receive that healthcare in another Member State.

The proposed Directive provides an additional option for cross-border healthcare, responding to the cases brought by citizens themselves which led to the jurisprudence of the Court. It is important to underline that the rights stemming from the jurisprudence and from this proposal do not detract from any rights existing under national frameworks or Regulation (EC) No 1408/71. They represent rights recognised to citizens that they can choose to exercise. They thus provide better access for all to different healthcare within the EU.

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Question no 50 by John Bowis(H-0924/08)

Subject: Tobacco control

Will the Commission list the Member States that have not yet ratified the WHO Framework Convention on Tobacco Control and do not yet have policies in place for the banning of smoking in public places and places of work?

Answer

(EN) As of today, all Member States with the exception of the Czech Republic have ratified the World Health Organisation (WHO) Framework Convention on Tobacco Control.

The Convention creates a legal obligation for its Parties to adopt and implement effective measures to protect people from second-hand smoke in indoor workplaces, public places and public transport.

All Member States currently have some form of regulation aimed at limiting exposure to second-hand smoke. However, the scope and character of these regulations differ widely.

According to the information available to the Commission, slightly over a third of Member States provide for effective protection from tobacco smoke in all indoor workplaces and public places, as required by the WHO Convention.

Total bans on smoking in all enclosed public places and workplaces, including bars and restaurants, are so far in place in Ireland and the United Kingdom.

Italy, Malta, Sweden, Latvia, Finland, Slovenia, France and the Netherlands have introduced smoke-free legislation allowing for special enclosed smoking rooms.

However, in more than half of the Member States, citizens and workers are still not fully protected from exposure to tobacco smoke in indoor workplaces and public places. Bars and restaurants are a particularly difficult area of regulation.

To support Member States in adopting comprehensive smoke-free laws, the Commission intends to put forward a proposal for a Recommendation on smoke-free environments in 2009.

A detailed overview of Member States' smoke-free policies will be presented in the Impact Assessment accompanying the proposal.

The Commission will also address the issue in its forthcoming report on the implementation of the Council Recommendation on smoking prevention.

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Question no 51 by Sarah Ludford(H-0929/08)

Subject: Pigs Directive 2001/93/EC amending Directive 91/630/EEC

Does the Commission plan to start work on a proposal to amend Directive 91/630/EEC on the protection of pigs as part of the Community Action Plan on the Protection and Welfare of Animals in 2009, before the substantial amount of research conducted by the EFSA in this field becomes outdated?

Answer

(EN) The Commission is aware of the need to upgrade the legislation on the welfare of pigs taking into account new scientific evidence as presented in the reports adopted by the European Food Safety Authority (EFSA).

The Commission has already started the work to evaluate the best option to improve the current situation taking into account the need to consider the strategic priorities of the Community Action Plan for the Welfare of Animals and in particular the option to incorporate in its future proposal specific measurable animal welfare indicators, where available. There might still be a need for minimum standards regarding the farming system, housing conditions and feeding procedures, but the development of animal based welfare indicators should contribute to a better assessment of the animal welfare situation "on farm" and hopefully better and more rapid enforcement of welfare standards keeping them in line with new scientific evidence.

In the light of the above the Commission is examining the possibility to elaborate a proposal to revise the 1998⁽³⁴⁾ general legislation for the protection of animals kept for farming purposes as well as the specific requirements on pigs to upgrade the standards foreseen in the related legislation. Any proposal should also consider the objectives of the new Animal Health Law, foreseen in the EU Animal Health Strategy⁽³⁵⁾.

The Commission believes that the possible use in European legislation of internationally recognised animal welfare indicators, once developed, should allow better enforcement and the promotion of higher welfare standards.

Furthermore the Commission has estimated that this approach could allow the comparison of animal welfare standards with international trade partners and hopefully facilitate their use outside the border of the Community.

Several research projects are ongoing to support this initiative, including the Community funded research project called "Welfare Quality - Science and society improving animal welfare in the food quality chain". The delivery of "Welfare Quality" is expected in 2009 and the intention of the Commission is to work on the possible options to revise the existing legislative framework in 2010.

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Question no 52 by Catherine Stihler(H-0939/08)**Subject: Rheumatic diseases**

In light of the successful written declaration (P6_TA(2008)0262) on rheumatic diseases can the Commission update Parliament on actions taken to help those suffering from rheumatic diseases across the EU?

Answer

(EN) The Written Declaration of 5 June 2008 on rheumatic diseases⁽³⁶⁾ calls inter alia on the Commission to develop a Community strategy for rheumatic diseases. According to article 152 of the Treaty, Community action in the field of public health shall fully respect the responsibilities of the Member States for the organisation and delivery of health services and medical care.

Nevertheless the Commission has supported the important area of rheumatic diseases through the programmes of Community action in the field of public health. A new project for a 'European Musculoskeletal Conditions Surveillance and Information Network' has been selected for funding in 2008. This project will contribute significantly to promote better understanding, knowledge and information on musculoskeletal conditions in the EU.

In addition, the ongoing 7th Framework Programme for Research (2007 – 2013), under the "Health" Programme, proposes to undertake collaborative translational research in major diseases. Rheumatic diseases are explicitly mentioned in this section.

⁽³⁴⁾ Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes. Official Journal L 221, 08/08/1998

⁽³⁵⁾ http://ec.europa.eu/food/animal/diseases/strategy/index_en.htm

⁽³⁶⁾ P6_TA(2008)0262

As a result of the 2007 call for proposals, which included a topic on "early processes in the pathogenesis of chronic inflammatory diseases", the proposal "Masterswitch" was selected. Focusing on the elucidation of the mechanisms triggering rheumatoid arthritis and potential cellular and molecular targets for its therapy, it integrates 17 leading research groups from 10 EU and associated countries for an overall contribution of € 11,2 million. Continued support for research on this subject in future calls within the 7th Framework Programme is expected.

Furthermore, at the occasion of the recently held European League against Rheumatism (EULAR)⁽³⁷⁾ conference on 6 November 2008 in Budapest, it is important to note the support given by the Commission in highlighting the importance of rheumatic diseases (RD) as a subset of Musculo-Skeletal-Diseases (MSD) for Safety and Health at Work, and its interconnectedness with the Communities anti-discrimination policies.

Finally, and specifically on musculoskeletal disorders, the Commission, in its Communication "Improving quality at work: Community strategy 2007-2012 on health and safety at work"⁽³⁸⁾, has expressed its intention to find ways of improving risk prevention with regard to musculoskeletal disorders. With a view to achieve this, an impact assessment is currently under way.

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Question no 53 by Georgios Toussas (H-0967/08)

Subject: Commercialization of health in the interests of big monopolistic groups

According to research carried out by Athens University, Greece is leading the way as regards the privatization and commercialization of the health system. This is having particularly adverse consequences for working class families which, out of their meagre budget, are required to pay for 57% of overall health costs (over € 11 bn.). Private diagnostic and hospital foundations, which are constantly multiplying, are increasingly becoming concentrated in big groups which now largely determine health policy, while a significant section of medical capacity remains idle. The enormous growth of the private sector and the corruption of the public sector are caused by the state itself which forces workers to take their health problems to the private sector, since the public sector cannot provide reasonably prompt treatment owing to inadequate infrastructures, equipment and staffing.

How does the Commission view this unacceptable state of affairs which limits the treatment opportunities for workers, commercializes the health system in the interests of big monopolistic groups, increases the underemployment of medical staff and even jeopardizes public health?

Answer

According to article 152 of the Treaty, and in particular its paragraph 5, Community action in the field of public health shall fully respect the responsibilities of the Member States for the organisation and delivery of health services and medical care.

Consequently it is not for the Commission to express views on the situation described by the Honourable Member. This is in the remit of Greek competent authorities in this case.

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Question no 54 by Bernd Posselt(H-0880/08)

Subject: Health policy and smoking ban

What are the competences in respect of health policy on the basis of which the Commission is currently seeking an EU-wide ban on smoking at work, and what does it regard as the limits of its competences in the field of health policy, as opposed to those of the Member States, with reference to this issue?

⁽³⁷⁾ European League Against Rheumatism

⁽³⁸⁾ COM(2007) 62 final of 21.2.2007.

Answer

With regard to public health policies and as Parties to the World Health Organisation (WHO) Framework Convention on Tobacco Control (FCTC), the Community and 26 Member States are bound by the commitment to provide for protection from exposure to tobacco smoke in all indoor workplaces and public places. Also the outcome of the Commission's Green Paper consultation Towards a Europe free from tobacco smoke⁽³⁹⁾ demonstrated a clear support for comprehensive smoke-free policies and further EU action in this area. As a follow-up to the Green Paper consultation, the Commission intends to put forward a proposal for a Council Recommendation on smoke-free environments in early 2009.

Any specific legislation put forward to protect workers from risks to their health and safety related to exposure to environmental tobacco smoke at the workplace will fall within the policy field of occupational safety and health and be based on Article 137 EC.

Article 137 provides that the Community is to support and complement the activities of the Member States in a number of fields, including the improvement of the working environment to protect workers' health and safety. Before the Commission submits a proposal in this context, it is to consult the social partners at Community level under a two-stage consultation procedure in accordance with Article 138 EC.

Any such legislative initiative would comply with the principles of proportionality and subsidiarity.

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Question no 55 by Hélène Goudin(H-0882/08)**Subject: Pressure before the vote on the Lisbon Treaty**

A report in the Aftonbladet newspaper of 11 October 2008 suggests that Commissioner Margot Wallström has attempted to influence the outcome of the vote on the Lisbon Treaty in the Swedish Parliament on 20 November. According to the newspaper, Commissioner Wallström has tried to convince the leader of the Swedish Social Democratic Party, Mona Sahlin, to recommend a Yes vote on the Treaty.

Can the Commission guarantee that it has made no formal or informal attempts to influence Mona Sahlin and the Swedish Social Democrats on this issue?

Answer

(EN) The position of the Commission on the Lisbon Treaty is known. The Commission has not tried to unduly influence the ratification of the Lisbon Treaty in Sweden.

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Question no 56 by Nils Lundgren(H-0884/08)**Subject: EU military ambitions under the Lisbon Treaty**

In an interview with the EUObserver newspaper on 22 October 2008, Commissioner Margot Wallström complains that the Irish referendum campaign on the Lisbon treaty earlier this year included so many 'emotional arguments'. As an example, she mentions that many Irish citizens were frightened into voting No because they assumed that they would have to send their children to an EU army if the Lisbon Treaty was adopted. Commissioner Wallström's remarks suggest that the EU under the Lisbon Treaty has no intention of establishing a common military organisation.

Does the Commission consider that the Irish voters misunderstood the text of the Treaty, and can thus rest assured that their sons and daughters will not need to serve in an EU army if the Lisbon Treaty enters into force? Can the Commission guarantee that Sweden's policy of non-alignment will endure even if the Lisbon Treaty enters into force?

⁽³⁹⁾ COM(2007) 27 final

Answer

(EN) The Lisbon Treaty would fully preserve the national sovereignty of Member States in foreign affairs and defence matters. The military neutrality of certain Member States would not, therefore, be affected by the Treaty.

The Lisbon Treaty makes some amendments to existing provisions on security and defence, but does not change their essential features. The Treaty explicitly states that the changes proposed under the Treaty to security and defence 'shall not prejudice the specific character of the security and defence policy of certain Member States'.

The new foreign policy structure would increase coherence and efficiency in the Union's external action which is vital to face the new challenges of the 21st century and to improve the capacity of the Union to act on the world stage. The Lisbon Treaty would enhance its capacity to respond to crisis situations throughout the world, drawing on its considerable range of instruments which can be mobilized in support of conflict prevention and crisis management, taking on humanitarian and rescue tasks or engaging in peacekeeping operations. But decisions on security and defence policy issues would continue to be taken by unanimity, and the commitment of troops by any Member State to a particular mission would remain a sovereign decision by that State. As any EU crisis management mission would continue to require the support of all Member States, Ireland and Sweden would have the right to decide on whether, and how, to provide any such contribution to any peace-keeping mission – whether led by the United Nations, the EU or others.

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Question no 57 by Stavros Arnautakis (H-0887/08)**Subject: Free fruit and vegetables for schoolchildren**

The Commission is proposing to adopt a Europe-wide scheme for distributing free fruit and vegetables to schools (COM(2008)0442). The purchasing and distribution of these products will be financed from EU funds at a cost of EUR 90 million per year. The Member States are also being asked to prepare national strategies and educational initiatives. The programme is to be adopted by the Council in 2009.

When is the decision implementing the regulation expected to be taken and how will the Commission ensure that the Member States' relevant bodies and citizens are informed in a proper and timely manner?

The Commission has announced that EUR 1.3 million will be allocated to set up a network of different national bodies to encourage reliable and efficient exchanges of best practice. What activities does this concern and what bodies will be responsible for carrying them out?

Answer

(EN) On 19 November, the Agricultural Council came to a political agreement on the School Fruit Scheme after the Parliament had given an opinion. The formal adoption of the Council Regulation is expected before the end of 2008.

Early next year, the Commission services will make the implementing rules for the School Fruit Scheme and they will be adopted through the Management Committee procedure. It will be then up to the Member States to set up their national and/or regional strategies for implementation.

The Commission has re-enforced networking activities by organising a major conference on the 15-16 December 2008 which brought together project promoters, academics and representatives of Member States administrations. The purpose of the Conference is to set up a network on School Fruit, to provide input for the Commission's implementing rules and to the national/regional strategies. It is the intention of the Commission to promote exchange of experience amongst the different actors involved in such schemes all around the European Union, supporting School Fruit Conferences and developing web-based tools.

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Question no 58 by Liam Aylward(H-0894/08)**Subject: Energy efficiency**

Regarding the Climate Change Package, many believe energy efficiency is one of the most useful and realistic means of reducing emissions - for private housing, public authorities, companies etc.

Does the Commission foresee this non-binding energy efficiency target becoming a binding one?

Answer

(EN) At the European Council in March 2007, EU Heads of State and Government committed themselves to three ambitious 20% objectives by 2020: (1) a reduction of greenhouse gas emissions by 20% compared to 1990, (2) an increase to 20% of the share of renewable energy sources in EU overall energy consumption and (3) a reduction of projected energy consumption by 20%.

For the European Union to achieve these objectives, energy efficiency is a crucial area where progress can be made. Energy efficiency is the most cost-effective way of reducing energy consumption while maintaining an equivalent level of economic activity. Improving energy efficiency also addresses the key energy challenges of climate change, energy security and competitiveness.

The 20% energy saving objective is non-binding as it has not been fixed by legislation. However, progress towards the emissions reduction and renewable energy sources targets will certainly trigger investments in energy efficiency improvement measures in the sectors of energy transformation, energy supply and industry. This will then contribute to the achievement of the 20% energy savings objective.

The Commission does not foresee making the saving objective binding, as it leaves more flexibility to the Member States to improve energy efficiency in their key energy consuming sectors according to their own strategies. However, the Commission is convinced that by combining efforts on the policy and implementation levels, the drive for energy efficiency could be increased and higher levels of energy savings achieved. The Commission adopted in 2006 the European Energy Efficiency Action Plan with the objective of mobilising policy makers and market actors to make buildings, appliances, means of transport and energy systems more energy efficient. The implementation of the Action Plan is ongoing and should be completed by 2012. A comprehensive energy efficiency package of proposals and decisions was recently adopted by the Commission on 13 November to strengthen efforts to deliver the 20% objective in 2020. The Commission will evaluate the European Energy Efficiency Action Plan in 2009.

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Question no 59 by Brian Crowley(H-0900/08)**Subject: Young people and the European Union**

What are the current plans for the Commission to engage younger people in understanding and experiencing the workings of the EU?

Answer

(EN) The Commission considers involving young people in EU affairs as an essential element for a long term development of European citizenship. This understanding is reflected in numerous programmes and activities carried out at national, regional or local level by different Commission services and in close cooperation with national authorities.

At central level, the main EU Programme for young people, Youth in Action, aims to inspire a sense of active citizenship, solidarity and tolerance among young Europeans, and to involve them in shaping the Union's future.

Since 2003 the European Youth Week provides young people with a platform and an opportunity to participate in EU policy making and includes cultural events and political debates organised throughout Europe. Furthermore, in order to foster experiencing and involvement of young people with EU affairs, representatives of youth organisations are invited to the EU institutions for discussions with EU policy makers. This forum provides the Commission with the opportunity to consult young people on matters of particular concern to them as well as to engage them with European issues and enhance their knowledge of European institutions and policies.

This involvement is complemented by the European Youth Portal, which not only offers information to young Europeans, but also allows them to have their views heard and questions answered. The portal gives information on 8 main themes, covers 31 countries and is available in 25 languages.

Every six months, the Commission also organises in-service training for more than 600 "stagiaires". The traineeship provides young university graduates with a unique, first-hand experience and knowledge of the workings of the EU institutions. Thus, the traineeship creates an informal network of multipliers and "ambassadors" of EU values and ideas.

There are also a number of decentralised initiatives addressed to schools, including the Back to School project and Spring Day for Europe. As part of the Back to School project, EU staff is sent out as ambassadors to their former schools to discuss EU issues with pupils.

Spring Day for Europe is an annual initiative set up to stimulate interest about the principles, achievements and future of the EU. It constitutes a unique opportunity for pupils to meet and exchange ideas with EU experts and political leaders, learn about European integration and improve their understanding of it through games, debates and chats.

Finally, young people are a priority in the Commission's campaign to encourage participation on the EP elections next year. This campaign aims to raise awareness about the EU's role and helps create an emotional identification with the European Union among young people. The Commission plans to run a pan-European multimedia campaign for young people, involving popular TV channels, social networking platforms and tailor-made election spots for young people.

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Question no 60 by Marian Harkin(H-0902/08)

Subject: Credit unions

In light of the recent credit crunch and the need for massive government intervention to support the banking system, would the Commission agree that support should be given to credit unions, which provide microcredit for SMEs and individuals in many EU countries? Would the Commission see a role for the expansion of credit unions throughout the EU, given their financial stability in recent times?

Answer

(EN) Credit unions are in principle subject to the Community legislation regarding credit institutions, in particular the Capital Requirements Directive (2006/48/EC). However, certain credit unions are explicitly exempted from the scope of Directive 2006/48/EC. Member States may regulate these credit unions as they see fit, provided that they comply with their general obligations under the Treaty.

Most credit unions provide personal savings services and loans, rather than loans for a professional purpose. Indeed, their statutes may prohibit issuing loans to be used for business purposes, whereas micro-credit is targeted towards business activities and concerns mainly people who are refused access to finance by traditional financial institutions.

Micro-credit providers in general will benefit from any progress made on strands 1 and 2 of the Commission's micro-credit initiative, launched in November 2007. If a credit union qualifies for receiving any support from JASMINE, a joint action of the Commission and the European Investment Bank to support non-bank micro-finance institutions in Europe, it may be able to obtain some technical assistance to improve governance practices and technical capability, and thus improve its potential to attract further investment from private sector sources.

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Question no 61 by Armando França(H-0905/08)

Subject: EUROPOL Convention

EUROPOL (the European Police Office) has as its primary objective the fight against organised crime, terrorism and all forms of serious crossborder crime. It is therefore of major importance for the security of 500 million

European citizens. The effectiveness of its actions depends to a large extent on cooperation among Member States and between Member States and third countries.

To what extent are Member States participating in EUROPOL and ensuring mutual cooperation? What forms of cooperation are in place between EUROPOL and third countries?

Following the agreement reached under the Portuguese presidency on reforming the EUROPOL Convention and starting work on its replacement, what is the present state of play regarding that replacement process?

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Answer

(FR) The European Police Office (Europol) is an essential player in the internal security of the Union and has been associated with recent operational successes. For example, last summer Europol contributed to the BAGDAD operation, which mobilised 1 300 police officers in nine countries and led to the arrest of 75 persons involved in a human trafficking network.

On the issue of cooperation between Europol and the EU Member States, the quality of Europol's work depends to a large extent on the willingness of the Member States to contribute to supplying the Information System or to the operation of the Analytical Work Files (AWFs). It is the responsibility of each Member State therefore to ensure that its law enforcement agencies cooperate appropriately with Europol.

As for Europol's cooperation with third countries or other organisations, Europol has concluded around 20 strategic or operational agreements. Only the latter allow the exchange of personal data. Europol is currently in discussion with half a dozen other countries, but it is not its role to conclude agreements with the whole world. The cooperation agreement with Eurojust, concluded in 2004, should also be amended by the end of the year to reinforce the quality and intensity of their relationship.

In more general terms, the honourable Member could consult the 2007 Annual Report, which has just been published on the Europol website.

Finally, as regards the replacement of the Europol Convention by a decision of the Council, an agreement was reached on 18 April 2008; the formal adoption of this decision now depends on the removal of Parliament's reservation. The work that will allow Europol to operate as an agency of the EU from 1 January 2010 has, however, already begun, to ensure that the change of status does not hinder the work of the agency.

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Question no 62 by Mairead McGuinness(H-0911/08)

Subject: Recognition of professional qualifications

Can the Commission update us on the transposition of Directive 2005/36/EC⁽⁴⁰⁾ on the recognition of professional qualifications? Does the Commission feel that this Directive gives sufficient protection to EU citizens seeking employment in a Member State other than that in which they received their qualification?

Answer

(EN) By 10 November 2008, although 595 transposition measures were notified to the Commission for Directive 2005/36/EC¹, only 8 Member States had fully achieved the transposition of the text. 3 Member States had not communicated any transposition measure yet.

Meeting the transposition deadline (20 October 2007) has proven to be difficult for Member States mainly for the two following reasons:

- the very large scope of the Directive (it covers all regulated professions) which requires adoption of numerous pieces of legislation. In some Member States transposition is done per profession;

⁽⁴⁰⁾ OJ L 255, 30.9.2005, p. 22.

- the administrative structure of some Member States: in some countries transposition has to be done both at federal and regional level.

The Commission regrets this situation which is a source of legal uncertainty for professionals seeking to exercise a regulated profession in a host Member State. It has decided to bring the non compliant Member States to the European Court of Justice. Besides, citizens can also invoke most provisions of the Directive directly in front of national courts.

In view of the late transposition and delays in implementation, the Commission cannot assess the level of protection effectively ensured by the Directive.

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Question no 63 by Elisabetta Gardini(H-0914/08)

Subject: Community action on invasive alien species, with special reference to the plant *Ambrosia artemisiifolia* and its effects on human and animal health

The Commission needs to be made aware of the health threat posed by pollen from *Ambrosia artemisiifolia*, a plant which is one of the hundred most dangerous invasive alien species in Europe. Pollen from this plant cause serious allergic and respiratory complaints, often with incapacitating symptoms, whose social and individual costs are far from negligible. In some regions, the environmental and health authorities have reported that as many as 15% of the population have been affected and the scale of the problem is growing. Around fifteen Member States, applicant countries and pre-accession countries are directly affected, in some cases very seriously. The difficulty of containing the pollen and the speed with which it spreads mean that it is more urgent than ever for Europe to act to mitigate its effects.

In the light of the above, is the Commission aware of the current environmental and health situation as regards the spread of *Ambrosia artemisiifolia* in European countries? Will it draw up a coherent legal framework for invasive alien species? Would the Commission support the establishment of a European body responsible for the control, prevention and combating of organisms which have harmful effects on human health?

Answer

(EN) The Commission is aware of the threats posed by invasive species including *Ambrosia artemisiifolia* L., the common ragweed.

Many people are highly allergic to the pollen of this plant, which evolved in North America, but has been established in Europe since the late 1800s. August and September are bad months, when, in infested areas, its pollen can become far the most common in the air. It infests the valleys of the Rhone and the Po, and areas of Hungary, Serbia, and Croatia. It has also been detected in Slovenia, the Czech Republic, Austria, Germany and Belgium, and, outside the EU, in Switzerland.

Since the plant can only spread through its seed, it can be contained if the plants are prevented from producing seed, either by killing it with herbicides or by chopping it down or uprooting it before it seeds.

Asthma and other respiratory diseases are one of the most common cause of morbidity in people, having a serious health impact.

In order to tackle this issue, the Commission is using a comprehensive and integrated approach, which includes several measures and actions to prevent respiratory diseases tackling key health determinants. This comprises legislation and actions on ambient and indoor air quality including airborne allergen exposure.

An EU research project funded under the 6th Research Framework Programme delivered a European wide inventory on invasive alien species. Detailed information as well as experts' contacts are available under <http://www.europe-aliens.org/index.jsp>

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Another project is being supported on the health impacts of airborne allergen. The aim of the project is to evaluate the effects of climate diversity and change on airborne allergen exposure, and to implement an outdoor allergen early warning network. This will allow prediction of airborne allergen exposure and will

provide patients, medical doctors, and health regulatory agencies with better information to protect, treat and prevent allergic disease from ambient airborne allergens.

As part of its wider efforts to protect biodiversity, the European Union (EU) is committed to substantially reducing the impact of invasive species. The Commission has adopted a Communication "Towards an EU Strategy on Invasive Species"

⁽⁴¹⁾ on 3 December 2008, which outlines policy options and measures for immediate implementation with a view to develop an EU strategy on invasive species. Horizontal issues such as awareness raising, research and funding issues are also addressed.

This Communication should promote a debate with the Member States, EU Institutions and stakeholders. The Commission will use the feedback received to develop a proposal for an EU Strategy for release in 2010, which should substantially reduce the impact of invasive alien species in Europe. The Commission will also examine the possibility of setting up an Early Warning and Information System based on a regularly updated inventory.

The Communication and its Annexes can be downloaded from http://ec.europa.eu:8082/environment/nature/invasivealien/index_en.htm \o
"blocked::http://ec.europa.eu:8082/environment/nature/invasivealien/index_en.htm"

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Question no 64 by Marco Pannella (H-0918/08)

Subject: Cultural policy and multilingual communications

The sections of the Commission website dealing with European policies in the cultural field are available only in English, French and German.

The Europeana site dealing with the establishment of a digital library of European culture is only available in English.

Does the Commission agree that, particularly in the field of cultural policy, its communication strategies should not be restricted to English, with the occasional addition of French and German, in defiance of the multilingual spirit of the Treaties?

Does the Commission agree that the above-mentioned sections of the website should be translated into all the official languages as a matter of urgency?

Answer

(EN) The Commission is strongly committed to preserving and fostering linguistic diversity within the Union and supports a number of specific actions to that end. Beyond its obligations to provide legislative and policy proposals ⁽⁴²⁾ in all official EU languages, the Commission is committed to making all possible efforts to treat citizens, cultures and languages equally within the limits of available resources.

The use of a wide range of EU languages on the websites of all the Institutions is important to European citizens. In line with the "Action Plan to improve communicating Europe by the Commission", in 2005⁽⁴³⁾, the Commission set up a service dedicated to web translation, within its Directorate-General for Translation. Still, it remains a challenge to continuously make relevant information available to EU stakeholders and citizens and to keep this information updated.

Citizens show a considerable interest in the Commission's websites, including in the cultural field, and the Commission therefore places high priority on maintaining up-to-date sites with a maximum of news. The

⁽⁴¹⁾ COM(2008) 789

⁽⁴²⁾ Regulation No. 1 determining the languages used by the European Economic Community, OJ L 17, 6.10.1958, Article 1 and 2.

⁽⁴³⁾ SEC(2005)985, Annex, Action 36.

use of languages follows the general principle of adapting the language policy of each site to its target audience, and to provide the content on the upper levels of each site in as many languages as possible

In order to bring its cultural initiatives as close to citizens as possible, the Union has established Cultural Contact Points to promote the Culture Programme in the participating countries. One valuable activity of the Contact Points is to reproduce in the national language(s) elements of the news appearing on Europa on their own websites (which are in turn linked to Europa).

The Europeana portal, set up by the European Digital Library Foundation as part of the i2010 digital libraries initiative, uses 22 European languages.

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Question no 65 by Frank Vanhecke(H-0922/08)

Subject: Relations between the EU and Jordan

It is known that Jordan wishes to prosecute a Danish cartoonist, ten Danish journalists and the Dutch MP Geert Wilders on charges of 'blasphemy, contempt for Islam and the feelings of Muslims, and slandering and defaming the Prophet Muhammad'. Jordan has even asked Interpol to detain the people in question and bring them before a Jordanian court.

The Association Agreement between the EU and Jordan signed on 24 November 1997 entered into force on 1 May 2002. Article 2 of this Agreement lays down that respect for democratic principles and fundamental human rights is an 'essential element' of the Agreement. 'Appropriate measures' may be taken if there is a violation of the Agreement.

Does the above constitute a violation of the 'essential element' clause of Article 2? If so, what 'appropriate measures' will the Commission take?

Answer

The Commission would like to thank the Honourable Member for his question regarding the complaints that were lodged in Jordan against Dutch Member of Parliament Mr. Wilders and the 11 authors and editors of the Danish cartoons.

The Commission Delegation in Amman and the Dutch and Danish embassies are following the developments closely.

The Commission is using all the means at its disposal to encourage the Jordanian authorities to further progress in the area of respect for human rights and fundamental freedoms. It is one of the key priorities for action in the European Neighborhood Policy Action Plan. Issues such as the freedom of speech are discussed during the formal sub-committee on human rights and democracy. This sub-committee takes place on a yearly basis and has allowed for a frank and open dialogue. The EU is also providing financial support in this area to both the Jordanian authorities and Jordanian Non-Governmental Organisations.

The Commission will continue to follow the developments of these cases. It is clear that the Association Agreement (art. 101) allows for the thorough examination of any situation of possible non-fulfilment of obligations, with a view to seeking a solution that is acceptable to both Parties.

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Question no 66 by Kinga Gál (H-0923/08)

Subject: Anti-Hungarian activity in Slovakia

As Parliament's rapporteur on the establishment of the EU Fundamental Rights Agency I should like to ask the Commission what it proposes to do to protect the dialogue between ethnic groups and cultures in Slovakia, which is a Member State of the EU, where this dialogue is being systematically eroded on a daily basis by the country's current political leaders. How long will the Commission wait, given that, following verbal provocation, we are now witnessing with our own eyes Slovakian police officers brutally beating up young ethnic Hungarians for no particular reason, while Slovak youths chant anti-Hungarian slogans and egg them on? Instead of an inquiry, will the use of minority symbols be banned, such as the carrying of Hungarian flags and symbols to Slovakian championship matches? What will the Commission do to protect

the Hungarian minority in Slovakia, in a European Union where one Member State's parliament adopts a resolution against the MPs of its own Hungarian minority, because they dare to participate in a public reconciliation organised by the parliament of Hungary (a neighbouring Member State), calling them renegades against their parliamentary oath?

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Answer

(FR) The Commission had occasion to respond to the concerns about the situation of the Hungarian minority in Slovakia in the reply it gave to written questions P-5730/08 by Mrs Bauer and Mr Tokes, and P-5663/08 by Mr Tokes. The Commission requests that the honourable Member refer to these answers.

All Member States of the Union must use all legal instruments available to them in order to guarantee the rights of minorities in accordance with their constitutional order and international law obligations.

The authorities of all Member States, political parties and civil rights organisations must unequivocally distance themselves from and actively fight any manifestation of phenomena that are incompatible with the values that the EU is based upon, be it racism, xenophobia, totalitarian ideologies, hooliganism or violence.

The Commission is confident that the authorities of both Hungary and Slovakia will behave in conformity with the values that are common to all European Union Member States.

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Question no 67 by Saïd El Khadraoui(H-0926/08)

Subject: Measures taken by the Commission to safeguard the savings of Kaupthing savers and others

By early October it was clear that the Icelandic bank Kaupthing was facing serious financial problems. The funds of Kaupthing savers have now been blocked for several weeks. Because the Icelandic bank operated in Belgium with a Luxembourgish licence, the Belgian Government has been consulting both the Icelandic and the Luxembourg governments. Moreover the consumer organisation Test-Aankoop has submitted a petition with more than 5 000 signatures to the Luxembourg Prime Minister and Minister of Finance. The Belgian Government has not so far been very successful in obtaining guarantees for Belgian savers. But Kaupthing's Finnish clients have had a guarantee that they would get back their savings. The takeover scenario for Kaupthing Bank Belgium will only become clear around 15 November.

Is the Commission aware of this situation? How does the Commission view the Belgian Government's attitude? What solutions does the Commission see for disappointed savers? It is curious that Finnish savers should obtain guarantees sooner than Belgian savers. What plans can the Commission put forward for more coordinated action at European level to prevent similar situations in the future?

Answer

(EN) The Commission has received various communications on the matter of the Icelandic bank, Kaupthing. The Commission is aware of the difficulties faced by savers and has been closely monitoring the efforts in this matter of the Icelandic, Luxembourg and Belgian authorities. The Commission has also been in touch with the EFTA Surveillance Authority as Iceland is not a member of the EU but a party to the EEA Agreement.

The Commission understands that there have been some developments in the matter. Apparently, there are potential acquirors interested in parts of Kaupthing. This may in itself unblock the situation for depositors who currently have no access to their deposits with the Belgian branch of the Luxembourg subsidiary of Kaupthing Bank. Moreover, the Belgian Prime Minister has announced access to an amount of up to a maximum of €20,000 for Belgian depositors against their blocked deposits from the 1st of December onwards if the bank is not taken over by a potential acquiror.

The Commission further understands that the Belgian and the Luxembourg authorities will continue discussions to find a solution to the current difficulties for the almost 20,000 depositors concerned.

The different treatment of the Finnish and the Belgian savers is due to the different applicable laws. Whereas Kaupthing Bank Finnish Branch is a branch of the Icelandic bank Kaupthing and is governed by Icelandic law, Kaupthing Bank Belgium is a branch of the Luxembourg subsidiary of the Icelandic bank. It is therefore

technically a Luxembourg entity regulated by Luxembourg law since Luxembourg is its home Member State. Therefore, Luxembourg is responsible for the supervision of this bank, as well as for its reorganisation/liquidation and for the compensation of the depositors under the Deposit Guarantee Directive (Directive 94/19/EC on deposit-guarantee schemes). This responsibility extends to the Belgian branch.

The Commission proposed improvements to the Deposit Guarantee Directive on the 15th of October. The main changes proposed relate to the coverage levels and the reduction of payout delays.

In addition, the Commission has introduced the concept of supervisory colleges in its proposal of 1st October 2008 on amendments to the Capital Requirements Directive (2006/48/EC and 2006/49/EC). Co-ordination through colleges will allow for better supervision of cross-border banking groups.

The above along with further legislative proposals by the Commission that may become necessary to take account of market developments should help prevent similar situations in the future.

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Question no 68 by Jim Allister(H-0927/08)

Subject: Shellfish Waters Directive

What will be the impact of the Water Framework Directive 2000/60/EC⁽⁴⁴⁾ in regard to the continuance, or otherwise, of the environmental standards established in the Shellfish Waters Directive 79/923/EEC⁽⁴⁵⁾? Will any protective measures, including the microbiological standard, applicable to shellfish waters cease to apply after 2013?

Answer

(EN) When adopted in 2000, one of the main objectives of the Water Framework Directive (WFD, 2000/60/EC⁽⁴⁶⁾) was to simplify the number of instruments regulating EU water policy by establishing a coherent framework capable of managing all uses, pressures and impacts. In 2013, the Shellfish Water Directive (2006/113/EC⁽⁴⁷⁾) and other legal instruments will be repealed once the programme of measures under the first WFD River Basin Management Plan is fully operational. According to recital 51 and Article 4.9 of the WFD, at least the same level of protection afforded by the old legislation should be achieved by the implementation of the WFD.

The WFD clearly states that protection of water bodies used for the production of shellfish should be firmly established by Member States in the first WFD River Basin Management Plans (RBMP) to be adopted in December 2009, in accordance with the provisions of the Shellfish Water Directive. This means:

All areas designated under the Shellfish Water Directive must be included in the register of protected areas of the WFD.

The RBMP must establish specific objectives for those water bodies that, in addition to those set by the WFD (good ecological and good chemical status), offer at least the same level of protection as the Shellfish Water Directive. In particular this includes the microbiological parameter faecal coliforms. This level of protection for these existing areas should be maintained for the subsequent updates of RBMP.

In this context, it is worth recalling that according to the WFD Member States should submit the draft RBMP to public consultation in December 2008. The shellfish industry and other stakeholders should use the public consultation to verify that all shellfish waters are registered as protected areas and that the water quality objectives of the Shellfish Directive are adequately included in the RBMP.

In the context of the aquaculture strategy under preparation, the Commission Services are currently considering various options to ensure that new shellfish areas established after 2013 receive at least the same level of protection as existing designated areas.

⁽⁴⁴⁾ 1 OJ L 327, 22.12.2000, p. 1.

⁽⁴⁵⁾ 2 OJ L 281, 10.11.1979, p. 47.

⁽⁴⁶⁾ OJ L 327, 22.12.2000

⁽⁴⁷⁾ OJ L 376, 27.12.2006

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Question no 69 by Justas Vincas Paleckis(H-0928/08)**Subject: Compensation for EU Member States which lose their teachers**

Emigration of young graduates at the beginning of their careers, as well as of scientists and teachers, is one of the thorniest problems for the States which have acceded to the European Union in the 21st century. Many students take advantage of the offer of free higher education, the cost of which is borne by the tax-payer and amounts to tens of thousands of euros. After having studied in their own country, they find far better paid employment in the old EU Member States and go to work there. Being concerned to reduce the adverse impact of the brain drain, some EU Member States require students to work in the country where they have studied for a period equal to that of their studies. If anyone fails to respect this contract, they must repay the full cost of their studies.

What view does the Commission take of this measure, which is applied in some EU Member States and serves to retain young graduates, particularly scientists and teachers? What other compensatory measures does the Commission propose for Member States which are losing their skilled workers and for their education systems?

Answer

(EN) The Member States are free to organise their education systems and labour markets as they wish, as long as EC law is respected. The obligation on a young graduate to work for several years in the Member State in which he or she trained and to refund the training costs incurred if that obligation is not met could amount to a breach of the EC rules on free movement of workers.

The Court has held that the EC rules on freedom of movement of persons are intended to facilitate the pursuit by EU citizens of occupational activities of all kinds throughout the EU, and to preclude measures which may place EU citizens at a disadvantage where they wish to pursue an economic activity in the territory of another Member State. Provisions which preclude or deter a national of a Member State from leaving his or her country of origin in order to exercise his or her right to freedom of movement therefore constitute an obstacle to that freedom, even if they apply without regard to the nationality of the workers concerned⁽⁴⁸⁾. In the light of the case law, the Commission considers that the obligations at stake could amount to an obstacle to the fundamental freedoms guaranteed by the Treaty, in particular the free movement of workers as they might preclude or deter young graduates for several years from working in another Member State.

In accordance with the Court's case law, national measures liable to hinder or make less attractive the exercise of fundamental freedoms guaranteed by the Treaty must fulfil four conditions: they must be applied in a non-discriminatory manner (no difference on the basis of nationality); they must be justified by imperative requirements in the general interest; they must be suitable for securing the attainment of the objective which they pursue; and they must not go beyond what is necessary in order to attain it⁽⁴⁹⁾. A decision as to whether or not the national measures concerned could be justified would need to be made in the light of the details of those measures, which are not known to the Commission.

In general, skill shortages in the Member States are a multi-faceted challenge and are often caused by other factors in addition to emigration, such as greater demand for internal labour due to economic growth. The way that challenge is met depends very much on a country's specific situation. Typically, it will require a suitable policy mix, consisting of such components as measures to increase general labour-market participation, further improvements to education and vocational training, adequate pay and working conditions for public-sector employees, incentives for return migration and the facilitating of both internal labour mobility and immigration from outside the EU.

At all events, policies to retain young graduates would need to be well designed in order to avoid unintended consequences. For example, in many areas of research, it is vital for young scientists to go abroad for a certain period to gain experience, knowledge and international recognition in their fields, before returning to their home countries.

⁽⁴⁸⁾ Case C-18/95 Terhoeve [1999] ECR I-345, paragraph 37.

⁽⁴⁹⁾ Case C-55/94 Gebhard [1995] ECR I-4165, paragraph 37.

In the context of European research policy, one often refers to “brain drain” versus “brain gain. The Commission overall considers that international mobility is positive and, in an increasingly globalising world of research, even indispensable in terms of acquiring new knowledge and skills. Furthermore, researchers are traditionally among the most mobile as they tend to look for the best conditions in terms of infrastructure, financing and other working conditions. It is also worth noting that a community of researchers active in another country does not represent a net loss of intellectual input and potential. On the contrary, many members of the so-called “scientific diasporas” can be of benefit to their home country in that they often communicate and network with scientists at home.

As part of the integrated European strategy for training, mobility and career development of researchers, the Commission puts the emphasis on enhancing “brain circulation”, both within the EU and worldwide rather than on the more restrictive concepts of “brain drain” and “brain gain”. In the context of the European Research Area, “brain circulation” is closely linked with the Commission’s policy on increasing the attractiveness of European research in terms of quality of the research teams, infrastructures, salaries and career perspectives.

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Question no 70 by Maria Badia i Cutchet(H-0930/08)

Subject: Communicating Europe in Partnership

On 13 October 2008, the Council adopted a political declaration entitled Communicating Europe in Partnership which should also be adopted by the Parliament and the Commission. It represents a follow-on from the White Paper on European Communication Policy of February 2006.

Looking to the forthcoming European Parliament elections of June 2009, enhanced cooperation between the Community’s institutions and Member States in the field of communication has been provided for, with a view to debating and exchanging best practice, and developing synergies when it comes to informing the electorate of our priorities.

In Communicating Europe in Partnership, it is stated that when implementing information and communication actions, multilingualism and cultural diversity will be promoted.

Could the Commission provide more information as to the focus of Community institutional communication with a view to the forthcoming European Parliament elections?

Could the Commission explain in detail how multilingualism will be promoted when implementing information and communication actions?

Answer

(EN) The Commission, Parliament and Council signed the political declaration on Communicating Europe in Partnership on 22 October 2008. This is the first time that Parliament, Council and Commission have agreed on a common approach to communication. They recognised that communicating on the European Union requires a political commitment of EU institutions and Member States and that it is more efficient and effective, if communication is done in a coordinated way on priority issues.

Agreement on common communication priorities is at the centre of the political declaration. Inter-institutional Group on Information (IGI), co-chaired by representatives of each institution agreed that European Parliament elections are one of the four annual common priorities for 2009.

The Parliament and the Commission are involved in a non political awareness raising campaign. The Commission aims to work in close cooperation, to support and complement the communication efforts of the Parliament by demonstrating what exactly the EU has achieved in areas crucial to citizens.

The Commission is active in promoting multilingualism and cultural diversity in its communication policy in general and in its European Parliament election campaign in particular. The framework of Communicating Europe in Partnership will help to develop synergies with national, regional and local authorities as well as with representatives of civil society and therefore to adapt the campaign to multilingual and culturally diverse context.

The Commission Representations and the European Parliament Information Offices in Member States will cooperate with national authorities in order to set up joint activities adapted to national conditions. Successful

implementation of the common communication priorities, including the European Parliament election campaign, may be ensured on the basis of appropriate administrative arrangements between the services at EU and national levels.

Activities and materials for this communication campaign are going to be produced in all the official languages of the EU. Among other measures, translators have been assigned to the Commission Representations in the Member States to serve local needs and help in communicating Europe in the language of its citizens.

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Question no 71 by Zdzisław Kazimierz Chmielewski(H-0932/08)

Subject: Commission initiative on the creation of a Community legal framework for a European Research Infrastructure (ERI)

The Commission initiative on the creation of a Community legal framework for a European Research Infrastructure (ERI) (COM(2008)0467) provides for more effective participation in various international scientific projects.

It is right for the Commission to pay particular attention to ensuring the development of the research potential of the European Union as a whole. And it is therefore appropriate for it to ensure a balanced distribution of the ERI Community-wide and to support the establishment of ERI projects in countries with relatively weak research potential.

What action has the Commission taken, or does it intend to take, to ensure that the proposed instrument reduces disparities in new technologies, research potential and science infrastructure in those parts of the Community where the research infrastructure is weaker?

Answer

(EN) The Commission thanks the Honourable Member for his question on the draft Regulation for a European Research Infrastructure legal framework and on Commission actions to help less developed regions of Europe to close their scientific and technological gaps.

It should first be clarified that the ERI regulation is designed to facilitate the joint establishment and operation of large research facilities of European interest by Consortia led by several Member States and countries associated to the Community R&D Framework Programme.

It is intended for infrastructures that are at the frontier of scientific excellence and require major investments that go beyond the financial and scientific capacity of a single country. Planning and coordinating such projects between several European partners enables critical mass to be achieved and specialisation and mutual learning at European level. Many such projects have been identified by ESFRI (European Strategy Forum on Research Infrastructures) in their roadmap of 2006 (updated this year). They include infrastructures in many scientific fields, such as observatories for environmental sciences, data banks in genomics or state of the art large super computers.

Research infrastructures should help to safeguard scientific excellence of Community research and the competitiveness of its economy, as based on medium-term to long-term forecasts, through the efficient support of European research activities. To achieve this they should have the ambition to enhance European scientific capabilities beyond the current state of the art and thereby contribute to the development of the European Research Area.

The ERI legal framework was proposed by the Commission in response to the request of Member States for a tailor-made legal form to facilitate and speed up the construction of new research infrastructures involving several Member States, since current instruments have proven not suitable. ERIs will improve access and excellent research services to the European research community at large, to researchers from countries with many infrastructures as well as from countries with less infrastructures.

In relation to the geographical distribution of ERI, it should be noted that although the Commission will register eligible proposals for use of the ERI legal form, the planning as well as the financing of research infrastructures is clearly a competence of national authorities. It will be they that will present proposals and the Commission will register those that are eligible regardless of their locations. National authorities will decide together all the specific aspects, such as membership, contributions and location of the seat.

Nevertheless the Commission will seek to encourage new entities that represent added value in the European Research Area and encompass as far as possible regional partner facilities. Many large research facilities (for example 28 out of the 44 in the ESFRI roadmap) are distributed research infrastructures that will be based in several states, either because they must be physically distributed (e.g. environmental or geological monitoring) or because the centres of scientific excellence are distributed. Such distributed structures, already stimulated through the "Integrated Activities" supported within the 6th and 7th Framework Programmes for Research and Technological Development (FP6 and FP7), will pave the way towards a balanced development of the European Research Area.

Furthermore, the Commission will seek to encourage as far as possible open access to research infrastructures for scientists and engineers from a wide geographical area. It will particularly seek to promote access based on scientific excellence or need, rather than solely based on ability to pay.

Community funding for infrastructures is available under Cohesion Policy, in conformity with the relevant Community legislation. Indeed the Commission has recently published a guide to using and combining funding from various Community sources (research, cohesion and competitiveness funding)⁽⁵⁰⁾. Convergence regions could make smart use of structural and cohesion funds in order to leverage financing from European research infrastructures and to submit convincing candidatures for hosting these.

Finally, it should be noted that the Commission supports the scientific and technological development of the potential of Regions through FP7 specific activities under the Capacities programme.

In conclusion, the new legal framework of the ERI will be open to eligible proposals from partners throughout the European Union and countries associated to the research framework programme. The Commission will continue to encourage those countries that are relatively weak in research performance to invest and catch up, but it will be for those countries' national administrations to join in presenting eligible proposals.

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Question no 72 by Paulo Casaca(H-0933/08)

Subject: Commission-Iranian Government negotiations on ways of persecuting the Iranian opposition

Will the Commission supply me with the minutes of the meeting it held with the Iranian authorities on 6 October 2008 on more effective ways of persecuting the Iranian opposition?

Will the Commission explain the legal basis for pursuing negotiations of this kind with the Iranian authorities?

Will the Commission make public the undertakings it gave to the Iranian authorities that it would do everything it could to reverse the decisions of the Court of Justice, which annulled the Council's classification of the OMPI as a terrorist organisation?

Answer

(EN) The 6 October 2008 meeting referred to in the answer previously provided by the Commission to the Honourable Member's question E-5142/08 was not between the Commission and the Iranian authorities. In its capacity as EU Presidency, the French Foreign Ministry summoned the Iranian Ambassador in Paris to raise a series of human rights cases.

The Commission has never given to the Iranian authorities any of the 'undertakings' alleged by the Honourable Member.

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Question no 73 by Glenis Willmott(H-0935/08)

Subject: Substances toxic for reproduction

I would like to draw the Commission's attention to the adoption of the European Parliament's resolution on the EU's Health Strategy (P6_TA(2008)0477) in which the European Parliament overwhelmingly stated that

⁽⁵⁰⁾ ftp://ftp.cordis.europa.eu/pub/fp7/docs/practical-guide-eufunding_en.pdf

Directive 2004/37/EC⁽⁵¹⁾ on occupational exposure to carcinogens and mutagens does not adequately cover European citizens at work from exposure to substances toxic for reproduction and consequently urged the Commission to include substances toxic for reproduction into its forthcoming proposal for amendment of this same Directive.

In light of this can the Commission confirm that in the interests of workers' health it is giving its full consideration to this request, backed by 554 Members of the European Parliament?

Answer

(FR) The Commission attaches particular importance to protecting workers from the risks resulting from their exposure to substances toxic for reproduction. In this perspective, it would point out that Community health and safety at work legislation, and Directive 98/24/EC⁽⁵²⁾ in particular, includes minimum employee protection requirements.

These requirements include provisions concerning the assessment, prevention and management of risks applying to all hazardous chemical substances present in the workplace, including substances toxic for reproduction. In particular, the general protection principles require that risks to workers' health and safety be eliminated or reduced to a minimum.

The Commission would point out that it launched two phases of consultation with the social partners on the theme of protecting workers against the risks resulting from their exposure to carcinogens, mutagens or substances toxic for reproduction. On the basis of the results of this consultation, the Commission is currently examining the option of modifying the Community legislation in this field.

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Question no 74 by Jacek Protasiewicz(H-0937/08)

Subject: Progress in the negotiations with the Belarusian authorities in the context of possible abuse of the criminal code against political and civil activity

Having in mind the declaration by Mr Aleksandr Lukashenka in the interview for the Wall Street Journal that he is ready to free all political prisoners;

In view of the fact that Mr Alyaksandr Barazenska is being held in custody pending his trial for the January demonstration, despite his voluntary appearance at the Minsk city police department on 27 October for questioning, and is not allowed to face the charges without being kept in custody, which would be a common practice in democratic countries;

Following similar cases, as well as the sentences of restricted freedom imposed on the other opposition activists in Belarus;

Is the Commission aware of this situation? Has the Commission already called on the Belarusian authorities for an immediate release of Mr Barazenska and a review of similar cases? If not will the Commission make this issue one of the subjects of its negotiations with the representatives of the Belarusian Government?

Answer

(EN) The Commission is aware of and shares the Honourable Member concern regarding the case of Mr Barazenska, who in the meantime stood trial on 8-9 December. Before the trial, Mr Barazenska was unduly held in custody since end-October.

Mr Barazenska was sentenced to 1 year of restricted freedom for his participation in an unauthorised demonstration in January. He will reportedly appeal the sentence against him.

In her statement of 21st November, the Commissioner in charge of External Relations and Neighbourhood policy, while commending recent positive steps taken by Belarus, made it clear to the Belarusian authorities

⁽⁵¹⁾ OJ L 158, 30.4.2004, p. 50.

⁽⁵²⁾ Directive 98/24/EC of the Council of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth separate directive within the meaning of Article 16(1) of Directive 89/391/EEC), OJ L 131 of 5.5.1998

that the EU was following closely the case of Mr Barzenka. She highlighted in particular that it is essential for the EU that Belarus remains “a country without political prisoners”. In this regard, she has taken note of the case of Mr Barzenka and warned that the EU would closely follow his trial.

The Commission has brought up the case of Mr Barzenka in its meetings with Belarusian authorities on several occasions.

This is a serious matter and the Commission will continue to follow the issue closely and to raise it further with the Belarusian authorities.

In this context, the fact that the 13 October Council decided to partially suspend sanctions against Belarus for a 6 month period, at the end of which the situation will be reassessed, enables us to convey a clear message on what democratic steps we expect from Belarus and in particular that there should be no back-sliding on political prisoners.

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Question no 75 by Johan Van Hecke(H-0938/08)

Subject: Easing Haiti's debt burden

The current situation in the desperately poor country of Haiti is being called the most serious environmental crisis on the planet. While the country has been pounded by violent storms, 98% of all its forest have been cut down for fuel, which means that even ordinary storms lead to flooding. Experts say that it will be years before the country can cultivate even half of the food needed to feed the population. And even this can only happen with a massive injection of money and energy into watershed restoration, essential services and food security.

That being so, it is absurd that it will be five months before Haiti can expect major debt relief from the World Bank and the International Monetary Fund. At the same time Haiti's entry into the group of Heavily Indebted Poor Countries (HIPC) has been postponed. In the interests of the country's reconstruction it is necessary for the shareholders in the World Bank to look together at how they can cancel Haiti's debt as soon as possible. What is the Commission's view of this postponement, and will it be taking any action in consequence?

Answer

(FR) Haiti has passed the decision point and remains eligible to reach the completion point under the Heavily Indebted Poor Countries initiative, managed by the World Bank and the International Monetary Fund (IMF). It is important to stress that Haiti has made far greater than average progress along this path, which means that, when the time comes, its USD 650 million debt will be able to be cancelled.

According to the provisional timetable, the decision on the achievement of the HIPC initiative completion point has been postponed until June 2009, following the IMF's and the World Bank's announcement that Haiti has not, at present, fulfilled all the disbursement conditions. One essential condition was the law on the award of contracts, which should have been voted on by the parliament within 6 months of the presentation of the National Strategy for Growth and Reduction of Poverty document (NSGRP – November 2007). Currently, there is a decree on public contracts but it has not been promulgated. The sustained application of the criteria is intended to ensure that the desired results of the debt reduction are long-lasting.

The international institutions and all of the partners are trying to overcome this situation. Thus, for example, the Inter-American Development Bank (IADB) has announced a one-year postponement of the repayment of its debt and a freeze on the Republic of Haiti's debt servicing payments.

The Commission continues to be in favour of the initiatives to reduce Haiti's debt as a way of accelerating the country's economic and social development. The Commission remains committed to supporting the efforts of the authorities and the people of Haiti and to implementing an ambitious development programme, which will guarantee lasting benefits that generate progress. To this end, within the framework of the 10th European Development Fund (EDF), the Commission will allocate EUR 291 million of programmable funds to Haiti to support the road infrastructure, the de-centralisation process, the justice sector and the general macro-economic framework. Independently of this, the Commission is offering the necessary aid to the victims of the recent floods in order to improve the population's humanitarian situation.

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Question no 76 by Caroline Jackson(H-0941/08)

Subject: Public collection of waste batteries

The deadline for transposition of the 'Batteries Directive' (Directive 2006/66/EC⁽⁵³⁾ of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators) passed on 26 September 2008. In the view of the Commission, does a Member State need to issue a hazardous waste management licence for any collection point set up for domestic batteries in public buildings, schools, supermarkets etc?

Answer

(EN) According to Article 8(1) of the "Batteries Directive" (Directive 2006/66/EC⁽⁵⁴⁾) "Member States shall ensure that appropriate collection schemes are in place for waste portable batteries and accumulators. Such schemes: (a) shall enable end-users to discard waste portable batteries or accumulators at an accessible collection point in their vicinity, having regard to population density; ...".

According to Article 8(1) of the Batteries Directive, collection points set up for waste portable batteries and accumulators including domestic batteries shall not be subject to the registration or permit requirements of Directive 2006/12/EC on waste⁽⁵⁵⁾ (Waste Framework Directive) or Council Directive 91/689/EEC of 12 December 1991 on hazardous waste⁽⁵⁶⁾. Therefore a Member State does not need to issue a hazardous waste management licence (or permit) for any collection point set up for domestic batteries in the vicinity of end-users, including public buildings, schools, supermarkets etc.

These provisions are in line with the recently revised Waste Framework Directive, Article 20 of which reads that Articles 17 (control of hazardous waste), 18 (ban on the mixing of hazardous waste), 19 (labelling of hazardous waste) and 35 (record keeping provisions) shall not apply to mixed waste produced by households. Also, Articles 19 and 35 shall not apply to separate fractions of hazardous waste produced by households until they are accepted for collection, disposal or recovery by an establishment or an undertaking which has obtained a permit or has been registered in accordance with Articles 23 or 26.

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Question no 77 by Karin Riis-Jørgensen(H-0942/08)

Subject: Liberalisation of the national gambling monopoly

Between 6 and 8 November 2008 in Greece (Athens and Thessaloniki), two intermediaries from a private sports betting operator licensed and regulated in the EU were arrested and detained by the Greek authorities along with three customers for violating the Greek sports betting monopoly legislation.

That legislation is already the subject of a Reasoned Opinion sent by the European Commission on 28 February 2008 in the wider context of infringement proceedings launched against 10 Member States over the last two and a half years.

Given Paragraph 73 §4⁽⁵⁷⁾ of the Placanica ruling by the ECJ (C-338/04) does the Commission find such arrests disproportionate?

⁽⁵³⁾ OJ L 266, 26.9.2006, p. 1.

⁽⁵⁴⁾ OJ L 266, 26.9.2006, p. 1.

⁽⁵⁵⁾ OJ L 114, 27.4.2006, p. 9

⁽⁵⁶⁾ OJ L 377, 31.12.1991, p. 20. Directive as last amended by Regulation (EC) No 166/2006.

⁽⁵⁷⁾ Articles 43 EC and 49 EC must be interpreted as precluding national legislation, such as that at issue in the main proceedings, which imposes a criminal penalty on persons such as the defendants in the main proceedings for pursuing the organised activity of collecting bets without a licence or a police authorisation as required under the national legislation, where those persons were unable to obtain licences or authorisations because that Member State, in breach of Community law, refused to grant licences or authorisations to such persons.

Why is the Commission not proceeding more rigorously and referring to the ECJ countries at Reasoned Opinion level like Greece or Denmark, Sweden, Finland, and the Netherlands, which have clearly, through actions like the ones above in Greece, or through complete inaction, showed that they refuse to comply with the EU Treaty?

Answer

(EN) In reply to the oral question of the Honourable Member, the Commission recalls that it opened infringement cases against many Member States regarding restrictions, notably in form of criminal sanctions, on freedom to provide sports betting services by gaming operators who were granted a license in another Member State, estimating that these restrictions were incompatible with Article 49 of the EC Treaty.

The Commission shares the opinion of the Honourable Member that the arrests in Greece of two intermediaries from a private sports betting operator licensed in another EU Member State might be disproportionate and incompatible with Articles 43 and 49 of the EC Treaty, provided that, as clearly mentioned in the *Placanica* Judgment⁽⁵⁸⁾ of the European Court of Justice, the Member State at issue refused to grant licenses or authorisations in breach of Community law. According to the *Gambelli* Judgment⁽⁵⁹⁾ of the Court of Justice such a breach of Community law exists when a Member State does not pursue a policy aiming at genuinely reducing gambling opportunities in a consistent and systematic manner.

However, for some time now, Member States' reluctance to accept the European dimension of this issue appears to be changing. This follows the opening by the Commission of infringement proceedings against 10 Member States in relation to the restrictions which they impose on the cross border provision of sports betting services. This has led some Member States to consider adopting new laws and a number of them are now discussing their proposals with the Commission. The Commission intends to examine the pending infringement cases again in 2009.

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Question no 78 by Ivo Belet(H-0943/08)

Subject: Annual whale hunt off the coast of the Faroe Islands

In its answer to Written Question P-3855/08, the Commission states that it is seeking a solution in the IWC to the issue of the whales which are killed each year off the coast of the Faroe Islands.

Does the Commission therefore agree that the way in which the whales are killed in the waters of the Faroe Islands is completely at odds with EU animal welfare policy?

Can the Commission state what progress has been made on this issue? What measures has it taken and what measures does it still plan to take?

Is the Commission prepared to raise the issue of this practice in bilateral talks with the Faroe Islands?

Answer

The Commission is very committed to the protection of all cetaceans (whales, dolphins and porpoises) and would like to recall that within the EU, the capture or killing of cetaceans is prohibited under Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora⁽⁶⁰⁾, which includes obligations arising from the Convention on the Conservation of European Wildlife and Natural Habitats, also known as the Bern Convention. The sale or exchange of cetaceans is also prohibited by EU Member States according to the same Directive. In addition, the introduction of cetaceans into the Community for primarily commercial purpose is banned, pursuant to Council Regulation 338/97/EC on the protection of species of wild fauna and flora by regulating trade therein⁽⁶¹⁾, which implements the provisions of the Convention on International Trade in Endangered Species (CITES) in the EU.

⁽⁵⁸⁾ ECJ, 6/03/07, *Placanica*, C-338/04

⁽⁵⁹⁾ ECJ, 6/11/03 *Gambelli*, C-243/01

⁽⁶⁰⁾ OJ L 206, 22.7.1992

⁽⁶¹⁾ OJ L 61, 3.3.1997

However, the pilot whale hunt mentioned is conducted in the Faroe Islands, which is not part of the EU, so EU legislation and policy do not apply there. Moreover, while Denmark is a member of the Bern Convention, in its instrument of ratification it made a declaration stating that the Convention does not apply to Greenland and the Faroe Islands. Accordingly, the Commission has unfortunately limited possibilities to intervene directly in this case. The Commission will, however, look into the best possible ways to raise this sensitive issue with the relevant authorities.

At international level whales are protected by the International Whaling Commission (IWC) which is an international organisation for the conservation and management of whales. Unfortunately, however, the hunting of pilot whales is not regulated by the IWC, as to date there is no agreement about the IWC's competence for small cetaceans. In the context of the ongoing debate about the future of the IWC, the Commission does hope, however, that the EU together with other parties to the IWC will be able to also address the issue of small cetaceans. For the purpose of having a coordinated EU position at the meetings of the IWC, on 6 November 2008 the Commission submitted a proposal to the Council⁽⁶²⁾.

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Question no 79 by Ari Vatanen(H-0944/08)

Subject: VAT on alcohol sales: distinction between 'distance selling' and 'teleshopping'

In European law governing alcohol sales (the Sixth Council Directive 77/388/EEC⁽⁶³⁾ supplemented by Directive 91/680/EEC⁽⁶⁴⁾) the distinction is drawn, on the grounds of the means of delivery, between the concepts of (i) distance selling and (ii) teleshopping. Whether VAT on the transaction is paid to the country of origin or the country of destination is determined on the basis of the method of delivery of the goods.

When a consumer orders, from another Member State, alcohol which is dispatched or transported to the consumer in the country of destination by the vendor or on his behalf, then distance selling has occurred. In distance selling, VAT is always levied on the sale of alcohol in the country of destination, irrespective of the country of sale. Where there is a transaction involving delivery to the consumer, the delivery of the alcohol is deemed to take place in the country of destination.

Teleshopping occurs when the consumer himself, rather than the vendor, organises the transport of the goods from the country of origin to the country of destination. In teleshopping, the sale of alcohol is always subject to VAT in the country of origin. The place of delivery of the alcohol is the place where the product begins its journey.

Can a supplier offering consumers alcohol teleshopping services on the Internet publish advertisements on his own website for a third party's transport services without his activity being regarded as distance selling? This is an important question in ascertaining whether the VAT on the sale is to be charged in the country of origin or of destination.

Answer

(EN) Concerning VAT on supplies of alcohol to private consumers, it follows from Article 33 of the VAT Directive (2006/112/EC⁽⁶⁵⁾) that a supply of goods subject to excise duty with transport by or on behalf of the supplier shall be taxed where the goods are located at the time when dispatch or transport of these goods ends. For supplies of goods transported by or on behalf of the customer, the place of taxation is the place where the goods are located at the time when the transport of the goods to the customer begins, according to Article 32 of the VAT Directive.

When the vendor advertises at the same time on its website both goods subject to excise duty and the way to transport them to the customer, without the necessity for the customer to be present in the Member State

⁽⁶²⁾ Proposal for a Council Decision establishing the position to be adopted on behalf of the European Community with regard to proposals for amendments to the International Convention on the Regulation of Whaling and its Schedule, COM(2008) 711 final

⁽⁶³⁾ OJ L 145, 13.6.1977, p. 1.

⁽⁶⁴⁾ OJ L 376, 31.12.1991, p. 1.

⁽⁶⁵⁾ Council Directive 2006/112/EC of 28 November on the common system of value added tax, OJ L 347, 11.12.2006.

where the vendor is located, the situation could be considered as constituting an abusive practice in order to transform artificially, for VAT purposes, a supply of goods transported by or on behalf of the vendor into a supply of goods transported by or on behalf of the customer (ECJ, Judgement of 21 February 2006, Case C-255/02 Halifax plc). In such a situation, the economic reality should be taken into account and the transaction could be re-qualified and treated, for VAT purposes, as a supply of goods subject to excise duty transported by or on behalf of the vendor, taxable in the Member State where the transport to the consumers ends. Such a situation has, anyway, to be assessed on the basis of the facts of the individual case.

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Question no 80 by Athanasios Pafilis (H-0948/08)

Subject: Inhuman prison conditions

Greek prison inmates have recently been organising massive hunger strikes in protest at the inhuman conditions under which they are being kept, conditions made worse by the political choices of the ND and PASOK governments partly in accordance with EU guidelines.

Specifically, the problem relates to massive prison overcrowding caused by the large influx of not only detainees awaiting trial, but also foreigners arrested solely for illegal entry. This has been accompanied by an increase in the number of suicides, the mistreatment of inmates and infringement of their basic rights, shortage of sufficiently qualified medical and nursing staff, lack of detoxification programmes, absence of special facilities for juveniles, the withholding of access to prisons for the representatives of scientific and social organisations, political parties, etc.

What view does the Commission take of the inadmissible prison conditions which have been created and the infringement of inmates' fundamental rights?

Answer

(EN) The Commission does not carry out checks on detention conditions in the Member States. The European authority responsible for this type of checks is the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (the CPT Committee), which is a body under the Council of Europe. However, the Commission follows closely the reports of the CPT Committee keeping in mind also the second paragraph of Article 6 of the Treaty on European Union (TEU) providing that the Union shall respect fundamental rights as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and as they result from the constitutional traditions common to the Member States, as general principle of Community law. In this context, it should be mentioned that, according to the case law of the European Court of Human Rights, unacceptable detention conditions also can constitute a violation of Article 3 (prohibition of torture) of the ECHR even where there is no evidence that there was a positive intention of humiliation or debasing a detainee. From this follows that Greece, must treat detainees with dignity and in conformity with the applicable international standards.

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Question no 82 by Olle Schmidt(H-0951/08)

Subject: State-owned car manufacturers

In connection with the economic crisis in the 1970s, many large industrial undertakings were nationalised. A number of those which were not taken into State ownership received large loans or subsidies instead. In my home country, Sweden, subsidies were particularly made available for shipyards, none of which now remain in the country at all. In other countries it was car manufacturers that had viability problems. National prestige marques such as Chrysler, Rolls Royce and Renault were rescued by the tax-payers of their respective countries.

It now seems as if the credit crisis has developed into a full-blown world recession. Once again the gas-guzzling car industry finds itself on the verge of bankruptcy. This is a problem for Sweden because both Volvo and Saab have a large part of their production based there. In the past week, there have been reports in the media (inter alia in the Financial Times on 1 December 2008) that the American owners of Volvo and Saab were holding talks with the Swedish Government on a nationalisation of these struggling manufacturers. We also know that similar talks are in progress between car manufacturers and governments in many other countries.

Does the Commission perceive any dangers in State-owned and operated industrial undertakings?

Answer

(EN) Article 295 of the EC Treaty stipulates that “the rules in Member States governing the system of property ownership” shall not be prejudiced by the Treaty. This principle means that the Treaty does not favour private or public ownership of a company. The implementation of such a principle presupposes that public entities which are shareholders or responsible for the operating of a company act in a way similar to that of private actors. As has been confirmed by the European Court of Justice (in case C-174/04, *Commission v Italy*, § 32): “Treaty provisions on the free movement of capital do not draw a distinction between private undertakings and public undertakings”.

Indeed, especially in its application of state aid rules, the Commission distinguishes cases in which public entities act as private actors, and those in which public ownership or public intervention in the ownership or management of a company are justified by public or other State considerations. This distinction is implemented through the application of the so-called “market economy investor principle”. According to that principle, behaviour of a public shareholder or public operator is compared with what a private operator based on market economy considerations only would have done in the same situation: this implies that the rationale for such a public investment, its conditions and its remuneration are examined. If the public intervention does not stand up to the market economy investor test, then the Commission considers that this intervention contains state aid elements, the compatibility of which with the common market has to be assessed.

Therefore, under Community law and in compliance with the market economy investor principle, nationalisation or partial public investment in companies (independent of the sector) as such is in principle not prohibited. However, in cases in which State interventions fail to meet the market economy investor test, these measures have to be examined by the Commission in order to assess their compatibility with state aid rules.

In the current financial and economic crisis, it seems difficult to reconcile public interventions in order to support failing companies or firms in a sector facing difficult times ahead, with a market economy investor behaviour. From that point of view, potential public investment in e.g. Volvo or Saab (though these projects seem to have been abandoned) would indeed need to be assessed carefully as for their compliance with state aid rules.

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Question no 83 by Katerina Batzeli (H-0953/08)

Subject: ECJ jurisprudence on recognition of diplomas based on franchise agreements and interference in the organisation of education systems, a responsibility of Member States

On 23 October 2008, the European Court of Justice (ECJ) handed down its judgment in Case C-274/05 under which Greece is obliged to recognise the professional rights of branches of educational establishments of other Member States (qualifications obtained within the framework of franchise agreements).

Will the Commission say whether the host country is obliged to recognise the operation on its territory of educational establishments which do not comply with the basic principles of its national educational policy and national law?

To what extent is an immediate evaluation of the implementation of Directive 2005/36/EC⁽⁶⁶⁾ and of the previous Directive 89/48/EEC⁽⁶⁷⁾ required, in particular as regards the scope of the consequences for national educational systems of applying recognition of professional rights and the provisions of Articles 149 and 150 of the EC Treaty on national responsibilities in matters of education?

Given that this issue creates confusion and problems in Community and national legislation, forcing citizens to have recourse to the ECJ, does the Commission not agree that a new EU proposal is required to determine the dividing line between the obligation to recognise professional qualifications and the powers granted to

⁽⁶⁶⁾ OJ L 255, 30.9.2005, p. 22.

⁽⁶⁷⁾ OJ L 19, 24.1.1989, p. 16.

Member States to recognise educational diplomas, so as to avoid the danger of a levelling of qualifications between countries with huge differences in their educational systems?

Answer

(EN) On 23.10.2008⁽⁶⁸⁾ the European Court of Justice (ECJ) confirmed that Greece failed to fulfil its obligations under Directive 89/48/EEC⁽⁶⁹⁾ because it did not recognise the diplomas awarded by the competent authorities of other Member States following education and training provided by a private body in Greece on the basis of a franchise agreement. The Court added that this conclusion does not call into question the responsibility of Greece for the content of teaching and the organisation of the education system. Since however the diplomas in question were awarded by the competent authorities of other Member States solely in the light of the applicable rules within the framework of their respective education and training systems, diplomas awarded on completion of education and training provided within the framework of homologation (franchise) agreements do not fall, in the context of Directive 89/48/EEC, within the Greek education system. By this ruling the ECJ confirms its earlier ruling in the case Neri⁽⁷⁰⁾ against Italy of 2003 in which it had clarified that the refusal to recognise a qualification delivered through a franchise agreement for the only reason that education was not delivered on university premises was contrary to Community law.

These two judgments, one directly and one indirectly, establish that Greece's legislation is not in line with Community law when Directive 89/48/EEC was still in force. Greece continues not to be in compliance with EU legislation as it still has not yet implemented Directive 2005/36/EC⁽⁷¹⁾ on the recognition of professional qualifications which repealed Directive 89/48/EEC and which is applicable since 20.10.2007. It needs to be stressed that Article 53 of this Directive gives Member States expressly the right to verify a number of elements linked to ie. franchise diplomas, such as the formal validity of the certification of training courses followed in another Member State by the Member State of origin, the identity of the diploma with one which was awarded after a course has been followed entirely in the Member State of origin or the identity of the professional rights conferred.

On 4.12.2008 the ECJ rendered two new judgments⁽⁷²⁾ against Greece by which he expressly confirmed the conclusions of C-274/05 and ruled that Greece infringed EU law by not recognising franchise diplomas.

The most recent jurisprudence of the ECJ and the secondary legislation at EU level on the recognition of professional qualifications, Directive 2005/36/EC, clearly establish the framework of how Greece should deal with franchise diplomas obtained by qualified professionals. There is no legal uncertainty and therefore no need for a new proposal.

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Question no 84 by Salvador Domingo Sanz Palacio(H-0954/08)

Subject: Motor industry recovery plan

The motor industry is a strategic sector and vital for the EU economy in terms both of GDP and of the employment that it generates directly and indirectly. The EU must, as a matter of priority, adopt specific support measures for the industry to ensure its viability and preserve jobs. The Commission's Recovery Plan for Growth and Jobs puts forward a number of measures that need to be complemented by specific plans implemented by individual Member States. Emergency measures must aim, first of all, to avert plant closures and job losses. What flexibility will be accorded to Member States to enable them to provide in their support programmes for State aid intended specifically for the motor industry? When State aid is granted under flexible arrangements of this kind, to what uses may it be put and what conditions will it have to satisfy?

⁽⁶⁸⁾ ECJ C - 274/05, Commission against Greece, 23.10.2008.

⁽⁶⁹⁾ Council Directive 89/48/EEC of 21.12.1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration, OJ L 19 of 24.1.1989.

⁽⁷⁰⁾ ECJ C - 153/02, Valentina Neri, 13.11.2003.

⁽⁷¹⁾ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, OJ L 255/22, 30.09.2005.

⁽⁷²⁾ ECJ C-84/07, Commission against Greece, 4.12.2008; ECJ C-151/07, Khatzithanasis v Ipourgos Igeias kai Kinonikis Allilengiis, 4.12.2008.

Answer

(EN) As stated by the Honourable Member, the Commission has indeed announced a Recovery Plan for growth and jobs, to boost demand and restore confidence in the European economy. Within this context, the Commission is considering to propose Member States to grant additional State aid measures, applicable only for a limited period of time.

Among the envisaged measures, the Commission could allow Member States to grant aid in the form of guarantees and subsidised loans. Of course, the approval of these measures will be subject to certain conditions and maximum amounts and should be discussed with Member States. These initiatives are not targeted to one specific sector of the economy but aim at helping businesses to overcome difficulties in obtaining financing resulting directly from the recent crisis.

It is important to recall that since the beginning of the crisis, the Council has emphasised the need to maintain the application of competition rules. The Commission must ensure a level playing field for European companies, avoiding subsidy races between Member States, which would be non-sustainable and detrimental to the EU as a whole. For this reason the Commission is prudent as regards any possible "flexible application" of the State aid rules. The current State aid framework already provides a significant number of possibilities for granting State aid to all sectors, including the car industry.

On the supply side, the R&D&I framework allows State aid for the development of green technologies, provided that there is a market failure and that the aid has an incentive effect and is proportionate. Environmental aid is also available for companies improving Community environmental standards on their production process. In addition, other rules are available to address problems faced by SMEs further down the supply chains. In particular, the General Block Exemption Regulation provides a wide panoply of aid measures with minimal administrative burden.

Subsidised guarantees may help to address some of the car industry's problems, as well as problems faced by their suppliers. However, once a company gets into a situation where not even a subsidised guarantee will be available to it, the rescue and restructuring rules might become applicable. Therefore, at this stage, the Commission does not see the need to draw up a specific sectoral framework for the car industry.

Finally, it should be noted that loans granted to car industries by the European Investment Bank are non subsidised loans since they are provided at market price.

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Question no 85 by Hans-Peter Martin(H-0957/08)

Subject: Misjudgment of risks caused by lack of regulation of financial markets

Were there misjudgments by the Commission of the risks arising from the (lack of) regulation of the financial markets? What form did such misjudgments take?

What practical, long-term measures does the Commission propose to minimise the risks stemming from the financial markets?

Is the Commission considering an EU-wide core capital ratio for banks? How high should the core capital ratio for banks be?

Is the Commission considering an EU-wide minimum equity ratio or a leverage ratio for other financial institutions such as investment companies, hedge funds, insurance companies, as well, or for individual structured financial instruments?

Answer

(EN) The Commission may propose legislation in relation to financial markets. However, responsibility for implementation and effective enforcement rests with Member State regulators (and at the global level, with third country financial regulators.)

Right from the start of the financial crisis over a year ago, the Commission has acted with Member States to ameliorate the situation and propose longer term remedies as appropriate. In recent months, the Commission has tabled proposals amending the Capital Requirements Directive, the Deposit Guarantee Schemes Directive and rules on fair value accounting. The Commission has also adopted a proposal for a Regulation on Credit

Rating Agencies. Moreover, the Commission has commissioned work on executive pay and derivatives, and is releasing a consultation paper on hedge funds. Moreover, a High Level Group of experts under Jacques de Larosière has been tasked with coming forward with recommendations on, inter alia, cross-border supervision. Finally, the Commission has announced a paper on the future of financial market regulation for Summer 2009.

As regards the specific questions on capital, minimum equity and leverage ratios, these are being debated in different fora. The Commission is actively involved in the Basel II work on these issues, and is also monitoring developments in the markets to determine the appropriate way forward. In this context, the issues raised by the Honourable Member will be looked at in detail. However, it would appear premature to give concrete signals in any particular direction at this point in time.

As laid out above, the Commission has tabled a large number of proposals this year and expects this pace of work to continue over the next months.

This is a brief summary of what the Commission has been working on in this field. The Commission is of course available for further information if so wished by the Honourable Member.

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Question no 86 by Pedro Guerreiro(H-0960/08)

Subject: Protection of production and employment in the textile and clothing sector in various EU Member States

Following the answer to question H-0866/08⁽⁷³⁾ on the (possible) expiry on 31 December 2008 of the joint surveillance system regarding exports from China to various EU Member States of certain categories of textile and clothing products, and in view of the increasing number of firms folding or relocating production (especially in Portugal), leaving behind a trail of unemployment and social crises, can the Commission state whether any Member State has proposed or requested that it prolong the validity of the dual surveillance mechanism beyond 31 December 2008 or that it adopt any other measures in that framework? If so, can it name the Member States and explain what measures each is currently proposing? Has any Member State opposed adopting such measures and, if so, which, and on what grounds in each case?

Answer

(EN) The double-checking surveillance system was foreseen to end on 31 December 2008 in the Community legislation and was not foreseen to last beyond that date.

As the Commission has already explained to the Honourable Member in reply to oral question H-0866/08⁽⁷⁴⁾, there has been a "variety of requests ranging from single checking surveillance to simple customs monitoring, with most Member States expressing themselves on the different options." However, there has been no formal vote because there was no formal proposal to continue the double-checking surveillance. Therefore there has been no formal position of the Member States. This reflects the situation that the majority of the stakeholders see no reason for further action; they wish to move on to dealing with the textile sector as other sectors.

Moreover, China has made it clear that it "does not wish to continue the double checking surveillance system". This would make any attempt to continue doomed to fail.

As for any other measure to monitor textiles imports from China, no other measures were put forward formally as the general majority consensus in the discussions pointed to a liberalisation of the trade in the sector. The Commission will however, as per its reply to question H-0866/08, continue to follow closely the evolution of the actual trade statistics (Comext) and the customs data in 2009.

The Commission is aware of the employment situation in the various sectors of the EU economy and in the textile sector in particular. This was already detailed in the Commission's reply to oral question H-0866/08. Since the beginning of 2007, the European Globalisation Adjustment Fund (EGF) has been created to fund active labour market policy measures supporting workers made redundant as a result of globalisation. The

⁽⁷³⁾ Written answer of 19.11.2008.

⁽⁷⁴⁾ Written answer on 19.11.2008

EGF has already aided redundant workers in the textiles sector of Malta, Lithuania and four regions of Italy. In the current economic crisis, the Fund is being reviewed as part of the European Economic Recovery Plan ⁽⁷⁵⁾ so as to enable it to intervene more effectively in support of the workers being made redundant.

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Question no 87 by Laima Liucija Andrikienė(H-0962/08)

Subject: Implementation of the European Neighbourhood Policy

The European Neighbourhood Policy was developed by the Commission in 2004 and since then has been implemented in 16 neighbouring countries of the EU. How does the Commission evaluate the implementation of the ENP during the last four years? What are the most important achievements and the shortcomings of the European Neighbourhood Policy? Which neighbouring countries benefit most from the ENP? What is the Commission's position about the possibility of the full participation of Belarus in the ENP following the recent political developments in that country?

Answer

(EN) The European Neighbourhood Policy (ENP) is and remains a central component of the Union's external relations and is already yielding tangible results on the ground, creating mutual stability and prosperity. The ENP Progress Reports of April 2008 show that the implementation of this policy across the EU neighbourhood has made significant progress, particularly in the fields of economic reform and approximation of legislation in various fields. On the other hand, it is evident that much remains to be done on the side of our partner countries, especially in the areas of governance and rule of law.

In order to further strengthen the ENP and sharpen the Union's incentives for reforms, the Commission has made a variety of proposals in the fields of trade liberalisation and economic integration, increased mobility of people and a stronger EU role in the resolution of regional conflicts.

The EU follows a policy of individual differentiation to target our support to the individual needs and aspirations of partners, offering more to those countries that are more committed and make greater progress on reform ("more for more"). On this basis, the Commission identified four countries with which the intensity of cooperation warrants closer relations with the EU: Ukraine, Moldova, Morocco and Israel. The Union is in the process of fleshing out these "advanced" relations.

Belarus is an important Eastern neighbour, and the Commission encourages this country to make further progress towards democratisation and other reforms. Based on its own choices and decisions, Belarus will be able to take full advantage of the benefits of ENP and in particular of the new Eastern Partnership initiative.

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Question no 88 by Neena Gill(H-0964/08)

Subject: Tiger conservation

Given the fact that poaching remains a serious threat to the wild tiger, and recognising the positive steps which India is beginning to take to improve protection for these animals, will the Commission follow this lead and recognise wildlife crime as a form of serious transnational organised crime, and will the Commission provide additional resources to international partners such as UNODC, UNEP, Interpol and WCO for combating environmental and wildlife crime, particularly in the trans-Himalayan region (India, Nepal, China)?

Answer

(EN) The Commission fully recognises the gravity of poaching and illegal wildlife trade, and the serious impact that these illegal activities can have on the conservation status of species. The Commission's concerns in that regard are reflected in the Directive on the protection of the environment through criminal law, which was formally adopted by the Parliament and the Council on 19 November 2008 (Directive 2008/99/EC). This Directive will ensure that the illegal harvesting and trade in protected species are a criminal offence and are punishable by effective, proportionate and dissuasive criminal penalties.

⁽⁷⁵⁾ COM(2008) 800 final

As regards international wildlife trade, in its Recommendation of 13 June 2007 identifying a set of actions for the enforcement of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein⁽⁷⁶⁾, the Commission recommends, inter alia, that Member States should liaise with and support third countries as well as international organisations, such as the UNEP CITES Secretariat, WCO and Interpol, in order to help detect, deter and prevent illegal wildlife trade. Although the Commission has not provided direct funding to WCO and Interpol for combating environmental and wildlife crime, it works closely with these organisations and invites them to the regular meetings of the EU Wildlife Trade Enforcement Group in order to ensure effective cooperation and coordination on wildlife trade crime.

In addition, the Commission has provided funding through the CITES Secretariat for the organisation of an Asian CITES implementation and enforcement workshop in China in 2005, which addressed enforcement issues and regional cooperation in combating illegal trade in tiger products and other threatened species. The Commission has also providing funding to the CITES Secretariat this year for a tiger trade enforcement meeting due to take place in 2009.

In the framework of its international cooperation activities on environment and development, the Commission is also funding a number of programs and projects at global, regional or local scale aiming at fostering the sustainable management of biodiversity and/or protected areas. Most of these programs include anti-poaching measures and support to law enforcement. Examples of these in the Asian region are the establishment of the Pamir-Alai trans-boundary conservancy area (PATCA) between Tajikistan and Kyrgyzstan and the EU-China Biodiversity Program (ECBP).

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⁽⁷⁶⁾ OJ L 159, 20.6.2007