

MONDAY, 23 NOVEMBER 2009

IN THE CHAIR: MR BUZEK

President

(The sitting was opened at 17.05)

1. Resumption of the session

President. – I declare resumed the session of the European Parliament adjourned on Thursday, 12 November 2009.

2. Statement by the President

President. – I would like, most of all, to express the hope that our work with other European institutions in implementing the Treaty of Lisbon, which enters into force in a week, will flow smoothly. I am constantly working on this matter, and am in contact with both the President of the European Commission and the Prime Minister, who represents the Swedish Presidency. I would also like to repeat that the European Parliament is ready to proceed with the hearings of the commissioners-designate. We are prepared for this, and I have also informed both institutions of this – the Council and the Commission (that is, the President of the Commission).

Next week, on 1 December, it will be World AIDS Day. It is important that we always, and not only on this day, remember the victims of this terrible disease. Remembrance of the victims and knowledge of the disease may contribute to a reduction in new cases in the future.

In two weeks, on 10 December, it will be the 61st anniversary of the adoption and proclamation by the General Assembly of the United Nations of the Universal Declaration of Human Rights. Its adoption was a consequence of the events of the Second World War. The Declaration was adopted unanimously, and it is worth stressing this. The Universal Declaration of Human Rights can be considered the first significant achievement of the United Nations in the area of the protection of human rights. I draw your attention to this important date, because this area is one of the main interests of the European Parliament, and rightly so. We should always remember this matter.

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

4. Parliamentary immunity: see Minutes

5. Composition of committees and delegations: see Minutes

6. Signature of acts adopted under codecision: see Minutes

7. Communication of Council common positions: see Minutes

8. Documents received: see Minutes

9. Oral questions and written declarations (submission): see Minutes

10. Petitions: see Minutes

11. Action taken on Parliament's positions and resolutions: see Minutes

12. Transfers of appropriations: see Minutes

13. Order of business: see Minutes

14. One-minute speeches on matters of political importance

President. – The next item is the one-minute speeches on matters of political importance.

Ádám Kósa (PPE). – (HU) Ladies and gentlemen, I would like to draw your attention to the Charter of Fundamental Rights relating to people with disabilities within the Treaty of Lisbon. The Council of Europe is currently working on a new draft anti-discrimination regulation and I would like to highlight three aspects. Firstly, according to the charter, no one can be discriminated against directly or indirectly because they have a child or family member with disabilities. Secondly, from now on, insurers cannot refuse to issue insurance because someone has a genetic disorder or disability. Thirdly, the rights promoted by the European Union's institutions and Christian Democracy attach a great deal of importance to respect for the quality of life of people with disabilities. I would like to draw my fellow Members' attention to all these points because I would like to ask you to support the creation of the Disability Intergroup this week.

Jarosław Kalinowski (PPE). – (PL) Mr President, the European Union, in which one in seven citizens belongs to a national minority, can be proud of its extensive guarantee to respect their rights. The significance of the European Union's motto – unity in diversity – is worth stressing here. All of us in this Chamber know that a true democracy can be recognised by the way it treats its minorities. The Lisbon Treaty unambiguously imposes an obligation to respect the rights of people who belong to minorities, and the Charter of Fundamental Rights forbids any discrimination based on the grounds of ethnic origin or membership of a national minority.

Unfortunately, there are still countries in the EU which, despite their adoption of international legal obligations in this area, are moving towards the assimilation and outright deprivation of the national identity of their minorities by deliberate policy. Lithuania, for it is this country to which I refer, has, for over 20 years, been discriminating against its citizens in different areas of life. Not only has this been done in a planned way but, since its accession to the European Union, these practices have even increased. The ruling of the Lithuanian Constitutional Court on the spelling of Polish surnames only in Lithuanian transcription is an example.

Jarosław Leszek Wałęsa (PPE). – (PL) Mr President, on 14 October, the European Commission announced its annual enlargement strategy. In this document, the Commission presents an evaluation of the progress made by the Western Balkans and Turkey at a time of world economic crisis, and the most important problems which those countries will have to face up to in the near future.

In my short speech, speaking as a member of the European Parliament delegation to the EU-Turkey Joint Parliamentary Committee, I would like to encourage Turkey to continue the efforts it has undertaken for reform, the objective of which is full democratisation of the country and rapid resolution of conflicts with neighbouring countries. Accession negotiations have reached an advanced stage and require Turkey to make yet greater efforts at meeting the criteria for membership. The perspective of accession to the EU should be an incentive to strengthen democracy and observe human rights, and also to further modernisation of the country and the achievement of European Union standards.

Marc Tarabella (S&D). – (FR) Mr President, ladies and gentlemen, every six seconds, a child dies of hunger somewhere in the world, and the number of people suffering from malnutrition has just reached the one billion mark.

This very serious situation was condemned at the G20 Summit in Pittsburgh in September. At that summit, it was announced that USD 20 billion would be given to support agriculture in developing countries. Incidentally, the same thing was said at the G8 Summit in L'Aquila.

However, at the World Summit on Food Security held on 16 November in Rome, under the auspices of the Food and Agriculture Organisation, the situation was entirely different: snubbed by almost all of the G8 leaders, it did not end in the ratification of the measures previously anticipated. It is therefore hardly surprising that no precise figure appears in the text numbering forty or so articles, not even the USD 44 billion that the FAO says are needed annually in order to sustain the agricultural systems of the poorest countries.

The authors of the final declaration have merely paid lip service to the promise made by the G8 members – that is, those at L'Aquila – on this matter. I therefore deplore these double standards and question whether

the G20 will be capable of implementing these measures. As the famous French comedian Pierre Dac used to say, 'Infinite patience is required to wait eternally for what never comes'.

Antonio Masip Hidalgo (S&D). – (ES) Mr President, the situation in the Western Sahara is very serious. The alerts from the Human Rights Observatory in Asturias – my region – and from many other organisations deserve to be taken seriously. There are seven prisoners awaiting military trials for having visited their families in Tindouf, there are political prisoners, there is torture, people have disappeared, and a peaceful heroine and candidate for the Sakharov prize, Aminatou Haidar, the Saharan Gandhi, has been expelled by the territory's occupying power. This is something unprecedented in international law.

Mrs Malmström, Members of the European Commission, new leaders in the Council: the European Union should get involved to support this extremely repressed population. On the 20th anniversary of the fall of the Berlin Wall, there is another wall very close to us acting as a barrier to freedom.

Listen to Aminatou! Save her life!

Carl Haglund (ALDE). – (SV) Mr President, in recent weeks, we have once again received reports about the poor state of health of the Baltic Sea. I really must, therefore, say a few words about this today, too, also because we had conciliation between the Council and Parliament last week on the budget for 2010. The budget includes the additional EUR 20 million that Parliament wanted to be allocated to the Baltic Sea Strategy, which is gratifying.

I will therefore be sure to remind the Commission, when it is represented here, that we need a legal basis for the Baltic Sea Strategy in order for us to actually be able to put it into practice and for the funds that have now been reserved to actually be put to use. As already mentioned, the reports that we have received over the last few weeks indicate that action is urgently required. Various things need to happen – and quickly. I therefore hope that we will all roll up our sleeves and start to actually do something very soon. Action is needed, not only by us, but also on the part of the Commission, the Council and the parties affected.

Hélène Flautre (Verts/ALE). – (FR) Mr President, on Thursday, I was in Tunis for the trial of the poet and writer Taoufik Ben Brik, indicted in Tunisia on obscure common-law charges that fool no one. Since the 'elections' in Tunisia, held on 25 October, those who defend human rights have been subjected to an outburst of violence and harassment on such a scale as I have never before witnessed, familiar though I am with that country.

On 25 October, President Ben Ali no doubt realised the full extent of the Tunisian people's disaffection with their leader; and the embassies and the European Commission, which unfortunately does not have the political visa to attend this kind of trial, have displayed a general lack of interest in the issue that is unfolding.

I think we must be very clear today. We are guilty of failing in our legal duty to rescue. What is stopping the embassies and the European Commission from rigorously questioning Mr Ben Ali – in the name of our binding agreements and mutual commitments with Tunisia – about his actions, which are entirely contrary to those commitments?

João Ferreira (GUE/NGL). – (PT) The trade agreement signed on 4 November between the European Union and Israel, which is aimed at liberalising trade in agricultural products, processed agricultural products and fish and fishery products, is unacceptable for various reasons which we will point out here.

In the first place, it is unacceptable because it is aligned with neo-liberal policies that exacerbate the current economic and social crisis, especially in agriculture and fishing, but this fact becomes particularly serious when these policies are promoted through an agreement with a country that is violating international law and the most basic rights of the Palestinian people; a country which does not respect its obligations as agreed in the roadmap for peace, keeping Gaza under siege, building more settlements, continuing to build the wall and expelling Palestinians from Jerusalem. This is a country that is continuing to escalate the violation of human rights and international humanitarian laws.

We denounce and condemn the signing of this agreement, which will include the trade of products from Israeli settlements in Palestinian territories, highlighting the European Union's undeniable and unacceptable complicity with Israel in the face of the serious violations I have just described.

We wish to voice our complete solidarity with the Palestinian people here, and stand up for their right to build a free, independent and sovereign state.

Gerard Batten (EFD). – Mr President, Russian exile Pavel Stroilov recently published revelations about the collaboration between the British Labour Party and the Soviet Union during the Cold War.

Soviet archival documents state that, in the 1980s, Neil Kinnock, as Leader of the Opposition, approached Mikhail Gorbachev through secret envoys to see how the Kremlin would respond if a Labour Government stopped the implementation of the Trident nuclear missile programme. If the report given to Mr Gorbachev is true, it means that Lord Kinnock approached one of Britain's enemies in order to seek approval regarding his party's defence policy and, if elected, Britain's defence policy.

If this report is true, then Lord Kinnock would be guilty of treason. The documents now available must be investigated at the highest possible level by the British authorities and Lord Kinnock given the opportunity to answer the Soviet evidence.

Csaba Sógor (PPE). – (HU) It is a sad fact that a policy justifying the collective disenfranchisement of minorities can still provide an obstacle even today to the next wave of the integration process. I would like to thank the President for what he did in order to restore normality in Slovakia. The language law is just one such sad, small chapter. The Czech case was another example. The Czech Head of State must know, even without the Treaty of Lisbon, that the Beneš Decrees came about through the enforcement of the principle of collective guilt and are not made unlawful with the enactment of the Charter of Fundamental Rights; they are, in fact, still in conflict with more than six European documents. We are confident that the future of the Treaty of Lisbon and the EU will be defined not by the rekindling of collective disenfranchisement from the Second World War, but by safeguarding the rights of minorities according to the customary European practice of guaranteeing autonomy in cultural life.

Anna Záborská (PPE). – (SK) 20 November marked the 20th anniversary of the UN's adoption of the Convention on the Rights of the Child.

The anniversary also marks the creation of the Intergroup on Family and the Protection of Childhood. The challenges facing the EU – such as demography, work-life balance, care for persons reliant on assistance, social inclusion, combating poverty among families and children and the policy for intergenerational solidarity – require the expertise of family organisations dedicated to protecting the interests of children.

The Convention on the Rights of the Child states that, for the harmonious development of personality, children need to grow up in a family environment based on happiness, love and understanding. The Intergroup on Family and the Protection of Childhood works in Parliament as a platform for the pluralistic views of Members of all political groups. I invite all Members to support this group in their political parties. They will enable the continuation of an important and useful role of this Parliament.

Daciana Octavia Sârbu (S&D). – (RO) The situation of the Romanian community in Italy is a cause of ever-growing concern. The whole of Europe is already familiar with the way in which attempts have been made to blame a whole community on account of the actions of a few offenders. Romanians are facing ever-increasing problems on a daily basis, along with growing intimidation and fear.

Let me give you just a few examples. There was a recent report in the press about a blatant case of discrimination. The director of an Italian company providing telephone, cable and internet services advised his employees not to sign contracts with Romanian citizens. In another example, a child, who was a Romanian national of Roma ethnic origin, suffered an injury, but none of the hospitals in the city of Messina wanted to admit him. He died on the way to Catania. These are just a few specific incidents. However, Romanians in Italy are facing similar censure almost every day.

I believe that clear notice must be given to the Italian Government at European level to halt the acts of discrimination against Romanian immigrants.

Derek Vaughan (S&D). – Mr President, I was going to speak on the importance of European structural funds for regions like Wales post-2013, but I must respond to the comments made by Mr Batten earlier about a distinguished British politician and former Commissioner in the European Commission. To accuse such a person of treason is, I believe, to say the least, unparliamentary language, and he should be ashamed of himself. I would ask him to withdraw those remarks, and, if he will not, I think you, Mr President, should ask him to do so.

Ivo Vajgl (ALDE). – (SL) In this House, we will soon have the opportunity to hear from the candidate for the post of High Representative for Foreign Affairs and Security Policy.

This will also be a kind of test for us and an indication of the influence which Europe can bring to bear on the peace process in the Middle East, as well as an answer to the question of whether the European Union can play an active role in resolving these problems at all. We have not had much success to date and my fellow Member who spoke previously has illustrated that in greater detail.

In recent days, the vicious circle of violence in the Middle East has continued. First, Hamas terrorists fired rockets, then Israel retaliated disproportionately, and once again it is difficult to distinguish between civilian and military casualties.

I take the view that we must not, even for a moment, relax the efforts which we have to devote to the peace process in the Middle East.

Chris Davies (ALDE). – Mr President, soldiers from the United Kingdom and many other European nations are fighting and dying in Afghanistan. We are told that the reasons are to keep our country safe by preventing the return of al-Qaeda, or to protect democracy, or to fight drugs, or to support Pakistan, or to uphold the rights of women. But I am no longer convinced by any of these explanations. There is no clear political strategy, and I do not know what the death of our soldiers is supposed to achieve. Far from bringing us security, I fear our presence is increasing the dangers, allowing us to be portrayed by Islamist extremists as foreign invaders supporting a government of warlords and drug barons in a civil war. Our actions foster the growth of radical, anti-Western Islamic beliefs. We need a diplomatic strategy; we must talk with the Taliban, we must promote reconciliation and seek to broaden the composition of the current government and we must be prepared to withdraw our soldiers from Afghan soil.

Isabelle Durant (Verts/ALE). – (FR) Mr President, as you are aware, an agreement between the Belgian State and GDF Suez was reached in October 2009. It extends and consolidates the monopoly held by GDF Suez until 2025. This goes entirely against liberalisation policies. It also constitutes a decision that will confirm the monopoly of nuclear energy, which is going to make plans for renewable energies and related jobs considerably more challenging.

When we hear that the regulator, instead of being independent, is ultimately going to relinquish market surveillance and pricing to a follow-up committee on which GDF Suez is to sit, then I really do start to wonder. I hope the Commission is going to act in response and put its finger on a situation in which we find both judge and judged, monitor and monitored.

I therefore hope that the Commission will respond, particularly on the eve of the Copenhagen Summit where energy issues – especially renewable energies – will, of course, be fundamental. I hope the Commission will make sure that Belgium does not see a so-called *pax electrica*, whose chief aim is to strengthen the monopoly held by Electrabel GDF Suez.

Joe Higgins (GUE/NGL). – Mr President, tomorrow, tens of thousands of public sector workers in Ireland take national strike action. Low paid civil servants, nurses, teachers and local authority workers are sick of being scapegoated for a crisis in Irish and world capitalism and being forced to pay for that crisis, for which they are not responsible.

I want, from this European Parliament, to send the warmest support to those workers on strike tomorrow. This Irish Government has no democratic mandate for its savage programme of cuts. I urge workers in Ireland to extend the action, to bring down this undemocratic government and force a general election, and let the people decide.

The EU Council and Commission are also culpable in demanding savage cuts in Ireland. These institutions have even less credibility this week after another cynical deal between the EPP and the Social Democrats for the Presidency, and for appointing as High Representative for Foreign Affairs a lady who was never elected to a public assembly but derived the new position by being placed in a chamber of feudal fossils, as a result of being a Labour Party British trustee.

Clearly, workers all over Europe have to stand up and fight, themselves, rather than depend on this neo-liberal majority in this Chamber.

Andreas Mölzer (NI). – (DE) Mr President, one in seven Europeans belongs to an ethnic minority. In spite of this fact, protection for autochthonous minorities in Europe is not seen as a priority. While Brussels never tires of taking all kinds of competences away from the Member States, the Commission, stating that it does not wish to interfere in internal affairs, has declared conflicts between minorities a matter for the states

concerned. There is no unified approach in Europe. International law provisions are applied quite differently in different states.

France, for example, does not recognise any ethnic minorities and in Slovenia, the AVNOJ decisions still infringe international law. In Austria, on the other hand, the Slovenian minority enjoys a full range of opportunities for development. In my view, these obvious discrepancies reflect a need for a European law on ethnic groups. If Europe wants to protect the ethnic diversity it has developed throughout history, it is vital to draw up an internationally binding European law on ethnic groups which covers autochthonous minorities. This would be an opportunity for the EU to prove that it pays more than just lip service to the protection of national diversity within Europe.

Czesław Adam Siekierski (PPE). – (PL) Mr President, the ceremonies which took place on 9 November this year in Berlin on the 20th anniversary of the demolition of the Berlin Wall commemorated the unification of Germany. Moreover, they also showed the route taken by Central and Eastern Europe to freedom and democracy, and to the end of the division, not only of Germany, but of the whole of Europe.

Demolition of Berlin's wall of division was the end of that road, but the process of transformation in Central and Eastern Europe began with events on the Polish coast and the formation of Solidarity under the leadership of Lech Wałęsa in August 1980. Let us also remember the demonstrations for freedom in Hungary in 1956 and the June protests in Poznań, the events of 1968 in Czechoslovakia and the fallen shipyard workers in Gdańsk in 1970.

Many people were committed to the opposition in different countries, and they fought for freedom and honour. Some of them gave their lives. Let us revere and honour them. Let us also remember the politicians who displayed great imagination and determination in building freedom, democracy and a market economy.

President. – Colleagues, I interrupt the one-minute speeches on matters of political importance in order to make an announcement.

15. Agenda

President. – Mr David Martin's flight has been delayed. I would therefore ask the House to agree that his report on changes to the Rules of Procedure, which is very important for us, should be taken as the last item this evening. This is a change to the order of business rather than to the content of our session. It would be great if we could agree to this change because the rapporteur should be present during the debate.

As this is formally a change to the agenda, I am obliged to request the agreement of the House, and I hope that this agreement will be forthcoming.

(Parliament accepted the proposal)

16. One-minute speeches on matters of political importance (continuation)

President. – We now continue with the one-minute speeches on matters of political importance.

Jörg Leichtfried (S&D). – (DE) Mr President, in times of climate change and global warming, this much is obvious: we must reduce greenhouse gas emissions and we must save energy. The EU is already trying to lead the way in this field, sometimes with more and sometimes with less success. At times, there are also apparent attempts to throw the baby out with the bathwater, as in the case of the so-called Ecodesign Directive.

In my constituency, there is a very successful business, called Austria Email AG, which manufactures electric boilers. This is particularly practical and useful in Austria, as the majority of our electricity comes from hydroelectric power, and is therefore very environmentally friendly.

It now appears that the Ecodesign Directive will ban these boilers in the future, and instead force people to use either gas storage heaters or gas stoves, which in my view makes no sense, as they are far less environmentally friendly than these boilers. In addition to this, 400 jobs are currently at risk in Austria.

This is not what we are trying to achieve. It is a negative development. If we are to protect the environment, then we should surely take measures that are reasonable, beneficial and, above all, appropriate. However, we should not risk jobs for the sake of a product that does not really seem expedient.

Véronique De Keyser (S&D). – (FR) Mr President, for us, *Euronews* is a remarkable window on the world, and it is a channel I am very keen on, but I often wonder about the content of its advertisements.

When I switched on the television this morning I saw an advert for Macedonia. And what did I read? 'A tax-haven for businesses, average wage EUR 370, 10% income tax' etc.

If this is how Macedonia intends to present its application to join the European Union, and if I ask people in my region, 'Do you want Macedonia to join the EU?' – well I assure you it will not work. At a time when we are discussing offshoring within Europe and the fight against social dumping, can we still allow such advertisements to be the window onto social Europe? I do not think so.

I also used to wonder about an advert for Iran; at a time when public stonings took place there, we used to allow adverts for that seraphic country.

Pat the Cope Gallagher (ALDE). – Mr President, we have all heard of the flooding in Ireland over the weekend, with considerable damage caused to many homes, to businesses, to farms, to roads and to water schemes. The restoration costs, while much too early to estimate, could be in the region of EUR 500 million. However, to put the appropriate measures in place to deal with this type of flooding and to ensure it will not happen again could cost billions.

It appears that the European Solidarity Fund may be too restrictive to deal with this situation. However, I am still hopeful that an application could be considered, but, if not, I suggest that a regional application could be favourably considered, as the north, the west and the south of the country have been affected. Many people in my European constituency, including the counties of Galway, Mayo, Clare, Leitrim and Roscommon, together with the south of Ireland, have been affected by the horrendous flooding that has taken place. I am appealing to the Commission to assist in a pragmatic and urgent manner.

(GA) Mr President, I would like to express my thanks for giving me the opportunity to raise this important question about the floods that happened in my country.

Ilda Figueiredo (GUE/NGL). – (PT) The recent tragedy caused by Hurricane Ida as it passed through El Salvador between 6 and 8 November included around 200 fatalities, and at least 18 missing people, 15 000 homeless, 80 damaged schools, and the destruction of agricultural crops and essential infrastructure such as streets, electricity networks, water supply, communications and health facilities.

Given that El Salvador is one of the countries most afflicted by economic and social difficulties in Central America, it is imperative that the European Union offers a massive level of support in order to tackle the social chaos caused by this natural disaster. The El Salvadorian Government estimates that, given the country's vulnerability to such natural disasters, more than EUR 1 billion will be necessary for the country to restore what has been damaged and to implement a plan for reconstruction and risk mitigation. For this reason, it is seeking the release of extraordinary funds and the redirection of funds available from the European Union.

That is the appeal, Mr President. We request that it be communicated to the European Commission and the Council.

James Nicholson (ECR). – Mr President, serious problems concerning the 'right of ownership' continue to cause many European Union citizens who have invested in property in countries such as Spain, Bulgaria and Turkey stress, financial ruin and general heartache. This is despite the concerted efforts of many MEPs working on behalf of their constituents and despite lengthy investigations by Parliament into the issue, which, as we know, culminated in the well-received Auken report in March 2009.

I have received complaints from many constituents regarding the problems arising from property deals in all these countries. Countless people have found themselves in situations whereby complex zoning laws and urbanisation policies have meant that their properties have been seized without any compensation.

I am greatly concerned that more definitive action has not been taken by the EU to attempt to address this problem, despite the overwhelming consensus that it violates the basic rights of European Union citizens. The legality and morality of these practices is at best questionable and, at worst, unveils a corrupt approach to urban development.

Nikolaos Salavrakos (EFD). – (EL) Mr President, allow me to share my fellow members' concern about the disparity between the progress report on Turkey towards integration into the European Union and an article published recently in the *Wall Street Journal Europe*, which reported that the Prime Minister of Turkey, in a

recent visit to Iran, confirmed – and endorsed Iran's views – that Iran's nuclear programme is, in his words, for peaceful and philanthropic purposes only. This disparity is also very evident from the fact that Turkey's overall behaviour – such as on 8-9 November in connection with the visit by the President of Sudan to Istanbul – is creating a serious issue. This being so, I would be very grateful if my fellow members would bear these concerns in mind.

Andrew Henry William Brons (NI). – Mr President, the European Union would like to see itself as a democratic union of 27 democratic states, but we have got to look at the reality. In Belgium only a few years ago, the state took steps to ban one of the larger political parties. In Germany, at about the same time, there were unsuccessful attempts to ban a party on the basis of incriminating statements made by state operatives. In Hungary, opposition parties are physically attacked by the state, their members arrested and tortured. In the United Kingdom, a violent militia sponsored by the governing party and the Leader of the Opposition carries out violent and, in some cases, armed attacks on opponents.

There are restrictions on non-violent freedom of speech in almost all European Union countries. Indeed, the European Union is in the forefront of trying to legislate against states of mind – various 'phobias', as they would put it.

Georgios Papanikolaou (PPE). – (EL) Mr President, in light of the start of negotiations on an agreement for the readmission of illegal immigrants between the European Union and Turkey, I should like to point out that we need a commitment by Turkey that it will cooperate in stamping out illegal immigration. I would remind the House at this point that 76.5% of all arrests of illegal immigrants on the borders of the European Union are on Greece's borders. I know full well that, where third countries have cooperated – examples are Italy and Libya and Spain and Mauritania – there have been tangible results. That is why we need progress with readmission agreements; Turkey needs to cooperate with Frontex, with the Greek authorities, and with the authorities of the European Union.

Tunne Kelam (PPE). – Mr President, the EU's is the only international mission to monitor the implementation of the agreements of last August and September between Russia and Georgia. Mrs Ashton should now make it perfectly clear to the Russian side that they should guarantee the EU mission access to the separatist Georgian territories without any further delay.

Today, the French Mistral-type helicopter carrier arrived in St Petersburg. The plan to sell this modern warship to Russia is the equivalent of rewarding the Kremlin for its invasion of Georgia last year. In the words of the commander of the Russian navy, this type of ship would have enabled the Russian navy, in August 2008, to carry out its mission in 40 minutes instead of 26 hours. In that case President Sarkozy would have had no time to prevent Mr Putin occupying the Georgian capital.

Providing the Russian navy with the newest NATO technology means taking responsibility for encouraging Kremlin hawks to implement their military exercise plans from last September.

Alan Kelly (S&D). – Mr President, as we meet here in Strasbourg, half the population of the city of Cork, in my constituency of Munster, is without water in their homes – and this is 2009!

University College Cork has had to shut down for an entire week, with many students in my Alma Mater effectively homeless. Shop owners, householders and farmers are facing bills running into hundreds of millions of euros, after the worst flooding witnessed in living memory in Cork, Tipperary, Limerick and Galway in particular.

Following the devastating floods across central Europe in 2002, the EU established a solidarity fund to assist Member States that had suffered as a result of natural disasters from such flooding. Our colleagues in the north-east of Romania were the most recent recipients of such aid. The rules state that, in certain circumstances where there are extraordinary regional disasters, this aid can be used.

I now call on President Barroso and Commissioner Samecki to look favourably on any application received from Ireland for assistance under this fund. In particular, I call on the Irish Government to contact the Commission urgently with a view to submitting an application. It is vital that the EU and Parliament extend their support to various communities in Ireland who are suffering horrendous damage.

Csaba Sándor Tabajdi (S&D). – (HU) In the northern part of Hungary, several tens of thousands of people come across the border from Slovakia to work, while several thousand people have moved and now live in the northern part of Hungary, in Rajka and other villages. Thanks to the excellent infrastructure and the

Schengen Agreement, they work in Slovakia and live in Hungary. This is an excellent example of the benefits of the European Union.

According to surveys, the Slovaks living in Hungary feel at home in their newly chosen surroundings and the local authorities are now thinking about providing Slovak-language nurseries and schools, even though they are not Hungarian citizens, because bilingualism is an important value in Hungary.

The opposite process to this is taking place in Slovakia where the Hungarian ethnic community which has been living there for a thousand years is being severely discriminated against in terms of language rights, with Hungarian being made a second-class language and subordinate to the official language. This is shameful for the whole of the European Union!

Sonia Alfano (ALDE). – (IT) Mr President, ladies and gentlemen, I wish to draw Parliament's attention to the rules on company transfers contained in Directive 2001/23/EC.

I am saying this because Eutelia S.p.A., an Italian company operating in the field of telecommunications and information technology, counts among its clients some very important businesses, but not just businesses: for example, it also provides services for the Bank of Italy, the Italian Chamber of Deputies and the Italian Senate. Furthermore, it is involved with the Schengen project, so it manages some very confidential data.

In May 2009, Eutelia all but divested itself of its IT branch, transferring it to its subsidiary, Agile, which basically has a fund of only EUR 96 000 to pay its 2 000 employees. Subsequently, in October 2009, 1 192 people received redundancy notices. These people are still employed, despite having received redundancy notices. Moreover, the ridiculous thing is that the rule that I referred to just now imposes specific requirements of entrepreneurship on those who acquire parts of undertakings ...

(The President cut off the speaker)

Cornelia Ernst (GUE/NGL). – (DE) Mr President, ladies and gentlemen, I vehemently reject the measures being taken by the Federal Republic of Germany to deport Roma and other minorities to Kosovo. Soon, around 2 500 people are to be deported per year. These measures particularly affect 10 000 Roma, but also Egyptians and Ashkali.

Many of these people have lived in Germany for over a decade, having found shelter there from displacement, persecution and violence. People are also beginning to be deported from Austria, Belgium, Hungary and France. I oppose these deportations because the situation of minorities in Kosovo, especially the Roma, is unbearable. The unemployment rate in this group stands at almost 100% and in Kosovo there is no way of providing these people with decent accommodation. Their prospects involve either life in a camp or lead-polluted Mitrovica. Finally, I would also like to appeal to the responsibility that Germany has, as a result of its history, to the victims of the Second World War, including the Roma and Sinti who were persecuted and systematically murdered. A certain level of responsibility that must also be taken in this case ...

(The President cut off the speaker)

Nuno Melo (PPE). – (PT) I would just like to alert you to the dangers presented by a disease that is threatening coniferous trees in forests within the European Union, namely pine wood nematode, which originated in America. It has been detected in the Sétubal region of Portugal, and has already spread to other areas of Portugal and Spain. The only effective method of combating the disease is to cut down or burn the trees.

It is worth pointing out that forest covers 38% of Portuguese territory and is home to 400 000 landowners. It provides 14% of the industrial GDP, 9% of industrial jobs and 12% of exports. Ultimately, the forests of the European Union are at risk, hence this intervention, which is necessary to establish an emergency plan for preventing this disease, thus far confined to the Iberian Peninsula, from spreading throughout the European Union.

An emergency plan should also have sufficient funds behind it to get rid of this problem, which is damaging many businesses, forcing them to close, and harming many workers by robbing them of their livelihood. The whole European Union has a responsibility to do something about this.

Romana Jordan Cizelj (PPE). – (SL) First of all, I would like to protest in the strongest terms possible against what my fellow Member from Austria said previously about the protection of minorities in Slovenia. Slovenia does have high minority protection standards and we just wish that Slovenian minorities living in our neighbouring countries had similar rights.

Let me now move to another issue. In this age of information technology, information spreads between people very quickly. The more alarming a piece of news is, the faster it spreads, and so the accuracy of information takes second place. What is particularly interesting in this context are news stories which have an effect on people's health and diet.

Over the past few weeks in Slovenia, we had a totally inaccurate piece of news being spread by e-mail about Codex Alimentarius. What we, Members of the European Parliament, can do in cases like this is address questions to the European Commission and then wait a few weeks for an expert answer. However, we need to be able to take immediate action, because the damage is done in a very short space of time.

For this reason, I propose that the European Commission consider establishing an online information portal where any citizen wishing to contact the Commission directly can receive an answer within three days at the most.

Ioan Enciu (S&D). – (RO) The entry into force of the Treaty of Lisbon and the adoption of the Stockholm Programme will definitely have a beneficial impact on Europe's citizens in the new area of freedom, security and justice.

As far as illegal migration and cross-border crime are concerned, the forecasts for the coming years indicate that the influx of migrants is set to rise, including at the European Union's eastern border. I am referring in particular to the Republic of Moldova. In the wake of the political changes that have taken place there, this country has clearly expressed the desire to become integrated into the European Union, but is currently in a vulnerable economic position. It also has a reduced capacity to manage issues such as migration and crime at its borders. With a view to strengthening its own external borders and creating a security zone, the European Union must grant the Republic of Moldova considerable economic aid in order to increase its capacity to take action.

The European Union must urgently propose an Association Agreement, setting out clear timescales for this country's future accession to the EU. This will make integration much simpler, while the success of this cooperation will also be able to provide a model for other states neighbouring the EU.

Seán Kelly (PPE). – (GA) Mr President, thank you for giving me the opportunity to say a few words about the unusual flooding that happened in Ireland at the weekend.

Colleagues have spoken about the unprecedented flooding that took place in Ireland at the weekend. I myself visited some of those places in my own constituency – towns like Clonmel, Killarney, Bandon and, of course, Cork City, which is without water for at least another week. University College Cork is also closed as a result of unprecedented flooding – perhaps as a result of the climate change which we speak about so often here in Parliament.

Two things need to happen. First, the Irish Government needs to ensure that it and the local authorities implement the EU Floods Directive. That is of paramount importance and must be done. Second, the Irish Government should apply to the European Union for funding under the European Union solidarity fund so that emergency aid can be given to those in most need, as was done in previous times for countries like Germany, France, the Czech Republic and Austria.

Zoran Thaler (S&D). – Mr President, two Azerbaijani youth activists and bloggers, Emin Abdullayev and Adnan Hajizade, have been sentenced to two and a half years and two years respectively, in an unfair trial. The charges against them were fabricated and they have been imprisoned solely for exercising their right to freedom of expression and association.

The Azerbaijani authorities must release the prisoners of conscience, Adnan Hajizade and Emin Abdullayev, immediately and unconditionally. The Council, the Commission and the Member States of the European Union must raise the issue of democracy and human rights with the Azerbaijani Government. It must be reminded that democratisation is one of the goals of the Eastern Partnership, and Azerbaijan is part of that initiative. Azerbaijan has to live up to its obligations as a member of the Council of Europe and partner of the European Union.

Georgios Toussas (GUE/NGL). – (EL) Mr President, the imperialist policy of support for Israel by the USA and NATO and the upgrading of relations and of the issues in general contained in the EU-Israel Association Agreement are strengthening the aggression and intransigence of Israel towards the Palestinian people. According to statistics, this year has been the bloodiest for the Palestinian people. A total of 1 443 Palestinians were murdered during the Israeli army's 'Molten Lead' military operation alone, 9 600 Palestinians are being

illegally held without trial in Israeli prisons, the wall of shame is 450 kilometres long, with plans to extend it to 750 kilometres, and houses and infrastructure are being demolished on the West Bank and in East Jerusalem. We express our solidarity with the Palestinian people and call for an immediate, just and viable solution to the Palestinian question: the creation of an independent Palestinian state on the 1967 territories, with its capital in East Jerusalem, which will have sovereignty over its territory and borders and will make provision for the return of refugees and the return of all Arab territories occupied by Israel since 1967.

Kinga Göncz (S&D). – (HU) I would like to draw your attention to the topic which Cornelia Ernst spoke about earlier. I am talking about the start, following the negotiation and signing of readmission agreements, of the process of resettling those who were displaced or forced to flee during the Yugoslav war. This process has started both on a voluntary basis and under coercion, involving, in particular, the minorities living in Kosovo, primarily the Roma, who are ending up in a very difficult situation as a result of this process.

I think that it is extremely important for us to take into account the recommendations of international organisations when it comes to implementing these readmission agreements. We know that Kosovo has nothing in terms of social and economic infrastructure to be able to look after these people. The situation developing there is really deplorable. I believe that the European Parliament must speak out on this.

Evelyn Regner (S&D). – (DE) Mr President, last Thursday, news of the unimaginably gruesome killings which took place in Peru was made public. According to agency reports, over a period of years, a gang had beheaded its victims and removed the fat from their bodies, selling it at EUR 10 000 per litre to European cosmetic companies. Are these reports true?

In any event, these were inconceivably grisly killings. Having received these gruesome reports, it now falls to us to find out whether the reports in circulation are actually true. The fact remains that we Europeans definitely need to get to the bottom of the matter, in order to rule out the possibility that, as alleged in the reports, European pharmaceutical or cosmetics companies are in some way linked to these unspeakably gruesome murders.

President. – We have now finished the one-minute speeches.

There were significantly more speeches than usual – over 40 – because of the time we had available. When possible, we will give more opportunities for speaking than is provided for in the Rules of Procedure, which allow 30 such speeches at most.

17. Electronic communication networks and services (debate)

President. – The next item is Mrs Trautmann's report on behalf of the European Parliament delegation to the Conciliation Committee on the joint text approved by the Conciliation Committee for a Directive of the European Parliament and of the Council amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services (03677/2009 - C7-0273/2009 - 2007/0247(COD)) (A7-0070/2009).

Catherine Trautmann, rapporteur. – (FR) Mr President, Commissioner, ladies and gentlemen, here we are once again – this time for the last time – to discuss the telecom package and, more specifically, my report on the 'framework', 'access' and 'authorisation' directives, which represents the final cornerstone.

This is an opportunity for me to thank my colleagues, particularly my co-rapporteurs Pilar del Castillo and Malcolm Harbour; the chair of the Conciliation Committee, Mr Vidal-Quadras; the chair of the Committee on Industry, Research and Energy, Herbert Reul, and all the services of the European Parliament that were involved. I also wish to thank the Commissioner for her involvement and support throughout this period, and I thank her services as well. Finally, I also welcome the efforts of the Swedish Presidency to reach a satisfying conclusion. Let us take a moment to remember Ulrika Barklund Larsson.

Tomorrow's vote will give a very positive signal to those expecting a more dynamic European industrial policy. As the second reading agreement on 99% of the text has been maintained, I shall just summarise the aspects that we made our priority. In particular, we wanted to maintain effective, lasting competition, but also to make that competition useful to economic and social development through complete coverage of

European territory in terms of access, high speed internet for all and for all regions – including better management of radio spectrum – and full rights for consumers.

This will involve establishing a consistent, operational framework for those who will be using these directives, that is, regulators, the Body of European Regulators for Electronic Communications and the Commission; guaranteeing legal certainty; encouraging the investment needed to relaunch our economy and make the market dynamic for operators, their consumers and employees; and, finally, developing plenty of high-quality services that are accessible to the majority and fairly priced.

It is important that we remain within the terms of the agreement and, unfortunately, recent statements made by certain Member States raise some doubt over their commitment on this matter. I shall support the Commission's interpretation of the result of our negotiations over Article 19. As a matter of interest, the wording chosen for this article is closely linked to the debate on the mechanisms of Articles 7 and 7a. It would be disappointing if the Council, through non-binding declarations, put across the message that it somehow wanted to have its cake and eat it by denying a fair balance of powers between Member States, BEREC and the Commission, as emerged in the final compromise.

Finally, of course, the salient point that led us to conciliation: Amendment 138. I would just like to say that the result obtained was the maximum that Parliament could obtain with the legal basis we had: harmonisation of the internal market. So this result must not be taken lightly, since it offers all users of electronic connections solid protection of their right to privacy, to presumption of innocence and to contradictory procedure, no matter what course of action they face and before any sanctions are adopted.

I am also delighted by the Commission's willingness to assess the situation of net neutrality in Europe and to make the appropriate instruments available to Parliament and the Council by the end of the year, based on the result of these observations.

To conclude, I therefore ask everyone to think about the transposition of the package. I am already aware that Parliament, to which this package means a great deal, will make sure that the transposition is undertaken with respect for past agreements. Mr President, I will now listen carefully to my colleagues' speeches before taking the floor again at the end of the debate.

IN THE CHAIR: MR LAMBRINIDIS

Vice-President

Viviane Reding, *Member of the Commission*. – Mr President, today is the culmination of what has been a very long, and very often intense, legislative process, and the efforts shown by all sides in the negotiations have produced results which were worth waiting for. I would like to thank the rapporteurs, the committee chairs, the President and the members of the Conciliation Committee, and all the individual Members of Parliament who have brought their commitment and expertise to bear.

With the adoption of the reform package as it now stands, the Union will have a regulatory framework that is fit to meet the challenges of a rapidly developing digital economy based on fair prices for all to get telephone and internet connections, while preparing the ground for investments in high-speed networks delivering high-quality, innovative services.

These rules, these reforms, will make the European Union a global leader in the regulation of electronic communications, not just by improving the mechanism to move towards a competitive single market, but also by putting the rights of the citizens at the heart of a regulatory policy.

The compromise reached in conciliation lays down for the first time in EU law the fundamental rights of internet users against measures that could limit their internet access. This is a very important internet freedom provision. It makes clear that the internet, which is becoming more and more central to our daily lives, should be subject to the same safeguards for our fundamental rights as other areas of activity. Prior, fair procedures, with the presumption of innocence and the right to privacy, followed by the right to effective and timely judicial review: those are the rules which have been put into the new reform package.

At the same time, the reform package enshrines the vision of an open and mutual internet as an objective of regulatory policy. The EU approach is a very pragmatic one. It has, by the way, already been hailed on other continents as an important trendsetter.

The protection of consumers against loss of personal data and against spam has also been strengthened, particularly by requiring operators to notify consumers in case of personal data breaches and by strengthening the principle of user consent when it comes to use of cookies. Amongst other major gains for consumers is the right to change their fixed or mobile operator in one working day while keeping their old phone number.

Thanks to Parliament, the new provisions on radio spectrum will bring lower prices and encourage the introduction of new services, thereby helping to bridge the digital divide. Parliament will have a key role in setting the strategic direction for spectrum policy at European level through the new multiannual radio spectrum policy programme. The reforms will also permit investment by operators in the next-generation networks. They will strengthen the incentives to invest efficiently in new infrastructure by taking account of the investment risks, while ensuring that competition is not stifled.

At institutional level, the body of European regulators, the famous BEREC, offers the opportunity for the 27 national regulators to contribute to the functioning of the single market in a more transparent and effective manner. The strengthened oversight of remedies by the Commission, supported by BEREC, will consolidate the single market by improving the consistency and the quality of implementation of the framework across Europe and ensure that operators have a level playing field.

Let us not forget the important agreement reached on Article 19 of the framework directive, which gives the Commission enhanced harmonisation powers covering general regulatory approaches, including in relation to remedies. This gives the Commission a central role, in cooperation with BEREC, to ensure that the Telecoms Regulation is applied consistently in the single market in the interests of citizens and businesses.

I already presented to you my declarations at the May plenary, saying that the Commission will build on the reforms by consulting widely next year on the scope of the future universal service and a wider application of the principles relating to data breach notification. I reaffirm these commitments today, adjusted of course only to the time that has elapsed since then.

The Commission will also do its part to ensure that the new tools are put to good use when needed. I have indicated that the Commission will monitor the impact of market and technological developments on net freedoms and report to the European Parliament and the Council before the end of 2010 on whether additional guidance is required. The Commission will also invoke its existing competition law powers to deal with any anti-competitive practices that may emerge.

I believe that the confidence and the legal certainty provided by these reforms will be critical in helping the e-communications sector to contribute to Europe's economic recovery. I would therefore commend Parliament for its support for the package and urge Members to vote in favour of its adoption.

(Applause)

Pilar del Castillo Vera, *on behalf of the PPE Group*. – (ES) Mr President, ladies and gentlemen, I would like to begin by expressing my thanks to my fellow Members, and in this case, mainly to the rapporteur, Mrs Trautmann, because she has really done an extraordinary job. You had to be there to know how much was achieved in this final stage, which resulted in success in the conciliation process.

I would say that at the moment, we are in an excellent position to begin to tackle a future that is, in a sense, revolutionary, or should be revolutionary.

We finally have – or we are soon going to have – a regulatory framework that lays some very good foundations for putting the development of the internet, the digital society and the digital economy at the forefront of our objectives. This framework provides good protection for consumers, promotes their rights and also provides security for investors.

I think, however, that it is very important for us to now look decisively towards the future. We must look decisively beyond 2010 so that we can devote all our efforts to setting a digital agenda beyond 2010. The key objectives of this digital agenda should include: enabling everyone, as consumers and citizens, to have all the resources needed to access and participate through the internet and, of course, developing an internal digital market that is open and competitive.

This is an absolutely essential objective if we want to put the European economy where it should be in the global world of today.

Corinne Lepage, *on behalf of the ALDE Group*. – (FR) Mr President, Commissioner, ladies and gentlemen, I was pleased, Commissioner, to hear you say that freedom of access to the internet should be guaranteed just like other fundamental rights.

This is precisely the issue that we, Members of the European Parliament, have been fighting for: to obtain the same level of guarantee, that is, a prior procedure before an impartial judge.

We did not quite manage that but, thanks to the work of our rapporteur, it would seem that we have obtained as good a solution as we could. It is not perfect. It is not perfect because it will pave the way for disputes that we would have rather avoided; and if we had said things as clearly as I just have, there would not have been any disputes. Unfortunately, we did not reach a compromise on this point.

This means that we will have to return to the subjects of freedom of internet access, net neutrality and the way in which, in an open society such as ours today, there should be a certain level of free access to knowledge and information. This is all part of the same issue. We have taken the first step; we have the fundamental, vital first text, and that is the reason why I, personally, shall vote for it even if others hesitate.

Nevertheless, we will have to go much further in safeguarding freedom of access to open science, to open research and to all intellectual works while, of course, bearing in mind that property rights in the areas of literature, art and research should also be safeguarded. In the coming years, however, we will almost certainly have to make further compromises.

Philippe Lamberts, *on behalf of the Verts/ALE Group*. – (FR) Mr President, ladies and gentlemen, we are delighted that the action taken by the European Parliament has allowed internet users to enjoy guaranteed, and now explicit, protection. It is true that if Parliament had not twice voted in favour of the famous Amendment 138, we would not be where we are today. It is clear that the content of the compromise text today has been obtained thanks to that.

However, as Mrs Lepage said, the compromise we reached is certainly not the be all and end all when it comes to the protection of internet users' rights.

I think that we went as far as we could given the constitutional order within which the European Parliament operates today. The compromise therefore paves the way for the adoption of this telecom package which, for us, represents real progress in relation to the system we inherited from the days of telecommunications monopolies – an era which, thankfully, is in the past.

Tomorrow's vote, however, is only the beginning. We shall, both here and in the national parliaments, be keeping an extremely close watch over the way in which the compromise adopted tomorrow is transposed into national legislation, because we know that a number of Member States of the European Union are, shall we say, somewhat heavy-handed when it comes to public freedoms – particularly where the internet is concerned – and I am not sure they will avoid the pitfall of diverging from the rule we will adopt tomorrow.

Finally, it is time for the European Union to endow itself with a true charter of internet users' rights, defining access rights, of course; privacy rights; freedom of expression; and net neutrality. For us, a simple declaration on net neutrality is not enough.

It is also true that we should pay particular attention to the rights of authors and creators, so that the dissemination of their work on the internet is an encouragement for them. Yet this must not lead to the expropriation of this remarkable tool to the benefit of private interests.

Malcolm Harbour, *on behalf of the ECR Group*. – Mr President, as one of the three rapporteurs who worked very closely together on the whole package – and this is clearly a package – I want to give a very warm welcome to this compromise agreement and also to add my compliments to Catherine Trautmann, who has led the negotiation with great skill. The wide-ranging nature of the final text and the safeguards it provides for consumers' rights are a tribute to her negotiating skills.

I welcome the fact that all the political groups represented in the conciliation have endorsed the text and that we can finally unleash the benefits of this whole package with our vote tomorrow, because it has now been some months since we worked on it. The Council had already accepted, on 26 October, my own report on universal service and users' rights, a number of points in which Mrs Reding highlighted. I will not repeat these, but suffice to say, this is a major advance for consumers.

I would like to make one or two remarks about some elements of my own report and particularly to highlight our negotiations with the Council – Mr President, unfortunately you have not had a chance to speak, but you were deeply involved in these – which achieved significant advances in the areas of data breach and particularly issues around the use of cookies and the rights that consumers have to refuse devices that may collect information on their computers.

Commissioner, we very much welcome the statement that you have already made on data breach, but I have to say I was somewhat surprised to receive a statement from 13 Member States that seemed to me to rather reinterpret the agreement that they had already signed off on 26 October. You may perhaps wish to comment on that later. I just wish to reinforce the view – and I am sure you would agree, Mr President – that what we have agreed is the position. The Commission will now carry out that position. If it needs clarification, it is down to the Commission to do that. We look forward to it enforcing and moving this out as soon as possible, particularly in the area of net neutrality, your declaration on which is warmly welcomed, because that is something that we fought very strongly for in my committee. This is an important step forward for consumers. I very much welcome it on behalf of my group and, I hope, the whole Parliament.

Eva-Britt Svensson, *on behalf of the GUE/NGL Group*. – (SV) Mr President, the telecoms package will be decided on tomorrow. I would like to thank Mrs Trautmann and all of my fellow Members who have fought for a free internet. Above all, I would like to thank all of those citizens who have demonstrated their commitment to this issue. They have got very strongly involved, and quite rightly so, as this is ultimately about freedom of expression and our civil rights and freedoms. It was thanks to our committed citizens that the protection of internet users against monitoring and the abuse of power is better than expected, but, in my opinion and that of the Confederal Group of the European United Left – Nordic Green Left, it is not good enough.

There are three reasons why I will be voting against this package. Firstly, the compromise – Amendment 138 – does not give citizens sufficient protection against the power of the authorities and internet service providers. It merely refers to a review prior to exclusion – not a judicial review. This could open the way for arbitrary measures. The text prevents the end users' rights being restricted by the Member States, which is a good thing, but companies can introduce restrictions provided they do so in the agreement.

The second reason is that my amendments concerning internet rights, in other words, the well-known Citizens' Rights Amendments, were not included in the compromise. This, in fact, opens the way for a network where it is not a foregone conclusion that all users will have access to the whole network and where not all sites have the same possibility of being viewed. I think that we should have been very clear that it must not be permitted to lead the internet down such a blind alley. The end result then runs the risk of being more like a collection of cable television channels rather than free communication for everyone.

The third reason is that the telecoms package falls within the regulatory framework for the internal market. This means, of course, that in the event of a conflict, it will be the European Court of Justice that decides. Freedom of expression should not be decided by the European Court of Justice. It is not enough to have mediocre protection for citizens' rights; they must have complete protection.

Jaroslav Paška, *on behalf of the EFD Group*. – (SK) At the end of voting time in the plenary session of 6 May 2009, the European Parliament approved a draft directive setting out the terms and conditions for electronic communication.

However, the plenary also approved one amendment proposal which the Council regarded as being difficult to enforce. A conciliation procedure therefore ran up until 29 September, attempting to harmonise the views of the Council, the Commission and the European Parliament so as to ensure that the requirements contained in Article 138 could be transposed correctly into current European legislation.

I would therefore like to applaud the efforts of the European Parliament's negotiating team, as well as the businesslike and constructive approach taken by the representatives of the Council and the Commission, thanks to whom it was possible to reach agreement on the wording of the contentious provision in such a way that the aims and ideas contained in the original Article 138 were transposed in an acceptable way into the new telecommunications directive. I firmly believe that, following the conciliation procedure, the new telecommunications directive is ready to be applied in European public life.

Herbert Reul (PPE). – (DE) Mr President, Commissioner, ladies and gentlemen, that was a hard slog, involving two rounds in the ring, so to speak, but it was well worth the effort. The result is something of which Parliament can be proud.

I would also like to give special thanks, on behalf of my colleague Mrs Niebler – who unfortunately cannot be here today, to the rapporteurs, Mrs del Castillo Vera, Mr Harbour and Mrs Trautmann, as well as to all the other people who have helped to pave the way for a compromise. It was a truly difficult task, sometimes involving a great deal of effort on the part of individuals and political groups, but in the end, a consensus was achieved.

The telecommunications sector is a vital sector in terms of economic development, as it provides an important stimulus for employment. In 2007 alone, this sector had a turnover of around EUR 300 billion. This means that the sector will have a new legal framework, which will also have a big impact on economic development in the European Union.

Europe faces significant challenges: investing in high performance broadband networks and expanding them. The business sector is ready to take action and we also want to open doors. An important decision has been made.

Last but not least, we want to make the radio spectrum policy more flexible, and need to make use of the digital dividends. Here, too, an important prerequisite has been met. And finally, we have had to invest a lot of effort, as, at the beginning, many of us were not aware of the problems and the issue of how to deal with internet freedom and how to strengthen citizens' rights on the internet.

We have now secured the protection of our citizens to a far greater extent than we had imagined at the start of the process, as things have moved forward. Measures taken in the EU Member States in relation to access or usage of electronic communication network services must not infringe fundamental rights in any way. Limitations should only be introduced after a fair and independent process. The person must have a right to a hearing and be able to challenge the decision in the courts. This is an amendment that could not be foreseen at the beginning. Everyone contributed to this process, and I hope that everyone will therefore be able to vote in favour of the proposals. Thank you very much.

Christian Engström (Verts/ALE). – Mr President, we in the Swedish Pirate Party support the compromise that was reached in conciliation. It is not perfect and it is not everything we would have wanted, but we think it is a good step in the right direction.

Nobody should be shut off from the internet without at least a prior, fair and impartial procedure that includes the right to be heard and respects the principle that you are innocent until you are proven guilty.

The compromise sends a strong signal to the Member States that things like the French HADOPI law or the Mandelson method in the UK are simply not acceptable. It is now up to activists in France and in the UK to make sure that their governments respect this.

But for us here in the European Parliament, this was only the beginning. We need, as several speakers have said, a proper bill of rights for the internet that makes it absolutely clear that the internet is an important part of society, where our fundamental civil liberties must be respected.

This includes the right to information freedom and the right to privacy as specified in the European Convention of Fundamental Rights. We need net neutrality and we need a policy that says 'yes' to the fantastic possibilities that the internet and the new information technology give us all.

Europe has a unique opportunity to show leadership and set an example to the world for a free and open internet. This is a chance we should take. The road ahead is open. This compromise is only a first step, but it is a step in the right direction. So I encourage all colleagues to vote 'yes' to it.

Trevor Colman (EFD). – Mr President, the prospect of this intended measure has raised the hackles of internet users throughout the Member States. It threatens unprecedented levels of state surveillance, state intervention and commercial exploitation and seeks to deprive internet users even of the protection of the courts.

The Council has stated that this assembly is exceeding its powers by providing that the protection of the courts be maintained. But, whether this is true or not, how much more would those powers be exceeded by a provision which allows officials to hound and spy on internet users whilst remaining above the law?

This House interposed Amendment 138 between governments and governed in order to protect the latter from grave miscarriages of justice, of which bureaucrats are more than capable when freed from judicial supervision. According to reliable legal opinion, the conciliation process has vitiated the spirit and the letter

of Amendment 138. I call upon all Members to determine that, if this House cannot provide the safeguards which should rightly accompany this measure, then it should not adopt this measure at all.

Gunnar Hökmark (PPE). – (SV) Mr President, protection for internet users has been the focus of a large part of the telecoms debate. Last spring, Mrs Svensson and others voted down a proposal requiring a judicial review to be carried out if someone was to be excluded. Now we have a different solution, which protects users through very clear references to the regulatory system that is required to be in place in every Member State. I think it is important to say that the difference here is not about whether we want to protect users, but about whether we respect the Member States' right to decide on their own legal systems.

In this regard, it is interesting to note that one of the Swedish parliamentarians who is most against the European Union and Sweden's membership wants to make it more supranational than is usually proposed by anyone else in this Chamber, as she wants the European Union to legislate on how the Member States' legal systems should be organised. That is a major step and the vast majority in Parliament has opposed it, as we support the compromise that we now have and that will provide good protection for users. We also support this compromise because it will ensure that Europe's consumers and internet users will always be able to choose between different suppliers and different operators. Making it possible to change operators if a particular operator is providing a poor service gives consumers and citizens a power that they have never had before. Mrs Svensson, things have changed since the time when it was the large monopolies that determined citizens' rights to view, decide on and use information. This is a tremendous change that Mrs Svensson, and possibly others too, will, unfortunately, be voting against.

However, the main issue – for which I would also like to congratulate Mrs Trautmann and the Commissioner – is that we are now also getting to grips with the question of the spectrum and ensuring that we in Europe can lead the way when it comes to utilising the digital dividend. This will bring European citizens success and opportunities and give European industry a chance to be world leaders. Therefore, I and the vast majority in this Chamber support the proposal that we are to vote on tomorrow.

Eva Lichtenberger (Verts/ALE). – (DE) Mr President, ladies and gentlemen, the difficult discussions that were part of the mediation process had one main, important purpose, namely establishing basic rights and liberties on the internet, above all, respect for the rule of law. These should not be rendered ineffective by the individual interests of the large economic powers on the internet because they want to fight tooth and nail to save an outdated copyright system which is not adapted to the internet era.

We need a completely new system to protect the intellectual property rights of creative forces on the internet, a system that we need to develop together. However, in terms of protecting the rights of the citizens, we need to be consistent, and this includes monitoring implementation in the Member States. It was, after all, the Council that was not in favour of protecting these rights and would have liked to see them fall by the wayside. We must engage in this power struggle with respect to the protection of the rights of the citizens and we must win. No Member State should now be allowed to worm their way out of these obligations.

Lambert van Nistelrooij (PPE). – (NL) The European Parliament has rightly placed emphasis on a number of issues: guaranteeing access, net neutrality and better supervision.

The entire package, as it now stands, is exceptionally well balanced. On the one hand, it now enables us to seize opportunities for proper competition, for growth in this sector, and also, in economic terms, to seize opportunities for jobs and economic advantages. On the other hand, it makes particularly good provision for consumer protection. Consumers who are suspected of committing a punishable offence may only be cut off from the internet after a ruling has been brought by the judicial authorities and a clear procedure must be followed. We also have a provision for appeal, which means that established human rights are guaranteed, as they should be.

Last week, an important conference on internet governance took place under the *aegis* of the UN and it was also attended by a delegation from the European Parliament. It turned out that everyone in the world was looking to us to see how we are regulating this field. In many countries and throughout large parts of the world, governments seek to dictate what content can be shown on the internet and under what circumstances citizens may be cut off from the internet or, for that matter, allowed access to it. We are setting an example here of a good legislative framework and we are striking a balance between the market and the protection of citizens. Non-governmental civil society organisations, in particular, the whole world over, are looking at how this issue has been regulated in this package.

I had the opportunity to witness this for myself last week and I would like to point out that we are writing a small piece of telecommunications history. I wish to congratulate the rapporteur, Mrs Trautmann, who has done a fantastic job of setting the boundaries. This is a *pièce de résistance* of the art of negotiation. Initially, however, the Council was not prepared to go that far.

Sandrine Bélier (Verts/ALE). – (FR) Mr President, ladies and gentlemen, on 4 November, Parliament was given the Council's guarantee that any restrictions on internet access can only be made if certain conditions are met: prior, fair and impartial procedure; a guarantee of the principle of presumption of innocence and the respect for privacy; and respect for the European Convention on Human Rights. This agreement is the first step towards better protection for citizens faced with growing attempts made by certain States and private operators to trivialise the principle of flexible response, data storage and the control of digital exchange on the internet.

That, however, is not enough. Accepting restrictions on digital freedoms and going against net neutrality is not acceptable. It is contrary to the Lisbon Strategy and undermines the fundamental rights and values of the Union. As the sole directly elected European institution, in order to protect citizens' interests, Parliament now has the moral and political duty to take up this issue and define the rights and duties of internet users so as to guarantee their digital freedom and access to knowledge.

We will vote in favour of this text, but we will make sure that we take the matter further tomorrow.

Paul Rübig (PPE). – (DE) Mr President, Commissioner, ladies and gentlemen, I should like to start by offering the Commissioner my sincere thanks. The telecommunications legislation passed during the last five years has shown that Europe is earnestly and systematically making progress, thanks to the commitment and the know-how which enabled us to introduce adequate legislation. At this point, I would like to thank my colleagues and, above all, the rapporteurs.

We have seen that new generation technologies are appearing, and that these new generation technologies, such as the Fourth Generation LTE Network, need to be given space on the European internal market. In order for this to happen, we also need to make sensible use of digital dividends, and we need data roaming that corresponds to the needs of the internal market. I still foresee a great deal of work ahead of us in this field. The issue of internet freedom has been discussed rigorously and in great depth. I would like to thank everyone who took part in the debate. However, we still need to take action on the issue of intellectual property, to allow us to take the necessary measures during the next legislative term.

In this respect, I also look to the national regulatory bodies, which have now been granted additional powers through BEREC. It is their task to help their national industries and national consumers to assert their rights in the other 26 countries. In this regard, there is a great need for the national regulators to take action, as this is a starting point for a future expansion in the field of digital communication in Europe and beyond, and for Europe to take a leading role in this field at international level.

Ioan Mircea Pașcu (S&D). – Mr President, let me change tack and bring to your attention some real-life facts. If you have to report major incidents, such as the breaking of your mail account, you can do it only electronically. There is no way to speak to a real person and establish a normal dialogue. If you have a problem you want to report to a telephone and internet provider, you get stuck in a labyrinth of recorded voices transferring you from one to another until the company is satisfied with the money they have got out of you, even if the problem you want to report has been caused by their faulty service.

Therefore, I would suggest that the new Commission look into the matter and come up with a regulation to force the providers to have a real person answering your first transfer. It will save consumer time, health and money and still give a profit, albeit smaller, to the service provider, plus some jobs to the unemployed.

In concluding, Commissioner, I would like to draw your attention to another fact of life, namely the amount of personal data the consumer is asked to provide for a free download of software for products bought directly off the shelf. Where does that information end up, and for what purpose?

Axel Voss (PPE). – (DE) Mr President, our lives, and especially the lives of young people today, revolve around the internet to a significant degree, and both the digital revolution and the use of electronic means of communication are contributing to progress in this field.

As a result, many people view having easy access to the internet, and the wealth of information available online, as a necessity. In this respect, we also should not, and must not, forget those people who have, until now, not had access to the internet. That is why I specifically and strongly welcome the measures that have

been taken thus far, as we are now on the right path to creating greater competition and improved access to important information. I am sure that whatever remains to be done can still be achieved in the future.

Seán Kelly (PPE). – Mr President, I am very pleased with what I have heard here this evening and I would like to compliment the rapporteur and the Commissioner for the manner in which they have put their case clearly and succinctly.

People have referred to the salient points: the rights of citizens, investment, controls, transparency, consolidation of the single market, a level playing field, accountability, proper competition and consumer protection. That is all very important. Mr van Nistelrooij said we are writing communications history here this evening. What needs to happen now is that this is transposed as soon as possible into national law and implemented, and the key points are three words: there will be free, fair and fast access to the internet for people and businesses, whether they are at the centre of the Union or in its outermost regions.

We have started to write history. We must now continue to do so and implement it for the good of all citizens. Well done!

Sophia in 't Veld (ALDE). – (NL) There are many good things in this package, but there are also a few things that I still have grave concerns about. One of them, of course, is the 'three strikes and you are out' provision and, to this very day, I cannot understand why it has been included in this telecommunications package at all. It is an entirely foreign element in the package. Nor do I understand why Europe has to provide reasons to the Member States as to why it is introducing such a provision. They themselves already have a pretty good idea of why it has been introduced and do not need Europe to tell them. To my mind, this is another splendid example of policy laundering.

I am disappointed that Parliament has not shown any backbone to the Council and has told the Council: this is what we have voted on and we are going to stick to our guns. I still have to make my mind up about how I am eventually going to vote because, as I said, there is a great deal that is good about this package. At the same time, however, I think that the telecommunications package as a whole is still something of a hotchpotch, that it falls short of the mark and that we need clarity about which areas it applies to and those which it does not apply to. I am assuming, therefore, that this is only a first step, but I want more safeguards and more assurances that we are not going to rely on this telecommunications package to solve the problem which the 'three strikes and you are out' policy is aimed at solving and that we will instead look to be guided by better regulations, in order to reward and protect intellectual, creative and financial efforts.

Lena Kolarska-Bobińska (PPE). – Mr President, the discussion on Article 138 and the compromise we reached shows that Members of the European Parliament are reacting to public opinion and people's interests, and that this Parliament is defending freedom, in connection with people's reactions.

This is a wonderful example, with internauts having performed monitoring, written to MEPs and adopted a position in defence of their rights and wishes. It should be taken as an important case study in Parliament's work.

Viviane Reding, Member of the Commission. – Mr President, I think that I can join all those who have said that this is a nice piece of collaboration in order to get a nice piece of legislation. No piece of legislation is perfect; this one is not perfect, either, and you know how much time we need in order to set up new legislation – so that by the time we arrive at an agreement, the world has already advanced so much that we should start from the beginning again. That is exactly the reason why we said that the protection of the individual rights on net neutrality is the first step; another step which needs to follow is how the copyright has to be adapted to the online world. Because we cannot wait until all these rules are implemented into national law, I have, in the name of the Commission, said that the Commission will monitor the impact of market and technological developments on the net freedoms and report to the European Parliament and the Council before the end of 2010. We then, altogether, have to see if we need to take other, supplementary measures or if we have to push to implement the existing measures which we are going to vote on tomorrow in the action at the level of the Member States.

Two concrete answers to two concrete questions: first, the declaration on Article 19 relating to harmonisation procedures. Exactly like Parliament, I regret that 16 Member States have made a declaration which calls into question the scope of the Commission's powers, agreed between the Parliament and the Council under the amended Article 19, in particular, the Commission's power in relation to the regulatory obligations that might be imposed by national regulatory authorities (NRAs). So, because there were those 16 declarations, the Commission has also made a declaration pointing out that, while it may not take decisions under the

article that refer to specific notifications by NRAs under Article 7a, it may take decisions in relation to general regulatory approaches relating to the imposition, maintenance, amendment or withdrawal of such obligations. Parliament is right, an agreement has been made and we should not come back to such an agreement by the back door.

Second, the question of cookies. Now the Commission was, like Mr Harbour, surprised that certain Member States appeared to call the agreed text on cookies into question. Let me be very clear: we agreed with Parliament, and we believe that the final text is unambiguous. First, there must be clear and comprehensive information to users on the basis of which second users must give their consent. That is that and that should be applied now in the Member States. I do not appreciate it that after everything has been agreed, some like to manoeuvre in order not to keep 100% to the agreements *pacta sunt servanda* in politics. That is the way I see things. So I am very proud of the European institutions. I think that they have managed to make a good piece of legislation. They have also managed to keep this equilibrium between the interests of the operators, the economical part of the rules, and the interests of the users, the citizens' rights, and this equilibrium I think is what Europe is about: Europe is about economy and society. Here in this text, we have managed to bring both together. Congratulations to all those who have contributed to make this possible.

Catherine Trautmann, rapporteur. – (FR) Mr President, may I express my warmest thanks to my colleagues who have taken part in this debate and say that they have certainly made clear what a perilous and difficult job we have had to complete this telecom package. Ultimately, it was held up by an amendment on which we have resoundingly voted several times in this Parliament, but which was not accepted by the Council.

Like others, I believe this to be a basis and not an end. We have not succeeded on this point as we have on others. In the Commissioner's response, she also stressed the same thing about Article 19. I had hoped we would go much further in implementing a procedure of economic arbitration with regard to European regulators, but of course, we could not achieve everything at once.

We tried to be efficient, fair and balanced; we wanted to show that, while the internet and digital society are driven by use and mobility, citizens' rights should never be ridiculed, scorned or ignored.

This is the first time that a text of this kind includes such a reference in its first article, making it a basic principle and linking the internet with the exercise of rights and fundamental freedoms; we believe this makes what we are doing quite distinctive when we legislate with the Council and draft texts with the Commission.

Indeed, we think that the information society should be both respectful of citizens' rights and positive from an economic and social point of view, opening up a new cultural sphere. That is why we anticipate that the market will enable this to happen, that users' rights will be stated and guaranteed, but that we can also have this extended access and connectivity for all. However, this is also why we now have a considerable job to do in the areas of copyright, net neutrality and radio spectrum. The European Parliament will lend its support.

I would like to say what a pleasure it has been to work with my colleagues and how delighted I am that this compromise respects the vote that we so strongly expressed together.

President. – Colleagues, you can imagine my frustration at not being able to participate in this debate, so I will simply use my institutional role at the end of it to congratulate warmly Catherine Trautmann, Pilar del Castillo Vera and Malcolm Harbour for their work; to thank the Commission, and especially Commissioner Reding, for their excellent cooperation throughout a very difficult process; and to state that it would have been a pleasure to have welcomed the Council to this important debate, as it might have been better able than the rest of us to explain those surprising letters that were mentioned on some legal aspects of this debate.

The debate is closed.

The vote will take place at 12 noon on Tuesday, 24 November 2009.

Written statements (Rule 149)

Ivo Belet (PPE), in writing. – (NL) Mr President, I would like to touch on the thorny issue of the internet compromise (aka 'Amendment 138'). The regulatory package we have produced provides maximum safeguards for all internet users: we have ensured that users' privacy is respected and that the European Convention on Human Rights applies and, above all, that no one will ever have their internet access cut off without an independent body first considering and ruling on their case. What this means in concrete terms is that intervention is only permitted in cases of gross abuse. This legal provision applies to both the authorities and to internet providers themselves. Nonetheless, this European law guarantees free access to the internet

and confirms *de facto* that the internet is a service of general interest, which no consumer can have cut off for no valid reason (just as no consumer can be denied access to gas, water or electricity). The fact that this compromise has received the unanimous approval of all the parliamentary delegations is proof that it is a terrific agreement and one which has placed the rights of the consumer at the very heart of the new telecommunications package.

Tiziano Motti (PPE), *in writing*. – (IT) We have reason to be very pleased with the result achieved today on the telecommunications package since it reinforces the rights of internet users and encourages competition between telephone companies. The new rules will guarantee greater rights for consumers, unconditional freedom of access to the internet and protection of personal data. This is an excellent example of how our work as legislators has an impact on citizens' daily lives. In fact, the internet, for the first time in the world, has come to represent the exercise of a right and a fundamental freedom. As such it will supplement, and take shape in proportion to, and in accordance with, other fundamental freedoms that already exist and which are guaranteed by the treaty: gender equality, respect for sexual orientation and religious belief, protection of the rights of the child, and freedom of expression that is consistent with the protection of human dignity. Any measure that restricts access to the internet may now be imposed only if it is deemed to be 'appropriate, proportionate and necessary' in a democratic society. Today, we have indicated our agreement to complete freedom of the internet, to the promotion of an electronic civil society, to the promotion of fundamental freedoms and best practices and to the identification and isolation of all those individuals, in particular, paedophiles and sex offenders, who seek to abuse this absolute freedom.

Siiri Oviir (ALDE), *in writing*. – (ET) The basic aim of the alterations to the framework directive for electronic communications networks and services is to strengthen the rights of telephone and internet users and also to increase competition between telecommunications providers. Currently, electronic communications are regulated by rules which were approved seven years ago. Since then, the area has progressed dramatically. As a lawyer, I think that Parliament exceeded the authority given to it by the treaty by adding, at the last moment, a proposal for alterations which required public regulatory institutions to promote the interests of European Union citizens, prescribing that no restrictions may be imposed on the basic rights and freedoms of the end-user without a prior ruling by the Court. I am pleased that, as a result of the discussions held by the conciliation committee, a better way has been found to secure legal correctness in the text, and also to provide protection for all users and show respect for the jurisdictions of the Member States. The decision allows us finally to approve the changes to the framework directive for electronic communications networks and services.

Bernadette Vergnaud (S&D), *in writing*. – (FR) I am delighted to see this lengthy, highly controversial work reach its conclusion; it shows the importance of the telecommunications sector not only as an economic player but also as a vital element in today's society. Our citizens communicate across borders on a daily basis and our aim was to guarantee quality of services while ensuring that users' fundamental rights were respected.

I want to congratulate Mrs Trautmann and the negotiating team for the compromise they have achieved, making any sanctions taken against users subject to a prior contradictory procedure. Furthermore, the Commission was committed to guaranteeing net neutrality and to combating anti-competitive, discriminatory practices carried out by operators.

This agreement will mean consumers benefit from many positive developments which were sometimes the result of tough negotiations. I particularly wish to highlight guaranteed access and localisation for calls made to the emergency number (112); improved access for the disabled; greater information on contracts and billing; warnings in cases of unusually high usage; the introduction of a maximum delay when transferring a customer's telephone number; and information in cases of security breaches relating to personal data.

18. European Crime Prevention Network (EUCPN) - Rules on the confidentiality of Europol information - Implementing rules governing Europol's relations with partners, including the exchange of personal data and classified information - List of third States and organisations for Europol agreements - Implementing rules for Europol analysis work files - Accreditation of forensic laboratory activities (debate)

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

- A7-0065/2009 by Mr Kirkhope, on behalf of the Committee on Civil Liberties, Justice and Home Affairs, on the draft Council Decision adopting the rules on the confidentiality of Europol information [11943/2009 - C7-0105/2009 - 2009/0807(CNS)];

- A7-0064/2009 by Mrs in 't Veld, on behalf of the Committee on Civil Liberties, Justice and Home Affairs, on the draft Council Decision adopting the implementing rules governing Europol's relations with partners, including the exchange of personal data and classified information [11944/2009 - C7-0106/2009 - 2009/0808(CNS)];

- A7-0069/2009 by Mr Albrecht, on behalf of the Committee on Civil Liberties, Justice and Home Affairs, on the draft Council Decision determining the list of third States and organisations with which Europol shall conclude agreements [11946/2009 - C7-0107/2009 - 2009/0809(CNS)];

- A7-0068/2009 by Mr Diaz de Mera Garcia Consuegra, on behalf of the Committee on Civil Liberties, Justice and Home Affairs, on the draft Council Decision adopting the implementing rules for Europol analysis work files [11947/2009 - C7-0108/2009 - 2009/0810(CNS)];

- A7-0072/2009 by Mrs Alfano, on behalf of the Committee on Civil Liberties, Justice and Home Affairs, on the initiative of the Kingdom of Belgium, the Czech Republic, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Republic of Hungary, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland on a Council Decision setting up a European Crime Prevention Network (EUCPN) and repealing Decision 2001/427/JHA [11421/2009 - C7-0109/2009 - 2009/0812(CNS)], and

- A7-0071/2009 by Mr Kirkhope, on behalf of the Committee on Civil Liberties, Justice and Home Affairs, on the initiative of the Kingdom of Sweden and the Kingdom of Spain with a view to adopting a Council Framework Decision on Accreditation of Forensic Laboratory Activities [11419/2009 - C7-0100/2009 - 2009/0806(CNS)].

James Nicholson, *deputising for the rapporteur*. – Mr President, for once in my life, that was good timing! Can I take this opportunity first of all to apologise for my colleague, Timothy Kirkhope, who is unable to be here. What I am about to do is to read the wise wisdom of all his words that he has thought out and put on paper. I will read his views as rapporteur to you. He is the rapporteur of the two reports of the Committee on Civil Liberties, Justice and Home Affairs.

Firstly, I would like to focus on Timothy's report on the draft Council Decision adopting the rules on the confidentiality of Europol information. The rules to be established are to apply security measures to all information which is processed by, or through, Europol: in other words, a common standard for protection of information that passes through communication channels between Europol and the national units of Member States.

Along with his fellow rapporteurs for the Europol package, they have endured a frustrating time negotiating the timescale and legality of the draft Council Decisions. Following President Klaus's signature and therefore the Treaty of Lisbon becoming a reality, the negotiations with the Council and Commission have become obsolete. This report, along with his colleagues' reports, calls for a rejection of the Council text.

He would like to make it clear that he supports the aim of the Council Decision, as we are in favour of better exchange of information, and recognise the benefits Europol brings to Member States regarding law enforcement and crime fighting.

We would like to keep Europol's remit and scope small and specific and thereby make the agency as efficient and effective as possible. We also need to recognise that sovereign states have their role to play in that they control their national police forces and security services. However, without prejudice to the overall support of the European Police Office, with the entry into force of the Treaty of Lisbon and its effects on police cooperation, the rapporteur, and his fellow rapporteurs in the LIBE Committee, feel that there should be no amendments to the measures implementing the Europol decision until such measures can be adopted under the new legal framework provided by the Treaty of Lisbon.

We therefore call on the Council to withdraw its proposal and, as stated in the report, call on the Commission or the Council to make a declaration in plenary on a proposal for a new Europol decision, which shall be submitted six months following the date of entry into force of the Treaty of Lisbon.

Now I would like to turn to the second report on the initiative of the Kingdom of Sweden and the Kingdom of Spain for the adoption of a Council framework decision on accreditation of forensic laboratory activities. This is an initiative of Sweden and Spain on ensuring that laboratory activities are accredited by the accreditation body in order to combat crime through closer cooperation between law enforcement authorities in the Member States. Over the last couple of years, information exchange in the area of judicial and law-enforcement cooperation has become a high priority for the European Union and its Member States in the crime-prevention and crime-fighting potential.

The purpose of this draft framework decision is to ensure that the results of laboratory activities in one Member State are recognised as being equivalent to the results of laboratory activities in other Member States, thereby guaranteeing legal certainty to the suspects and improved judicial cooperation where evidence of one Member State is used in proceedings in another Member State.

This purpose is achieved by ensuring that laboratory activities are accredited by the accreditation body to comply with international standards. The framework decision would apply to laboratory activities relating to DNA and fingerprints, and each Member State ensures that the results of the accredited laboratory activities carried out in other Member States are recognised as equivalent to the results of the accredited domestic laboratory activities. However, it will, of course, always remain the responsibility of each individual judicial authority to assess any evidence, forensic or not, in accordance with its own national law.

Again, I would like to stress that we support the aims of the Council's framework decision. However, again, there are problems regarding the legal basis of this initiative with the entry into force of the Lisbon Treaty. The report therefore calls for a rejection of the initiative of the Kingdom of Sweden and the Kingdom of Spain. The legal clarity regarding LIBE reports is unclear in light of the ratification of the Treaty of Lisbon. This report will be submitted at a later date under a legal basis that is clear. We would suggest that this would allow this important subject to be examined in more detail, as, again, the timetable imposed was very short and did not afford Parliament the time it would have wanted on such an important subject.

IN THE CHAIR: MR SCHMITT

Vice-President

Sophia in 't Veld, rapporteur. – Mr President, I will be very brief in order to make up for Mr Nicholson and ensure that we do not run late.

The Lisbon Treaty will be in force – if I calculate correctly – seven days and five hours from now. I must say that the rush by the Council to adopt a whole series of decisions is somewhat embarrassing in the light of this. What I also find embarrassing is that there is an empty seat here, where I would have hoped to see the Council so that we could actually have an exchange of views.

I basically endorse the proposals made by the previous speaker. Of course, we support the development of Europol. We want a strong Europol. We want a Europol that is able to operate and fight against crime, but we also want a Europol that is subject to democratic scrutiny. I therefore endorse the proposal made by the previous speaker to ask the Council to withdraw the proposals on Europol and present a new proposal within a maximum of six months – and preferably earlier – under the Lisbon Treaty.

Finally, when it comes to the specific subject that I am rapporteur for – which is Europol and the transfer of personal data and confidential documents to third parties – I would like to hear from the Council – which is absent – on how it feels about the analysis made by the European Parliament's Legal Service to the effect that the legal basis chosen for this particular proposal is the wrong one. I do not know who is going to answer for the Council, but maybe it can come back on this and send somebody who can provide us with a reply.

Jan Philipp Albrecht, rapporteur. – (DE) Mr President, I can agree with the previous speakers in so far as I think that it would only be sensible for the Council to present its proposals concerning Europol to the European Parliament once again, on the basis of the Treaty of Lisbon.

It is right and necessary for the judicial and police cooperation in Europe to be discussed and decided by Parliament. Only in this way can Europol's work enjoy sufficient legitimacy. The European Parliament's joint and decisive rejection of the provisions proposed by the Council, pertaining to Europol's work, is a clear signal that amendments to the legal basis now have to be applied.

What is more, there is every reason to do so. For far too long, the implementation of European internal and security policy has been a task reserved exclusively for the executive, carried out behind closed doors. Not

least in the context of the anti-terrorism measures taken following the attacks on 11 September 2001, numerous rafts of security legislation were approved, whose necessity, effectiveness and suitability was, in many cases, not thoroughly assessed, or even discussed. The political remoteness of the third pillar of the European Union has made it possible for the governments to impose highly controversial restrictions on the fundamental rights of the citizens.

This has produced a very dangerous imbalance in one area in particular. While there is now closer cooperation between the security forces throughout the world, there is no international consensus on minimum standards in relation to fundamental rights and legal protection. This gulf between government powers and civil rights is becoming increasingly pronounced, especially with regard to the exchange of personal data between the EU and third countries. European security agencies such as Europol, Eurojust and Frontex, as well as information systems such as Schengen, Eurodac or the customs and visa database, are being used to store an increasing volume of personal data, and the linking and analysis of this data, for various purposes, is progressing rapidly. Even within Europe, it is becoming less clear who is allowed to collect, possess, analyse or pass on what data, and the conditions under which they may do so. Thus, the issue of legal protection is frequently sidelined, in the light of the principles which govern the current system.

However, what would happen if all this data was passed on only to third countries? We are not merely talking about countries such as Norway or Switzerland, but also the United States, Russia, and even Morocco or China. I wonder who would guarantee that this data was protected from abuse and arbitrary actions on the part of states to the same extent as has hitherto been the case. This Parliament actually has the right and the duty to use the new legal basis provided by the treaty to initiate a process whereby the fundamental rights of European citizens will have to be respected, without any limitations, including in the context of international cooperation in the fight against crime and terrorism. Common minimum standards must be put in place, specifically with regard to the protection of personal data, before we, as the European Union, sign any further agreements on the exchange of data with third countries.

This applies to the information obtained by Europol, as well as SWIFT banking data and flight passenger data, which are exchanged with the US authorities. Clear data protection standards, a comprehensive proportionality assessment and effective legal protection for citizens are key prerequisites for any further measures.

I am pleased that we have managed to reach this level of consensus across the political spectrum regarding the legislation on Europol, and I view this as a good sign for the forthcoming discussion on the comprehensive protection of fundamental rights in Europe. That is precisely what EU citizens now expect from us.

Agustín Díaz de Mera García Consuegra, *rapporteur*. – (ES) Mr President, Mr Vice-President of the Commission, the Europol package is made up of four draft decisions that seek to implement the Council Decision of 6 April 2009.

Firstly, Mr President, I wish to join with my fellow Members in asking for the Council proposal to be withdrawn. We want a Parliament that is much more visible and a Treaty of Lisbon that makes the decisions with regard to the Europol package. We want Parliament and the Council to be on an equal footing and in balance with each other.

In order to ensure that the reasons for my rejection of the proposal are better understood, I will say a few words about the subject of my report. One of the main tasks entrusted to the European Police Office is the job of collecting, storing, processing, analysing and exchanging information and data. So that it can carry out this important task, the competent authorities in the Member States need to send comprehensive, up-to-date, accurate information to Europol. This is the only way that Europol will be able to use its capacity for analysis to the full.

The scope of application of the draft Council Decision is limited, as defined in Article 2, to the processing of data for the purpose of analysis, in accordance with the mandate given in Article 14(1) of the Decision. To this end, Europol currently has 19 types of work files for the purpose of analysis. Each work file is a separate database, each linked to a specific type of criminal activity. Each database is therefore closely linked to the specific type of operational support that Europol can offer pursuant to the powers vested in it.

Currently, the work files are the only legal tool at European level for storing, processing and analysing information, whether it be information from the field or intelligence, including personal data.

The proposal also contains rules and general principles relating to both technical measures and rules for using them. The need to collect and process information means that a legal instrument must be created that

guarantees full respect of fundamental rights. I would like to point out that this means full respect of the fundamental rights of European citizens. At the same time, such an instrument must guarantee that Europol can carry out the functions assigned to it in full. In this respect, echoing Mrs in 't Veld, I question whether or not the legal basis it is intended to apply is correct.

In this area, Mr President, the role of the European Parliament as the House representing citizens is inalienable. The compulsory control by the European Parliament is inalienable. For this reason, it is essential that, in view of the immediate entry into force of the Treaty of Lisbon, Parliament takes part in the legislative process on an equal footing with the Council. No grounds for urgency could carry more weight than the importance of defending civil liberties and the security of Europeans.

I therefore urge my esteemed fellow Members to join in rejecting the proposed instruments, without lessening our support for the European Police Office – which we do indeed support – until the Council allows Parliament to be part of the decision-making process. I also propose that we ask the Commission and the Council to withdraw the proposal and put forward a fresh one that respects the competences laid down in the Treaty of Lisbon.

Mr President, when I speak again, I will give a more convincing and clearer explanation of my position. That is all for the moment.

Sonia Alfano, *rapporteur*. – (IT) Mr President, ladies and gentlemen, I wish to speak about the European Crime Prevention Network.

This network was set up in 2001 by Council Decision 2001/427/JHA. Its objectives were to facilitate cooperation and exchanges of information and experiences at national and European level; to collect and analyse relevant information aimed in particular at the exchange of best practices; to organise conferences, seminars, meetings and initiatives with the objective of facilitating the exchange of experiences and best practices; and to provide its expertise to the Council and the Commission concerning crime prevention.

The Decision envisaged that the structure would be based on contact points designated by the Commission and the Member States; these contact points were to include at least one representative from the national authorities, while the other designated contact points could be researchers or university academics specialising in this field. Member States were, in any case, required to involve researchers, university academics, NGOs and civil society. Even Europol and the European Monitoring Centre for Drugs and Drug Addiction were involved in the work as expert bodies.

In 2005, the network underwent its first internal structural reform. This foresaw the permanent establishment of two commissions – one for the work programme and one for research – while the running of the website was transferred from the European Commission to the United Kingdom, which still keeps it updated.

In 2007, there was another review, which acknowledged the particular need to strengthen the secretariat and highlighted the need to confront the problem of resources for the permanent commissions and the national representatives.

In March 2009, an external evaluation was published concerning the functioning of the network. This focused on the importance of the objectives that brought the network into being but, at the same time, regrettably highlighted the organisational failure that had impeded the achievement of the important objectives that we were speaking of earlier.

The problems thus brought to light, which have led to the virtual collapse of the network, included the lack of suitable resources, an ineffective secretariat, lack of commitment on the part of the national representatives and a very poor work programme.

The evaluation also considered the possibility of disbanding the network. In consequence, the network appointed a working group to examine the recommendations made in March 2009 and took the view that certain amendments needed to be made to the Act that created the network. In particular, it was suggested that there should be an external secretariat financed with funds from Community programmes.

Although some Member States had revived the idea of disbanding the network, others suggested that it should be reformed. The Swedish Presidency of the European Council agreed with this proposal, to the extent of making it a priority in its own six-month term of office. At this point, I must stress how embarrassed I am to see these empty seats, given that these proposals were made by the Swedish Presidency itself.

The proposal envisages that the network should be composed of a secretariat, of contact points designated by each Member State and of a board of directors. This board of directors should be made up of national representatives appointed by Member States and would be presided over by a chairman in charge of an executive committee.

I think there is also some confusion in this respect between contact points and national representatives. Civil society, the academic world, the world of experience and hence, of experts, are all being completely left out of the network. This is a very serious matter. The structural links between the network and the other Community institutions and bodies that are concerned with crime and its prevention have been completely cut off.

The Decision does not envisage any form of cooperation with the European Parliament and the requirement for knowledge of languages has been omitted, despite having been requested previously.

Speaking as rapporteur, I believe that this proposal is completely ineffective and is incapable of tackling crime prevention for several reasons. First, it has been unable to fulfil the objectives for which it was created; second, there has been no cooperation between the Commission, the Council and Member States, and I believe that this must be regarded as a sort of sabotage of the network itself.

Crime prevention cannot be reduced to the exchange of best practices. Unfortunately, we have witnessed what is almost a type of tourism on the part of various officials who have visited various countries and have often not even managed to speak to one another because there were no interpreters. The failure to involve civil society and NGOs, or to develop materials on prevention such as books for schools, makes this network completely ineffective. To make the network function, I think we should strengthen its powers, and also incorporate the fight against crime and the prevention of organised crime.

I therefore suggest that we reject this proposal, which could have been accepted only if the Council had presented a genuinely ambitious proposal. Unfortunately, this has not happened.

Jacques Barrot, *Vice-President of the Commission*. – (FR) Mr President, I have listened with great interest to the speeches given by Mr Nicholson, Mrs in 't Veld, Mr Albrecht and Mrs Alfano. This is a debate in which problems of both procedure and substance have arisen.

Regarding the procedural matters, I fully understand Parliament's position. The Treaty of Lisbon is just about to enter into force. I therefore wholly appreciate the questions that some of the Council Decisions may raise in Parliament. It is also true that the Commission somewhat regrets this situation. Nevertheless, I would now like to shed some light on these three dossiers for the benefit of Parliament.

As you are all aware, Europol – through a Council Decision that will replace the intergovernmental convention – is going to be subject to a new legal framework and become a European agency on 1 January 2010. The Council's adoption of this decision was preceded by lengthy negotiations, and preparations for its implementation are under way.

I do understand Parliament's concerns and I, too, am looking forward to seeing the next institutional framework in place, since it will pave the way for greater democratic control over the European Police Office. We should learn lessons from the initial implementation of the Council's existing decision so that we may have a solid foundation on which to build future legislation. To that end, it will be beneficial to involve Parliament and other interested parties when drawing up future regulations on Europol, particularly with regard to the terms by which this Parliament and the national parliaments will have control over Europol's activities.

Nonetheless, Mr President, I regret that Parliament has rejected the draft Council Decisions. These are implementing provisions governing important aspects of Europol's work, without which Europol cannot operate.

I now come to the matter of forensic laboratories. Once again, I understand that Parliament wants a different basis for this framework decision on the accreditation of forensic laboratory activities. The Commission is in favour of using accreditation because it encourages a higher quality of work from these laboratories, particularly when it comes to sensitive techniques relating to fingerprints and DNA samples. Stricter accreditation of these laboratories will lead to increased public confidence.

Again, I am aware of the problems with the legal basis. Like Parliament, the Commission believes that the framework decision, insofar as it refers to services under Article 50 of the founding treaty of the European

Community, should have Article 50 as its legal basis. We in the Commission have made a declaration that is contained in the minutes of the JHA council meeting of 23 October 2009. In that declaration, the Commission reserves the right to take measures that it deems to be appropriate in the future.

May I add that, in accordance with provisions for financial regulations, the Commission is prepared to provide financial support for the activities of Member States that allow the accreditation of scientific police laboratories. Finally, the Commission is willing to evaluate the implementation and application of this instrument for 1 July 2018, as laid down by Article 7(4) (new).

Regarding this accreditation, although I understand Parliament's position, I also think that it goes mainly in the right direction and respects all the views that have been expressed in this House.

I shall now move on to the European Union Crime Prevention Network. Naturally, we believe that crime must be prevented. Coercive measures are not enough to reduce crime and organised crime. Prevention is vital, be it at local or cross-border level. Moreover, in the proposals I recently made on human trafficking and child pornography, I have anticipated preventative measures.

Mrs Alfano, you have just pointed out the weaknesses of the network. I am aware that a recent assessment concluded that there is a very real need for European cooperation in the fight against organised crime, and I also know that public bodies, organisations and the private sector wish for a multidisciplinary approach aimed at sharing experiences, methods and instruments within Europe.

To be sure, the European Union Crime Prevention Network has encountered strategic, political and organisational problems. The Commission is aware of these. In the short term, we have increased financial support to the network's secretariat.

In the Stockholm Programme, we have prioritised police cooperation and the need to be able to manage this at Community level, in conformity with the Treaty of Lisbon. It is true that this network can fulfil a number of tasks that you have mentioned and can undertake tasks of which you have suggested some interesting examples.

We can also expect to see common projects between social and educational institutions, involving schools, continuing training and university degree courses. We are clearly at the start of a major new crime prevention policy.

It is obvious that the role of civil society and of Parliament should be increased. Furthermore, police cooperation now comes under codecision. I therefore think that we can cooperate as closely as possible within the framework of the new legal basis. This would be in the interests of all citizens affected by security issues in their daily lives.

Of course, I have some regrets about this debate, which has centred on both the procedure to follow and on the substance. However, I do think that we can do much better from now on, after the Treaty of Lisbon has entered into force and in keeping with the Stockholm Programme. Parliament will be able to play its full role in this new strategy against organised crime and, indeed, all forms of crime.

Wim van de Camp, *on behalf of the PPE Group*. – (NL) I should like to thank Mr Barrot, Vice-President of the Commission, for the answers he has given us and for the views he has contributed on the various topics.

Judicial cooperation in the European Union is a matter of great importance. When we speak of a citizens' Europe, we are, in particular, talking about judicial cooperation. In that respect, combating crime is our number one priority, primarily because crime is increasingly crossing over borders. Large-scale cross-border crime is often the big issue, compared to which national crime seems like little more than petty hooliganism.

On that score, the Group of the European People's Party is strongly in favour of not just Europol but also Eurodac being put in a strong position. I refer here to our framework for forensic laboratories.

An important element of combating organised crime is the democratic supervision of those who are combating crime. I certainly do not want to detract from that in any way, but I would ask that you take into account the position of the victim and that you continue to do so as we debate the proposals over the coming months. Combating crime often involves considering the rights of suspects, which is only right, because a suspect's privacy and his/her position in criminal proceedings are very important. However, over the course of the next five years, I would like us to pay more attention to the victim's position. Mr President, fundamental rights are not absolute; they must always be exercised in context. Or, as it says in the words of the Dutch Constitution: 'subject to every regard being paid to the law'. That applies equally to suspects and victims.

I can well understand that, and I agree that, for the time being, Parliament has to say: 'Hang on a minute!' when it comes to these four dossiers. Let us wait until 1 December, when we will have new proposals, and then we will have to take a reality check: one that demands the real involvement of the European Parliament.

Ramón Jáuregui Atondo, *on behalf of the S&D Group*. – (ES) Mr President, we have a problem, because the whole House is asking the Commission to revise the legislative package on these matters, and Mr Barrot has, very charmingly as always, told us that this goes back a long way, that it has been debated a great deal and that on 1 January, it will begin to operate. That is the reality: we have a problem.

I can tell you now, Mr Barrot, that you should tell your successor, as I realise that you cannot answer us on this matter, that when she attends the hearings in Parliament, we are going to ask her whether she intends to draw up a package of legislation on this matter, because the whole House is asking for it and it is not just a case of an over-zealous push for legislation.

It is not that Parliament is saying that it wants to be involved; it has to be involved. It has to be involved because it will have that legislative role in a few days' time, and because this is not now a matter of parliamentary control, rather that we want to make further proposals. For example, in many of the directives and decisions that come here, I see many gaps, many shortcomings and a great deal of legal insecurity. We would like to reform these provisions here.

I think that it is good for Europol to work with them. I understand that Europol is already working with them, and I want it to continue to do so, because I want Europol to move forward. I also want you to respect the right of this House to say what it thinks of these provisions, because that is its legislative function and we want to carry it out.

I am therefore telling you now that when the next Commissioner appears before us, we will ask her if she is committed to drawing up legislative proposals on this matter in order for Parliament to legislate. That is all, nothing further.

Nathalie Griesbeck, *on behalf of the ALDE Group*. – (FR) Mr President, Commissioner, ladies and gentlemen, my comment will be brief. It firstly concerns the substance and secondly the procedure, and I will repeat some of what has already been very well expressed by all the political groups.

Whilst creating an area of security, justice and freedom within the European Union is vital for us all, and certainly an example of the European democratic model that we are building, and while many of us consider Europol to be an instrument that can be adapted, we nevertheless all set great store by the fact that the pooling of resources – particularly human resources but also technical resources to fight organised crime and all kinds of trafficking – should be strictly controlled with a maximum guarantee of legal certainty, since we are striking at the very heart of our power: the rights and freedoms of European citizens.

Regarding the procedure, at the risk of sounding repetitive, I would like to assure the Commissioner, on behalf of the Group of the Alliance of Liberals and Democrats for Europe, that all the work carried out has not been in vain. However, our citizens would misunderstand and misinterpret things entirely if, after waiting for such a long time to put into operation the institutions relating to the Treaty of Lisbon, we did not have the patience to wait a few more hours or even days in order to exercise the colegislative power that we hold so dear.

For once in Europe, it is vital that we wait a few weeks until we have a text that respects our procedural framework and, like Mrs in 't Veld, I am sorry not to see the Council here with us because this is primarily a Council matter. On behalf of my committee, I therefore believe we should have a new legislative proposal.

Raül Romeva i Rueda, *on behalf of the Verts/ALE Group*. – (FR) Mr President, to continue in the same vein, I would like to take the floor as coordinator for the Group of the Greens/European Free Alliance on matters concerning freedom, which is precisely my point.

It would be incomprehensible if, given the chance to carry out this colegislative work with the European Parliament, we then failed to do so. We therefore all agree on that point. In any case, we will need to wait and see how this develops, but it would clearly be a problem if we were unable to participate as we are legitimately requesting.

I also wanted to mention another brief point concerning the report on forensic laboratories – for this is the issue I have been following – and to say as clearly as possible that, when discussing the need for coordination, we must also examine the matter of decentralisation very carefully. Let us not forget that, in certain Member

States, there is no single centre for forensic study but rather several, taking into account the distribution of territories and existing police and legal systems. Such is the case in Spain. It is important to be aware of this, because if we are going to coordinate successfully, we need to bear in mind that we are not only looking at coordination between Member States but also between regions with distinct circumstances that may not apply at national level.

Marie-Christine Vergiat, *on behalf of the GUE/NGL Group*. – (FR) Mr President, ladies and gentlemen, I shall repeat what a number of my fellow Members have already said.

Before the entry into force of the Treaty of Lisbon, the European Parliament has been asked, under the urgency procedure, to examine four texts on Europol and the issue of protecting the confidentiality of data passed on by Europol, including to third countries. We in this Parliament unanimously condemn the way in which we have been requested to examine these texts when they concern issues that will most certainly be a matter for codecision after the Treaty of Lisbon enters into force.

Many of us believe that our citizens have a right to security and that the fight against terrorism is a priority. Everything possible must be done so that our citizens do not live in constant fear of becoming the victims of terrorist attacks. It is therefore important to do all we can to strengthen police cooperation, but this cannot be done at any price and especially not to the detriment of the fundamental public right to privacy, free movement and free expression.

May I add that preventing crime should not mean more – and only more – coercive measures. It is a privilege for our democracies to protect our freedom at all times and not to undermine it unless absolutely necessary. Police cooperation should therefore take place within a specific legal framework that ensures the confidentiality of information passed on and the correct balance between information and the security aims mentioned.

The GUE/NGL Group, along with the other groups, thus calls on the Council and the Commission to withdraw these proposals. Furthermore, I also regret that the Council is not here today.

Gerard Batten, *on behalf of the EFD Group*. – Mr President, these reports lay down the rules for Europol gathering and exchanging information between EU Member States – and, indeed, third-party nations – of the most personal kind about EU citizens.

Significantly, they talk about the unauthorised disclosure of such information not disadvantaging, harming or prejudicing the essential interests of Europol. There is nothing about protecting the interests of the hapless, innocent citizen who might get caught up in the nightmare of a Europol investigation.

The most personal information may be collected, including sexual preferences and bank account details. This may even be shared with third-party countries, including those of such outstanding democratic credentials as Albania, Peru and the Russian Federation.

Europol is totally unnecessary from any objective point of view, but the EU's subjective point of view is that it is essential to have another of those attributes of a political state: its own police force.

How many of the EU's reluctant citizens know that Europol officers have immunity from prosecution for anything that they do or say in the course of their duties? For those of you here who have only just emerged from police states, this may not be very significant, but such immunity for law-enforcement officers is a concept alien to English law.

As the EU creates its own judicial system with instruments such as the European arrest warrant and trials in absentia, and now its own police force, we in Britain are seeing the destruction of our most basic and cherished liberties that have formerly protected us.

Every single rapporteur at least had the decency to say that these proposals should be rejected until the Lisbon Treaty was legally in force. If the EU had any decency, there would be referenda on the Lisbon Treaty and none of it would ever come into force.

Andreas Mölzer (NI). – (DE) Mr President, if, in the recent past, Europol's actions have, once again, succeeded in putting an end to human trafficking rings which smuggle in illegal migrants, then that is laudable. In the future, it would be equally laudable for Europol to be involved in tackling all kinds of serious, international crime. Of course, cooperation between various authorities in the fight against crime is, in principle, a good thing.

However, the issue of data protection has not been resolved with regard to the plans to grant all authorities unlimited access to data. We are being fobbed off with promises of a Data Protection Supervisor, when it is not even clear what supervisory powers they actually have. The national data protection officials are already rapidly finding the limits to their scope of action, have barely any power to intervene and little real impact. This will probably also be the case at EU level.

During the last decade, civil liberties and freedoms have been increasingly restricted in the name of the fight against terrorism. If, especially now, before the Treaty of Lisbon grants the European Parliament these codecision rights, the Ministers of Justice and Home Affairs want to rapidly push through an agreement on financial transactions, then it is only because they know that massive data protection issues are associated with it and that they would not get away unscathed in the case of the SWIFT agreement. Given that even the national law enforcement agencies are not granted this right under their respective constitutions, then why should Europol and, via the back door of the EU, the United States, in particular, be granted such unlimited rights? In my opinion, we should stop this attack on data protection.

Simon Busuttil (PPE). – (FR) Mr President, allow me first to express my congratulations and thanks to the Vice-President of the Commission for everything he has done as the Commissioner responsible for this area.

I hope that the two Commissioners who succeed you – not one Commissioner but two – will draw inspiration from your political vision, your commitment and your work. Thank you, Mr Vice-President.

(MT) Please allow me now to come to the point concerning the excellent opportunity I recently had to visit the office in my country responsible for Europol, relations with Europol as well as the Schengen area. In this office, there are a number of police officers who are carrying out excellent work in this area in collaboration with police officers in other EU Member States. I applaud their efforts and would like to add that this visit gave me the opportunity to appreciate the huge importance of the Europol agency. I had the opportunity to appreciate it from close quarters; its importance in combating criminality, especially since we now live in an area of liberty, of free movement within the European Union and within many European Union countries.

Obviously, the reason why we shall be voting against these proposals is not because we hold something against Europol, but indeed because we as the European Parliament want to contribute towards strengthening this office, which from next year will become an agency, so that it can truly accomplish its mission of combating criminality in a truly effective manner.

Rosario Crocetta (S&D). – (IT) Mr President, ladies and gentlemen, concerning the request from the Council that we approve the proposal for exchanges of information between Europol and partners, including third countries, one can see what this would lead to: the proposal, if approved, would create the absurd situation of regulating, among other things, the exchange of information between Europol and third countries without Parliament having yet approved any such list of countries.

This proposal, in its depiction of the handling of personal data, seems to pave the way for the creation of a truly limitless database which could even be made available to third parties that have not yet been specified by Parliament.

Article 15(2) of the Council's proposal states that in cases of absolute necessity, even where there is no suggestion that a crime has been carried out, data may be transmitted that reveal a person's race, ethnic origin, political stance, religious and philosophical convictions, trade union membership and so on, without it being specified what is meant by 'absolute necessity' and, worse still, by endorsing the idea that there is such a thing as racial groups.

It would be interesting to hear the Council clarify what a racial group is and which racial groups exist. As far as I am concerned, I believe that there is only one race – the human race.

For these reasons, but also to maintain the independence of Parliament, which must work within the necessary time limits, I believe that the Council's proposal in its present form must be rejected by the requested deadline of 30 November.

Alexander Alvaro (ALDE). – (DE) Mr President, I would like to join Mr Busuttil in thanking the Vice-President of the Commission, Commissioner Barrot, for the work he has carried out. He has certainly not taken on an easy legislative dossier, and has often battled against the wind and rain, but trust me, Mr Vice-President, you would have found an excellent umbrella in the Group of the Alliance of Liberals and Democrats for Europe, which you could have used in these kinds of situations. Nevertheless, much has been said about Europol, so

I do not think I need to repeat what fellow MEPs have already said, namely that it seems surprising that, before the 30 November, that is to say before the Treaty of Lisbon enters into force, we are still expected to pass this through Parliament. In that respect, it is a natural reaction for Parliament to reject these proposals.

It is also a shame that the Council cannot honour us with its presence today, so that it can also take these comments on board. I am sure that they will be taken into account. I wanted, above all, to comment on Mr Kirkhope's report on forensic laboratories and standards, by saying that we often have to consider whether we should begin with the details of the matter, namely what data will be transmitted and how, and whether this data is truly comparable, especially in the case of forensic laboratories. If DNA data is obtained in different ways and then transmitted and a match is not possible, then more harm than help is done to the person concerned. Perhaps one should bear these thoughts in mind.

Ernst Strasser (PPE). – (DE) Mr President, Vice-President Barrot, thank you for your understanding of Parliament's clear stance in relation to procedural issues. We are not rejecting the proposals of the Council and the Commission. Rather, we want to take part in the decision-making process. That is the crucial point, in terms of our vote.

It is quite clear that Europol is one of the European Union's success stories. Particularly in the fight against drug crime, human trafficking, the funding of terrorism and the printing of counterfeit money, Europol plays a pivotal role in terms of the exchange of information and provides a focus for existing police cooperation networks. It is of the utmost importance that its functions are expanded further. That is why we should also welcome the fact that the agency will have a new basis. That is where we will need an exchange of data and internal links between the police forces in the European Union. We need this in order to successfully combat terrorism and crime. We also need these things – and that must be made equally clear – in order to uphold the rights of European citizens.

Here is a European attitude, and clear European values, which were also reinforced here in Parliament by a broad majority in the Decision on SWIFT codes in mid-September. We have to demand the following from the Council and the Commission: this fundamental principle, and these guidelines, now also have to be implemented in negotiations with the United States. We need to do this in order to ensure the security of European citizens.

Kinga Gőncz (S&D). – (HU) I, too, am pleased that the Council has made a commitment to the further development and reform of the European Crime Prevention Network. In light of this, it is really a pity – as several people have already mentioned – that the representatives of the Council are no longer present during this debate.

I, too, would like to separate my comments on the process from the actual contents. The decision that this network was necessary was made 10 years ago. The current assessment has shown that the network has not made the most of the opportunities which might have been given. However, it has also been made clear that we need such a network, and we need to develop it further, involve civilians and researchers, and cooperate with law enforcement agencies. I, too, would like to say that the Group of the Progressive Alliance of Socialists and Democrats in the European Parliament regards the network's work and further development as important. The fact that the European Parliament is now rejecting this initiative is precisely so that this measure will have even stronger legitimacy under the Treaty of Lisbon and that we can become more actively involved in it.

Cecilia Wikström (ALDE). – (SV) Mr President, Europe's greatest failure today is that we have still not succeeded in putting a stop to the people-trafficking that is going on right in front of our eyes. Women and children are sold like commodities over the counter throughout our Member States. A conservative estimate by Europol suggests that half a million women will be bought and sold in Europe in 2009. This is something that we have to talk openly about and we need to come up with strategies to eradicate it.

There are institutions within the EU whose goal it is to combat people-trafficking and organised crime, but as things currently stand, these have many shortcomings. Cooperation between the Member States, the Commission, the Council and Parliament needs to improve radically for us to have any chance of tackling serious crime once and for all. This includes organised crime, the activities of the mafia and people trafficking, too.

In just a few days' time, the Treaty of Lisbon will enter into full force. I think we will then be able to breathe a little easier, because we will finally have the hope of deeper cooperation to ensure the security of our citizens throughout the Member States. Soon, we will be able to see Europol strengthened and there will be effective

cooperation between Europol and Eurojust. Then we will finally be able to take up the fight against organised crime in Europe, including people-trafficking and mafia-like crime syndicates. Let us, in 2009, once and for all say that people-trafficking is unworthy of Europe in this day and age.

Birgit Sippel (S&D). – (DE) Mr President, ladies and gentlemen, we should discuss today's debate, and particularly the decisions which follow the discussion, not from a formal, but rather a political perspective.

Uniform standards for laboratory work are, of course, also important for cooperation between the police and the judiciary that is based on trust. However, there are many aspects of this matter which time does not permit us to discuss. In principle, however, the core issue is altogether different, namely how seriously the political *acteurs* take the Treaty of Lisbon, the rights of the Parliament and the citizens, as well as the trustworthy cooperation of the Council and the Parliament.

I would like to give three examples: the Treaty of Lisbon describes the High Representative as a strong voice for Europe, and it is a great shame that the Member States have clearly also applied different criteria in this case. The agreement on SWIFT codes, which is controversial in many ways, could once again be subjected to careful scrutiny by the European Parliament next Monday. Instead, it is to be quickly ticked off the list a few hours beforehand and signed with the United States.

We are facing the same situation with the topics we are dealing with here. Shortly before the Treaty of Lisbon enters into force, we are being asked to quickly push through decisions, which include provisions for the future which will limit our scope for making decisions, or at least significantly restrict them. We have to ask ourselves why this is the case, as it was certainly possible to submit new proposals on other issues.

The Council's and the Commission's stance lost them the chance to send a clear message to the people of Europe, a sign of commitment to implementing the treaty, a sign of a democratic Europe of the citizens. We, the European Parliament, have only one option: we must reject these proposals, as we want a broad public debate and we want to use our strengthened rights to support the citizens now, rather than in the near or more distant future.

Luigi de Magistris (ALDE). – (IT) Mr President, ladies and gentlemen, this evening's very interesting debate has helped us to understand some very important points, particularly concerning the European Crime Prevention Network.

Firstly, now that we have the Treaty of Lisbon, Parliament's role in the framework of codecision procedure must be increasingly enhanced, and in two ways. First, culture: organised crime and mafia organisations can be eliminated above all with information and awareness. A great Italian judge, Giovanni Falcone, who was murdered by the Mafia, used to say that the latter was a phenomenon that had a beginning and an end. The end must consist of a huge mobilisation in cultural terms, and it must start in Europe and in Parliament.

A second point is that organised crime must be combated more effectively, above all with the introduction of the European public prosecution service, and I think also with the inclusion of certain very serious crimes, foreseen only in certain Member States. I am thinking, for instance, of mafia crimes.

We must understand that the mafia crisis concerns the whole of Europe, since mafia organisations have the capacity to penetrate right through institutions as well. There is a very close relationship between mafia organisations and corruption, as recent reports have also emphasised, and fraud in the European Union, as we were recently told by the European Court of Auditors too.

Debora Serracchiani (S&D). – (IT) Mr President, ladies and gentlemen, as shadow rapporteur of one of the dossiers on Europol, I can only reassert what has already been said by the Members who have spoken before me.

Thanks to its role in the collection, analysis and exchange of information, Europol facilitates investigations in Member States and has thus become an important tool in the fight against crime.

We need to be more effective in tackling crime, but at the same time, we must resolutely assert the authority of this Parliament.

The Council has decided that it will, in any case, adopt the texts of the Europol package on 30 November, without waiting for Parliament to obtain the power of codecision on this matter with the entry into force of the Treaty of Lisbon on 1 December.

The aim of rejecting the proposals is not to stand in the way of Europol assuming its new role as a European body, but to have the powers of this Parliament, the European Parliament, extended, especially on important matters relating to freedom, security and justice.

Finally, I think that it is right to give Parliament greater powers of scrutiny over Europol's activities in order to check that the handling of data held by Europol does not undermine the rights of European citizens.

Monika Flašíková Beňová (S&D). – (SK) The field of forensic medicine has gained prominence in recent years, mainly due to its ever increasing importance in the fight against crime and criminality.

The high level of cooperation between countries may, in this regard, help towards greater effectiveness in the fight against crime. Practical experience shows clearly that such cooperation is not enough in itself and that it is essential to create a common legal framework setting out standards for the activities of forensic laboratories as well as a network of such highly-qualified laboratories across the entire European Union.

The fact that there is no agreement through which common accreditation standards could be applied to the analysis of scientific evidence is a serious deficiency which must be corrected. I hope for this reason that the Council will launch initiatives as soon as possible and produce a new document as soon as possible in which the European Parliament will also have considerable involvement.

Despite the fact that I wanted to talk more about forensic laboratories, Mr President, I would like to say in conclusion that it is definitely not my ambition to inflate the importance of the European Parliament, but I consider it absolutely unprecedented that no representative of the Council was able to find the time to come here and listen to our views.

Artur Zasada (PPE). – (PL) Mr President, speaking as a law graduate and former police officer, I would like to stress the importance of the Council framework decision, whose objective is to oblige all forensic laboratories supplying the results of genetic and fingerprint tests to observe the ISO 17025 international standard. This extremely significant decision is intended to strengthen the credibility and reliability of the evidentiary process, and, in so doing, to increase the confidence of society in law enforcement agencies and the justice system.

Janusz Władysław Zemke (S&D). – (PL) Mr President, we will probably return to this subject in six months, when we will find ourselves facing the same problems. On the one hand, it will be important for us that the police and Europol work as effectively as possible. On the other hand, we must always remember that we are also dealing here with matters of human rights, and very often with matters of sensitive data.

The same work will be waiting for us, and so in relation to this, I would like to call attention in particular to Article 15 of the Council Decision adopting the implementing rules governing Europol's relations with partners, including the exchange of personal data and classified information. For I would like to draw attention to the fact that we are talking, here, about very sensitive data, and we are saying that transmission of such data shall not be permitted unless strictly necessary. We need to think about who is to decide what is strictly necessary, because this is an extremely significant question.

Jacques Barrot, Vice-President of the Commission. – (FR) Mr President, my job has not been easy given the Council's absence. Even so, I would like to mention some of the reasons that have led your Commission to agree to table these texts nonetheless.

Concerning Europol first of all, it would be difficult to stop Europol from becoming an agency. There will be other texts on Europol, and Parliament will, of course, be colegislator. It would be very difficult to interrupt Europol's work. May I also clarify that the head of Europol is now a British man of great quality. It would be a shame to somehow interrupt Europol's work.

Regarding the other two texts, it is important to recognise that these are the result of an initiative by the Council and the Member States. Even so, it is a step forward for Member States to have accepted the idea of laboratory accreditation in order to have reliable data. It is a positive result and a step forward.

As for the prevention network – and this is where Parliament's observations are most justified – it will surely be necessary in the future to strengthen it and give it other tasks. I understand you perfectly and I thank Mr Busuttil and Mr Strasser – and the chairman of the Committee on Civil Liberties, Justice and Home Affairs was here earlier too – for having understood that I also feel strongly that Parliament should be closely involved. Everything I have done over the past five years has been thanks to Parliament's support. I am therefore, as you know, truly keen for Parliament to be involved.

Moreover, I would like to add that the Commission believes we need an in-depth, case-by-case analysis in order to determine whether or not we should change the third pillar *acquis*. It is important to understand that we are in a period of transition from an intergovernmental approach to a community approach, and I am delighted for Justice and Home Affairs.

I am also conscious of the fact that you are all keen to be involved in a form of police cooperation that is respectful of human rights and mindful of the European Union's values. Of course! I believe that Parliament's role will have a positive impact on all future texts that will enable us to take police cooperation further, once again in conformity with citizens' values and rights.

Nevertheless, this is a period of transition and I entirely understand your desire to become involved in the preparation of these texts. However, I repeat that the Commission believes that we should review the texts of the third pillar *acquis* in a full, case-by-case analysis. Should existing instruments become obsolete or need supplementing or updating, then we will be able to make proposals. My successors will make proposals that allow Parliament to improve the texts, for it will at last be colegislator.

On this point, Mr President, may I reiterate that at the end of my term of office, I will pay careful attention to all the suggestions made to me by the European Parliament. May I stress, however, that we are well aware that a number of texts necessary for police and judicial cooperation will need to be given a new basis, thereby enabling Parliament to carry out its role as colegislator.

In the meantime, I hope you will understand why I have tried to explain our reasons for wanting Europol to become an agency on 1 January and to continue its work, and we have taken note of the progress that Member States have willingly made in terms of laboratory accreditation and the crime prevention network.

Once again, I understand Parliament's position and rest assured that in the coming weeks I will, as far as possible, defend this great area of freedom and security that Member States will henceforth develop with Parliament's active support.

James Nicholson, *deputising for the rapporteur*. – Mr President, we have had a very good debate this evening. I think it is the Presidency that stands indicted tonight for their absence. They have not been here, and I think they must bear the shame for it.

I just want to make a couple of points. I agree totally with Sophia in 't Veld. Of course, we want a strong Europol in the longer term, and even a better, more cooperating Europol where that is necessary. We only have to look at the many problems we have facing our borders today – drugs, human trafficking, international crime and terrorism, to name but a few – to see the need for that.

I think it was the spokesman for the PPE who raised a point that came very close to me when he talked about the rights of the victim weighed against those of the perpetrator. I think that this is something we have got to give very serious thought to.

Very sadly, we so often see those who carry out the crime get more sympathy and more support than the victim who was on the receiving end of what happened. There are many areas where that can be shown to have been the case. There is no way that can be held to be acceptable. I believe that we must give more support to the victims, and I think that then clearly identifies who was the victim. No way can you have those who perpetrate the crime being given equal treatment with the victim.

Anyone who believes that in today's society we can survive without cooperating is living in cloud-cuckoo land. That is the reality as far as I see it. We had a very plain example where I come from – in Northern Ireland – over the last few weeks, where cooperation between the Police Service of Northern Ireland and the Garda Síochána in the south made it possible to apprehend, bring back and prevent entering the market millions upon millions of cigarettes. Do you really think that could have happened if there had not been cooperation – not just between them, but cooperation all the way to the Far East?

Yes, my friends, we have to have a strong Europol, yes, we have got to work towards that and, yes, we must look to cooperate where it is in the best interests of everyone.

Sophia in 't Veld, *rapporteur*. – Mr President, before I make my intervention, I, too, would like to extend my gratitude to Commissioner Barrot. I can only say that he has set the standards very high for his successor.

I will not go into the substance, because I think we should have that debate later, but I will briefly come back to the procedure, because I would like to clarify one thing.

I have heard indirectly, as it were from the empty chair over there, that there is a very good reason why the Council is in a rush, namely because we do not want to stop Europol working. It has to become an agency by 1 January.

But if the Council were sincerely interested in the views of the European Parliament it could have been here. It could have started the procedure much earlier than the end of July. It could even have accepted the European Parliament's offer to work very quickly, because the Parliament always shoulders its responsibilities, and we work very quickly if we have to.

We offered that to the Council by way of a procedure that would be in the spirit of Lisbon at the very least. We asked for one month's extension, but the Council was simply unwilling to give us that extension; and the fact that the Council is absent today, and has not been interested in talking to the European Parliament, only demonstrates that they simply do not want to involve the European Parliament; it demonstrates their insincerity.

I regret that, because, by now, it is seven days, three hours and forty minutes away: we will have to work together. I would just like to point out here that, as has been said very well by one of our colleagues, this is not about our egos. It is not about the European Parliament being sidelined. It is not even about the national parliaments being sidelined. This is about accountability to the citizen, because it concerns very important decisions.

We are talking about the transfer of personal data and confidential documents to third parties, about the data and confidential information of our citizens, the people that we represent. Those are the ones that the Council is accountable to, more than to us.

Finally, I heard what the Commissioner said, but I would like to have a statement from the European Council promising – given that they have rushed through this whole package – that they will withdraw or review the decision as quickly as possible, within a maximum of six months, and then fully involve the European Parliament in a full codecision procedure and be accountable to the citizens.

Jan Philipp Albrecht, rapporteur. – (DE) Mr President, first of all, I would like to thank the Commission for its work in relation to Europol, and I would like once again to state that this is not a question of hindering the process of transforming Europol into an EU agency.

However, the question of what remits are given in terms of the relationship between the State and the citizens is, of course, as fundamental as it is sensitive, and one which ought to be discussed here in Parliament. In a democratic system, it is a decision that must be taken by parliament, and one which must be discussed in depth to give the final outcome sufficient legitimacy.

I find it quite worrying that, as Mrs in 't Veld has already said, the Council is not even present to hear this criticism, something that I believe to be a fundamental part of any democracy. I hope that the government will finally take on board the Parliament's criticism regarding the work that has been carried out to date in the field of security policy.

A debate on the rights of citizens is needed at parliamentary level throughout Europe, as is a debate on the effectiveness of our security policy. The European Parliament and national parliaments must play a more significant role in both.

I would like to thank the rapporteurs for the signal we have given together here, and hope that it was unmistakeably clear and that the Council will also respond to it.

Agustín Díaz de Mera García Consuegra, rapporteur. – (ES) Mr President, I would like to express my deep respect for the European Police Office, which I certainly support. I hope that, as soon as possible, it will have available all the legal, human and material resources it needs to achieve its objectives and realise its full potential, under the Treaty of Lisbon.

To summarise very briefly, what is the European Police Office, the new Office?

It has ceased to be intergovernmental and is now a Community body, with a Community budget and under the control of the European Parliament. We should, however, consider what is least defined. We should ask ourselves what is most uncertain.

What is most uncertain in the decision is control by the European Parliament. We cannot therefore understand or accept, Mr President, the haste that no one can reliably justify, and which is, in short, limiting Parliament's

control role. This is the 'A' in this ABC, Mr President. We cannot accept the Council washing its hands of the matter either. Tomorrow, when we vote, we will ask the Council for a statement along the lines already referred to. It should be a statement that says that it commits to putting forward a new package of legislation under the Treaty of Lisbon, within six months.

Finally, Mr President, it is neither reasonable nor acceptable for us to help to promote the very thing we are criticising. For example: six reports on such important matters cannot be debated in little more than an hour and a half, in a single afternoon. Firstly, we are talking about the crime prevention network, secondly about the forensic laboratories, and we are also talking about four reports on Europol. This is not reasonable.

We have seen how important this debate is, but we have not been able to go into great depth because Parliament itself and its services have made it impossible for us to do so, as we are required to deal with no less than six reports at the same time.

I therefore hope, Mr President, that in future, more thought will go into holding the debates that concern us and occupy us so much. We will put questions to the Council tomorrow.

Sonia Alfano, rapporteur. – (IT) Mr President, ladies and gentlemen, I should like to thank the Members who have taken part in this debate. I should, in particular, also like to thank Mr Barrot for having taken our concerns on board.

Our proposed rejections are not unjustified: they are not intended as a simple 'no' to the Council. On the contrary, we should like to be involved, given that the Treaty of Lisbon will come into force within a few days, and I consider that Parliament's role as colegislator is of fundamental importance.

I had personally asked the Council formally to present a much more ambitious proposal on the European Crime Prevention Network and to do so immediately after the entry into force of the Treaty of Lisbon. This proposal was not presented. Therefore, it proved truly necessary to reject the proposal, and I believe that Parliament has the right to operate on the basis of full codecision, especially regarding such important issues as this.

I thank Mr Nicholson for what he said concerning the roles of victims and perpetrators, roles that are too often reversed. In the few months that I have been in Parliament, I have noted that Parliament and the European Union have accorded an extraordinary degree of importance to the fight against terrorism, while sadly there is a lack of will to address not only the fight against crime, but the organised crime that is at the root of it.

It is impossible to imagine combating or preventing crime without considering the possibility of a more comprehensive operation to repress and prevent organised crime and the Mafia – as Mr De Magistris has stated, quoting the remarkable words of Judge Falcone, who was murdered by the Mafia.

This said, I should like to make a small digression as someone who unfortunately has had first-hand experience of these matters. All too often, there is not only confusion between victim and perpetrator, but there are governments – and sadly the Italian Government has not paid much attention to this matter – which put victims of the same type of crime on a different footing from each other. Victims of terrorism are treated in one way, and victims of the Mafia in another.

In my view, these differences and forms of discrimination cannot continue to exist, because such differences have absolutely no place in a Europe that aims to base its policy on innovation.

President. – Please allow me also to join those who have congratulated Jacques Barrot for his responsible and excellent work. I would like to thank the rapporteurs for their work.

The joint debate is closed. The vote will take place on Tuesday, 24 November 2009.

Written statements (Rule 149)

Raffaele Baldassarre (PPE), in writing. – (IT) The Treaty of Lisbon substantially changes the institutional balances that were originally outlined by the Treaty of Maastricht concerning police and judicial cooperation in criminal matters by including, though with substantial exceptions, the ordinary legislative procedure relating to the area of freedom, security and justice.

It is therefore necessary for any amendment to the measures implementing the Europol decision to be adopted within the new legislative framework envisaged by the Treaty of Lisbon. Europol cannot be strengthened

unless Parliament is able to express itself properly on regulations relating to measures that are not purely technical but political, such as the transfer of personal data.

Allow me to add a thought concerning the European Union's increasingly outward-looking stance and the increased synergy between internal security and defence. Even if the treaty has no immediate effect on the development of security and defence markets, it paves the way for the development of a more integrated and consistent security market, which requires legislative actions that are coordinated and therefore interinstitutional. It would therefore be all the more inconsistent, if not indeed harmful, to adopt 'political' amendments to the measures implementing the Europol decision that do not follow the legislative procedure envisaged by the Treaty of Lisbon.

19. Use of information technology for customs purposes (debate)

President. – The next item is the report by Alexander Alvaro, on behalf of the Committee on Civil Liberties, Justice and Home Affairs, on the initiative of the French Republic with a view to adopting a Council Decision on the use of information technology for customs purposes (17483/2008 - C6-0037/2009 - 2009/0803(CNS)) (A7-0052/2009).

Alexander Alvaro, rapporteur. – (DE) Mr President, I would like to welcome Commissioner Kallas and my fellow Members. Fundamentally speaking, the issue we are about to discuss is not a controversial topic at all. The matter at hand is the adaptation of information technology in the field of customs and excise. For many people, this is a terribly technical topic. However, with respect to the fight against fraud and other crime, it is a very important aspect of cooperation in the field of customs and excise, and the exchange of information.

We have been able to work successfully together with the Swedish Council Presidency, and I would therefore like to thank those who have supported and accompanied us throughout the process, as this dossier is not exactly a new one. We have demonstrated our cooperation through the fact that Parliament has taken on and voted on in committee significant amendments, which the Council had already proposed in the course of its work. I therefore also assume that the vote on the matter this week will have a positive outcome.

The only measure on which Parliament does not agree is the extension of Europol's powers in this field. This view is certainly not reflected in all political groups in this House. However, it is in the final result of the vote on the report on information technology in the field of customs and excise. This is, to a certain extent, linked to the debate which was held here previously, when our intention was different, namely to send a signal that, having fairly recently defined a mandate for Europol, under which it was to be an agency, its powers in a number of small and specific areas are being extended or expanded.

To a large extent, it is also fitting, given the importance and role of Europol, that its remit be defined in a mandate such as the one we have decided. It also promotes transparency, so that not only we, but in particular the citizens, for whom we make policies, know what Europol is allowed or not allowed to do. Transparency is a fundamental part of any structure involving prosecuting and police forces in the Member States, and this must also apply at a European level.

Other than that, there is not a lot to say, and even though one tends to want to exceed one's speaking time, I can cut mine short in this case. I would like to thank the Council Presidency and my fellow Members for their excellent cooperation, and I am sure that we will be able to successfully vote on the report this week.

Siim Kallas, Vice-President of the Commission. – Mr President, the Commission supports in principle the text of the draft Council Decision, because it is necessary to ensure that the provisions of mutual assistance and administrative cooperation evolve as far as possible in parallel, and it is necessary to fix the provisions establishing that the general budget of the European Communities will bear the costs relating to the use of the Customs Information System by the Member States.

This legal correction should not imply any increase in the budget, and it is necessary to ensure greater complementarity with action in the context of cooperation with Europol and Eurojust by granting the same level of access for these agencies to the Customs Information System (CIS), including its customs files identification database (FIDE). That being so, the Commission cannot support Parliament's amendment aiming to grant a different level of access to CIS/FIDE for Europol and Eurojust.

In general terms, the Commission welcomes most of the amendments tabled by Parliament. In this context, I would like to make the following comments.

The Commission shares the opinion of the rapporteur, Mr Alvaro, that it is regrettable that this proposal should be decided in such a hurried manner by the Member States prior to the entry into force of the Lisbon Treaty. In fact, the Lisbon Treaty provides a new legal basis whereby a new regulation could replace the present CIS Convention, a regulation which would have direct effect in Member States and not require transposition into national law before becoming operational, as is currently the case for Regulation (EC) No 766/2008 on the administrative part of the CIS.

The Commission also shares the opinion of the European Parliament that, for the data protection supervision of the IT application, the solution aiming to replace the Joint Supervisory Authority (JSA) with the European Data Protection Supervisor (EDPS) is the most appropriate. Combined supervision by JSA and EDPS would present some risks of possible duplication and overlapping of work. In any case, a coordination mechanism, including for issuing relevant recommendations, should be put in place.

IN THE CHAIR: MRS KOCH-MEHRIN

Vice-President

Petru Constantin Luhan, *on behalf of the PPE Group*. – Madam President, I congratulate and thank my colleague Alexander Alvaro for his work and for the good cooperation we had during the drafting of this report. It was a report where I agreed with the rapporteur on the main points, namely that access to the data entered into the customs information system is to be ensured only to specifically designated bodies and staff like the Member States, Europol and Eurojust.

Another point which was raised in one of my amendments and supported by the rapporteur refers to the fact that Member States, Europol and Eurojust are not granted the possibility to communicate data to non-Member States and third countries because of the absence of sufficient data protection in those countries. In my opinion, the review of the customs information system as reflected by the report is necessary in order to adapt it better to the control services' requirements and to allow a limited number of users to carry out analyses of the information contained in the system.

The review will also increase the effectiveness of the cooperation and control procedures of the customs administrations due to the joint, automated information system which will assist in preventing, investigating and prosecuting serious contraventions of national laws.

Marie-Christine Vergiat, *on behalf of the GUE/NGL Group*. – (FR) Madam President, I would first of all like to correct the information that is on the notice board. I have not joined the Group of the European People's Party (Christian Democrats); I am still with the Confederal Group of the European United Left – Nordic Green Left.

At the request of the French Government, we have been presented with a text making provision for customs administrations to cooperate with Europol and Eurojust.

Once again, this is an area that will most certainly be a matter for codecision after the entry into force of the Treaty of Lisbon. We therefore regret that, as with Europol, haste has overridden the desire to safeguard fundamental freedoms.

In all these texts, we deplore the fact that the crucial balance between security and respect for fundamental rights comes increasingly under threat, to the detriment of freedoms, and for overall results that sometimes fail to convince our citizens.

We are also sorry that, as regards this text seeking to establish links between files held by customs, the police and Eurojust, the position that the European Parliament is proposing we adopt is more timorous than our position on Europol, for the dangers are the same and the safeguards laid out in the texts submitted to us are even more fragile. For example, it is outrageous that there is no clear limit on data retention periods.

At a time when, in all our countries, our fundamental freedoms are increasingly undermined by security policies, we regret that the European Parliament is not properly fulfilling its role of safeguarding fundamental rights and freedoms.

Certain improvements I proposed have been adopted in this area, particularly concerning Europol. I am very pleased about that and I thank my fellow Members, but these are insufficient, especially in relation to the principles of proportionality and necessity, which must always prevail when rights and freedoms are at stake.

For these reasons, if other amendments giving greater protection to our citizens are not adopted, the GUE/NGL Group will abstain on this text.

Carlos Coelho (PPE). – (PT) Madam President, this initiative is aimed at establishing a shared, automated system for customs-related information for customs administrations in the Member States. Such a system would aid the prevention, investigation and elimination of transgressions of both Community laws and national laws.

I welcome the desire to facilitate the exchange of information, to improve and to consolidate cooperation between customs authorities, and the establishment of procedures for joint actions. I am certain that rapid and efficient exchange of information will lead to a service that is fundamental to combating illegal trade.

When we talk about information systems, however, we should not forget that these contain personal data, and that issues relating to the protection of such data and personal privacy are of paramount importance.

I agree with the rapporteur, Mr Alvaro, that we must remain alert so as to avoid any possible violation of basic rights, especially the right to privacy, according to which information of a personal nature entered into the system must be limited to what is strictly necessary, without contravening personal privacy. We must guarantee that this data can only be used for ends that are clearly defined and circumscribed within the framework of the applicable legislation. Moreover, this data should only be kept for as long as necessary to fulfil the purpose for which they were recorded.

It is equally important to ensure that access to this information system is transparent and in line with the regulations applicable to similar information systems, as is the case for the Schengen Information System II or the Visa Information System. For this reason I do not support the amendments tabled by the Confederal Group of the European United Left – Nordic Green Left.

As for the supervision of data protection, instead of trying to create ad hoc solutions, it would be preferable and advisable to retain and implement the same system of supervision as that chosen for other, similar systems, not only for the sake of consistency, but also to ensure that there are no discrepancies in the matter of data protection.

Finally, Madam President, I share the views of Commissioner Kallas and the rapporteur, Mr Alvaro, regretting the hasty manner in which the Council has tried to close this dossier before the Treaty of Lisbon enters into force.

Alexander Alvaro, rapporteur. – (DE) Madam President, as we can see from the fact that many people wish to take the floor, this is an exciting legislative dossier. Nevertheless, I would like to briefly use this opportunity to respond to what Commissioner Kallas talked about, namely the Commission's rejection of the proposed amendments regarding Europol. I understand the Commission's motives, as well as the desire to maintain consistency, very well indeed.

Just now, Mr Coelho referred to an issue, one that has also been mentioned by others, including Mrs Vergiat, which has given us much food for thought. When we are faced with the task of achieving the highest possible standards with respect to the data pertaining to our citizens, then it is not terribly helpful – and perhaps this is something that the Commission should consider in the future, in spite of their rejection of the proposals – for us to have provisions concerning Europol's remit, namely what data is processed, under whose authority this is done or to whom it is transferred, which are divided between numerous legislative dossiers. There comes a point when it is no longer clear what data may be used by Europol and how it may do so, and what data may not be used. With regard to the Europol mandate, it would make more sense if all this was established in general terms, instead of legislation always being drawn up on a case by case basis. It would make the legislation more transparent for the citizens and would surely also benefit Europol's work.

Other than that, I have nothing more to add. Perhaps I may just add a brief comment regarding a point that was mentioned earlier, namely the different access rights granted to Eurojust and Europol. In this case, of course, one must take into account the fact that a law enforcement body operates in a different way to a prosecuting body and should, therefore, have a different remit. However, if we are to have a Justice Commissioner in the future, we may also be able to deal with this issue at European level.

President. – The debate is closed.

The vote will take place tomorrow at 12.00.

20. Macro-financial assistance to Georgia - Macro-financial assistance to Armenia - Macro-financial assistance to Serbia - Macro-financial assistance to Bosnia and Herzegovina (debate)

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

– the report (A7-0060/2009) by Mr Moreira, on behalf of the Committee on International Trade, on providing macro-financial assistance to Georgia [COM(2009)0523 - C7-0269/2009 - 2009/0147(CNS)]

– the report (A7-0059/2009) by Mr Moreira, on behalf of the Committee on International Trade, on providing macro-financial assistance to Armenia [COM(2009)0531 - C7-0268/2009 - 2009/0150(CNS)]

– the report (A7-0061/2009) by Mr Ransdorf, on behalf of the Committee on International Trade, on providing macro-financial assistance to Serbia [COM(2009)0513 - C7-0270/2009 - 2009/0145(CNS)]

and

– the report (A7-0067/2009) by Mr Winkler, on behalf of the Committee on International Trade, on providing macro-financial assistance to Bosnia and Herzegovina [COM(2009)0596 - C7-0278/2009 - 2009/0166(CNS)]

Vital Moreira, rapporteur. – (PT) Madam President, Commissioner, ladies and gentlemen, as this is the first time that I have spoken in front of a plenary sitting of the European Parliament, permit me to greet you all and express my pleasure, enthusiasm and sense of dedication at participating in this assembly, which represents all European citizens.

As for the task that has brought me here, I am to present before you today two reports on the allocation of macro-financial assistance to Georgia and Armenia, which are aimed at alleviating the fiscal problems and external accounts of both these Caucasian countries. Both of these countries are our partners under the European Neighbourhood Policy, and have been severely hit by the global economic and financial crisis of the last two years.

In the case of Georgia, the impact of the crisis has been exacerbated by the direct and indirect consequences of the military conflict that occurred last year with Russia, including a large number of people who were displaced within the country.

The economy of neighbouring Armenia has also been affected by the combination of the economic recession and, in particular, the rapid deterioration of the Russian economy, due to the great dependence of the Armenian economy on trade with its large neighbour to the north. This pushed these two countries towards a very difficult economic, financial and social situation.

The two proposals for exceptional financial assistance that we are discussing today will reduce the budgetary deficit and have an immediate positive impact on the public finance and the balance of payments of Georgia and Armenia, provided that they are implemented with immediate effect. For this reason, our two reports fully support the need to secure this financial assistance for Georgia and Armenia.

Moreover, in my capacity as Chairman of the Committee on International Trade, I proposed to my colleagues on the Committee that they approve these two proposals without amendments, under the simplified procedure, and the proposal was approved unanimously.

However, in the reports which we presented before the plenary, we registered a complaint about the delay and the short time which the Commission granted us to discuss these agreements. In the future, we will consider such delays unacceptable, although we acknowledge the inevitability of swifter processing for these types of issues, given their exceptional nature.

Our position on this matter does not mean that my colleagues or I do not have our reservations and concerns about the proposed agreements themselves. It is, moreover, likely that some of us, had we had the choice, would have taken the opportunity to table amendments, emphasising, for example, the importance of certain conditions and criteria relating to the assistance in order to improve the transparency of its content and implementation.

Yet this would have meant – I am on the point of concluding, Madam President – that we would not have managed to approve these agreements on the two countries.

In view of this, considering the factual circumstances and the strategic importance of these two countries within the context of the European Neighbourhood Policy, I urge all present to approve these two proposals for macro-financial assistance without amendments, as advised by the Commission.

Miloslav Ransdorf, rapporteur. – (CS) The committee has debated this report and a simplified procedure has been proposed as this is an extremely urgent topic. My topic is macro-financial assistance for Serbia, which I consider to be the central economy of the Balkans. In my opinion, there are many reasons why we should provide substantial support for this country as it seeks EU membership during a difficult period characterised by huge financial instability. There is a drop in State revenues, there are inflationary pressures and the country is, of course, confronted with a whole raft of consequences of past actions, for example, a major problem with environmental damage caused at the time of the NATO air attacks. There is also a humanitarian problem here, as there are 750 thousand refugees in the country from other parts of the former Yugoslavia and, of course, the current financial crisis has exposed all of the structural deficiencies of the Serbian economy. In addition, the war that took place in 1999 and the air attacks reduced the share of final production in the overall output of Serbia and that has also exacerbated the foreign trade balance. On top of this was the poor harvest last year which further weakened Serbian state revenues. The situation is now very grave.

I consider it necessary for us to accelerate this assistance so that it can come into operation by the start of next year, and I have therefore proposed the simplified procedure via our committee chairman. I would like to emphasise that this is also an issue which is in the interests of Serbia's neighbours, including some countries that are not yet members of the EU, such as Bosnia and Herzegovina and Croatia, but which are applying for membership. However, there are also countries here which are EU members already and which might be threatened by instability in Serbia, such as Hungary, Romania and Bulgaria. In the interests of the stability of this wing of the EU, and in the interests of the internal stability of Serbia, with an emphasis on strengthening the territorial integrity of the country, I propose that we do indeed accelerate the implementation of macro-financial assistance.

Csaba Sógor, deputising for the rapporteur. – Madam President, I have the honour to present to Parliament the report of the Committee on International Trade on macro-financial assistance (MFA) to Bosnia and Herzegovina.

As with other countries to which the Commission has proposed to give MFA, the economy of Bosnia and Herzegovina has been seriously affected by the current economic and financial crisis. Its economy is in a serious situation and it is clear that a way out of this crisis must be found. Therefore, Bosnia and Herzegovina has applied for EU assistance and the Commission has proposed to provide it in the form of a loan amounting to up to EUR 100 million, which is to be made available in two instalments during 2010.

Now we have to decide whether we support this request or not. Under the current treaty rules, we are merely consulted. Therefore, on the one hand, one could argue: why not wait for the Treaty of Lisbon to enter into force and handle a modified proposal already under the ordinary legislative procedure? On the other hand, despite the increasing importance of our work after the entry into force of the Treaty of Lisbon, I believe that we, as a Parliament, must show responsibility and political commitment and do our part in giving this Balkan country, early next year already, the assistance it needs now, rather than discussing it at length and being able to give the assistance only at some unknown point of time in the future.

For the above reasons, the suggestion of the Committee on International Trade is to have the proposal of MFA to Bosnia and Herzegovina adopted before the entry into force of the Treaty of Lisbon without amendments under the simplified procedure.

My colleagues on our committee supported this proposal unanimously and now I ask for the support of the whole House as well.

Siim Kallas, Vice-President of the Commission. – Madam President, first and foremost, I would like to note that the Commission greatly welcomes the positive and constructive attitude of Parliament on the process of adoption of the Commission proposals for macro-financial assistance for four partner countries: Armenia, Georgia, Serbia, and Bosnia and Herzegovina.

The Commission appreciates that the European Parliament has opted for a procedure which allows for a vote – to take place tomorrow, already – on the reports for these four countries, without amendments to the Commission's proposals. Parliament's swift and decisive action will allow the Council to adopt decisions on the four operations in the next few days, and the Commission will then be in a position to start implementing the programmes.

Macro-financial assistance is, by its very nature, a short-term, crisis-response instrument and proposals for macro-financial assistance normally require rapid action. This is clearly the case for the countries we are examining today. Armenia, Georgia, Serbia and Bosnia are among those having suffered the most from the effects of the crisis, irrespective of the difference in their economic structures and level of development. They are also among those that have been implementing strong adjustment programmes with the support of the International Monetary Fund and those that have requested financial support from the EU. And the Commission is indeed of the opinion that the conditions for extending macro-financial assistance to these countries are fully met.

Let me now turn to the instrument of macro-financial assistance and to its future under the Lisbon Treaty. The change brought by the Lisbon Treaty provides the ordinary legislative procedure for macro-financial assistance, with equal involvement of the European Parliament and the Council.

At the same time, I think we all accept that a lengthy legislative procedure involving a long iterative process between the various institutions is not adapted to the macro-financial assistance instrument or, indeed, to situations of crisis.

Therefore, the Commission considers it crucial to examine how to deal with macro-financial assistance in the future, notably within the framework of the Lisbon Treaty. We would like to do this in close cooperation with the European Parliament in order to ensure that in the future, macro-financial assistance proposals are dealt with in a manner which, on the one hand, is rapid and allows for an effective crisis response but, on the other, meets the requirements of the Lisbon Treaty for detailed scrutiny by legislators within the joint decision-making process.

The Commission has historically been in favour of a framework regulation governing the macro-financial assistance instrument. The Commission services have started reflections at a technical level on the shape of such a framework regulation under the Lisbon Treaty.

Such a framework regulation could potentially have significant advantages. Until such a framework regulation is adopted, individual Commission proposals for macro-financial assistance programmes will be codecided on a case-by-case basis by the European Parliament and the Council. The proposals – starting with the recently adopted Commission proposal for Ukraine – will be a good test of interinstitutional cooperation. I hope that Parliament and the Council will be able to come to an agreement rapidly.

Finally, I would like to note that the Commission is happy to agree to Parliament's suggestions on an improvement of the flow of information on macro-financial assistance programmes. The Commission is ready to make its best efforts to provide more upstream information to Parliament for macro-financial assistance programmes.

George Sabin Cutaş, on behalf of the S&D Group. – (RO) I would like to begin by congratulating the rapporteurs for the excellent job they have done. I also wish to express my appreciation of these initiatives proposed by the European Commission and Council, aimed at providing macro-financial assistance to Bosnia and Herzegovina and Serbia. This financial support from the European Union is being offered at an extremely difficult time for both countries.

After the terrible ordeal this part of the Balkans lived through in the 1990s, shedding so much blood, the region entered a period of reconstruction which has, however, been stymied by the current economic crisis. Both countries have suffered the full force of the recession, against the background of a budget deficit and unemployment rate that were already high. The crisis has forced foreign investors to withdraw their investments in numerous East European countries, with Serbia being one of the countries most severely hit by the deficit triggered by the huge outflow of foreign capital. The collapse of economic growth combined with having to meet their obligations more quickly to repay short-term debts has increased the need for external finance.

As a result, this support from the European Union is being provided at a time when the full impact of the external funding deficit is being felt, not to mention that the economic and social prospects are gloomy. It is estimated that the peak in the unemployment rate will be recorded only in the next two to three quarters.

We are well aware that social discontent can have a harmful effect on a country's stability, especially when it comes on top of already existing tensions and is rooted in such a sensitive issue as ethnic origin. This is why I welcome these proposals for macro-financial assistance. I must also stress how necessary they are, primarily as a factor in maintaining and consolidating stability in a region which has been hit hard and is in a delicate balance. We cannot fail to take into account either the prospects for the European Union's

enlargement in the Balkans, which is another reason why it is our duty to support these states aspiring to European integration.

Before ending, I would like to emphasise the urgent nature of this financial support, given the economic situation in Serbia and Bosnia and Herzegovina, which is worsening at an accelerated pace. The urgent nature of this assistance should, in my view, take precedence over considerations of a procedural nature dictated by the entry into force of the Treaty of Lisbon. I therefore support the proposal put forward by both rapporteurs on transferring Community funds in good time, avoiding the delays caused by the need for the European Commission to modify the legal basis of the provisions.

Paweł Robert Kowal, *on behalf of the ECR Group*. – (PL) Madam President, we are responsible, as the Member States of the European Union, for the situation in Georgia. The authors of the resolution have done well to remind us that the economic situation in Georgia before the conflict began was very good. The conflict in Georgia in 2008 caused a serious worsening of the economic situation in the country. We are dealing with a country which aspires to cooperate closely with the European Union and, in the future, to also have the opportunity of developing this European perspective.

I would like to draw attention to the fact that Russian sanctions, the general situation in the Caucasus and the effects of last year's conflict are not allowing Georgia to develop normally or to build a normal economy. This is an additional and particular reason, and we must stress this, why Georgia should be provided with macro-financial assistance, and why Georgia's budget should be strengthened – so that Georgia can have the opportunity for economic development in accordance with its own ambitions. As far as is possible, and if there is such a need, that assistance to Georgia should be increased yet further, and I want to stress this clearly. A key matter is the granting of financial assistance in 2009. From our point of view, procedural questions and various procedural details must not, under any circumstances, be allowed to stand in the way of Georgia receiving assistance this year.

Georgia deserves to receive our support. This is our obligation as the European Union, especially in a situation where the Sarkozy Plan is not being carried out for Georgia, and we are not able to ensure, as an arbiter, as the European Union, that relations between Georgia and Russia are regulated in accordance with international law.

Tomasz Piotr Poręba, *on behalf of the ECR Group*. – (PL) Madam President, the macro-financial assistance proposed by the Commission for Georgia, Armenia, Bosnia and Herzegovina and Serbia is certainly a step in the right direction. However, the scope of this assistance falls far short of what is needed. I am thinking especially of Georgia, which is to receive EUR 46 million. In the context of the real problems which the country is having to face, the economic crisis and also the problems resulting from the war with Russia, which has significantly weakened the impetus of economic development in Georgia, that assistance is certainly not very great.

For we must remember that countries like Georgia, Armenia, Azerbaijan and Kazakhstan are not only important countries for the European Union from a political perspective, but are also strategic in terms of energy security. For it is these countries which are going to decide, and are also already deciding, what the diversification of supply of power sources to the European Union will be like in the future.

If we do not support them financially and politically today, if we do not give them the chance to develop, then Russia will do this quickly, because these countries have extremely important and strategic significance for Russia. Therefore, I evaluate the Commission proposal as constructive and good. However, the level of financial support is significantly too low.

Siim Kallas, *Vice-President of the Commission*. – Madam President, our Neighbourhood Policy is able, to a large extent, to provide financial assistance to countries in our neighbourhood which are in trouble, so I am very happy that Members of Parliament so unanimously supported this Commission proposal. We are doing our utmost to support our neighbourhood countries.

One Member mentioned that procedural details should not hinder us, but in fact, procedures must ensure that money is used properly. You always have to strike a balance between achieving objectives and following procedures. It is important to follow clear rules in providing this assistance.

As I said, we will see in the very near future the possibility of developing the framework agreement which establishes a certain frame for this kind of assistance, and within this assistance framework, we can then

provide rapid assistance. This is a major problem today: we are currently deciding on a case-by-case basis and this takes an enormous amount of time, like so many other procedures in our large European Union.

This will be the key issue. There will be a framework agreement and then there will be a rapid decision-making mechanism about the size of the assistance. There are always limits imposed by Member States, and this will always be so. There is never unlimited scope to help countries while, at the same time, providing money for our own projects.

Vital Moreira, rapporteur. – (PT) Madam President, I would like to take this opportunity to make three final points.

Firstly, macro-financial assistance to EU neighbourhood countries is justified for two reasons: firstly, it has intrinsic political value as a way of the Union gaining prestige by assisting countries in difficulty, within the context of a policy of good neighbourliness.

Secondly, it is justified by the EU's own interest in contributing to the financial, social and political stability of our neighbourhood countries as a condition for their development and democratic consolidation, as this is also a prerequisite for our own political stability.

My second point is that macro-financial assistance must nevertheless be carefully tied to two conditions: the assistance must be aimed at responding to exceptional and temporary financial difficulties in these countries, and not for other purposes. Moreover, these countries must not divert the funds which we allocate to them for purposes that are incompatible with the rationale behind the EU aid, particularly for increasing military spending.

As my third and final point, I would like to emphasise the importance and necessity of a general regulatory framework for the allocation of macro-financial assistance and the implementation of the respective agreements with the countries in question, and I acknowledge and welcome Commissioner Kallas's commitment to this issue.

I also hope that the next Commission will be ready to honour this commitment, and that we will have a general regulation on macro-financial assistance before long.

Miloslav Ransdorf, rapporteur. – (CS) A great writer once said that Balkan States always piled more historical responsibility onto their shoulders than they were capable of carrying. It could similarly be said of the nations in the Caucasus that they piled more history onto their shoulders than they were capable of carrying. It is my opinion, therefore, that the EU should lift some of this historical burden from their shoulders. It would benefit both them and us because the EU is incomplete without the Balkans, and since the Serbs have recently been joking that their only friends are God and the Greeks, in my opinion, we should show them that they also have friends in the European Parliament.

Csaba Sógor, deputising for the rapporteur. – Madam President, all four countries to which the Commission has today proposed to give macro-financial assistance have been seriously affected by the current economic and financial crisis. Their economies are in a serious situation, and it is clear that a way out from this crisis must be found.

In the case of Georgia, the proposed macro-financial assistance of EUR 46 million in the form of grant instalments is aimed at supporting Georgia's recovery after that country experienced a severe economic downturn following the eruption of the military conflict with Russia and the global financial crisis.

The EUR 100 million for Armenia is forecast to have an immediate impact on Armenia's balance of payments, and would in this way contribute to the alleviation of financial constraints on the implementation of the authorities' economic programme and to financing the budget deficit.

Serbia, however badly affected by the financial and economic crisis, is rapidly returning to political stability. As a Balkan country, it is a potential candidate country for EU membership and has signed a stabilisation and association agreement. For this reason, it should also be helped.

Politically speaking, Bosnia and Herzegovina is a potential candidate country which has also signed a stabilisation and association agreement, and it is in the interests of the European Union to assist it.

To conclude, I restate my belief that we as the European Parliament must show responsibility and political commitment in giving these countries the macro-financial assistance they need now, rather than discussing this at length under the ordinary legislative procedure. For the above reasons, on behalf of the PPE Group, I

suggest we have the proposal for macro-financial assistance to these countries adopted now. I ask my colleagues to support it unanimously.

President. The joint debate is closed.

The vote will take place tomorrow at 12.00.

Written statements (Rule 149)

Cristian Silviu Buşoi (ALDE), in writing. – (RO) I first of all wish to say that I agree with the principle of providing macro-financial assistance to Armenia. I believe that this initiative is part of the European Neighbourhood Policy. Armenia, which is in a particularly serious economic situation due to the financial crisis, is in urgent need of these funds which could enable it to meet the commitments it has taken on as part of the stand-by agreement with the IMF. I welcome the fact that the rapporteur has realised the urgency of this need by opting for an opinion without amendments as the solution. However, I also agree with the objections which can be made at procedural level. Article 308 of the Treaty on the Functioning of the European Union is aimed at measures adopted as part of the internal market, which are not directly provided for in any treaty and are not necessarily similar to those which need to be adopted to provide MFA to third countries. I believe that the interinstitutional procedures require clarification in order to adopt MFA measures adapted to any time constraints so that, in the future, we are never in a situation again where Parliament has to make exceptions to the normal procedure. Furthermore, I would regard it as normal for the EU Council as well to take action more promptly, without ignoring Parliament's role in such procedures.

Indrek Tarand (Verts/ALE), in writing. – I want to voice our dissatisfaction with the so-called simplified procedure for the Georgia and Armenia macro-financial aid files. Whereas Parliament has, in the past, been quick in dealing with MFA files, the Commission and Council are slow. Simplified procedure almost excludes Parliament. Could you please explain to us the reasons why the Commission – which was aware that the first payment was already due before 2009 – is late? It has been argued in the Green Group that we have to ensure that MFA is not going to be used for military purposes and I desire that as well. However, at the same time, the French aircraft carrier enters the harbour of St Petersburg in order to seal the biggest arms trade with Russia by an EU Member State. It is more than evident that Russia is the main contributor to the reason why Georgia is in dire need of financial assistance. And to ask one side of the conflict to reduce its weaponry and, with the other hand, to sell ultra-modern technology to the other side, will not only destabilise the strategic situation in the Black Sea region, but will also have serious consequences in the Baltic region.

(The sitting was suspended at 21.10 and resumed at 21.20)

IN THE CHAIR: MR BUZEK

President

21. Adaptation of the European Parliament's Rules of Procedure to the Lisbon Treaty (debate)

President. – The next item is the report by Mr Martin, on behalf of the Committee on Constitutional Affairs, on adaptation of the European Parliament's Rules of Procedure to the Lisbon Treaty (2009/2062(REG)) (A7-0043/2009).

David Martin, rapporteur. – Mr President, thank you firstly for your tolerance and for your presence.

When I first stood for the European Parliament in 1984, I remarked to one of my then colleagues, Ken Collins, a Scottish Member, that I was wondering whether I was doing the wrong thing, because Parliament did not seem to have much teeth when it came to legislative matters. Ken said to me that it was true that Parliament did not have a lot of teeth, but, if you asked any mother of a young baby, you would know that you can make a big impression with your gums.

This Parliament did make a big impression with its gums in terms of using the right to be consulted on legislation. Since then, we have had the Single European Act, which took the European Parliament from being a baby to infancy, Maastricht which took us through puberty, the Nice and the Amsterdam Treaties, which took us into adulthood, and now the Lisbon Treaty, which I believe takes this Parliament into the full rights of an adult Parliament, comparable to any other democratic institution in the European Union.

I am honoured to have the opportunity to present a report adjusting our Rules of Procedure to take into account the new powers we have as a result of the Lisbon Treaty.

I am honoured, but to be honest, I am also slightly disappointed, because this report should really be called the Corbett report. My colleague, Richard Corbett, did all the hard work on this report before the elections. He made it very easy for me in terms of the Lisbon aspects of the report. Although we have had controversy over the non-Lisbon aspects of the report, Richard Corbett did an excellent job in terms of the Lisbon aspects and I really only had to pick up the baton.

The report prepares us for the new powers we get on trade policy, where we now have full assent along with the Council on all trade matters, and our new powers in terms of agriculture and fishing, where we now have codecision. It also refines our role in the appointment of the European Commission, establishes a new relationship between the European Parliament and the national parliaments, and paves the way for new Members of this Parliament.

Most of these issues have been dealt with, as I have said, without controversy. Let me just briefly mention where we have some disagreements between the groups, though I should say in passing that the political groups have shown excellent cooperation over this matter. All the major shadows and coordinators have been very supportive, but there are one or two issues that we have not been able to resolve.

Firstly, who should chair our delegation to COSAC? Should it be the Chair of the Committee on Constitutional Affairs or should it be a vice-president of Parliament, as is presently the situation? My own view is that it should be a vice-president; the committee has decided that it should be the Chair. In the end, the plenary will decide, but I make the point that COSAC is about more than interinstitutional relations. It also deals with policy matters and that is why historically, we have had a vice-president chairing the delegation.

In terms of our relationship with the national parliaments, we have had some disagreement in the committee on how much detail we should go into, and how much the rules should prescribe that relationship. I have managed to reach a compromise with Mr Brok, who has been very accommodating in this matter, which lays down some detail but which still leaves enough room for the President of Parliament to negotiate with his counterparts in the national parliaments the exact modalities of how we will cooperate with the national parliaments.

A third issue where there has been some controversy is how to deal with the principle of subsidiarity. We have settled quite easily the role that the committees will play in this matter, and there is consensus around that. The only point that has emerged is what happens if a committee says 'no, there is no breach of subsidiarity and the legislation should go ahead'. Should there be a safety valve for Members of the European Parliament to raise the matter on the floor of this House? I have put down an amendment, and others have put down similar amendments, suggesting that if one tenth of the Members of the European Parliament reckon there is an issue of subsidiarity, then that matter should be debated on the floor of the House. I think that is a sensible safety valve.

The last issue that I want to mention is the issue of observers, and whether we should have observers in advance of the 18 new Members taking their seats. My view is that we absolutely should. However, the crucial issue – and, again, there is consensus in the committee on this – is whether these observers should be people who would otherwise have been elected to Parliament. That is critical for our credibility. If we allow the Member States simply to appoint anyone to take the role of observer – and we do have rumours that some Member States want to appoint national parliamentarians – I think that would be entirely unacceptable.

I conclude by saying that I am pleased that this Parliament, by its vote this week, will have in place on 1 December, from the minute the Lisbon Treaty comes into force, a set of rules allowing us to exercise our new powers immediately. That is to the credit of the people who worked in the Committee on Constitutional Affairs before the summer, and I again repeat my thanks to Richard Corbett for all the efforts that he made in this regard.

(Applause)

József Szájer, *on behalf of the PPE Group.* – (HU) Mr President, ladies and gentlemen, to the delight of a great number of us, the Treaty of Lisbon will soon be coming into force. The process has taken a long time, and it was not mainly down to this Parliament that its ratification took so long. This is exactly why the immediate implementation of our adjusted Rules of Procedure is not down to Parliament either.

I would like to begin with the point that the rapporteur just finished on, namely that it is of paramount importance that we can actually exercise these rights as soon as possible. In fact, Parliament has really acquired a large number of rights. The Treaty of Lisbon significantly increases Parliament's clout and therefore democracy, while also promoting the status of democracy in Europe. Our job in this case is to guarantee here, during this debate and based on this legislation, that these rights can be actually exercised.

I would like to thank both the rapporteur, Mr Martin, and Mr Corbett for the work they have done on this. The report features all the key points, such as maintaining contact with national parliaments, a stricter and significantly more clearly defined application than is the case at present of the principle of subsidiarity, as well as comitology procedures and parliaments' new codecision rights, while issues relating to budget procedures feature in this report, which we definitely support.

At the same time, we must make sure, and I would like to draw your attention to this with regard to voting on proposed amendments, that these rights cannot be abused. A tiny minority should not be able to abuse or impede the actual legislative process. We must find flexible solutions. We observed during the ratification of the Treaty of Lisbon how a single person, a single state president was able to play with the whole system. This is precisely why only those guarantees must be included which cannot be abused to the utmost degree. The Group of the European People's Party (Christian Democrats) supports this report and we congratulate both rapporteurs, Mr Corbett and Mr Martin.

Ramón Jáuregui Atondo, *on behalf of the S&D Group*. – (ES) Mr President, I would also like to start by saying that the Group of the Progressive Alliance of Socialists and Democrats in the European Parliament is very proud that two of our friends and colleagues, David Martin and Richard Corbett, have been instrumental in this important reform. I would like to extend my congratulations to them, and I hope that it will be echoed across Parliament.

The second thing that I would like to say is that this is truly a very important act that is taking place, because I think it is of great political significance to have the new Rules of Procedure in force on 1 December, alongside the new treaty. We are sending a message to the European political system that Parliament is preparing and adapting itself to have an instrument for the new treaty. Obviously, there are many reforms that fit in with this idea.

As I think it is time to summarise, I want to say that we naturally agree with the whole report, but with regard to the reforms and amendments still pending, I would like to say two things that I think are appropriate.

The first is that, while there was some confusion in the Conference of Presidents as to what types of amendments should be adopted or accepted, based on whether they are as a result of the Treaty of Lisbon in the strictest sense, I would like to express our desire for it to be the President of Parliament who decides whether any of the reforms of the Rules of Procedure are not appropriate. In this respect, I agree with it being the President who decides, and we will go along with that decision.

Finally, I would like to say that I think reform of the Rules of Procedure for such an important event as this demands unanimity. I think it would be very good for us to be able to agree on the amendments before the vote on Wednesday, so that there can be full agreement across the entire House.

President. – I would like to inform you that following the statements from the representatives of the political groups, I will inform you of the technical arrangements concerning voting on this report.

Andrew Duff, *on behalf of the ALDE Group*. – Mr President, the ALDE Group is pleased to accept the Corbett/Martin report which sets Parliament on a good path to shoulder its great responsibilities following the entry into force of the treaty. It is important that Parliament prepares to become a generalist parliament – that is to say, that we have to start to do everything efficiently and expediently across the policy spectrum.

A quick comment on our treatment of national parliaments: the treaty quite properly proposes that we improve the collaboration between us and national parliaments, but the treaty is quite discreet: silent upon the precise form that such collaboration should take. We ought to prepare ourselves therefore to consult national parliaments about their approach to the treaty before we set out detailed prescriptions just on our own, within our own procedures.

The experiments carried out so far under the auspices of COSAC show a great disparity between national parliaments in their approach to the subsidiarity question. I think it is appropriate that the European Parliament appreciates such a disparity and that we refrain from formalising the precise methods of collaboration and

response to the operation of the subsidiarity mechanism at the present stage of affairs. But, apart from that, the ALDE Group fully supports the proposals that are brought before us.

Gerald Häfner, *on behalf of the Verts/ALE Group*. – (DE) Mr President, ladies and gentlemen, this Parliament moves fast, it does its homework and is capable of taking action. It is worth pointing out this fact at this stage.

It has taken seven years for the Treaty of Lisbon to finally take effect. In our case, it has only taken a few weeks – as Parliament had spent a long time making in-depth preparations for this event – for the new Rules of Procedure to be approved on this basis, so that once the treaty takes effect, we can immediately start working according to the new Rules of Procedure.

Rules of Procedure should be established according to a broad consensus. That is why we have mainly limited ourselves to those amendments which are directly related to the entry into force of the new treaty. Other proposals for amendments must be discussed in greater depth. We will have sufficient time to do so in this House. However, urgent matters must be addressed without delay.

In my view, it seems important that these amendments include new provisions on the simplified and the ordinary amendments to the treaty. From my point of view, it seems important to unanimously support amendment proposals which aim to improve cooperation with national parliaments. In other sections, we would like to go further, especially in cases such as our representation, namely the representation of the European Parliament, in COSAC, but this is something that can be discussed at a later date. For now, I welcome the broad consensus achieved and wish to particularly thank the rapporteurs.

Ashley Fox, *on behalf of the ECR Group*. – Mr President, I wish to express my concern that we have been prevented from debating the Brok amendment on implementation of the Members' Statute.

Elmar Brok proposed that responsibility be transferred from the Bureau, which meets in private, to the Parliament, which meets in public. I believe that our constituents have a right to know not only what we pay ourselves, but also the details of the allowances and benefits that we receive. I find it regrettable that you, Sir, as our President, think otherwise.

More disturbing is that, fearful of losing a vote or perhaps fearful of having a vote at all, you resort to a procedural device to prevent debate. That is undemocratic and, at a time when everyone talks about making the EU more transparent and closer to its citizens, this move smacks of hypocrisy. If the European Union is to increase transparency, we need to take action and not just mouth platitudes on the subject.

It is simply not acceptable to treat our constituents like mushrooms, to keep them in the dark and cover them with fertiliser. I can assure you, Sir, that this issue will not go away, and you will have to face a vote sooner or later.

President. – I think it is a misunderstanding. Everything could be discussed. Nothing is closed from this point of view. The first example is our one-minute speeches. I must answer you immediately because nothing is closed but we must go from decision to decision, taking into account our rules in the European Parliament, nothing else. But you have very much opened this discussion.

Ashley Fox, *on behalf of the ECR Group*. – Mr President, can you explain why a vote on the Brok amendment was permitted in committee and carried, and yet ruled out of order in plenary?

President. – If you would like to discuss it, I can discuss it with you straight after the sitting, but I do not want to disturb our discussion here in plenary.

Hans-Peter Martin (NI). – (DE) Mr President, democracy needs a revolution. I am always saying that nowadays, and this time I am directing the comment at you in particular, Mr President. What is it that you are doing here? You are making the lives of people who share the European ideal but who, because of their fundamental principles, do not wish to belong to a political party, quite unnecessarily difficult and are thereby shooting yourself in the foot.

To what am I referring? I am referring to Article 192(1). The provision stipulating that the Groups may elect a coordinator has been pushed through via the back door, and unnoticed by many. Previously, Mr President, we always had the following addendum: 'the relevant provisions shall apply *mutatis mutandis* to Non-attached Members'. This interpretation no longer stands. I wrote a letter to you. Two months later, you responded and merely repeated the paragraph. Please read my letter again. Please understand that you are currently very

close to letting a Parliament which, in principle, I support, degenerate into a two-tier Parliament. In view of your personal background, how can you do such a thing? Because we, as Non-attached Members, do not have the opportunity to obtain the relevant information in time and take an active part in making decisions concerning reports and similar matters. In this respect, the Rules of Procedure must be changed.

Furthermore, I would like to know why Mr Corbett, who was voted out by right-wing radicals precisely because he does these kinds of things, is allowed to sit in Plenary today, virtually in the role of a supervisor. This is a two-tier Parliament. We will be forced to file a complaint, although I would very much like to avoid this course of action.

President. – Thank you. As you know, the matter which you have raised is still under discussion, and I would ask you not to jump to conclusions. We do want to resolve this matter, but, as you know, the Non-attached Group did not propose a candidate, and this is why it is not involved in some work. The group does not have a candidate who would be acceptable to all the Non-attached Members. However, we will find a solution to this problem.

The Conference of Presidents has decided that, on Wednesday during the vote on the Martin report, those parts of the report which are not related to the Lisbon Treaty will not be voted on, because they require broader discussion. This is because we want to be sure the vote will be held on Wednesday, and because we want to vote on those matters which are related to implementation of the Lisbon Treaty. This was decided by the Conference of Presidents, and we have to implement this decision.

David Martin (S&D). – Mr President, of course I understand and support your decision, but we do not want – and I think we have perhaps seen signs of this already – an unseemly wrangle on the floor of the House on Wednesday, when we come to vote on this important step forward for Parliament's Rules.

Could I ask you tomorrow to circulate to all the appropriate people those amendments you consider not to be 'Lisbon' – and, by analogy, those that are covered by the Lisbon Treaty – so that we can clarify that and have a very clear voting list for Wednesday, so that there is no dispute when we get to Wednesday.

President. – I do, of course, intend to do this, and I will do so, but I also wanted to meet Mr Casini and several others, to show them the list first. I did also want to show the list to you personally, as rapporteur, but we still have not had the opportunity, because you were not here earlier. This is only a technical question and nothing more.

Íñigo Méndez de Vigo (PPE). – (ES) Mr President, I had the same concern as that expressed by the rapporteur. I think that in order for the vote to proceed properly on Wednesday, in the case of such an important report, we need to know in advance which amendments you consider to be inadmissible.

I therefore accept what you said, and we would like to have them tomorrow.

President. – The parliamentary services were responsible for preparing the list, and I received it only two hours ago. It is, therefore, completely new, and I will show it to you right away.

Carlo Casini (PPE). – (IT) Mr President, ladies and gentlemen, we shall of course respect your decisions, but it is my understanding that there are some reservations about certain amendments, namely that they do not directly relate to the Treaty of Lisbon.

I may be mistaken, but it seems to me that, until now, the Committee on Constitutional Affairs has had general powers to make proposals concerning regulatory amendments. It can do this if the amendments are suggested by a group of Members, or by individual Members, and also on its own initiative.

Therefore, the fact that the opportunity has been taken to make a few corrections, also with reference to other aspects, within the ambit of a wider reform of the Rules of Procedure under the Treaty of Lisbon cannot, in my view, be seen as unacceptable – all the more so since quite a few amendments would serve to reflect the spirit of the Treaty of Lisbon in the Rules of Procedure, sometimes through rules that are reproduced technically and materially in them, but much more often through reference to the spirit of the treaty. One need only think of the role of Parliament, which has been strengthened in relation to the Council, but which is also being strengthened by the Rules of Procedure where the internal relationships with institutions within Parliament itself are concerned. We shall, of course, respect your decisions, Mr President, but I felt it was necessary to make these observations.

Csaba Sándor Tabajdi (S&D). – (HU) Mr President, the debate currently going on also reflects the fact that the major reform currently being implemented in the history of the European Union and European Parliament is of such significance that we will presumably not be able to complete the task based on a single report. At the same time, I congratulate Mr Martin and Mr Corbett and those who have participated in this debate. However, there are still several issues awaiting future clarification from a legal perspective.

Let me quote just one example. I am pleased that Parliament has clearly had its say in support of the Charter of Fundamental Rights, which it unequivocally supports. However, we are well aware that in the particular case of the Charter of Fundamental Rights, several countries have requested a derogation, not to mention that this charter, too, contains issues and unresolved problems such as the question of language rights due to be debated tomorrow evening. So far, Europe's commissioners have actually said that these are not part of Community law.

Therefore, we certainly have to clarify very precisely, in view of the Treaty of Lisbon and the Charter of Fundamental Rights, precisely those aspects of Community law which the Commission and Parliament are entitled to respond to, because we can then avoid Commissioner Barrot or Leonard Orban saying in the future that important issues such as Slovakia's language law do not come under the Community's remit.

Diane Dodds (NI). – Mr President, I stand before you as a democrat. I stand before you as one who has a democratic mandate – a mandate similar to that held by everyone else that has been elected to this Parliament.

I also stand before you as one who comes from a country, or region, of the United Kingdom that has known much distress because of those who would seek to destroy democratic politics. Therefore, I come with high expectations of how democracy will be handled in this Parliament.

And yet, in my first mandate as a democratically elected Member of the European Parliament, I find that I have been excluded from coordinators' meetings, that I do not have a voice on the Conference of Presidents.

These issues are certainly the subject of talks – and I am certainly very glad to hear that you are trying to resolve these issues. But I would urge you, Mr President, to bring these issues to a conclusion very quickly, because it is important that the democratic mandate of this Parliament is respected. I would also urge you, Mr President, to meet those non-attached Members who are democrats and who wish to take this issue forward.

Elmar Brok (PPE). – (DE) Mr President, I would like to congratulate Mr Martin on the content of this report, as these are issues on which we have reached an agreement and which must inevitably be addressed. However, it must also be said that, thanks to the Treaty of Lisbon, the European Parliament has become a fully democratic parliament, with equal rights. It is also the time for Parliament to recall who the cornerstones of this Parliament are, namely the individual MEPs, parliamentary committees and political groups.

In my view, there are too many signs that decisions are made by the Conference of Presidents and the Bureau. I have also noticed many signs pointing to a desire to prevent the committees from working directly, and on their own initiative, with the committees of the national parliaments, and instead make jumping through bureaucratic hoops part of the process.

I have noticed that the meetings of the chairmen of the committees of the national parliaments are attended by vice-chairmen, rather than the chairmen, of European Parliament committees. With respect to the rights of MEPs, if a committee submits proposals for a decision in Plenary, it is not for the Parliamentary Services, or any other bodies, to decide whether these proposals are right or wrong. It is something that should be decided by the MEPs themselves. If the proposals are bad, they will not be supported by the majority.

Clearly, there is a fear that MEPs will be required to make decisions that are harmful to their careers, and should therefore be protected from themselves. This is the only way in which I can interpret proposals that clearly aim to restrict the rights of Parliament and of individual MEPs. I have a feeling that the Empire is striking back.

Roberto Gualtieri (S&D). – (IT) Mr President, ladies and gentlemen, by adopting the Martin report, the European Parliament has accomplished what was an unavoidable task, given the imminent entry into force of the Treaty of Lisbon. It has done this with an accurate and precise text that incorporates into our Rules of Procedure the important changes introduced by a new treaty concerning the increased role of the European Parliament in terms of legislative procedure, of budgetary procedure and of the European Union's overall institutional balance.

Of these innovations, I am pleased to mention those that relate to the procedures for revising the treaties and to Parliament's role in submitting proposals, as well as the changes relating to the role of national parliaments which confer a special responsibility on Parliament: to be able to make this enhanced role a source of democratic legitimacy for European integration, rather than a bureaucratic obstacle.

The President made a good decision in resolving the issue of those amendments that are not directly relevant to the task assigned to this report, since there will be time later to address in a more consistent and systematic fashion the issue of whether to carry out a more comprehensive review of our Rules of Procedure.

The fact remains that, while there are elements that can be eliminated from the work carried out by the Committee on Constitutional Affairs, there are other elements that can usefully be added. I refer to the importance of the amendment that emphasises how the question of observers must be addressed, bearing in mind that these observers must be chosen from among the main candidates who were not elected in the European Parliament elections.

Paulo Rangel (PPE). – (PT) Mr President, I would like to begin by congratulating the rapporteurs, particularly Mr Martin and Mr Corbett, and by saying that, as a member of the Group of the European People's Party (Christian Democrats), my primary concern is with the proposed amendments to the Rules of Procedure.

I would like to highlight what seems to me to be the crucial item, and one that has not yet been mentioned here this evening: the item about national parliaments.

The fact that Parliament has become stronger in terms of democracy is clearly due to these Rules of Procedure and the Treaty of Lisbon, yet European democracy is also the result of the bond between national parliaments.

What this proposal on the Rules of Procedure seeks to do is to legally create these two instances of legitimate democracy, and so consolidate democracy. On the one hand, there is the democracy that arises from the instruments of the European Parliament, its instruments of control and its legislative role, and, on the other hand, there is the democratic collaboration among national parliaments through other instruments.

That is why I am completely in favour of the proposals. I do not agree with Mr Duff when he says that we should delay forming relationships with national parliaments until a later stage. I think that we can proceed now, in the light of the Treaty of Lisbon, and that it is very important that we do so.

I would also like to say that I support the proposal of my colleagues, Mr Szájer and Mr Brok, with regard to representation in the Conference of Community and European Affairs Committees of Parliaments of the European Union (COSAC) and, finally, that I am completely in agreement with the comments made by my colleague Mr Brok and other Members on the pre-eminence of Parliament and its Members in matters concerning Parliament services.

Mario Mauro (PPE). – (IT) Mr President, ladies and gentlemen, a true change in the nature of our institutions, of the European institutions, is certainly taking place. The proper functioning of the Community machine in the near future depends on our political skill and our capacity to equip ourselves in the shortest possible time with legislative instruments within Parliament as an institution: instruments that will enable us to exploit the huge range of opportunities offered by the Treaty of Lisbon.

Precisely for this reason, I believe that what is truly at stake is, paradoxically, a strengthening of the federal dimension as well as the subsidiary dimension of the European Union. This is decisive for our future, all the more so since we have not taken sufficient account, in this phase, of citizens as individuals, that is to say as the *raison d'être* of politics.

Let me explain what I mean. The level of harmonisation that we have reached can be described as satisfactory; Europe counts for a lot in the lives of our citizens. Nevertheless, often the European Union and the Member States, instead of putting the individual, the family and everyone else at the centre of politics, have exploited subsidiarity in order to promote the institutions' interests.

For this reason, safeguarding the principle of subsidiarity, as expressed in the Charter of Fundamental Rights of the European Union, is more crucial than ever. We need a monitoring system that will ensure that the legislative proposals submitted to Parliament are actually evaluated, especially as far as respect for this principle of subsidiarity is concerned. This would be a true starting point for institutions that safeguard, not control, citizens' lives.

Íñigo Méndez de Vigo (PPE). – (ES) Mr President, I would like to return to the subject of the admissibility of amendments, which you referred to before.

Pursuant to Rule 157(3), it is up to you, but I would ask you, Mr President, to take into account the wise words of the Chairman of the Committee on Constitutional Affairs, Mr Casini. I do not think it can be left in the hands of the Parliament's services to determine which amendments relate to the Treaty of Lisbon and which do not. Moreover, this House has the sovereign right to decide whether or not an amendment is necessary, at this time when, as everyone has said, a new phase is beginning.

Mr President, I would ask you, therefore, to use the considerable power granted to you under the Rules of Procedure in moderation, and with your usual prudence. May you make the right decision, and may we all see it.

David Martin, rapporteur. – Mr President, my thanks to all those colleagues who have spoken in this debate. I also want to follow up on the point made by Mr Méndez de Vigo.

Mr Casini has been very wise, as he often is on these matters, in that there are amendments which have absolutely nothing to do with Lisbon, and it is very clear they have nothing to do with Lisbon. While I could have lived with some of them being voted through this Parliament, it is perhaps fairer that we have a separate full and frank discussion on these matters before we come to vote on them.

I want to make it clear, at the same time, that nothing stops Members from bringing forward proposals, for example of the type Mr Fox talked about, which would strip the Bureau of some of its powers in terms of the implementation of the Members' Statute. I do not agree with that, but nothing stops Members from bringing the issue forward in the future for debate in this House.

Other amendments, such as the role of the national parliaments, might not strictly be Lisbon amendments, but Mr Casini is absolutely right that they are related to the spirit of implementing Lisbon, because our relationship with national parliaments changes as a result of the Lisbon Treaty.

I would ask you therefore in your wisdom to rule that these amendments are admissible, but that those concerning the function of the Bureau – the number of vice-chairs for committees and so on – are clearly not matters relating to Lisbon and should not be voted on this week.

President. – The debate is closed.

The vote will take place on Wednesday, 25 November 2009.

22. Agenda for next sitting: see Minutes

23. Closure of the sitting

(The sitting was closed at 22.00)