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DOSLOVNÝ ZÁPIS Z ROZPRÁV 26. OKTÓBRA 2017

(C/2024/3020)

EURÓPSKY PARLAMENT

ZASADANIE 2017 – 2018

Schôdza 23. až 26. októbra 2017

ŠTRASBURG

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DOSLOVNÝ ZÁPIS Z ROZPRÁV 26. OKTÓBRA 2017

ΠΡΟΕΔΡΙΑ: ΔΗΜΗΤΡΙΟΣ ΠΑΠΑΔΗΜΟΥΛΗΣ

Αντιπρόεδρος

1. Otvorenie rokovania

Η συνεδρίαση αρχίζει στις 9.00.

2. Predložené dokumenty: pozri zápisnicu

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6. Kontrola uplatňovania práva EÚ v roku 2015 (rozprava)

Πρόεδρος. – Το επόμενο σημείο στην ημερήσια διάταξη είναι η συζήτηση σχετικά με την έκθεση του κ. Κώστα Χρυσόγονου, εξ ονόματος της Επιτροπής Νομικών Θεμάτων, σχετικά με τον έλεγχο της εφαρμογής του δικαίου της ΕΕ το 2015 (2017/2011(INI)) (A8-0265/2017)

Κώστας Χρυσόγονος, *Εισηγητής.* – Κύριε Πρόεδρε, κυρίες και κύριοι ευρωβουλευτές, θέλω αρχικά να ευχαριστήσω όλα τα μέλη της Επιτροπής Νομικών Υποθέσεων του Ευρωπαϊκού Κοινοβουλίου που συνέβαλαν στην ολοκλήρωση της έκθεσής μου για την εφαρμογή του ενωσιακού δικαίου το έτος 2015. Ο τακτικός και συνεπής έλεγχος της εφαρμογής του ευρωπαϊκού δικαίου έχει καίρια σημασία για την εύρυθμη λειτουργία των θεσμών της Ευρωπαϊκής Ένωσης και για τη βελτίωση των πανθομολογούμενων αδυναμιών της. Η σχετική έκθεση της Ευρωπαϊκής Επιτροπής επικεντρώνει την προσοχή της στην τυπική εφαρμογή της ευρωπαϊκής νομοθεσίας από τα κράτη μέλη. Από την άλλη πλευρά όμως υποτιμά, φοβάμαι, τους ουσιαστικούς κινδύνους παραβίασης των θεμελιωδών ευρωπαϊκών αρχών και αξιών, οι οποίοι έχουν εμφιλοχωρήσει σε πρακτικές των οργάνων και της ίδιας της Ένωσης. Οι κίνδυνοι αυτοί οφείλουν να επισημανθούν, αν θέλουμε να αντιμετωπίσουμε αποτελεσματικά τις προκλήσεις του μέλλοντος.

Οι βασικοί τομείς στους οποίους η έκθεση της Επιτροπής καταγράφει ότι σημειώθηκαν οι περισσότερες διαδικασίες για παραβάσεις κατά κρατών μελών λόγω καθυστερημένης μεταφοράς ευρωπαϊκών κανόνων στην εσωτερική έννομη τάξη τους το 2015 είναι οι τομείς της κινητικότητας των εργαζομένων, των μεταφορών, της ενέργειας και του περιβάλλοντος. Αν και το έτος 2015, για πρώτη φορά από το 2011, ο αριθμός των νέων καταγγελιών για παραβιάσεις του ευρωπαϊκού δικαίου παρουσιάζεται μειωμένος, εκφράζονται ανησυχίες ότι σημαντικός αριθμός νέων καταγγελιών αφορά ευαίσθητους τομείς, όπως είναι η απασχόληση, οι κοινωνικές υποθέσεις, η κοινωνική ένταξη, η επιχειρηματικότητα και η δικαιοσύνη. Η ευθύνη πάντως των κρατών μελών για την εφαρμογή του ευρωπαϊκού δικαίου δεν απαλλάσσει σε καμία περίπτωση τα θεσμικά όργανα της ίδιας της Ένωσης από τον καθήκον τους να τηρούν και αυτά το ενωσιακό δίκαιο και να ενεργούν με βάση αυτό. Οι θεσμοί της Ευρωπαϊκής Ένωσης, ακόμη κι όταν δρουν ως μέλη μιας ομάδας διεθνών δανειστών, δεσμεύονται από τις Συνθήκες της Ένωσης και από τον Χάρτη Θεμελιωδών Δικαιωμάτων. Η πρακτική ενωσιακών θεσμών να υπογράφουν ως δανειστές μνημονιακές

συμφωνίες με κράτη μέλη βάσει των οποίων αυτά αναλαμβάνουν την υποχρέωση να εφαρμόσουν επαχθή μέτρα λιτότητας, χωρίς οι συμφωνίες αυτές να υπόκεινται στο ευρωπαϊκό δίκαιο, είναι κατακριτέα. Επαχθή μέτρα, όπως συνεχείς περικοπές μισθών και συντάξεων, συνεχείς αυξήσεις φόρων και εισφορών που απορρέουν από αυτές τις συμφωνίες, και σε ορισμένες περιπτώσεις παραβιάζουν και συνταγματικά δικαιώματα, στερούνται βασικών προστατευτικών δικλείδων. Τις δικλείδες αυτές τις παρέχει και το ενωσιακό δίκαιο, καθώς και η ενσωματωμένη στο πρωτογενές δίκαιο Χάρτα των Θεμελιωδών Δικαιωμάτων της Ευρωπαϊκής Ένωσης. Επισημαίνεται ακόμη ότι, εξαιτίας της επιβολής ουσιαστικών περικοπών στη διοίκηση, τη δικαιοσύνη, την υγεία και την κοινωνική πρόνοια μέσω τέτοιων μέτρων, υποχωρεί τελικά η προστασία θεμελιωδών δικαιωμάτων και αρχών, όπως το δικαίωμα στην υγεία, το δικαίωμα στην εργασία, η προστασία της αξιοπρέπειας του ανθρώπου και εν γένει υπονομεύεται το κοινωνικό κράτος. Τέτοιες πρακτικές δεν συνάδουν συνεπώς με τον νομικό πολιτισμό της Ένωσης. Συγχρόνως πρέπει να υπογραμμιστεί και το έλλειμμα εφαρμογής των κανόνων που διέπουν το άσυλο και τη μετανάστευση από τρίτες χώρες στην Ένωση. Τούτο ισχύει ιδίως για τον μηχανισμό μετεγκατάστασης προσφύγων, καθώς ορισμένα κράτη μέλη δεν τηρούν την εν λόγω συμφωνία. Έτσι όμως υπονομεύεται η θεμελιώδης αρχή της ευρωπαϊκής αλληλεγγύης και συνεργασίας και πλήττεται το κύρος της Ευρωπαϊκής Ένωσης. Εν κατακλείδι, η εφαρμογή του ενωσιακού δικαίου πρέπει να είναι συνολική και όχι επιλεκτική, αν η Ένωση θέλει να πείσει τους πολίτες της ότι σέβεται τις αρχές της και έτσι να βελτιώσει τις μακροπρόθεσμες προοπτικές της δικής της βιωσιμότητας.

Vytenis Povilas Andriukaitis, *Member of the Commission*. – Mr President, in Europe the strength of the law has replaced the law of the strong. Our Union is not a state, but it is a community of law. Proper application of the law ensures that individuals and companies can enjoy their rights, that they obtain legal certainty in their daily lives and obtain rapid and effective redress if rights are violated.

Together with the Council, the European Parliament can adopt the best law in the world, but unless it is properly applied it will not change anything, so on behalf of First Vice-President Frans Timmermans, I welcome the fact that this House so strongly shares the Commission's view that making sure that European Union law is properly implemented, and effectively complied with, has to be permanently among our top priorities. For that reason, this Chamber's continuous work on our annual reports is particularly important.

There have been a number of significant developments since 2015. I think these developments respond to a great number of the issues have raised. In particular, Members call for strengthened enforcement and monitoring of the implementation of the European Union legislation in key policy areas. Since 2016, the Commission's new enforcement policy does exactly that. We have put forward a more strategic, effective and proportionate approach to our infringement policy to allow us to deliver on our policy priorities. Importantly, we will now launch infringement procedures without first relying on the EU pilot mechanism, unless recource to this mechanism is seen as useful in a particular case.

On transparency, we have taken concrete measures to provide more information about infringement decisions. In 2014 we set up a centralised platform for proactively disseminating information on infringements on our Europa website in all Union languages, and we are making an ongoing effort to improve the accessibility and user-friendliness of this website even more.

We will continue to provide Parliament and the public at large with information on the follow-up given to complaints and Parliamentary petitions in our annual reports. We must do this, of course, while respecting confidentiality with regard to the Member States in infringement procedures as recognised by the Court of Justice.

In recent years this House has dedicated considerable energy to better regulation and the Commission very much welcomes that. Our shared aim, reflected in the Institutional Agreement on Better Law-making, is to ensure legislation is prepared in an open, transparent way using the best evidence available and valuable stakeholder input.

We also focus on ways to support Member States in their implementation of European rules and are pleased to see that Parliament supports these efforts. We also pay particular attention to the national authorities who have key tasks under EU law, such as national competent authorities, national data protection supervisory authorities and national rail, energy and telecoms regulators. We will continue to work in partnership with them through the range of networks we have in place.

As you will know, we reported on the latest developments on better regulation in a communication adopted this Thursday alongside the Commission Work Programme for 2018.

I also support your call for a more active role for national parliaments in the dialogue on the European Union's legislative proposals. The Commission has invested heavily in the political dialogue with national parliaments, as well as the formal consultation mechanisms set out in the Treaty.

Over the last three years, Members of the Commission have visited national parliaments more than 650 times. They also participated in more than 300 interactive citizens' dialogues in more than 80 cities and towns across 27 Member States.

Finally, we will continue to strengthen our cooperation with the European Network of Ombudsmen, which the European Ombudsman coordinates and which promotes good administration in the application of EU law at national level.

There are nevertheless two issues which we have also discussed in the past and where we do not fully agree.

First, your call for an increased role for Parliament in monitoring the implementation of EU law. Without prejudice to the essential democratic control by Parliament, it is the Commission which oversees the application of European Union law, under the control of the Court of Justice of the European Union.

The infringement procedure has a specific bilateral nature recognised in the Treaty. It is conducted solely between the Commission and the Member State concerned. There are thus legal limits as regards the role of Parliament in this process.

Second, you call again for a legislative proposal on administrative procedures under Article 298 of the Treaty. I would like to stress two points here. Firstly, the Commission has already created a strong framework to protect complainants. Our Code of Good Administrative Behaviour and the Communication on relations with the complainant offer a number of guarantees that safeguard complainants' rights throughout the entire procedure. Secondly, as the EU administers a range of diverse, often highly-specialised activities, we need sector-specific rules. Citizens and businesses concerned by such specialised activities are guaranteed specific administrative rights which are guaranteed by the Court of Justice of the European Union.

Against this background, the Commission still remains to be convinced of the added value of a legal instrument that would codify administrative law.

The effective application of European Union law is essential to deliver the benefits of European policies to citizens, businesses and public administrations. The Commission welcomes the fact that it has such a strong partner as the Parliament in ensuring that the laws you pass are implemented properly so that they really deliver positive benefits on the ground.

Kazimierz Michał Ujazdowski, *autor projektu opinii Komisji Spraw Konstytucyjnych*. – Panie Przewodniczący! Bardzo dziękuję panu posłowi Christogonosowi za opracowanie opinii. Nasza opinia jest opinią pomocniczą i ujmuje cały proces stosowania prawa w szerszym aspekcie.

Po pierwsze, chcemy zwrócić uwagę na fakt, że dobrze stosowane prawo wymaga, by już w fazie projektowania aktów prawnych –jest to przede wszystkim apel do Komisji Europejskiej – prawo było oszczędne, niezbiurokratyzowane, spójne i zrozumiałe dla obywateli. Czym lepsze będą projekty w fazie wyjściowej, tym lepsze będzie stosowanie prawa.

Ta sama uwaga dotyczy transponowania dyrektyw do porządku krajowego: nie należy obciążać ich dodatkową treścią, która komplikuje prawo i mnoży biurokratyczne bariery. Komisja AFCO kładzie nacisk na przejrzystość całego procesu jako warunek kontroli ze strony opinii publicznej i zapewnienia prawa obywateli do informacji o procesie stanowienia prawa.

Przywiązujemy bardzo dużą wagę do umocnienia roli parlamentów narodowych jako partnerów instytucji europejskich. Kładziemy pod rozwagę rozluźnienie przepisów, tak aby parlamenty narodowe, w pierwszej fazie wczesnego ostrzegania i stosowania zasady pomocniczości, miały większe możliwości niż dotychczas. Będzie to z pożytkiem dla dobrego stosowania prawa. Są to zasadnicze kwestie, które podnosi komisja AFCO.

Cecilia Wikström, *rapporteur for the opinion of the Committee on Petitions.* – Mr President, the Committee on Petitions, for which I am chair, is, at its very best, a tool that bridges the gap between the EU institutions and the citizens. The Treaties guarantee all citizens the right to petition my Committee on the difficulties and problems that they face in their everyday life. In 2015, we received 1 431 petitions. Some of them refer to clear violation of EU law. The most common concerns remain within the areas of the environment, justice, fundamental rights and the internal market.

Altogether, this shows us at least three different things. Firstly, that we have a long way to go before EU legislation is applied equally all over the European Union, in every Member State. Secondly, it shows us the importance of petitions as a monitoring tool at grassroots level: the petitioners raise our awareness not only of violations of EU law, but also of deficiencies and loopholes that exist in the legislation. Thirdly, it shows that the EU is crucial in securing the wellbeing of its citizens where the nation state fails or ignores its responsibilities.

We must remember that the application and the implementation of EU law is ultimately the responsibility of the Member States. As the number of infringement procedures initiated by the Commission was still at a high level in 2015, I would strongly urge the Member States to look into this and into their performance when it comes to implementation of EU law.

We must ensure that the rights and the opportunities offered by EU legislation are maximised to benefit all the citizens of the Union, irrespective of which Member State they happen to live in.

Daniel Buda, *în numele grupului PPE.* –Domnule președinte, în primul rând, doresc să-mi exprim aprecierea pentru munca colegilor și a raportorului. Transpunerea unitară și la timp a legislației la nivelul întregii Uniuni este absolut necesară, astfel încât cetățenii din toate statele membre să beneficieze concomitent de avantajele politicii Uniunii Europene. Raportul realizat de Comisie a dezvăluit faptul că există în continuare, în majoritatea statelor membre, probleme legate de aplicarea legislației europene. Transpunerea tardivă sau incorectă a acestor norme afectează în mod negativ securitatea juridică și împiedică cetățenii să beneficieze, efectiv și în mod egal, de pe urma drepturilor care le sunt recunoscute la nivel european.

Apreciez că, în acest context, Comisia trebuie să identifice punctual domeniile în care există dificultăți privind transpunerea legislației, pentru a identifica soluțiile care se impun și nu doar să ofere o privire de ansamblu. De asemenea, doresc să subliniez rolul procedurilor *EU Pilot*, care vizează o cooperare mai strânsă între Comisie și statele membre, pentru a remedia încă din faza inițială situațiile de încălcare a legislației Uniunii Europene, fără a se recurge la procedurile oficiale de constatare a neîndeplinirii obligațiilor.

Fiecare stat european trebuie, însă, să se abțină de la o supra reglementare la nivel național, deoarece aceasta duce automat la complicații administrative, care au un impact negativ asupra vieții cetățenilor. Mai mult, o legislație națională stufoasă, incoerentă și des schimbată pune în pericol eficiența politicilor Uniunii Europene în diverse domenii, cum ar fi politica de coeziune și politica agricolă comună. Acest aspect se regăsește mai ales în domeniul reglementării procedurilor de absorbție a fondurilor europene, unde statele membre adaugă condiționalități suplimentare, dincolo de regulamentele și directivele europene. Consider, astfel, că este necesară intervenția Comisiei în sensul limitării unor astfel de supra-reglementări.

Asigurarea aplicării la timp și în mod corect a legislației Uniunii în statele membre rămâne o provocare considerabilă și permanentă. Trebuie să reținem, însă, că acest lucru contribuie semnificativ la creșterea investițiilor, la creșterea economică, dar și la creșterea numărului locurilor de muncă. Tocmai de aceea, grupul meu politic și eu personal, considerăm că se impune respingerea prin vot a tuturor amendamentelor care combat legitimitatea politicilor europene

Sylvia-Yvonne Kaufmann, *im Namen der S&D-Fraktion.* – Herr Präsident! Zwei Zahlen sind besonders interessant: Zum einen ist festzustellen, dass im Jahr 2015 erstmals seit 2011 die Zahl der neuen Beschwerden von Bürgern, Unternehmen oder Organisationen über potenzielle Verstöße gegen das EU-Recht zurückgegangen ist. Das ist erfreulich, wenngleich zirka 3 500 Beschwerden im Jahr noch immer recht viel sind. Und dann die zweite Zahl: Im selben Jahr – 2015 — leitete die Kommission 742 neue Vertragsverletzungsverfahren gegen die Mitgliedstaaten ein.

Die verspätete beziehungsweise die nicht ordnungsgemäße Umsetzung von europäischen Gesetzen hat zweifelsohne negative Auswirkungen auf die allgemeine Rechtssicherheit und auch auf die Wettbewerbsbedingungen im Binnenmarkt. Und wenn man dann noch feststellen muss, dass ausgerechnet im Beschäftigungsbereich auch 2015 wieder die meisten Beschwerden wegen der Verletzung des EU-Rechts eingegangen sind, dann braucht man sich auch nicht darüber zu wundern, weshalb die Bürgerinnen und Bürger wahrnehmen, dass sich ihre sozialen und Arbeitnehmerrechte nicht verbessern.

Wir erleben es ja immer wieder, dass bei Problemen lautstark auf „die da in Brüssel" verwiesen wird. Ach, das ist ja so einfach und so unglaublich populär, Brüssel zum Sündenbock zu erklären. Aber so darf das nicht weitergehen. Es ist höchste Zeit, dass, wenn über die Europäische Union und ihre Probleme gesprochen wird, ganz konkret Ross und Reiter benannt werden, das heißt, klar gesagt wird, wer wofür zuständig ist und die politische Verantwortung trägt.

Die Kommission ist verantwortlich für Gesetzesvorschläge und wacht als Hüterin der Verträge über die Einhaltung europäischen Rechts, und die Mitgliedstaaten sind verantwortlich, einmal beschlossene europäische Gesetze auch fristgerecht umzusetzen und ordnungsgemäß anzuwenden. Dieser Verantwortung dürfen sie sich nicht entziehen. Sie müssen ihre Pflichten endlich wahrnehmen, damit wir alle die Vorteile der europäischen Gesetzgebung wahrnehmen können.

Abschließend möchte ich mich beim Berichterstatter, Herrn Chrysogonos, für seine hervorragende Arbeit und die gute Zusammenarbeit bedanken.

Ангел Джамбазки, *от името на групата ECR*. – Г-н Председател, поздравявам колегата Хрисогонос за работата по доклада. Адаптирането на законодателството на държавите членки към нормалната правна система на Съюза е сложен процес, който изисква време. Много често то причинява редица трудности, които не винаги могат да бъдат решени в точните срокове. От друга страна, забавянето на транспонирането на правото на Съюза не позволява на частните лица и предприятия да се възползват от европейските норми, като обърква прилаганите правила и оказва отрицателно въздействие върху функционирането на вътрешния пазар на Съюза.

Приветствам становището на докладчика, че отговорността за правилното прилагане на правото на Съюза се носи не само от държавите членки, но и от институциите на Съюза, които трябва да се съобразяват с принципите на субсидиарност и пропорционалност. Подкрепям мнението на докладчика, че включването на националните парламенти в диалога относно съдържанието на законодателните приложения ще насърчи по-ефективното прилагане на правото на Европейския съюз. Не съм съгласен, обаче, с аргументите му относно процедурата за миграцията и предоставянето на убежище.

На края искам да подчертая, че Комисията е пазител на договорите, но това не ѝ дава право да се намесва във вътрешните работи на демократично избраните правителства на държавите членки.

Jean-Marie Cavada, *au nom du groupe ALDE*. – Monsieur le Président, ce rapport est vraiment très utile et je veux d'abord remercier notre collègue, M. Chrysogonos, pour toutes les nuances qu'il a apportées et l'effort qu'il a accompli afin que ce soit un rapport fondamental, parce qu'il montre que la responsabilité des États est de mieux en mieux prise en compte et que cette affaire progresse pour que nous ayons une cohérence dans l'Union européenne.

Évidemment, ce rapport reflète aussi le fait que les efforts que les États membres ont fait, vont faire et, en tout cas, doivent faire sont tout à fait fondamentaux pour la relation démocratique entre nos institutions et les électeurs, les citoyens de l'ensemble de l'Union.

Je vais émettre d'abord une restriction avant d'apporter mon appui total. Je ne partage pas toutes les idées qui sont dans ce rapport, et notamment, chers collègues, lorsque le rapporteur établit un lien de causalité entre les mesures financières restrictives imposées par l'Union à certains États membres et l'application incorrecte du droit de l'Union, ou bien lorsqu'il est déploré que les réexamens annuels, par la Commission, la Banque centrale européenne ou le Conseil, des programmes d'ajustement économique destinés aux membres de la zone euro ne soient pas faits de manière – je dirais – démocratique.

En réalité, sur le fond, je vais appuyer ce rapport, que je voterai bien évidemment. Sur un certain nombre de points essentiels, il dit vraiment très bien les choses: sur le respect des droits fondamentaux qui me semblent la pierre angulaire, sur la crise migratoire, sur la responsabilité des États membres qui ne respectent pas les quotas d'accueil des réfugiés, ce qui est une lourde tache sur notre comportement, et puis sur les infractions au droit de l'environnement. Sur ces points-là, je crois que notre rapporteur a mis en lumière, de façon compréhensible par tout le monde, comment nous devons avancer dans la transposition du droit européen dans les États membres et l'expliquer aux électeurs.

Jiří Maštálka, *za skupinu GUE/NGL*. – Pane předsedající, s velkým zájmem jsem si přečetl zprávu kolegy Chrysogonose o uplatňování práva v Evropské unii za rok 2015. Musím říci, že údaj o počtu 3 450 stížností adresovaných Komisi pro možné porušení práva v Evropské unii mě nepříjemně překvapilo. Možná to svědčí o tom, že přijímaná legislativa je složitá a nesrozumitelná. V době narůstajícího euroskepticismu bychom měli vést diskuse zejména o tom, jaké právní předpisy jsou nadbytečné a zatěžující a které naopak na evropské úrovni občanům prospěšné. To znamená, jaká společná unijní legislativa může zlepšit kvalitu života a zajistit hospodářský rozvoj.

Například evropská spolupráce při odstraňování genderové nerovnosti v platovém ohodnocení, které v Evropské unii činí až 16 %, může být jedině prospěšná. Taková nerovnost je samozřejmě neospravedlnitelná. Jsem i toho názoru, že bychom se měli více soustředit na uplatňování principu subsidiarity a proporcionality. Větší zapojení vnitrostátních parlamentů považuji rovněž za nezbytné. Vnitrostátní parlamenty musí mít možnost vyjádřit názor již v rané fázi legislativního procesu, je třeba revidovat takzvaný systém včasného varování a zajistit tak lepší uplatňování postupu žluté karty.

Nechceme další nadbytečnou regulaci a větší administrativní zátěž. Při vytváření právních předpisů musíme dbát na větší zapojení sociálních partnerů, občanské společnosti, organizací na ochranu spotřebitelů. Cílem je transparentnější a otevřenější legislativní proces, jednoduchá, jasná a srozumitelná legislativa, která sníží byrokracii.

Heidi Hautala, *on behalf of the Verts/ALE Group*. – Mr President, the principle of the rule of law, as recalled in Article 2 of the Treaty of the European Union, is the foundation of the Union. The principle of legality, as a corollary to the rule of law, requires that activities of the Union's administration are carried out in full accordance with the law.

With the development of the competencies of the European Union, citizens are increasingly confronted with the Union's institutions and procedures in their daily lives. Despite this increase, the procedures remain opaque, rules unclear and the people do not know what their rights are or if there is a remedy. In other words, alongside the expansion of administrative procedures, the EU has failed to ensure that the procedural rights that are affected will be adequately protected. Yet, in a Union under the rule of law, it is necessary that procedural rights and obligations be clearly defined and complied with. It remains the case that the Union lacks a coherent and comprehensive set of codified rules of administrative law. Not only does this enable poor, non-transparent and inconsistent administration, it makes it difficult for citizens to understand their administrative rights under Union law.

The right to good administration requires that administrative acts should be taken by the Union's administration pursuant to clear and accessible administrative procedures which guarantee impartiality, fairness and timeliness. In its resolution of 15 January 2013, the European Parliament called for the adoption of a regulation on a European law of administrative procedure, to legally guarantee the right to good administration, by means of an open, efficient and independent European administration. However, despite the fact that the motion for a resolution was adopted in plenary by an overwhelming majority, Parliament's request has not been followed up by a Commission proposal. Last year, I asked my colleagues in the Committee on Legal Affairs to draft the regulation together with me if the Commission would not do it, and we did it. The text was endorsed by the Committee in June last year and the European Parliament in its plenary adopted it. It called for the Commission to come forward with a comprehensive legislative proposal.

Mr President, the entry into force of the Treaty of Lisbon would give us the full obligation to implement the right to good administration and I am extremely disappointed to hear once again from the Commission, as we heard, that the Commission still remains to be convinced about the need for a unified law on administrative procedure.

Jane Collins, *on behalf of the EFDD Group*. – Mr President, all Member States have very distinct legal cultures. The legal system of the UK is very different to the rest of continental Europe. A blanket policy cannot work in this Union.

It saddens me to see that this report is calling on the Commission to urge Member States to ensure the strict enforcement of EU rules on the free movement of persons. The EU cannot force an EU migration policy on countries which are already dealing with very difficult internal problems, such as housing and financial commitments. I also note with concern that the emphasis of this report is on bringing sovereign nation states 'back into line'. The report's references to ensuring the EU institutions themselves comply with EU law could almost be obligatory. This is not a periphery matter. This report, like the EU institutions themselves, has failed to consider who guards the guards.

Gilles Lebreton, *au nom du groupe ENF.* – Monsieur le Président, le rapport Chrysogonos fait le point sur l'application par les États européens du droit de l'Union en 2015.

Il répond aux canons habituels de la langue de bois, en chantant les louanges de la Commission de Bruxelles et en se félicitant de la marche irrésistible de l'Union vers l'avenir radieux d'une Europe fédérale. Il n'y manque rien, pas même l'allégeance aux lobbies, pudiquement rebaptisés «organisations de la société civile», ni l'hommage au Comité des régions, dont le travail de sape est en train de démolir l'Espagne. Bel exploit en vérité!

Mais la réalité est têtue. Voilà que soudain le rapport se trouble! Au paragraphe 31, il se déclare préoccupé par l'austérité infligée par l'Union à la Grèce. Il est vrai que l'auteur du rapport est grec et qu'il est difficile d'ignorer le saccage dont son pays est victime. Il finit même par avouer, au paragraphe 33, son inquiétude face au refus de certains États d'Europe de l'Est d'appliquer les relocalisations de migrants ordonnées par la Commission.

Tout cela est pathétique! Au lieu de faire allégeance à la Commission, l'auteur du rapport aurait mieux fait de s'attaquer à Schengen, dont la faillite est responsable de la submersion migratoire que connaît son pays, la Grèce.

Krisztina Morvai (NI). – Biztos Úr! Önhöz van kérdésem, kérem, hogy legyen szíves válaszolni. Hogyan döntik el azt, hogy az európai uniós normák tényleges vagy állítólagos megsértése esetén mikor indítanak eljárást, és mikor nem. Mint ahogy az a jelentésükből is kiderül, nem haboznak eljárást indítani soha, például az én hazám, Magyarország ellen, amikor az Európai Unió – sokszor önkényes – migrációval kapcsolatos normáit nem tartjuk be, mert szeretnénk megvédeni a hazánkat.

Úgy tűnik, hogy soha nem indítanak viszont eljárást akkor, amikor a másik oldalon óriási lobbik vannak a bankvilág részéről. Gondolok itt elsősorban a devizahiteles ügyekre. Az én hazámban, Magyarországon most sok tízezer emberrel szemben áll fenn a végrehajtás, az otthonuk elvesztésének a veszélye.

Hogyha az ember megnézi az európai uniós fogyasztóvédelmi normákat, ez csak néhány közülük. Nem is kell jogásznak lenni, hogy lássuk, hogy ezek a devizahiteles banki ügyletek élesen szembe mentek minden európai uniós fogyasztóvédelmi normával, mint ahogy az is, hogy most ezek az emberek végrehajtás alatt állnak, miközben az Európai Unió bíróságának eljárása ezekben az ügyekben még folyamatban van. Szíveskedjen tájékoztatni a magyar közvéleményt arról, hogy mi az Európai Unió álláspontja ebben a kérdésben! Köszönöm!

Pavel Svoboda (PPE). – Pane předsedající, Evropská unie je společenstvím práva a já jsem ráda, že můžeme tuto zprávu, kterou připravil pan Chrysogonos, diskutovat a děkuju mu za práci na ní odvedenou.

Chtěl bych říci, že jak řekl i pan Maštálka, existují příklady legislativy, kde by skutečně Evropská komise mohla navrhnout jejich změnu, například nesmyslná směrnice o střídání zimního a letního času je horkým kandidátem na změnu, protože byla prokázána nejenom její škodlivost, ale i to, že nepřináší nic dobrého.

Za druhé, nemohu se ztotožnit s návrhem skupiny konfederace Evropské sjednocené levice a Severské zelené levice na změnu, který říká, že uplatňování právních předpisů Evropské unie je v rozporu s blahobytem naprosté většiny obyvatel Evropy. Za prvé, věcně to není pravda, protože právo Evropské unie přispívá k evropské integraci a ta přispívá k blahobytu naprosté většiny obyvatel Evropy. Za druhé, nesouhlasím s tím, aby právo, včetně evropského práva, bylo využíváno jako nástroj třídního boje. Toho jsem si v mládí, kdy jsem studoval na komunistické právnické fakultě, užil dost.

Claudia Țapardel (S&D). – Domnule președinte, domnule comisar, domnule raportor, stimați colegi, în calitate de raportor social democrat pe avizul Comisiei pentru afaceri constituționale, îmi exprim preocuparea în legătură cu implementarea la timp și în mod corect a dreptului comunitar în legislația națională. Acest lucru continuă să fie o provocare majoră din cauza numărului mare de proceduri de infringement, un lucru care, bineînțeles, are un impact negativ asupra finalizării pieței unice interne.

Într-adevăr, responsabilitatea principală pentru implementarea și aplicarea corectă a dreptului Uniunii revine statelor membre. Cu toate acestea, instituțiile Uniunii Europene, și anume Comisia, trebuie să se asigure că instrumentele puse la dispoziția statelor membre, precum manuale, grupuri de experți, platforme online speciale, sunt suficiente și răspund cu adevărat la problemele de transpunere a legislației. În plus, sunt dezamăgită de faptul că, în materie de transpunere a prevederilor legislative, cele trei domenii în care statele membre au făcut cel mai mult obiectul procedurilor de *infringement* au fost sectorul transporturilor, energie și mediu. Totuși, nu trebuie să uităm că aceste sectoare sunt caracterizate de o anumită specificitate. În acest sens, am invitat Comisia să explice motivele acestei situații.

Consider că, pentru respectarea termenelor de transpunere, Comisia ar trebui să stabilească și termene de implementare realiste, încă din faza pre-legislativă, deoarece capacitatea administrativă și nevoile în materie de infrastructură diferă de la un stat membru la altul. Așadar, în mod evident, și eforturile depuse în vederea ajustării legislației naționale ar putea solicita unor țări un dublu de acțiuni sau măsuri, mai ales că, în anumite situații și în cazul anumitor state membre, Comisia vine cu condiționalități suplimentare, care afectează capacitatea respectivelor state să implementeze legislația europeană sau să beneficieze de utilizarea fondurilor și finanțărilor europene, iar acest lucru afectează în mod direct investițiile și locurile de muncă și, implicit, economiile naționale și cea europeană.

Un aspect pozitiv este, totuși, faptul că acest raport reflectă și o poziție care încurajează o mai bună legiferare la nivelul Uniunii Europene, *better law-making*, și aceasta este procedura spre care trebuie să ne concentrăm pe viitor.

Bernd Kölmel (ECR). – Herr Präsident! Die Kommission ist die Hüterin der Verträge.

So weit, so gut, oder genauer gesagt müsste man sagen: So weit, so schlecht. Denn wenn ich zwei große und wichtige Bereiche nehme, zum Beispiel die Migration und die Eurozone, dann sehe ich nicht, dass die Kommission ihrem Auftrag nachkommt, die Einhaltung dieser Verträge auch wirklich durchzusetzen.

Wir haben eine Vereinbarung von Dublin, und da ist klar geregelt, wie man sich im Migrationsbereich verhalten muss. Dagegen wird permanent verstoßen. Das ist eine der Hauptursachen, weshalb wir in der EU in einer so großen Krise sind. Wenn ich den Vertrag von Maastricht nehme, dann muss ich sagen: Es ist doch ein Unding, dass dagegen dutzendmal – ja sogar weit über hundertmal – verstoßen wird, ohne dass es zu Sanktionen kommt. Das dürfte sich die EU nicht bieten lassen.

Erst recht nicht, dass wir eine europäische Institution haben – mit der Europäischen Zentralbank –, die im Prinzip macht, was sie will. Sie überschreitet ihr Mandat, sie führt Maßnahmen durch, die in keinster Weise nachhaltig sind, und die Bürger der EU, die Steuerzahler, werden hierfür die Lasten tragen müssen. Ich bitte die Kommission, hier für Abhilfe zu sorgen.

Ángela Vallina (GUE/NGL). – Señor presidente, lo primero de todo, quisiera dar las gracias y agradecer el trabajo de nuestro compañero Chrysogonos, ponente de este informe.

Dice el artículo 42 de la Carta de los Derechos Fundamentales que toda persona física o jurídica tiene derecho al acceso a la documentación de la Unión Europea. Desde la Comisión de Peticiones, reiteramos que debemos hacer efectivo ese derecho. Necesitamos conocer los datos de los procedimientos de investigación —no le estoy hablando de los procedimientos de infracción, sino de investigación— abiertos por la Comisión Europea en relación con las peticiones.

Pero, más aún, necesitamos tener acceso a los expedientes de esos procedimientos cuando se trata de peticiones que están abiertas y tenemos que dilucidar sobre ellas. Si no es así, estamos minando la credibilidad de estas instituciones europeas, que ya está bastante dañada y de lo cual somos todos y todas conscientes.

Eleonora Evi (EFDD). – Signor Presidente, onorevoli colleghi, le petizioni sono uno strumento indispensabile per informare le istituzioni europee sulle gravi carenze nell'applicazione del diritto dell'Unione. È fondamentale, quindi, ascoltare la voce dei cittadini e agire concretamente per tentare di trovare delle soluzioni. Solo così possiamo davvero contribuire a risolvere i problemi dovuti alla cattiva applicazione del diritto dell'Unione ed evitare situazioni dove la giustizia sociale, i diritti fondamentali e la tutela dell'ambiente sono negati.

Vorrei fare degli esempi, in particolare relativi alle gravi carenze nell'applicazione e nell'attuazione della legislazione ambientale e sulla qualità dell'aria. Penso ad esempio al mio paese, all'Italia, nei cui confronti da anni ormai sono in piedi delle procedure d'infrazione che riguardano i superamenti degli inquinanti atmosferici che causano, ogni anno, il triste primato dell'Italia di 86 000 morti premature a causa dell'inquinamento atmosferico.

È ovviamente un problema inaccettabile, che va gestito a livello di Stato membro, ma per il quale anche la Commissione europea ha grandi responsabilità. Penso allo scandalo *dieselgate*, penso a quanto è successo proprio nel 2015, quando la Commissione europea, però, si è guardata bene dall'esercitare pienamente, tempestivamente e in modo efficace i suoi poteri di controllo per scongiurare l'immissione sul mercato di auto diesel non conformi in materia di omologazione. Si è evidentemente dato ascolto agli interessi lobbistici delle case automobilistiche e non alla salute dei cittadini.

Voglio ricordare anche i ritardi accumulati in altre procedure di infrazione, in altri ambiti del diritto dell'Unione. Penso, ad esempio, a quello sull'abuso dei contratti a termine nel settore del pubblico, che condanna migliaia e milioni di cittadini al precariato e, infine, la mancata ricollocazione dei migranti, uno scandalo per questa Europa. Chiudo ricordando le moltissime petizioni in tema di benessere animale. È inammissibile che la strategia dell'Unione sia ancora ferma e non trovi concreta applicazione.

Rosa Estaràs Ferragut (PPE). – Señor presidente, efectivamente, aplicar eficazmente el Derecho de la Unión Europea tiene que ser una prioridad para todas las instituciones, porque aumenta el sentimiento de pertenencia y de confianza de la ciudadanía europea hacia sus instituciones. Realmente es muy importante en estos momentos que se aumente esta confianza; además, consigue que no haya desigualdades y favorece mucho la seguridad jurídica.

La Comisión, sin duda, es responsable de aplicar y hacer cumplir la legislación europea. Y por eso quiero alentar a la Comisión a que tenga un papel activo en esa misión y que sea para ella una prioridad política. Sin duda la supervisión del cumplimiento de esta legislación con el diálogo estructurado antes de abrir un procedimiento de infracción favorece que no haya estos procedimientos y que se pueda aplicar de manera satisfactoria.

Los Estados miembros también tienen una altísima responsabilidad. Para ello es necesario que se haga la transposición y que la transposición se haga en unos plazos realistas, que hagan que se pueda realmente ejecutar y aplicar ese Derecho de la Unión.

En la Comisión de Peticiones —lo decía su presidenta— hemos podido ver muchísimas peticiones en torno a derechos humanos, a justicia, a mercado interior y, sobre todo, a medio ambiente y accesibilidad. Temas que preocupan a la ciudadanía y que efectivamente tienen que ver con la dificultad a la hora de poder aplicar esa legislación europea. Es una oportunidad para conseguir que este sentimiento de pertenencia de la ciudadanía europea hacia esos valores europeos sea una realidad.

Comparto en líneas generales el informe del ponente, menos en una cuestión: criticar las decisiones legítimas europeas —lo han dicho algunos compañeros aquí— y, aprovechando que el Pisuerga pasa por Valladolid, hacer críticas de sesgo ideológico en un informe que lo que pretende es valorar la aplicación de la legislación europea, no tiene mucho sentido.

Yo creo que lo que tenemos que hacer con este informe es ver de qué manera podemos mejorar la aplicación de esta legislación y reforzar, sobre todo, la credibilidad en las instituciones europeas. Utilizar el informe para cuestiones ideológicas nos produce justamente el efecto contrario. Creo que es el momento de ajustarnos al debate, de ser serios y de generar esas confianzas.

Sergio Gaetano Cofferati (S&D). – Signor Presidente, onorevoli colleghi, quello fatto dal collega Chrysogonos e dai suoi collaboratori è un ottimo lavoro, che consente di affrontare compiutamente il problema che stiamo discutendo.

Ora è molto importante legiferare bene, sempre. È altrettanto importante però controllare poi che le leggi vengano applicate tempestivamente e correttamente: tempestivamente perché, negli elementi rilevati in continuazione nel corso degli ultimi anni, lo scostamento tra il momento dell'approvazione della norma e la sua attuazione, anche quando questa avviene, è secondo me sinceramente eccessivo, soprattutto per alcuni temi. Poi abbiamo visto come per altre materie, in verità, l'applicazione sia erratica o addirittura inesistente.

È indubbiamente positivo che il numero di infrazioni rilevate o di ritardi appurati sia calato nel corso degli ultimi anni. Non è tranquillizzante, però, che quello che rimane sia prevalentemente legato alle condizioni legislative che riguardano il lavoro e i diritti delle persone che lavorano. Occorre in questo molta determinazione da parte della Commissione: non si può accettare che, ad esempio, in una materia delicatissima come quella dell'immigrazione ci sia un sottrarsi agli obblighi precedentemente discussi e concordati.

Esattamente come la stessa cosa non è accettabile per quanto concerne uno dei temi più delicati emersi nel corso degli ultimi mesi, quello del fisco. Il fisco è diventato strumento di concorrenza tra i paesi dell'Unione. Il rispetto delle norme, anche se questa è una materia che ancora attiene alla competenza degli Stati membri, è indispensabile. Dunque è molto importante che ciò venga rimarcato, che si attuino i provvedimenti del caso. Allo stesso modo credo, infine, che sia molto utile far sì che i parlamenti nazionali affrontino con la stessa convinzione e con la stessa determinazione i temi che abbiamo discusso questa mattina.

Anders Primdahl Vistisen (ECR). – Hr. formand! Det er symptomatisk for dagens debat, der handler om, hvordan vi som Parlament og Kommissionen skal sikre overholdelsen af EU-lovgivningen, at vi viger uden om alle de centrale problemer. De centrale problemer er, at der er en klar dobbeltstandard i EU i forhold til, hvilke overtrædelser Kommissionen tager alvorligt, og hvilke overtrædelser man ikke bryder sig om at tage op. Vi kan bare se på hele euroområdet, hvordan lande som Frankrig og Tyskland år efter år efter år har overtrådt de regler, man selv har implementeret for euroområdet, uden at Kommissionen har lagt an til en traktatsag på den baggrund. Som min kollega nævnte tidligere, så er Dublinkonventionen og Tysklands brud på den, midt under den største flygtningekrise i Europas nyere historie, også et eksempel, hvor man har svigtet. Så lad os nu gøre op med dobbeltstandarderne. Hvis EU skal være et samfund baseret på lige regler for alle, så skal Kommissionen også tage et opgør med de store lande, i stedet for kun at gå efter de små fisk på de små områder.

Νικόλαος Χουντής (GUE/NGL). – Κύριε Πρόεδρε, χρόνια πολλά. Κύριε Επίτροπε, για τη χώρα μου, την Ελλάδα, η εφαρμογή του δικαίου της Ευρωπαϊκής Ένωσης το 2015 είναι συνώνυμη με την κατάλυση της δημοκρατίας και της λαϊκής κυριαρχίας. Το 2015, ο ελληνικός λαός με δημοκρατικό τρόπο αποφάσισε την αλλαγή των νεοφιλελεύθερων οικονομικών πολιτικών που εφήρμοζαν οι ελληνικές κυβερνήσεις και η τρόικα τα προηγούμενα χρόνια. Ο ελληνικός λαός, με 62% στο δημοψήφισμα, καταψήφισε τη συνέχιση των μνημονίων που επέβαλε η τρόικα. Σε αυτή την κυρίαρχη απόφαση, οι θεσμοί της Ευρωπαϊκής Ένωσης απάντησαν με ένα οικονομικό πραξικόπημα. Με όπλο το κλείσιμο των τραπεζών, εκβίασαν την Ελλάδα να υπογράψει για τρίτη φορά το ξεπούλημα της χώρας, τις περικοπές εισοδημάτων και συντάξεων, και την απορρύθμιση της αγοράς εργασίας. Δηλαδή επέβαλαν και πάλι μνημόνια που, εκτός των άλλων, παραβιάζουν τον Χάρτη Θεμελιωδών Δικαιωμάτων κατά κοινή ομολογία και έχουν οδηγήσει στη φτώχεια και στην ανεργία. Τώρα οι θεματοφύλακες των Συνθηκών και οι κυβερνήσεις που εφαρμόζουν τα μνημόνια αλληλοκαταγγέλλονται στην παρανομία αλλά και ταυτόχρονα συνεργάζονται για την επιβολή της πολιτικής της λιτότητας. Κύριε Επίτροπε, ο ελληνικός λαός τις έχει καταδικάσει αυτές τις πολιτικές, θεωρεί συνυπεύθυνους και τους ευρωπαϊκούς θεσμούς και τις κυβερνήσεις για τις καταστροφές που έχουν επιφέρει και θα τους δώσει την κατάλληλη απάντηση.

Πρόεδρος. – Σας ευχαριστώ για τις ευχές σας για την ονομαστική μου εορτή.

Francis Zammit Dimech (PPE). – Sur President, jien ningħaqad ma' kull min feraħ lir-rapporteur għar-rapport tiegħu li jidentifika numru ta' aspetti importanti marbuta ma' suġġett li hu fil-qalba tal-ħajja demokratika Ewropea għaliex l-implimentazzjoni tal-liġi Ewropea hi preċiżament dik li tagħti l-garanzija liċ-ċittadini Ewropej biex jibbenefikaw mis-sħubija tal-pajjiżi tagħna fl-istess Unjoni Ewropea.

Nagħmel xi referenzi anke li huma rilevanti għall-Malta, pereżempju fil-paragrafu 16 huwa identifikat nuqqasijiet meta jkollok dewmien, anke fl-applikazzjoni ta' liġijiet li jolqtu l-frodi jew il-ħasil tal-flus. Wieħed ma jistax ma jorbotx dak li jissemma hemmhekk fir-rapport, anke ma' sitwazzjonijiet li huma serji ħafna, serji anke fid-dawl ta' dak li kien żvelat fil-Panama Papers u għalhekk, meta f'pajjiżna ma jkunx qiegħed jimplimenta jew, fi żmien li suppost jew anke korrettament, il-miżuri marbuta ma' ħasil ta' flus, dak ikun ta' detriment għall-ħajja mbagħad taċ-ċittadini ġewwa pajjiżna.

Wieħed ukoll ma jistax ma jirreferix għar-rapporti li kellna fil-midja, anke rigward indħil fl-operat tal-FIAU, li hija l-aġenzija marbuta biex tħares kontra l-ħasil tal-flus jew anke rapporti iktar riċenti dwar il-Bank Pilatus li huwa implikat anke rigward attività illeċita fejn qiegħed jaġixxi ta' bully mal-midja lokali biex jassigura li jneħħu anke mill-arkivji tagħhom xi materjal li hu jqis offensiv lejh.

L-Unjoni Ewropea hija mibnija fuq is-saltna tad-dritt. Preċiżament dan il-Parlament, fil-ġranet li għaddew, kellna l-opportunità li nsellmu lejn il-memorja tal-ġurnalista investigattiva Daphne Caruana Galizia, li għamlet il-ħidma kollha tagħha biex tassigura dik is-saltna tad-dritt u biex tkun hi minn ta' quddiem nett, anke f'investigazzjonijiet importanti ħafna.

Nagħlaq b'kumment għal paragrafu ieħor fejn jissemmew il-whistleblowers. Ir-rapport jgħid li dawn iridu jingħataw inkoraġġiment u mhux ikunu mfixkla. Ukoll dan huwa importanti għaliex f'xi pajjiżi, sfortunatament inkluż f'Malta, ikollok sitwazzjonijiet fejn, il-whistleblower ikun mogħti inkoraġġiment jew ikun imfixkel, skont dak li jgħid, jekk jaqbilx jew le lil min ikun qiegħed fil-poter.

Lidia Joanna Geringer de Oedenberg (S&D). – Panie Przewodniczący! Komisja Europejska jako strażniczka traktatów powinna być gwarantem stosowania prawa wspólnotowego, aby tak było w praktyce, niezbędne jest dalsze usprawnianie transpozycji prawa w państwach członkowskich, jak i zagwarantowanie jego należytego poszanowania. W 2015 roku Komisja otrzymała 3450 skarg dotyczących domniemanych naruszeń prawa unijnego. Państwa członkowskie, których dotyczyła większość skarg, to Włochy, Hiszpania i Niemcy. Duża liczba toczących się postępowań w sprawie uchybienia zobowiązaniom państwa członkowskiego pokazuje, że prawidłowe stosowanie prawa unijnego wciąż pozostaje poważnym wyzwaniem. Z końcem 2015 roku otwartych było 1368 spraw dotyczących niewypełnienia obowiązków państw członkowskich, co stanowi nieznaczny wzrost w stosunku do poprzedniego roku, niemniej jednak jest to nadal mniejsza liczba postępowań niż w 2011 roku, co jest swego rodzaju optymistycznym sygnałem.

Prawidłowa transpozycja i wdrożenie przepisów prawa unijnego do ustawodawstwa krajowego w odpowiednim czasie oraz przejrzyste krajowe ramy legislacyjne zapewniające pełne poszanowanie dla podstawowych wartości i praw zapisanych w traktatach i Karcie Praw Podstawowych Unii Europejskiej powinny być dla państw członkowskich priorytetem, aby unikać przypadków naruszania prawa wspólnotowego, gdyż w efekcie narusza ono należytą ochronę obywateli.

Na koniec pragnę pogratulować sprawozdawcy dobrze przygotowanego dokumentu.

Marek Jurek (ECR). – Rządy prawa polegają przede wszystkim na kontroli władzy, a rządy prawa w Unii Europejskiej polegają na kontroli władz Unii Europejskiej. Jeżeli jakakolwiek władza dojdzie do wniosku, że zarzuty, że nie przestrzega ona zasad, na które się powołuje, mają charakter absurdalny, są niedopuszczalne, to może skończyć tak jak ta władza, która swoich oponentów umieszczała w szpitalach psychiatrycznych.

Oczywiście na razie krytyków władz Unii Europejskiej traktuje się u nas tylko jako przeciwników Europy, ale i tak jest to oburzające. Mam nadzieję, że pewnego dnia zawrócimy z tej drogi. Niestety bardzo często widzimy, że konkretne naruszenia prawa w państwach członkowskich, wobec których oczekiwalibyśmy tylko werbalnego zajęcia stanowiska, przez władze Unii Europejskiej są ignorowane – na przykład cenzura zawarta w nowym prawie francuskim o tzw. zakazie utrudniania aborcji albo zatajanie przestępstw popełnianych przez nielegalnych imigrantów w poszczególnych państwach członkowskich. Władze Unii Europejskiej muszą szanować głosy wzywające do przestrzegania prawa, niezależnie od tego skąd i od kogo pochodzą.

Емил Радев (PPE). – Г-н Председател, ефективното прилагане на законодателството на Европейския съюз е от съществено значение, за да могат гражданите и предприятията да извлекат ползи от политиките, които изготвяме. Правилното прилагане на правото гарантира, че физическите лица и дружествата могат да се възползват от правата си и да получат бърза и ефективна правна защита, ако тези права са нарушени. Ако законодателството не се изпълнява или прилага правилно, това ще отслаби доверието на гражданите в Европейския съюз.

През 2015 г. мобилността и транспорта, енергетиката и околната среда са били трите области на политиката, в които бяха установени най-голям брой потенциални нарушения. А резултатите в докладите показват, че ненавременното и неправилно транспониране на европейските директиви продължава да бъде основен проблем при прилагането на правото на Европейския съюз. Не може да не отбележим и ролята, която гражданите и европейските институции имат, за да гарантират, че държавите членки спазват правото на Европейския съюз.

Големият брой производства за установяване на неизпълнение на задължения през 2015 г. показва, че гарантирането на навременното и правилно прилагане на законодателството на Европейския съюз в държавите членки остава сериозно предизвикателство. За да улесним прилагането на правото на Европейския съюз от държавите членки, законодателството на Съюза трябва да бъде ясно, разбираемо, последователно и прецизно, като същевременно се взема предвид практиката на Съда на Европейския съюз, в която се набляга на необходимостта от предвидимост и предсказуемост на разпоредбите на ЕС. Поздравявам докладчика г-н Хрисогонос за отличния доклад.

Evelyn Regner (S&D). – Herr Präsident! Rechtsetzung ist die eine Seite der Medaille. Die andere Seite der Medaille, die aber genauso wichtig ist, ist dann natürlich die Anwendung und die Kontrolle. Die Europäische Kommission ist die Hüterin der Verträge und dementsprechend auch zuständig für beide Seiten dieser Medaille. Die Kontrolle der Kommission über die Anwendung des EU-Rechts wird also von Jahr zu Jahr bedeutender. Es ist wichtig, dass wir darauf achten, unseren gemeinsamen *acquis* zu erhalten und für die einheitliche Anwendung und Umsetzung zu sorgen.

Neben den wichtigen Themen der Anwendung im Bereich Asyl und Migration möchte ich hier insbesondere auf die wirtschaftspolitische Komponente eingehen. Es gibt nun Mitgliedstaaten, die in einigen Bereichen die Anwendung des EU-Rechts verweigern oder zumindest verwässern, und zwar tun sie das systematisch.

Einerseits dort, wo es um die Umsetzung ins nationale Recht geht. Hier möchte ich als ein *bad example* Österreich bezüglich der Umwelthaftung hervorheben, die wir in der nächsten Debatte thematisieren werden.

Andererseits aber auch in der Durchsetzung und im Vollzug von EU-Recht – genau dort, wo das Funktionieren des Binnenmarkts von der grenzüberschreitenden Behördenzusammenarbeit abhängt, dort, wo die Staaten oftmals kein eigenes Interesse haben, lassen einige Mitgliedstaaten systematisch Ignoranz walten.

Ich möchte hier ein konkretes Beispiel ansprechen, nämlich Ungarn. Der österreichische Verwaltungsgerichtshof hat vor Kurzem bei der Entsendung von Arbeitnehmern feststellen müssen, dass trotz EU-Vorschriften, die die effektive Strafverfolgung und den Strafvollzug zwischen den Mitgliedstaaten sicherstellen, im Falle Ungarns, die Rechtshilfe systematisch verweigert wird. Es ist also ein Streitfall im Zusammenhang mit der Entsendung von Arbeitnehmern. Das ist natürlich ein Fall, der besonders heikel ist, und daher suche ich gerade auch bei diesen heiklen Fällen, darauf zu achten, dass beide Staaten auch wirklich EU-Recht entsprechend anwenden.

Νότης Μαριάς (ECR). – Κύριε Πρόεδρε, κύριε Andriukaitis, η Ευρωπαϊκή Επιτροπή υποτίθεται ότι είναι ο φύλακας των Συνθηκών. Το ερώτημα όμως που πλανάται στον ελληνικό λαό είναι ποιος τελικά θα μας φυλάξει από τους φύλακες, κι αυτό γιατί τα έργα και οι ημέρες της Ευρωπαϊκής Επιτροπής ως μέλους της τρόικας είναι από τα πιο μελανά σημεία της λειτουργίας της Ευρωπαϊκής Ένωσης. Αντί η Επιτροπή να είναι θεματοφύλακας των Συνθηκών, εδώ και επτά χρόνια δρα ως θεματοφύλακας των συμφερόντων των δανειστών. Ως μέλος της τρόικας, μαζί με την Ευρωπαϊκή Κεντρική Τράπεζα, επέβαλε μνημόνια, πετσόκοψε μισθούς και συντάξεις, μείωσε τις δημόσιες δαπάνες, διέλυσε το σύστημα υγείας και το ασφαλιστικό σύστημα, γέμισε την Ελλάδα με στρατιές ανέργων και εκατομμύρια φτωχούς, μετέτρεψε την Ελλάδα σε ένα απέραντο κοινωνικό νεκροταφείο. Έτσι, παραβίασε το δίκαιο της Ευρωπαϊκής Ένωσης, τα θεμελιώδη δικαιώματα της Χάρτας των Ανθρωπίνων Δικαιωμάτων και κουρέλιασε κάθε έννοια δημοκρατίας στην Ελλάδα, καθώς, όχι μόνο δεν σεβάστηκε το αποτέλεσμα του δημοψηφίσματος του Ιουλίου του 2015 κατά των μνημονίων, αλλά αντίθετα εκβίασε την ανατροπή του. Επομένως για ποια εφαρμογή δικαίου μιλάμε;

Tomáš Zdechovský (PPE). – Pane předsedající, aby mohla Evropská unie dosahovat všech svých cílů, je nutné, aby dobře fungovala. Evropská unie přináší podnikům a občanům mnoho výhod, které však nepřichází automaticky. Aby lidé mohli využívat benefity členství v Evropské unii a aby jim svědčila ochrana, kterou jim evropské právo zajišťuje, musí státy implementovat a transponovat evropské právo a musí ho střežit a chtít jeho dodržování.

Nicméně se setkáváme s transpozičním deficitem, což opětovně prokazuje právě tato zpráva o kontrole uplatňování práva v Evropské unii. Je zde řada negativních jevů. Třeba rozdílné právní úpravy, bariéry, nedostatečná ochrana a nejistota firem a občanů Evropské unie. Je nutné o tomto deficitu také více diskutovat a je potřeba více se zamyslet, jak efektivním způsobem bojovat proti porušování práva a řízením před Evropskou komisí a před Soudním dvorem.

Je třeba také zajistit včasné a správné uplatňování právních předpisů Evropské unie, ale vidíme, že zavedený způsob není dostatečně aktivní. Já nevyzývám k tomu, aby Soudní dvůr daleko více někoho penalizoval a abychom se přikláněli k řešením, která budou mít finanční následky. Já vyzývám k tomu, abychom se více zamysleli nad tím, jak třeba efektivně vysvětlovat transpoziční dluh v daných členských státech. Především předlužené státy, bylo tady zmíněno Řecko nebo Itálie, stejně nejsou schopny tyto sankce potom dodržovat. Proto chci, aby se Evropská komise zamyslela nad tím, jak uplatňovat svou moc a jakým způsobem bude s členskými státy i nadále více komunikovat.

Maria Grapini (S&D). – Domnule președinte, domnule comisar, stimați colegi, transparența și claritatea sunt indispensabile în elaborarea și aplicarea dreptului de către instituțiile Uniunii Europene și statele membre. S-a vorbit aici de numărul mai mic de petiții, de plângeri, 3 450. Pentru mine este o surpriză că jumătate, aproape 50 %, din aceste plângeri sunt venite din trei țări, care pot fi exemplu sau se vor a fi exemplu pentru statele membre mai noi, vorbesc aici de Germania, Italia și Spania. Din păcate, nu trebuie să ne amăgim. Numărul de încălcări ale drepturilor omului este mult mai mare, însă cetățenii, mulți dintre ei, nu își știu drepturile sau sunt demobilizați de birocrația care există în depunerea unei petiții. Petițiile reprezintă o sursă importantă de informații directe, nu numai cu privire la încălcările și deficiențele aplicării dreptului în Uniunea Europeană și în statele membre, ci și la posibilele lacune ale legislației Uniunii. De aceea, trebuie să ținem cont de ele.

Personal, primesc foarte multe petiții, nu numai din țara mea ci și din alte țări. Cred, domnule comisar, că nu trebuie să fiți supărat – așa am înțeles eu și poate îmi răspundeți. Parlamentul are un rol esențial și trebuie să exercite un control politic asupra acțiunilor de asigurare a respectării legislației, privind modul în care Comisia rezolvă această problemă și cum raportează, în mod transparent, anual, Parlamentului despre acest subiect.

Csaba Sógor (PPE). – Mr President, like many others before it, this report again points out that the EU has been set up as a Union based on the rule of law and respect for human rights, a community of values in which the rights of minorities are respected and in which cultural and linguistic diversity is protected and enhanced.

The report is right to point out that, besides monitoring violations and deficiencies in the application by Member States of existing EU legislation, the Commission is also bound to act in previously omitted legislative areas in order to give effect to Treaty provisions. This is especially true for cases where definite failures can be observed in the compliance with the founding values of our Union. For example, there is still no secondary EU legal framework to protect and guarantee the rights of national minorities living in the European Union, even though this is an area where the EU is very active in relation to third countries. As one academic pointed out, in the EU, minority protection is still an area destined for export and not for domestic consumption.

Such loopholes in EU legislation are very clearly visible, not only when Member States act against the spirit of the Treaties but also when citizens expressly point out issues in petitions or citizens' initiatives. In this sense, it was definitely regrettable that the Commission only agreed to register the Minority SafePack European citizens' initiative when forced by a judgment of the EU tribunal.

To recall, the promoters asked the EU to adopt a set of legal acts aimed at improving the protection of persons belonging to national and linguistic minorities, and [noted] that strengthening cultural and linguistic diversity in the Union is something that is a founding value of our Union. The implementation of EU law is a priority, but so is acting on such long-standing omissions with clear negative consequences on the lives of millions of EU citizens.

Stanislav Polčák (PPE). – Pane předsedající, řádné uplatňování práva Evropské unie je důležité zejména z dvou momentů. Umožnuje řádné fungování Evropské unie a poskytuje právní jistotu občanům a institucím a samozřejmě i podnikům, že se mohou spolehnout na platné právo, že mohou jednat v důvěře v platné právo.

Kontrola dodržování práva Evropské unie je svěřena Komisi a také občanům. Pokud jde o tu občanskou kontrolu, myslím si, že o ni bychom měli velmi stát a měli bychom napomáhat právě této občanské iniciativě. Jako jeden z těch momentů, po kterém opakovaně voláme, se objevuje požadavek na zřízení jednoho ústředního portálu pro podávání stížností, ale i pro informace o zahájených řízeních o porušovánínebo nesplnění povinnosti. Pro mě je velmi podstatné, že dochází k jakémusi poklesu počtu zahajovaných řízení, což je dáno nepochybně i nižší legislativní aktivitou v tomto volebním období, což kvituji.

Na druhou stranu to porušování práva je stále nesmírně závažné. Za ty závažné příklady já považuji zejména porušování práv daných na úseku ochrany životního prostředí a nejsou to pouze nové členské státy. Je to například i Rakousko. Nechci vést dělicí čáru mezi starými a novými členskými státy, ale je důležité, aby zejména na úseku životního prostředí opravdu platilo pravidlo Evropské unie, padni komu padni.

Pokud jde o *gold-plating*, zde bych si ještě dovolil říci jednu zásadní poznámku. Myslím si, že bychom měli opravdu zdůrazňovat i úlohu vnitrostátních parlamentů. Na závěr bych chtěl poděkovat zpravodaji za předložení velmi dobré zprávy.

Παρεμβάσεις με τη διαδικασία «catch-the-eye»

Κώστας Μαυρίδης (S&D). – Κύριε Πρόεδρε, συγχαρητήρια για την ονομαστική σας εορτή. Συγχαίρω τον εισηγητή της έκθεσης, κύριο Χρυσόγονο, για αυτή την έκθεσή του που αναπόφευκτα περιλαμβάνει συμβιβασμούς, αλλά χαιρετίζω ιδιαίτερα το γεγονός της αναφοράς στα δικαιώματα των ευρωπαίων πολιτών, τα οποία παραβιάζονται από την οικονομική κρίση. Το κράτος δικαίου είναι το υπέρτατο συμφέρον των ευρωπαίων πολιτών. Η εφαρμογή του κράτους δικαίου είναι πρωτίστως αρμοδιότητα και της Ευρωπαϊκής Επιτροπής κι αυτό δεν είναι θεωρητικό ζήτημα, είναι πρακτικό ζήτημα. Αποφάσεις δικαστηρίων της Ευρωπαϊκής Ένωσης, του Δικαστηρίου της Ευρωπαϊκής Ένωσης, που αφορούν θεμελιακά δικαιώματα παραβιάζονται και δεν εφαρμόζονται στην Κύπρο. Ευρωπαϊκές οδηγίες για τις παράνομες πρακτικές και τις ρήτρες των τραπεζών δεν εφαρμόζονται με τον ίδιο συνεκτικό τρόπο σε όλη την Ευρωπαϊκή Ένωση. Και καταλήγω, κύριε Πρόεδρε: η Ευρωπαϊκή Ένωση, με βάση τη Συνθήκη της Λισαβόνας, πρέπει να είναι χώρος ελευθερίας, ασφάλειας και δικαιοσύνης. Αυτό είναι το όραμα, αυτό μας ενώνει.

António Marinho e Pinto (ALDE). – Senhor Presidente, felicito o colega Chrysogonos pelo sentido deste relatório, pelo excelente trabalho realizado e, sobretudo, pela coragem de nele incluir alguns aspetos da realidade que as conveniências políticas de circunstância poderiam aconselhar a omitir.

Refiro-me à influência negativa que as medidas de austeridade aplicadas em alguns Estados-Membros tiveram na administração da justiça. Eu próprio testemunhei isso em Portugal, pois, enquanto presidente da Ordem dos Advogados Portugueses, escrevi por duas vezes ao Fundo Monetário Internacional, à Comissão Europeia e ao Banco Central Europeu, alertando para os efeitos catastróficos que uma tresloucada política de justiça assente na austeridade estavam a causar no funcionamento do sistema judicial.

Senhor Comissário, é urgente e imperioso tomar medidas para aprofundar a integração europeia na área da justiça. As instituições da União funcionarão muito melhor e, sobretudo, modernizar-se-ão alguns sistemas judiciais de Estados-Membros que estão mais próximos dos modelos do Santo Ofício do que dos modelos de justiça de Estados democráticos.

Γεώργιος Επιτήδειος (NI). – Κύριε Πρόεδρε, χρόνια πολλά. Θέλω και εγώ να συγχαρώ τον κύριο Χρυσόγονο για τον εμπεριστατωμένο τρόπο με τον οποίο αντιμετώπισε ορισμένα κρίσιμα και ευαίσθητα θέματα στην έκθεσή του. Μία παράμετρος που πρέπει να μας απασχολήσει για την εφαρμογή του δικαίου της Ευρωπαϊκής Ενώσεως είναι η καθυστέρηση με την οποία εφαρμόζεται αυτό από ορισμένα κράτη, καθώς επίσης και η μη εφαρμογή του από άλλα, παρά το γεγονός ότι αυτά ξέρουν πως θα υποστούν συνέπειες. Αιτία αυτής της εξελίξεως είναι το γεγονός ότι το δίκαιο, σε πολλές περιπτώσεις, δεν ανταποκρίνεται στις απαιτήσεις της σύγχρονης κοινωνίας και δεν καλύπτει τις ανάγκες αυτής. Επιπλέον, υπάρχει πολύ μικρή συνεργασία με τα εθνικά κοινοβούλια και πολλές φορές η Ευρωπαϊκή Ένωση επιβάλλει να θεσμοθετηθούν αποφάσεις οι οποίες στρέφονται κατά των συμφερόντων ορισμένων κρατών. Χαρακτηριστικό παράδειγμα είναι η Ελλάδα στην οποία, με τρόπο απαράδεκτο και κατά παράβαση της αρχής της αλληλεγγύης έχει επιβάλει τα μνημόνια και έχει μετατρέψει τη χώρα σε ένα απέραντο στρατόπεδο συγκεντρώσεως δυστυχισμένων ανθρώπων.

(Τέλος παρεμβάσεων με τη διαδικασία «catch-the-eye»)

Vytenis Povilas Andriukaitis, *Member of the Commission*. – Mr President, colleagues, thank you very much indeed for your comments, questions and suggestions. If I may, let me start with Ms Hautala's question on administrative procedures because this is a very fundamental one.

The Commission is committed to guaranteeing that citizens, businesses and stakeholders can interact with an administration that is open, independent and efficient. For that purpose, the Commission, as well as other institutions and bodies, has a well-established set of horizontal rules which govern its administrative behaviour.

This includes, among others, a strong commitment made by laying down general provisions in the Code of Good Administrative Behaviour, which must guide administrative conduct in relations with citizens, as well as a range of provisions in legislation on staff and financial regulations, on data protection and access to documents, to name but a few. In addition, the Annex 'Administrative procedures for the handling of relations with the complainant regarding the application of European Union law' to the communication 'EU law: Better results through better application', on relations with a complainant in respect of infringements of Union law, specifically protects the complainant's position in the informal phase of the infringement procedure.

These measures include: first, a 12-month time limit from the filing of the complaint, within which the Commission should, as a general rule, decide whether to initiate an infringement procedure or not; second, the possibility for the complainant to meet the representatives of the Commission in order to present his/her argument; and, third, the requirement to give prior notice should the Commission intend to close the case, thus allowing the complainant to raise new arguments within four weeks.

The Commission is, therefore, at this stage not convinced that the benefits of using a legislative instrument that would codify administrative law would outweigh the costs. New legislation would require the revision of a considerable volume of existing European Union legislation. Even when done with care and a sense of proportion, codification is likely to lead to problems of delimitation between the general and specific laws, not making legislation any clearer or litigation any easier for citizens and businesses affected. It would also remove the flexibility required to adapt to particular needs.

The second question concerning the role of Parliament in monitoring the implementation of EU law was raised by Ms Grapini. Without prejudice to the democratic control by Parliament, under Article 17 of the TEU it is the Commission which oversees the application of European Union law, under the control of the Court of Justice of the European Union.

The infringement procedure, under Articles 258 and 260 TEU, form part of a specific *sui generis* competence conferred directly on the Commission under the Treaties. Therefore, the infringement procedure has a specific bilateral nature. It is conducted solely between the Commission and the Member State concerned.

Some Members of Parliament raised questions about Greece and Cyprus, especially Mr Marias, Mr Mavrides, and others. I would just say that the Greek and Cypriot Memorandums of Understanding were not part of European Union law because they led to intergovernmental financial support. The Greek and Cypriot Memorandums of Understanding were only formally agreed between the lenders and the beneficiary Member State.

The Court of Justice confirmed that, when adopting and implementing measures under such an intergovernmental adjustment programme, the national authorities of the concerned Member State do not implement European Union law.

Referring to some political statements about double standards and so on, as you know very well, the rule of law, the European Union Treaties, procedures and competences, are enshrined in a crystal-clear legal framework. Here it doesn't matter whether it is a small country or a big country, we have the same possibility to start these procedures if the situation allows us to do it. The procedure to address infringements is the same for all countries, and the Commission takes all cases very seriously, whether it concerns cases in Hungary, Germany, or any other country.

Mr President, honourable Members, the Commission very much shares your interest in the correct application of EU law, which is necessary for the benefit of European Union citizens, businesses and public administration. The Commission looks forward to continuing its work with Parliament on this very important topic.

Κώστας Χρυσόγονος, *Εισηγητής*. – Κύριε Πρόεδρε, να ευχηθώ και εγώ με τη σειρά μου για την ονομαστική σας εορτή. Θα ήθελα να ευχαριστήσω όλους τους συναδέλφους, τόσο της μεγάλης πλειοψηφίας των ομιλητών που εξέφρασαν πολύ θετικά σχόλια για την έκθεσή μου, όσο και για εκείνους που εξέφρασαν επικριτικές απόψεις, διότι στο πλαίσιο ενός δημοκρατικού διαλόγου οι επικρίσεις, όταν αφορούν την ουσία των ζητημάτων, μπορούν μερικές φορές να μας δώσουν την ευκαιρία για γόνιμο προβληματισμό. Η ουσία του πράγματος είναι ότι η Ευρωπαϊκή Ένωση βρίσκεται σήμερα σε μια κατάσταση αμφιβολίας για το μέλλον της. Πριν από λίγο καιρό, ένα κράτος μέλος για πρώτη φορά αποφάσισε να αποχωρήσει με την ψήφο των πολιτών του. Αλλά η αμφισβήτηση δεν περιορίζεται σ' αυτό το κράτος μέλος. Είναι φανερό ότι μεγάλη μερίδα ευρωπαίων πολιτών αισθάνεται πως οι πολιτικές της Ένωσης δεν εξυπηρετούν επαρκώς τον στόχο της κοινής ευημερίας των λαών της, των οποίων εξαγγέλλει η ιδρυτική της Συνθήκη. Τις ανησυχίες αυτές των πολιτών πρέπει η Ένωση να τις αντιμετωπίσει σοβαρά και κατά την άποψή μου ο δρόμος για να τις αντιμετωπίσει είναι να υπάρξει μεγαλύτερη προσήλωση στο πρωτογενές ευρωπαϊκό δίκαιο, στις Συνθήκες, και ιδίως στο Χάρτη Θεμελιωδών Δικαιωμάτων, με έμφαση, θα σας έλεγα, στα κοινωνικά δικαιώματα. Στο δικαίωμα για υγεία, στο δικαίωμα για παιδεία, στο δικαίωμα για εργασία, στο δικαίωμα για κοινωνική ασφάλιση, γενικότερα στα δικαιώματα αξιοπρεπούς διαβίωσης των ανθρώπων. Προκειμένου να συμβεί αυτό, χρειάζεται περισσότερη αλληλεγγύη, τόσο μεταξύ των κρατών μελών όσο και στο εσωτερικό των κοινωνιών, με αναδιανομή από τους έχοντες προς τους μη έχοντες και όχι το αντίστροφο, όπως σε μεγάλο βαθμό συμβαίνει σήμερα.

Πρόεδρος. – Η συζήτηση έληξε. Η ψηφοφορία θα διεξαχθεί σήμερα.

7. Vykonávanie smernice o environmentálnej zodpovednosti (rozprava)

Πρόεδρος. – Το επόμενο σημείο στην ημερήσια διάταξη είναι η συζήτηση σχετικά με την έκθεση της κ. Laura Ferrara, εξ ονόματος της Επιτροπής Νομικών Θεμάτων, σχετικά με την εφαρμογή της οδηγίας για την περιβαλλοντική ευθύνη (2016/2251(INI)) (A8-0297/2017)

Laura Ferrara, *relatrice*. – Signor Presidente, onorevoli colleghi, come cittadina portavoce del Movimento 5 Stelle al Parlamento europeo, sono particolarmente fiera di poter presentare questa ambiziosa ma realistica relazione sull'applicazione della direttiva sulla responsabilità ambientale.

C'è infatti un legame molto stretto e molto sentito tra il frutto di questo lavoro e le ragioni per le quali io, insieme a milioni di altri cittadini italiani, ci stiamo impegnando politicamente per cambiare le cose che secondo noi non vanno bene, sia in Italia che in Europa.

Una di queste ragioni, simbolicamente rappresentata da una delle 5 stelle del Movimento, è proprio la tutela e il rispetto dell'ambiente in ogni sua forma, come bene unico e fondamentale per la vita e anche per le generazioni future. Mi fa molto piacere quindi che questo impegno sia stato condiviso dai colleghi degli altri gruppi politici, che ringrazio per aver contribuito a rendere la proposta che rivolgiamo alla Commissione europea ancor più ambiziosa e avanzata.

La prima considerazione che occorre fare in materia di responsabilità ambientale è che l'implementazione della direttiva, avvenuta in maniera disomogenea e superficiale, non ha raggiunto i risultati sperati. Sono necessari maggiori sforzi per rendere possibile una standardizzazione delle regole sulla responsabilità ambientale nell'Unione europea e, in tal senso, occorre fornire un'interpretazione univoca del concetto di soglia di rilevanza significativa del danno ambientale eintrodurre delle procedure amministrative standard di notifica delle minacce di danno ambientale.

Soprattutto chiediamo che la direttiva venga aggiornata il prima possibile, ampliando la nozione di danno ambientale e la sua portata applicativa, in particolare con riferimento ai criteri di determinazione degli effetti negativi sulle specie e gli habitat protetti, ai rischi di danno alle acque e al terreno ma anche alla salute umana e all'aria. Tale nozione andrebbe aggiornata al fine di renderla sufficientemente efficace e coerente e per tenere il passo con la rapida evoluzione degli agenti inquinanti prodotti dalle attività industriali.

Siamo convinti che i costi di riparazione del danno ambientale a carico degli operatori possano essere ridotti attraverso l'utilizzo di strumenti finanziari obbligatori come assicurazioni o come garanzie analoghe, di cui chiediamo l'introduzione.

Sarebbe altresì opportuno istituire un fondo europeo per la protezione dell'ambiente dai danni causati dall'attività industriale, disciplinato dalla direttiva, per far fronte ai rischi di insolvenza e solo nei casi in cui i mercati delle garanzie finanziarie dovessero fallire. Questo fondo servirebbe anche nei casi di catastrofi ambientali causate da fattori industriali quando non è possibile individuare l'operatore responsabile del danno.

Per altro verso è necessario agire sul fronte della prevenzione con azioni di informazione, di sensibilizzazione e di responsabilizzazione basate sul principio «chi inquina paga». In quest'ottica si chiede di valutare l'introduzione di un regime di responsabilità civile per i danni causati alla salute umana e all'ambiente.

Nella stessa direzione va la proposta di istituire un registro per gli operatori che svolgono attività pericolose e un sistema di monitoraggio finanziario per assicurare che gli operatori siano solvibili. Particolarmente efficace, poi, sarebbe la previsione di sgravi fiscali o di altre forme di premialità per le aziende che si impegnano con successo nella prevenzione dei danni ambientali.

Riteniamo altresì che i cittadini debbano svolgere un ruolo non secondario nel sistema della responsabilità ambientale. Pertanto occorre fornire loro adeguati strumenti di denuncia, sia per sollecitare l'intervento delle autorità competenti, sia introducendo meccanismi di risarcimento collettivo per violazioni del diritto ambientale dell'Unione. E ancora chiediamo l'adozione di un regime di responsabilità secondaria obbligatoria che estenda la responsabilità a chi acquista un'azienda che causa il danno. Tutto questo, come ad esempio la proposta di istituire delle apposite autorità indipendenti con poteri di gestione, riteniamo che possa giovare alla tutela dell'ambiente e della salute dei cittadini.

Vytenis Povilas Andriukaitis, *Member of the Commission*. – Mr President, the Commission thanks Parliament for tabling this important initiative and appreciates the efforts undertaken to look into the implementation of the Environmental Liability Directive (ELD). The Environmental Liability Directive sets the EU framework for prevention and remediation of damage to biodiversity, to water and to land. It is based on the 'polluter pays' principle. Many findings and suggestions in the draft report and motion for a resolution are consistent with the Commission's own report and evaluation of the Environmental Liability Directive in 2016.

In the wake of that report, we are now working together with Member States and stakeholders to improve their implementation of the directive, including developing the knowledge base, the expertise and administrative capacity for applying the directive. The shortcomings of the Environmental Liability Directive need to be addressed: first, the unsatisfactory non-level playing field; second, the under-developed capacity; and third, the insufficient financial security level in many Member States. The Commission will work on these issues with the Member States and stakeholders in the context of the Multiannual Work Programme 2017-2020.

The Commission's view is that the directive's potential still needs to be fully exploited by making more use of it and by applying it more consistently. Only after this should we consider legislative amendments.

The systematic collection and analysis of data and information on environmental liability should lead to an ELD information system shared with all interested Member States. This would facilitate the future implementation of the directive. We will need to see how this initiative improves the implementation on the ground before considering extending the scope of the directive and before considering whether damage to air, or to health, should be covered.

We have made a clear commitment to perform a new REFIT evaluation of the directive in four to six years' time. That will provide the needed evidence base for future action. I thank Parliament for supporting all efforts to improve the implementation of the Environmental Liability Directive, especially in the framework of the Multiannual Work Programme. Thank you for your excellent report.

PRZEWODNICTWO: RYSZARD CZARNECKI

Wiceprzewodniczący

Емил Радев, *от името на групата PPE.* – Г-н Председател, бих искал да поздравя г-жа Ферара за доклада, и да ѝ благодаря за чудесното сътрудничество по време на преговорите. Директивата за екологичната отговорност влезе в сила през 2004 г., а транспонирането ѝ в държавите членки приключи през 2010 г. Оттогава тя вече беше изменяна три пъти. В доклада се призовава отново за промяна, свързана с разширяване на обхвата и налагане на отговорност за вреди, нанесени върху човешкото здраве и околната среда, включително вредите за въздуха.

Трите предишни изменения на Директивата не доведоха до необходимите резултати. За това е особено важно, при евентуално бъдещо разширяване на приложното поле да се направят необходимите проучвания и оценки на въздействието. По този начин ще се създаде ефективна обща рамка за предотвратяване и отстраняване на екологичните щети на разумна цена за обществото.

Важното е да се използват инструменти за финансова гаранция и държавите членки да предприемат мерки за ускоряване на развитието на тези инструменти и пазари, включително финансови механизми в случай на несъстоятелност. По този начин ще се гарантира покриване на щетите, дори и в случай на неплатежоспособност на икономическите оператори. Не считам, обаче, че създаването на Европейски фонд за опазване на околната среда от щетите, причинени от промишлена дейност, ще спомогне за по-доброто функциониране на принципа „замърсителят плаща“ залегнал в Директивата.

За да постигнем по-добро прилагане на Директивата, Европейската комисия трябва да приеме насоки, които да помогнат за правилното ѝ транспониране в националните законодателства. Засилването на обучението на специалисти и юристи в областта на екологичната отговорност също ще допринесе за по-добра защита на правата на лицата, засегнати от екологични щети.

Само така ще можем да осигурим на нашите граждани безопасна и стабилна система за управление на катастрофи, основана на споделяне на риска, засилена отговорност и на принципа „замърсителят плаща“.

Benedek Jávor, *rapporteur for the opinion of the Committee on the Environment, Public Health and Food Safety.* – Mr President, sorry for being late; I was at the trilogue.

The Committee on the Environment, Public Health and Food Safety (ENVI) participated, in accordance with Rule 54, in the discussion on the Environmental Liability Directive (ELD). The ELD is a key piece of legislation aiming to establish a framework of environmental liability based on the 'polluter pays' principle and to prevent and remedy environmental damage.

As both the Commission's report and the Committee on Legal Affairs highlighted, despite some improvements, the directive has shown incompleteness and thus limited effectiveness. Implementation still varies significantly from one Member State to another. We have a patchwork of liability systems, due also to the interplay with already-existing national laws, which in my opinion can undermine the common standards and expose some Member States or regions to a greater risk of environmental disaster and the financial consequences thereof. As is clear from the ENVI opinion, better implementation of the directive, including improving the information base and providing more training and assistance to the Member States – a key pillar of the Commission's action plan and multiannual work programme – is needed, but is far from being sufficient.

We should address the remaining challenges in a systematic manner and revise the directive in the near future, in the light of the Commission's recent Regulatory Fitness and Performance (REFIT) exercise. A revision would allow us to extend the scope and applicability of the directive by making operators of all activities strictly liable for all environmental damage they cause, which means removing the limitation in Annex 3. In this context, the INI report rightly calls on the Commission to impose liability for damage to human health and the environment in the future and also calls for the removal of certain exemptions.

I also welcome very much the call for rethinking the financial security system, which is at the heart of the matter. This would entail high-level mandatory environmental liability insurance for operators, differentiated ceilings for activities with different risk factors and the creation of an EU-wide fund to bear the cost of relevant measures beyond the mandatory security in the event of large-scale disasters.

I also stress that proper involvement of inspection bodies is key. In this context, the Commission should further develop inspection support capacity at EU level and help the Member States strengthen their national bodies.

Let me highlight one more message: we urgently need EU legislation on the minimum standards for implementing the Aarhus Convention 'Access to Justice' pillar.

Jytte Guteland, *för S&D-gruppen*. – Herr talman! Jag vill börja med att säga tack till föredragande Laura Ferrara för hennes arbete med att ta fram detta betänkande och för ett gott samarbete. Ekosystemen är grunden för liv, hälsa, välstånd och samhällsutveckling. Vi är beroende av vår miljö och av våra mänskliga handlingar, så vi måste värna miljön mycket mer. Miljöansvarsdirektivet uppstod ur behovet av just gemensamma regler på EU-nivå för att värna miljön. Det antogs redan 2004 och medlemsstaterna fick tre år på sig att införliva det i nationell rätt, men trots det dröjde det ända till 2010 innan det blev verklighet. Detta är obegripligt.

Kommissionens rapport ger dessutom en oroande bild av direktivets faktiska tillämpning. Direktivet har genomförts på ett inkonsekvent sätt, som också lett till att miljöskador registrerats oenhetligt och ofullständigt. Därför föreslår vi i betänkandet tydligare vägledningsdokument för operatörer, berörda myndigheter, miljöorganisationer och försäkringsbolag. Vi måste värna miljön. Den är grunden för liv och hälsa och ger glädje både för oss i vår tid och för kommande generationer.

Det är viktigt att vi avhjälper betydligt fler miljöskador än de som omfattas idag. Människor med olika erfarenheter och bakgrund delar samma luft. Vi vet att tusentals människor runt om i Europa dör på grund av dålig luftkvalitet. Därför måste vi ha gemensamma regler på EU-nivå även för miljöskador som omfattar luften. Jag utgår från att kommissionen tar sig an detta i förberedelserna för en kommande revidering.

Många studier visar även att det på nationell nivå inte har funnits någon vägledning eller praxis för när en skada bör betraktas som en allvarlig miljöskada. Därför föreslår vi kommissionen att ta fram offentliga databaser för att möjliggöra för verksamheter och medborgare att bli medvetna om miljöansvarsdirektivet och dess tillämpning. Detta skulle leda till att bättre avhjälpa och förebygga miljöskador.

För vår grupp har det också varit en prioritet, och jag är glad att det är med, att kommissionen utvecklar möjligheterna till kollektiva prövningar för överträdelser av EU:s miljölagstiftning. Det ger fler möjlighet till upprättelse.

Om vi menar allvar med att uppnå EU:s mål för en hållbar utveckling då måste vi göra betydligt mer. Därför är det hög tid att EU-kommissionen reviderar detta direktiv så att fler skador för hälsa och miljö omfattas av direktivet. Det måste ske snart, det måste vara tillämpligt med principen om att förorenaren betalar och denna princip måste alltid vara vägledande i tillämpningen av direktivet. Mot bakgrund av det undrar jag vad kommissionen gör idag och vad planen är inför kommande revidering?

Ангел Джамбазки, *от името на групата ECR*. – Г-н Председател, най-напред искам да благодаря на колегата Ферара за усилията и работата по това досие. Защитата на околната среда е инвестиция в бъдещето и това се разбира вероятно от всеки, и е висша проява на родолюбие. Категорично, принципът „замърсителят плаща“ трябва бъде насърчаван, защото той е единственият справедлив принцип, въз основа на който може да се осъществява защитата на околната среда.

Целта на прегледа на прилагането на Директивата за екологична отговорност е амбициозна и я приветствам. Въпреки това, има конкретни текстове, които призовават за разширяване на обхвата, промяна на определенията, хармонизиране на значителния праг за целия Европейски съюз и т.н., които не съвпадат с нашите политически виждания на групата на Европейските консерватори и реформисти.

Въпреки че подкрепяме инициативата за укрепване на правната рамка с цел по-добра защита на природната среда, бих искал да подчертая, че това не трябва да бъде с цел да бъдат засилени, затегнати съществуващите правила или разпоредби, а е въпрос на по-добро прилагане. Създаването на прекомерна административна тежест обикновено води до негативни ефекти, като например подкопава равновесието и естествения начин на действие на единния пазар.

Anneli Jäätteenmäki, *ALDE-ryhmän puolesta*. – Arvoisa puhemies, ympäristövastuudirektiivin ajatus on yksinkertainen: saastuttaja maksaa.

Ympäristövahingon aiheuttajan on kustannettava vahingot, jotka syntyvät vahingon korjaamisesta ja ympäristön saattamisesta takaisin ennalleen. Valitettavasti ympäristövastuun toimeenpano vaihtelee kovin paljon jäsenmaiden välillä. Saastuttaja ei aina maksakaan.

Toimeenpanon puutteet heikentävät ympäristön vahingoille alistuneiden alueiden hyvinvointia ja myös ihmisten hyvinvointia. Ei ole tavatonta, että juuri syrjäseuduilla ja taloudellisesti heikoimmilla alueilla myös ympäristövahinkojen hoitaminen voi olla heikkoa. Pahimmillaan vahinkojen korjaustyöt voivat venyä pitkiksi ajoiksi ja huonoimmassa tapauksessa vahingot ja korjaukset unohdetaan kokonaan.

Jos aiheuttajaa ei saada vastuuseen tai jos valtiolla sen omasta lainsäädännöstä riippuen ei ole velvollisuutta rahoittaa korjaustoimia omasta kukkarostaan, suurimman hinnan maksavat ihmiset, maaperä, vesistöt, eläinlajit ja koko pilaantuneen alueen ympäristö.

Mietinnöstä, josta äänestämme tänään, vaaditaan, että tulkinnanvaraa ympäristövastuun määrittämiselle pitää selkeyttää. Direktiivin erityinen heikkous on sen löysä määritelmä merkittävälle ympäristövahingolle. Komission täytyy puuttua tähän pikimmiten. Vaadimme myös, että komissio uudelleenarvioi direktiiviä ja asettaa siten vaatimuksia ympäristövahinkovakuutuksesta ja rahavakuudesta riskialttiin toiminnan harjoittajalle.

Lopuksi komission on vakavasti harkittava, tulisiko myös tuottamukselliset ilmanlaatua heikentävät toimet, kuten taannoinen hiukkaspäästöskandaali, tuoda tämän direktiivin soveltamisalaan. Se on suurimmassa määrin ympäristöön ja ihmisten terveyteen vaikuttava asia. Tässä asiassa on aika toimia, ja komissiokaan ei kyllä ole saanut mitään kovin puhtaita papereita.

Κώστας Χρυσόγονος, *εξ ονόματος της ομάδας GUE/NGL*. – Κύριε Πρόεδρε, η έκθεση σχετικά με την οδηγία για την ευθύνη πρόληψης και αποκατάστασης περιβαλλοντικής ζημίας μας αφορά όλους. Σκοπός της παρούσας οδηγίας ήταν η θέσπιση κοινού πλαισίου για περιπτώσεις ζημίας με βάση την αρχή ότι «ο ρυπαίνων πληρώνει». Μέχρι σήμερα όμως τα αποτελέσματα δεν ήταν τα επιθυμητά, καθώς παρατηρείται ασυνεννοησία μεταξύ των κρατών, ενώ το πλαίσιο κατανομής ευθυνών είναι περιορισμένο. Οφείλουμε λοιπόν να διατυπώσουμε έναν σύγχρονο και λειτουργικό ορισμό της περιβαλλοντικής ζημίας, με βάση την ταχεία εξέλιξη των ρυπογόνων παραγόντων που οφείλονται στις βιομηχανικές δραστηριότητες, εντάσσοντας σε αυτό ειδικές περιπτώσεις, όπως είναι, μεταξύ άλλων, οι υπεράκτιες δραστηριότητες. Θα πρέπει εξάλλου το πλαίσιο για την περιβαλλοντική ευθύνη να επεκταθεί για να συμπεριλάβει και την επαναφορά των οικοσυστημάτων στην αρχική τους κατάσταση μετά τον τερματισμό των επιβλαβών επαγγελματικών δραστηριοτήτων. Οφείλουμε να αντιληφθούμε πως η προστασία του περιβάλλοντος και της υγείας των πολιτών είναι η πρωταρχική μας ευθύνη.

Heidi Hautala, *on behalf of the Verts/ALE Group*. – Mr President, the Environmental Liability Directive is a groundbreaking one and it is a vitally important tool to defend European nature and its citizens and future generations. However, it is a missed opportunity. The directive is under-used because it is toothless and its scope is too narrow and it contains loopholes.

Also, the directive is too limited in its strict liability regime as it can only be applied to a set type of environmental damage as listed in its annex. That annex (Annex 3) covers water, land and biodiversity damages only. In particular, it covers them only in the context of certain activities that are included on a restricted list.

Furthermore, it is simply irrational that the directive does not cover rapidly-evolving pollutants, damage to air, fauna and flora and landscape, human health and air quality.

It is my inescapable conclusion that for this directive to become genuinely operational and effective, we need to revise and enlarge its scope.

We should consider the option of requiring subsidiary state liability to be made mandatory. I have heard no justifications that would convince me that establishing clear parameters for accountability in this regard would not and could not be warranted. Responsibility and liability cannot be outsourced, especially because damage to the environment and human health affects citizens and society at large, and not just the individuals concerned.

In this vein, I strongly support the proposal by the rapporteur to consider introducing legislation to assist operators and insurance companies to make use of insurance schemes in cases of environmental damage – also by way of examining the option of making financial security mandatory for operators affected by this directive. I am sympathetic to the hesitation in imposing such an obligation on operators, but not having a requirement of mandatory security in this regard is simply too dangerous.

Jane Collins, *on behalf of the EFDD Group*. – Mr President, any operator that is responsible for damage to the environment must be held accountable for their actions. However, the determination of the accountability should be down to the Member State.

I am pleased to see that the ELD does not prevent Member States from adopting stricter rules – but who are you to grant that permission? You mention the establishment of a secondary liability regime based upon the systems already adopted by several Member States; one of those being the UK. But why a secondary regime? This is typical of the EU implementing more and more unnecessary legislation.

The report calls for the consideration of a European fund for the remedying of environmental damage. May I remind you the EU does not have its own money? The money that you waste comes from the Member States. So if you propose this fund who is going to pay for it? Because remember, one of your largest contributors will soon be leaving.

Gilles Lebreton, *au nom du groupe ENF*. – Monsieur le Président, la protection de l'environnement est un enjeu majeur du XXIe siècle. De notre aptitude à l'assurer dépend, dans une large mesure, le salut de l'humanité.

La directive européenne du 21 avril 2004 a donc entrepris d'apporter une contribution à cette noble ambition, en mettant en œuvre une responsabilité environnementale sur la base du principe du «pollueur-payeur». Plusieurs études ont toutefois montré l'échec de cette directive. Il faut donc remercier M[me] Ferrara d'avoir pris l'initiative de proposer d'améliorer le droit européen dans un domaine où les États ne peuvent pas se contenter d'agir séparément.

Certaines de ces propositions sont intéressantes, par exemple celle d'étendre le champ d'application de la directive aux dommages causés à l'air. On sait, en effet, à quel point la pollution de l'air est devenue préoccupante. Mais d'autres propositions vont trop loin, comme celle de créer un fonds européen d'indemnisation ou encore celle d'accorder des avantages fiscaux aux entreprises qui s'engagent dans la prévention des dommages environnementaux.

Je pense qu'il serait préférable d'encourager chaque État à créer un fonds national d'indemnisation pour indemniser les dommages environnementaux en cas d'insolvabilité des pollueurs. Quant à la politique fiscale, j'estime qu'elle doit relever des États. Il aurait fallu respecter davantage la souveraineté des États pour espérer convaincre le Conseil de modifier la directive de 2004.

Λάμπρος Φουντούλης (NI). – Κύριε Πρόεδρε, ο μεγαλύτερος κίνδυνος για το περιβάλλον δεν προέρχεται συνήθως από τις δραστηριότητες των απλών πολιτών αλλά από τις μεγάλες εταιρείες. Αυτές κατασκευάζουν τα μεγάλα εργοστάσια, αυτές πραγματοποιούν γεωτρήσεις και εξορύξεις, αυτές μεταφέρουν χιλιάδες τόνους πετρελαίου. Όπως πρόσφατα ατυχήματα έχουν αποδείξει, ένα μόνο τέτοιο συμβάν είναι ικανό να προκαλέσει ανυπολόγιστη καταστροφή που ο αντίκτυπός της μπορεί να επηρεάσει ακόμα και τις μελλοντικές γενιές. Ποιος δεν θυμάται το πυρηνικό ατύχημα στο Τσέρνομπιλ, τη Φουκουσίμα ή την πετρελαιοκηλίδα στον Κόλπο του Μεξικού; Πρέπει να θέσουμε λοιπόν τις εταιρείες, αλλά και τις κυβερνήσεις, προ των ευθυνών τους. Οι εταιρείες θα πρέπει να έχουν τόσο την αστική ευθύνη αλλά και την ποινική, σε περίπτωση οικολογικής καταστροφής. Οι κυβερνήσεις που αδειοδοτούν τις εταιρείες, σε περίπτωση που δεν είχαν θεσπίσει αυστηρούς κανόνες, θα πρέπει επίσης να έχουν ευθύνες. Με τον όρο «ευθύνες» εννοώ και ποινικές, πέρα από τις ασυλίες και άλλες μεθόδους με τις οποίες επίορκοι πολιτικοί και κρατικοί αξιωματούχοι αποφεύγουν τις διώξεις. Το περιβάλλον δεν τον κληρονομήσαμε από τους προγόνους μας. Δεν μας ανήκει. Το δανειστήκαμε και έχουμε ευθύνη να το παραδώσουμε στα παιδιά μας καλύτερο από ό,τι το παραλάβαμε.

Pavel Svoboda (PPE). – Pan předsedající, dovolte mi především, abych poděkoval všem kolegům z Výboru pro právní záležitosti, kteří se podíleli na zpracování výsledného textu zprávy. Budu hlasovat pro přijetí této zprávy, nejenom proto, že Česká republika je zde zmíněna v pozitivním kontextu, ale proto, že jde o celkově vyvážený text.

Občané očekávají od Evropské unie taková pravidla, která zajistí vysoký standard kvality životního prostředí. Toho lze však dosáhnout i bez zbytečné byrokracie a vytváření nových institucí. Proto nejsem příznivcem vzniku evropského fondu tak, jak je ve zprávě navrhováno. Vnímám ale, že původní text směrnice z roku 2004 je třeba modernizovat a využít tak nabytých zkušeností z dosavadního provádění.

Evropská komise by se v dalším postupu měla zaměřit pouze na takové změny, které vycházejí z nezpochybnitelných faktů a jejichž dopad na kvalitu životního prostředí bude zcela zřejmý. Jen taková regulace bude mít smysl.

Tiemo Wölken (S&D). – Herr Präsident! Ziel der Umwelthaftungsrichtlinie war es auf der Grundlage des Verursacherprinzips eine verschuldensunabhängige Haftung zur Vermeidung und Sanierung von Umweltschäden einzuführen. Wir müssen feststellen: Bisher klappt das nicht. Die Richtlinie ist erst viel zu spät und dann nur uneinheitlich und bruchstückhaft umgesetzt worden; oft wird sie überhaupt nicht angewendet. Schon der Meldepflicht von Umweltschäden wird nicht nachgekommen. Es kann doch nicht sein, dass 86 % aller Schäden aus nur zwei von 28 Mitgliedstaaten stammen sollen.

Daher brauchen wir eine Pflicht zur Einrichtung einer zentralen öffentlichen Datenbank, auf die alle Bürgerinnen und Bürger Zugriff haben und sich über Umweltschäden informieren können. Wir müssen unsere Bürger damit in die Lage versetzen, ihre Rechte auch durchzusetzen, und insoweit ist die Eröffnung zur kollektiven Rechtsdurchsetzung dringend geboten.

Weiterhin muss dringend Luftverschmutzung in den Anwendungsbereich aufgenommen werden. Wir haben jährlich 467 000 Tote in der Europäischen Union alleine durch schlechte Luft. Das sind 467 000 Tote in der Europäischen Union zu viel. Daneben müssen wir Definitionen, wie zum Beispiel die Erheblichkeit der Umweltschäden, klarer fassen. Teilweise sind die Definitionen zu restriktiv und bedürfen deswegen der Aktualisierung, damit die Haftungspflicht nicht ins Leere läuft.

Und schließlich, die Beseitigung von Umweltschäden kostet Geld. Um diese Beseitigung in jedem Fall bezahlen zu können, brauchen wir eine verbindliche Umwelthaftpflichtversicherung für Betreiber und müssen auch die Frage der Sekundärhaftung klären. Im Notfall brauchen wir einen EU-Fonds, der einspringt, wenn Unternehmen insolvent sind. Es darf nicht sein, dass Umweltschäden mangels Liquidität der Verursacher nicht behoben werden können, denn dann hilft auch das beste Gesetz nichts.

Julie Girling (ECR). – Mr President, I think we need to remind ourselves that this is an implementation report and that the principles behind it are not at question. This is not an opportunity for Members to out-green each other here in the Chamber; it is actually a consideration of how well this is working.

I understand the temptation to try to extend the scope to air, water and many other areas; these are issues that we all work on day in and day out, but this would not be necessary if these core legislative acts – those for example on the ambient air quality directive – contained clear access to justice provisions based on the Aarhus Convention that Member States currently pay only the slightest lip service to.

You cannot identify shortcomings with implementation and then make it more wide-ranging, less specific, more complex and harder to implement. It simply does not make sense. I would simply like to remind Members that the impact study attached to this report says: 'Stakeholders' comments during this study indicate that they are not likely to accept the creation of a fund or scheme for a wide range of reasons……', and so it goes on.

So why deliberately put that in there when, actually, there are other routes we could take that would be much more effective. Giving citizens access to justice to me is the simplest and easiest way of doing that.

Frédérique Ries (ALDE). – Monsieur le Président, le 17 décembre 2003, le Parlement européen faisait un grand pas en avant dans la protection de l'environnement en adoptant cette directive sur la responsabilité environnementale.

Protéger la nature et la biodiversité tout en misant sur l'innovation, sur les techniques d'avenir, c'est clairement dans l'ADN de notre Parlement, c'est clairement dans l'ADN des libéraux européens. C'est d'ailleurs mon ami et ancien collègue libéral hollandais, Toine Manders, qui était le rapporteur à l'époque et à la manœuvre pour le Parlement, pour porter sur les fonts baptismaux ce système communautaire pour la prévention et la réparation des dommages environnementaux.

Qu'il s'agisse des OGM et du risque de contamination involontaire des cultures conventionnelles ou bio, ou du marché du carbone, créé en 2005 pour réduire les gaz à effet de serre, à chaque fois, le principe s'applique: le pollueur paie. Dans son rapport de mise en œuvre de 2016, la Commission européenne reconnaît d'ailleurs que, si la directive de 2004 est efficace pour réparer les dommages environnementaux et encourager la prévention, elle n'a pas encore – pour le dire diplomatiquement – réalisé tout son potentiel.

Comme l'a d'ailleurs rappelé M[me] Girling, il s'agit ici de la question de l'observation de l'application de la directive, et comme l'a dit notre rapporteure, il y a parfois un décalage entre la théorie et la pratique. M[me] Ferrara, qui a fait un excellent travail – je tiens à la remercier –, a parlé tout à l'heure d'application non homogène et superficielle. J'ai noté ses mots.

C'est vrai pour les dégâts causés aux espèces et aux habitats naturels protégés. On sait à quel point les directives «Habitat» et «Oiseaux» peuvent être contournées par certains États membres. C'est tout aussi vrai pour les dommages qui entament les ressources en eau. Autre catégorie encore couverte par la directive: la pollution des sols, qui peut avoir des conséquences graves sur la santé humaine.

Là encore, il y a des progrès à faire. Progrès qui – c'est important de le dire – peuvent aussi passer par la prévention. Un exemple tout récent: nous votions ici, il y a deux jours, le non-renouvellement du glyphosate en l'occurrence. Je ne rouvre pas ce débat et je ne reviens pas sur le caractère cancérigène de la substance, mais sur son impact sur les sols. S'en passer tout simplement serait donc l'attitude la plus responsable, à savoir la prévention sur le plan de l'environnement.

En conclusion, je dirais – comme d'autres l'ont dit ici – que nous pouvons évidemment renforcer le droit de l'environnement mais, pour moi, l'urgence est plutôt d'appliquer concrètement et complètement ce principe du pollueur-payeur dans les politiques européennes et aussi – c'est notre paragraphe 29, il est important, et c'est ce que propose M[me] Ferrara –, de mettre en place ce fonds européen pour la réparation des dommages environnementaux, car les victimes comptent sur nous.

Νικόλαος Χουντής (GUE/NGL). – Κύριε Πρόεδρε, αγαπητοί συνάδελφοι, κύριε Επίτροπε, στην εφαρμογή και στην πράξη της οδηγίας για την οποία συζητάμε υπάρχουν σοβαρές παραλείψεις και πρόθεση εξυπηρέτησης συμφερόντων, τόσο στον τομέα της πρόληψης, όσο και σε αυτόν της αποκατάστασης. Στην Ελλάδα είχαμε πρόσφατα τη βύθιση ενός τάνκερ 45 ετών, που μετέφερε 2,5 χιλιάδες τόνους μαζούτ στον Σαρωνικό Κόλπο, λίγο έξω από την Αθήνα, και προκάλεσε τεράστια οικολογική καταστροφή, αλλά και μεγάλη ζημιά στους επαγγελματίες και στους αλιείς της περιοχής. Κατά τα άλλα, υπάρχουν τρεις επισημάνσεις στην έκθεση που νομίζω ότι πρέπει να ληφθούν υπόψη. Πρώτον, όσον αφορά τη σύσταση του ευρωπαϊκού ταμείου αποκατάστασης και κάλυψης των ζημιών, θα πρέπει να επεκταθεί για όλες γενικά τις ζημιές. Πρέπει να βρεθεί τρόπος ακόμα και με άτοκη μορφή δανεισμού και, μέχρι να βρεθεί ο ένοχος, να προλάβουμε τη ζημιά από την αρχή. Δεύτερον, να καλυφθεί πιθανή ζημιά στη φάση της αδειοδότησης. Παραδείγματος χάριν, ο πλοιοκτήτης σε αυτό το περιστατικό που σας ανέφερα πριν

από την Ελλάδα δήλωσε οικονομική να αποκαταστήσει τις ζημιές και να καταβάλει αποζημιώσεις. Επομένως, πρέπει να βρεθεί ένας τρόπος, είτε με ασφαλιστικές καλύψεις, είτε με ασφαλιστικές επιλογές. Τρίτον, στον έλεγχο και καταγραφή όλων αυτών πρέπει να μετέχουν, εκτός από τη διοίκηση, και το κοινό και οι πολίτες. Δηλαδή χρειάζονται μέτρα εφαρμογής της αρχής του Aarhus για να μετέχουν οι πολίτες σε όλες τις διαδικασίας που αφορούν το περιβάλλον, δηλαδή τη ζωή τους.

Mireille D'Ornano (EFDD). – Monsieur le Président, je remercie notre collègue Laura Ferrara pour son travail sur ce rapport, dont l'enjeu principal, à savoir la réparation des dommages causés à l'environnement par l'activité humaine, me tient particulièrement à cœur.

On ne peut nier le fait que les mécanismes traditionnels de responsabilité prévus dans les droits civils nationaux répondent de plus en plus difficilement à cette question. Cela tient à la fois à la nature et à l'ampleur des enjeux. Ainsi, il paraît naturel qu'une action internationale concertée mobilisant l'ensemble des États soit à privilégier pour des raisons d'efficacité.

Je soutiens pleinement l'objectif de ce rapport d'étendre la définition du dommage environnemental à l'air, aux écosystèmes et au paysage. En effet, la définition actuelle de la directive du 21 avril 2004 est trop restreinte, et de nombreux champs d'activité dangereux pour l'environnement ne sont pas inclus dans son champ d'application.

L'environnement est notre patrimoine commun à tous, et notre seul droit sur lui est de le préserver, de le protéger et de le transmettre à nos enfants.

Rosa Estaràs Ferragut (PPE). – Señor presidente, valoramos aquí la aplicación de la Directiva de responsabilidad medioambiental que se aprobó el año 2004 y que luego fue transpuesta unos años después. El objetivo era, sin duda, poder prevenir y reparar cualquier daño medioambiental bajo el principio de que «quien contamina paga».

Es clave, lógicamente, todo lo que es prevención y reparación para poder tener un crecimiento sostenible y para poder hacer que las economías funcionen y las sociedades sean sanas. En este sentido, la Directiva pretendía trabajar en tres campos: detención de la pérdida de biodiversidad, tanto en relación con las especies como con los hábitats protegidos; la calidad y la cantidad de agua —poder de alguna manera parar el deterioro—; y también la protección del suelo.

La ponente, Laura Ferrara, contempla qué déficits tiene la aplicación de esta Directiva, y uno que se ha constatado a lo largo de toda la sesión es la diferente aplicación por parte de los Estados miembros. De hecho, hay muchas diferencias en cuanto al número de incidentes por daños medioambientales que activan la aplicación de esta Directiva entre unos Estados miembros y otros.

Por lo tanto, una conclusión rápida es que necesitamos una armonización en la aplicación de esta Directiva. Lo ha dicho la Comisión. Habrá que cotejar y estudiar con datos comparativos todos los Estados miembros para ver qué está pasando realmente y a partir de aquí ver cómo podemos mejorar el texto legal.

Se proponen varias cosas: ampliar el ámbito de aplicación de la Directiva, tanto por lo que respecta —después de las investigaciones tecnológicas y médicas— a los daños medioambientales que pueden lesionar la salud humana —y, por lo tanto, abordar también este tema—, como también a todo lo relativo a la contaminación aérea.

En definitiva, se trata de cumplir con la Estrategia 2020 de tener un crecimiento integrado, pero también sostenible, y, por lo tanto, de apoyar a la Comisión en ese estudio, en ese cotejar datos, en este ver los intercambios para ver de qué manera podemos mejorar la aplicación de esta Directiva, que hará, sin ninguna duda, que nuestra economía funcione y que tengamos una sociedad sana.

Evelyn Regner (S&D). – Herr Präsident, sehr geehrter Herr Kommissar! Die Realität zeigt uns: Es gibt noch gewaltig etwas zu tun, wenn es um die ordentliche Umsetzung dieser Richtlinie geht. Es gilt allerdings auch, bei der Umwelthaftung die Ausdehnung des Anwendungsbereichs anzustrengen. Wieso ist Luftverschmutzung nicht im Anwendungsbereich enthalten? Hier geht es doch wirklich um ein Thema, das alle Menschen, Kinder, die Zukunft betrifft, und daher sollte auch Luftverschmutzung im Anwendungsbereich widergespiegelt sein.

Ich möchte einige Fälle, die durch unsere Medien geistern, erwähnen – schlimme Fälle, die daheim eben die Zeitungen füllen: brennbarer Abfall, der in einem Wohngebiet in Budapest lagert, die Meeresverschmutzung vor Harku in Estland, die Pestizidverschmutzung des Grundwassers in Korneuburg in Österreich und das Fischsterben in der Mürz in der Steiermark nach der Inbetriebnahme eines Kraftwerks. Das sind alles Fälle, die bei einer ordentlichen Umsetzung der Umwelthaftung zu vermeiden wären.

Es geht um die Vermeidung, Sanierung und schließlich auch immer um die Frage: Wer zahlt für Schäden am Lebensraum von uns allen? Die traurige Wirklichkeit sieht so aus, dass viele Mitgliedstaaten mangelhaft und lasch umsetzen, und es ist dann die Allgemeinheit, die den Schaden erleiden muss, die dann für diesen Schaden auch aufkommen muss, und es sind nicht die Verursacher, die zur Verantwortung gezogen werden. Es geht also darum, Gerechtigkeit herzustellen in der Frage, wer für den Schaden zur Kasse gebeten wird.

Es geht aber auch darum, die großen industriellen Verschmutzer, die unsere Umwelt schädigen, in die Verantwortung zu nehmen. Das Prinzip „Der Verschmutzer zahlt" ist das einzig logisch Gerechte, was mir dazu in den Sinn kommt. Insofern fordere ich Sie auf, sehr geehrter Herr Kommissar, dass Sie weiterhin dort eingreifen, wo die Mitgliedstaaten nicht oder nur mangelhaft umsetzen, und natürlich auch, dass Sie aufgrund dieses ausgezeichneten Berichts unserer Berichterstatterin anvisieren, dass Sie die Regeln allenfalls dort überarbeiten, wo sie ambitionierter sein sollten.

Jiří Maštálka (GUE/NGL). – Pane předsedající, při schvalování směrnice o odpovědnosti za životní prostředí jsme v roce 2004 vycházeli z alarmujících čísel. Podle dat Evropské komise bylo v tomto roce na tři sta tisíc lokalit v Evropě potencionálně nebo skutečně znečištěno škodlivými látkami a náklady na sanaci takových škod by dosahovaly odhadem stovky miliard EUR.

Nedomnívám se, že bychom v dnešní době měli k dispozici data výrazně pozitivnější. Přitom úplného provádění směrnice o odpovědnosti za životní prostředí bylo dosaženo, po značných peripetiích, až v roce 2010. Sedm členských států se i v dnešní době potýká s problémem dodržování povinností. Jménem frakce konfederace Evropské sjednocené levice a Severské zelené levice bych tímto rád poděkoval zpravodajce za korektní zprávu. Ztotožňujeme se s jejími závěry ve smyslu, že je nyní potřeba tuto směrnici revidovat. Apelujeme proto na Komisi. Je nutné definice pozměnit, rozšířit objektivní zodpovědnost za škodu na životním prostředí a důsledněji aplikovat zásadu „znečišťovatel platí".

Sergio Gaetano Cofferati (S&D). – Signor Presidente, onorevoli colleghi, ringrazio anch'io la relatrice per l'ottimo lavoro fatto. La direttiva della quale stiamo parlando è stata un passo importante della nostra Europa, delle istituzioni, fatto però con i limiti che sono stati più volte richiamati nella discussione. Il recepimento è stato lento, spesso incoerente, difforme rispetto ai contenuti e agli obiettivi della direttiva, e i ritardi nel recepimento hanno consentito poi la verifica della sua attuazione, anch'essa penalizzata da un ritardo molto consistente e del tutto controproducente.

Per questo motivo è molto importante rivedere quella direttiva alla luce anche dei limiti che sono stati messi in evidenza. La revisione dunque ci compete, è da fare con rapidità e deve, io credo, partire da un elemento, che è quello che è stato ricordato da molti miei colleghi: comprendere i danni causati alla salute umana e all'ambiente, inclusi quelli relativi all'aria, che sono invece esclusi dalla direttiva iniziale.

Credo che a questo si debba aggiungere, perché è importante, anche l'istituzione di un regime di responsabilità civile per i danni causati sia alle persone che all'ambiente nel suo insieme. Per poterlo fare efficacemente è indispensabile avere anche ispezioni periodiche a livello ambientale fatte dall'Unione europea con le sue istituzioni.

Bisogna poi dare la possibilità alle persone che sono state colpite da un danno ambientale di avere accesso al ricorso giudiziario, che serve in tempi brevi. La tempestività nel compensare il danno qualche volta vale moltissimo per la qualità e la certezza della vita delle persone che sono state coinvolte, come abbiamo visto in questi anni.

Infine servono una campagna di informazione, massima trasparenza nell'applicazione della direttiva e massima informazione nel conoscere ciò che può capitare ai cittadini europei.

Zgłoszenia z sali

Ivica Tolić (PPE). – Gospodine predsjedniče, čestitke izvjestiteljici na sveobuhvatnom izvješću i prijedlozima za poboljšanje direktive. Direktiva je zaista uopćena, a nekoliko nerazjašnjenih termina u njoj dodatno otežava primjenu. Jedan od tih termina je npr. prag značajnosti štete u okolišu za kojega ne postoje kriteriji ocjenjivanja. Direktiva je nadalje primjeniva samo na određene vrste šteta u okolišu i to je čini dodatno ograničenom.

Ograničenje je i činjenica da nisu odgovarajuće definirane štete koje se odnose na incidente velikih razmjera, posebno kada nije moguće utvrditi odgovornost onečišćivača. Nije na odgovarajući način definirana ni šteta od onečišćivača iz industrijskih djelatnosti.

Osobno pozdravljam ideju osnivanja Europskog fonda za otklanjanje šteta u okolišu. Isto tako, dobar je prijedlog da se postojeću definiciju šteta proširi na zrak, floru, faunu, krajolik i, što je posebno važno, ljudsko zdravlje. Podržavam reviziju direktive i prijedloge gospođe Ferrara.

Nicola Caputo (S&D). – Signor Presidente, onorevoli colleghi, da tempo si avverte l'esigenza di un'implementazione della direttiva sulla responsabilità ambientale. Provengo da una terra meravigliosa, per secoli chiamata «terra di lavoro», che oggi è tristemente nota come «terra dei fuochi», una terra avvelenata dall'interramento di rifiuti tossici di imprese di tutta Europa, e soprattutto del Nord Italia, che da decenni si servono dei servizi di smaltimento illegale offerti dalla criminalità organizzata per eliminare, a basso costo, le scorie delle proprie attività produttive.

Occorre innanzitutto una riformulazione della definizione di danno ambientale per estenderne l'ambito anche alla fauna, alla flora, all'aria e al paesaggio e ampliare le responsabilità oggettive ad altre attività pericolose attualmente non previste.

Vanno introdotte norme che agevolino gli operatori e le compagnie assicurative, al fine di aumentare la diffusione di un regime assicurativo per i casi di danno ambientale.

Infine ulteriori elementi in grado di migliorare il quadro delle garanzie per il danno ambientale potrebbero essere la previsione di un più adeguato sistema di controllo finanziario e l'istituzione di un registro nazionale ed europeo per gli operatori che svolgono attività pericolose.

Νότης Μαριάς (ECR). – Κύριε Πρόεδρε, από τη συζήτηση προκύπτει ότι το νομοθετικό πλαίσιο της Ευρωπαϊκής Ένωσης δεν καλύπτει τις ζημίες οι οποίες προκαλούνται στο περιβάλλον, για αυτό βεβαίως πρέπει να ρυθμίσουμε τα θέματα έτσι ούτως ώστε να υπάρχει απόλυτη ευθύνη των εταιρειών που προβαίνουν σε ρύπανση και να υπάρχει δυνατότητα αποζημίωσης όσων έχουν ζημιωθεί. Φέρνω για παράδειγμα την πρόσφατη ζημιά που έγινε, τη μόλυνση στον Σαρωνικό, όπου παρότι θέσαμε ζητήματα για αποκατάσταση των ζημιωθέντων, των επιχειρηματιών, των αλιέων και όσων εμπλέκονται στην περιοχή και έχουν υποστεί ζημιά, από την ίδια την Ευρωπαϊκή Ένωση αποδείχθηκε ότι δεν έχει γίνει τίποτε. Υπάρχει βεβαίως το Διεθνές Ταμείο Αποζημιώσεων και κάτι τέτοιο πρέπει να θεσπίσουμε και στην Ευρωπαϊκή Ένωση. Τέλος, κύριε Andriukaitis, όσον αφορά την προηγούμενη συζήτηση, λίγο ως πολύ ως Επιτροπή «νίψατε τας χείρας σας» και παριστάνετε τον Πόντιο Πιλάτο, ότι δεν ξέρετε τίποτε για το έγκλημα, δεν ξέρετε τίποτε για το τι έγινε στην Ελλάδα με το μνημόνιο. Όμως η Επιτροπή ήταν αυτή η οποία επέβλεπε την εφαρμογή του μνημονίου, κύριε Andriukaitis. Εσείς επιβάλλατε τις εντολές των δανειστών στην Ελλάδα, επομένως έχετε απόλυτη ευθύνη ως Επιτροπή και όσα είπατε προηγουμένως στη συζήτηση νομίζω ότι δεν έχουν καμία σχέση. Εγώ, κύριε Andriukaitis , σας απαντώ γιατί δεν είχα δικαίωμα απάντησης πριν. Δεν μπορείτε να «νίπτετε τας χείρας σας» ως Επιτροπή και να λέτε «δεν ξέρω τι έγινε στην Ελλάδα». Ποιος επέβλεπε την εφαρμογή του μνημονίου; Εσείς ως Επιτροπή την επιβλέπατε. Έχετε τεράστια ευθύνη λοιπόν.

Ελευθέριος Συναδινός (NI). – Κύριε Πρόεδρε, η οδηγία περιβαλλοντικής ευθύνης ως κοινό πλαίσιο για την πρόληψη και την αποκατάσταση περιβαλλοντικής ζημίας, πρέπει να περιλαμβάνει όλους τους ρυπογόνους παράγοντες και στοιχεία που οφείλονται στις ανθρώπινες δραστηριότητες και παρεμβάσεις. Κατ' αυτήν την έννοια, πλέον των ήδη υπαρχόντων στην προηγούμενη οδηγία ορισμών περιβαλλοντικής ζημίας, θα πρέπει να επεκτείνουμε το πεδίο εφαρμογής προκειμένου να συμπεριλάβουμε τη ζημία στον αέρα, την πανίδα, τη χλωρίδα, τη βιοποικιλότητα και τα οικοσυστήματα. Επιπρόσθετα, η συνεργασία με διεθνείς οργανισμούς, και ειδικότερα τον Παγκόσμιο Οργανισμό Υγείας, θα μεγιστοποιήσει τις πιθανότητες επίτευξης των περιβαλλοντικών στόχων. Βάσει της αρχής «ο ρυπαίνων πληρώνει», οι παραβάτες πλέον των αυστηρών κυρώσεων και προστίμων να αναλαμβάνουν τις δράσεις αποκατάστασης του περιβάλλοντος και επαναφοράς των οικοσυστημάτων στην αρχική τους κατάσταση. Η προστασία του περιβάλλοντος δεν αποτελεί πεδίο πολιτικής αντιπαλότητας και είναι υπόθεση όλων μας, αν αναλογιστούμε ότι το περιβάλλον συνδέεται άμεσα με τη βιωσιμότητα, την αειφόρο ανάπτυξη και την ποιότητα ζωής.

Stanislav Polčák (PPE). – Pane předsedající, já jsem samozřejmě stejného názoru, že biodiverzita, ochrana rozmanitosti půdy i ochrana vod před škodami, to je velmi zásadní hodnota, kterou bychom měli chránit i pro budoucí generace.

Princip „znečišťovatel platí“ je nepochybně správný, ale vyvstávají zásadní otázky, kdo je znečišťovatel. V tomto smyslu bych přivítal i rozšíření působnosti směrnice. Myslím si, že tato otázka zde byla nastolena a bylo by vhodné, aby na ni Komise následně reagovala.

Myslím si, že Fond nápravy škod, instrument pro prevenci a zároveň úhrady škod, které budou vznikat na životním prostředí, je rovněž velmi dobrý nápad. Obecně je nutno říci, že pro řádné fungování Evropské unie právě na úseku ochrany životního prostředí je nezbytné zajistit dodržování této směrnice a rozšíření působnosti tak, aby se na ni občané mohli spolehnout a jednat v důvěře v ní.

Maria Grapini (S&D). – Domnule președinte, domnule comisar, stimați colegi, vreau de la bun început să o felicit pe raportoare, pentru că, pe de o parte, a identificat foarte bine ce trebuie modificat în directivă, este un o propunere echilibrată, da, toți, de la cetățean până la instituțiile naționale și europene, trebuie să fim preocupați de protecția mediului înconjurător. Sigur, aș dori un mai mare accent pe prevenție, pentru că poluatorul plătește, dar pe noi ne interesează protecția mediului, nu banii aceia care se strâng de la poluator.

Însă, atrag atenția că, de foarte multe ori, există o lipsă de infrastructură. Companiile nu au cum și unde să depoziteze, de exemplu, deșeurile și nu există soluții tehnice și tehnologice în statele membre. De aceea, cred că este nevoie să existe o legiferare atentă, astfel încât să nu creăm o discrepanță statele membre și o concurență, până la urmă, inegală pe piața internă. Este important să clarificăm și să armonizăm modul de aplicare a directivei și specific aici că nu este o procedură administrativă standard pentru a notifica autoritățile competente cu privire la producerea unei daune asupra mediului înconjurător. Deci, sunt de acord cu modificarea directivei.

Krisztina Morvai (NI). – Elnök Úr! A környezeti felelősségről szóló irányelv mögött húzódó alapelv úgy szól, hogy a szennyező fizet. A gyakorlatban viszont mégis egy másik alapelvet vélünk látni sokan: ez pedig az, hogy a hatalmas profitokat privatizálni, a környezetszennyezéssel okozott kárt pedig a társadalomra, a lakosságra hárítani. Ezt láttuk például az egyik legnagyobb környezeti katasztrófa során, ami Európa újkori történelmében megesett, Magyarországon a vörösiszap-katasztrófa volt ez.

Gratulálok a jelentéshez, illetve a véleményhez magyar képviselőtársamnak, Jávor Benedeknek, aki közismerten elkötelezett a környezetvédelem ügye mellett, és jó szakember is. Ezért is merem megkérdezni tőle, hogy ismerve a konkrét vörösiszap-katasztrófa ügyét, mennyiben találta úgy, hogy a környezeti felelősségről szóló EU-s irányelv alkalmazható volt, illetve mennyiben befolyásolta ezt a jelentést a vörösiszap-katasztrófa tanulsága? Erős a gyanúm, hogy például a 30-as és 31-es pontot igenis befolyásolta, motiválta mindaz a hiányosság, amit tapasztaltunk az EU-joggal összefüggésben a vörösiszap-katasztrófához kapcsolódó felelősségi kérdésekben.

Jean-Paul Denanot (S&D). – Monsieur le Président, effectivement, le principe pollueur-payeur doit devenir la règle dans l'Union européenne et ceci dans tous les domaines. De ce point de vue, en tant que coprésident de l'intergroupe parlementaire «Biens communs et services publics», je ne peux que me féliciter de l'extension du projet de directive à la question de l'air, aux écosystèmes et au paysage.

Comme l'a dit Saint-Exupéry, reprenant une idée des Indiens d'Amérique, nous n'héritons pas la terre de nos parents, nous l'empruntons à nos enfants. Chacun doit garder cela en mémoire lors de ses comportements personnels.

On a beaucoup parlé du glyphosate aujourd'hui en agriculture, et je voudrais saluer le courage du Parlement européen sur ce sujet. Mais je voudrais aborder une autre question, celle des mines et des dépôts, qui posent aujourd'hui de graves problèmes. Dans ma région, le Limousin, les mines d'uranium ont pollué considérablement le paysage et les sols et rien n'a été fait pour les réparer. Je crois qu'il faut trouver un moyen pour faire en sorte que, d'entrée de jeu, lorsqu'on ouvre une mine, on paye pour sa restructuration.

(Koniec zgłoszeń z sali)

Vytenis Povilas Andriukaitis, *Member of the Commission*. – Mr President, may I address some very important topics which were raised, especially speaking about the call to consider the possibility to extend the scope of the Environmental Liability Directive (ELD) and to impose liability for damage to human health, including damage to the air. Within the REFIT evaluation of the ELD carried out between 2013 and 2016, the scope of damage was also extensively considered. It was, in particular, subject to one of the studies in the preparation of the REFIT evaluation and Commission report. The evaluation concluded that damage to air is a rather uncommon category for a strict liability system as it by its nature mostly diffused damage – *inter alia*, damage which cannot be clearly attributed to individually-specified liable persons.

Similarly, damage to human health would also require a fundamentally different approach to that of a restoration in kind which governs the ELD. For human health damage, traditionally civil liability systems for personal or bodily injury and loss of life exist in all Member States. This is normal traditional or conventional damage dealt with through civil liability and enforced by courts, in contrast to environmental damage, which is dealt with by public authorities.

However, I agree that the Commission should look into this issue within the next REFIT evaluation of the ELD. Given the problems with air pollution, particulate matter and nitrogen dioxide, dieselgate. Also, the question needs to be considered of whether the ELD is the most appropriate basis to deal with such issues.

I understand, of course, that several Member States take different views, speaking about possibilities to introduce mandatory financial security and a European fund for environmental damage caused by industrial activities. The question as to whether mandatory financial security should be established at EU level was the subject of the first and second Commission ELD report in 2010 and 2016 and the REFIT evaluation. Also, the Commission investigated in 2012 and 2013 the feasibility of a European industry risk-sharing facility or fund. There are several obstacles, including the 'polluter pays' principle and, of course, the different views of different stakeholders.

The Commission has therefore made financial security a topic and working area in the Multiannual Work Programme 2017-2020. The Commission will launch a comprehensive investigation of the situation and challenges in the EU by looking also in the individual Member States, paying particular regard to the mentioned big issues of ELD concerning financial security and with a view to coming up with as many concrete interpretations and recommendations as soon as possible.

Honourable Members, while there may be some differences in views on the immediate way to further implement and develop the Environmental Liability Directive to make it more effective and efficient, we agree in principle with most of the views and ideas in the report. But, at this point in time, rather than launching new or amended legislation, we should work on better implementation, notably through the joint ELD Multiannual Work Programme 2017-2020.

The Commission is already implementing this Work Programme, and recently brought together stakeholders and government experts at a workshop which led to a common understanding document with practical measures to help competent authorities, operators and other stakeholders to implement the ELD. All the results are available on the Commission's Environmental Liability webpage.

Laura Ferrara, *relatrice*. – Signor Presidente, onorevoli colleghi, ringrazio tutti i colleghi che sono intervenuti, ringrazio il collega Jávor per l'ottima collaborazione e ringrazio tutti i relatori ombra che, con le loro proposte e la loro collaborazione, hanno arricchito il testo finale che oggi andremo a votare.

Io mi auguro di trovare in questa seduta plenaria lo stesso consenso che abbiamo ricevuto già in sede di votazione nella commissione giuridica ma, dalla discussione di oggi, mi sembra che si converga su dei punti principali, ovvero il fatto che questa direttiva, a nostro avviso, debba essere assolutamente migliorata nell'implementazione nei singoli Stati membri perché, ad oggi, i due obiettivi che si prefiggeva di raggiungere, ovvero la prevenzione e la riparazione del danno, sono rimasti purtroppo disattesi nella stragrande maggioranza dei paesi membri.

Per far ciò è necessario che ogni singolo paese dell'Unione europea si doti di nuovi strumenti, quali quelli proposti in questa relazione. Faccio riferimento, in particolare, a un registro obbligatorio, in modo da poter garantire un monitoraggio costante. Solo in questo modo si possono prevenire i danni ambientali.

Quando si parla di danni ambientali, e quando si parla della tutela della salute dei cittadini che, indirettamente, viene a essere lesa quando viene commesso un danno all'ambiente, è importante prevenire, perché poi il risarcimento successivo, anche in termini economici, purtroppo non sarà mai in grado di ristorare appieno la salute lesa o di ripristinare la situazione ambientale ormai violata.

E perché è importante anche un fondo europeo? Perché nell'ambito dell'Unione europea è chiaro come vi siano situazioni di società di trasporti dei rifiuti che appartengono a un paese membro e operano in un altro. È per questo che è importante che il fondo sia europeo, e non soltanto nazionale, perché in questo caso si può creare una tutela collettiva su tutto il territorio dell'Unione.

Ad oggi, purtroppo, tutto questo manca. Mancano anche strumenti finanziari obbligatori di cui devono dotarsi le imprese che pongono in essere attività potenzialmente pericolose, perché si verifica il caso in cui le società, le imprese in questione, falliscono e quindi il principio «chi inquina paga» viene a essere leso, perché diventa impossibile risalire al diretto responsabile e avere, da parte sua, una ristoro della situazione lesa.

Mi auguro che la Commissione europea tenga conto di questa relazione e che quindi possa esserci un reale miglioramento sia per l'ambiente sia per la salute dei cittadini.

Przewodniczący. – Debata została zamknięta.

Głosowanie: 26 października 2017.

(Posiedzenie zostało zawieszone o godz. 11.40)

PRESIDENZA DELL'ON. ANTONIO TAJANI

Presidente

8. Pokračovanie prerušeného rokovania

(La seduta è ripresa alle 12.05)

9. Sacharovova cena 2017 (vyhlásenie laureátov)

Presidente. – Ho l'onore di annunciare che la Conferenza dei presidenti dei gruppi politici ha appena deciso di attribuire il premio Sacharov 2017 per la libertà di pensiero all'opposizione democratica in Venezuela, all'Assemblea nazionale rappresentata dal suo presidente Julio Borges e a tutti i prigionieri politici, così come elencati dal Foro penale venezuelano e rappresentati da Leopoldo López, Antonio Ledezma, Daniel Ceballos, Yon Goicoechea, Lorent Saleh, Alfredo Ramos e Andrea González.

(applausi)

Ho l'onore di annunciare questo risultato nel giorno in cui, anche grazie alle pressioni del Parlamento europeo, tre attivisti per i diritti umani sono stati liberati in Turchia.

Dalla sua istituzione nel 1988 questo premio viene assegnato a chi ha contribuito in modo eccezionale alla lotta per i diritti umani. Non ha un colore politico, rappresenta invece uno dei momenti più simbolici…

(risate in Aula)

Vi prego di rispettare la volontà della maggioranza del Parlamento, non c'è nulla da ridere quando si parla di milioni di persone e di bambini che muoiono di fame! Si può non essere d'accordo con la maggioranza, ma bisogna rispettare, in democrazia, la volontà della maggioranza di questo Parlamento. Non c'è nulla da ridere quando si parla di difesa dei diritti umani!

(applausi)

Il premio Sacharov rappresenta uno dei momenti più simbolici della funzione del nostro Parlamento: essere sempre in prima linea per difendere e promuovere la libertà, la democrazia e gli altri diritti umani, dentro e fuori i nostri confini. Oggi abbiamo il dovere di denunciare, ancora una volta dopo cinque risoluzioni votate dal Parlamento europeo negli ultimi anni, la grave situazione in Venezuela.

In questo paese dell'America latina, dove vivono molti cittadini europei e molti cittadini venezuelani sono di origine europea, molti sono privati dei loro diritti fondamentali, creando una spirale di crisi istituzionale, economica e sociale. Le condizioni di vita del popolo venezuelano si sono gravemente deteriorate. Siamo di fronte a una vera e propria emergenza umanitaria: mancano medicine, assistenza medica, cibo, acqua potabile ed elettricità. Centinaia di migliaia di persone sono costrette all'esodo dal paese. Non possiamo non levare la nostra voce in difesa della libertà, della democrazia, dei diritti umani.

Per questo abbiamo deciso di conferire il premio Sacharov per la libertà di pensiero all'opposizione democratica, ricordando il nostro totale sostegno all'Assemblea nazionale del Venezuela, parlamento eletto democraticamente, l'unico parlamento eletto democraticamente.

(applausi)

Vogliamo anche lanciare un appello per una transizione pacifica verso la democrazia e per la creazione di un corridoio umanitario che allevi le sofferenze del popolo. Oggi non premiamo soltanto l'opposizione democratica: vogliamo manifestare la nostra volontà di essere vicini e di rendere omaggio a tutto il popolo venezuelano, a coloro che sono stati imprigionati ingiustamente solo per aver espresso la propria opinione e a chi, quotidianamente, lotta per sopravvivere a un regime totalitario, alle famiglie in lutto per la perdita dei propri cari durante mesi di ininterrotta e pacifica protesta per la libertà. Oggi sosteniamo la lotta di un popolo per la sua libertà.

Ma tutte le battaglie per i diritti sono ugualmente importanti. Chi viene oppresso, subisce ingiustizie e viene privato della libertà e dei diritti, ovunque nel mondo, potrà sempre contare su questo Parlamento. Per questo motivo la Conferenza dei presidenti ha deciso di invitare alla cerimonia di premiazione, che si terrà il 3 dicembre a Strasburgo, anche gli altri due candidati al premio, Aura Lolita Chávez Ixcaquic e Dawit Isaak, che sarà purtroppo rappresentato da un suo familiare, visto che è ancora detenuto in Eritrea.

10. Hlasovanie

Presidente. – L'ordine del giorno reca il turno di votazioni.

(Per i risultati delle votazioni e altri dettagli che le riguardano: vedasi processo verbale)

10.1. Voľba podpredsedu Európskeho parlamentu (hlasovanie)

Presidente. – L'ordine del giorno reca l'elezione di un Vicepresidente del Parlamento europeo in sostituzione dell'on. Lunacek. Ricordo che, ai sensi dell'articolo 20 del regolamento, il nuovo Vicepresidente prende il posto del Vicepresidente uscente nell'ordine di precedenza.

Ho ricevuto la candidatura dell'on. Heidi Hautala. La candidata mi ha comunicato di accettare la candidatura e, poiché il numero delle candidature non supera il numero dei seggi da assegnare, la candidata è eletta per acclamazione a meno che un numero di deputati o uno o più gruppi politici pari almeno…

(Il Parlamento elegge l'on. Hautala per acclamazione)

Mi pare che la volontà dell'Aula sia molto chiara, quindi mi congratulo con l'on. Hautala per la sua elezione per acclamazione.

Knut Fleckenstein (S&D). – Herr Präsident! Ich wollte Sie nur fragen, ob wir irgendwann damit rechnen können, dass auch die anderen vakanten Stellen der Vizepräsidenten besetzt werden. Oder liegt es daran, dass die schon längst ausgeschiedenen Kollegen keine Lücke hinterlassen haben?

Presidente. – Quando arriveranno le candidature, voteremo. Mi auguro che arrivino il prima possibile.

PŘEDSEDNICTVÍ: PAN PAVEL TELIČKA

místopředseda

10.2. Vykonávanie smernice o environmentálnej zodpovednosti (A8-0297/2017 – Laura Ferrara) (hlasovanie)

10.3. Spoločné pravidlá sekuritizácie a vytvorenie európskeho rámca pre jednoduchú, transparentnú a štandardizovanú sekuritizáciu (A8-0387/2016 – Paul Tang) (hlasovanie)

10.4. Prudenciálne požiadavky na úverové inštitúcie a investičné spoločnosti (A8-0388/2016 – Othmar Karas) (hlasovanie)

10.5. Rešpektovanie súkromného života a ochrana osobných údajov v elektronických komunikáciách a zrušenie smernice 2002/58/ES (smernica o súkromí a elektronických komunikáciách) (A8-0324/2017 – Marju Lauristin) (hlasovanie)

— *Before the vote:*

Birgit Sippel (S&D). – Mr President, briefly, because a lot of myths – or you could also say a lot of lies – have been spread around by some industrial lobbyists. I would like to add some very short points on what we are deciding today.

The ePrivacy Regulation aims to put users back in control of their communication data and to make sure that confidentiality of communication in a digital environment becomes a reality for everyone. At the same time, the ePrivacy Regulation does not ban all forms of advertising. It only addresses the issues of surveillance-driven advertising and wants consumers given a choice about whether they want to be tracked or not for commercial purposes. Also – and I really cannot understand how this argument came into the debate – the mandate of the ePrivacy Regulation does not at all affect the powers of Member States to fight against illegal content online. Members today have a very clear choice: you can either disappoint the vast majority of citizens who want their confidentiality to be protected, or you can give in to the demands and lies of some industry lobbyists. Any further delay in this decision will only affect the strength of our position when it comes to negotiations with Council and Commission. Therefore, I urge everybody here to vote in favour of the mandate today.

(Applause)

— *After the vote:*

Marju Lauristin (S&D), *rapporteur.* – Mr President, I want to thank all those who voted for the decision and, above all, I want to thank the shadow rapporteurs for their work. It was very hard work. We met with a lot of people from different sides. We felt how strongly citizens were expecting that this mandate would be given, and we did our best.

Also, this is my last day in Parliament. I thank all of you for this very enriching experience and it is my wish that the European Parliament will stand firm in defending democracy, liberal values and a future for Europe. Thank you.

(Loud applause)

President. – For those who were not being patient, Ms Lauristin is leaving the House, so I think it was a question of courtesy to give her the opportunity to speak.

Petri Sarvamaa (PPE). – Mr President, I am sure that there is a rule in the Rules of Procedure that says that the plenary cannot be used for further political discussion that was already dealt with extensively in committee, and this is a clear case of that.

(Applause)

10.6. Boj proti sexuálnemu obťažovaniu a zneužívaniu v EÚ (RC-B8-0576/2017, B8-0576/2017, B8-0577/2017, B8-0578/2017, B8-0579/2017, B8-0580/2017, B8-0581/2017, B8-0582/2017) (hlasovanie)

10.7. Hospodárske politiky eurozóny (A8-0310/2017 – Gunnar Hökmark) (hlasovanie)

10.8. Mandát na obchodné rokovania s Austráliou (A8-0311/2017 – Daniel Caspary) (hlasovanie)

10.9. Mandát na obchodné rokovania s Novým Zélandom (A8-0312/2017 – Daniel Caspary) (hlasovanie)

10.10. Kontrola uplatňovania práva EÚ v roku 2015 (A8-0265/2017 – Kostas Chrysogonos) (hlasovanie)

President. – That concludes the vote.

11. Vysvetlenia hlasovania

11.1. Rámec pre jednoduchú, transparentnú a štandardizovanú sekuritizáciu (A8-0387/2016 – Paul Tang)

Oral explanations of vote

Andrejs Mamikins (S&D). – Mr President, I fully agree that financial stability should be guaranteed and that capital should be used to fund the real economy, rather than for speculative activity. What are financial bubbles and what are the consequences? As we saw in 2008, our life is not a computer game where someone can start a risky game, fail and afterwards, without consequences, start a new one. That is why we need guarantees. That is why securitisations are an important part of well-functioning financial markets.

11.2. Boj proti sexuálnemu obťažovaniu a zneužívaniu v EÚ (RC-B8-0576/2017, B8-0576/2017, B8-0577/2017, B8-0578/2017, B8-0579/2017, B8-0580/2017, B8-0581/2017, B8-0582/2017)

Oral explanations of vote

Urszula Krupa (ECR). – Oczywiście głosowałam za rezolucją przeciwko molestowaniu seksualnemu nie tylko w miejscu pracy, szczególnie takim jak Parlament Europejski, w którego skład wchodzą przecież reprezentanci narodów Europy korzystający z prestiżu społecznego i władzy, chociaż nie zgadzamy się z pewnymi aspektami konwencji stambulskiej. Chciałabym jednak zauważyć, że nawet kilka rezolucji czy monitorowanie tego rodzaju przypadków łącznie z ich penalizacją może nie zredukować tego typu zachowań naruszających osobistą godność, gdy nie przestrzega się zasad społecznych i moralnych, gdzie tworzone jest prawo przeciwko rodzinie czy w skutkach prowadzące do walki między mężczyznami a kobietami, propagujące wolność od wartości chrześcijańskich, skutkujące stworzeniem perspektywy wyzwolenia człowieka od biologicznych uwarunkowań, podważaniem wartość rodziny tworzonej wspólnie przez ojca i matkę jako rodziców i tworzeniem nowego modelu seksualności. Propagowanie niektórych aspektów równouprawnienia w praktyce oznacza brak delikatności, a nawet wulgarne traktowanie kobiet, skoncentrowanie uwagi na wartościach seksualnych.

Anna Záborská (PPE). – Vážený pán predsedajúci. Rovnako ako moje kolegyne a kolegovia považujem sexuálne obťažovanie za neprípustné. A rovnako ako asi každý poslanec tohto parlamentu sa domnievam, že aj na pôde tejto inštitúcie musíme urobiť viac preto, aby sme účinne predchádzali nielen tejto forme obťažovania. V mojom vystúpení v rozprave k tejto téme som navrhla aj konkrétne opatrenia.

Žiaľ, niektoré kolegyne a kolegovia neodolali pokušeniu využiť aj túto tému na zvýšenie politického tlaku na členské štáty, aby ratifikovali takzvaný Istanbulský dohovor. Chcem im odkázať, že formulácia, že členské štáty majú povinnosť ratifikovať tento dohovor, je nepravdivá. Prekračuje kompetencie tohto parlamentu a bráni nám, ktorí rešpektujeme európske zmluvy, aby sme podporili toto uznesenie.

Marek Jurek (ECR). – Panie Przewodniczący! Podobnie jak Anna Záborská uważam, że skandalem jest wykorzystywanie dramatu atakowanych czy wykorzystywanych seksualnie kobiet do propagowania genderowej konwencji stambulskiej. Przecież na bieżąco słyszymy, co się dzieje: jest afera Weinsteina pokazująca wykorzystywanie w świecie filmowym. Wiemy o wykorzystywaniu kobiet w strukturach władzy i o sposobie, w jaki struktury te mogą służyć do wykorzystywania kobiet. Do tej pory nie wiemy, kto w naszym Parlamencie jest podejrzany o takie praktyki, i tym samym domagam się, żeby publicznie ujawnione zostały osoby, które w tak poniżający sposób zachowały się wobec kobiet w naszym Parlamencie.

Wiemy o tym, że policja często ukrywa korelację między nielegalną imigracją a atakami na kobiety, tak jak było w Kolonii. Niestety przykładem tego jest odrzucona przez chwilą poprawka, a skandalem na tle tego wszystkiego jest wykorzystywanie dramatów kobiet do propagowania genderowej konwencji stambulskiej i do wywierania presji na państwa.

11.3. Hospodárske politiky eurozóny (A8-0310/2017 – Gunnar Hökmark)

Oral explanations of vote

Andrejs Mamikins (S&D). – Mr President, I would like to underline the importance of cohesion policy. Cohesion policy is a most powerful instrument for reducing regional development disparities. In my country, Latvia, it gives more than 70% of investments in our economy. That is why we are very concerned about the future of cohesion policy after 2020. I think that the amount of money for cohesion policy should be increased, not reduced, after 2020.

Latvia has lost one third of its population in the last 25 years and demographic trends for the future are very unfavourable. People leave the country because of the low salaries and lack of prospects there. We are in a very dangerous trap and if Cohesion Fund investment is reduced, there will be no way out of this trap. I voted in favour, of course.

Ангел Джамбазки (ECR). – Уважаеми г-н Председател, гласувах против доклада, тъй като в него има точки, с които не мога да се съглася. Икономическият растеж е неравномерно разпределен в Европа, именно заради това, че не може да се прилага еднакъв подход към страните членки. Абсолютно не мога да се съглася с призива за допълнителни съвместни усилия за подобряване интеграцията на мигранти и хора с мигрантски произход на пазара на труда.

Смятам, че преди всичко трябва да се разрешат проблемите на собствените ни държави. На първо място – огромното неравенство, неравнопоставеността между държавите от западната и източната част на Съюза. В тази връзка това, което трябва да прави Комисията, е да наказва държавите, които прилагат протекционистична политика, като например Германия, Франция, Белгия и Италия, защото в източните държави има голяма безработица, а младите хора са бъдещето на Европа.

Друга тема е, че голяма част от мигрантите не бягат от война, а са икономически мигранти, дошли в Европа с тази цел – достъп до пазара на труда.

11.4. Mandát na obchodné rokovania s Austráliou (A8-0311/2017 – Daniel Caspary)

Oral explanations of vote

Jasenko Selimovic (ALDE). – Mr President, Australia and Sweden have a long tradition of trade. They have a similar business culture, resulting in 450 subsidiaries and almost 1 000 Swedish companies doing business in Australia, which generate 11 billion Swedish krona in exports from Sweden. That is why I am very satisfied that we have approved the negotiating mandate. I would very much like to urge the Commission and our Australian partners to make a transparent, safe and ambitious deal so we do not have to wait until free trade comes to go.

Seán Kelly (PPE). – Mr President, free trade is the cornerstone of the EU. In light of Brexit and the lack of clarity on the United Kingdom-EU market, the EU, and Ireland in particular, must seek to strengthen trading with other markets. In 2015, the EU was Australia's third-largest trading partner after China and Japan. The trade in goods in 2015 amounted to EUR 62.5 billion and exports from Australia to the EU amounted to EUR 10.6 billion. There is a long-standing, friendly relationship between Australia and Ireland, with one in three Australians claiming Irish heritage. An EU-Australia trade agreement will strengthen our relationship even further and be mutually beneficial in opening access to markets and fostering competition.

However, there have been real concerns expressed over the potential negative implications of such a trade agreement on agri-food exports such as beef and dairy. I take such concerns extremely seriously, as an Irishman, as the farming industry and agri-food sectors play a central role in the Irish economy. So it is important that due consideration is given to these sectors and, if there are quotas given to Australia, that there will be a review clause after a number of years, so that could be re-addressed …

(The President cut off the speaker)

Ангел Джамбазки (ECR). – Г-н Председател, подкрепих доклада на колегата Каспари относно предложения мандат за провеждане на търговски преговори с Австралия, защото напускането на Великобритания на Европейския съюз със сигурност ще бъде загуба за свободната търговия, а както е известно, свободният пазар и свободната търговия са крайъгълните камъни, на които е основан Европейският съюз.

Преговорите трябва да започнат колкото е възможно по-скоро и трябва да се придържаме към компетенциите, които Съюзът има в тази сфера.

11.5. Mandát na obchodné rokovania s Novým Zélandom (A8-0312/2017 – Daniel Caspary)

Oral explanations of vote

Jasenko Selimovic (ALDE). – Mr President, when measuring market share, New Zealand is the eighth most important export market for Swedish companies. This relationship could be deeper and more developed and I believe that the deal on free trade will make it so. I expect both partners very swiftly to deliver a modern, ambitious, balanced, fair and comprehensive free trade agreement that will benefit us all.

Ангел Джамбазки (ECR). – Г-н Председател, подкрепих този доклад на колегата Каспари и гласувах за него по същите причини, поради които подкрепих и предишния – именно докладът относно предложения мандат за провеждане на търговски преговори с Нова Зеландия. Мотивите ми са подобни, а Европейският съюз се нуждае от нови пазари, свободната търговия е основният крайъгълен камък на Европейския съюз. Преговорите трябва да започнат колкото е възможно по-бързо, трябва да се придържаме към компетенциите, които Съюзът има в тази сфера, защото както Нова Зеландия, така и Австралия могат, и ще бъдат важни икономически партньори, и по този начин показваме своята подкрепа.

11.6. Kontrola uplatňovania práva EÚ v roku 2015 (A8-0265/2017 – Kostas Chrysogonos)

Oral explanations of vote

Andrejs Mamikins (S&D). – Mr President, the number of infringements remains high. At the end of 2015, there were 1368 infringement cases. They especially concern violations of EU law, in particular in the fields of employment and social affairs, the environment, justice, fundamental rights, the internal market, transport, health, education and culture. Every delay is dangerous. It undermines the trust of the people in the European Union and has real material consequences. To avoid this in the future, we should work closely with the Commission, national governments and national parliaments. But first of all we should understand the real nature of the infringements and only after that will we be able to tackle this problem effectively. I voted in favour.

12. Opravy hlasovania a zámery pri hlasovaní: pozri zápisnicu

(The sitting was suspended at 12.55)

VORSITZ: EVELYNE GEBHARDT

Vizepräsidentin

13. Pokračovanie prerušeného rokovania

(Die Sitzung wird um 15.00 Uhr wieder aufgenommen.)

14. Schválenie zápisnice z predchádzajúceho rokovania: pozri zápisnicu

15. Pozícia Rady v prvom čítaní: pozri zápisnicu

16. Väčšie interpelácie (rozprava)

16.1. Koordinované úsilie na úrovni EÚ s cieľom zvýšiť mieru zaočkovanosti

Die Präsidentin. – Als nächster Punkt der Tagesordnung folgt die Aussprache über die Große Anfrage gemäß Artikel 130b der Geschäftsordnung von Piernicola Pedicini, Laura Agea, Rosa D'Amato, Tiziana Beghin, Marco Valli, Marco Zullo, Fabio Massimo Castaldo, Ignazio Corrao, Laura Ferrara, Eleonora Evi, Isabella Adinolfi, Joëlle Bergeron im Namen der EFDD-Fraktion an die Kommission betreffend koordinierte Bemühungen auf EU-Ebene zur Erhöhung der Durchimpfungsrate (O-000074/2017 – 2017/2867(RSP)) (B8-0603/2017).

Piernicola Pedicini, *autore*. – Signora Presidente, onorevoli colleghi, noi abbiamo voluto avviare un dibattito sul tema dell'obbligatorietà dei vaccini perché recentemente, in Italia, è stata introdotta una misura per la somministrazione obbligatoria di sei nuovi vaccini, che si aggiungono ai quattro vaccini già obbligatori, per un totale attualmente di dieci vaccinazioni obbligatorie.

I dati disponibili sul portale *Global Vaccine Action Plan* dimostrano che questo è avvenuto pur non trovandosi di fronte a una reale emergenza epidemica che avrebbe potuto giustificare una misura così coercitiva. Il ministero della Salute italiano ha giustificato questo provvedimento basandosi sui dati di incidenza del morbillo dei primi mesi dell'anno in Italia; questi dati erano realmente preoccupanti, tenuto conto anche del fatto che il morbillo in Italia rimane tuttora endemico.

Tuttavia molti genitori sono preoccupati per questa decisione drastica del ministero della Salute italiano perché non hanno capito come mai, se c'era un'emergenza per il morbillo, non si è adottata una misura specifica per contrastare il solo morbillo. Non hanno capito per quale motivo l'obbligatorietà è stata estesa a dieci vaccinazioni obbligatorie e, purtroppo, ad aggravare le paure dei genitori è stata la circostanza che un tema così delicato, che riguarda la salute dei nostri bambini, è stato portato al centro del dibattito politico e trattato come da due opposte tifoserie, con evidenti strumentalizzazioni che noi troviamo molto pericolose.

Per questo abbiamo voluto parlarne qui al Parlamento europeo, fuori dal contesto nazionale e fuori dal momento di maggiore attenzione mediatica, in modo da poterne discutere serenamente proprio nell'interesse di quei genitori preoccupati. La maggioranza dei cittadini, e noi con loro, riconoscono l'importanza che hanno avuto i vaccini per ridurre, e in alcuni casi eliminare (si pensi al vaiolo), l'incidenza di gravi malattie infettive. Tuttavia quegli stessi cittadini, e noi con loro, vogliono prima di ogni altra cosa che i farmaci, specialmente se somministrati a persone sane e per di più bambini, siano efficaci e sicuri. I cittadini vogliono sapere quali rischi reali corrono i loro figli quando accettano di vaccinarli e il ruolo delle istituzioni dovrebbe essere quello di fornire queste informazioni in modo chiaro e trasparente.

Per questo noi crediamo che la politica dovrebbe occuparsi di rendere indipendenti e liberi dalle pressioni dell'industria farmaceutica (che mira al profitto) tutti gli organismi di controllo, come l'Agenzia europea per i farmaci e come le agenzie nazionali di controllo dei farmaci, che devono poter esprimere il loro parere esclusivamente su base scientifica. Sappiamo che questo non è sempre vero e ciò non aiuta quel rapporto di fiducia verso le istituzioni che è la base per il raggiungimento degli obiettivi dei piani di vaccinazione nazionale.

Perché, per quei vaccini di cui sono state testate l'efficacia e la sicurezza, si pone poi il problema di quale strategia adottare per raggiungere maggiori coperture vaccinali e, se ci guardiamo intorno, notiamo che la maggior parte degli Stati membri, tra l'altro quelli con maggiore sviluppo sia economico sia sociale, hanno adottato un approccio basato sul convincimento e sull'accompagnamento delle famiglie alla vaccinazione, e non un approccio basato sull'obbligatorietà.

Per questo chiediamo alla Commissione: dalle informazioni in vostro possesso si può affermare che un approccio coercitivo, basato sull'obbligatorietà vaccinale, sia più efficace di un approccio basato sulla raccomandazione attiva e sull'accompagnamento consapevole delle famiglie alla vaccinazione?

Seconda domanda: il fatto che l'obbligo di effettuare un totale di dieci vaccini a bambini da zero a tre anni non abbia precedenti può essere considerato una ragione valida per invocare il principio di precauzione?

E per finire: nell'ambito della priorità del rafforzamento industriale, contenuta nella lettera di intenti del Presidente Juncker, Juncker stesso ha indicato un piano d'azione congiunto sulle politiche nazionali di vaccinazione. Ci chiediamo in che modo le politiche di vaccinazione siano un mezzo per rafforzare il mercato interno e l'industria, perché invece noi crediamo che la salute dovrebbe essere completamente al di fuori delle logiche di mercato.

Vytenis Povilas Andriukaitis, *Member of the Commission*. – Madam President, vaccination is one of the most effective public health measures. Vaccination saves lives. Vaccination protects our societies, reduces illness and helps achieve long life expectancy rates. Vaccination not only leads to better public health outcomes, but it is also beneficial from a socio-economic point of view.

Before vaccines existed, many children would die young or be crippled for life. Our generation has no memory of this. Thanks to vaccination, such diseases have almost – I stress almost – been eradicated. As President Juncker mentioned in the State of the Union speech, today in the EU children are still dying from diseases such as measles that can easily be prevented with vaccines. This is unacceptable.

So I want to thank Members for raising this major interpellation on a subject of great importance to all of us. Vaccination programmes have become increasingly fragile in the face of the low uptake of vaccines, vaccine hesitancy and vaccine shortages. Many people in Europe live and work in different Member States throughout their lives and have trouble in comparing vaccination calendars and vaccinating their children on time. Each country in Europe has its own vaccination schedule. They are the result of long traditions and therefore vary widely across the Union. Some countries opt for mandatory vaccination and it is their legal right to do so.

Honourable Members, I would like to address each of your questions. The first question is whether the obligation to carry out the 10 vaccinations for young children should be considered a reason to invoke the precautionary principle. First, 12 Member States currently have at least one mandatory vaccination in their national vaccination programmes and some have many more. Italy is one of seven Member States that prescribe between 10 and 14 mandatory vaccinations in their vaccination programmes. As such, the new Italian law does not constitute a so-called precedent in Europe.

The precautionary principle can be invoked when there is a suspected danger to human health and scientific knowledge does not permit an evaluation of the situation and of the risk. In the case of vaccination, we have scientific evidence-based knowledge on the benefits of vaccination. In this context, when considering vaccination programmes, it would not be appropriate only to take into account the small risk of potential adverse reactions to vaccines while ignoring the solid evidence-based benefits of vaccination. It would be misleading, in fact, at a time when people in Europe are dying from measles – a disease that should have been eliminated long ago because the European Union had obligations to eradicate measles by 2014, but we are not there. We need to strengthen our approach to vaccination. We need to encourage everyone to be vaccinated and protect the most vulnerable in society, leaving no one behind.

Moving to your second question: can the Commission gather evidence on the effectiveness gap between mandatory and non-mandatory vaccination policies with regard to immunisation rates? The Commission can play a key role in facilitating the collection, analysis and dissemination of evidence-based research on the best ways to increase vaccine coverage. To this end, we will work closely with the European Centre for Disease Prevention and Control and the Member States. Some studies show that, in the case of healthcare professionals, mandatory vaccination has indeed increased vaccination uptake. Our studies point to mandatory vaccinations not being decisive in determining childhood immunisation rates. As such, more data is needed to understand if, and how, changes in vaccination policies have influenced immunisation trends. Further research would help us to better appreciate the relationship between voluntary and mandatory vaccination programmes and vaccine coverage.

I do not want to enter into a discussion on the benefits of voluntary versus mandatory programmes. They are all working towards the same goal of improving health. To do so, we need to analyse the implementation of the national programmes. Do we have appropriate surveillance in place? Is data available and used to inform future vaccination policies? How are targets met and what are the attitudes of health workers? That is very important. These are some of the issues we need to look at.

Finally, your third question: how can the EU coordinate action to improve the effectiveness of vaccination policies and increase immunisation rates? As you will know from President Juncker's letter of intent to the Parliament, the Commission intends to present an initiative to support Member States in strengthening cooperation on vaccination. Our aim is to help counter vaccine hesitancy and increase vaccination coverage, address shortages and prepare for emergencies, ensuring cooperation between Member States, involving stakeholders and ensuring a comprehensive research agenda on vaccination. We will work closely with a broad range of stakeholders from the health workforce, industry, academia, NGOs and patients' organisations.

In addition, next year I intend to launch a new joint action with Member States. This action builds on the results of the discussions with stakeholders that I held earlier this year. I hope it will pave the way towards a shared vision to improve vaccination coverage in the EU. This action, which will be co-financed by the health programme, will focus on the convergence of national policies on vaccination schedules and the evaluation of the effectiveness of vaccination policies. The aim is to increase intersectoral cooperation, promote cross-border interoperability and increase the consistency of communication on vaccination.

Together we are working, first, to increase trust and confidence in vaccines, which is very important, through vaccination programmes and health systems, and to enhance the effectiveness and sustainability of vaccination programmes and improve electronic vaccine registries. These efforts must be underpinned by effective communication and enhanced public engagement. We need to foster an understanding of the importance of vaccination as a key tool for preventing diseases.

This issue is one that affects us all, irrespective of borders or nationality. It is one we must address collectively and strategically. I count on Members to support these efforts and help increase vaccination coverage in Europe.

Seán Kelly, *on behalf of the PPE Group*. – Madam President, the coordinated efforts to increase vaccination cover in Europe are of course welcome. However, I cannot accept some of the approaches which I have heard advocated. To suggest that legal requirements are not necessary for ensuring the highest possible immunisation rates is to disregard how crucial these immunisations are. We cannot take chances when it comes to the health and safety of our citizens and in particular, our children. We must take heed of the often life-saving health benefits of vaccinations for our children, as the Commissioner has just pointed out.

Accurate and widespread information is essential to ensure citizens know how important vaccines are for their children. Safety is, of course, always a primary concern; now decisions directly affect minors. Unfortunately, it seems that public attention is often focused on vaccine safety and not on vaccine effectiveness. Modern medicine has allowed an extremely high safety record in vaccinations. Misplaced fears regarding the safety of vaccines have in the past caused a decrease in vaccination coverage. This of course caused outbreaks of diseases such as measles. For example, vaccination is not mandatory in Great Britain, and around 24 000 children a year in England are not immunised against measles, mumps and rubella. Part of the hesitation of parents to allow their children to receive the combined vaccination for these three infectious diseases was caused by a discredited study which claimed to show a link between vaccination and autism. This study has since been disproved.

Vaccines are not only important to prevent disease in individuals; they are hugely important for communities at large and are proven to be effective in reducing child mortality. There is an obligation on governments to ensure that every citizen is given the opportunity to live a healthy life and therefore, vaccination should be mandatory across Europe.

Dá bhrí sin tá súil agam gur féidir linn cabhrú lenár saoránaigh, go háirithe ár leanaí, saol sláintiúil a bheith acu trí instealladh a fháil i gcoinne na ngalar seo.

Andrea Cozzolino, *a nome del gruppo S&D*. – Signora Presidente, onorevoli colleghi, siamo o non siamo tutti d'accordo che i vaccini rappresentano uno strumento efficace di prevenzione delle epidemie e rappresentano il mezzo per debellare malattie pericolose? Siamo o non siamo d'accordo che veicolare messaggi artefatti, palesemente fasulli e privi di validità scientifica sia un modo per creare confusione e allarmismi che abbassano i tassi di immunizzazione? Siamo o non siamo tutti d'accordo che è nostro dovere politico e morale impegnarci per garantire anzitutto che i più deboli, i bambini, non vengano penalizzati da comportamenti irrazionali?

È un bene, è davvero un bene, che l'interpellanza, piuttosto che insistere sulla presunta dannosità dei vaccini, si concentri in maniera positiva sui meccanismi migliori per diffondere il solo strumento di immunizzazione a nostra disposizione contro malattie e rischi di epidemie.

L'introduzione dell'obbligo, nel caso italiano, è la testimonianza che si è giocato troppo con le incertezze e con le paure umane, fomentando allarmismi e diffondendo teorie pseudo-scientifiche. L'interpellanza di oggi è un chiaro segno di un cambio di passo, molto positivo, che ci consente di riportare finalmente la discussione in una sede più ampia, uscendo dai confini nazionali e coinvolgendo l'Europa intera.

Questa è la strada da seguire: aprirci a discussioni a tutti i livelli scientifici. Solo in questo modo possiamo evitare in futuro nuove accuse, come quelle mosse di recente dal *New York Times*, che ha tracciato un pericoloso parallelo, in Italia, per chi ha fatto attivamente campagna sulla piattaforma antivaccini, ripetendo i falsi legami tra vaccinazione e autismo. Oppure dal Presidente Juncker che, nel suo discorso sullo stato dell'Unione, ha ricordato che non è pensabile che nell'UE muoiano ancora bambini di malattie evitabili: in Romania e in Italia, dovrebbero avere accesso alle vaccinazioni senza se e senza ma. Appoggiamo le misure nazionali di vaccinazione.

Andiamo ai fatti, osserviamo i dati. In Italia nel 2017, per esempio, nel caso del morbillo appena la copertura è scesa al di sotto della soglia critica del 95 % il numero dei casi si è moltiplicato (4 689, sono i dati del 15 ottobre), con 4 decessi. La possibilità di veder crescere in maniera esponenziale i fattori di rischio per le fasce più deboli o di provocare l'estensione dell'area dell'epidemia anche al resto dell'Europa è un rischio reale.

Qual era la soluzione di fronte a questa sfida? Il principio era proprio quello di adottare il principio di precauzione, pure invocato. Ha spinto le autorità sulla strada migliore, per fare aumentare in maniera rapida i tassi di immunizzazione. D'altronde, nel mondo, le cose non sono proprio così diverse. Esiste per esempio negli Stati Uniti, in Canada e in Giappone il divieto di accesso alle scuole a chi non è vaccinato. L'Australia toglie gli assegni familiari a chi non vaccina i propri figli. La Germania, che non aveva obblighi vaccinali, dopo 400 casi di morbillo e la morte di una donna di 37 anni ha deciso di multare con 2 500 euro i genitori che portano al nido figli non immunizzati.

Non possiamo contare solo sulla razionalità dell'essere umano che, soprattutto in momenti di crisi e di debolezza, il più delle volte frutto di un dolore, di un destino ritenuto ingiusto, si aggrappa a tutte le speranze, o peggio rimane preda di illusioni. Per questo dico: torniamo tutti a essere un po' più umani, riscopriamo il rispetto per anni di studi e di esperienze, mettiamo tutti insieme al bando congetture e teorie prive di alcun fondamento.

Guardiamo in faccia i dati in Italia. Ogni anno si spendono 29 miliardi in farmaci, di cui 318 milioni in vaccini. A titolo esemplificativo, spendiamo 1 miliardo per gli antibiotici, 300 milioni per gli antigastrici. Davvero pensiamo che la speculazione delle case farmaceutiche si voglia o si possa concentrare sulla parte più piccola dell'intera spesa?

Piuttosto andrebbe indagato su quanto annualmente famiglie e persone spendono – riflettiamo su questo – nel sottobosco di esami e consulti alternativi e su quanta speculazione ci possa essere dietro tutto questo, soprattutto il dolore di tante famiglie e di tanti genitori.

Signor Commissario, andiamo avanti. Credo che si debba andare avanti spediti su una strada europea, magari con la centrale unica degli acquisti dei vaccini, come annunciato, ma anche armonizzando i sistemi di una banca dati centralizzata per dare più trasparenza alle nostre informazioni, come parte integrante di quel piano che Lei ha descritto per dare più fiducia ai cittadini, per fornire risposte ai bisogni e per restituire loro speranza.

Urszula Krupa, *w imieniu grupy ECR*. – Jak większość lekarzy doceniam profilaktyczne znaczenie i rolę szczepień, jednak tak jak część badaczy mam wątpliwości co do bezpieczeństwa szczepienia noworodków. Autorzy interpelacji pytają także o zastosowanie zasady ostrożności w kontekście dodatkowych (już dziesięciu) obowiązkowych szczepień we Włoszech, tym bardziej, że według badań obowiązkowość szczepień nie wpływa na wyszczepialność, co jest ważne także, zanim poznamy rzeczywistą odpowiedź na intensywną stymulację niedojrzałego układu immunologicznego i kształtującego się układu nerwowego.

W Polsce niemowlę, łącznie z przeprowadzanym w pierwszej dobie szczepieniem przeciw gruźlicy i WZW B, otrzymuje 26 dawek obcogatunkowego antygenu. Warto wiedzieć, czy dziecko jest w ogóle w stanie prawidłowo zareagować na tak wiele zróżnicowanych bodźców oraz czy szczepienie nie stanowi zagrożenia dla rozwoju mózgu, chociażby ze względu na niewykształconą barierę krew-mózg, jaka powstaje dopiero w szóstym tygodniu życia dziecka. Czy warto przesunąć pierwsze szczepienia przynajmniej powyżej 2 miesięcy życia? We wczesnych miesiącach życia dziecko jest przecież chronione przez przeciwciała matczyne, dlatego szczepienia przeciw niektórym mikroorganizmom wykonywane tuż po urodzeniu nie prowadzą do trwałej odporności. Niemowlęta nie mają wykształconego układu odpornościowego i jego dojrzałość osiągają dopiero około trzeciego roku życia. Odporność humoralna jest związana z immunoglobulinami przechodzącymi przez łożysko, głównie w ostatnich 2 miesiącach ciąży, a dziecko osiąga bardzo powoli, dopiero po 12 miesiącach, 50% poziomu odporności ludzi dorosłych.

Wskazane byłoby, moim zdaniem, badanie autentycznej odpowiedzi ze strony organizmu noworodków, niemowląt, a także dzieci, które przecież choć są szczepione, to oddawane do żłobka i przedszkola bardzo często chorują na różne infekcje.

Ivan Jakovčić, *u ime kluba ALDE*. – Gospođo predsjednice, mada je ova rasprava došla na dnevni red prvenstveno potaknuta raspravama koje se dešavaju u Italiji i svime onime što se u Italiji dešava pa i dosta, nažalost, smrtnih slučajeva, za koje smo čuli i koji su se nažalost dogodili, mislim da je pozitivno da je ova rasprava došla u naš Parlament. Uvijek će biti onih koji su *pro* i *contra* za jednu ili za drugu stranu, ali mislim da trebamo ovu raspravu iskoristiti za nešto drugo. Ne samo za sukobljavanje, nego za jedan konstruktivan doprinos razmjeni iskustava na nivou Europske unije, razmjeni iskustava među državama.

U mnogočemu su mnogi standardi slični, ali ne u svemu. Pa recimo i u ovom konkretnom slučaju gdje imamo vrlo različite, čak bih rekao tradicije cijepljenja novorođenčadi ili djece. Tako i Hrvatska ima neke svoje tradicije, neke svoje situacije.

Mislim da je uloga Komisije, i tu želim potaknuti Komisiju i povjerenika da zaista izrade jednu vrlo, vrlo fundiranu studiju i predlože, na neki način, ono što bi mogla biti neka smjernica u budućnosti jer i kvaliteta života i kvaliteta življenja novorođenčadi i svih mladih ljudi povećava se iz dana u dan. I ta iskustva koja postoje u Eurpskoj uniji mislim da je vrlo pametno i potrebno razmijeniti.

Joëlle Mélin, *au nom du groupe ENF*. – Madame la Présidente, s'il est un domaine où l'Europe, selon nous, pourrait avoir son efficacité, ce serait bien évidemment celui de la santé publique, puisque les frontières n'ont rien à voir avec l'expansion des microbes ou des virus et que, là, effectivement, une position commune pourrait permettre de faciliter les choses sur le plan de la santé publique pour chaque État.

Rappelons déjà une chose: chaque État membre est libre de sa politique de santé publique et, voir, aujourd'hui, apparaître un grand débat en Italie, mais aussi en France — puisque ces jours-ci nous voyons apparaître dans la loi française une obligation de procéder à onze vaccins obligatoires à partir du 1er janvier — signifie que, précisément, des changements brutaux s'opèrent dans la façon d'aborder la vaccination.

De nombreuses questions scientifiques voient le jour, mais aussi des questions de la part des parents qui s'interrogent, alors que la France, au moins, connaît une pénurie de médicaments depuis dix ans. Là encore, pour des raisons de marché et de brevets de certains laboratoires monopolistiques, ces pénuries ont fait que la couverture vaccinale n'a pas été aussi bonne.

On peut se poser la question de savoir pourquoi, alors que quinze pays ne pratiquent pas la vaccination obligatoire et que douze autres n'imposent qu'un ou plusieurs vaccins, on n'a pas eu plus d'épidémies que cela. Pourquoi serait-il d'un coup obligatoire d'avoir autant de vaccins?

Je pense que mon collègue Piernicola Pedicini doit penser exactement la même chose. Pourquoi tout cela? Pourquoi aussi brutalement et quels sont les intérêts éventuels des laboratoires? D'autant plus qu'en France, nous avons quand même vécu deux fausses épidémies – je dis bien «fausses épidémies» –, qui ont donné lieu à une réticence allant au-delà même de l'incrimination de certains vaccins dans le cadre de pathologies dégénératives graves.

Alors, je crois que notre institution et la Commission doivent se pencher et permettre des études a priori et non a posteriori, ne rien imposer par avance qui n'ait pas un caractère scientifique, un caractère indépendant, sauf si nous devions penser – pardonnez-moi d'inquiéter tout le monde – que quelqu'un dans un pays quelque part dispose d'une information relative à du terrorisme bactériologique.

Dans l'état actuel des choses, un moratoire des études vaccinales, afin de pouvoir déterminer dans quelle mesure et à quel taux la vaccination doit être pratiquée, au fond, dans nos différents pays européens serait, à mon avis, beaucoup plus sage que d'imposer en disant: «Les vaccinations, c'est bon quoi qu'il arrive.» Je pense que plus de recul serait nécessaire.

Anna Záborská (PPE). – Vážená pani predsedníčka. Prekvapuje ma, že na pôde Európskeho parlamentu sa zaoberáme rozhodnutím talianskej vlády zvýšiť počet povinných očkovaní. O to viac, že aj iniciátori tejto rozpravy priznávajú, že o očkovacom kalendári pre občanov môžu rozhodovať len členské štáty.

Navyše zásada predbežnej opatrnosti, na ktorú sa odvolávajú, sa týka politík Únie. V otázkach spadajúcich do ich výlučnej kompetencie je na členských štátoch, či a akú zásadu budú uplatňovať.

Žijeme v dobe, kedy veľká skupina ľudí spochybňuje buď samotné očkovanie ako účinnú metódu boja proti závažným ochoreniam alebo efektívnosť zákonnej povinnosti očkovania. Autori otázky pre Komisiu, o ktorej tu diskutujeme, patria k tej druhej skupine.

Možno si neuvedomujú, že tým otvárajú priestor pre šarlatánov, ktorí dokážu v dobe internetu presvedčiť za krátky čas veľké množstvo rodičov bez medicínskeho vzdelania o svojich nevedeckých teóriách. To, že sú úspešní, potvrdzuje klesajúci počet zaočkovaných detí, a nielen novorodencov.

Navyše materiál, na ktorý sa autori odvolávajú, nie je vedeckou štúdiou, ale iba komunikačným materiálom, ktorý kombinuje štatistiky o vakcinácii s informáciou o platnej legislatíve. Nie je to štúdia, ako tvrdia, a nespĺňa kritériá seriózneho vedeckého výskumu.

Pán komisár, kolegyne a kolegovia, hovorme radšej o cezhraničnom rozmere rizík súvisiacich s nedostatočnou vakcináciou a o potrebe celoeurópskych garancií nešírenia ochorení v súvislosti s voľným pohybom a migráciou.

(Rečníčka súhlasila s tým, že odpovie na otázku položenú zdvihnutím modrej karty (článok 162 ods. 8 rokovacieho poriadku).)

Piernicola Pedicini (EFDD), *domanda «cartellino blu»*. – Vorrei chiedere alla collega se è al corrente del fatto che la vaccinazione risiede in un campo che riguarda la salute e non la sanità.

La salute si occupa delle persone, di mantenere lo stato di salute delle persone che sono già sane. Non stiamo parlando di persone malate, quindi questa è una competenza che non è degli Stati membri ma è una competenza anche del Parlamento europeo e delle istituzioni europee.

Anna Záborská (PPE), *odpoveď na otázku položenú zdvihnutím modrej karty.* – Ďakujem veľmi pekne za otázku. Mohli by sme o tom polemizovať, ale očkovanie sa priamo dotýka predchádzaniu ochorení, a tým pádom aj prevencie, ktorá je súčasťou zdravotnej starostlivosti členských štátov. Čiže, súhlasím s tým, že sa môžu tieto témy prelínať, ale myslím si, že v kontexte, o ktorom hovoríme, je to kompetencia členského štátu. Ďakujem.

Ангел Джамбазки (ECR). – г-жо Председател, уважаеми г-н Комисар, уважаеми колеги, за мен няма никакво съмнение, че ваксините предпазват населението, особено в днешно време, в което няма граници вътре в Европейския съюз. Но все пак държавите членки трябва да запазят суверенитет над своите ваксинационни календари и над здравето на своите граждани.

Поводът за този разговор е Италия, където наскоро се въведе задължителна ваксинация на новородени деца, в случая 6 ваксини в допълнение към четирите, които бяха задължителни, стават общо 10 задължителни ваксини. Легитимната цел за постигане на най-високи равнища на ваксинация е обяснима, но може да бъде постигната по два начина, или чрез по-строги политики, или през това, което се нарича комбинация от политики на задължения на препоръка.

Проучване през 2016 година показва, че държавите, в които е задължително ваксинирането, не са постигнали много по-добър обхват от сравними страни, в които не е в сила законово задължение. Затова има два въпроса: може ли Комисията да събере доказателства относно разликата в ефективността между задължителни и незадължителни ваксинационни политики по отношение на равнищата и как може Съюзът да координира действия за подобряване ефективността от политиката за ваксинация и повишаване равнищата на имунизация?

Jozo Radoš (ALDE). – Gospođo predsjednice, još i prije ovog zastupničkog pitanja postojala je tema rasprava o tome da li postoji prekomjerno odnosno štetno cijepljenje. U biti se radi o širem pitanju, da li generalno postoji pretjerana tj. prekomjerna upotreba lijekova u interesu farmaceutske industrije, i to je jednako tako vrlo, vrlo prisutno u javnosti.

Uvjeren sam da je cijepljenje korisno i podržavam navode gospodina povjerenika, ali svejedno smatram da je, zbog pitanja koja postoje u javnosti, dobro da su kolege postavili ovo pitanje, pogotovo pitanje da Komisija ponudi dokaze i informacije o tome da li postoji razlika između cijepljenja i obaveznog i neobaveznog cijepljenja i da li postoji mogućnost da se bespotrebno cijepimo odnosno, posredno, da li tu postoji neki interes farmaceutske industrije, koji nije u interesu zdravlja građana.

Jednako tako podržavam poziv Komisiji da radi na tome da standardizira, uvede jednaka pravila ili slična pravila ili koordinira napore za cijepljenje u Europskoj uniji. I drago mi je na kraju da je gospodin povjerenik svoje izlaganje završio stavom da Europska komisija ulaže napore da bi povećala procijepljenost u Europskoj uniji.

Vytenis Povilas Andriukaitis, *Member of the Commission*. – Madam President, thank you very much indeed. Honourable Members, I am very happy to have listened to you, but if I may I will just say a few words in my mother tongue, Lithuanian, because as a medical doctor I would like to focus the attention of my colleagues, Members of the European Parliament, who have just mentioned some very important issues.

Ponia Krupa iškėlė klausimus dėl naujagimių vakcinavimo ir vakcinų skaičiaus. Aš neabejoju, kad Italija turi didžiules mokslines pajėgas, pediatrų, imunologų, klinicistų, laboratorijos pajėgas, puikią mokslinę bazę, ir suprantama, kad jų žingsniai spręsti šias problemas yra pagrįsti. Ir labai teisingai Jūs keliate klausimus, kuriuos reikėtų diskutuoti tarp specialistų. Man kaip kardiochirurgui yra puikiai suprantama privalomos vakcinacijos nauda. Aš privalėjau save vakcinuoti nuo hepatitų, kitų virusinių susirgimų. Kodėl? Nes intervencijos metu aš galiu pažeisti savo rankas ir tuo pačiu užkrėsti ligonį, yra daug profesijų, kuriose yra privalomas vakcinavimas. Tai ar čia yra kokie nors kiti kriterijai apie studijas autizmo dar ko nors, kai mes žinome moksliškai pagrįstus argumentus, kuriais patys ir vadovaujamės. Aš save vakcinuoju nuo gripo kiekvienais metais viešai ir kviečiu Jus visus tą daryti. Ar gi čia yra diskusijos dėl farmacijos industrijos, ar tai yra diskusijas dėl mūsų pačių, profesionalų ypatingai, gebėjimo parodyti, kaip yra svarbu užkirsti kelią toms infekcinėms ligoms, kurios yra valdomos.

Ponia Mélin iškėlė klausimus dėl ryšio tarp ypatingai pavojingų infekcijų, bakterijų, bakterinio ginklo naudojimo terorizme. Ir čia ypač svarbu pabrėžti, kad prevencijos prasme nauji tyrimai, naujos paieškos yra neišpasakytai reikalingos. Ir tai yra pasaulinis susitarimas turėti pasaulines reguliavimo taisykles, kurios leistų mums sukaupti išteklius preventyviai reaguoti, jeigu naujos infekcijos būtų kurtos arba būtų panaudotas bakterinis ginklas. Juk čia yra sveikatos saugumo klausimas taip pat.

Aš labai dėkoju, kad iškėlėte klausimą dėl studijų. Taip, reikalingos tos studijos ir mes tą darysime. Ir ponas Jakovčić paminėjo Kroatijos atvejį. Taip, iš tiesų Jūs žinote, kad yra dvylika šalių, kuriose vakcinacija yra privaloma, yra profesijų, kuriose vakcinacija būtina, nes kitaip, kaip minėjau, tos profesijos gali sukelti daug bėdų platinant infekcinius susirgimus. Aš truputį pajuokausiu. Mes visi žinome, kad, kai mes vairuojame automobilį, tai automobilio techninė apžiūra kas porą metų yra privaloma, o tuo tarpu, kai mes turime savo sudėtingą biologinę sistemą, tai mes galime neprivalomai rūpintis. Keista, pamėginkim diskutuoti. Atšaukim automobilių privalomą techninę priežiūrą. Kai mes kalbame apie dalykus be galo rimtus, mes staiga imame naudoti keistą argumentą, multinacionalinės kompanijos, bet tie argumentai iš pasenusių arsenalo, reikėtų turbūt giliau įsigilinti į skaičius, problemas, juk teisingai pasakė ponas Cozzolino, kad mes negalime žaisti žaidimų, kai kalbame apie žmonių gyvybes, bet juo labiau, kai kalbame apie vaikų gyvybes. Aš negaliu patikėti, kad mes nesugebame suvaldyti, apsaugoti vaikučių ir suvaldyti tymų protrūkio. Dovanokit, bet tai yra visiškai nepriim-

tina, kad mes galime užsimerkti ir sakyti, žinot kažkas tai atsitiko, nu mirtis, nu ką padarysi, mėginkim toliau, kaip sakyti, nesiimkim priemonių.

I would like to stress once more that right now in Europe children are still dying from vaccine-preventable diseases that should long ago have been eradicated in Europe. We are all responsible. We all need to do more to stop this.

I want to thank you for this inspiring discussion. I believe the time has come to engage with Member States with a view to increasing the acceptance and uptake of vaccines across the EU. In this context, I sense that there is common ground to counter vaccine hesitancy – I see that we are all like-minded – to strengthen evidence, transparency and sustainability of national vaccination programmes and to increase the effectiveness of EU vaccine research and development. Today's discussions show that there is broad agreement about the added value of EU-level cooperation on vaccines. Together we must maximise our limited resources and work towards more convergent national vaccination policies. We need convergence in this situation.

To this end, as I said earlier, the Commission is shaping a new initiative to support Member States by leveraging intersectoral cooperation, promoting cross-border interoperability and increasing consistency of communication. I am confident that this worldview will, in the long run, lead to better vaccination coverage across Europe and stop the tragic deaths of unvaccinated people in this context, especially children.

I wish to thank you again, honourable Members, for your support. You play an important role in these discussions and I welcome your engagement. Let me assure you that the Commission and myself personally are fully committed to improving vaccination in Europe.

Die Präsidentin. – Danke schön, Herr Kommissar! Wir haben einen Kommissar erlebt, der mit vollem Herzen bei dem ist, was er sagt; das ist auch mal schön, das zu spüren. Danke schön!

Die Aussprache ist geschlossen.

17. Rozhodnutia týkajúce sa určitých dokumentov: pozri zápisnicu

18. Zaslanie textov prijatých počas rokovania: pozri zápisnicu

19. Termíny nasledujúcich rokovaní: pozri zápisnicu

20. Skončenie rokovania

(Die Sitzung wird um 15.44 Uhr geschlossen.)

21. Prerušenie zasadania

Die Präsidentin. – Ich erkläre die Sitzungsperiode des Europäischen Parlaments für unterbrochen.

Použité značky

*	Konzultačný postup
***	Postup súhlasu
***I	Riadny legislatívny postup, prvé čítanie
***II	Riadny legislatívny postup, druhé čítanie
***III	Riadny legislatívny postup, tretie čítanie

(Typ postupu závisí od právneho základu navrhnutého v návrhu aktu.)

Skratky parlamentných výborov

AFET	Výbor pre zahraničné veci
DEVE	Výbor pre rozvoj
INTA	Výbor pre medzinárodný obchod
BUDG	Výbor pre rozpočet
CONT	Výbor pre kontrolu rozpočtu
ECON	Výbor pre hospodárske a menové veci
EMPL	Výbor pre zamestnanosť a sociálne veci
ENVI	Výbor pre životné prostredie, verejné zdravie a bezpečnosť potravín
ITRE	Výbor pre priemysel, výskum a energetiku
IMCO	Výbor pre vnútorný trh a ochranu spotrebiteľa
TRAN	Výbor pre dopravu a cestovný ruch
REGI	Výbor pre regionálny rozvoj
AGRI	Výbor pre poľnohospodárstvo a rozvoj vidieka
PECH	Výbor pre rybné hospodárstvo
CULT	Výbor pre kultúru a vzdelávanie
JURI	Výbor pre právne veci
LIBE	Výbor pre občianske slobody, spravodlivosť a vnútorné veci
AFCO	Výbor pre ústavné veci
FEMM	Výbor pre práva žien a rodovú rovnosť
PETI	Výbor pre petície

DROI	Podvýbor pre ľudské práva
SEDE	Podvýbor pre bezpečnosť a obranu

Skratky politických skupín

PPE	Poslanecký klub Európskej ľudovej strany (kresťanských demokratov)
S&D	Skupina Pokrokovej aliancie socialistov a demokratov v Európskom parlamente
ECR	Európski konzervatívci a reformisti
ALDE	Skupina Aliancie liberálov a demokratov za Európu
GUE/NGL	Konfederatívna skupina Európskej zjednotenej ľavice – Severskej zelenej ľavice
Verts/ALE	Skupina zelených/Európska slobodná aliancia
EFDD	Skupina Európa slobody a priamej demokracie
ENF	Skupina Európa národov a slobody
NI	nezaradení poslanci