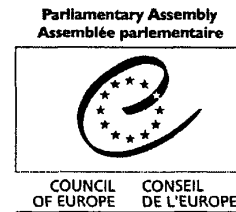


**Parliamentary Assembly**  
**Assemblée parlementaire**



**AS (2005) PV 31**  
Provisional edition

**2005 ORDINARY SESSION**

(Fourth Part)

THIRTY-FIRST SITTING

Thursday 6 October 2005 at 3 p.m.

**MINUTES OF PROCEEDINGS**

*Mr van der Linden, President of the Assembly, took the Chair at 3 p.m.*

**1. MINUTES**

The Minutes of Proceedings of the twenty-ninth sitting were agreed to.

**2. ATTENDANCE REGISTER**

The names of the Representatives, Substitutes and Observers who signed the attendance register are given in the Appendix.

**3. ORGANISATION OF DEBATES**

On the proposal of the President, the Assembly agreed that the list of speakers in the resumed debate on The Council of Europe and the European Neighbourhood Policy of the European Union would be interrupted at about 3.30 p.m.; that the list of speakers in the debate on Europe and bird flu – preventive health measures would be interrupted at about 5 p.m.; and that the list of speakers in the debate on Serious human rights violations in Libya – inhuman treatment of Bulgarian medical staff would be interrupted at about 6.15 p.m.

**4. THE COUNCIL OF EUROPE AND THE EUROPEAN NEIGHBOURHOOD POLICY OF THE EUROPEAN UNION (CONTINUED)**

The adjourned debate on the Report of the Political Affairs Committee was resumed.

*Speakers:* MM Kosachev, Dorić, Tkáč.

Mr Van den Brande, Rapporteur of the Political Affairs Committee, and Mr Ateş, Chairperson of the Committee, replied to the debate.

The debate was closed.

The Assembly considered the draft recommendation contained in Doc. 10696.

The President announced that the amendments would be considered in the following order: Nos. 9, 1 – 8, 10.

An amendment (No. 9) was proposed by Mrs Liudmila Pirozhnikova, on behalf of the Committee on Economic Affairs and Development, in the draft recommendation, after paragraph 3, insert the following paragraph:

"It is important to remember that eastern Europe is not an economic and institutional desert or void. The countries in the region maintain stable economic and commercial relations, sometimes in the framework of intergovernmental agreements and institutions, such as the Common Economic Space and the Euro-Asian Economic Union. A balanced strategy under the ENP should be based on constructive co-operation with these institutions, not on attempts to sow discord between them or to face the former Soviet countries with the dilemma of either belonging to independent structures or moving closer to the EU."

*Speakers:* Mrs Pirozhnikova, Mr Ateş.

The amendment was agreed to.

Another amendment (No. 1) was proposed by Mr Emanuelis Zingeris, on behalf of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), in the draft recommendation, replace paragraph 4 with the following paragraphs:

"The Council of Europe and the European Union have repeatedly declared that they share the same values and principles and pursue common aims with regard to democracy, the rule of law and human rights and fundamental freedoms. The Assembly recalls that the European Convention on Human Rights of the Council of Europe is the only legally binding instrument in Europe in the field of human rights protection for all 46 Council of Europe member states, including those which are members of the European Union.

The Assembly therefore believes that the ENP has to be based on co-operation between the EU and the Council of Europe (CoE), and that this implies that the ENP fully integrates the values and standards of the CoE and uses its expertise in its core areas of excellence. Lack of coordination would not only result in duplication of efforts. Worse, it would create the risk of sending incoherent political messages to the countries concerned and especially to those which have undertaken specific commitments as CoE members."

*Speakers:* MM Zingeris, Ateş.

The amendment was agreed to.

Another amendment (No. 2) was proposed by Mr Emanuelis Zingeris, on behalf of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), in the draft of recommendation, at the end of paragraph 9, add the following words:

", the rule of law and ensuring respect for human rights".

*Speakers:* MM Zingeris, Ateş.

The amendment was agreed to.

Another amendment (No. 3) was proposed by Mr Emanuelis Zingeris, on behalf of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), in the draft recommendation, after paragraph 9, insert the following paragraph:

"The Council of Europe has been monitoring the specific obligations and commitments of all CoE member countries covered by the ENP since their accession. The compliance of these countries with their obligations and commitments towards the Council of Europe should be a sine qua non precondition for any further European integration within the ENP."

*Speakers:* MM Zingeris, Ateş.

The amendment was agreed to.

Another amendment (No. 4) was proposed by Mr Emanuelis Zingeris, on behalf of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), in the draft recommendation, replace paragraph 13 with the following paragraph:

"If the commitment of the European leaders to ensure complementarity within European organisations is not to remain wishful thinking, the CoE and the EU have to reach a political agreement that the values and standards of the Council of Europe should be given full political recognition in the ENP Action Plans. Moreover, the expertise, monitoring procedures and assistance know-how of the CoE should be widely used in the implementation of the ENP in the form of an institutionalised partnership."

*Speaker:* Mr Zingeris.

An oral sub-amendment was proposed by Mr Van den Brande on behalf of the Political Affairs Committee, in Amendment No. 4, in the final line leave out the words "in the form of an institutionalised partnership".

The President declared that the oral sub-amendment met the criteria of Rule 34.6.

*Speakers:* MM Van den Brande, Zingeris.

The oral sub-amendment was agreed to.

The amendment, as amended, was agreed to.

Another amendment (No. 5) was proposed by Mr Emanuelis Zingeris, on behalf of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), in the draft recommendation, paragraph 14.1, replace the words "make proposals to the relevant authorities of the EU on concrete co-operation with a view to institutionalising the Council of Europe's contribution to the ENP and give it appropriate political recognition, and in particular" with the following words:

"urge the relevant authorities of the EU to:

reach a political agreement with the CoE on making its values, standards and legally binding mechanisms in the field of democracy, rule of law and human rights a point of reference in the ENP Action Plans, and

institutionalise partnership in this field."

*Speaker:* MM Zingeris.

An oral sub-amendment was proposed by Mr Van den Brande on behalf of the Political Affairs Committee, in Amendment No. 5, replace the last two paragraphs with the words "establish concrete co-operation with a view to institutionalising the Council of Europe's contribution to the ENP and give it appropriate political recognition."

The President declared that the oral sub-amendment met the criteria of Rule 34.6.

*Speakers:* MM Van den Brande, Zingeris.

The oral sub-amendment was agreed to.

*Speaker:* Mr Ateş.

The amendment, as amended, was agreed to.

Another amendment (No. 6) was proposed by Mr Emanuelis Zingeris, on behalf of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), in the draft recommendation, after paragraph 14.1.1, insert the following sub-paragraph:

"for the countries covered by the ENP which are members of the CoE, make compliance with CoE commitments and obligations a pre-condition for any further European integration;"

*Speakers:* MM Zingeris, Ateş.

The amendment was agreed to.

Another amendment (No. 7) was proposed by Mr Emanuelis Zingeris, on behalf of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), in the draft recommendation, paragraph 14.1.2, delete the words "as added value".

*Speakers:* MM Zingeris, Van den Brande, Ateş.

The amendment was not agreed to.

Another amendment (No. 8) was proposed by Mr Emanuelis Zingeris, on behalf of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), in the draft recommendation, paragraph 15.2, replace the word "associate the Council of Europe with" with the following word :

"assign to the Council of Europe".

*Speakers:* MM Zingeris, Ateş.

The amendment was agreed to.

Another amendment (No. 10) was proposed by Mrs Liudmila Pirozhnikova, on behalf of the Committee on Economic Affairs and Development, in the draft recommendation, after paragraph 20.6, add the following paragraphs:

"The Assembly insists that the ENP should not be allowed to create new political and economic dividing lines in Europe, but should rather foster more open trade and investment in the EU's relations both with its ENP partners and with Council of Europe member states outside the EU-ENP area, especially in central, south-eastern and eastern Europe. The ENP should be made increasingly to resemble the EU's current European Economic Area agreement with a number of west European countries, and thereby permit ENP partners to share more fully in the EU's Internal Market.

The Assembly resolves to work closely with institutions for which it serves as a parliamentary forum – such as the Organisation for Economic Cooperation and Development (OECD), the European Bank for Reconstruction and Development (EBRD), the World Trade Organisation (WTO), the World Bank and the International Monetary Fund (IMF) – in order to ensure maximum effect of the ENP and an optimal use of the considerable funds to be dispersed."

*Speakers:* Mrs Pirozhnikova, MM Van den Brande, Ateş.

The President proposed, in accordance with Rule 34.9.c, that the Assembly vote on the text of Amendment No. 10 in two parts.

*Speaker:* Mr Van den Brande.

Amendment No. 10 (paragraph 1) was not agreed to.

*Speaker:* Mr Ateş.

Amendment No. 10 (paragraph 2) was agreed to.

The Assembly agreed the draft recommendation contained in Doc. 10696, as amended (*Recommendation 1724 (2005)*).

*Mr Kosachev, a Vice-President of the Assembly, took the Chair in place of Mr van der Linden.*

## **5. DEBATE UNDER URGENT PROCEDURE: EUROPE AND BIRD FLU – PREVENTIVE HEALTH MEASURES**

The Report of the Committee on Social, Health and Family Affairs Committee on Europe and bird flu – preventive health measures (Doc. 10707) was presented by Mr Jacquat, Rapporteur.

The Opinion of the Committee on the Environment, Agriculture and Local and Regional Affairs (Doc. 10713) was presented by Mr Lobkowicz.

The debate was opened.

*Speakers:* MM Platvoet, Gubert, Marquet, Greenway, Ms Jäger, Mr Masseret.

*Mrs Severinsen, a Vice-President of the Assembly, took the Chair in place of Mr Kosachev.*

*Speakers:* Mr Dupraz, Mrs Laloy, Mr Dorić.

Mr Jacquat, Rapporteur of the Social, Health and Family Affairs Committee, and Mr Glesener, Chairperson of the Social, Health and Family Affairs Committee, replied to the debate.

The debate was closed.

The Assembly considered the draft recommendation contained in Doc. 10707.

The President announced that the amendments would be considered in the following order: Nos. 6, 3 – 5, 1, 2.

An amendment (No. 6) was proposed by Mr Jaroslav Lobkowicz, on behalf of the Committee on the Environment, Agriculture and Local and Regional Affairs, in the draft recommendation, after paragraph 12.3.1, insert the following paragraph:

"take action to provide consumers with transparent information on the real dangers linked to eating the poultry available on their domestic markets;"

*Speakers:* MM Lobkowicz, Glesener.

The amendment was agreed to.

Another amendment (No. 3) was proposed by Mr Jaroslav Lobkowicz, on behalf of the Committee on the Environment, Agriculture and Local and Regional Affairs in the draft recommendation, after paragraph 12.3.2, insert the following sub-paragraph:

"allocate additional financial resources rapidly to the prevention and combating of bird flu, in order to prevent the outbreak of a human pandemic;"

*Speakers:* MM Lobkowicz, Glesener.

The amendment was agreed to.

Another amendment (No. 4) was proposed by Mr Jaroslav Lobkowicz, on behalf of the Committee on the Environment, Agriculture and Local and Regional Affairs, in the draft recommendation, after paragraph 12.3.2, insert the following sub-paragraph:

"as a matter of great urgency, start public awareness campaigns to inform farmers and breeders of the risks and of the strategies for combating this scourge;"

*Speakers:* MM Lobkowicz, Glesener.

The amendment was agreed to.

Another amendment (No. 5) was proposed by Mr Jaroslav Lobkowicz, on behalf of the Committee on the Environment, Agriculture and Local and Regional Affairs, in the draft recommendation, at the end of paragraph 12.3.4, add the following words:

", including research into possible health additives to commercial foodstuff;"

*Speakers:* MM Lobkowicz, Glesener.

The amendment was agreed to.

Another amendment (No. 1) was proposed by Mr Wolfgang Wodarg, Mrs Marlene Rupprecht, Mrs Verena Wohleben, Mr Petr Lachnit, Mrs Jelena Hoffmann, Mrs Anna Čurdová, Mr Zoltán Szabó, Mr József Kozma, Mr Andreas Gross, Mr Ed Van Thijn, Mr Eamon Gilmore, Mr Vojtech Tkáč, Ms Grażyna Ciemniak, Mrs Rodica Mihaela Stănoiu, Mr Dumitru Diacov, Mr Jean Huss, Mr Leonid Slutsky, Mrs Biruté Vėsaitė, in the draft recommendation, after paragraph 12.3.8, add the following sub-paragraph:

"ensure that any relevant virus material is made available without delay to all appropriate institutes and laboratories concerned in order to ensure the fast and sufficient production of vaccines."

*Speakers:* MM Jonas, Glesener.

The amendment was agreed to.

Another amendment (No. 2) was proposed by Mr Wolfgang Wodarg, Mr Rainer Steenblock, Mrs Marlene Rupprecht, Ms Renate Jäger, Mrs Verena Wohleben, Mrs Jelena Hoffmann, Mrs Anna Čurdová, Mr Zoltán Szabó, Mr Vojtech Tkáč, Mr József Kozma, Mr Abdülkadir Ateş, Mr Andreas Gross, Mr Ed Van Thijn, Mr Petr Lachnit, Mr Eamon Gilmore, Mr Leonid Slutsky, Ms Grażyna Ciemniak, Mrs Rodica Mihaela Stănoiu, Mr Dumitru Diacov, Mr Jean Huss, in the draft recommendation, after paragraph 12.3.8, add the following sub-paragraph:

"ensure that a sufficient production and distribution of vaccines is not hindered by patent law."

*Speakers:* MM Jonas, Glesener.

The amendment was agreed to.

The Assembly agreed the draft recommendation contained in Doc. 10707, as amended (*Recommendation 1725 (2005)*).

*Mr Bindig, a Vice-President of the Assembly, took the Chair in place of Mrs Severinsen.*

## **6. SERIOUS HUMAN RIGHTS VIOLATIONS IN LIBYA – INHUMAN TREATMENT OF BULGARIAN MEDICAL STAFF**

The Report of the Committee on Legal Affairs and Human Rights on Serious human rights violations in Libya – inhuman treatment of Bulgarian medical staff (Doc. 10677) was presented by Mr Lloyd, Rapporteur.

The debate was opened.

*Speakers:* Mr Iwiński, Mrs Wohlgend, Mr Eörsi, Mrs Němcová, MM Platvoet, Kirilov, Louffi, Kosachev, Ivan Ivanov, Mrs Stănoiu, Mrs Stantcheva, MM Jonas, Arabadjiev, Pozzo di Borgo.

Mr Lloyd, Rapporteur of the Committee on Legal Affairs and Human Rights, and Mr Jaskiernia, on behalf of the Committee, replied to the debate.

The debate was closed.

The Assembly considered the draft recommendation contained in Doc. 10677.

The President announced that the amendments would be considered in the following order: Nos. 3, 1, 2, 4.

An amendment (No. 3) was proposed by Mr Jerzy Jaskiernia, Mr Tony Lloyd, Mr Jean-Charles Gardetto, Mr Christos Pourgourides, Mr Dick Marty, in the draft recommendation, after paragraph 11.1.2, insert the following sub-paragraph:

"secure full respect for the rights of the defence and, to this end, take scrupulous care to ensure that the duly appointed international lawyers are able to provide their clients with effective assistance, guarantee them regular access to their clients, access to the files and ensure that visas are issued to them in good time;"

*Speakers:* MM Jaskiernia, Lloyd.

The amendment was agreed to.

Another amendment (No. 1) was proposed by Mr Alexander Arabadjiev, Mrs Darinka Stantcheva, Mr Lachezar Ivanov, Mr Ivan Ivanov, Mrs Aneliya Atanasova, in the draft recommendation, paragraph 11.3, delete the words "and the victims' families" and the words "in this regard".

*Speakers:* MM Arabadjiev, Jaskiernia.

The amendment was agreed to.

Another amendment (No. 2) was proposed by Mr Alexander Arabadjiev, Mrs Darinka Stantcheva, Mr Lachezar Ivanov, Mr Ivan Ivanov, Mrs Aneliya Atanasova, in the draft recommendation, at the end of paragraph 11.3, insert the following words:

"with the victims' families".

*Speakers:* MM Arabadjiev, Jaskiernia.

The amendment was agreed to.

Another amendment (No. 4) was proposed by Mr Jerzy Jaskiernia, Mr Tony Lloyd, Mr Jean-Charles Gardetto, Mr Christos Pourgourides, Mr Dick Marty, in the draft recommendation, after paragraph 11.3, add the following paragraph:

"In consideration of the decision to be taken by the Libyan Supreme Court on 15 November 2005, in particular, the Assembly considers it useful that its Committee on Legal Affairs and Human Rights continues to follow the development of this issue and report to the Assembly in due time when necessary."

A sub-amendment (No. 1) was proposed by Mr Jerzy Jaskiernia, in amendment 4, after the words "in particular, the Assembly", insert the following words:

"asks the Presidency of the Assembly to ensure that a Parliamentary Assembly delegation is sent to Libya to meet with the Libyan Head of State and to follow the court proceedings. It".

*Speakers:* MM Jaskiernia, Dreyfus-Schmidt.

The sub-amendment was agreed to.

The amendment, as amended, was agreed to.

The Assembly agreed the draft recommendation contained in Doc. 10677, as amended (*Recommendation 1726 (2005)*).

## 7. DATE, TIME AND ORDERS OF THE DAY OF THE NEXT SITTING

The next sitting was fixed for Friday 7 October at 10 a.m. with the following orders of the day:

1. **Changes in the membership of Committees (Doc. Commissions (2005) 8 addendum 2)**
2. **Language problems in access to public health care in the Brussels-Capital region in Belgium**
  - Presentation by Mrs BARGHOLTZ of the Report of the Social, Health and Family Affairs Committee (Doc. 10648)
  - Presentation by Mr CILEVIČS of the Opinion of the Committee on Legal Affairs and Human Rights (Doc. 10680)
  - Debate and votes on the draft Resolution contained in Doc. 10648.

