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REPORT

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In this report:

1. Speeches in English are reported in full.
2. Speeches in other languages are summarised.
3. Speeches in German and Italian are reproduced in full in a separate document.
4. Corrections should be handed in at Room 1059A not later than 24 hours after the report has been circulated.

The contents page for this sitting is given at the end of the verbatim report.

Mr Kosachev, Vice-President of the Assembly, took the Chair at 10 a.m.

THE PRESIDENT. – The sitting is open.

1. Minutes of proceedings

THE PRESIDENT. – The minutes of proceedings of the 30th sitting have been distributed. The minutes of proceedings of the 31st sitting have not yet been distributed. They will be adopted at a later sitting.

Are the distributed minutes agreed to?

The minutes are agreed to.

2. Changes in the membership of committees

THE PRESIDENT. – Our next business is to consider the changes proposed in the membership of committees. These are set out in Document Commissions (2005) 8 addendum 2.

Are the proposed changes in the membership of the Assembly's committees agreed to?

They are agreed to.

3. Organisation of debates

THE PRESIDENT. – This morning the business is very full with three debates for which there are a total of 30 speakers, 33 amendments and five sub-amendments. In view of the large number of speakers and amendments, I suggest that speaking times on amendments be limited to 30 seconds.

In order to allow sufficient time for the replies and votes, we will need to interrupt the first debate, on health care in Brussels, at 10.40 a.m.; the second debate, on the common agricultural policy, at 11.55 a.m.; and the third debate, on asylum procedures, at 12.50 p.m. The debate on the common agricultural policy will begin at approximately 11 a.m., and that on asylum procedures at approximately 12.25 p.m.

Are these arrangements agreed?

They are agreed.

4. Language problems in access to public health care in the Brussels-Capital region in Belgium

THE PRESIDENT. – The first item of business this morning is the debate on the report on language problems in access to public health care in the Brussels-Capital region of Belgium, presented by Mrs Bargholtz on behalf of the Social, Health and Family Affairs Committee, Document 10648, replacing the rapporteur Mrs Cliveti, with an opinion presented by Mr Cilevičs on behalf of the Committee on Legal Affairs and Human Rights, Document 10680.

The list of speakers closed at 5.30 p.m. yesterday; seven names are on the list and seven amendments and five sub-amendments have been tabled.

I remind you that we have already agreed that we will interrupt the list of speakers at about 10.40 a.m. to allow time for the reply and the votes.

I call Mrs Bargholtz. You have eight minutes.

Mrs BARGHOLTZ (*Sweden*). – On 1 October 2002, five Dutch-speaking members of parliament and local councillors from Brussels petitioned the Council of Europe concerning the right to health care of Dutch speakers in Brussels and the surrounding Flemish area. The petition was referred to the Committee on Legal Affairs and Human Rights, which appointed Mr Borris Cilevičs, of Latvia, as rapporteur. In the opinion issued by that committee on 3 December 2003, Mr Cilevičs noted that the problem posed in Brussels did not so much concern the existence of legislation guaranteeing Dutch speakers' rights, but rather, the application in practice of rights that were already recognised. The issue was more political,

cultural and social in nature. Accordingly, the solution regarding Dutch speakers' right to health care did not really lie in changing the legislation, but in improving the practical situation.

On 20 January 2004, 12 people living in municipalities in the Brussels periphery lodged a so-called counter-petition with the Council of Europe, in which they complained of "real health discrimination against French-speaking citizens by the Flemish region". The Bureau of the Assembly joined the two petitions together and referred both to the Social, Health and Family Affairs Committee. That committee appointed Mrs Cliveti as rapporteur, and examined a first draft report on the subject in September 2004.

Mrs Cliveti's report also draws on a study visit that she undertook from 13 to 15 April 2005. On that occasion, she had meetings with the authors of both petitions, with representatives of the authorities responsible for public hospital administration in the Brussels area, with the relevant Dutch-speaking and French-speaking ministers in the government of the Brussels-Capital region, with the President of the Committee for Language Supervision, and with members of the Belgian delegation to the Parliamentary Assembly.

The Brussels public hospitals operate under local authority supervision and are subject to fairly strict rules on bilingualism. Numerous administrative, political and judicial controls are carried out to ensure that these rules are effectively applied. In practice, however, strict application of these rules is not always easy to guarantee.

The rapporteur considers that language problems in access to health care in the Brussels-Capital region can be solved only if all the efforts being made to create all the conditions necessary for a strengthening of bilingualism in Brussels hospitals are continued in the same spirit of good will, openness, tolerance, pragmatism and flexibility, so as to foster the peaceful cohabitation of the different language groups.

With that aim in mind, it is advisable to ensure that reception services are bilingual, thereby enabling patients to feel that they are understood from their first contact with the hospital. In addition, the rapporteur encourages and supports the efforts to dispense language training to staff. Further training is a means of moving toward individual bilingualism. Naturally, this first and foremost requires efforts in the education and training field managed by the French-speaking and Flemish communities. Thank you.

THE PRESIDENT. – Thank you. I call Mr Cilevičs to present the opinion of the Committee on Legal Affairs and Human Rights. You have three minutes.

Mr CILEVIČS (*Latvia*). – On behalf of the Committee on Legal Affairs and Human Rights, I express our appreciation of the report prepared by our colleagues in the Social, Health and Family Affairs Committee, and our support for the report and the proposed draft resolution. It was essential that this important report be prepared by the SHFAC. This was our proposal, which the Bureau supported, and now we are making sure that the correct decision is made.

We are here to deal not only with the formal rights relating to the use of languages in a certain country or region; what is in question is the right to health care, and as we see, it also involves a strong linguistic dimension. Indeed, a patient must have a chance to use the language of his or her choice when communicating with a doctor. This is not a political or legal issue; this is a purely pragmatic approach, revealing once again that the use of languages in health care is primarily a social issue. This is a question of ensuring equality in access to health care without any discrimination on any basis, including language.

The problem is not limited to Brussels or Belgium, and the debate is essential for many, if not all, Council of Europe member states. The formal status of the patient's language is not of crucial importance; regardless of this status, a democratic state must do its best to ensure that the patient is properly understood. To stress that point, I have tabled an oral sub-amendment aimed at bringing the French version of the text into compliance with the English version. Although the resolution's title mentions only the Brussels-Capital region, paragraphs 3 and 4 of Mrs Cliveti's explanatory report state explicitly that the report also covers the issues raised in the petition submitted by the residents of municipalities in the Brussels periphery. That is why it is essential that the resolution includes not only the city of Brussels but its periphery.

I want to comment briefly on my amendment E, set out in Document 10680, which caused some controversy among Assembly colleagues. I would like to make it absolutely clear that the Committee on Legal Affairs and Human Rights fully supports Resolution 1301 and is not suggesting that there be any

retreat from or withdrawal of the resolution. That is why we see no need to repeat all the points made in the resolution. Ratification of the Framework Convention for the Protection of National Minorities by Belgium is on the Assembly's table, and is dealt with in another report that is on the agenda of the Committee on Legal Affairs and Human Rights. Resolution 1301 will not be left without a follow-up.

Somewhat paradoxically, the Committee on Legal Affairs and Human Rights requests the Social, Health and Family Affairs Committee not to be too legalistic. Again, that is because we believe that a pragmatic, practical approach will be more fruitful than a formal, legalistic one.

THE PRESIDENT. – Thank you.

There are six speakers on the list. I now call Mr Monfils to speak on behalf of the Alliance of Liberals and Democrats for Europe.

Mr MONFILS (*Belgium*) congratulated the rapporteur on the excellence of her report, and said that Mrs Cliveti had an excellent grasp of the Belgian Constitution and her report was balanced and constructive. There had been two petitions to the Council of Europe regarding language problems in the healthcare system in Brussels. The report made sensible recommendations to enable Belgium to tackle these issues. Belgium wanted an acceptable solution for both French and Flemish speakers.

THE PRESIDENT. – Thank you. I call Mr Messerschmidt to speak on behalf of the European Democratic Group.

Mr MESSERSCHMIDT (*Denmark*). – One of the greatest achievements of our world and our civilisation is human rights. Unlike any other civilisation in the world, western civilisation, being founded on the Greek tradition of philosophy and humanistic thinking, has developed fundamental rights. That is what makes our western civilisation different from other civilisations, and what distinguishes the civilised from the uncivilised.

That being said, we must recognise that we live in a time when not everyone wants to respect, protect or fight for such fundamental rights as freedom of expression, the right to a fair trial, the right to elect politicians and the right to demonstrate, and for the abandoning of torture and inhuman punishments. We live in a time when our fundamental ideas are being challenged by a wish to push aside our way of life. We live in a time when other civilisations have declared war on our way of life and our civilisation, and use terrorism and extremism in an attempt to make our hands tremble. Whether we like it or not, we cannot close our eyes to those extreme dangers to our way of life. We must fight back to protect our civilisation. We need a revitalisation of our rights.

Why is that relevant to a debate about language problems in access to public health care in the Brussels-Capital region? Because we, the members of this highest democratic institution fighting for human rights, must define the main objectives of our work. We need a debate on what constitutes a fundamental human right. Without such a debate, we cannot define the violation of a human right, and cannot define what is the real objective of our work in the Assembly.

The tendency to turn even the smallest political issue into a question of human rights devalues the integrity of our work. One day we hear about language problems in Belgium; then we hear about agricultural issues and about euthanasia; and then, the very next day, we hear about torture in Libya and unjustified imprisonment, the lack of democracy and violence against women. All those violations of human rights, which are debated in the Assembly, devalue the very core of human rights. When human rights become a political issue of any kind, people lose interest and lose the crucial understanding of why we must fight for our basic human rights.

We must therefore do our best to revitalise respect for human rights, and that cannot be done by making the convention into a judicial list of facts applying to any political question. It can be done only by focusing on what really constitutes a fundamental right, rather than turning any political debate into a human rights question.

At a time when other civilisations wish to see us defeated, we cannot risk lowering the value of human rights by associating them with questions of lower priority that should properly be local issues for member states. Making local, regional, community and other political issues a case for the Assembly not only undermines local democratic institutions, but makes human rights seem unimportant and inferior.

Having read the report, I consider the evidence for the problem extremely weak. It is based on oral statements and unreliable reports. The question for us is not whether the Council of Europe should support the case for solving language problems in Belgium, but whether we dare to define human rights and, by doing so, revitalise and confirm the very foundation of our western civilisation. That cannot be done by turning local language problems into a serious human-rights issue for this high Council.

THE PRESIDENT. – Thank you. I call Mr Van den Brande.

Mr VAN DEN BRANDE (*Belgium*) agreed with his Danish colleague that this was an issue specific to Belgium. It was a complex situation. Belgium was at the crossroads of northern and southern Europe and it was necessary to satisfy competing demands from its citizens. As a Dutch speaker he understood the importance of recognising minority languages. It was necessary to understand that, in Belgium, the concept was linked to the institutional balance of the country. A seminar on the fit between the Framework Convention on the Protection of National Minorities and Belgium's institutional system was a good idea. Setting aside the German-speaking minority, whose situation was different, the choice was between preserving the current institutional balance and ratifying the Framework Convention; it was inconceivable that the convention could be ratified within the context of the current system.

When he had been a minister, bilingualism had been essential. The report was not about the legal framework, it addressed the fundamental right of access to health care in one's own language. The quality of basic services was at issue. The Brussels-Capital region was bilingual and this should be appreciated by French-speaking health care workers.

THE PRESIDENT. – Thank you. I call Ms Laloy.

Ms LALOY (*Belgium*) said she had tabled amendments which were designed to improve human rights. Pragmatism was required. However, Amendment No. 7 would diminish the need for Belgium to ratify the Framework Convention, even though the Assembly had previously called for this. This was due to the Flemish Government's position. Discussion of the health care issue in the Assembly made ratification all the more significant. She called on members to reject Amendment No. 7.

THE PRESIDENT. – Thank you. The next speaker is Mr Lambert.

Mr LAMBERT (*Belgium*) said that a great deal of money was spent every year to ensure he could address the Assembly in his mother tongue, Dutch. Yet his interventions would only be summarised. It was a matter of shame that an institution which called for intercultural respect was found wanting in this regard. He hoped that this comment would be recorded in the summary. Politicians knew that nuances got lost in such processes.

The report raised an important issue. When people went to hospital, it was essential that they were able to speak their mother tongue. This made them feel at home and thus contributed to the healing process. Brussels was a vibrant city with a mix of cultures. He encouraged contact between them all, since this strengthened them. It was not possible to provide services in every language, but language classes allowed people to express themselves in at least the main languages. A multilingual telephone system facilitated communication.

(The speaker continued in English)

At least in emergency services, the knowledge of both official languages should be required. Though the report could lead to misunderstanding or deliberate misinterpretation, it should be clear that mainly the lack of proper language education in French-speaking schools lies at the basis of the problems. Our law requires that everyone in the public service in Brussels should be bilingual, but that cannot be applied because of a shortage of bilingual doctors and nurses graduating from French-speaking universities and schools. It is therefore surprising that recommendations refer only to Dutch-speaking students. I did not table any amendments to deal with that because by following most of the recommendations the language problem could be resolved.

I do not agree with the final two recommendations that say that schools have to be bilingual. That will lead to bad education being given by professors. They are specialists who perhaps have no full knowledge of the other language. Bilingual education – it is completely different from teaching another language in schools – in mathematics in the language that is not that of the professor will lead to less qualified education. Our schools have to deal with intensive language courses, and nowadays that is one of the main advantages of Dutch-speaking schools.

Laws in the Brussels region do not need any changes. I am glad that the rapporteurs do not suggest that. However, the laws should be applied, but that cannot take place because of a shortage of qualified bilingual personnel. We must ensure the continuity of services. All this has nothing to do with the Framework Convention for the Protection of National Minorities, which I would support as long as it does not disturb the peacefully reached compromises of Belgian politics. That is essential. I hope that we will not refer to the Framework Convention in every report in whatever we say or do about Belgium. I urge that the final paragraph of the recommendation should be removed. It disturbs the checks and balances of which Boriss Cilevičs – I know that he does not agree with my opinion – correctly spoke.

THE PRESIDENT. – Thank you. The last speaker on the list is Mr Henry.

Mr HENRY (*Belgium*). – It should not be thought that Flemish people cannot speak three languages. There are people in the French community who can speak English and French.

(The speaker continued in Dutch and French)

He said that he had often proved he could speak Dutch. Links with other people were important.

The issue had been raised in the Assembly because the checks and balances in the Belgian system had been overridden. The "Peters circular" which had been circulated by a minister in Mr Van den Brande's government required French speakers in the "facility" communes around Brussels to request services in French every time they accessed them. This had breached previous agreements. He did not see why the report could not refer to the Venice conclusions. He had not been able to table an amendment for procedural reasons which he did not understand.

He said to his Dutch-speaking colleagues that there had been French speakers in Flanders throughout history.

He had always supported the protection of Flemish culture, but not at the expense of other cultures.

THE PRESIDENT. – Thank you. That concludes the list of speakers. I call Mr Cilevičs, the rapporteur, to reply. You have four minutes, Mr Cilevičs, which may be shared.

Mr CILEVIČS (*Latvia*). – I express my gratitude to those who have participated in the debate, which was extremely interesting. Colleagues have demonstrated that the language problems in Belgium can be resolved. We should bear in mind not only parliamentarians and not only educated people. We should also have in mind poor people who are in need of protection when faced with an emergency.

I agree with several of the points made by Mr Messerschmidt. Distinguished colleagues have maintained that the issue is not one of human rights, but I strongly disagree with that. Rhetoric about human rights and western civilisation is good and there is nothing wrong with that, but the cornerstone of our democratic values and of human rights is that the practical implementation of human rights should be extended to everybody without any discrimination, including that of language. If we cannot do that in practice, we undermine and discredit the lofty ideals of western civilisation.

Mr Van den Brande expressed some doubts about whether the convention is compatible with the complicated language compromise in Brussels. I do not wish to pre-empt any outcome. I only say that we should start to discuss the matter. I believe in the convention because it is very flexible. It is implemented in different ways in the countries that have ratified it. There are good illustrations of the principle. That is why the convention is referred to as a framework. It can ensure some complementary protection. We should not replace the difficult language compromise, but we should complement it. We should improve the situation as much as possible. I do not see any serious contradiction in our positions.

Ms Laloy spoke about the essential issue of symbolism. The ancient issue of land and to whom it belongs – which state is the owner – is not unimportant. The issue demonstrates how the state treats its citizens or residents. That is an important perception. That turns on equality. Are some masters and are others just guests who are merely tolerated? The practical and pragmatic issues are extremely important.

Bilingual education is a painful problem. We talk about a similar problem in Latvia. I disagree that bilingual education should be rejected.

THE PRESIDENT. – Thank you. I call Mrs Bargholtz.

Mrs BARGHOLTZ (*Sweden*). – Mr Messerschmidt made some important comments, including whether this issue is one for the Council of Europe. There are minority problems in many countries, including Sweden. I am not sure that this is the right place to debate such problems. Let us have a debate some time about what kind of issues we are going to debate, and about what the concept of human rights is. I would like that kind of discussion.

THE PRESIDENT. – I call Mr Glesener to give the opinion of the committee.

Mr GLESENER (*Luxembourg*) thanked Mrs Cliveti for drafting the report, which could not have been easy given the complexity of the issue. He also thanked Mrs Bargholtz, Mr Cilevičs and the speakers for their contributions. He hoped that the report would be accepted.

THE PRESIDENT. – The Social, Health and Family Affairs Committee has presented a draft resolution to which seven amendments and five sub-amendments have been tabled. They will be taken in the order in which they appear in the notice paper. If Amendment No. 7 is adopted, Amendment No. 5 will fall. I remind you that speeches on amendments are limited to 30 seconds.

We come to Amendment No. 1, tabled by Mr Boriss Cilevičs, on behalf of the Committee on Legal Affairs and Human Rights, which is, in the draft resolution, paragraph 7.1, replace the words “fundamental principle of continuity of public services” with the following words: “existing legal basis of public services”.

Mrs Laloy has tabled a sub-amendment to Amendment No. 1. In my opinion, the sub-amendment tabled by Mrs Laloy is out of order. The effect of Mrs Laloy’s sub-amendment would simply be to restore the text to its unamended form. It is therefore inadmissible and cannot be moved.

I call Mr Cilevičs to support Amendment No. 1.

Mr CILEVIČS (*Latvia*). – All participants in the debate stressed the fact that they were not trying to change the legal system, and we believe that the wording that we suggest, referring to the “existing legal basis of public services” is more accurate than the wording in the draft, which is somewhat unclear, and could be interpreted in a different way.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

I call Mrs Laloy.

Mrs LALOY (*Belgium*) said that although it was desirable to have bilingual health care professionals, the primary consideration was the need for rapid treatment.

THE PRESIDENT. – What is the opinion of the committee?

Mr GLESENER (*Luxembourg*) (Translation). – The committee is against the amendment.

THE PRESIDENT. – The vote is open.

Amendment No. 1 is rejected.

We come to Amendment No. 2, tabled by Mr Boriss Cilevičs, on behalf of the Committee on Legal Affairs and Human Rights, which is, in the draft resolution, paragraph 7.2, after the word “evaluate”, insert the following words: “and streamline”.

I call Mr Cilevičs to support Amendment No. 2.

Mr CILEVIČS (*Latvia*). – We fully support the measure suggested by the rapporteur in the draft, but the Committee on Legal Affairs and Human Rights believes that the exercise must not remain purely academic. The word “streamline” will stress that there should be some practical effect, and the results of the study should be implemented in practice.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

I call Mrs Laloy.

Mrs LALOY (*Belgium*) said that it was not the case that no efforts had been made in Belgium to adopt measures aimed at the facilitation of bilingualism.

THE PRESIDENT. – What is the opinion of the committee?

Mr GLESENER (*Luxembourg*) (Translation). – In favour.

THE PRESIDENT. – The vote is open.

Amendment No. 2 is adopted.

We come to Amendment No. 3, tabled by Mr Boriss Cilevičs, on behalf of the Committee on Legal Affairs and Human Rights, which is, in the draft resolution, after paragraph 7.4, insert the following sub-paragraph: “to pay urgent attention to the need to ensure effective bilingualism in emergency services, in order to avoid potentially life-threatening consequences of misunderstandings;”

I call Mr Cilevičs to support Amendment No. 3.

Mr CILEVIČS (*Latvia*). – We talked a lot both in the committee and elsewhere about the fact that patients in emergency services are in a special situation. People under stress often have difficulty communicating even in their mother tongue, so special attention should be paid to the needs of those patients. That is why we believe that emergency services deserve a special sub-paragraph.

THE PRESIDENT. – We come to Sub-amendment No. 1 to Amendment No. 3, tabled by Mrs Marie-José Laloy, Mr Jean-Pol Henry, Mr Michel Dreyfus-Schmidt, Mr Bernard Marquet and Mr Philippe Monfils, which is, in Amendment No. 3, replace the words “to pay urgent attention to the need to ensure” with the following words: “to pursue the efforts undertaken to guarantee”.

I call Mrs Laloy to support the sub-amendment.

Mrs LALOY (*Belgium*) said that efforts had been made by the Belgian government in relation to emergency services.

THE PRESIDENT. – Does anyone wish to speak against the sub-amendment?

I call Mr Van den Brande.

Mr VAN DEN BRANDE (*Belgium*). – I think that the argument set forth by Mr Cilevičs for his amendment is right, so I am against the sub-amendment.

THE PRESIDENT. – What is the opinion of the mover of the main amendment?

Mr CILEVIČS (*Latvia*). – Against.

THE PRESIDENT. – What is the opinion of the committee?

Mr GLESENER (*Luxembourg*) (Translation). – In favour.

THE PRESIDENT. – The vote is open.

The sub-amendment is rejected.

Does anyone wish to speak against Amendment No. 3? That is not the case.

What is the opinion of the committee?

Mr GLESENER (*Luxembourg*) (Translation). – In favour.

THE PRESIDENT. – The vote is open.

Amendment No. 3 is adopted.

We come to Amendment No. 4, tabled by Mr Boriss Cilevičs, on behalf of the Committee on Legal Affairs and Human Rights, which is, in the draft resolution, replace paragraph 7.5 with the following sub-paragraph:

“to investigate the reasons for the lack of enthusiasm of Dutch-speaking health-care professionals for practicing in Brussels, to promote traineeships for Flemish students in Brussels hospitals, to spread information about vacancies to bilingual professionals who may be interested in working in Brussels, to promote ‘networking’ between bilingual general practitioners and bilingual specialists working in hospitals and to improve language training possibilities in Brussels hospitals;”

I call Mr Cilevičs to support Amendment No. 4.

Mr CILEVIČS (*Latvia*). – The idea is to extend the practical measures taken to address the problems. It broadens the scope of the measures. Although I appreciate the criticism by Mr Lambert, the wording does refer to bilingual professionals.

THE PRESIDENT. – We come to Sub-amendment No. 1 to Amendment No. 4, tabled by Mrs Marie-José Laloy, Mr Philippe Monfils, Mr Jean-Pol Henry, Mr Michel Dreyfus-Schmidt and Mr Bernard Marquet, which is, in Amendment No. 4, replace the word “Flemish” with the following word: “Dutch-speaking”.

I call Ms Laloy to support Sub-amendment No. 1.

Mrs LALOY (*Belgium*) said that the term “Flemish” should be replaced with the term “Dutch-speaking” in order to encourage Dutch students to take internships.

THE PRESIDENT. – Does anyone wish to speak against the sub-amendment?

I call Mr Van den Brande.

Mr VAN DEN BRANDE (*Belgium*). – In light of what Mr Cilevičs said, it is clear that we have to reject the sub-amendment.

THE PRESIDENT. – What is the opinion of the mover of the amendment?

Mr CILEVIČS (*Latvia*). – In favour.

THE PRESIDENT. – What is the opinion of the committee?

Mr GLESENER (*Luxembourg*) (Translation). – The committee is in favour.

THE PRESIDENT. – The vote is open.

The sub-amendment is adopted.

Does anyone wish to speak against Amendment No. 4, as amended? That is not the case.

What is the opinion of the committee?

Mr GLESENER (*Luxembourg*) (Translation). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 4, as amended, is adopted.

We come to Amendment No. 6, tabled by Mr Geert Lambert, Mr Jean-Pierre Kucheida, Mr Luc Van Den Brande, Mr Stef Goris, Mrs Mimount Bousakla, Mr Jean-Guy Branger, Mr Frans Timmermans and Mr Paul Wille, which is, in the draft resolution, paragraph 8.1, delete the words “, for example by opening some bilingual schools in the three communities and in particular in the Brussels-Capital region;”.

I call Mr Van den Brande to support Amendment No. 6.

Mr VAN DEN BRANDE (*Belgium*). – We need to support everything that can be done to strengthen people's knowledge about language. The amendment is in line with the constitutional and institutional situation in the kingdom of Belgium. For legal reasons, it is not possible to have bilingual schools.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

I call Mr Monfils.

Mr MONFILS (*Belgium*) said it was surreal to say that there were not enough bilingual professionals but at the same time to refuse to provide bilingual schools.

THE PRESIDENT. – What is the opinion of the committee?

Mr GLESENER (*Luxembourg*) (Translation). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 6 is adopted.

We come to Amendment No. 7, tabled by Mr Geert Lambert, Mr Jean-Pierre Kucheida, Mr Luc Van den Brande, Mr Stef Goris, Mrs Mimount Bousakla, Mr Jean-Guy Branger, Mr Frans Timmermans and Mr Paul Wille, which is, in the draft resolution, delete paragraph 8.2.

If this amendment is adopted, Amendment No. 5 falls.

I call Mr Van den Brande to support Amendment No. 7.

Mr VAN DEN BRANDE (*Belgium*). – As I said, we are not against the principles of the Framework Convention, but the report deals with the equality between health care workers in the Brussels region. As a footnote, I have to say that the circulars were validated by *conseil d'état*.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

I call Mr Monfils.

Mr MONFILS (*Belgium*) said he wished to emphasise that the amendment would mean that the Assembly was not responding to the legitimate claims of French speakers.

THE PRESIDENT. – What is the opinion of the committee?

Mr GLESENER (*Luxembourg*) (Translation). – The committee is against.

THE PRESIDENT. – The vote is open.

Amendment No. 7 is rejected.

We come to Amendment No. 5, tabled by Mr Boriss Cilevičs, on behalf of the Committee on Legal Affairs and Human Rights, which is, in the draft resolution, paragraph 8.2, replace the words "recognising the French speakers living in the Flemish region as a national minority" with the following words: "in such a way as to complement the existing language arrangements with the application of relevant provisions of the Framework Convention in order to ensure the best possible quality of health care for all inhabitants of the greater Brussels region".

Two sub-amendments have been tabled, and one oral sub-amendment to the French version of the text only is proposed. In my opinion, Sub-amendment No. 1 tabled by Mrs Laloy is out of order. The effect of Mrs Laloy's amendment would simply be to restore the text to its unamended form. It is therefore inadmissible and cannot be moved.

I call Mr Cilevičs to support Amendment No. 5 on behalf of the Committee on Legal Affairs and Human Rights. I will also invite him to speak on Sub-amendment No. 2. In order to avoid confusion I will ask Mr Cilevičs to speak separately on his oral sub-amendment in a moment.

I call Mr Cilevičs to support Amendment No. 5.

Mr CILEVIČS (*Latvia*). – In the light of earlier debates, the amendment tabled by the Committee on Legal Affairs and Human Rights is a compromise. It is clear that the Assembly is sticking to the position expressed in Resolution 1301, but we do not want to reopen the debate on all the points made in that earlier debate.

THE PRESIDENT. – We come to Sub-amendment No. 2 to Amendment No. 5, tabled by Mr Boriss Cilevičs, Mrs Rosmarie Zapfl-Helbling, Mrs Nino Nakashidzé, Mr Alan Meale and Mr Shavarsh Kocharyan, which is, in Amendment No. 5, after the words to be replaced “recognising the French speakers living in the Flemish region as a national minority”, add the following words: “(as already requested in Resolution 1301 (2002) and Recommendation 1623 (2003))”.

The combined effect of the amendment and sub-amendment would be to replace the last two lines of paragraph 8.2 of the draft resolution with the words contained in paragraph 2 of Amendment No. 5, so that sub-paragraph 8.2 would read:

“ratify the Framework Convention on the protection of National Minorities, in keeping with Assembly Resolution 1301 (2002) and to withdraw the reservations expressed when it signed it in such a way as to complement the existing language arrangements with the application of the relevant provisions of the Framework Convention in order to ensure the best possible quality of health care for all inhabitants of the greater Brussels region.”

Does anyone wish to speak against the sub-amendment? That is not the case.

What is the opinion of the committee?

Mr GLESENER (*Luxembourg*) (Translation). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Sub-amendment No. 2 is adopted.

I understand that Mr Cilevičs wishes to propose on behalf of the Committee on Legal Affairs and Human rights an oral sub-amendment that relates to the French version of the text only: in the final line of Amendment No. 5, replace the words “la région de Bruxelles” with the words “Bruxelles et de sa périphérie”.

In my opinion, the oral sub-amendment meets the criteria of Rule 34.6 in that it leads to clarification and can be considered unless 10 or more members object. Is there any opposition to the oral sub-amendment being debated? That is not the case.

I call Mr Cilevičs.

Mr CILEVIČS (*Latvia*). – Mr President, you have done my job better than I can. The text was drafted in English, which refers to the greater Brussels area, and the error in the French version did not come to light until later.

THE PRESIDENT. – Does anyone wish to speak against the oral sub-amendment?

I call Mr Van den Brande.

Mr VAN DEN BRANDE (*Belgium*). – I seek clarification. At which point is the report being amended?

THE PRESIDENT. – I call Mr Cilevičs.

Mr CILEVIČS (*Latvia*). – In the last line the oral sub-amendment replaces “la région de Bruxelles” with the words “Bruxelles et de sa périphérie”.

THE PRESIDENT. – That is clear now. Does anyone wish to speak against the oral sub-amendment?

I call Mr Van den Brande.

Mr VAN DEN BRANDE (*Belgium*). – I appreciate what Mr Cilevičs wants to do but the report refers to the Brussels-Capital region. We must bear it in mind that there are four linguistic regions, and I do not believe that the oral sub-amendment is compatible with the report. If there are problems outside the Brussels-Capital region, we shall have to draft a fresh report. The proposal is well intentioned but we must be consistent.

THE PRESIDENT. – What is the opinion of the committee?

Mr GLESENER (*Luxembourg*) (Translation). – The committee has not taken a position on the oral sub-amendment.

THE PRESIDENT. – The vote is open.

The oral sub-amendment is rejected.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

Mr GLESENER (*Luxembourg*). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 5 is adopted.

We will now proceed to vote on the whole of the draft resolution contained in Document 10648, as amended.

The vote is open.

The draft resolution in Document 10648, as amended, is adopted.

5. References to committees

THE PRESIDENT. – I must inform the Assembly that at its meeting this morning the Bureau proposed a number of references to committees. Details of the references can be found in a document which is available in the document centre.

These references are subject to ratification by the Assembly under Rule 24.2 of the Rules of Procedure.

Does the Assembly agree these references?

The references are agreed to.

(Mr Iwiński, Vice-President of the Assembly, took the Chair in place of Mr Kosachev.)

6. The costs of the common agricultural policy

THE PRESIDENT. – Good morning, ladies and gentlemen. The presidency this morning remains within the family of Slavic countries and languages.

The next item of business this morning is the debate on the costs of the common agricultural policy, presented by Mr Flynn on behalf of the Committee on the Environment, Agriculture and Local and Regional Affairs, Document 10649.

The list of speakers closed at 5.30 p.m. yesterday; 17 names are on the list, and 25 amendments have been tabled.

I remind you that we have already agreed that we shall interrupt the list of speakers at about 11.55 a.m. to allow time for the reply and the vote.

I call Mr Prentice on a point of order.

Mr PRENTICE (*United Kingdom*). – Mr President, it is customary in the British Parliament that when Members have a financial or pecuniary interest in the matter under debate, they announce that fact before taking part in it. May I take it that that procedure will be followed today?

THE PRESIDENT. – I do not think so. First, to my mind that is not a point of order. Secondly, we have our own rules, and it is not necessarily the case that rules applying in a particular member country of the Council of Europe should automatically be adopted here. So I regret very much that your request cannot be accepted. In fact, I do not know what you were talking about. Are you referring to members of parliament who are going to speak in the debate, or to somebody else? To my mind, this issue is not important.

I call Mr Flynn, rapporteur. You have eight minutes.

Mr FLYNN (*United Kingdom*). – Following what my colleague just said, I declare that I have no interests in the farming industry, but I do represent farmers, as many members do. They stand to gain between £10 000 and £60 000 a year from the common agricultural policy. But I believe it important to know whether those speaking in this debate are speaking as members of parliament, or whether they have interests in the farming industry. Such knowledge would help to clarify the situation and to introduce a degree of transparency.

The common agricultural policy has provided a great service to European nations since the war, but it is now a crumbling edifice, riven with division, full of problems and crises and unsustainable. It cannot continue in its present state.

One problem is the differing levels of subsidies in our continent. The new nations of Europe receive about 15% from the CAP; farmers in the old nations get about 32% of their income from it; in Switzerland – the heart of our community but outside the EU – 72% of farmers' incomes are paid for by subsidies. That is unsustainable and introduces totally unfair competition. It is impossible for the new nations' level of subsidy to be raised to that of the existing ones without the entire CAP edifice collapsing. In simple terms, 40% of the Community's budget is eaten up by the CAP. This industry is the least important in our continent in terms of economic activity, yet it receives the most money.

But the greatest crisis affecting us is that affecting the environment. I am thinking here of global warming and of the water crisis ahead of us. Decisions have to be taken on these issues. It is an issue that affects many of our young people, and has aroused their idealism. They march on the streets and plead for us to make poverty history throughout Africa and the rest of the world. We know that Africa cries out with one voice in condemnation of the effects of the common agricultural policy. In May this year, the Commission for Africa described it as "politically antiquated, economically illiterate, environmentally destructive and ethically indefensible". According to the charity CAFOD, the Catholic Agency for Overseas Development, the European Community spends so much on our 21 million cows that we could afford to put them on a plane, send them around the world, and let them stop off at Singapore or somewhere with €600 in pocket money. That is the subsidy given to all those animals in our continent, and the price is the poverty and undermining of the economies of the countries of Africa and other parts of the developing world.

We know what this means. There is hardship and poverty among some of our farmers in Europe, but in prosperous parts of Europe poverty means to a farmer that he must postpone buying a new tractor for a year or two, while to a farmer in Mozambique and other parts of the developing world it means that his family will die of starvation. In those countries in the developing world, 50% of the work force are involved in agriculture. Throughout Europe the proportion is about 3%, yet we greedily rig the trade within our boundaries to ensure that there is a double blow for the countries of the developing world. We undermine their exports. We put up barriers to prevent their goods from coming into our countries, and dump on their markets goods produced here at uneconomic costs, because they are produced with the help of subsidies.

I used two countries as illustrations in the report. I urge members to look at it and, in particular, at the tables, which provide stark, clear evidence of the injustices and problems of the CAP and the urgent need for reform. New Zealand, which I mentioned in the report, is a lesson to us all. It was forced to reform because of a crisis in the country. There was turmoil for a while, but the farmers now say clearly that they are happy that they were forced to live without subsidies. They have escaped from the dependency culture. They no longer look to other people, to governments, to solve their problems for them; they are solving them themselves by diversifying and improving their methods. Farming in Europe, however, has generally grown fat and complacent, and dependent.

Other industries were once dependent on subsidies, and they were not at the peak of their efficiency. We have made farming dependent. We should do the same as the New Zealanders, who have become self-sufficient, but whose agriculture is a much healthier industry than it has ever been before. It is one of the few industries in New Zealand to be progressing. It has grown at a greater pace than any other industry in the country. That is very rare.

It is interesting to note that most of the amendments emanate from Switzerland, which is not part of the European Union. Switzerland has done very interesting, progressive things, particularly in turning its subsidies against production to discourage the creation of problems caused by overproduction, and concentrating them on environmental benefits. That is to its credit. What is not to its credit is the level of subsidies, which is some 72%. The average farm in Switzerland is very small.

I believe that those examples have a lesson for us. The great warning from New Zealand is that Europe must not be in crisis when change is forced on us. Another crisis has occurred since the bulk of the report was written, about a year ago. It involves my country, and there are storm clouds ahead. It concerns the British cheque. I consider it unjust that all the nations here should give Britain a further subsidy, but no British government will abandon the British rebate without reform of the CAP. It must come. I should like that issue to be dealt with separately. Countries such as Switzerland are not involved, but the British Government is now insisting on reforms. Let us have those reforms, introduced in an orderly, controlled, organised way, rather than having change forced on us if our economy collapses, as happened in New Zealand. Change would become chaotic, and the damage done to farming would be greater.

I believe that the report points the way clearly, without bias and objectively, towards reform of our policy. That would benefit the developing world, our farmers and the other industries in our community.

THE PRESIDENT. – Thank you. I call Mr Dupraz, on behalf of the Alliance of Liberals and Democrats for Europe.

Mr DUPRAZ (*Switzerland*) said that, following criticism from the rapporteur, he wished to clarify his position. He had tabled amendments to the report in his capacity as a member of the Assembly, not because he was Swiss. As requested by the rapporteur, he declared his financial interest in farming. He owned a farm and was the President of the Swiss Farmers' Association. However, he believed he could speak without bias on this issue. The common agricultural policy had stabilised the farming economy in Europe and had enabled Europe to provide food for domestic consumption and for export. The report was unsatisfactory, one-sided and pessimistic. The terms used in the report were insulting: it suggested farmers were freeloaders, taking as much taxpayers' money as possible. Mr Flynn clearly did not understand the farming community. Farmers had never asked for subsidies, they had been used to make the farming community more competitive. The rapporteur had attacked the wrong people: the World Trade Organisation was responsible for the main problems faced in Africa.

THE PRESIDENT (Translation). – Thank you. I call Mr Evans, who will speak on behalf of the European Democratic Group.

Mr EVANS (*United Kingdom*). – I want to start by saying that I have no pecuniary interest in this matter.

In the main, it is a good report. When I sit in the British Parliament with Mr Flynn, I very rarely agree with anything that he has to say, but I find some common interest on this subject. I must say to Mr Dupraz and others that the report is not an attack on farming; it is an attempt to help farmers. I speak as a member of parliament who represents a constituency in the United Kingdom that has a considerable number of beef, dairy, pig and sheep farmers.

The story is not good. You only have to talk to farmers to know that the future is grim. A crystal ball is unnecessary when we can see current trends. Each country has its own story, but I suspect that it is not good in the whole of Europe. I firmly believe that no action, and no change to the common agricultural policy, is not an option. Doing nothing will not improve things – not for our farmers or the consumers. The heavy responsibility that we all have to assist the developing world is being directly hampered because of the European Union's and the United States' approach to protectionism.

If protectionism worked or made our farmers better off, I would understand why some people might say, "Let's leave the CAP as it is." However, it does not do that, and I fear for the future of European farming if we do not change. I despair of the costs to our consumers if we do not change. I cry at the

morally unforgivable impact that the policy has on the developing world. Of the three strands to improve the situation, boosting better and more targeted support at farmers is vital; easing the cost to taxpayers and consumers is right; and assisting the developing world is essential.

The report makes it clear that the costs of keeping the CAP going are unsustainable. In 2004, the European Union budget was €110 billion. Of that, €45 billion went to the CAP. I therefore have to ask why my dairy farmers are losing money on every litre of milk that they produce. It costs between 18p and 23p a litre to produce, and it is sold for between 15p and 20p a litre.

The problem goes wider than just milk. Farming is worth £126 billion to the United Kingdom economy – so it is important – but incomes have gone down by 60% since 1995, and the work force has gone down by 15% since 1997. Quite simply, young people are not going into farming. We are losing the very future of the industry because young people do not believe that they have a future in farming. They want a sustainable future and they do not see one.

At the same time, the bureaucracy associated with farming is going up. I suspect that is where a considerable amount of the CAP's money is going. It is eaten up by the huge bureaucracy that is involved in the policy. More people now work in the agriculture ministry in the United Kingdom than there are dairy farms in the country. That is completely unsustainable.

Let us take a fresh approach to farming; let us reduce the bureaucratic hurdles; let us better target money not at production but at the environment; let us look at taking out some subsidies where they are working against our interests; let us look at the impact of tariffs on the developing world and our own markets; let us consider the impact that dumping has on markets in the developing world; and, finally, let us examine the impact of subsidies on the developing world.

This is an important debate. Let us try to step aside from the emotion and consider the issue coldly. Let us have a full and thorough review and see what changes need to be made. For the sake of all our farmers, our citizens and the citizens of the developing world, let us get on with making the changes that all of us in this Assembly know are necessary.

THE PRESIDENT. – Thank you. I did not expect any report to become such a hot potato and sometimes a bone of contention for members of the same national delegation or even the same party. That is a sign of the democracy here.

I call Mr Lund on behalf of the Group of the Unified European Left.

Mr LUND (*Denmark*). – In many ways, the report is a good and balanced one, setting out the costs of the common agricultural policy. It shows, as many of us already know, that subsidising agriculture has many negative effects. The overall picture presented by the report focuses especially on the very negative effects on the Third World.

The sugar regime is a very good example of how stupidly the whole regime works. Sugar can be produced better and cheaper in many parts of the Third World than in the EU, but we still use ordinary citizens' money to support the sugar industry. That is not very effective or clever, because the sugar industry earns huge amounts every year. In addition, Third World countries do not get the necessary access to EU markets that would give them better economies and encourage development in the Third World as well as lower sugar prices in the EU. As the report notes, consumers in the EU pay twice for the sugar – first through higher subsidies paid by the taxpayers and again because of the higher food prices that result from the CAP in the EU. What is worse is that we see the dumping of sugar in the Third World, which is paid for by ordinary citizens. While big companies make huge profits, local industry in the Third World cannot compete with highly subsidised sugar exports from the EU.

We talk much about the millennium development goals. Although EU member countries have helped the Third World to achieve those goals, the very same countries are not willing get rid of insane arrangements such as subsidising the sugar that is exported to the Third World. That is as insane as the sugar regime itself.

Our group wants to emphasise that free trade is not the solution. Free trade does not benefit the Third World or ordinary people in Europe. Free trade is an arrangement for big multinational companies. What is needed is political management of international trade, and international trade based on fair trade. That is an important point.

That means that countries in the Third World must protect their own industries and markets from the big countries operating from Japan, the EU, the United States, China or elsewhere. A country must have a right to work for self-sufficiency and to have an economic perspective that means that they are not just an economic satellite on the periphery of the global capitalism that is managed by multinational corporations and the rich countries.

It also means that European countries must have the right to control their own trade – Switzerland is an example that is mentioned in the report – and to combine high subsidies with environmental protection. That is very clever. We can see also the need to promote ecological farming, for example, which must be possible.

We see too often that the free market is not capable of protecting the environment. We need political control if we are to protect the environment. We need political priorities and political actions that are introduced and implemented by politicians. We do not need ridiculous ideas about invisible hands of the free market.

It is the point of view of the group that I represent that the report should have attached more importance to the role of democracy and political priorities. More emphasis should have been given to the necessity to find jobs and other possibilities for those people working with subsidies in the EU. In Denmark, for example, the subsidised sugar industry is situated in some of the poorest parts of the country. If we remove subsidies without offering other possibilities in the form of jobs, there will be enormous negative effects on the economy in the poorer regions in Denmark. The picture is the same in many other parts of Europe.

There is no alternative to removing insane subsidies. At the same time, however, we must offer possibilities of jobs and production while having regard to the environment.

I thank the rapporteur for a balanced and objective report.

THE PRESIDENT (Translation). – Thank you. The next speaker is Mr Gross, on behalf of the Socialist Group.

Mr GROSS (*Switzerland*) made it clear he did not earn money from farming. His only interest was in consuming its products. He emphasised that he was speaking personally, since the Socialist Group had not discussed the report.

The EU must change its agricultural policy so that it was more favourable to developing countries and took more account of the environment. However, those who argued for fundamental change had to make their case very carefully. The Assembly should not only be criticising EU member states; it should also take a long, hard look at those Council of Europe member states which depended heavily on agriculture, such as Ukraine. Members seemed to describe only the position in one member state. There was not enough in the report about the impact of the CAP on individual farmers.

There was analysis of the Swiss situation in the report. Farmers in Swiss mountain areas were accorded state subsidy because their agricultural activity was necessary to make particular areas habitable. Without agriculture, certain areas would be uninhabited.

The report also suggested that farmers were effective lobbyists. In Switzerland, farmers and environmental NGOs had convinced the public that support for agriculture was justified. While there might be lessons in this for the EU, the Swiss Government had also taken some decisions which were out of step with public opinion. The unique features of individual countries had to be taken into account; geography often drove decisions.

THE PRESIDENT (Translation). – Thank you. The next speaker is Mr Gubert, on behalf of the Group of the European People's Party.

Mr GUBERT (*Italy*) noted that the report had originally been commissioned to examine the cost of the CAP, but that the draft resolution was now more wide ranging. Agriculture was not the same as food production; it was multi-functional. This meant the CAP could not simply be dismantled, since this would have negative economic and social effects. It was important to retain significant agricultural capacity in Europe and to overcome protectionist attitudes.

Recent reform of the CAP had challenged the need for state intervention in agriculture, although not to the extent that it should be discontinued altogether. The rapporteur had drawn attention to issues of sustainable agriculture where free market economics had proved ineffective. It was not possible to assess whether the development of rural populations would be more successful through the use of a subsistence, rather than a market, based approach. What might be beneficial to a country's elite was not necessarily the best way of developing rural communities. He therefore supported the draft resolution.

THE PRESIDENT (Translation). – Thank you, Mr Gubert. I call Mr Prentice.

Mr PRENTICE (*United Kingdom*). – I have no financial interest to declare, although I represent a constituency in the north of England where there are many farmers. The report is excellent and hard-hitting. It does not pull its punches, but tells it as it is.

This is all about winners and losers from the common agricultural policy – a grotesque policy that costs billions of euros. Who are the winners? In Britain we know who they are, and many of them are the super-rich, who month after month, year after year, have their capacious pockets stuffed with huge subsidies paid for by the rest of us. We know who they are in Britain because of our recent Freedom of Information Act, and I want to see similar transparency throughout the European Union, so that we know who is getting those huge subsidies.

Who are the losers? As my friend Nigel Evans said, they are the developing countries struggling to sell their produce on the world market. The environment loses too. Our land is over-farmed and intensively cultivated, and landscapes are destroyed. The countryside is killed: hedgerows are ripped up, watercourses polluted and bird populations wiped out. It is devastating.

The consumers are losers too. The EU sugar regime, which our Danish colleague Mr Lund touched on, has not been changed for about 40 years, and is incredibly complicated and unjust. One case study in my constituency in the north of England, where there are lots of food manufacturers, is that of Farmhouse Biscuits. That company exports its tasty biscuits all over the world – but it does so with one hand tied behind its back, because it has to pay three times more for the sugar that it needs than if it were allowed to buy it on the world market. That is grotesque.

The EU sugar regime restricts competition, limits market access and encourages over-production; surpluses have to be dumped abroad, using export subsidies. That regime is indefensible, and must change. I hope that, under the British presidency this year, we will make progress in reforming it, but even after the reforms we will still be paying twice what we should, because we could buy sugar for so much less on the world market.

What are the consequences of this policy madness? High prices to the consumer, and 16 000 job losses in the United Kingdom biscuit, cake and confectionary sector in the last five years – one fifth of the total. Production is also moving from the United Kingdom to places where the producers can take advantage of lower world sugar prices. Now, amazingly, for the first time in 30 years, the United Kingdom imports more cakes and sugar-based confectionery products than we export – and it is all because of the EU sugar regime.

I am in favour of gradual phasing out; I do not want people in Denmark to be thrown on the scrapheap of unemployment. None the less, the EU regime must change, and so must the common agricultural policy. Reform must accelerate. That is why this excellent report should be supported.

THE PRESIDENT (Translation). – Thank you, Mr Prentice. I call Mr Meyer.

Mr MEYER (*France*) said he was pleased to see that, at the outset of the report, it had been conceded that the CAP had achieved its objectives. This demonstrated that the CAP was an efficient policy, which had made a great contribution towards stabilising global food markets. Clearly, the policy had to evolve; this was well recognised, and, indeed, new objectives had been agreed which focused more on the role of farmers in managing the environment. Production subsidies had given way to direct payments which were dependent on environmental and welfare issues. This was a satisfactory state of affairs. Direct community support to farmers was less than 1% of overall EU spending and there was now an agreed ceiling on CAP spending until 2013. Therefore, he was surprised at the alarmist tone of the report. Of course, the CAP had to adapt itself to new circumstances, but the new arrangements had only just been introduced. It was wholly absurd to change something which had only recently been reformed.

THE PRESIDENT. – Thank you. I call Mr Bradford.

Mr BRADFORD (*Ireland*). – I preface my remarks by explaining to the Assembly that I have a farm of about 20 hectares. Unfortunately, I will not receive a subsidy from Brussels or Europe of €10 000 or €50 000. Instead, I will receive zero. The freedom of information lists will not, alas, contain my name.

The resolution is biased, distorted and selective with the facts. It does not reflect the fact that the average farmer in the European Union farms approximately 18 hectares. A farmer in the United States would have 178 hectares; a Canadian farmer would have 422 hectares; and a Brazilian farmer would have nearly 1 000 hectares. Although the CAP was drawing down approximately 64% of the EU budget in 1990, that percentage is now down to 48%, and will fall significantly over the next few years as a result of the most recent reforms.

Europe needs a strong and vibrant farming and rural community. Without that sense of community and the strong rural ethos, Europe would be a very different place, and much of it would be a social and economic wasteland. That is what we would have without a vibrant CAP.

The Treaty of Rome provided for a five-point programme on agriculture to increase production, to ensure a fair standard of living for the farming community, to stabilise our markets, to ensure availability of supply, and to ensure that there are reasonable prices for the consumer. It has been successful on all those counts. All recent discussions on the various European treaties, up to and including the most recent treaty on the constitution of Europe, agreed to keep those five aspects of agricultural policy.

It is also important to state that we have had a deep dialogue at an EU level and now have agreement on the future of the CAP. We agreed the Agenda 2000 programme a few years ago. Fundamentally, the new reforms were put in place in July 2003. Those are scheduled to last until 2013. The key to the new programme of EU support is one of direct payments to agriculture, so removing the production-linked subsidies. It would be unfair and wrong to change what has been agreed at an EU level. Like all other industries, farming requires certainty.

We should never forget the need to ensure the security of our food supply. Many citizens of Europe will remember the food deficit of the 1930s, 1940s and 1950s. The CAP has changed that nightmare scenario. However, we cannot ignore the fact that the only absolute guarantee of food supply security in Europe is provided by ensuring that the land of Europe is growing and producing European food in abundant supply. We have seen what happens when our continent is so dependent on energy supplies from other parts of the world. Let us ensure that we do not face the same problems with the most important fuel of all – the food on our table.

On food quality, I firmly believe that the European farmer and the European consumer benefit from the CAP. The food production standards of Europe are the highest in the world. European farmers are answerable to the CAP regulations, which enforce the highest standards of production. Food produced in the EU is traceable, and strict limits are placed on the use of veterinary medicines, hormones and additives. That is far from the norm in non-EU countries. The consumers in Europe are consuming the safest and healthiest food in the world. That is a direct result of the CAP. We should not forget that fact.

In real terms, the cost of food to the European consumer has fallen dramatically and will continue to fall as a result of the most recent reforms.

THE PRESIDENT. – I must now interrupt the list of speakers. The speeches of members on the speakers list who have been present during the debate but have not been able to speak may be given to the Table Office for publication in the official report.

I call Mr Flynn, rapporteur, to reply. He has four minutes.

Mr FLYNN (*United Kingdom*). – We have had a stimulating and well-informed debate. I was delighted to hear my friend Paul Bradford speak on behalf of the land of my mothers. It is significant that he and the previous speaker, Mr Gilbert Meyer, represent countries that have benefited from the CAP to a greater extent than any others. I think both would admit that. They are fair minded, so I pose them a question: do they agree that the level of subsidy and support that the farmers in Ireland and France have for years enjoyed should go to Poland and the other new countries? It is an impossible request. We cannot continue with the status quo, which rewards farmers in Ireland and France who have done so well from the CAP. We cannot spread that to the rest of the continent. We are not looking to the past, but at the practical dilemma of how agriculture is to transform itself.

Gordon Prentice was right about the unfairness of the system on all other industries. Farming gobbles up almost the entire budget as far as support for other industries and services is concerned. According to the Consumers Association in Britain, the average British family pays €25 a week to the CAP. Those people may work in the confectionary industry, the steel industry or the mining industry, which have been exposed to the full force of the market economy. There is no help for them.

I accept the point made by Mr Andreas Gross about Switzerland. Indeed, we pay tribute to Switzerland for leading the world in environmental considerations. The committee went to Geneva recently and enjoyed the hospitality of the Swiss farmers. We are now slightly better informed. Not all farmers in the endangered areas are small farmers. The great weakness is the unfair competition from neighbouring countries. The practice of selling food with double the subsidy cannot continue.

I agree entirely with Mr Lund that there is perhaps a deficiency in the report, in that we have not paid sufficient attention to the great changes and to the impact on workers. No one is asking for revolutionary change, which would hit such workers, particularly those on low wages. The high food prices resulting from the CAP have hit those on low wages worst of all. Such families spend a huge percentage of their budget on food; they are paying the greatest penalty. We know that the food bills in Britain are twice the level of those in New Zealand. Families are hit twice: in one pocket, by having to pay the high taxes associated with the subsidies; and in the other pocket, in that food prices in Europe are the highest in the world.

Today is the first time that I have agreed with a speech by Mr Nigel Evans. We are at opposite ends of the political divide in Britain, and it was great to hear his fair-minded and well-informed speech. That illustrates the strength of feeling throughout the world, particularly in our own continent, against the world trade described by John Dupraz. He was right to say that, as we all know, world trade is rigged. It was rigged by the Bretton Woods agreement to ensure that the poor countries become poorer and the rich richer; that is the inevitable result of that agreement. But in our continent, the situation is exacerbated by the CAP.

At no point in the report did I say that farmers were freeloaders, and it would be wrong to do so. What I did say is that we in Britain now have transparency, and we know that the subsidies are used as a form of poor relief for billionaires.

THE PRESIDENT. – Thank you, Mr Flynn. As a Polish member of parliament, I am grateful to you for referring to my motherland.

I call Mr Schmied, Chairperson of the Committee on the Environment, Agriculture and Local and Regional Affairs. You have two minutes.

Mr SCHMIED (*Switzerland*) said the debates that had been held in the committee had now been repeated in the Assembly. He welcomed the opportunity to address some misconceptions evident from the debate. It was not the case that the subsidies paid to the Swiss farmers had prevented the farming community from becoming financially stable; the subsidies were not distributed to the rich; and there had been contact with the European Parliament's Committee on Agriculture and Rural Development. He hoped the committee would soon prepare a wider report analysing the agricultural position in all member states.

THE PRESIDENT. – Thank you. Mr Schreiner wishes to refer the report back to the committee. I call Mr Schreiner.

Mr SCHREINER (*France*) said that this was a controversial report and it was clear the Assembly was divided on the main issues. He moved a motion to refer the report back to the committee.

THE PRESIDENT. – Thank you. Under Rule 27.3, only the proposer of the motion, one speaker against and the rapporteur or chairperson concerned have the right to speak on the motion. The proposer, Mr Schreiner, has already spoken, so I call a volunteer – if there is one – to oppose the motion. I call Mr Schmied.

Mr SCHMIED (*Switzerland*) asked the Assembly to vote against the motion. He believed that the Assembly could more effectively reach a compromise by voting on the amendments tabled to the report. However, his committee would do whatever the Assembly decided.

THE PRESIDENT. – Thank you. I call Mr Flynn, rapporteur for the report on the costs of the common agricultural policy.

Mr FLYNN (*United Kingdom*). – As a member of this committee and having spent two years producing this report – the process has been exhaustive and has involved many discussions – I feel that we should settle this issue today. Another very important report, on the new use of agricultural land in an area of Transylvania, is coming up. That development offers great hope for the future of farming in Europe. We need to be concentrating on issues other than the one before us. We want to be seen as a progressive and creative committee, not one that discusses the same issues again and again.

THE PRESIDENT. – Thank you, Mr Flynn. Although your intervention was beyond the scope of the rules, I did not protest against it because this is a rather exceptional and untypical situation.

The Assembly will now vote, whether we like it or not, on the motion to refer the report on the costs of the common agricultural policy back to the committee.

The vote is open.

The motion is rejected.

The Committee on the Environment, Agriculture and Local and Regional Affairs has presented a draft resolution to which 25 amendments have been tabled.

They will be taken in the order in which they appear in the notice paper.

I remind you that speeches on amendments are limited to 30 seconds.

We come now to the votes on the amendments.

We come to Amendment No. 1, tabled by Mr John Dupraz, Mr Bernard Marquet, Mrs Eva Garcia Pastor, Mr Paul Wille, Mrs Sirkka-Liisa Anttila and Mr Denis Badré, which is, in the draft resolution, paragraph 1, replace the words “in the context of the negative effects it is having on, among others, countries in the developing world” with the following words: “to take more account of the non-agricultural effects of agriculture”.

I call Mr Dupraz to support Amendment No. 1. If this amendment is adopted, Amendment No. 21 falls.

Mr DUPRAZ (*Switzerland*) said that the amendment would improve the text and highlight new aspects of the common agricultural policy.

THE PRESIDENT. – I understand that Mr Gubert wishes to propose an oral sub-amendment, which reads as follows:

In Amendment No. 1, at the beginning of paragraph 2 add the words “in the light of its costs and effects, not only in Europe, but also for developing countries and”.

In my opinion, the oral sub-amendment meets the criteria of Rule 34.6, in that it leads to conciliation and can be considered unless ten or more members of the Assembly object. Is there any opposition to the oral sub-amendment being debated?

That is not the case.

Mr FLYNN (*United Kingdom*). – There is likely to be confusion. I accepted the second amendment, but the first says something entirely different. It would strip “developing world” from the report. That would cause confusion in my mind, if not in the minds of others.

THE PRESIDENT. – You are too quick, Mr Flynn.

I call Mr Gubert to support the oral sub-amendment.

Mr GUBERT (*Italy*) said that his oral sub-amendment was sympathetic and complementary to the thrust of the amendment and the report.

THE PRESIDENT. – Does anyone wish to speak against the oral sub-amendment?

Mr DUPRAZ (*Switzerland*) said he was happy to accept the oral sub-amendment.

THE PRESIDENT. – I understand that the committee has not had an opportunity to consider the sub-amendment.

The vote is open.

The oral sub-amendment is adopted.

Does anyone wish to speak against the amendment, as amended? That is not the case.

What is the opinion of the committee?

Mr SCHMIED (*Switzerland*). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 1, as amended, is adopted.

We come to Amendment No. 22, tabled by Mr Renzo Gubert, Mrs Elsa Papadimitriou, Mrs Sirkka-Liisa Anttila, Mr Andrzej Wielowieyski, Mr Gabino Puche and Mr Jean-Pierre Kucheida, which is, in the draft resolution, paragraph 3, replace the first two sentences with the following words:

“Agriculture has been in difficulty in Europe for some years. The number of people it employs and its relative contribution to the gross domestic product, within the limits of that definition, are in decline.”

If the amendment is adopted, Amendment No. 2 will fall.

I call Mr Gubert to support the amendment.

Mr GUBERT (*Italy*) said that the current text went too far and his amendment suggested more moderate language.

THE PRESIDENT. – Does anyone wish to speak against the amendment? That is not the case.

What is the opinion of the committee?

Mr SCHMIED (*Switzerland*). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 22 is adopted.

We come to Amendment No. 3, tabled by Mr John Dupraz, Mr Bernard Marquet, Mrs Eva Garcia Pastor, Mr Paul Wille, Mrs Sirkka-Liisa Anttila and Mr Denis Badré, which is, in the draft resolution, paragraph 4, replace the second sentence with the following sentence:

“The new reform is an opportunity for farmers to improve their services to consumers, the environment and rural areas, and to offer fresh prospects to farming families.”

I call Mr Dupraz to support the amendment.

Mr DUPRAZ (*Switzerland*) said that his amendment was more positive than the current text.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

I call Mr Flynn.

Mr FLYNN (*United Kingdom*). – The amendment strikes at the heart of the report – at the whole report. It strips out the words “developing world”. The aim of the amendment is not as its mover

suggested. It implies that Europe is an island, and that all the elements of the CAP have no deleterious effect in the developing world. That is the significance of this amendment and some others.

THE PRESIDENT. – What is the opinion of the committee?

Mr SCHMIED (*Switzerland*). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 3 is adopted.

We come to Amendment No. 4, tabled by Mr John Dupraz, Mr Bernard Marquet, Mrs Eva Garcia Pastor, Mr Paul Wille, Mrs Sirkka-Liisa Anttila and Mr Denis Badré, which is, in the draft resolution, delete paragraph 5.

I call Mr Dupraz to support the amendment.

Mr DUPRAZ (*Switzerland*) said the language in the paragraph was pejorative and should be deleted.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

I call Mrs Milne.

Mrs MILNE (*observer from Canada*). – We are strongly in favour of the report, and equally strongly opposed to any amendments that gut it by removing all references to the devastating effects of the CAP on developing countries.

THE PRESIDENT. – We welcome observers from member states, and you were listed as a speaker, Mrs Milne, but unfortunately there is not enough time. There are too many untypical solutions today, but this a special case.

What is the opinion of the committee?

Mr SCHMIED (*Switzerland*). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 4 is rejected.

So Canada beat the Council of Europe!

We come to Amendment No. 5, tabled by Mr John Dupraz, Mr Bernard Marquet, Mrs Eva Garcia Pastor, Mr Paul Wille, Mrs Sirkka-Liisa Anttila and Mr Denis Badré, which is, in the draft resolution, delete paragraph 6.

I call Mr Dupraz to support the amendment.

Mr DUPRAZ (*Switzerland*) said the CAP did not affect developing countries and it was wrong to suggest that it did.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

Mr FLYNN (*United Kingdom*). – I beg members to vote against the amendment. It flies in the face of what all the young people in the Make Poverty History campaign are saying, what OXFAM is saying and what CAFOD is saying. The whole world is saying that we are doing enormous damage to Africa and the rest of the world. The intention of this amendment and others is to remove any reference to the developing world, as though we in Europe had no responsibility for it. We have direct responsibility for the poverty in Africa, and we can do something about it by rejecting the amendment.

THE PRESIDENT (Translation). – What is the opinion of the committee?

Mr SCHMIED (*Switzerland*). – The committee is against.

THE PRESIDENT. – The vote is open.

Amendment No. 5 is rejected.

We come to Amendment No. 6, tabled by Mr John Dupraz, Mr Bernard Marquet, Mrs Eva Garcia Pastor, Mr Paul Wille, Mrs Sirkka-Liisa Anttila and Mr Denis Badré, which is, in the draft resolution, paragraph 7, delete the last sentence.

I call Mr Dupraz to support Amendment No. 6.

Mr DUPRAZ (*Switzerland*) said that European farmers should not be blamed for the problems of farmers in the third world.

THE PRESIDENT (Translation). – Thank you. Does anyone wish to speak against the amendment?

I call Mr Prentice.

Mr PRENTICE (*United Kingdom*). – This is another wrecking amendment that would strip out any reference to the developing world. In my speech, I spoke about the EU sugar regime, which has an enormous adverse effect on developing countries. We should reject the amendment.

THE PRESIDENT (Translation). – Thank you. What is the opinion of the committee?

Mr SCHMIED (*Switzerland*). – The committee is against.

THE PRESIDENT. – The vote is open.

Amendment No. 6 is rejected.

We come to Amendment No. 7, tabled by Mr John Dupraz, Mr Bernard Marquet, Mrs Eva Garcia Pastor, Mr Paul Wille, Mrs Sirkka-Liisa Anttila and Mr Denis Badré, which is, in draft resolution, paragraph 8, delete the first sentence.

I call Mr Dupraz to support Amendment No. 7.

Mr DUPRAZ (*Switzerland*) said that he saw little point in asserting that European farmers lay at the root of the world's ills.

THE PRESIDENT. – Thank you. Does anyone wish to speak against the amendment?

I call Mr Flynn.

Mr FLYNN (*United Kingdom*). – The amendment is another attempt to strip a very important element out of the report. I refer to the environment. Despite some beneficial effects, none of us can be insensitive to the terrible effects that the CAP has had on the environment, natural life, bird populations, the quality of the soil and the nitrates in the soil. This is an essential part of the report, and we cannot bury our heads in Swiss soil and pretend that such effects are not happening. They have happened, so we should oppose the amendment.

THE PRESIDENT. – Thank you. This is a special division of labour, with Mr Dupraz in favour of an amendment and Mr Flynn against it.

What is the opinion of the committee?

Mr SCHMIED (*Switzerland*). – The committee is against.

THE PRESIDENT. – The vote is open.

Amendment No. 7 is rejected.

We come to Amendment No. 8, tabled by Mr John Dupraz, Mr Bernard Marquet, Mrs Eva Garcia Pastor, Mr Paul Wille, Mrs Sirkka-Liisa Anttila and Mr Denis Badré, which is, in the draft resolution, paragraph 9, delete the words "While providing aid to developing countries, potential income is cut through trade restrictions. This situation is no longer tenable."

I call Mr Dupraz to support Amendment No. 8. You have a lot of work today.

Mr DUPRAZ (*Switzerland*) said global trade restrictions led to problems and this should be reflected in the draft resolution:

THE PRESIDENT. – Thank you. Does anyone wish to speak against the amendment?

I call Mr Flynn.

Mr FLYNN (*United Kingdom*). – Mr Dupraz is almost alone in thinking that the CAP has no effect. Of course it has an effect. There is a dramatic illustration of that in one of the tables in the report. It shows that the aid that we give to countries in the developing world is dwarfed by the way in which we undermine their policies by giving aid to our farmers to undercut farmers in the developing world. The amendment is another attempt to reduce the focus on the effect of the CAP on the developing world.

THE PRESIDENT. – Thank you. You did not let me down.

What is the opinion of the committee?

Mr SCHMIED (*Switzerland*). – The committee is against.

THE PRESIDENT. – The vote is open.

Amendment No. 8 is rejected.

We come to Amendment No. 9, tabled by Mr John Dupraz, Mr Bernard Marquet, Mrs Eva Garcia Pastor, Mr Paul Wille, Mrs Sirkka-Liisa Anttila and Mr Denis Badré, which is, in the draft resolution, paragraph 10, replace the words "pay twice for the Common Agricultural Policy" with the following words: "have not benefited from the lowering of prices engendered by the CAP".

I call Mr Dupraz to support Amendment No. 9.

Mr DUPRAZ (*Switzerland*) said that consumers had to pay more not because of the CAP, but because of liberal economic policies.

THE PRESIDENT. – Thank you. Does anyone wish to speak against the amendment?

I call Mr Flynn.

Mr FLYNN (*United Kingdom*). – The evidence is clear. Europe has the highest food prices in the world because of the CAP. We certainly have the highest taxes, which are even higher than those in Japan or America. The consumer is hit twice. That is a fact.

THE PRESIDENT. – Thank you. Sometimes my students say that monogamy should not be mixed up with monetarism, but that is probably inevitable in this debate.

What is the opinion of the committee?

Mr SCHMIED (*Switzerland*). – The committee is against.

THE PRESIDENT. – The vote is open.

Amendment No. 9 is rejected.

We come to Amendment No. 10, tabled by Mr John Dupraz, Mr Bernard Marquet, Mrs Eva Garcia Pastor, Mr Paul Wille, Mrs Sirkka-Liisa Anttila and Mr Denis Badré, which is, in the draft resolution, paragraph 10, replace the words "through taxation and through higher food bills as a result of the CAP.

This has the greatest impact on low income families who can least afford it. It is an unnecessary burden on consumers." with the following words:

"Farmers and consumers are the victims of this policy, with lower income for farmers and high food bills for consumers."

I call Mr Dupraz to support Amendment No. 10. If this amendment is adopted, Amendments Nos. 23 and 24 fall.

Mr DUPRAZ (*Switzerland*) said that European farmers could not be blamed for the prices paid by consumers for food.

THE PRESIDENT (Translation). – Thank you. Does anyone wish to speak against the amendment?

I call Mr Flynn.

Mr FLYNN (*United Kingdom*). – The draft resolution does not blame farmers in any way but accurately shows that the CAP has its greatest impact on low-income families. We are therefore talking about consumers. There has been a level of support for farmers' income – I accept that it has gone down in many places – but they are the beneficiaries of the CAP. The main victims are consumers in poor jobs who receive low incomes. That is what the report says. Please vote against the amendment.

THE PRESIDENT. – Thank you. What is the opinion of the committee?

Mr SCHMIED (*Switzerland*). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 10 is adopted.

I remind you that Amendments Nos. 23 and 24 now fall.

We come to Amendment No. 11, tabled by Mr John Dupraz, Mr Bernard Marquet, Mrs Eva Garcia Pastor, Mr Paul Wille, Mrs Sirkka-Liisa Anttila and Mr Denis Badré, which is, in the draft resolution, delete paragraph 11.

I call Mr Dupraz to support Amendment No. 11.

Mr DUPRAZ (*Switzerland*) said that the cost of the CAP was a matter internal to the EU.

THE PRESIDENT. – Thank you. Does anyone wish to speak against the amendment?

I call Mr Flynn.

Mr FLYNN (*United Kingdom*). – The amendment is again based on a fantasy world. We heard a concrete example from Gordon Prentice of the effect of the sugar industry in his constituency and of how sugar goes into the far distant world where sugar is at market value. There are other dangerous and deleterious effects on industry, and the industries that need support because they are in difficulty find that the cupboard is bare. The money has been taken by the CAP. There is a link between the two issues and it would be foolish to ignore it.

THE PRESIDENT. – Thank you. What is the opinion of the committee?

Mr SCHMIED (*Switzerland*). – The committee is against.

THE PRESIDENT. – The vote is open.

Amendment No. 11 is rejected.

We come to Amendment No. 12, tabled by Mr John Dupraz, Mr Bernard Marquet, Mrs Eva Garcia Pastor, Mr Paul Wille, Mrs Sirkka-Liisa Anttila and Mr Denis Badré, which is, in the draft resolution, paragraph 12, replace the words "largest and wealthiest farmers" with the following words: "largest farms".

I call Mr Dupraz to support Amendment No. 12.

Mr DUPRAZ (*Switzerland*) said that the language in the draft resolution was pejorative.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

I call Mr Flynn.

Mr FLYNN (*United Kingdom*). – The amendment is not helpful because it could introduce imprecision. Some large farms are co-operatives or amalgams. The sort of thing that is likely to happen in Transylvania could be copied throughout Europe. Some of the largest farms employ some of the poorest farmers. Please vote against the amendment.

THE PRESIDENT (Translation). – What is the opinion of the committee?

Mr SCHMIED (*Switzerland*). – In favour.

THE PRESIDENT. – The vote is open.

Amendment No. 12 is adopted.

We come to Amendment No. 13, tabled by Mr John Dupraz, Mr Bernard Marquet, Mrs Eva Garcia Pastor, Mr Paul Wille, Mrs Sirkka-Liisa Anttila and Mr Denis Badré, which is, in the draft resolution, paragraph 12, replace the words “, dispelling the idea that the CAP protects the smallest farmers. The decision by the United Kingdom Department for Environment, Food and Rural Affairs to publish the recipients of subsidies (names and amount received) in March 2004 is to be welcomed. It is revealing that the CAP does not primarily help small farmers” with the following words:

“ . It would be advisable to devise a system of subsidies according to land area and taking account of farmers’ assets and income.”

I call Mr Dupraz to support Amendment No. 13.

Mr DUPRAZ (*Switzerland*) said that the report did not due take account of the reform of the CAP.

THE PRESIDENT (Translation). – Does anyone wish to speak against the amendment?

I call Mr Flynn.

Mr FLYNN (*United Kingdom*). – The amendment ignores that which has caused a huge change in public opinion in Britain. We know precisely how much money each farmer has, from the top, from the royal family down through millionaires and companies. One company is receiving €125 million. There is a call to follow the example of transparency. We do not know what is happening in other countries but Britain was scandalised to find that poor farmers are getting very poor returns. Millionaires and billionaires are looting huge sums from our taxpayers.

THE PRESIDENT. – I do not want to be cruel, but perhaps Mr Flynn and Mr Dupraz should get together to discuss these issues over a weekend. Perhaps the issues could be clarified, and that would assist our debates on these matters.

What is the opinion of the committee?

Mr SCHMIED (*Switzerland*). –Against.

THE PRESIDENT. – The vote is open.

Amendment No. 13 is rejected.

We come to Amendment No. 14, tabled by Mr John Dupraz, Mr Bernard Marquet, Mrs Eva Garcia Pastor, Mr Paul Wille, Mrs Sirkka-Liisa Anttila and Mr Denis Badré, which is, in the draft resolution, delete paragraph 13.

I call Mr Dupraz to support Amendment No. 14.

Mr DUPRAZ (*Switzerland*) said that the arguments for this amendment had already been made earlier in the debate.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

I call Mr Prentice.

Mr PRENTICE (*United Kingdom*). – It is an incontrovertible fact in Britain, if not in Switzerland, that intensive farming has terrible effects on the environment. I listed them in my speech.

THE PRESIDENT (Translation). – What is the opinion of the committee?

Mr SCHMIED (*Switzerland*). – In favour.

THE PRESIDENT. – The vote is open.

Amendment No. 14 is rejected.

We come to Amendment No. 15, tabled by Mr John Dupraz, Mr Bernard Marquet, Mrs Eva Garcia Pastor, Mr Paul Wille, Mrs Sirkka-Liisa Anttila and Mr Denis Badré, which is, in the draft resolution, paragraph 16, replace the words “high subsidies with environmental protection. This principle is incorporated in the Swiss Constitution” with the following words: “direct payments linked with the protection of the environment and of animals, and with decentralised land settlement”.

I call Mr Dupraz to support Amendment No. 15.

Mr DUPRAZ (*Switzerland*) said that payments should be linked to environmental improvements.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

I call Mr Flynn.

Mr FLYNN (*United Kingdom*). – It is an incontrovertible fact that 72% is a high subsidy. That is a simple statement of fact. Clearly 32% is still a high subsidy, and 15% is a low subsidy. The figures are set out in the table. The highest subsidy that I can find anywhere on the planet is in Switzerland. We have mentioned it. Why cannot the truth come out? It would be foolish to leave this fact out of the report. It is key to the competitiveness of Swiss agriculture compared to agriculture in neighbouring countries.

THE PRESIDENT (Translation). – What is the opinion of the committee?

Mr SCHMIED (*Switzerland*). – In favour.

THE PRESIDENT. – The vote is open.

Amendment No. 15 is rejected.

We come to Amendment No. 25, tabled by Mr Renzo Gubert, Mrs Elsa Papadimitriou, Mrs Sirkka-Liisa Anttila, Mr Andrzej Wielowieyski, Mr Gabino Puche and Mr Jean-Pierre Kucheida, which is, in the draft resolution, paragraph 16, replace the words “although there is concern about the sustainability of large subsidies and their effects on neighbouring markets” with the following words:

“and subsidies are not handed out to farmers with high incomes. Swiss agricultural policy, although costly, is most noteworthy above all because it also rewards farmers for the functions of care for the environment and upkeep of the landscape that their activities may entail”.

I call Mr Gubert to support Amendment No. 25. If this amendment is adopted, Amendment No. 16 falls.

I understand that Mr Dupraz wishes to propose an oral sub-amendment, which reads as follows:

In Amendment No. 25, paragraph 2, line 1, replace the word “subsidies” with the words “direct payments”.

I have tried to accelerate the course of events but I do not know whether this will be successful.

I call Mr Gubert to support Amendment No. 25.

Mr GUBERT (*Italy*) said the amendment sought to correct an imbalance in the resolution, which did not emphasise the merits of the current system.

THE PRESIDENT. – In my opinion, the oral sub-amendment meets the criteria of Rule 34.6 in that it leads to conciliation and can be considered unless 10 or more members of the Assembly object. Is there any opposition to the oral sub-amendment being debated? That is not the case.

I call Mr Dupraz to support the oral sub-amendment.

Mr DUPRAZ (*Switzerland*) said he had clarified matters with Mr Gubert and did not wish to pursue his amendment.

THE PRESIDENT. – In those circumstances we will vote on Amendment No. 25.

What is the opinion of the committee on Amendment No. 25? No, I see that Mr Flynn wants to speak.

Mr FLYNN (*United Kingdom*). – Amendment No. 25 is accepted by me and by the committee. Is it correct that, if Amendment No. 25 is accepted, Amendment No. 16 will fall?

THE PRESIDENT. – That is correct.

Now, what is the opinion of the committee?

Mr SCHMIED (*Switzerland*). – The committee is against Amendment No. 25.

THE PRESIDENT. – The vote is open.

Amendment No. 25 is adopted.

We come to Amendment No. 17, tabled by Mr John Dupraz, Mr Bernard Marquet, Mrs Eva Garcia Pastor, Mr Paul Wille, Mrs Sirkka-Liisa Anttila and Mr Denis Badré, which is, in the draft resolution, delete paragraph 17.

I call Mr Dupraz to support Amendment No. 17.

Mr DUPRAZ (*Switzerland*) (Translation). – I cannot remember why I tabled this amendment, so I shall withdraw it.

THE PRESIDENT. – Amendment No. 17 is withdrawn.

We come to Amendment No. 18, tabled by Mr John Dupraz, Mr Bernard Marquet, Mrs Eva Garcia Pastor, Mr Paul Wille, Mrs Sirkka-Liisa Anttila and Mr Denis Badré, which is, in the draft resolution, paragraph 17.1, delete the words “developing countries,”.

I call Mr Dupraz to support the amendment.

Mr DUPRAZ (*Switzerland*) re-emphasised that the state of the global food market was not the result of the CAP.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

I call Mr Flynn.

Mr FLYNN (*United Kingdom*). – For reasons that I have given *ad nauseam* to the committee, there is a link between the common agricultural policy and developing countries. It is clear, enormous and very destructive.

THE PRESIDENT. – What is the opinion of the committee?

Mr SCHMIED (*Switzerland*). – In favour.

THE PRESIDENT. – The vote is open.

Amendment No. 18 is rejected.

We come to Amendment No. 19, tabled by Mr John Dupraz, Mr Bernard Marquet, Mrs Eva Garcia Pastor, Mr Paul Wille, Mrs Sirkka-Liisa Anttila and Mr Denis Badré, which is, in the draft resolution, at the end of paragraph 17.8, add the following words: “, and on society by occupying the whole territory to ensure its upkeep”.

I call Mr Dupraz to support Amendment 19.

Mr DUPRAZ (*Switzerland*) said that agriculture had an important role to play in the management of rural populations and the environment.

THE PRESIDENT. – Does anyone wish to speak against the amendment? That is not the case.

What is the opinion of the committee?

Mr SCHMIED (*Switzerland*). – In favour.

THE PRESIDENT. – The vote is open.

Amendment No. 19 is adopted.

We come to Amendment No. 20, tabled by Mr John Dupraz, Mr Bernard Marquet, Mrs Eva Garcia Pastor, Mr Paul Wille, Mrs Sirkka-Liisa Anttila and Mr Denis Badré, which is, in the draft resolution, after paragraph 17.8, add the following sub-paragraph: “the expediency of devising a system of subsidies according to land area and taking account of farmers’ assets and income so that small farms are afforded better protection.”

I call Mr Dupraz to support the Amendment No. 20.

Mr DUPRAZ (*Switzerland*) said that he wanted to achieve a proper balance between the varying effects of the CAP on different types of landholdings.

THE PRESIDENT. – Does anyone wish to speak against the amendment? That is not the case.

What is the opinion of the committee?

Mr SCHMIED (*Switzerland*). – In favour.

THE PRESIDENT. – The vote is open.

Amendment No. 20 is adopted.

We will now proceed to vote on the whole of the draft resolution contained in Document 10649, as amended. I remind you that only a simple majority is needed.

The vote is open.

The draft resolution in Document 10649, as amended, is adopted.

Thank you, colleagues. This has been one of the longest and most contentious debates. I wish you all the best with the rest of the business, but I have to get back to Warsaw.

(Mr van der Linden, President of the Assembly, took the Chair in place of Mr Iwiński.)

7. Accelerated asylum procedures in Council of Europe member states

THE PRESIDENT. – The final item of business this morning is the debate on accelerated asylum procedures in Council of Europe Member States presented by Mr Çavuşoğlu, replacing Mr Agramunt as rapporteur, on behalf of the Committee on Migration, Refugees and Population, Document 10655.

The list of speakers closed at 5.30 p.m. yesterday. Six names are on the list, and one amendment has been tabled.

I remind you that we have already agreed that in order to finish by 1 p.m., we shall interrupt the list of speakers at about 12.50 p.m. to allow time for the reply and the vote.

I call Mr Çavuşoğlu to present the report. He has eight minutes.

Mr ÇAVUŞOĞLU (*Turkey*). – Thank you, Mr President. The concept of accelerated asylum procedures is not simple. It covers a variety of cases and procedures. In the preparation of the report, the rapporteur relied on the questionnaires completed by the United Nations High Commissioner for Refugees branch offices in 11 countries in Europe. The study does not cover all member states, but it allows us to extract some of the main issues related to the subject. I thank the UNHCR branch offices for the detailed information that they provided.

In order to understand the current situation in Europe better, the rapporteur visited Brussels to meet the representatives of the UNHCR, and also a member of the European Commission. That was particularly useful, as it allowed him to discuss the approach of the European Union, and the proposal for a Council directive on minimum standards for procedures in member states for granting and withdrawing refugee status.

Last week in Strasbourg, the European Parliament debated the Council directive and expressed a number of reservations, many of which are reflected in the draft resolution and recommendation presented here today.

The issue that has to be faced in member states is the increasing use of accelerated asylum procedures to deal with asylum seekers. There is a real concern that emphasis is being given to speed rather than fairness, which increases the likelihood of referrals and raises a number of issues concerning refugees and human rights.

There is also a concern that the large number of different procedures being applied by the member states of the Council of Europe increases the risk of European procedures becoming a lottery for asylum seekers, both in relation to the level of protection and to the likelihood that recognition may depend on which procedure is applied, and on the country in which asylum is sought.

Of particular concern are certain practices such as the use of the concept of "safe country of origin". No country can be safe for all persons, and an applicant must have the opportunity to rebut the presumption of safety. Concerns have also been raised about the use of the concept of the safe third country, including the concept of "super-safe" third countries. In the TI case against the United Kingdom, The European Court of Human Rights has made it clear that the application of the concept of a safe third country does not release a country from its duty under article 3 of the Convention to ensure that no person is subject to inhuman or degrading treatment or punishment.

The way in which border applicants are treated is also of concern. A person seeking asylum at the border should not be treated less favourably than someone applying from within the country. Concern is also expressed about the limits on the rights of appeal and the lack of suspensive effect of certain appeals. In view of the low quality of many decisions in the first instance, it is particularly important to guarantee the right of appeal.

This should have a positive effect in allowing the applicant to stay in the country until the appeal is heard.

A number of safeguards are highlighted and they are of primary importance. Vulnerable groups, such as children and victims of violence, including sexual violence, should be excluded from the accelerated procedures. Other cases are not suitable to be handled under the accelerated procedures, and that includes those applicants who represent a danger to national security or to public order, or where consideration is given to the application of the exclusion clauses under 1F of the refugee convention.

There should be the right to an individual determination and interview, together with free legal aid at the first instance and throughout the appeal process. Independent organisations should be allowed to monitor detention. There should be full training for officials who deal with asylum seekers. Member states should be invited to take steps in those directions so that they improve safeguards.

The Council of Europe has a role in promoting best practice rather than, as one non-governmental organisation put it, collecting together our worst practice and using a standard that reflects the lowest common denominator. The Committee of Ministers should be called on to develop guidelines on best practice, in particular for the use of the concept of a safe country of origin, the use of the concept of the safe third country, the use of procedures adopted for dealing with asylum seekers at border points, and the rights of appeal, including the suspensive effect of appeals.

The Council of Europe's experience of monitoring its countries should be used to a greater extent in determining refugee status. It should be increasingly involved in training staff who deal with asylum seekers and should develop further materials to assist in dealing with refugee status determination procedures. We need to recognise the procedures that are applied in the country where asylum is sought. Of particular concern are certain practices, such as the use of the concept of the safe country of origin.

The draft resolution recognises that states need a system in place to process asylum claims rapidly and efficiently. However, that needs to be balanced by the obligation to provide access to a fair determination procedure, complete with adequate safeguards. However, a balance should not mean a compromise, and it is with that in mind that the committee has put forward a draft resolution and recommendation for approval.

THE PRESIDENT. – Thank you, Mr Çavuşoğlu. I call Mr Kox on behalf of the Group of the Unified European Left.

Mr KOX (*Netherlands*). – Earlier this week, a father jumped from a building with his children. He preferred this journey to being sent back to his native country of Afghanistan, which the Netherlands calls a safe country. However, it is not safe enough to send me there as an election observer. My trip in September was cancelled because NATO could not guarantee my safety. How could I have explained that to the man who jumped from the building?

Last week, the European media broadcast the dramatic events in the Spanish cities on the Moroccan coast. We saw people from outside Europe risking everything, including their lives, in a dangerous and often hopeless attempt to cross the huge barriers that we have erected around our continent to keep uninvited guests away from our prosperity.

Let us try to imagine how we would feel if we were one of those people and wanted to leave poverty, war, civil war or terror to construct a new future in Europe, the promised land, where we have everything – peace, security, houses, education and plenty of food. Would we feel guilty or entitled to those benefits?

Hundreds of millions of people have to decide what to do. Millions flee their countries and hundreds of thousands of them try to reach Europe. A small number finally succeed in reaching the promised land by either legal or illegal methods. Those who enter the continent illegally have a choice: stay illegal and hope that someone will employ you and pay a wage that is far too little according to European standards, but far more than they would have received at home, or try to become a legal citizen of Europe by applying for asylum.

When people enter the continent legally, they have to apply for asylum under the international conditions that we have agreed. They do not have a good chance of getting asylum. Most of those who apply get a no answer. They have to leave and return to the misery that they thought they had left behind. As so many people want asylum, European governments react with ever more harsh demands on asylum seekers. If the result is that fewer people ask for asylum, it is called a success, as it is in my country. However, many Dutchmen, including me, have a slightly different point of view and feel ashamed of our government.

Governments also react by implementing accelerated asylum procedures to handle the number of asylum seekers and to avoid the scenario in which ever more people have to wait ever longer. That is an understandable reaction, especially when it applies to those who have few positive chances of getting asylum. One of the problems in the Netherlands is that asylum seekers have been waiting for years and

years without getting a clear and decisive answer. Some 26 000 foreign people live in the Netherlands, often for five or 10 years. They now get the message that we want them to leave.

Accelerated asylum procedures are to be respected, but not at any cost. The need for European states to process asylum applications rapidly and efficiently needs to be balanced by the obligation to provide access to a fair asylum determination procedure for those who need of international protection. The rapporteur is right when he says that balance does not mean compromise. States cannot compromise on their international obligations, including the Geneva convention relating the Status of Refugees and its 1967 protocol, and the European Convention on Human Rights and its protocols.

We have to salute the rapporteur on his report, which shows us the many differences in European countries with regard to accelerated asylum procedures. We need to apply best practice throughout our continent to make western civilisation more than just a good idea, to quote Ghandi. I will tell members of my group to use this report at home when we discuss asylum policy. It will be of great use.

THE PRESIDENT. – Thank you, Mr Kox. I call Mrs Err.

Mrs ERR (*Luxembourg*) regretted that this was the last item on the agenda since it was clearly of importance for every member state. If the members of the Assembly put themselves in the place of asylum seekers, they would see that procedural reform was obviously necessary. She would have liked to have seen in the report a more detailed consideration of conditions of detention, the right to work and state aid. It was essential to realise that asylum seekers were among the most vulnerable members of society. Although there was a need for accelerated procedures, these should be put in place for those cases with a solid foundation, and not simply be used in the state's favour. She hoped that the report would be backed by a broad consensus.

THE PRESIDENT. – Thank you. I call Mr Gülçiçek.

Mr GÜLÇİÇEK (*Turkey*) thanked the rapporteur for producing a considered report on such a delicate issue. A great deal had changed since the adoption of the Geneva Convention in 1950: there had been a dramatic increase in numbers of asylum seekers. Accelerated procedures were therefore necessary, but everyone recognised that such procedures sometimes violated human rights. Accelerated procedures had to be looked at with an eye to defending human rights, within the context of the European Convention on Human Rights. There were four minimum standards which had to be applied to accelerated procedures. First, it was necessary to take account of the physical and mental trauma suffered by many asylum seekers. Secondly, asylum seekers should have access to assistance. Thirdly, the United Nations Convention of the Rights of the Child had to be applied and, finally, medical aid and food should be readily available to asylum seekers.

THE PRESIDENT. – Thank you. I must now interrupt the list of speakers. The speeches of members on the speakers' list who have been present during the debate but have not been able to speak may be given to the Table Office for publication in the Official Report.

I call Mr Çavuşoğlu, Rapporteur, to reply. You have four minutes.

Mr ÇAVUŞOĞLU (*Turkey*). – I begin by thanking all the colleagues who have attended this debate. We are debating a very important topic, and I agree with Mrs Err that it is unfortunate that this is the last debate in this session. I want to offer particular thanks to Mr Kox for providing information on the Netherlands, and for telling us about the sad suicide incident. I point out to him that this week, the committee adopted a report on the policy on returns in the Netherlands. Hopefully, it will be debated during the January part-session.

I thank Mrs Err for highlighting the situation of those in detention, and the question of access to social rights. Both matters merit further attention. I also thank Mr Gülçiçek for sharing his experiences with us. On this topic, he is the most experienced person among us.

I ask my colleagues to support the draft resolution and the recommendation that the rapporteur included in his report. Although the European Union has sought to tackle the issue of harmonisation through the proposed directive on minimum standards of procedures in member states in granting and withdrawing refugee status, there is a danger that this will lead to a lowest common denominator approach. There is a need for an organisation with a human rights approach and a mandate such as that of the Council of Europe's, so that it can aspire to the highest possible standards.

I want to thank the rapporteur, who unfortunately could not be here. He worked hard to produce this report for this debate.

THE PRESIDENT. – Thank you.

The debate is closed.

The Committee on Migration, Refugees and Population has presented a draft resolution to which one amendment has been tabled.

I remind you that speeches on amendments are limited to 30 seconds.

We come to Amendment No.1, tabled by Mr Pedro Agramunt, on behalf of the Committee on Migration, Refugees and Population, which is, in the draft resolution, paragraph 4, second sentence, replace the words "in a draft report prepared for the European Parliament's Committee on Civil Liberties, Justice and Home Affairs" with the following words: "by the European Parliament".

I call Mr Çavuşoğlu to support Amendment No. 1.

Mr ÇAVUŞOĞLU (*Turkey*). – The proposed directive is no longer a matter for the Committee in question. The European Parliament has itself now adopted a report on this issue that is critical of the proposal, which is why the rapporteur proposed this amendment to his own report.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

That is not the case.

The committee is obviously in favour.

The vote is open.

Amendment No. 1 is adopted.

We will now proceed to vote on the whole of the draft resolution contained in Document 10655, as amended.

The vote is open.

The draft resolution in Document 10655, as amended, is adopted.

The Committee on Migration, Refugees and Population has also presented a draft recommendation to which no amendments have been tabled.

We will now proceed to vote on the whole of the draft recommendation contained in Document 10655, as amended. I remind you that a two-thirds majority is required for the adoption of a recommendation.

The vote is open.

The draft recommendation in Document 10655 is adopted.

THE PRESIDENT. – The result shows again that we have to discuss the functioning of the Assembly and the committees. We will do that in the political groups, in the Bureau and in the plenary session.

8. End of the part-session

THE PRESIDENT. – We have now come to the end of our business.

I would like to thank all members of the Assembly, particularly rapporteurs of committees, for their hard work during this part-session. I would also like to thank the staff, both permanent and temporary, and all the interpreters who have worked hard to make the part-session a success.

The first part of the 2006 session will be held from Monday 23 to Friday 27 January 2006.

I declare the fourth part of the 2005 session of the Parliamentary Assembly of the Council of Europe closed.

The sitting was closed at 1.10 p.m.

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*Amendments Nos. 1 as amended, 22, 3, 10, 12, 25, 19 and 20 adopted
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7. Accelerated asylum procedures in Council of Europe of Europe member states

Presentation by Mr Çavuşoğlu of the report of the Committee on Migration, Refugees and Population, Doc. 10655

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Amendments No. 1 adopted
Draft resolution, as amended, adopted

Draft recommendation adopted

8. End of the part-session