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**NOTE**

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from:	General Secretariat of the Council
to:	Delegations
Subject:	Summary record of the meeting of the <b>Committee on Environment, Public Health and Food Safety (ENVI)</b> in association with the IMCO and AGRI committees of the European Parliament, held in Brussels on 13 November 2012

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The meeting was chaired by Mr GROOTE (S&D, DE) and Mr HARBOUR (ECR, UK).

***Item 1 on the agenda***

**Hearing of Tonio Borg, Commissioner-designate for Health and Consumer Policy**

Mr GROOTE, chair of the ENVI Committee welcomed Mr BORG and explained the hearing procedure. The IMCO and AGRI committees were also involved to the debate.

The Commissioner-designate delivered the speech in the Annex.

More than 40 MEPs took the floor during the hearing.

***Questions from the ENVI coordinators and Members***

Mr Borg reminded Ms McAVAN (S&D, UK), who enquired about reproductive and sexual rights, that abortion was a competence of Member States (MS) and that he would abide by the Treaties in

this respect, in particular the principle of subsidiarity. He told Mr DAVIES (ALDE, UK) that he never made disparaging comments about homosexuals and recalled the importance of Article 21 of the Charter of Fundamental Rights of the EU. He reassured Ms HASSI (Greens, FI) that all programmes decided by the Commission, including those combating HIV, would be carried out. He insisted that the focus for AIDS should be put on prevention, diagnosis and cure. In this context, he acknowledged that pockets of discrimination concerning homosexuals still existed in some MS and undertook to combat them actively if approved as EU Commissioner. He made it clear to Ms ESTELA (S&D, PT) that his defence of the subsidiarity principle was not merely a legal defence to shield himself and did not mean that as a EU Commissioner he would abandon his personal convictions, but repeated that he would abide by the treaties, the principle of subsidiarity, and the collegiality of decision-taking within the Commission. With regard to the proposed Regulation on Clinical trials on medicinal products for human use, he pointed out to Ms YANNACOUDAKIS (ECR, UK) that cutting red tape would not make the provisions less safe and that an EU ethics committee would not be helpful, given the existence of national ethic committees and the need to comply with subsidiarity. He expected the legislative procedure to be concluded by the end of the Commission mandate.

Concerning the Tobacco Directive, he told Mr LIESE (EPP, DE) that this was not a closed file and said a proposal would be adopted by the Commission in January 2013, adding that this deadline had been agreed with Mr BARROSO, and that he would not weaken its content (to Mr FLORENZ, EPP-DE). He replied to Ms LIOTARD (GUE, NL) that health services were in the hands of MS, pursuant to Article 168 TFEU, but acknowledged that a cohesion policy should be put in place to address health inequalities between MS. He agreed with Ms CESKOVA (ECR, CZ) that solidarity should apply in concrete terms with regard to access to health services and that he would be in favour of supporting co-financing rates for MS whose Gross National Income (GNI) is less than 90% of the average EU GNI. This would, in his view, be a form of positive discrimination. As Mr PARGNEAUX (S&D, FR) raised the issue of the findings of the European Court of Auditors on conflicts of interest in EU Agencies, he considered that he would suggest to the Commission to adopt common rules that were applicable to all the Agencies. Concerning the two Agencies that would fall within his portfolio (the EFSA and the ECA), he regretted that they had been perceived as having conflicts of interests and announced measures to reduce such a negative perception to align it with the more positive reality. Concerning labelling of beef meat, he told Mr SCOTTA (EFD, IT) that labelling could continue, provided that it did not mislead consumers. On cloning of animals, he told Ms AUCONIE (EPP, FR) that he would push for a Commission proposal to be

adopted by June 2013. He told Mr SCHNELLDHARDT (EPP, DE) that he intended to have a proposal adopted on animal medical products in the second quarter of 2013.

#### *Questions from IMCO Committee Members*

Mr HARBOUR, chair of IMCO, took the chair.

Mr BORG agreed with Ms GEBHARDT (S&D, DE) on quotas for the less represented sex and on bank account accessibility, on the subject of which he said a proposal was due to be adopted in February 2013. He told Mr MANDERS (ALDE, NL) that he would not comment on the OLAF report that had led to Mr DALLI's resignations. He agreed with Mr SCHWAB (EPP, DE) about the importance of correctly implementing EU consumer protection law and mentioned the consumer protection centres, the alternative controversy resolution instruments and the scoreboard as useful tools for achieving the objective. In general, he considered that consumer protection should be taken into account in all EU policies (to Mr BIELAN, ECR-PL). He assured Ms TURUNEN (Greens, DK) that he would abide by Article 21 of the Charter of Fundamental Rights of the European Union for all initiatives concerning the fight against discrimination. He agreed with Mr BUSUTTIL (EPP, MT) that online commerce needed further investigation. Since the draft Tobacco Directive came under the rule of confidentiality, he could not enter into details, but considered that plain packaging could be effective, though he considered that it should not be compulsory for MS (to Mr OBERMAYR, NI-AT). As for his own conflict of interest, he reminded Mr de JONG that his only current position was that of Maltese MP and minister. He held no positions as a director of any commercial company and had no business interests of any sort.

#### *Questions from the AGRI Committee Members*

Mr BORG agreed with Mr DESS (EPP, DE) that the single market should not discriminate against EU farmers, but reminded Mr BORGHEZIO (EFD, IT) and Ms GARDINI (EPP, IT) that the EU had the tools to check compliance with the EU laws for agricultural products, though that was unfortunately not the case for other products. Concerning animal wellbeing, he said he would check the implementation of the current Directive, but would not promise to Mr LYON (ALDE, UK) that he would propose reducing the 8-hour transportation time prior to slaughter. On risk assessment by EFTA, Mr BORG replied to Mr HÄUSLING (Greens, DE) that the Agency would be asked to provide its reliable, scientific and independent advice, but that the final decision would be taken by

the Commission, albeit in accordance with the precautionary principle (to Mr NICHOLSON, ECR, UK).

*Final round and concluding remarks*

In the last round of questions, Mr BORG assured Ms LEPAGE (ALDE, FR), who raised the issue of GMO, that he would not become a slave of EFSA. He told Ms HIBNER (EPP, PL) that vaccination was necessary and considered that an appropriate legal basis for a common procurement for vaccines would help many MS to reduce their expenses compared to their past experiences.

As Mr SCHYLTER (Greens, SE) expressed doubts as to his willingness to take action on sexual reproductive health issues, given his position at the UN as Maltese Minister, Mr BORG denied having addressed the issue at the UN at any juncture in his capacity as the competent Maltese Minister.

He promised Mr SEEBER (EPP, AT) that he would use his time, as far as possible, to maintain links with the sole democratically-elected institution, stressing that he was a Parliamentarian himself. Concerning the ban on testing within the cosmetics Directive, he confirmed that it would enter into force in March 2013 and that this would force industry to find alternative ways of testing (Ms ROTH-BEHRENDT -S&D, DE). In his concluding remarks Mr BORG repeated his intention to table a proposal for the Tobacco Directive in January 2013, to secure respect for the forthcoming (March 2013) ban on animal testing and to submit a proposal on animal cloning in mid-2013. He also undertook to increase investment in law enforcement, including on the anti-discrimination provisions.

Mr GROOTE, the chair, said that Mr LEHNE, chair of the JURI Committee, had announced that the issue of Mr BORG's financial interests did not require further investigation.

Mr HARBOUR (ECR, UK), chair of the IMCO Committee, welcomed what he had viewed as a well-organised and satisfactory hearing.

At its November plenary in Strasbourg, the EP was to vote on a resolution giving the EP's opinion on the Council appointment of Mr BORG as Commissioner by common accord with the President of the Commission.

"Delivering for patients and consumers – continuity, confidence and commitment"

Chairman, Honourable Members,

It is a great honour to be here today to exchange views with Members of this House as Commissioner-designate to be responsible, if appointed, for Health and Consumer Policy.

This portfolio represents "Europe on the ground". I would also call it "the people's portfolio" since it covers practical day to day issues affecting patients and consumers.

I have been a parliamentarian for the past twenty years and a member of the Executive in Malta for the past fourteen, including as a Minister responsible for European Affairs. If appointed, I shall do my very best to use this experience to the maximum benefit of European citizens.

I pledge to make my relationship with you one of full co-operation – not only because of Parliament's decisive role in legislation, but because I believe that this is the right thing to do. I would endeavour to keep this channel open without hindrance and to be honest and frank with you; not promising you the unattainable but pledging to work to achieve as much as possible on that which can be delivered. I shall be independent and objective but above all European. I have dedicated most of my political life towards the accession of Malta to the European Union, believing and acting to uphold European values.

I am honoured to have received the support of the only two parties represented in the Maltese parliament which, may I say, in the Maltese tradition is a feat in itself.

My endeavour for the remaining two years of the current mandate would be to deliver for patients and consumers by – what I would call the "3C" - ensuring continuity, by rebuilding confidence and by giving my full commitment to completion of the tasks at hand.

I fully abide by the commitments taken by the current Commission since the start of its mandate.

Key initiatives on alternative and online-dispute resolution, cross-border health threats, clinical trials and medical devices are already in the co-decision process and we must bring their adoption safely through to fruition.

The underlying ambition must be to win public confidence – whether it is how consumer policy can contribute to building confidence in the internal market, or building confidence in the scientific basis of our policy-making.

What does all of this mean for the different policy areas?

In the area of health, my number one priority would be to rapidly present an ambitious proposal on tobacco products.

Smoking is the biggest cause of premature deaths. 95% of all smokers start smoking before they reach 25 years, and 70% even before 18.

I will deliver an ambitious proposal to revise the Tobacco Products Directive – a proposal that will provide for a functioning internal market with a high level of health protection; a proposal that will meet the aspirations of European citizens. We have the tools. I hope I can count on you to help me finish the job.

My second priority would be to improve the situation of patients in the EU by helping Member States in their efforts to adapt to the challenges of rising chronic diseases and ageing in a context of severe fiscal constraints. The Charter of Fundamental Rights guarantees everybody the right of access to healthcare.

I would support Member States in improving the efficiency of their healthcare, exploiting all existing instruments. I fully respect the primary national competence. I am convinced, however, that we have much to gain from learning and working together, and pooling resources.

Health is an investment, not only a cost. Above all it is a value in itself and not merely something supplementary or complimentary to other considerations.

Allow me now to continue briefly in my Mother tongue:

Dwar il-politika tal-konsumatur nixtieq niżguraxhom illi jekk tikkonfermawni bhala Kummissarju bi hsiebni nhares it-tradizzjoni u bhal dawk li gew qabli, nkun jien ukoll paladin tal-konsumatur. Il-principju li jiggwidani ghandu jkun li nsahhu u li nhaddmu il-qafas legali li ghandna sabiex id-drittijiet tal-konsumatur isiru realtà fis-suq uniku kollu kemm hu u sabiex l-interessi tal-konsumaturi jkunu riflessi fil-politika kollha tal-Unjoni Ewropea. Is-suq uniku ghandu jipprovdi benefiċċji lill-konsumaturi kollha. Billi nsahhu l-fiducja tal-konsumaturi fis-suq uniku nkunu qedin inreggghu lill-Unjoni Ewropea lura lejn ekonomija fsikkitha.

It-thassib ewlieni tal-konsumaturi hi s-sigurtà. Sal-bidu tas-sena d-diehla flimkien mal-ViciPresident Tajani nkun pprezentajt pakkett legizlattiv dwar is-sigurtà tal-prodotti u s-sorveljanza tas-swieq. Dan ghandu jservi biex jissimplifika r-regoli attwali u jtejjeb is-sorveljanza u l-enfurzar. Dan il-pakkett ghandu jesprimi l-fatt sempliċi li s-sigurtà m'ghandhiex tiswielna l-kompetittività. Bil-maqlub is-sigurtà hi investment fil-kompetittività billi l-UE tibqa' thares il-primat mondjali taghha fis-sigurtà tal-prodotti u s-servizzi. Jekk tikkonfermawni bhala Kummissarju, inizjattiva legizlattiva kruċjali oħra li nkun nista' nipprezenta flimkien mal-Kummissarju Barnier, hi l-inizjattiva dwar il-kontijiet tal-bank, immirata biex tiżgura li l-konsumaturi jkunu jistgħu jiksbu informazzjoni b'mod trasparenti u li effettivament jkunu jistgħu jaqilbu minn kont għal ieħor.

Chairman, Honourable Members,

In the area of food, the EU has achieved a lot. We can be proud to have one of the highest levels of food safety in the world based on very high standards of science. Science will be my guide when taking difficult decisions.

A key focus must be to correctly apply and enforce existing rules.

Yet there is always room for improvement. I shall be eager to present a package of proposals on, plant health, animal health, seeds, and food and feed expenditure for the period 2014-2020 and controls very early next year. This would simplify the rules and facilitate their effective application and enforcement.

And we have to fill the gap on cloning. My ambition would be to present a legal proposal, together with one on novel food, next year.

Finally, let me turn to animal welfare.

Animal welfare is an important European value, which I fully endorse. The Treaties refer to animals as sentient beings.

My focus would be to significantly improve the situation of animals by better application and stricter enforcement of existing laws. Determined action against Member States does bear fruit, as the case of laying hens showed. I would vigorously pursue this approach as regards the forthcoming deadline for banning sow stalls. If I am appointed, I shall make better use of existing Commission powers to ensure the implementation and enforcement of existing rules on animal transport.

Chairman, Honourable Members,

In times of economic crisis there is a tendency to reduce expenditure across the board. For me the important factor is to ensure that when budgets are cut they are cut in an intelligent manner, conscious of the need to protect the weak and the vulnerable in society.

Europe should never lose its social compass.

Health and consumer policies are areas where action at EU level has clear and tangible benefits for consumers and patients.

If I earn your trust, I can promise you I shall serve with maximum energy to the very best of my abilities, and shall seek to work closely with this House towards realising the potential of these policies for a better Europe.