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A LOOK BEHIND THE NEWS

by Ferdinando Riccardi

ENERGY: CONSIDERATIONS ON TWO POLITICALLY CONTROVERSIAL AND ECONOMICALLY SENSITIVE ASPECTS – WIND ENERGY AND SHALE GAS

Common energy policy: the eternal mirage. In the EU, difficulties and uncertainties in the energy sector are becoming more numerous. As we are well aware, a common energy policy does not exist in the Treaties—its one of the gaps in the Community construction. The European Commission is trying hard—with the help of the European Parliament—to make better use of the general Community rules, but it can't replace what isn't there. It can be understood why Jacques Delors recommended a specific treaty which would give birth to a European Energy Community. But this is certainly not for tomorrow.

In the current situation, every member state has vast freedom of action. For example, Germany's sudden decision to renounce nuclear energy was learnt through the press — both by the other EU member states and by the Commission too. The national policies of member states respond to a few common rules, but they are in fact very largely autonomous. Long term European objectives have been established but each member state pursues them as it pleases.

As far as relations with third countries are concerned, they almost totally escape the competence of the EU. Each member state in practice has its own policy — sometimes it's businesses that define and manage the agreements with the third country suppliers; and we know that the import still covers the main part of European needs. Gunther Oettinger, the commissioner for energy, is trying hard to bring it about that national agreements with third countries respect the general Community rules, as much when they are concluded between governments as directly by businesses — but without much success.

For the moment, the current energy affairs are dominated by two files – that on shale gas and that on wind energy. They lie at the centre of member states' concerns. Let me attempt to take stock.

Wind energy: advantages and difficulties. As a gift of nature being able to replace nuclear energy and reduce imports of oil, wind energy is encouraged everywhere and it benefits from specific subsidies – which are even excessive in a few cases, or very harmful to nature. The number of candidates for subsidies has grown greatly leading to effects that are partly contested.

Let me give an example relating to the protection of nature. The authorities in the Italian region of Abruzzo have reacted against a wind power project comprising a set of generators that are 150 metres tall in an area where a species of bear and rare species of birds have lived for years — an area which is protected at European level. Another project is situated in a natural park which is considered untouchable.

The second problem with wind turbines concerns the obvious fact that wind can be neither permanent nor regular – which demands the parallel availability of alternative energy sources. The situations vary from one country to another. Germany – which as has already been said decided to renounce nuclear energy without informing the other member states or Community institutions beforehand – has no problem with regard to wind energy, which is in practice far from the coast where wind turbines are situated. However, the transport of the energy coming from sea wind to the industrial areas requires ad hoc installations as well as large-scale investment.

Technical or natural obstacles can provoke economic dramas. The Danish company Vestas – the main global manufacturer of wind turbines – is apparently on the verge of bankruptcy, and other producers – particularly in France and Spain – are meeting with serious difficulties because they had greatly increased their production capacity. A British wind turbine manufacturer has totally stopped its production.

The economic difficulties are accompanied by political differences. The Fédération environnement durable (FED) affirms that the wind industry – in France as elsewhere – is living on public subsidies, preferential tariffs and administrative protection. It is thus in the charge of public authorities. According to the FED, most public investment in this area in France has apparently been made at pure loss. Secret financial channels and even the penetration of Mafioso organisations have been talked about! The FED has called for an economic and fiscal audit entrusted to independent organisations. In a sentence, the situation is that sun and wind cannot be programmed.

Of course, the events cited above do not remove the need to reduce CO_2 emissions. Commissioner Oettinger is calling for binding objectives for renewable energy for the EU by 2030. Yet the absence of a

European energy policy makes the establishment of obligatory objectives – that should be imposed on all member states – difficult.

Shale gas: between differences of principle and environmental uncertainties. The second spectacular divergence in the EU (and at the same time internationally because it involves the United States) concerns shale gas and the oil from tar sands — and this is even more controversial. This column has already reported (see EUROPE 10730) on the conflicting positions between those who think that the EU is blessed by the gods because of its reserves of shale gas, and those who consider that, on the contrary, these reserves are an illusion or cheating. In any case several decades will be needed for the godly reserves to be transformed into usable energy, and thus to know whether the exploitation is real or illusory.

What is already certain is that to obtain a reply to this reality or illusion question, colossal investments will be needed that will change nothing in Europe's energy supply in the near future – even in the next decades. The member states concerned will have to confront their energy needs differently for the near future, while at the same time enriching the man who has obtained the rights to exploitation and to the studies that will precede the hypothetical rights of exploitation for shale gas. And they will have to take the consequences into account – which daily become more obvious – of is what is involved in the simple exploration of the territories where shale theoretically exists.

It is true that it is good to be daring, and that in energy domain we need the ability and the courage to look down the line. Yet this should be done taking account of all the aspects.

The European Parliament is looking for balance. Within the European Parliament debate is lively and the division between the pros and the cons for shale gas is, as a rule, radical. Three hours of lively debate took place on 20 November (see EUROPE 10734), and they ended up with compromise formulas based on the precautionary principle with a shared priority—defending the environment, while stressing that shale gas is to be considered as an industrial challenge and not necessarily as a threat (see EUROPE 10735).

As far as the European Commission is concerned, in the same debate the commissioner for the environment, Janez Potocnik, said that the degree of acceptance for shale gas should be assessed from the environmental point of view — in other words especially the consumption of water and the respect for nature. And he stated that the Commission will bring forward a communication next year that will indicate its position and its intentions for managing the risks, plugging the legislative loophole and bringing clarity. A tough job.

American perplexities? Let me stress that for the repercussion/clarity aspects, perplexities have arisen in the United States. By the title of Gasland, a film has been distributed that describes in a totally negative way the state of a place in the countryside where the underground search for shale gas has already started—everything has been destroyed, nature has been violated, and the description is staggering. It is important to be aware that the economic and political stakes are so colossal for the American energy future (including autonomy and radically reduced energy prices) that similar reactions going in both directions should be expected—both for and against shale gas. We have already been treated to a title in one newspaper that took up a whole page and said: "The Saudi America era is beginning: first global producer of gas in 2015, and of gas and oil in 2020".

It can definitely be noted that in the domain of shale gas, Europe is not really party. Each member state is in the middle of defining it national policy. France took an officially negative position at first—on 15 September, the president of the republic affirmed that he would certainly not return to the position of his predecessor, and he forbade the use of a technology bearing risks for the environment. But currently a national debate on energy has just started, and the person in charge of this—Laurence Tubiana—has said: "Enough ideological posturing", all the participants will express themselves freely. In the whole EU uncertainties and question marks persist. Things must be clarified before decisions are taken.

The essential part is elsewhere. Yet the two areas that were talked about yesterday—renewable energy and shale gas—don't necessarily represent the most significant aspects of the energy policy, and this must especially be taken into consideration. Energy savings, the effective control of consumption, the correction of wastage and other similar efforts are much more important in Europe. And positive signs exist—progress in certain areas has been achieved despite the lack of a Community energy policy. This column will come back on the overview.

(FR/transl.fl)

ECONOMY - FINANCE - BUSINESS

(AE) ECOFIN: MINISTERS WILL TRY TO REACH AGREEMENT ON BANK SUPERVISION

Brussels, 30/11/2012 (Agence Europe) — If they are to meet the deadline set by the European Summit, EU27 finance ministers will have to reach agreement in principle on 4 December on the legislation introducing a eurozone bank supervision system under the aegis of the ECB, but the outcome of the negotiations is uncertain, although agreement on the legislation known as the two-pack to fine-tune the Stability and Growth Pact is more likely. The CRD IV package of draft new rules to boost bank capital requirements will need further rounds of negotiation with the European Parliament after the 4 December ECOFIN Council meeting.

A European source close to the banks supervision package says a compromise is on the table, but what is needed is political will. The finance ministers will be asked to endorse the procedure mooted by the Cypriot Presidency to make it possible to hive off monetary supervision from budget surveillance at the ECB without having to change the EU treaties (see EUROPE 10734). Under the compromise on the negotiating table, the Supervisory Committee (to be set up) would include both euro and non-euro countries which want to participate in the bank supervision system, preparing decisions which would be deemed to be adopted unless the ECB Governing Council, the ultimate decision-making body (but which non-euro members cannot have a seat) rejects the decision within a fortnight (the "silent procedure"). If the Governing Council objects, then countries not in the euro would have the right to withdraw. The source says that this idea gives non-euro countries like Sweden everything they've been asking for. Germany is reported to approve of the idea of changing the treaty to ensure better, fairer, treatment of euro and non-euro countries. The European Parliament has no codecision powers for this, but wants a procedure that would give the Supervisory Committee the duty to amend its decision so that it can be endorsed by the Governing Council (see EUROPE 10741).

The buck for the bank supervision system will stop with the ECB in order to avoid setting up a two-tier system that would necessarily impact on how markets perceive the solidity of banks not included in the system, but the supervisory work will be split between the ECB and national supervisory bodies. The vast majority of countries is said to favour the monitoring of small, local banks (like the German Sparkassen) to remain at national level. There is the question of whether risk and bank size criteria are needed to decide which banks would be monitored nationally. France stresses the importance of respecting the internal market and says that banks monitored solely at national level must not do business outside that country's borders.

Another question to be settled is voting rights at the European Bank Authority (EBA). Member states recognise the need to change voting rights to appease the United Kingdom. The City of London, Europe's biggest financial marketplace, will not be covered by the EBA and it refuses to be bound any longer by decisions arising from the ECB as European supervisor with a seat at the EBA. The idea of granting London the right to veto technical standards in the making has been rejected.

"Two-pack." All technical problems surrounding boosting of the Stability and Growth Pact have now been settled and all that remains to be done is finding agreement at the Council of Ministers on the wording of a reference to pooling of sovereign debt in order to boost economic and monetary union (as demanded by the European Parliament).

CRD IV. Several questions remain to be settled in the tricky matter of boosting bank capital requirements (see EUROPE 10730), the most major issue being bank bonuses. All member states apart form the United Kingdom understand the need to move towards the Parliament view that bonuses must never be higher than fixed salary. Other outstanding issues include the legal wording of the measure to allow member states to set higher capital requirements than those laid down in EU rules; liquidity ratios and the powers to be granted to the EBA.

The MiFID package (amending market instrument rules) has been taken off the agenda.

Taxation. Two tax questions are on the ECOFIN Council's agenda: - the energy products and electricity directive, making the tax more compliant with EU objectives for energy and tackling climate change; - the directive introducing a rapid reaction mechanism to tackle carrousel VAT fraud (see EUROPE 10667). When countries discover sudden, widescale fraud in any area, the mechanism will enable the Commission to allow the country, within one month, to apply immediate anti-fraud measures without abiding by the VAT Directive. Under the current system, such measures require a unanimous vote from the Council of Ministers. The United Kingdom and Germany are not happy about giving these powers to the European Commission. (MB and FG/transl.fl)

(AE) EUROGROUP: GREEK AND CYPRIOT BAILOUTS TO BE DISCUSSED

Brussels, 30/11/2012 (Agence Europe) – Eurozone finance ministers will be able to relax a little at their Eurogroup meeting on Monday 3 December after three tense meetings into the early hours of the morning over the past fortnight on the second Greek bailout. Attention on Monday will focus on the bailout of Cyprus.

The Cypriot problem is sustainability of the country's public debt, particularly after the country gets conditional financial aid from the troika (the European Commission, the European Central Bank and the IMF). In the Commission's Autumn Economic Forecasts, Cyprus' debt will reach 89.7% of GDP this year and 96.7% in 2013. Figures circulating in the press suggest that financial aid of some €17 billion (100% of Cypriot GDP) will be required over a three-year period, which would raise the country's debt to 200% of GDP, which the IMF says is unsustainable. Hence the current talks on restructuring the Cypriot debt. A European source admitted that given the scale of the sums involved, there are differing views of the situation. A high-ranking European official added that the deterioration of the sustainability of Cypriot debt was a highly important aspect of the problem and the size of the aid programme would critically depend on the bank audit, which is being carried out by the PIMCO company and is expected to be unveiled at the end of next week. Progress on Cyprus will be reasonably rapid, he said, but not immediate and political agreement is not expected on Monday.

Greece. The ministers will be briefed on the conditions and timing of the buyback of Greek bonds still in private hands. The Council of Ministers refuses to comment on what exactly would be viewed as a successful buyback, wanting to keep hands free for further action in the event of failing to bring Greek debt back to a sustainable path as defined by the last Eurogroup meeting, namely 190% of GDP in 2014, 175% in 2016, 124% in 2020 and 110% in 2022). The final deadline for formally deciding to disburse the latest aid instalment (some €44 billion) has been set for Thursday 13 December, the first day of the European Summit.

A related question to be settled is the granting to Ireland and Portugal of the interest rate reduction in existing loans that has been granted to Greece. The European source says there is no reason to believe that this will be granted because while they are in receipt of aid, Ireland and Portugal have been allowed to keep profits on Greek bonds held by their central banks.

On Friday 30 November, the Bundestag gave the go-ahead for the payment of the new instalment of aid. With support from the Social Democrat opposition and the Greens, the German government won a comfortable majority although Chancellor Angela Merkel did not get an absolute majority with votes from the parties in the coalition government.

Spain. The European Commission will brief Eurogroup about the current recapitalisation of the nationalised Spanish banks (BFA/Bankia, NCG Banco, Catalunya Banc and Banco de Valencia). There are no political obstacles and the aid from the European Stability Mechansim (ESM) for the Spanish bank bailout fund FROB will take place in the next few days. (MB/transl.fl)

(AE) COMPETITION: 30/11/2012 (Agence Europe) – Mergers: PAI/Marcolin. On 30 November, the European Commission authorised the acquisition by French private equity company PAI of sole control of Marcolin, the parent company of the Marcolin Group, which operates in Italy and abroad in the manufacturing and wholesale distribution of spectacle frames and sunglasses. PAI manages and advises dedicated private equity funds, investing in the acquisition of medium to large-sized companies, headquartered or managed in Europe, which operate in different industry sectors. The operation was examined under the simplified merger review procedure. (FG/transl.fl)

(AE) COMPETITION: 30/11/2012 (Agence Europe) – Mergers: Ixetic-Magna. On 29 November, the European Commission cleared the acquisition of German automotive supplier Ixetic Verwaltungs GmbH of Germany by Magna International Inc of Canada, also a supplier to the automotive industry. The Commission's investigation confirmed that the merged entity, notified on 23 October, would continue to face competition from a number of strong competitors and that customers would still have sufficient alternative suppliers in all markets concerned. The investigation focussed on the sales market for vacuum pumps for braking systems and oil transmission pumps for engines, where the two parties' sales overlap. (FG/transl.fl)

(AE) COMPETITION: 30/11/2012 (Agence Europe) – Mergers: Bain Capital/Atento. On 29 November, the European Commission cleared the acquisition of Spanish call centre company Atento Inversiones Teleservicios Y ('Atento'), a subsidiary of Telefónica and a market leader in Latin America, by US equity company Bain Capital. The two companies do not overlap or cover different industries so the Commission says the deal will not cause any competition problems. The merger was examined using the simplified merger authorisation procedure. (FG/transl.fl)

INSTITUTIONNAL

(AE) BUDGET: SCHULZ LAST MINUTE ABOUT-FACE ON 2013 BUDGET

Brussels, 30/11/2012 (Agence Europe) - Though the makings of an agreement on the 2013 budget and the amending budget for 2012 were there in the afternoon of Thursday 29 November (see EUROPE 10741), the European Parliament was unable to bring matters to fruition the following day, Friday 30. Coreper, however, was ready to give its go-ahead. Uncertainty again reigns over prospects for an agreement on the 2013 budget as this edition goes to press on Friday. In the afternoon of 30 November, European Parliament President Martin Schulz created confusion in announcing that "there can be no talk of an agreement on the EU budget 2013 at this stage" on the basis of the compromise discussed the previous day. After discussions with the chairman of the Parliamentary budgets committee, Alain Lamassoure (EPP, France) and consultation of the political groups, he said that "the guarantees that Parliament demanded from the member states are still missing. Therefore, no majority in the EP for the draft compromise discussed yesterday can be expected for now". The outline of a draft package on these budgets resulting from tripartite talks had initially been confirmed in the afternoon of Thursday 29, both by the Cypriot Presidency of the Council of Ministers and the Commission, as well as the Parliament. However, in the evening of the same day, Parliament back-pedalled, announcing that talks were scheduled to continue. It had been expected, nonetheless, that the meeting of the Parliamentary coordinators would approve the agreement, ahead of adoption in committee on Monday. Sources in the Parliament said that, at this stage, the draft compromise must be seen as having been neither rejected nor adopted, as the objectives set by the Parliament had not been achieved. The decision is expected finally to be taken on Tuesday 4 December. At the Commission, too, uncertainty reigned on how to react to this turnaround. Coreper, meeting on Friday also, to finalise matters, was ready to approve the draft agreement, confirmed the spokesman for the Cypriot Presidency Nikos Christodoulides in the late afternoon on Twitter. (MD/transl.fl)

(AE) PRESIDENCY: IRELAND TO PUT EMPHASIS ON ECONOMY

Brussels, 30/11/2013 (Agence Europe) – Ireland's Permanent Representative to the EU, Rory Montgomery, set out some of the priorities on Friday 30 November that his country will pursue when it takes over the rotating presidency of the EU Council of Ministers from 1 January to 30 June 2013. For Ireland's seventh presidency, and with the 40th anniversary of its accession looming, the Irish programme is a very full one, covering economic recovery, stability, and growth and jobs. Emphasising that the priorities of the EU were also those of his country, Montgomery highlighted, in particular, the banking union, foreign trade, data protection and the fisheries and agricultural policies. One of the Presidency's major tasks, however, will be the Multiannual Financial Framework 2014-2020, on which the ambassador expects an agreement among the states in February or March, thereafter to be approved by the European Parliament. At a European Policy Centre (EPC) conference, Montgomery said that the banking union was vital for the EU and for the stability of the eurozone. He opined that progress will have been made on supervision rules between now and the start of the Irish Presidency, with his country being responsible for coordinating implementation. He stated that the Presidency would work on the MiFID and on the financial transactions tax, even though Ireland is not part of the enhanced cooperation.

Ireland wants, too, be involved in the growth and jobs agenda, which is to be reviewed at the March European Council. "Youth employment is a priority for us", Montgomery said, with large numbers of young Irish people leaving their island in search of work elsewhere in Europe or in the rest of the world. Development of the single market — with e-signature and the markets — will also be taken on. "Ireland is a small country which is critically dependent on the single market", said the permanent representative. Modernisation of data protection rules, which date from 1995 and the very start of the internet, and also cyber-security are at the heart of the priorities of a country where are based the headquarters of, among others, Google and Facebook.

As a country very open to the outside, Ireland also wants to develop foreign trade, in particular with the United States. An informal Council will be devoted to foreign trade in April and the June Council will also discuss this matter. Montgomery hopes that, during the Irish presidency, a mandate will be adopted for opening negotiations on a free-trade agreement with the United States.

He also gave great emphasis to Europe 2020 and the Connecting Europe Facility, and the creation of a single energy market. He hopes, too, that the review of asylum policy will be concluded under the Irish presidency and that progress will be made in the area of justice, freedom and security; even though Ireland is not taking part in all the measures. Montgomery also spoke of enlargement. Stating that he was awaiting the outcome of the European Council of 13-14 December which will debate this issue, he underlined the need to resume the contacts with Turkey, on hold during the Cypriot presidency which Ankara refused to recognise. The EU, he said, has a crucial relationship with Turkey. He indicated his hope for a positive signal from member states at the European Council. (CG/transl.fl)

SOCIAL AFFAIRS

(AE) SOCIAL: FRESH DEBATE ON POSTED WORKERS BUT NO AGREEMENT IN SIGHT

Brussels, 30/11/2012 (Agence Europe) – The Cypriot Presidency of the EU Council of Ministers will try one last time at the meeting of labour and social affairs ministers in Brussels on Thursday 6 and Friday 7 November to inject fresh impetus into the debate on the issue of posted workers. However, as the informal Council of April made clear (see EUROPE 10603), the member states are divided on two technical points in the European Commission's proposal (March 2012): the question of national monitoring measures of firms which use posted workers and the principle of joint and several liability (which affords the opportunity to sue the sub-contractor and the main employer) in the event of infringement.

Context. Posted workers form 0.4% of the work force within the EU. As the Presidency points out, even though a directive has been in existence since 1996 to regulate this kind of temporary employment, "in practice, the existing rules on posted workers are often incorrectly applied or nor enforced in the host member state". At the same time, abuses are frequent, such as "letter-box companies", "just to benefit from more favourable social security obligations or lower levels of labour protection".

Bones of contention. The Commission's proposal seeking to strengthen the existing directive (96/71/EC) was welcomed by most member states, which are aware of the need to enhance administrative cooperation, systems for exchanging information and to redefine what a posted worker actually is. Some ongoing progress has been achieved over the last months, but the Council is coming up against two problems (articles 9 and 12). Member states have been unable to come to agreement on the need for a definitive list setting out the administrative control measures that can be carried out by national labour inspection agencies, as the Commission has proposed, rather than an open-ended list that can be added to by states. The second area of discord relates to provisions on joint and several liability. This is a point which adds "significant value" to revision of the directive, according to both the Commission and the Council, but the difficulty lies in the fact that this principle does not exist in all member states and some ministers are reluctant to see it brought in.

Next debate in Council. The Presidency is proposing to organise next week's debate around three questions. Firstly, what measures of administrative control do the member states deem fundamental or is there a way out of the present impasse on the type of list to be employed? Secondly, are ministers ready to accept the "gradual and/or voluntary introduction" of the principle of joint and several liability? And thirdly, if there continues to be no progress on this principle, should it be replaced with the less onerous notion of due diligence on the part of companies?

European Globalisation Adjustment Fund. After the debate on posted workers, ministers will broach the thorny issue of the future of the European Globalisation Adjustment Fund (EGF) in the next multiannual financial framework. Here, no progress is possible. As the Presidency acknowledges, "a noteworthy number of member states continues, as a matter of principle, to be opposed to the continuation of the EGF". One of the ways out mentioned by some delegations is to transfer the areas of responsibility of the EGF to the European Social Fund. However, alongside those opposed in principle, the other member states remain divided on more concrete issues, such as whether or not farmers, the self-employed and part-time workers should be included and the level of joint EGF funding (from 50% to 65%). (JK/transl.fl)

(AE) SOCIAL: SEVERAL IDEAS FOR DEALING WITH ENERGY INSECURITY

Brussels, 30/11/2012 (Agence Europe) - While the exact number of people affected by energy insecurity is very difficult to establish, with estimates ranging from 50 million to 125 million in Europe, it is easier to determine who is directly affected. The most fragile sections of the population, such as the elderly, low wage earners or the unemployed, form the majority of those at risk. Today they are faced with regular increases in gas and electricity prices and a general increase in the risk of poverty.

To try to address energy insecurity, the European Local Action & Social Inclusion Network (ELISAN) has brought forward a list of the measures that should be adopted by the EU. The list was presented after a European Economic and Social Committee conference on Tuesday 27 November. To ensure access to what is seen by the network as a key necessity, the EU must: adopt a definition and indicators of exactly what constitutes energy insecurity common to all member states; adopt cross-cutting policies for tackling the problem (energy, employment, housing); allow local government to make use of support from cohesion policy between 2014 and 2020; foster innovation and encourage the exchange of best practice; bring forward a European framework of minimum standards for ensuring energy efficiency, when 60% of housing in the EU has been built with no insulation or heating norms. (JK/transl.fl)

SECTORAL POLICIES

(AE) ENERGY: ENERGY COUNCIL TO SET OUT AREAS OF ACTION FOR RENEWABLES

Brussels, 30/11/2012 (Agence Europe) – In addition to the follow-up of the first European Council on energy at the beginning of 2011, the Energy Council will be repositioning itself on the future development of renewable energy sources.

Common energy policy. European energy ministers will be meeting up under the presidency of their Cypriot counterpart, Neoklis Sylikiotis. They will assess the progress made in the work since the Energy Council of February 2011 (EUROPE 10309). The presidency is updating the document submitted to the Energy Council 23 November 2011, which focuses on six areas of action for which the deadlines and priorities have been set out: energy efficiency; renewables; the internal energy market; infrastructure; external relations; and nuclear power.

Internal market. The Commission will present its communication on the functioning of the internal market, adopted on 15 November. This urges member states to make a concerted effort to implement the third liberalisation package and reduce their respective state intervention, which is causing market distortions (see EUROPE 10731).

Renewables. The Council will adopt conclusions on the basis of the communication presented in June by the Commission. This provides orientations on support for green energies by 2020 and after (see EUROPE 10628). Ministers' conclusions defining future areas of action focus on: the opening up of the internal electricity market, integration of renewable energies into the networks, innovative technologies and sustainability, cooperation and trade, and the post-2020 strategic framework.

Offshore activities. The Presidency and the Commission will inform the Council about the progress made in the work on the draft regulation on ensuring security for oil and gas activities at sea. The first trilogue with the European Parliament took place on 29 November (see EUROPE 10707). (EH/transl.fl)

(AE) JHA: COMMISSION REPORT ON CRIME PREVENTION

Brussels, 30/11/2012 (Agence Europe) - On 30 November, the Commission published a report on the activities of the European Crime Prevention Network (EUCPN), set up in 2001, following the decision of the Council. The network was further strengthened in 2009 and, according to a Commission press release, the latter "evaluates the efforts of the network to enhance safety and security for European citizens". The report reviews the initiatives taken by member states to take knives off our streets, address cyber-bullying and foster early detection of addictions. According to the Commission, the EUCPN has been performing well over the last two and a half years but there is room for further improvements. For instance, the EUCPN should, "target its products (thematic papers, reports, studies etc) more at what people working with crime prevention need, e.g. by producing documentation on good practices for practitioners at a regional and local level". The Commission report also recommends that the EUCPN build closer relationships with EUROSTAT (to introduce better statistical information at EU level), the European Police College, CEPOL (to reach practitioners at the local level), and the European Police Office, EUROPOL (to identify future challenges and priorities in fighting organized crime). In most EU countries, crime levels have been decreasing for about ten years. According to the press release, however, from 2006 to 2009, there was an increase in domestic burglary and drug trafficking. At the same time, recorded numbers of theft of motor vehicles, violent crime and robbery "fell substantially". (SP/trans/fl)

(AE) JHA: EUROPEAN "SCHENGEN" AGENCY TO BECOME OPERATIONAL ON 1 DECEMBER

Brussels, 30/11/2012 (Agence Europe) – The new European agency focusing on the Schengen area and internal affairs will begin its activities on 1 December in Tallinn, Estonia. This agency will be responsible for managing the Schengen Information System (SIS I and SIS II), the Visa Information System (VIS), the Eurodac system (database containing asylum seekers' fingerprints) and other information technology systems in the Schengen area. It will ensure that these large-scale information systems are operational 24 hours a day. The agency's headquarters will be based in Tallinn, but tasks relating to technical development and operational management preparations will be overseen in Strasbourg and Sankt Johann im Pongau, Austria. (SP/trans/fl)

(AE) ENVIRONMENT: MONITORING OF PHARMACEUTICAL PRODUCTS IN WATER SOUGHT

Brussels, 30/11/2012 (Agence Europe) – The European Parliament's environment committee, chaired by Matthias Groote (S&D, Germany), said that certain pharmaceutical products are sufficiently hazardous to warrant immediate monitoring of their presence in water. On Wednesday 28 November in Brussels, he also requested that three pharmaceutical substances – 17 alpha-ethinylestradiol, 17beta-estradiol and Diclofenac – be added to the priority risk list of those to be monitored and controlled in EU surface waters. MEPs also endorsed a proposed "watch list" of 25 other chemicals that could pose a threat to surface waters. They voted in favour of the project by a large majority (43 votes in favour, seven against, with eight abstentions) to re-examine the list of priority substances for water in view of obtaining an acceptable chemical balance in surface waters.

The three pharmaceutical products were among 15 chemicals that MEPs added to the priority risk list of those to be monitored and controlled in EU surface waters. However, Environmental Quality Standards (EQS), which lay down chemical concentration limits in water (directive 2008/105/EC), will only be set for the pharmaceuticals during the next review by the Commission, when the extent of the problem is better known.

The "watch list" of no more than 25 substances will be monitored for at least 12 months by the member states. They will have to use several monitoring stations, depending on their surface area and population, and report their results periodically. The watch list's validity is limited to 4 years.

The rapporteur explained that "the watch list mechanism is an effective way to break the existing conundrum between the necessity of monitoring substances in order to regulate them, and the necessity of regulating substances in order to monitor them".

Members of the parliamentary committee inserted a new article to ensure the mutual consistency of various EU laws on chemicals (Water Framework Directive, REACH, pesticides, biocides, etc). They also included an amendment requiring member states to make public the measures that they take to prevent surface water pollution, in particular via a single website. The list is updated every four years. (AN/transl.fl)

(AE) ENVIRONMENT: EEB REGRETS EAP'S LACK OF CONCRETE TARGETS

Brussels, 30/11/2012 (Agence Europe) – The long-awaited 7th European Action Programme presented on Wednesday 29 November by the European Commission (see EUROPE 10741) received a mixed response from environmental NGOs gathering at the European Environment Bureau (EEB).

The EEB welcomed the fact that a successor had finally been found to the 6th EAP, which expired in July. The EEB welcomes the Commission's ambition to develop the EU's policies in recognition of planetary boundaries and considers that the Commission proposal contains many of the key principles that should inform the EU's future environmental policy. However, the EEB is concerned about the lack of specific targets and clear commitments to further binding measures to address the problems. It is particularly concerned because the Environment Council and European Parliament had explicitly requested detailed targets and details about the work, which would have given them greater punching power in the negotiations on the 2014-2020 budget.

The EEB, however, considers it encouraging that the Commission had identified non-sustainable production and consumption as the key challenge because this goes together with tackling a plethora of environmental problems including toxic pollution, decreased biodiversity and climate change.

Jeremy Wates, EEB Secretary General, said, "The costs of maintaining Europe's excessive consumption through our use and abuse of nature's resources have become prohibitively high – both for the economy and for the environment. The 7th EAP can and must provide a way forward out of the economic crisis which is environmentally sustainable. The Commission's proposal takes us part of the way there but leaves many elements to be decided later." (AN/trans/fl)

(AE) ENVIRONMENT: SIX EMAS AWARDS FOR INNOVATIVE WATER MANAGEMENT

Brussels, 30/11/2012 (Agence Europe) — On 29 November in Brussels, during an awards ceremony organised by the European Commission, the names of the six organisations that won this year's European Eco-Management and Audit Scheme "EMAS Awards" were announced. The awards are made for excellence in respecting and safeguarding the environment, and in applying innovative solutions to improve their water management. The theme of the 2012 Awards is "Water Management, including Water Efficiency and Water Quality".

Environment Commissioner Janez Potocnik congratulated the prize-winners, which are as follows: For the private sector: - winner in the micro-organisation category: Abwasserverband Anzbach Laabental (Austria); winner for small organisations: Riechey Freizeitanlagen GmbH & Co. KG (Germany); winner for medium-sized organisations: Neumarkter Lammsbräu Gebr. Ehrnsperger e. K. (Germany); winner for large organisations: Lafarge Cement (UK).

For the public-sector: - winner in small organisations category: Comune di Tavarnelle Val di Pesa (Tuscany, Italy); winner for large organisations: Bristol City Council (UK).

This year there were 27 organisations from 14 European countries in the running. Prize-winners were chosen by a jury of experts, chaired by Jacqueline McGlade, the executive director of the European Environment Agency (EEA). The prize-winning ceremony took place in Brussels.

The European Eco-Management and Audit Scheme (EMAS) is a management tool for organisations aiming to improve their environmental and financial performance and communicate their environmental achievements. It helps organisations participating in this system on a voluntary basis (according to the terms of the European regulation 1221/2009) to enhance performance, credibility and transparency in their activities. Since 2005, the European Commission has awarded an annual prize in recognition of outstanding achievements by EMAS participants in a specific environmental management field. (AN/transl.fl)

(AE) REGIONS: BARROSO AND COR SHARE FEARS ON 2014-2020 FINANCIAL FRAMEWORK

Brussels, 30/11/2012 (Agence Europe) – European Commission President José Manuel Barroso shares the Committee of the Regions' (CoR) fears about the repercussions of not obtaining an agreement on the 2014-2020 Multiannual Financial Framework (MFF). He discussed this matter with members of the CoR at the opening session of the plenary meeting. CoR members also provided Barroso with their comments regarding his next and final work programme for next year.

The failure of the negotiations on the MFF last week and the calendar for the next round of negotiations were at the centre of the discussions between representatives from the local authorities and Barroso. CoR President Ramón Luis Valcárcel pointed out that, "no one can consider it positive if deadlines are not met and we work on the basis of a temporary budget, which would block any plans for new instruments, which are crucial for the cities and regions engaged in supporting economic recovery". Barroso also clearly affirmed that he did not support the idea that, "without an agreement, everything can continue on an annual basis". He is therefore determined to continue negotiations with Herman Van Rompuy, according to the mandate they have been given to obtain an agreement and stated "we are looking at February but we don't have any exact date. This should be at the beginning of 2013, so that we are able to continue with the legislative work on structural programmes and guarantee their entry into force in 2014".

The vice president of the Committee of the Regions, Mercedes Bresso, who is also the author of the report on the MFF (opinion adopted during the plenary), does not view these delays positively. "Although two thirds of public investment are made by the local and regional authorities and in the majority of cases local and regional investments are underpinned by the European budget, it is clear that we are in danger of paralysing the innovative, greening and reorganising processes of our economy". The president of the European People's Party at the CoR, Michael Schneider, summed up the situation, "the later we have an agreement on the MFF, the harder it will be to guarantee the continuity of investment".

The other political leaders also returned to the question of the Commission's work programme for 2013, presented by Barroso. Speaking on behalf of the socialists, Holger Poppenhäger, regretted the absence of a socially ambitious chapter and suggested introducing a social investment package. The Liberals would have liked to have seen greater efforts made in the energy field. (MD/transl.fl)

(AE) REGIONS: PLANNED CITIZENS' INITIATIVE FOR THE RIGHT TO SELF-DETERMINATION

Brussels, 30/11/2012 (Agence Europe) – Social movements from Catalonia, Flanders, the Basque Country and Scotland are pushing for the right to self-determination. On Friday 30 November, the European Partnership for Independence (EPI) presented in Brussels its intention to introduce a citizens' initiative for the right to self-determination to be recognised at European level. Catalan, Flemish, Basque and Scottish social movements are behind this working group and this step. They hope to gather a million signatures to be able to realise this initiative.

The EPI spokesperson for Catalonia, Anna Arque, explains: "Here in Catalonia we believe that the right to self-determination is a fundamental one and as members of the European family one which must be accorded to citizens of the EU regardless of member states' reluctance to acknowledge this right". Her Scottish counterpart, Chris White, states: "Whilst the EU has achieved much, many now believe it has reached a crossroads where the democratic deficit within its institutions is threatening any continued success. It's time the institutions of Europe sat up and listened to its people before it is too late." (MD/transl.fl)

(AE) TRANSPORT: PILOTS DETERMINED TO FIGHT TO LIMIT FLIGHT TIME

Brussels, 30/11/2012 (Agence Europe) – Action will be taken in European airports in January to attract the attention of passengers and the political world to the dangers of pilot and crew tiredness. The European Cockpit Association (ECA) and the European Transport Workers' Federation (ETF) are not letting up on the pressure for the rules proposed by the European Aviation Safety Agency (EASA) on flight limitations to be tightened (see EUROPE 10700).

Action in sight. ECA and ETF believe that the tabled proposals disregard scientific considerations on the dangers of tiredness for aviation safety—to the advantage of financial interests. While the proposals are now in the hands of the Commission—which does not seem inclined to improve them—pilots and unions are preparing to conduct wide-scale action on 22 January. The action of the pilots and crew is due to take place in several large European airports, ECA assures, in order to raise public awareness of the risks that tiredness would have on the safety of air passengers if the new rules come into force in their present state. "I can't say if there will be disruptions or strikes, but many of our members are unhappy and upset by the tabled proposals. All pilots and crew will share their feelings on this", said the head of ECA, Nico Voorbach, who is himself a pilot. Eight thousand signatures of support have already been collected. In the view of François Ballestero, the ETF political secretary, "no progress has been recorded to reply to the concerns of the crew regarding their safety—this must change". Both men regret all the more that the proposal does not even allow the member states to preserve the more stringent national systems that are already in place.

Timetable. The Commission is currently proceeding with an interservice consultation of the future rules, with the formal procedure due to begin at the start of next year. According to the comitology procedure, the relevant committee – composed of representatives from the Commission and member states – will meet in February and March 2013. The Parliament will be exclusively authorised – within three months – to back or reject the tabled proposal. However, it will not be able to amend it. It is therefore by next summer that the pilots will definitely know their fate. If the proposal gets through comitology, the member states will still have two years to transpose the new legislation.

(AE) WOMEN: WOMEN AND UNIONS DEPLORE TWO YEAR DELAY ON MATERNITY DIRECTIVE

Brussels, 30/11/2012 (Agence Europe) – The European Women's Lobby (EWL) and European unions want to reinvigorate the file on the revision of the Pregnant Workers' Directive (92/85/EEC), which has lain dormant at the Council for the last two years and which focuses on the very controversial issue of paid maternity leave. Indeed, since its adoption in first reading at the European Parliament, the Council has never followed up this proposal. The refusal to adopt a strong directive on maternity is sending a negative message to society, EWL and the European Trade Union Confederation (ETUC) say to the heads of state and government in a letter on 27 November. The associations call for the next EPSCO Council on 7 December to put the revision of the Pregnant Workers' Directive back on the agenda and to reach an agreement on this proposal (see other article).

The reason for the blockage lies mainly in the possibility of introducing full salary payment during maternity leave. EWL and the ETUC give assurances that this payment at 100% would allow mothers to continue paying taxes and their social security contributions – thus serving the interests of the public budget. The revision of the Pregnant Workers' Directive should also protect pregnant women from being made redundant for at least 6 months. (MD/transl.fl)

EXTERNAL ACTION

(AE) MIDDLE EAST: EU CALLS FOR RESUMPTION OF TALKS

Brussels, 30/11/2012 (Agence Europe) – Following the decision at the United Nations General Assembly to give the state of Palestine observer status, the European Union's Special Representative for the Middle East Peace Process, Andreas Reinicke, stressed the importance on 30 November of a resumption of talks, saying that with the vote behind us, it was time to look to the future and the EU expected both sides to get back to the negotiating table as soon as possible. He told a group of reporters that the EU27 member states have pointed out in a common statement (see EUROPE 10741) that they share a single vision for a two-state solution in the future.

European Parliament welcomes outcome of the vote. Pointing out that the European Parliament backed the Palestinian resolution, Parliament president Martin Schulz said it was an important step to make Palestinian demands more visible, stronger and more effective. He said the UN Assembly General vote was not an alternative to a negotiated solution acceptable to both sides and he called on the two sides to do everything in their power to return to the negotiating table and ensure the resumption of direct peace talks.

Co-president of the Greens/EFA group, Daniel Cohn-Bendit, said the vote was historic and an important step in the future peace talks in the Middle East conflict. Giving Palestinians non-member status will help them ensure better balance ahead of any resumption of talks, explained Cohn-Bendit.

The head of the S&D group, Hannes Swoboda of Austria, and Belgium's Véronique De Keyser said they were "relieved" by the vote, which would support people in Palestine who have been aspiring for years to a negotiated end to the conflict.

The head of the GUE group, Gabi Zimmer of Germany, said the observer state status was truly necessary to move towards a two-state solution. Kyriacos Triantaphyllides (GUE, Cyprus) said he thought the vote would act as a catalyst for reunifying the Palestinian people and would lead to the resumption of direct talks to find a lasting solution to the Israeli-Palestinian conflict.

Divided Europe. At the vote at the UN Assembly General on Thursday 29 November, the member states were divided about the resolution drafted by President Abbas, which 138 countries voted for, 41 abstained (including many European countries) and 9 voted against.

Finland, France, Ireland, Italy, Luxembourg, Belgium, Cyprus, Malta, Spain, Greece, Sweden, Portugal and Austria voted in favour of the resolution.

Bulgaria, Estonia, Germany, Hungary, Poland, Romania, Slovakia, Slovenia, Lithuania, Latvia, the Netherlands, Estonia and the United Kingdom abstained and the Czech Republic voted against. (CG/transl.fl)

(AE) NEIGHBOURHOOD: CIVIL SOCIETY TO GET €45.3 MILLION

Brussels, 30/11/2012 (Agence Europe) – On Friday 30 November, the European Commission adopted the second phase of the Neighbourhood Civil Society Facility to enhance involvement of civil society organisations in the European Neighbourhood area, which has a budget of €45.3 million for 2012-2013. The goal is to support civil society in policy dialogue with partner governments, to strengthen civil society's role in fostering public accountability and support their increased role in national reforms process and in local development agenda. The funding is divided in two parts: the Eastern Neighbourhood Facility will receive a new budget allocation of €23.3 million, split as €13.3 million for 2013 and €10 million for 2013; while the additional funds for the Neighbourhood South Facility will amount to €22 million; €11 million in each of the two years.

The Facility will be implemented through regional and local calls for proposals, and funding will be used to support civil society organisations' projects, networks, exchanges of best practices, training and meetings bringing civil society and public authorities together in order to help them advance the process of transition and transformation, explains the Commission in a press release.

The facility was launched by the European Commission in 2011 with funding of €26.4 million for 2011. (CG/transl.fl)

(AE) TAJIKSTAN: 30/11/2012 (Agence Europe) – EU aid for agri-food industry. EU High Representative for Foreign Affairs and Security Policy Catherine Ashton said on Thursday 29 November that she has signed a financing agreement for a £16 million programme with Tajikistan to make the country's agri-food companies more competitive by improving quality and diversifying sales. The programme will help expand farming and implement the government's agricultural reform programme and will be implemented in cooperation with the European Bank for Reconstruction and Development. (CG/transl.fl)

(AE) TRADE: TALKS WITH MOROCCO AND TUNISIA ON NEAR HORIZON

Brussels, 30/11/2012 (Agence Europe) – Trade Commissioner Karel de Gucht has announced that free-trade negotiations will be opened in the course of the next few months with two of the four Arab partners identified in the Mediterranean region.

De Gucht briefed EU trade ministers meeting in Brussels on 29 November of progress in preparations for free-trade negotiations with four of the Arab countries in the Euro-Mediterranean area – Egypt, Jordan, Morocco and Tunisia.

In the immediate aftermath of the Arab Spring at the start of 2011, the European Council of December 2011 took the decision to authorise negotiations and adopted negotiating mandates with a view to creating deep and comprehensive free-trade areas with these four countries. The aim was to update the Euro-Mediterranean association agreements in order to improve market access and the investment climate and to provide support for the economic reforms being undertaken in these countries, while remaining mindful of the specific circumstances obtaining in each of them.

Progress made thus far in terms of the scoping exercises to define the extent and level of ambition of the hoped-for agreements paves the way, at the moment, for the launch of negotiations "in the course of the coming weeks and months" with Morocco and Tunisia, De Gucht announced on Thursday. On the recommendation of the Commission, the Council trade policy committee gave the go-ahead on 14 November to the opening of talks with Morocco. A further bilateral meeting will be necessary before reaching the same point with Tunisia. Preparatory talks are continuing with Egypt and Jordan. Cypriot minister Neoklis Sylikiotis said on Thursday that he was working hard to take forward discussions on an issue that is one of the priorities of the Cypriot Presidency of the Council of Ministers. (EH/transl.fl)

(AE) TRADE: FRANCE LAYS DOWN ITS CONDITIONS FOR FREE-TRADE WITH JAPAN

Brussels, 30/11/2012 (Agence Europe) – The Council may have given the go-ahead on 29 November to opening free-trade talks with Japan, but France, followed by a number of European partners, including Spain, Italy, Romania and Slovakia, has obtained strict conditions on access to the Japanese market and has succeeded in getting the automotive sector declared a sensitive sector.

France, annoyed by the refusal of the Commission to monitor imports of South Korean cars into the EU, as it had requested in July, with a view to activating the safeguard clause contained in the free-trade agreement with South Korea that had come into effect a year before, wanted a safeguard clause that is "easier to use" and more "operational" as part of an agreement with Japan, French Trade Minister Nicole Bricq said on Thursday.

France also succeeded in closely linking the abolition of Japan's non-tariff barriers and EU tariff concessions. A rendezvous clause could bring a sanction on Japan of a one-year suspension of the negotiations if Tokyo does not demonstrate the expected commitments on a list of 31 non-tariff barriers. France wants better access to the Japanese market in the rail sector, and also for its beef, its food additives, its medicines and its vaccines. (EH/transl.fl)

(AE) TRADE: CALLS AT WTO FOR UKRAINE TO END TARIFF REVIEW

Brussels, 30/11/2012 (Agence Europe) – Led by Australia, the United States and the EU, 23 WTO member countries have urged Ukraine to withdraw its request for revision of customs protection.

In a joint statement presented on 26 November to the WTO committee for trade in goods, 23 delegations – those of Australia, Brazil, Canada, Chile, Colombia, Croatia, Guatemala, Hong Kong, Iceland, Japan, Liechtenstein, Malaysia, Mexico, New Zealand, Norway, Oman, Paraguay, Singapore, South Korea, Switzerland, Turkey, the United States and the European Union – called on Ukraine to withdraw its plans to re-negotiate the tariff commitments it made when it joined in 2008. China, The Dominican Republic, El Salvador, Egypt, Israel, Pakistan, Peru and Uruguay supported the statement.

Ukraine surprised everyone in mid-September when it told its WTO partners of its wish to step up import tariffs on 371 products, in line with GATT Article 28 of 1994, which provides for renegotiation every three years subject to tariff concession.

This Article allows a WTO member country to modify or withdraw a tariff concession provided it maintains "a general level of reciprocity and mutually advantageous concessions not less favourable to trade". Such reciprocity may be achieved through compensatory adjustment with respect to other products.

Highlighting the risk that such a move might present for the multilateral trading system and the global economy, the 24 delegations rejected Ukraine's request, which, they argue, exceeds the intended scope of Article 28. They also cast doubt on Ukraine's ability to compensate its WTO partners, as the clause provides for. In addition, they are critical of Ukraine's lack of transparency on this matter.

In its defence, Ukraine stated that it was following established procedures in a transparent manner, that its request should not be seen as protectionist and that it would continue negotiations. (EH/transl.fl)

EVENTS CALENDAR

(AE) MAIN EVENTS OF THE EUROPEAN INSTITUTIONS 3-7 DECEMBER

Monday 3 December

- Brussels. Meeting of the Eurogroup.
- Brussels. Transport, Telecommunications and Energy Council (questions concerning energy).
- Brussels. European Parliament. Meeting of the following parliamentary committees: foreign affairs (situation in Egypt); economic and monetary affairs (discussions on the crisis and the multiannual financial framework with the French and German finance ministers); petitions; organised crime, corruption and money laundering.

Tuesday 4 December

- Brussels. Economic and Financial Affairs Council.
- Brussels. Coreper I.
- Brussels. European Parliament. Meeting of the budgets committee.

Wednesday 5 December

- Brussels. European Commission. Meeting of the college of commissioners. Agenda: 1) presentation of a communication on a youth employment package, including measures and concrete proposals to fight against youth unemployment; 2) presentation of two proposals for amendment to the enabling and procedural regulations as part of state aid modernisation.
- Luxembourg. Court of Justice of the EU. Judgments and hearings: http://curia.europa.eu/jcms/jo1_6581/?dateDebut=5/12/2012&dateFin=5/12/2012.

Thursday 6 December

- Brussels. Employment, Social Policy, Health and Consumer Affairs Council (questions on employment and social policy).
- Brussels. Justice and Home Affairs Council (questions on home affairs).
- Brussels. European Commission. Presentation of a series of measures to fight against tax fraud and aggressive fiscal planning.
- Brussels. European Parliament. Meeting of the following parliamentary committees:
- Foreign Affairs; development; budgetary control; economic and monetary affairs; employment and social affairs; sub-committee on human rights (situation in China and in Mali); sub-committee on security and defence.
- Luxembourg. Court of Justice of the EU. Judgments, opinions and hearings: http://curia.europa.eu/jcms/jcms/Jo1_6581/?dateDebut=6/12/2012&dateFin=6/12/2012.

Friday 7 December

- Brussels. Employment, Social Policy, Health and Consumer Affairs Council (questions on health).
- Brussels. Justice and Home Affairs (questions on justice).
- Luxembourg. Court of Justice of the EU. Judgment: http://curia.europa.eu/jcms/jons/Jo1_6581/?dateDebut=7/12/2012&dateFin=7/12/2012.

(AE) OTHER EVENTS 3-7 DECEMBER

- Second annual convention of the platform for the fight against poverty and social exclusion. Event organised in Brussels by the European Commission from Wednesday 5 to Friday 7. Information: http://ec.europa.eu/social/main.jsp?langId=fr&catId=88&eventsId=804&furtherEvents=yes.
- Launch of the world alliance against sexual abuse of children via internet. Event organised in Brussels by the European Commission on Wednesday 5. Information:

 http://europa.eu/newsroom/calendar/event/412138/lancement-de-lalliance-mondiale-contre-les-abus-sexuels-des-enfants-via-internet?siteLanguage=en.
- Conference on debt, growth and macroeconomic policies organised in Frankfurt by the ECB on 6 and 7 December. Information:
 - http://www.ecb.int/events/conferences/html/20121206_debt_growth_macroecon.en.html.

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