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I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

Improving consumer education and awareness on credit and finance

P6_TA(2008)0539

**European Parliament resolution of 18 November 2008 on protecting the consumer:
improving consumer education and awareness on credit and finance
(2007/2288(INI))**

(2010/C 16 E/01)

The European Parliament,

- having regard to the Communication of the Commission of 18 December 2007 on financial education (COM(2007)0808),
 - having regard to the Commission's Green Paper on retail financial services in the single market (COM(2007)0226),
 - having regard to its position at second reading of 16 January 2008 with a view to the adoption of a directive of the European Parliament and of the Council on credit agreements for consumers and repealing Council Directive 87/102/EEC ⁽¹⁾,
 - having regard to its resolution of 11 July 2007 on financial services policy (2005-2010) — White Paper ⁽²⁾,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Internal Market and Consumer Protection and the opinion of the Committee on Economic and Monetary Affairs (A6-0393/2008),
- A. whereas on the one hand financial markets are fast evolving and have become very dynamic and increasingly complex, and, on the other, societal changes and changes in lifestyle create a need for sound management of private finances and to adjust private finances regularly to suit new work and family circumstances,

⁽¹⁾ Texts Adopted, P6_TA(2008)0011.

⁽²⁾ OJ C 175 E, 10.7.2008, p. 392.

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- B. whereas raising the level of financial literacy of consumers should be a priority for policy-makers both at Member State and European level, not only because of the benefits for individuals but also because of the benefits for society and the economy, such as reducing the level of problem debt, increasing savings, increasing competition, making appropriate use of insurance products and making adequate provision for retirement,
 - C. whereas studies reveal that consumers tend to overestimate their knowledge of financial services and need to be informed of the fact that they are not as financially literate as they believe, and of the consequences thereof,
 - D. whereas high quality financial education programmes, targeted and, where appropriate, as personalised as possible, can contribute to raising financial literacy, allowing consumers to make informed choices and thus to the effective functioning of financial markets,
 - E. whereas the importance of cross-border financial services is constantly increasing, and the Commission should take initiatives at EU level for the promotion of cross-border and, where necessary, comparable information on financial education,
 - F. whereas particular attention should be paid to the educational needs of vulnerable consumers, and also to those of young consumers, who face decisions affecting economic prospects for their whole lifetime,
 - G. whereas research has shown that those who have learned the basic aspects of personal finance at a very early age have more financial literacy; whereas financial education is closely related to the teaching of basic skills (mathematics and reading),
1. Welcomes the Commission initiatives in the field of the financial education of consumers, in particular the recent setting-up of the Expert Group on Financial Education, and its intention to publish an online database of financial education schemes and research in the EU; is of the opinion that this Expert Group should have clear responsibilities and powers; suggests that it be asked in particular to look into the added value of, and best practices in, EU financial education and cross-border financial services;
 2. Stresses that the objective of educating and raising the awareness of consumers as regards finance and credit is to improve consumers' awareness of economic and financial realities with a view to understanding economic commitments and avoiding unnecessary risk, excessive debt and financial exclusion; considers that training and the provision of information should allow consumers to take an independent approach, based on their own judgement, to the financial products that are offered to them or that they are considering using;
 3. Notes that the 'sub-prime mortgage' crisis illustrates not only the dangers of inadequate information for borrowers but also the lack of understanding and knowledge of such information leading to consumers being insufficiently concerned about the risks of insolvency and excessive debt;
 4. Underlines that empowered and educated consumers help to foster competition, quality and innovation within the banking and financial services industries and recalls that educated and confident investors can provide additional liquidity to capital markets for investment and growth;
 5. Stresses the importance of establishing the level of financial literacy in the Member States and an understanding of the added value the EU can provide, as well as of defining educational needs for specific target groups in society, according to a mix of criteria such as age, income and level of education;

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6. Recognises the role of private initiatives, the financial services industry and consumer organisations at both Community and national level in defining the specific needs of target groups for financial education, in identifying the weaknesses and shortcomings of existing education schemes, and in providing financial information to consumers, including through Internet-based tools media and educational campaigns, etc. for financial planning;

7. Is of the opinion that financial education programmes are most effective if they are tailored to the needs of specific target groups and, where appropriate, personalised; is of the opinion, moreover, that all financial education programmes should contribute to the improvement of a conscious and realistic handling of each individual's financial possibilities; consideration should be given to the development of programmes that improve adults' financial capabilities;

8. Calls on the Commission, in cooperation with the Member States, to develop, at EU level, educational programmes in the field of personal finances, based on common rules and principles which can be adapted to the needs of, and applied in, all Member States, setting benchmarks and promoting the exchange of best practice;

9. Emphasises that financial education can complement but cannot be a substitute for coherent consumer protection provisions in financial services legislation and the regulation and strict supervision of financial institutions;

10. Acknowledges the important role of the private sector, and particularly of financial institutions, in providing consumers with information on financial services; emphasises, however, that financial education should be offered in a fair, unbiased and transparent manner, so as to serve the interests of the consumer, and that it must be clearly distinguished from commercial advice or advertising; in order to achieve this goal, encourages financial institutions to develop codes of conduct for their staff;

11. Acknowledges that a delicate balance needs to be struck between providing consumers with the knowledge they need to make informed financial decisions and overloading the consumer with information; favours quality over quantity, for example high-quality, accessible, concrete and easily comprehensible information aimed at enhancing the consumer's ability to make informed and responsible choices;

12. Considers that effective, clear and comprehensible information, particularly in advertisements for financial products, is necessary and that financial institutions should provide sufficient information before contracts are concluded and, in particular, strictly apply the rules laid down in Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments ⁽¹⁾ and Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers ⁽²⁾; calls on the Commission to put forward, in a coherent manner specific legislative proposals for a harmonised system of consumer information and protection, in particular in the framework of mortgage credit (such as a harmonised, simple and comparable European standardised information sheet including common indications on the annual percentage rate charged, etc.);

13. Recommends that financial education schemes focus on important life-planning aspects such as basic saving, debt, insurance and pensions;

14. Asks the Commission to continue efforts to promote dialogue between stakeholders;

⁽¹⁾ OJ L 145, 30.4.2004, p. 1.

⁽²⁾ OJ L 133, 22.5.2008, p. 66.

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15. Suggests the increase of the budget line 17 02 02 to finance activities at EU level aiming at improving consumers' financial education and financial literacy; asks the Commission to contribute to raising awareness at EU level through supporting the organisation of national and regional conferences, seminars, media and awareness campaigns as well as educational programmes with cross-border participation, in particular in the field of retail financial services and household credit/debt management;

16. Calls on the Commission to further develop and upgrade the Dolceta online tool and to provide this service in all official languages; suggests that the Commission include on the Dolceta website a link to the online database it intends to set up of existing regional and national financial education schemes; suggests that the Dolceta website should include links to the websites of public and private bodies operating in the field of financial education, broken down by country;

17. Asks the Commission to include indicators of the availability and quality of financial education in the Consumer Markets Scoreboard;

18. Calls on the Commission to set up information campaigns in order to raise the awareness of consumers of their rights under EU legislation in the sphere of the provision of financial services;

19. Stresses the need for the Member States, with the support of the Commission, to carry out regular surveys, in cooperation with the various social and population groups of the Member States, concerning current levels of financial literacy among the public, in order to identify priority areas for action and thus ensure the appropriate, prompt and effective implementation of financial education programmes to assist the public;

20. Encourages Member States to include financial education in the primary and secondary school programmes developed by the competent institutions, designed to develop the skills needed in everyday life, and to organise systematic training for teachers on this subject;

21. Stresses the need for an ongoing two-way educational process for both sides, that is to say financial advisors and consumers, so as to ensure the provision of accurate information in step with the most recent developments in the financial services sector;

22. Is of the opinion that synergy effects between different educational organisations are not sufficiently used; asks Member States, therefore, to establish a network for financial education in which both the public and private sector take part, and to encourage cooperation and dialogue between all actors;

23. Encourages Member States to pay special attention to the educational needs of pensioners and persons at the end of their professional career, who may be at risk of financial exclusion, and also to young people starting their professional career who are faced with the challenge of determining how to make appropriate use of their new income;

24. Calls on the Member States to set up training programmes in economics and financial services for social workers, since they are in contact with persons at risk of poverty or excessive debt;

25. Instructs its President to forward this resolution to the Council, the Commission and the governments of the Member States.

Consumer Markets Scoreboard

P6_TA(2008)0540

European Parliament resolution of 18 November 2008 on the Consumer Markets Scoreboard (2008/2057(INI))

(2010/C 16 E/02)

The European Parliament,

- having regard to the Communication from the Commission of 29 January 2008 entitled ‘Monitoring consumer outcomes in the single market: the Consumer Markets Scoreboard’ (COM(2008)0031),
 - having regard to the Internal Market Scoreboard No 16 bis of 14 February 2008 (SEC(2008)0076),
 - having regard to its resolution of 6 September 2007 on the Green Paper on the Review of the Consumer Acquis ⁽¹⁾,
 - having regard to its resolution of 20 May 2008 on EU consumer policy strategy 2007-2013 ⁽²⁾,
 - having regard to its resolution of 23 September 2008 on the Internal Market Scoreboard ⁽³⁾,
 - having regard to the Communication from the Commission of 20 November 2007 entitled ‘A single market for 21st century Europe’ (COM(2007)0724),
 - having regard to the Communication from the Commission of 20 November 2007 entitled ‘Services of general interest, including social services of general interest: a new European commitment’ (COM(2007)0725) accompanying the Communication on a single market for 21st century Europe,
 - having regard to the Commission Staff Working Document entitled ‘Implementing the new methodology for product market and sector monitoring: Results of a first sector screening’ (SEC(2007)1517) accompanying the Communication on a single market for 21st century Europe,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection (A6-0392/2008),
- A. whereas it welcomes the publication of the Consumer Markets Scoreboard (the ‘Scoreboard’), which aims at making the Internal Market more responsive to the expectations and concerns of citizens,
- B. whereas competitive and effectively functioning consumer markets are crucial to ensure that citizens have confidence in the Internal Market,
- C. whereas the Scoreboard needs to be complemented by other means of monitoring,

⁽¹⁾ OJ C 187 E, 24.7.2008, p. 231.

⁽²⁾ Texts Adopted, P6_TA(2008)0211.

⁽³⁾ Texts Adopted, P6_TA(2008)0421.

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- D. whereas the indicators in the Scoreboard are meant to help to identify sectors to be studied in further detail,
- E. whereas the Scoreboard should stimulate debate on consumer policy issues,
- F. whereas studies and analyses from national consumer and competition authorities may be relevant for the further development of the Scoreboard,

Introduction

1. Stresses the importance of enabling citizens to benefit fully from the benefits of the Internal Market, and sees the Scoreboard as an important tool to this end;
2. Welcomes the five main indicators in the Scoreboard in relation to complaints, price levels, satisfaction, switching and safety;
3. Underlines that the Scoreboard is in its infancy and needs to be further developed with more complete data, more precise statistics and further analyses based on the various indicators;
4. Stresses that when a satisfactory level of development of the five basic indicators of the Scoreboard is reached, new indicators should be drawn up in order to make the Internal Market more responsive to the expectations and concerns of citizens;
5. Calls on the Commission to ensure adequate financing and staffing for the purposes referred to in paragraphs 3 and 4;
6. Encourages the Commission to ensure a coherent and coordinated approach within its services in order to avoid duplication of work and contradictory outcomes of data analysis;
7. Calls on the Commission to include an easily comprehensible summary as well as clear conclusions and recommendations in future Scoreboards, translated into all official languages of the European Union;

Developing the indicators

8. Takes the view that the total number of indicators should be limited to ensure a focused Scoreboard;
9. Takes the view that an indicator related to complaints is essential to understand consumer satisfaction; calls on the Commission and the Member States to work towards a harmonisation of the complaint classification systems used by the competent authorities and relevant consumer assistance services in the Member States and at Community level and to establish an EU-wide database of consumer complaints; calls on Member States to raise consumer awareness of complaints systems and to improve the handling of complaints in order to enable economic operators to offer more and better services;
10. Calls on the Commission to develop indicators relating to cross-border judicial proceedings and compensation for damage suffered by consumers, through judicial and extrajudicial means of redress, as well as through existing national redress mechanisms;
11. Takes the view that indicators relating to consumer literacy, skills and age (for example level of education, computer literacy and foreign language skills) could be included in the Scoreboard; underlines, however, the importance of striking a balance between indicators based on 'soft' data stemming from consumer surveys and 'hard' data based on other sources;

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12. Acknowledges that developing precise and adequate price indicators is a very complex issue as differences in price levels may have a number of causes and their existence is as such not proof of market failure; however, holds the view that the Scoreboard should include price indicators, as prices are of key concern to consumers and price indicators are important to stimulate debate and ensure media awareness concerning shortcomings in the functioning of markets; calls on the Commission to take into account the macroeconomic climate as well as consumers' purchasing power and pre-tax prices in the Member States;

13. Welcomes efforts to develop more sophisticated price indicators, but also calls for the use of other indicators relating to the effective functioning of markets before making specific policy recommendations;

14. Recalls that ethical and environmental concerns are of increasing importance for consumers; calls on the Commission to look into the possibility of measuring the availability of information relating to such concerns in different markets;

Improving the information base

15. Underlines the importance of close cooperation between the statistical offices of the Member States, Eurostat and other Commission services in ensuring the quality and completeness of figures; calls on the Member States to take steps to facilitate such cooperation;

16. Recalls that national consumer and competition authorities often undertake case studies or are in possession of other evidence concerning the functioning of different markets, hence calls on the Commission to draw on available national information and to consult actively with national experts when further developing the Scoreboard;

17. Encourages Member States to explore the merits of establishing a special Consumer Ombudsman; notes that a number of Member States have consumer ombudsmen in several sectors who help consumers to deal with economic operators;

18. Calls on the Commission, in cooperation with the Member States, to ensure that European consumer information centres are given greater resources and are properly staffed in order both efficiently to solve the increasing number of consumer cross-border complaints and to shorten handling times for such complaints;

Increased awareness

19. Calls on the Commission and the Member States to raise awareness of the Scoreboard, inter alia by ensuring that it is easily accessible and visible on relevant websites, and to increase efforts to promote the Scoreboard to the media, public authorities and consumer organisations;

Relationship to the Internal Market Scoreboard

20. Holds the view that the Internal Market Scoreboard and the Consumer Markets Scoreboard both serve to promote an improved Internal Market for the benefit of citizens and consumers;

21. Welcomes the Commission's intention to ensure a better-communicated Internal Market, and holds the view that the two Scoreboards are important steps in that direction;

22. Emphasises that while the two Scoreboards are interlinked and it is important to promote their coherent development, they have different target audiences and hence should be kept separate, with different sets of indicators;

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23. Holds the view that a review of the indicators used as well as the relationship between the two Scoreboards should be carried out on a regular basis in order to adapt them to developments in the Internal Market;

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24. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.

EMU@10: The first 10 years of Economic and Monetary Union and future challenges

P6_TA(2008)0543

European Parliament resolution of 18 November 2008 on the EMU@10: The first 10 years of Economic and Monetary Union and future challenges (2008/2156(INI))

(2010/C 16 E/03)

The European Parliament,

- having regard to the Commission Communication of 7 May 2008 on EMU@10: successes and challenges after 10 years of Economic and Monetary Union (COM(2008)0238) (Communication on EMU@10),
- having regard to the Commission Communication of 24 June 2008 on Public Finances in EMU 2008 (COM(2008)0387),
- having regard to the Commission Communication of 29 October 2008, entitled 'From financial crisis to recovery: A European framework for action' (COM(2008)0706),
- having regard to the Commission's economic forecast for autumn 2008, of 3 November 2008,
- having regard to the European Council meeting on 15 and 16 October 2008,
- having regard to its resolution of 22 October 2008 on the European Council meeting on 15 and 16 October 2008 ⁽¹⁾,
- having regard to the Eurogroup emergency summit of 12 October 2008 on government guarantees of interbank lending,
- having regard to the conclusions of the Council meeting of 4 November 2008,
- having regard to the outcome of the informal meeting of Heads of State or Government of 7 November 2008,
- having regard to its resolution of 14 November 2006 on the 2006 Annual Report on the euro area ⁽²⁾,
- having regard to its resolution of 12 July 2007 on the 2007 Annual Report on the eurozone ⁽³⁾,

⁽¹⁾ Texts Adopted, P6_TA(2008)0506.

⁽²⁾ OJ C 314 E, 21.12.2006, p. 125.

⁽³⁾ OJ C 175 E, 10.7.2008, p. 569.

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- having regard to its resolution of 20 February 2008 on the input for the 2008 Spring Council as regards the Lisbon Strategy ⁽¹⁾,
- having regard to its resolution of 15 November 2007 on the European interest: succeeding in the age of globalisation ⁽²⁾,
- having regard to its resolution of 15 February 2007 on the Situation of the European economy: preparatory report on the broad economic policy guidelines for 2007 ⁽³⁾,
- having regard to its resolution of 22 February 2005 on Public Finances in EMU — 2004 ⁽⁴⁾,
- having regard to its resolution of 26 April 2007 on Public Finances in the EMU 2006 ⁽⁵⁾,
- having regard to its resolution of 9 July 2008 on the ECB annual report for 2007 ⁽⁶⁾,
- having regard to its resolution of 1 June 2006 on the enlargement of the euro zone ⁽⁷⁾,
- having regard to its resolution of 20 June 2007 on improving the method for consulting Parliament in procedures relating to the enlargement of the euro area ⁽⁸⁾,
- having regard to its legislative resolution of 17 June 2008 on the proposal for a Council decision in accordance with Article 122(2) of the Treaty on the adoption by Slovakia of the single currency on 1 January 2009 ⁽⁹⁾,
- having regard to its resolution of 14 March 2006 on the strategic review of the International Monetary Fund ⁽¹⁰⁾,
- having regard to its resolution of 5 July 2005 on the implementation of an information and communication strategy on the euro and economic and monetary union ⁽¹¹⁾,
- having regard to its resolution of 23 September 2008 with recommendations to the Commission on hedge funds and private equity ⁽¹²⁾,
- having regard to the resolution of the European Council of 13 December 1997 on economic policy coordination in stage III of EMU and on Articles 109 and 109b of the EC Treaty ⁽¹³⁾,
- having regard to the contribution by the Council (Economic and Financial Affairs) of 12 February 2008 to the Spring European Council conclusions,
- having regard to the Council Conclusions of 7 October 2008 on a coordinated EU response to the economic slowdown,
- having regard to the Memorandum of Understanding of 1 June 2008 on Cooperation Between the Financial Supervisory Authorities, Central Banks and Finance Ministries of the European Union on Cross-Border Financial Stability,

⁽¹⁾ Texts Adopted, P6_TA(2008)0057.

⁽²⁾ OJ C 282 E, 6.11.2008, p. 422.

⁽³⁾ OJ C 287 E, 29.11.2007, p. 535.

⁽⁴⁾ OJ C 304 E, 1.12.2005, p. 132.

⁽⁵⁾ OJ C 74 E, 20.3.2008, p. 780.

⁽⁶⁾ Texts Adopted, P6_TA(2008)0357.

⁽⁷⁾ OJ C 298 E, 8.12.2006, p. 249.

⁽⁸⁾ OJ C 146 E, 12.6.2008, p. 251.

⁽⁹⁾ Texts Adopted, P6_TA(2008)0287.

⁽¹⁰⁾ OJ C 291 E, 30.11.2006, p. 118.

⁽¹¹⁾ OJ C 157 E, 6.7.2006, p. 73.

⁽¹²⁾ Texts Adopted, P6_TA(2008)0425.

⁽¹³⁾ OJ C 35, 2.2.1998, p. 1.

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- having regard to Rule 45 of its Rules of Procedure,

- having regard to the report of the Committee on Economic and Monetary Affairs and the opinion of the Committee on International Trade (A6-0420/2008),

- A. whereas on 1 January 1999, 11 Member States — Belgium, Germany, Ireland, Spain, France, Italy, Luxembourg, Netherlands, Austria, Portugal and Finland — adopted the European Union's single currency,

- B. whereas four other Member States have joined the euro area since its inception: Greece in 2001, Slovenia in 2007, and Cyprus and Malta in 2008,

- C. whereas the euro area is set to expand further as most Member States currently outside the euro area are preparing to join at some point in the future and whereas Slovakia will join the euro area on 1 January 2009,

- D. whereas the economic and monetary union (EMU) has been a success in many ways, with the single currency enhancing economic stability in the Member States, in particular with the view to the current financial crisis,

- E. whereas euro area membership implies a high degree of economic interdependence between the Member States involved and therefore requires closer coordination of economic policies and the playing of an effective role in global economic and financial governance in order to reap the full benefit of the single currency and to face future challenges, such as increased competition for natural resources, global economic imbalances, the growing economic importance of emerging markets, climate change and population ageing in Europe,

- F. whereas the average inflation during the first 10 years of the euro area was broadly in line with the European Central Bank (ECB) objective of price stability of close to, but below, 2 %; whereas inflation has recently risen well above that level due to global structural changes, in particular regarding the increases in energy and food prices, loosening of monetary policy in the United States, as well as the lack of vigilance by a number of third-country central banks,

- G. whereas the rapidly growing demand for scarce energy and other commodities by emerging economies has progressively pushed supply up to capacity limits; and whereas the upward pressure on price has been exacerbated by the fact that commodities are increasingly considered to be financial assets, to the extent that they can be used as a store of value,

- H. whereas the openness of the euro area is welcome and the current rising value of the euro is considered to have possible negative effects, namely as regards affecting exports and encouraging imports into the internal market, as well as positive effects in helping the EU economy face the dramatic oil price rise and current financial crisis,

- I. whereas the global economic environment has been favourable to job creation during the first 10 years of the euro, leading to the creation of nearly 16 million jobs — disregarding the quality of the jobs created — and a fall of the rate of unemployment from 9 % in 1999 to an estimated 7,3 % in 2008,

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- J. whereas the European Union is entering an economic downturn with growth rates declining from 3,1 % in 2006 to a revised forecast from 2 to 1,4 % in 2008 and 0,2 % in 2009, while unemployment and social exclusion will grow even more,
- K. whereas economic and productivity growth have been disappointing, with growth in output per worker halving from 1,5 % during the period 1989 to 1998 to an estimated 0,75 % during the period 1999 to 2008,
- L. whereas the euro has rapidly emerged as the second most important international currency alongside the US dollar and whereas the euro plays an important role as a reference currency for many countries worldwide; whereas, however, the potential of the euro is insufficiently exploited at a global level because the euro area has neither a properly defined international strategy nor effective international representation,

The first 10 years of the euro

1. Shares the view that the single currency has become a symbol of Europe and has shown that Europe is capable of taking far-reaching decisions for a common and prosperous future;
2. Welcomes the fact that the euro has brought stability and fostered economic integration in the euro area; welcomes the stabilising effects of the euro on the world currency markets especially in times of crisis; notes that internal economic divergences have not yet diminished as expected and productivity has not developed satisfactorily in all parts of the euro area;
3. Notes with satisfaction that the creation of other monetary unions are being considered in other parts of the world;
4. Points to the vital link between monetary policy and trade policy at global level, which is demonstrated in countless studies, and stresses, in this connection, the positive role played by exchange rate stability in ensuring the sustainable growth of international trade;
5. Points out that the increasing use of the euro as an international trading currency is benefiting the Member States in the euro area in particular, since it reduces the exchange rate risks for their undertakings and hence the cost of international trade;
6. Recalls that during the first 10 years of the EMU, Parliament has played an active role, in both economic and monetary areas, and has done as much as possible to ensure more transparency and democratic accountability;
7. Underlines that more needs to be done to reap the full benefits of the EMU, such as enabling Member States and regions with below-average GDP to catch up, and strengthening citizens' understanding of and commitment to the single currency;
8. Proposes the following elements and concrete measures for a desirable EMU roadmap:

Economic divergence, structural reforms and public finances

9. Believes that streamlined and more coherent, multi-supportive economic reforms coordinated in a timely fashion on the basis of the integrated guidelines for growth and jobs (Integrated Guidelines) and a policy-mix approach of the Lisbon Strategy could decrease economic divergences and be a great help towards economic recovery from the current financial crisis; stresses the need to improve and simplify the procedures and methodologies for revision and assessment of the implementation of those guidelines at the end of each year;

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10. Recognises that in the case of modernising efforts and economic performance, the countries that are most successful are those that combine forward-looking and well-balanced structural reforms with higher-than-average investment in research, development and innovation, education, lifelong learning and child-care, and the renewal of reliable social networks; notes that, for the most part, the same Member States have a highly efficient and transparent administration, with budget surpluses, lower-than-average debt rates, and high-quality, effective and targeted public spending, while showing signs of a contribution by technical progress to the national growth result that is almost twice the size of the EU average; notes, furthermore, that those 'benchmark' Member States are, as a result of their high employment rates, including the employment of women and older workers, and their particularly high birth rates, those that are best prepared for an ageing society and for guaranteeing a high level of competitiveness;

11. Stresses the need for mutual reinforcement of stability and growth-oriented macroeconomic policies by making balanced policy and investment a matter of common concern; stresses the need to follow closely public balances through the efficient management of tax policy and expenditure and their impact on the demand side and, in parallel, agree on creating a favourable environment for cross-border operations by undertakings;

12. Notes that the revised Stability and Growth Pact (SGP) has proven its value and that a strong consolidation of budgets has to be adhered to, as demographic change and possible decline in economic growth could lead to budgetary problems Member States in the euro area, which could have negative effects on the stability of the euro area as a whole; criticises, in this context, the lack of discipline in combating budgetary deficits in times of economic growth and stresses that Member States must more effectively work towards an anti-cyclical fiscal policy, in particular in order to be better prepared for external shocks; underlines, therefore, the need for a short-term strategy to reduce national debts and a sustainable and sound growth strategy, which will allow for a reduction of national debt to a maximum of 60 % in the long term;

13. Notes that the main elements of the SGP must also be consistently adhered to in the future, because the thresholds of 3 % government deficit and 60 % government debt to gross domestic product were specified on the basis of the economic conditions of the 1990s; is of the opinion that the SGP must be adhered to strictly by the Member States and supervised by the Commission; is of the opinion that both debt targets should be treated as ceilings to be avoided; notes that an effective coordination of economic and financial policy is a precondition for the economic success of the EMU, although such coordination should respect the principle of subsidiarity; calls on the Commission to examine all possible ways in which the preventive arm of the SGP could be strengthened; stresses that existing supervisory instruments must be used better by the Commission and that the medium-term examination of national budgets by the Eurogroup must be strengthened;

14. Supports the Commission's view that the revised SGP provides an important policy framework in times of highly stressed economic circumstances, and stresses that the implementation of the SGP should ensure that any deterioration of public finances is accompanied by measures adequate to tackle the situation, while ensuring that sustainable positions are being restored; believes, moreover, that budgetary policies should draw fully on the degree of flexibility permitted by the revised SGP and asks the Commission to give clear guidance to Member States on how to implement that flexibility;

15. Considers that a sustainable and stable macroeconomic environment requires improving the quality of public finances including further budgetary consolidation, high efficiency of public spending and enhanced investment in education, human capital, research and development and infrastructure that is conducive to growth and could stimulate employment and which address major society concerns, such as climate change, in line with the objectives of the climate change and energy package and economic recovery from the current financial crisis;

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16. Takes the view that structural reforms should focus on increasing productivity through a better combination of economic and social policy, while ensuring a good level of social dialogue as defined in the Lisbon Strategy;
17. Notes that competition policy should be complementary to structural policies and advocates support for the restructuring of the economy;
18. Warns against focusing essentially on wage moderation as a way to achieve price stability; recalls, in this context, that increased competition resulting from globalisation has already led to downward pressure on wages, while the imported inflation triggered by the increase of the price of oil and other commodities has already caused a loss of consumer purchasing power; reiterates its conviction, once again, that this issue should, in particular, be addressed by means of a fairer distribution of wealth;
19. Considers wage and tax policy to be efficient tools both for economic stabilisation and growth; is of the view that real wage increases in line with productivity levels should be ensured and that coordination of tax policy should be selectively used to achieve economic goals; considers that the fight against tax fraud, as regards both direct and indirect taxes, is particularly important and that that fight should be stepped up; underlines the need urgently to strengthen a culture of encouragement and involvement as part of the concepts of corporate governance and corporate social responsibility;
20. Stresses the need for fair rules for the internal market; considers, therefore, that the race to the lowest corporate tax rates is counter-productive;
21. Requests that Member States in the euro area strengthen the effective coordination of economic and financial policy, in particular by developing a coherent common strategy within the Eurogroup; supports the proposal of the Commission to demand medium-term framework programmes from Member States for their economic and financial policies and to control their implementation; underlines that every Member State must take responsibility for tackling structural reforms and improving its competitiveness in a cooperative manner so that trust in and acceptance of the euro is maintained;
22. Notes that different patterns on structural reforms and degrees of openness have contributed to the diverging performances of euro area Member States; supports the Commission's conclusions in its Communication on EMU@10 as regards the insufficient catching up by several euro area economies and the increasing divergences between Member States in the euro area; calls for regular exchanges of views and cooperation within the Eurogroup with a view to achieving the common goal of accelerating the convergence process;
23. Requests that the Commission handle, in a uniform manner, the common criteria in assessing economic and fiscal data; refers to the responsibility of the Commission and the Member States regarding the reliability of the statistical data, and demands that future decisions be taken only if there is no doubt regarding the validity and accuracy of the available data; requests also the option of launching investigations if there is a discrepancy over a number of years between the projected data of the stability and convergence programmes and the data which can realistically be expected;

Monetary policy

24. Recalls its strong commitment to the independence of the ECB;
25. Notes that the regular reports of the ECB to Parliament, in particular to its Committee on Economic and Monetary Affairs, contribute to the transparency of monetary policy and welcomes the possibility for Members of the European Parliament to put written questions to the ECB on monetary policy, thus improving the accountability of the ECB towards the citizens of the Union; supports the demand for a stronger public debate on the future common monetary and currency policies in the euro area;

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26. Considers that the monetary policy dialogue between Parliament and the ECB has been a success, and one which should be built on further; expects an improvement of the monetary dialogue on several points, such as coordinating the dates for the regular hearings of the ECB President with the ECB's calendar for monetary policy decisions so as to improve the analysis of the decisions, whilst retaining the possibility to invite the President of the ECB to discuss topical issues when necessary;

27. Notes that the primary objective of the ECB's monetary policy is to maintain price stability, and that the ECB aims at inflation rates of below, but close to, 2 % over the medium term; points out that the objective of price stability can be achieved effectively only if the root causes of inflation are properly addressed; recalls that Article 105 of the EC Treaty also assigns to the ECB the task of supporting the general economic policies of the Community;

28. Is of the opinion that the ECB should move towards a direct inflation targeting regime where a point inflation target is supplemented by a range of permitted fluctuations around the target rate; invites the ECB to publish its inflation forecasts; such a move toward a direct inflation targeting regime should not preclude focusing on the dynamics of monetary aggregates in order to avoid new asset bubbles;

29. Considers that inflation is a global reality and that in an open economy it cannot be combated by EU monetary policy alone;

30. Stresses its willingness to explore possible improvements in the procedure for appointing the members of the ECB's executive board before 2010; regards it as important that academic and/or professional experience and a variety of backgrounds in the economic, monetary and financial sector be represented among executive board members; draws attention to its calls for an ECB executive board of nine members with exclusive responsibility for setting interest rates, thus replacing the system existing now and avoiding the even more complex solution decided upon for the future; urges that a corresponding change to the Treaty be adopted;

Integration and supervision of financial markets

31. Believes that financial integration should mean more economic growth and competitiveness in addition to more stability and liquidity in the internal market;

32. Notes that the main financial centre in the European Union is outside the euro area; nevertheless recalls that EC legislation covers all Member States and market players active in the internal market; believes that the European Union urgently needs to enhance its supervisory structure taking into account the specific role of the ECB;

33. Is of the view that much remains to be done in the area of the clearing and settlement of cross-border securities transactions, where no real integration exists to date;

34. Underlines that, with regard to retail services, more integration is needed, without such integration being to the detriment of consumer protection; believes that customer mobility, financial literacy, access to basic services, and comparability of products need to be improved;

35. Considers a Europeanisation of the financial supervision structure, financial market transparency, effective competition rules and appropriate regulation to be necessary in the medium term, in order to improve crisis management and cooperation between the European System of Central Banks (ESCB), supervisory authorities, governments and market participants; takes the view that an integrated, comprehensive (covering all financial sectors), consistent and coherent supervisory framework starting with a balanced approach in

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regulating the cross-border spread of financial risk on the basis of harmonised legislation would decrease compliance costs in the case of multi-jurisdiction activities; notes that 'gold plating' (regulating beyond the minimum requirements of EC legislation) as well as regulatory arbitrage should be avoided; calls on the Commission to put forward proposals for revising the existing supervisory architecture along those principles; is of the opinion that any supervisory role of the ECB should be extended beyond the borders of the euro area, via the ESCB;

36. Welcomes the Memorandum of Understanding on Cooperation between the Financial Supervisory Authorities, Central Banks and Finance Ministries of the European Union on Cross-Border Financial Stability agreed in spring 2008; underlines, however, that that Memorandum of Understanding is soft law only and relies upon Member States' willingness to cooperate with each other; is of the opinion that even if rules on burden sharing are very difficult to define *ex ante*, the work relating to crisis management needs to continue;

37. Highlights that the European Union, as the world's largest economic area with the largest financial markets, should play a leading role at international level in terms of reforming the regulatory system for financial services for the benefit of all countries involved and overall stability; considers that financial stability should become a fundamental goal of policy making in a world of increasingly integrated financial markets and financial innovation, which may sometimes have destabilising effects on the real economy and bear systemic risks; is convinced that any ambitious decisions adopted at EU level will encourage other countries to follow, and, in this respect, highlights the responsibility for also tackling global or 'off-shore' problems; takes the view that the political accountability of the international regulatory bodies needs to be addressed in parallel with such regulatory work;

38. Requests that the Commission examine the creation of European bonds and develop a long-term strategy which enables the issuing of such bonds within the euro area, in addition to Member States' national bonds; refers to the need for an appraisal of its consequences for both international financial markets and the EMU;

Enlargement of the euro area

39. Requests that all Member States outside the euro area observe the Maastricht criteria and the reformed and generally flexible SGP; considers that a strict interpretation of the SGP and the use of the exclusion criteria before any possible accession must be ensured by the Commission; considers that equal treatment of the Member States within the euro area and those wishing to join must be ensured; notes, in this context, that the long-term stability of the euro area must be regarded as an aim of common interest and that enlargement and stability must go hand in hand; deems it essential that Member States in the euro area and those with a special status strictly fulfil their obligations and leave no doubt about the common aims of price stability, independence of the ECB, budget discipline or their fostering of growth, employment and competitiveness;

40. Considers that the Member States outside the euro area that fulfil the Maastricht criteria and have no derogation in the Treaty should adopt the common currency at the earliest possible opportunity;

41. Stresses that membership of the euro area requires full adherence to the Maastricht criteria, as specified in the Treaty and the Protocol to Article 121 of the Treaty, namely: a high degree of measured price stability, as well as the sustainability of such price stability, public finances without excessive deficit, membership of ERM II for at least two years, observation of the normal fluctuation margins, adjustment of long-term interest rates, compatibility of the legal rules with the provisions of the Maastricht Treaty relating to the EMU, and an independent central bank;

42. Is of the opinion that one of the most challenging aspects of joining the euro area is to ensure the sustainability of the Maastricht criteria; underlines, however, that, at the same time, the Maastricht criteria are also a first step on the way to keeping reform processes on track, including further commitments and efforts regarding structural reforms, investment and economic coordination;

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43. Welcomes the stronger and efficient supervision of Member States participating in ERM II and wishing to join the euro area, as well as their economic development; notes that successful participation in the ERM II must remain a real precondition and not only a secondary requirement for membership of the euro area; the same accession requirements must be applied to all Member States joining euro area;

44. Regards an enduring and successful expansion of the euro area as a major challenge for the coming years and that both the ECB's institutional standards and its decision-making process have to be adapted to this change and the rotation model has to take into account the economic weight of individual Member States;

45. Stresses, in connection with enlargement of the euro area, the desirability of a high level of convergence in the real economy in order to limit the strain involved, both for the euro area and the Member States wishing to join; considers, in this context, that facilities in favour of those Member States participating in the euro area, where the single monetary policy may have a particularly contractive effect, should be established;

46. Stresses the importance, in the interests of future enlargements, to establish targeted interventions to support Member States outside the euro area that have been particularly hit by the current financial crisis;

Communication

47. Emphasises that while in the euro area to date a high degree of price stability has been maintained, 'perceived inflation' has substantially diverged from the lower actual inflation rates in the Member States during the last 10 years; demands, therefore, better information and clarification of facts for the population about the need for and operation of the EMU, in particular with regard to price stability, international financial markets, and the advantages of stability within the euro area in international financial crises;

48. Considers that the single currency remains a communication priority for the European Union; believes that the benefits of the euro and of the EMU — price stability, low interest rates on mortgages, easier travel, protection against exchange-rate fluctuations and external shocks — must continue to be presented and explained to the public in detail; believes that particular emphasis should be placed on keeping citizens of the Union, consumers and small and medium-sized enterprises (SMEs), who do not have sufficient capacity to adjust immediately to new developments and challenges for the euro, informed and updating them on developments;

49. Calls on the ECB, in its annual report or in a special report, to undertake an annual quantitative analysis of the benefits that the euro has brought to ordinary citizens, with concrete examples of the manner in which the use of the euro has had positive effects on people's daily lives;

50. Considers that communication is of utmost importance in preparing the introduction of the euro in the Member States planning to join the euro area; notes that communication on the enlargement of the euro area is also important for all Member States in the euro area;

51. Considers that the Commission must concentrate its efforts on helping the new Member States to prepare their citizens for the adoption of the euro by undertaking an intensive information campaign, supervising its implementation where such a campaign is already underway and reporting regularly on best practises on the implementation of the National Action Plans for the adoption of the euro; considers also that best practises and know-how acquired from the previous changeovers is likely to be useful for the changeover of the new Member States and for the forthcoming enlargement and preparation of the new applicant countries;

International role of the euro and external representation

52. Welcomes the quick development of the euro as the second most important reserve and transaction currency after the US dollar, with a share of 25 % of global foreign exchange reserves; notes that particularly in the countries neighbouring the euro area, the euro plays an important role as a financing currency and that those countries' respective exchange rates are aligned to the euro; approves expressly the ECB's opinion that the introduction of the euro is the last step towards a structured convergence process within the European Union, and that thus the introduction of the euro is possible only under the EC Treaty;

53. Takes the view that the EMU policy agenda for the next decade will be marked, inter alia, by the challenges presented by emerging Asian economies and the current global financial crisis; regrets that in spite of the growing global role of the euro, attempts to improve the external representation of the euro area on financial and monetary matters have not made much progress; stresses that the euro area must build an international strategy commensurate with the international status of its currency;

54. Recalls that the most effective way for the euro area to align its influence with its economic weight is by developing common positions and consolidating its representation, ultimately obtaining a single seat in the relevant international financial institutions and forums; urges the euro area Member States, inter alia to speak with a single voice on exchange rate policies;

55. Stresses that the euro is being used as a national currency outside the euro area; considers that the implications of such use need to be analysed;

56. Points out that the important role of the euro in international financial markets brings with it obligations, and that the effects of monetary as well as growth policy in the euro area have a global impact; emphasises the increased importance of the euro for international trade and services as a stabiliser in the global environment, as an engine for financial market integration and as a basis for increasing direct investments and cross-border company mergers, as transaction costs could be substantially reduced; calls for a study on global imbalances and the role of the euro and possible adjustment scenarios to prepare the European Union better for tackling major external shocks;

57. Suggests stronger forward-looking cooperation and an enhanced international dialogue between the responsible authorities of the most important currency blocks, to improve the management of international crises and help to tackle the consequences of currency movements on the real economy; recalls the common successful crisis management at the beginning of the recent US 'sub-prime credit crisis' as well as the crisis in the immediate aftermath of the events of 11 September 2001, which helped to prevent an instant meltdown of the US dollar;

58. Supports the intention of the Commission to strengthen the influence of the EMU in international financial institutions with a common EU position represented by selected representatives, such as the president of the Eurogroup, the Commission and the president of the ECB; notes that, in practice, the president of the Eurogroup, the Commission and the president of the ECB are already permitted to participate as observers in the most important international financial institutions; demands, however, a better coordination of European positions so that common European monetary policy will be represented by its legitimate representatives in future; expects that a euro area position on the exchange rate policies of its main partners will be expressed; calls on the president of the Eurogroup to represent the euro area at the Financial Stability Forum (FSF); suggests that the statutes of the International Monetary Fund (IMF) be amended to allow the representation of economic blocks and organisations;

59. Stresses that a common EU approach is needed regarding the reform of international financial institutions, which should take into account the challenges of a global economy including the emergence of new economic powers;

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60. Regrets that in its Communication on EMU@10 the Commission has not conducted a more detailed and precise analysis of the euro's international role; calls on the Commission to produce a detailed report on the external dimension of the common monetary policy and on its repercussions for the euro area's economic and trading performance;

61. Stresses that the monetary policies pursued by some of the European Union's partners are designed to under-value their currency, something which has an unfair impact on trade and could be seen as a non-tariff barrier to international trade;

EMU economic instruments and governance

62. Considers that all relevant parties — Parliament, the Council, the Commission, the Eurogroup, and the social partners at EU and national level — should work together to strengthen future working of the EMU as regards economic governance on the basis of the following suggestions:

- (a) as an essential component of the Lisbon Strategy and the central economic instrument, the Integrated Guidelines should, with the aim of a balanced 'policy-mix approach', pursue mutually inspiring reforms in the areas of employment, the environment and social security;
- (b) the Integrated Guidelines should establish a broad framework for closer economic policy coordination in order to align National Reform Programmes (NRPs), taking into account, however, economic diversity and differing national traditions; a consultation of national parliaments regarding the stability and convergence programmes and the NRPs should be established;
- (c) a stronger link between the Integrated Guidelines, in particularly the Broad Economic Policy Guidelines (BEPG), and the stability and convergence programmes, should be established; the stability and convergence programmes and the NRPs could be presented at the same time (annually at the beginning of autumn) after a debate in the national parliament; the BEPGs could include common budgetary objectives in line with the preventive arm of the SGP;
- (d) Member States' governments should, when deciding on their national budgets, take into account the Integrated Guidelines and the country-specific recommendations as well as the overall budgetary situation in the euro area; the different national fiscal calendars and the main assumptions used in the underlying forecasts should be harmonised in order to avoid disparities caused by the use of different macroeconomic forecasts (global growth, EU growth, price of oil barrel, interest rates) and other parameters; calls on the Commission, Eurostat and the Member States to work towards the definition of tools to enhance the comparability of national budgets as regards spending in different categories;
- (e) more formal recommendations for the euro area Member States, such as setting targets regarding medium-term expenditure, specific structural reforms, investments, quality of public finance, should be used whenever possible; a more standardised reporting structure in the context of the NRPs should also be pursued, without hampering national reform priorities; all commitments, targets and benchmarks should be fully incorporated in the Integrated Guidelines and the NRPs in order to improve the coherence and efficiency of economic governance;
- (f) a long-term strategy, in good times, to reduce national debt to below a maximum of 60 % of GDP should be included in the framework for economic governance as it would reduce the cost of debt servicing and the cost of capital for private investments;

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- (g) a binding framework within which euro area Member States consult each other and the Commission before taking major economic policy decisions, such as in the case of measures to tackle higher food and energy prices, should be established;
- (h) economic coordination should take the form of an integrated 'European Economic and Employment Strategy' on the basis of the existing economic policy instruments — in particular the Lisbon Strategy, the Integrated Guidelines, the Sustainable Development Strategy, and the convergence and stability programmes; calls upon Member States' governments, under the leadership of the president of the Eurogroup, to support economic activity in a coherent manner, at the same moment and in the same direction;
- (i) the European Economic and Employment Strategy referred to in point (h) should recognise the potential of new and green technology as a cornerstone of economic growth coupled with a macroeconomic policy mix;
- (j) the financing of innovative enterprises, in particular SMEs, should be facilitated, inter alia by the establishment of a 'European Smart Growth Fund' by the European Investment Bank;
- (k) the Annual Report on the euro area should deliver a more practical range of instruments and evaluations to make it possible to hold a more detailed dialogue between the various EU bodies that are involved in economic governance;
- (l) a code of conduct between Parliament, the Council and the Commission, which would guarantee proper cooperation and the full involvement of those three EU institutions concerned in the appropriate further handling of the Integrated Guidelines, as key economic instruments needs to be established;
- (m) the institutional set-up for economic policy coordination should be strengthened as follows:
- Eurogroup formations should also be established in the field of competitiveness/industry, environment, employment and education;
 - the Eurogroup should be provided with a stronger institutional setting and more human resources;
 - the mandate of the president of the Eurogroup should be in line with the economic cycles of the Integrated Guidelines;
 - the Economic Policy Committee should be absorbed into the Economic and Financial Committee so as to constitute a single and coherent preparatory body for the Economic and Financial Affairs Council and the Eurogroup;
 - a Parliament representative should be given observer status within the Eurogroup and at informal Council meetings;
 - meetings between the Troika, Parliament and the Commission should be organised four times a year, and, when necessary, with the Eurogroup;
- (n) a more regular and structured dialogue on macroeconomic issues between Parliament, Commission and the Eurogroup, similar to the monetary dialogue between the Parliament and the ECB, should be established to take place at least quarterly, in order to deepen the existing frameworks and debate challenges facing the economy of the euro area; and
- (o) an active dialogue needs to be established between Parliament, the Eurogroup, the ECB and the European Economic and Social Committee for the purpose of conducting discussions about the appropriate policy mix;

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63. Takes the view that the EMU policy agenda for the next decade will be marked, in particular, by the challenges presented by the recent financial market turmoil and its implications for the real economy; notices positively, in this context, that Member States within the euro area are better equipped to face major shocks than in the past thanks to a common monetary policy and reforms carried out in recent years; with a view to largely combating the economic slowdown and high inflation, however, calls for:

- (a) a coordinated response at the EU level, based on a common understanding of the problems and common follow-up measures while accepting some national specificities; including coordination of NRPs;
- (b) ambitious and adjusted NRPs and a commitment to their implementation, including a review of national budgets to react to the latest economic forecasts, counteract economic recession and foster growth, while establishing a strong dialogue with social partners;
- (c) measures supporting SMEs, in particular, to complement recent European Investment Bank action and to ensure sustained credit lines to SMEs by the banking system;
- (d) a definition of targeted measures to protect vulnerable groups from the effects of the current financial crisis;
- (e) fully and timely implementation of the Financial Services roadmap, including follow-up actions and increased effectiveness of supervision in regards to the ongoing financial turmoil;
- (f) the enhancement of crisis-resolution arrangements by improving the EU rules on winding-up and by setting up clearly defined and unanimously acceptable arrangements of burden-sharing among the relevant Member States in cases of insolvency within cross-border financial groups;
- (g) completion of the tools used for designing monetary policy by the thorough analysis of factors that influence the stability and functioning of the financial system, inter alia as regards the transfer of monetary policy, the development of credit and financial assets, the characteristics of new products, and the concentration of risks and liquidity;
- (h) a proactive European reaction within international forums, notably the FSF and the IMF and for the increase of common political decision-making processes; and
- (i) the formulation of a European Union voice within the G8 and the reflection of the European Union's role as a more efficient world-wide economic decision-making body while adjusting such a role to the consequences of globalisation and more dominant global financial markets;
- (j) better and more efficient coordination between the World Trade Organisation and the Bretton Woods institutions (the IMF and the World Bank Group) in order to combat speculation and meet the challenges posed by the serious crisis;
- (k) in view of the serious current monetary turbulence, a world monetary conference to be organised under the auspices of the IMF in order to hold global consultations on monetary questions; also consideration to be given to the feasibility of setting up a monetary disputes settlement mechanism within the framework of the IMF;

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64. Instructs its President to forward this resolution to the Council, the Commission, the European Central Bank, the European Economic and Social Committee, the president of the Eurogroup, and the governments and parliaments of the Member States.

Application of the principle of equal pay for men and women

P6_TA(2008)0544

European Parliament resolution of 18 November 2008 with recommendations to the Commission on the application of the principle of equal pay for men and women (2008/2012(INI))

(2010/C 16 E/04)

The European Parliament,

- having regard to Article 192, second paragraph, of the EC Treaty,
- having regard to Articles 2 and 141, third paragraph of the EC Treaty,
- having regard to the Commission's Communication of 18 July 2007 entitled Tackling the pay gap between women and men (COM(2007)0424),
- having regard to the Report by the Commission's network of legal experts in the fields of employment, social affairs and equality between men and women of February 2007 entitled Legal Aspects of the Gender Pay Gap,
- having regard to the European Pact for Gender Equality, adopted by the Brussels European Council of 23 and 24 March 2006,
- having regard to the case law of the Court of Justice of the European Communities based on Article 141 of the EC Treaty,
- having regard to the provisions of the International Labour Organisation's (ILO) 1994 Part-Time Work Convention, which requires countries to incorporate into their public procurement contracts a labour clause, including the issue of equal pay,
- having regard to Article 11(1)(d) of the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the UN General Assembly by Resolution 34/180 of 18 December 1979,
- having regard to the European Social Partners' Framework of Actions on Gender Equality of 1 March 2005 and its follow-up reports,
- having regard to its resolutions of 13 March 2007 on a roadmap for equality between women and men (2006-2010) ⁽¹⁾ and 3 September 2008 on equality between women and men — 2008 ⁽²⁾,
- having regard to Rules 39 and 45 of its Rules of Procedure,
- having regard to the report of the Committee on Women's Rights and Gender Equality and the opinion of the Committee on Employment and Social Affairs (A6-0389/2008),

⁽¹⁾ OJ C 301 E, 13.12.2007, p. 56.

⁽²⁾ Texts Adopted, P6_TA(2008)0399.

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- A. whereas women earn on average 15 % less than men in the European Union and up to 25 % less in the private sector; whereas the gender pay gap varies between 4 % and more than 25 % in Member States and this gap does not show any sign of significantly narrowing,
- B. whereas women need to work until 22 February (i.e. 418 calendar days) in order to earn as much as men do in a year,
- C. whereas the implementation of the principle of equal pay for the same work and for work of equal value is crucial to achieving gender equality,
- D. whereas the gender pay gap still persists, as evidenced by data pointing to extremely slow progress (from 17 % in 1995 to 15 % in 2005), in spite of the significant body of legislation in force for more than 30 years and the actions taken and resources spent on trying to reduce it; whereas the causes of this discrepancy need to be analysed and approaches to tackling the pay gap and the segregation of the female employment market of which it is an adjunct need to be put forward,
- E. whereas women achieve a higher pass rate at school than men in all Member States and account for the majority of graduates, without a comparable pay gap reduction,
- F. whereas the pay gap results from direct and indirect discrimination, as well as from social and economic factors, labour market segregation and the overall wage structure and is, moreover, linked to a number of legal, social and economic factors, which go beyond the single issue of equal pay for the same work,
- G. whereas the pay gap is not based solely on disparities in gross hourly earnings and account should also be taken of factors such as individual pay supplements, job classification, work organisation patterns, professional experience and productivity, which should be measured not only in quantitative terms (hours when the worker is physically present at the workplace) but also in qualitative terms and in terms of the impact on earnings of shorter working hours, leave and health-related absences,
- H. whereas reducing the pay gap was one of the objectives of the Lisbon Strategy for Growth and Jobs, but it has not been sufficiently addressed by most Member States,
- I. whereas an improvement in the EU legal framework should enable Member States and social partners to identify better the underlying causes of the persistence of the gender pay gap,
- J. whereas professions and jobs in which women predominate have a tendency to be undervalued in comparison with those in which men predominate, without necessarily being justified by any objective criteria,
- K. whereas the gender-based digital divide that exists clearly impacts on pay,
- L. whereas the pay system, whereby length of service is taken into account in setting the level of pay, is unfavourable to women who have (repeatedly) to interrupt their career because of external factors, such as child-related employment breaks, differing occupational choices or short working times, and places these women at a permanent and structural disadvantage,
- M. whereas data indicate that qualifications and experience acquired by women result in financially lower rewards than those acquired by men; whereas, in addition to the concept of 'equal pay for work of equal value', which must not be biased by a gender-stereotyped approach, societal roles that have hitherto significantly influenced education and employment paths must be broken away from; furthermore maternity and parental leave must not give rise to discrimination against women in the labour market,

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- N. whereas the pay gap has a serious impact on the economic and social status of women throughout their working life and beyond, whereas as a result of contributing to society by means other than employment, such as by looking after children and elderly relatives, many women are at greater risk of poverty, and are less economically independent,
- O. whereas the pay gap is even more pronounced among immigrant women, women with disabilities, women belonging to minorities and unqualified women,
- P. whereas gender-specific data and a new gender-aware legal framework, enabling the causes of pay discrimination to be tackled, are essential,
- Q. whereas education can and must contribute to eradicating gender stereotypes from society,
- R. whereas Parliament has repeatedly called on the Commission to take initiatives, including the revision of existing legislation, in order to help to tackle the pay gap, to eliminate the risk of poverty among pensioners and to secure for them a decent standard of living,
- S. whereas Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) ⁽¹⁾ states that the principle of equal pay for equal work or work of equal value is an essential and indispensable part of the *aquis communautaire*, including the case law of the Court of Justice concerning discrimination and gender, and it is necessary to make further provision for the implementation of that principle,
- T. whereas the implementation by the Member States, social partners and equal opportunity organisations of measures such as those set out in the above-mentioned Framework of actions on gender equality of 1 March 2005, would help to close the pay gap through effective social dialogue,
- U. whereas a strategy to remedy the pay gap, horizontal and vertical segregation of the labour market and stereotyping of the jobs and sectors where women typically predominate will require a framework for legislative and other measures at various levels which distinguishes between pay discrimination and pay differences based on factors other than direct or indirect discrimination, since while the former falls directly within the scope of legislation, the latter has to be tackled by means of targeted policies and specific measures,
- V. whereas the Commission, as announced in its abovementioned communication of 18 July 2007, is, during the course of 2008 carrying out an analysis of the EU legal framework on equal pay that must involve all stakeholders concerned; whereas the results of this analysis should be given due publicity,
- W. whereas equality in male and female pensions, *inter alia* regarding the retirement age, has been set as a goal,
- X. whereas the European Gender Institute can play a fundamental role in monitoring the development of the gender pay gap and analysing the causes of this gap, as well as in assessing the impact of legislation,

(1) OJ L 204, 26.7.2006, p. 23.

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1. Requests the Commission to submit to Parliament by 31 December 2009, on the basis of Article 141 of the EC Treaty, a legislative proposal on the revision of the existing legislation relating to the application of the principle of equal pay for men and women ⁽¹⁾, following the detailed recommendations annexed;
2. Confirms that the recommendations respect the principle of subsidiarity and the fundamental rights of citizens;
3. Considers that the requested proposal will not have any financial implications;
4. Is convinced that it is essential to ensure better and earlier implementation of the provisions of Directive 2006/54/EC, relating to equality organisations and social dialogue with a view to redressing differences in pay by ensuring that the Member States, social partners and equal opportunity organisations apply measures such as those set out in the above mentioned Framework of actions on gender equality of 1 March 2005, by providing for the distribution of information and guidelines on practical means (particularly for SMEs) of redressing the pay gap, including national or sectoral collective agreements;
5. Points out that collective negotiation and bargaining have an important role to play in combating discrimination against women, not least as regards access to employment, pay, working conditions, career advancement, and vocational training;
6. Calls on the European institutions to organise a European Equal Pay Day — the day on which women in Europe have earned (on average) the pay which men earn (on average) in a year — which must contribute to raising awareness about the existing wage gap and encourage all those involved to take additional initiatives to eliminate this gap;
7. Calls on workers' and employers' organisations to jointly develop objective job evaluation instruments, in order to reduce the pay gap between men and women;
8. Instructs its President to forward this resolution and the accompanying detailed recommendations to the Commission, the Council and the governments and parliaments of the Member States.

⁽¹⁾ Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women (OJ L 45, 19.2.1975, p. 19) has been incorporated in Directive 2006/54/EC. According to the provisions of Directive 2006/54/EC, Directive 75/117/EEC is repealed as from 15 August 2009, which is also the last limit set to implement this Directive.

ANNEX

DETAILED RECOMMENDATIONS ON THE CONTENT OF THE PROPOSAL REQUESTED

Recommendation 1: DEFINITIONS

Directive 2006/54/EC contains a definition of equal pay, by copying the provisions of Directive 75/117/EEC. To have more precise categories as tools for dealing with the gender pay gap (GPG) it is important to define the different concepts more precisely, such as:

- GPG, the definition of which must not cover gross hourly pay alone;
- Direct pay discrimination;
- Indirect pay discrimination;

- Remuneration, the definition of which should cover any net wages and salaries as well as any work-related financial entitlements and in-kind benefits;
- Pension gap — in different pillars of pension systems, i.e. in pay as you go systems, occupational pensions (as a continuation of the pay gap after retirement).

Recommendation 2: ANALYSIS OF THE SITUATION AND TRANSPARENCY OF RESULTS

2.1. The lack of information and awareness among employers and employees about existing or possible pay gaps within their company weakens the implementation of the principle enshrined in the Treaty and in existing legislation.

2.2. Acknowledging the lack of accurate statistical data and the existing lower pay rates for women especially across professions traditionally dominated by women, Member States should take full account of the gender pay gap in their social policies and treat it as a serious problem.

2.3. It is therefore essential that regular pay audits, as well as the publication of their results, are made compulsory within companies (e.g. in companies with at least 20 employees). The same requirement must also apply to information on remuneration in addition to pay.

2.4. Employers should provide employees and their representatives with results in the form of wage statistics, broken down by gender. This data should be compiled at sectoral and national level in each Member State.

2.5. Member States and the Commission should improve statistics and add comparable data on the part-time gender pay gap and the gender pension gap.

2.6. Those statistics should be coherent, comparable and complete aiming at abolishing discriminatory elements in pay connected with the organisation and classification of work.

Recommendation 3: WORK EVALUATION AND JOB CLASSIFICATION

3.1. The concept of the value of work must be based on interpersonal skills or responsibility emphasising quality of work, with the aim of promoting equal opportunities between women and men and should not be marked by a stereotyped approach unfavourable to women, for example putting the emphasis on physical strength rather than on interpersonal skills or responsibility. Women must therefore be provided with information, assistance and/or training in wage negotiations, job classification and pay-scaling. It must be possible for sectors and companies to be asked to examine whether their job classification systems reflect the gender dimension in the required manner, and to make the necessary corrections,

3.2. The Commission's initiative should invite Member States to introduce job classification complying with the principle of equality between women and men, enabling both employers and workers to identify possible pay discrimination based on a biased pay-scale definition. Respecting national laws and traditions concerning industrial relations system remains important. Such elements of work evaluation and classification should also be transparent and be made available to all stakeholders and to labour inspectorates and equality bodies,

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3.3. Member States should carry out a thorough assessment centred on professions dominated by women,

3.4. A gender-neutral job evaluation should be based on new systems for classifying and organising staff and work and on professional experience and productivity assessed above all in qualitative terms, for use as a source of data and assessment grids for determining pay, with due regard to the principle of comparability.

Recommendation 4: EQUALITY BODIES

Equality promotion and monitoring bodies should play a greater role in diminishing GPG. The bodies should be empowered to monitor, report, and, where possible, enforce gender equality legislation more effectively and more independently. Article 20 of Directive 2006/54/EC should be revised so as to enhance the bodies' mandate by:

- supporting and advising victims of pay discrimination;
- providing independent surveys concerning the pay gap;
- publishing independent reports and making recommendations on any issue relating to pay discrimination (direct and indirect);
- legal powers to bring wage discrimination cases to court;
- providing special training for the social partners and for lawyers, judges and ombudsmen based on a toolbox of analytical instruments and targeted measures to be used either when drawing up contracts or when checking whether rules and policies to address the pay gap are being implemented.

Recommendation 5: SOCIAL DIALOGUE

Further scrutiny of collective agreements and applicable pay scales and job classification schemes are necessary, mainly concerning the treatment of part-time workers and workers with other atypical work arrangements or extra payments/bonuses including payments in kind (more often given to men than women). Such scrutiny should cover not only primary but also secondary working conditions and occupational social security schemes (rules on leave, pension schemes, company cars, childcare arrangements, flexible working time, etc.). Member States, while respecting national law, collective agreements or practice, should encourage social partners to introduce gender-neutral job classifications, enabling both employers and employees to identify possible pay discrimination based on a biased pay-scale definition.

Recommendation 6: PREVENTION OF DISCRIMINATION

Specific reference should be made to pay discrimination in Article 26 (on prevention of discrimination) of Directive 2006/54/EC, with a view to ensuring that Member States, with the involvement of the social partners and equal opportunity organisations, adopt:

- specific measures relating to training and job classification, aimed at the vocational-training system and designed to remove and prevent discrimination in training and classification and in the economic valuation of skills,

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- specific policies to make it possible to reconcile work with family and personal life, covering childcare and other care services, flexible work organisation and hours, and maternity, paternity, parental and family leave, with specific provision for paternity leave and the protection thereof and for parental leave with financial cover for both parents,
- concrete affirmative actions (under Article 141(4) of the EC Treaty) to redress the pay gap and gender segregation, to be given effect by the social partners and equal opportunity organisations at various levels, both contractual and sectoral, such as: promoting pay agreements to combat GPG, investigations in relation to equal pay, setting of qualitative and quantitative targets and benchmarking, exchange of best practice,
- a clause in public contracts requiring respect for gender equality and equal pay.

Recommendation 7: GENDER MAINSTREAMING

Gender mainstreaming should be enhanced by including in Article 29 of Directive 2006/54/EC precise guidelines for the Member States concerning the principle of equal pay and closing the gender pay gap. The Commission should gear itself to providing assistance to the Member States and to stakeholders as regards practical measures to bridge the gender pay gap by means of the following:

- devising reporting schemes for the purposes of assessing pay gaps between men and women,
- creating a data bank containing information concerning changes to the systems for the classification and the organisation of workers,
- collating and disseminating the results of experiments relating to the reform of work organisation,
- devising specific guidelines for the monitoring of pay differentials within the context of collective bargaining, to be made available on an Internet site translated into various languages and accessible to all,
- distributing information and guidelines on practical means (particularly for SMEs) of redressing the pay gap, including national or sectoral collective agreements.

Recommendation 8: SANCTIONS

8.1. The legislation in this field is for different reasons evidently less effective and, bearing in mind that the whole problem cannot be solved by legislation alone, the Commission and Member States should reinforce the existing legislation with appropriate types of sanctions.

8.2. It is important that Member States take the necessary measures to ensure that infringement of the principle of equal pay for work of equal value is subject to appropriate sanctions according to the legal provisions in force.

8.3. It is recalled that under Directive 2006/54/EC, Member States are already obliged to provide compensation or reparation (Article 18), as well as penalties (Article 25) which are 'effective, proportionate and dissuasive'. However, these provisions are not sufficient to avoid infringement of the equal pay principle. For this reason, it is proposed to conduct a study on the feasibility, effectiveness and impact of launching possible sanctions such as:

- compensation or reparation, which should not be limited by fixing a prior upper limit;
- penalties, which must include the payment of compensation to the victim;

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- administrative fines (for example in the event of failure of notification or of compulsory communication or unavailability of analysis and evaluation of wage statistics disaggregated by gender (according to Recommendation 2)) requested by labour inspectorates or the competent equality bodies;
- disqualification from public benefits, subsidies (including EU funding managed by Member States) and public procurement procedures, as already provided for by Directives 2004/17/EC ⁽¹⁾ and 2004/18/EC ⁽²⁾ concerning the procurement procedure;
- identification of offenders, which should be made public.

Recommendation 9: STREAMLINING OF EU REGULATION AND EU POLICY

9.1. One area for urgent action concerns the fact that a wage penalty appears to be linked to working part-time. This requires an evaluation and possible revision of Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC — Annex: Framework agreement on part-time work ⁽³⁾, which prescribes equal treatment between full-time and part-time workers as well as more targeted and effective actions in collective agreements.

9.2. A concrete target for reducing the pay gap should be introduced urgently in the Employment Guidelines, inter alia regarding access to vocational training and a recognition of women's qualifications and skills.

⁽¹⁾ OJ L 134, 30.4.2004, p. 1.

⁽²⁾ OJ L 134, 30.4.2004, p. 114.

⁽³⁾ OJ L 14, 20.1.1998, p. 9.

Supporting early demonstration of sustainable power generation from fossil fuels

P6_TA(2008)0545

European Parliament resolution of 18 November 2008 on supporting early demonstration of sustainable power generation from fossil fuels (2008/2140(INI))

(2010/C 16 E/05)

The European Parliament,

- having regard to the Commission Communication of 23 January 2008 entitled Supporting early demonstration of sustainable power generation from fossil fuels (COM(2008)0013) and the accompanying Commission staff working document on impact assessment (SEC(2008)0047),
- having regard to the proposal for a directive of the European Parliament and of the Council amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading system of the Community (COM(2008)0016) and the accompanying Commission staff working document on impact assessment (SEC(2008)0052),
- having regard to the proposal for a directive of the European Parliament and of the Council on the geological storage of carbon dioxide and amending Council Directives 85/337/EEC, 96/61/EC, Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC and Regulation (EC) No 1013/2006 (COM(2008)0018) and the accompanying Commission staff working document on impact assessment (SEC(2008)0054),

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- having regard to the Commission Communication of 22 November 2007 entitled A European strategic energy technology plan (SET-Plan): Towards a low carbon future (COM(2007)0723) and the accompanying Commission staff working documents on a technology map (SEC(2007)1510) and a capacities map (SEC(2007)1511),
 - having regard to the Commission Communication of 23 January 2008 entitled 20-20 by 2020: Europe's climate change opportunity (COM(2008)0030),
 - having regard to the Commission Communication of 10 January 2007 entitled An energy policy for Europe (COM(2007)0001),
 - having regard to Decision No 1982/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013) ⁽¹⁾,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Industry, Research and Energy and the opinion of the Committee on the Environment, Public Health and Food Safety (A6-0418/2008),
- A. whereas according to the latest scientific and technological findings, without massive research and development investment in other technologies, the use of fossil fuels within the EU will continue to be necessary for some decades to come to ensure security of energy supply,
- B. whereas coal is the only fossil fuel available in the EU which is capable of curbing the growing dependence on oil and gas imports from unstable third countries, and, as such, has strategic significance,
- C. whereas, while in many Member States coal plays a major role in the energy mix, coal-fired power stations require major modernisation and investment to reduce the generation of greenhouse gas emissions,
- D. whereas many Member States possess large coal reserves which, it is estimated, will last well into the next century,
- E. whereas the widespread use of carbon dioxide capture and storage (CCS) technologies, — in power stations and also on a long term basis in industrial sectors with large CO₂ emissions, — could help in the attainment of ambitious EU climate targets beyond 2020, and whereas the use of these technologies complements energy efficiency efforts on the supply and demand side and in the field of renewable energies,
- F. whereas, in many growing economies in the world, energy production depends on coal and any climate policy achievements in those regions are very closely linked to the possibility of using coal with reduced emissions,
- G. whereas the use of CCS technologies in power stations from 2020 will only be possible if demonstration projects produce new and necessary developments in technology, and improvements in efficiency and economic viability whilst at the same time ensuring respect for the environment,

⁽¹⁾ OJ L 412, 30.12.2006, p. 1.

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- H. whereas delays in constructing demonstration facilities cast into doubt the use of CCS technologies in power stations and thus the attainment of climate policy targets,
 - I. whereas there is as yet no suitable and necessary legislative framework for the use of CCS technologies,
 - J. whereas existing Community legislation in this area must be transposed as soon as possible by national or regional legislation and must be supplemented by new legislative proposals, particularly as regards the establishment of transport infrastructures,
 - K. whereas the lack of legislation makes it difficult for undertakings to take investment decisions and for potential investors to act in the financial markets,
 - L. whereas the construction of at least 12 demonstration facilities must be supported, and demonstration projects at EU level should be selected on the basis of whether they will provide the necessary findings as regards individual technologies and the various transport and storage options,
1. Underlines that the aim of EU climate policies should be the worldwide reduction of greenhouse gas emissions;
 2. Recalls the 2005 Special Report on CCS by the Intergovernmental Panel on Climate Change (IPCC) which identified CCS as a promising technology for the rapid reduction of global greenhouse gas emissions, with the potential to achieve a reduction of up to 55 % by 2100;
 3. Recognises that the use of CCS technologies can contribute to attaining the EUs stated climate targets after 2020; points out however that support for the use of CCS technologies complements the efforts being made in improving energy efficiency and increasing the use of renewable energies;
 4. Recalls the commitment by the European Council of 8 and 9 March 2007 to stimulate the construction and operation by 2015 of up to 12 demonstration facilities for sustainable fossil fuel technologies in commercial power generation;
 5. Stresses the need to ensure that national debates are held, and all specialists in the area are involved, in conveying the importance of the early demonstration of sustainable power generation from fossil fuels;
 6. Endorses the view that the construction of at least 12 demonstration facilities within the EU is necessary in order to achieve the desired use of CCS technologies in power stations and to secure CO₂ storage from 2020; takes the view in this context that if possible, the demonstration of CCS technologies shall also be supported in other industrial facilities before 2020; points out that the demonstration of CCS processes in the capture, transport, and storage phases needs to establish whether CCS technologies can be used safely and whether they are a cost-effective solution to the problem of climate change;
 7. Views the further development and use of CCS technologies as a means of making progress towards achieving at the same time the objectives of security of supply, climate protection and competitiveness;
 8. Takes the view that in the light of the role played by fossil fuels in the energy mix of many countries worldwide, CCS technologies in the EU could, in addition to the efforts being made to increase energy efficiency and the use of renewable energies, contribute to achieving security of supply and climate protection;

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9. Stresses that binding and strict criteria should be set for the long-term safety and permanence of storage sites;
10. Considers that storage under the seabed can, in the event of accidents, endanger marine ecosystems;
11. Takes the view that the measures unveiled by the Commission are not sufficient to provide the desired incentives for constructing at least 12 demonstration facilities by 2015;
12. Calls on the Commission to produce a detailed assessment of the cost of, and the share of private and public funding in, each of the 12 demonstration facilities;
13. Considers that a direct financial commitment is necessary in order to ensure that 12 demonstration facilities are constructed;
14. Points out that investment decisions and capital acquisition on financial markets for demonstration facilities are made more difficult by the absence of a legislative framework, in particular at national and regional level, and by uncertainties about future movements in emission trading allowance prices;
15. Takes the view that the time delay between the potential support from emissions trading from 2013, and the necessary planning and construction phase of demonstration facilities, can be overcome by making financial resources available;
16. Proposes in this connection that the risk sharing finance facility resources held back after the adoption of the Seventh Framework Research Programme until the mid-term review, should be committed for CCS demonstration facilities so as to make resources available promptly to support these projects and, if possible, to supplement them with other funds in cooperation with the European Investment Bank, as envisaged by the Commission;
17. Considers furthermore that, in connection with the EU emission trading scheme (EU ETS), incentives for CCS technology production should be increased, by allocating, within the EU ETS, allowances for anticipated CCS technology production with an increase of at least 25 % from 2013; considers further that such allowances should, however, be allocated at least two years prior to construction so that they can be traded; considers alternatively, that an allocation of 500 million emission trading allowances for the support of the projects within the EU should be envisaged; furthermore encourages the Member States to use proceeds from auctioning emission allowances in the framework of the EU ETS to support CCS technologies and the necessary infrastructure;
18. Considers it imperative that at least the 12 demonstration facilities earmarked for assistance should cover all possible combinations of the three CCS technologies with the various energy sources and storage options and for these facilities to be sited with a view to maximum geographical spread across the EU;

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19. Strongly recommends that power station projects with a proposed minimum output of 180 MW, be included in the selection;
 20. Takes the view that the necessary basis for authorisation procedures for transport and storage should be created forthwith at national and regional level;
 21. Regards as necessary an additional EU commitment on facilitating development of the necessary transport infrastructure, and notes in this regard that the authorisation procedures in individual Member States for other transport infrastructures can last for years; in this connection points to the importance of shortening such procedures to ensure construction by 2020;
 22. Regards the use of structural fund resources for CCS demonstration facilities as an option only if individual regions have not yet committed the appropriations or submitted proposals for other long-term projects, and emphasises that the acceptance of climate protection efforts will decrease if appropriations for improving economic and social cohesion have to compete with climate protection measures;
 23. Instructs its President to forward this resolution to the Council and Commission and the governments and parliaments of the Member States.
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Special Report by the European Ombudsman following the draft recommendation to the Council of the European Union in complaint 1487/2005/GG

P6_TA(2008)0555

European Parliament resolution of 20 November 2008 on the Special Report by the European Ombudsman following the draft recommendation to the Council of the European Union in complaint 1487/2005/GG (2008/2072(INI))

(2010/C 16 E/06)

The European Parliament,

- having regard to the Special Report from the European Ombudsman to the European Parliament,
 - having regard to Article 195(1), second subparagraph, of the EC Treaty,
 - having regard to Decision 94/262/ECSC, EC, Euratom of the European Parliament of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties ⁽¹⁾, particularly Article 3(7) thereof,
 - having regard to the studies carried out by the Commission, as published in Special Eurobarometer Nos 237 and 243, on the dissemination of languages in the European Union,
 - having regard to Article 3(5) of the Statute of the Ombudsman, which directs the Ombudsman to seek, as far as possible, a solution with the institution concerned in order to eliminate the instance of maladministration and satisfy the complainant,
 - having regard to Rule 195(2), first sentence, of its Rules of Procedure,
 - having regard to the report of the Committee on Petitions (A6-0395/2008),
- A. whereas improved transparency, the promotion of multilingualism and the provision of accurate information to the public are objectives which are given the highest priority by the EU and its institutions,
 - B. whereas ease of access to information for as many EU citizens as possible is an important prerequisite for, and a basic element of, the general principles of democratic legitimacy and transparency,
 - C. wishing to enable as many citizens as possible to have direct access to information on the activities of the EU institutions in all their formations,
 - D. whereas this wish must be reconciled with the logistical challenge posed by a large number of official EU languages,
 - E. whereas the Internet is an increasingly important means of obtaining information and must, accordingly, be used by the European Union in its efforts to achieve transparency and disseminate information,

⁽¹⁾ OJ L 113, 4.5.1994, p. 15.

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1. Endorses the conclusions of the Ombudsman, namely that:
 - (a) the Council, like every EU institution, is, in the first instance, itself responsible for the websites of its presidency and the languages used thereon;
 - (b) the practices followed in the Council cannot be pursued in a way which is completely isolated from uniform implementation by the institutions and their formations;
 - (c) the information on these websites should, ideally, be made available in good time in all official languages of the Community;
 - (d) if the number of languages is to be limited, the choice of the languages to be used must be based on criteria of objectivity, reasonableness, transparency and manageability;
 - (e) the Council's refusal to address the substance of the complainant's request constitutes an instance of maladministration;
 2. Is astonished to note, in this regard, that the Council does not consider itself empowered to address this question, even though it is one which affects all Member States and the Council could make recommendations to all future presidencies;
 3. Notes with regret that the Council, unlike other institutions such as the Commission and Parliament, which have significantly improved the number of languages available in their communication with citizens, has so far completely avoided addressing in a substantive way the question of the language options of the websites of its presidencies;
 4. Invites the Council to conduct a comprehensive review of the question of expanding the language options of the websites of its presidencies, irrespective of the question of responsibility or authority for these websites, so as to ensure that as large a section as possible of the population of the European Union has easy and direct access to information on its activities; calls on the Council to inform Parliament of the results of its deliberations;
 5. Stresses that any reduction of the language options which may prove necessary must be undertaken on the basis of objective and sufficiently justified criteria, that it must be announced publicly and that only the language of the incumbent presidency may have priority until the end of such presidency;
 6. Supports the recommendation of the Ombudsman to the Council that it examine the complainant's request that the websites of the Council presidencies be also made available in German;
 7. Welcomes the fact that, in contrast to the practice of past presidencies, whereby websites were only available in English, French and the language of the incumbent presidency, the French Council Presidency publishes its official website in the most widely spoken official languages of the European Union (English, German, French, Italian and Spanish);
 8. Addresses itself to all future Council presidencies, in the hope that they will make their websites available in as many languages as possible and, in the event of a restriction on the number of languages, will use the most widely spoken official languages according to an order of priority;
 9. Instructs its President to forward this resolution to the Council, the Commission, the European Ombudsman and the governments and parliaments of the Member States.
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Social security systems and pensions

P6_TA(2008)0556

European Parliament resolution of 20 November 2008 on the future of social security systems and pensions: their financing and the trend towards individualisation (2007/2290(INI))

(2010/C 16 E/07)

The European Parliament,

- having regard to the Commission Communication of 12 October 2006 on the long-term sustainability of public finances in the EU (COM(2006)0574),
- having regard to the Treaty establishing the European Community and in particular Articles 99 and 141 thereof,
- having regard to the judgments of the Court of Justice of the European Communities, in particular the judgment delivered by the Court on 17 May 1990 in *Douglas Harvey Barber v Guardian Royal Exchange Assurance Group* ⁽¹⁾,
- having regard to the legally binding Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the United Nations General Assembly, and in particular to Article 11.1(d) and (e) and Article 11.2(c),
- having regard to the Commission Communication of 1 March 2006 on a roadmap for equality between women and men 2006-2010 (COM(2006)0092),
- having regard to the Presidency Conclusions of the Brussels European Council of 13 and 14 March 2008,
- having regard to the Commission Communication of 17 October 2007 on modernising social protection for greater social justice and economic cohesion: taking forward the active inclusion of people furthest from the labour market (COM(2007)0620),
- having regard to the International Labour Organisation (ILO) Convention concerning Minimum Standards of Social Security 1952,
- having regard to the Commission Staff Working Document of 11 April 2008 on the implementation of Article 8 and the related provisions of Council Directive 80/987/EEC of 20 October 1980 on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer, concerning supplementary company or inter-company pension schemes outside the national statutory social security schemes (SEC(2008)0475),
- having regard to the European social partners' recommendations in the report of 18 October 2007 entitled *Key Challenges Facing European Labour Markets: A Joint Analysis of European Social Partners*,
- having regard to the Commission's Green Paper on modernising labour law to meet the challenges of the 21st century (COM(2006)0708) and to Parliament's resolution thereon of 11 July 2007 ⁽²⁾,

⁽¹⁾ Case C-262/88, ECJ [1990] I-1889.

⁽²⁾ OJ C 175 E, 10.7.2008, p. 401.

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- having regard to the Commission Communication of 26 February 2007 entitled Social reality stocktaking — Interim report to the 2007 Spring European Council (COM(2007)0063) and to Parliament's resolution of 15 November 2007 on Social Reality Stocktaking ⁽¹⁾,
 - having regard to the Commission Communication of 10 May 2007 on promoting solidarity between the generations (COM(2007)0244), and to the Parliament's resolution of 21 February 2008 on the demographic future of Europe ⁽²⁾,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Employment and Social Affairs and the opinions of the Committee on Women's Rights and Gender Equality and the Committee on Economic and Monetary Affairs (A6-0409/2008),
- A. whereas social security:
- is established, regulated, managed and financed (usually partly) by the state and also collectively through taxes or contributions paid by the insured, with the state having a public responsibility to fulfil the social security needs of its citizens,
 - is characterised by accountability and ensuring adequate basic security for all,
 - is based on the principle of solidarity,
 - covers nine areas of the abovementioned ILO Convention,
 - aims to ensure fundamental security in the areas of employment (insurance against unemployment), income (pension payment) and earning capacity (health care insurance),
- B. whereas the total population of the European Union is expected to increase slightly until 2025 and to decrease slightly after 2025, becoming by 2050 slightly smaller and significantly older,
- C. whereas, with immigration constant at present levels, the work force will decrease from 227 million people in 2005 to 183 million in 2050, the employment rate will rise to 70 % in 2020, mainly due to higher female employment rates, the total number of people employed will increase by 20 million by 2017, but after that will decrease by 30 million by 2050 and the projected ratio of people over 65 to people of working age will rise from 1:4 in 2005 to 1:2 in 2050,
- D. whereas a general increase in the pensionable age, based on the general trend of increased life expectancy, takes insufficient account of the fact that there are still numerous branches of industry in which the life expectancy of workers is significantly lower,
- E. whereas the social partners in general, and in those branches of industry with workers with a lower than average life expectancy in particular, have a serious responsibility with regard to the in and outflow of workers and can be the primary supporting parties in ensuring an effective age-conscious personnel policy,
- F. whereas, due to lower proportions of unemployed people, unemployment benefit spending will fall by about 0,6 percentage points of GDP by 2050, a decrease that is very modest and will not compensate higher expenditure in other sectors,
- G. whereas the European Union spends 27,2 % of GDP on social protection (2008), the major share being spent on old age benefits and pensions (46 %),

⁽¹⁾ OJ C 282 E, 6.11.2008, p. 463.

⁽²⁾ Texts Adopted, P6_TA(2008)0066.

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- H. whereas the term social security does not mean the relationship between spending and revenue but is rather a social contract, a relationship between rights and obligations both for citizens and for the state, and should be treated as such; whereas, under no circumstances should the budgetary character of social security, however, be undermined,
- I. whereas the fact of the ageing population is expected to lead to increases in public spending, most of it for pensions, health care and long-term care, in most Member States by 2050 if current policies are pursued, with the largest increase occurring between 2020 and 2040,
- J. whereas the objectives of the Lisbon Strategy as regards the employment of women, young people and the elderly and the Barcelona objectives as regards childcare services are essential for the viability of pension systems,
- K. whereas the 2000 UN Millennium Objectives, in particular Objective 3, presuppose gender equality,
- L. whereas, in general terms, women's careers tend to be more fragmented and the rate at which their pay increases slower, while men tend to have a more continuous employment record and their pay tends to increase more steadily, which means that there is a discrepancy between their respective contributions to the pension system and an increased risk of poverty for women, which is in addition a longer-term risk, given their greater life expectancy,

General concerns

1. Urges the Member States, in the light of the Lisbon Strategy and the need to cover social risks and secure the sustainability of the social security and pension systems and maintain the core of the European social models, to make more progress in balancing social expenditure and social activation and, furthermore, to attract and retain more people in quality, secure and mandatory social insurance employment, promoting growth and job creation and access to employment on the basis of greater market transparency, to modernise social protection systems (for example through greater differentiation in benefit formulas and funding mechanisms) and to increase investment in human capital by promoting research and development and innovation and through better education and vocational training in the context of lifelong learning for all;
2. Calls on the Commission to follow closely social security and pension reforms in the Member States, comparing their impact to date on the employment situation of women and focusing on the best practices that have emerged, particularly in reducing gender discrimination regarding pay and in reconciling professional and family responsibilities;
3. Emphasises that sources of economic growth will alter as a result of demographic change and that increasing labour productivity and technological innovation will become sources of economic growth; recognises that, in order to maintain a higher level of productivity, it will be essential to invest more in research and development and better management methods, where synergy between technological and social innovation will be a high priority;
4. Highlights, in the context of current demographic, economic and social trends and the prevention of inter-generational and inter-societal conflicts, the importance of finding new methods for an efficient and equitable distribution of costs and benefits among what will be a smaller economically active and a larger economically inactive population: on a European and national level the aim should be maintaining the balance between the economic viability of the social security systems and pensions on the one hand and the coverage of social risks on the other;

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5. Recalls its belief that, to promote an economically viable social protection system, Community labour law should reinforce employment contracts of indefinite duration as the usual form of employment under which adequate social and health protection is provided and respect for fundamental rights is ensured; recognises, however, that rights also need to be protected for those who have other working patterns, including the right to a pension which allows the retired to live in dignity;

6. Recalls that the core of European social models is the principle of solidarity between generations and social groups, and that it is primarily financed by work-related earnings, such as contributions by employees and employers and labour taxation; nevertheless points out that the ageing population will put serious pressure on the active work force and that solutions to the demographic change should be a political priority; stresses that, otherwise, demographic change could jeopardise the principle of solidarity and European social models as a consequence; stresses also the significant importance, therefore, of strengthening the principle of solidarity, including fair financial compensation;

7. Recalls that, under Article 141 of the EC Treaty, measures may be adopted to actively achieve equal pay and Community case-law regards social security contributions as an element of pay;

8. Notes that, as a result of changing demographics, it is estimated that by 2030 the ratio of active to inactive persons will be 2:1; calls on the Commission and Member States to develop policies to ensure that carers, many of whom are obliged to withdraw from the labour market because of caring responsibilities, are not adversely effected by pension insecurity;

9. Recalls that the trend towards individualisation contributes to the modernisation of the second and the third pillar, without calling into question the first pillar of social security systems, this to enable people, especially women and other vulnerable groups, to have more freedom of choice and thus become more independent and able to build up their own, additional pension rights;

10. Calls on the Commission to carry out more detailed research and studies concerning the impact of the individualisation of social rights on the equal treatment of women and men;

11. Considers that equality between men and women must be one of the objectives of any reform of social security and pension systems, while stressing that inequalities in this respect are fundamentally of an indirect nature, resulting from persisting inequality on the employment market, in pay and career prospects and in the way family and domestic responsibilities are shared, and can therefore only be corrected by more global measures;

12. Calls on the Commission and Member States to raise awareness among (young) adults of the importance of building-up pension entitlements early;

Work force

13. Believes that a decreasing work force will, if the present situation continues, lead to a decrease in the total number of hours worked; considers that, in order to reverse this trend, measures could be taken to reduce the unemployment rate and increase recruitment (combined with training and retraining) including persons who have a high labour potential such as disabled persons, women and the elderly; stresses the need to enable flexible retirement on a voluntary basis, change the organisation of working practices and make intelligent use of new technologies; stresses that it is also necessary that support services and services related to the care of children and family dependants are improved, in the light of reducing the number of people working part-time on a voluntary basis;

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14. Recalls that higher employment rates are heavily dependent on the need to keep all groups — especially those excluded from the labour market — active; stresses, therefore, the need to fight discrimination on the labour market and to offer jobs to inactive persons in the labour force; stresses, furthermore, the need to provide reasonable accommodation so as to facilitate the employment of disabled persons and those with significant health problems, and to ensure that disabled persons and persons who are mentally ill have access to employment;
15. Stresses, therefore, the need for active policies on the employment of women, young people and the elderly so as to make proper use of manpower and business enterprise and to ensure that, inter alia, contributions to pension systems entitle the retired to a decent pension;
16. Stresses the need to discuss at national level raising the legal retirement age; considers that, irrespective of the various legal retirement ages in the Member States, it is necessary that employees should be encouraged to remain in employment on a voluntary basis and as long as conditions allow, until the age which applies or longer;
17. Calls on the social partners, among other things on the basis of experience gained in various sectors, to negotiate tailor-made sector-based measures in relation to ageing workers in general and an age-conscious personnel policy in particular;
18. Calls on the Member States to create financial and social incentives to encourage employees voluntarily to continue to work even after reaching the statutory retirement age;
19. Calls on the Member States to pursue an active policy to improve the prospects for safe working conditions in order to reduce risk in certain occupations and avoid the early retirement of a large proportion of skilled workers;
20. Recalls that any pro-active economic migration policy that addresses especially potential migrants of working age and offers fast-track immigration to highly skilled applicants would need to be complemented by better integration of migrants into the labour market and society as a whole; stresses that intensified efforts to increase immigration might lead to a brain-drain in the countries of origin, which might have a negative effect on the economical and societal development of these countries and encourage new waves of uncontrolled migration;
21. Recognises that 'brain waste' can also be an issue, for both the economy as a whole and the individuals concerned, when qualified migrant workers are employed to fill positions for the less-skilled; stresses the need for migrant workers to benefit from their contributions to pension schemes;
22. Calls on the Commission to take the necessary steps to ensure that Union citizens working and residing in a host Member State do not lose some or all of their social security rights;
23. Considers that the long-term impact of immigration on the ageing of the population is uncertain as it depends on the behaviour of migratory flows, on family regrouping and on the birth rate among migrants; considers that immigration can lead to a better balance of social security systems if immigrants are legally employed and therefore contributing to its financing;

Pensions

24. Draws attention to the existing discrimination against all vulnerable groups in terms of access to and the conditions on the labour market, especially those who are working in jobs where social security contributions are not mandatory, which leads to lower employment rates and lower wages and therefore fewer opportunities for those groups to build up adequate pensions; insists on the need to provide equal opportunities for all, thus ensuring higher employment rates, equal pay and adequate pension rights;

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25. Recognises the fact that public pension systems strengthen social solidarity and are the responsibility of the Member States and that safeguarding these systems should be a political priority; believes that greater use of alternatives to state-funded pensions, such as supplementary schemes, could be a viable alternative; points out that private pensions could include occupational supplementary pension schemes by employers or other collective organisations and associations and individual supplementary pensions based on savings; emphasises that the existence of private pensions would increase the need for the appropriate regulation of private pension funds, the portability of such pensions and the promotion and continued modernisation (including more flexibility) of these alternatives; within this framework, believes that the risk should be taken into account that women in the context of the existing public pension system might lose insurance coverage if private provisions are to replace this system, but that this risk can be reduced by crediting pension entitlements for maternity leave, parental leave and breaks from work for personal reasons;

26. Calls on the Member States to take serious account of the need to redesign traditional pension systems which are based on systematic risk assessments and the assumption of a typical, standard life course and adjust the social security system in line with the reforms of the pension system, this given that the assumed standard course of life is changing rapidly, and that so-called 'patchwork biographies' will become more and more common; believes that this could lead to a new social risk of increasing unpredictability for many individuals and for vulnerable groups in particular, especially immigrants, low-skilled workers, single parents and those with other caring responsibilities; stresses that this can lead to an early exit from the labour market or reduced participation in it; points out that a transformation of the pension systems is also necessary to achieve a flexible labour market;

27. Notes that a sustainable pension system needs to adapt to demographic and economic challenges and stresses that — provided that there is wide availability — a three-pillar structure is a balanced option; suggests that the statutory pensions (first pillar) be flanked by collectively funded occupational pension systems (second pillar) and by individual additional third-pillar products; stresses the value of pension systems that combine solidarity with often high returns because of volume, long-term and prudent but profitable investment strategies; invites the Commission to undertake the preparation of an appropriate and feasible framework of regulation and supervision of pan-European pension products; stresses that an internal market for occupational and third-pillar pensions would allow individuals to enjoy portable occupational pension arrangements, stimulate competition and reduce the cost of saving for retirement;

28. Observes that it is predominantly women who take care of children as well as elderly, ill or disabled members of the family, voluntarily or involuntarily under the pressure of cultural attitudes and social norms or of the poor quality or lack of childcare facilities and other care facilities (long-term care structures) and that they therefore have more interruptions in their working careers; stresses the need to compensate women and carers and to provide them with real choices as regards having children as in relation to caring responsibilities, without fearing possible financial disadvantages or suffering detriment to their career progression; welcomes action by Member States to prevent and compensate this situation, for example by crediting child and family care time in statutory pension insurance;

29. Calls on the Member States, the social partners and representatives of women's organisations to continue to pay close attention to the possible or actual effects of pension system reforms on equality between men and women and to ensure that remedial action is taken if necessary to guarantee equal treatment;

30. Requests that, as a matter of urgency, the Commission and the Member States take measures prohibiting direct discrimination in occupational pension schemes, including the practice of basing the level of payments and contributions on actuarial factors relating to sex;

31. Recalls its resolution of 21 February 1997 on the situation of spouses helping self-employed workers ⁽¹⁾ which, inter alia, called for action to ensure that it was compulsory for spouses helping self-employed workers to be covered individually by a pension insurance scheme;

⁽¹⁾ OJ C 85, 17.3.1997, p. 186.

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32. Recalls its resolution of 12 March 2008 on the situation of women in rural areas of the EU ⁽¹⁾, calling once more on the Commission to submit a proposal for amending Directive 86/613/EEC of 11 December 1986 on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood ⁽²⁾ by the end of 2008 providing for independent social and pension entitlements for women assisting on agricultural holdings;

33. Recalls its resolution of 11 July 2007 on financial services policy (2005-2010) ⁽³⁾ and stresses the importance of developing a transparent, flexible European social security and pension market, by reducing fiscal barriers and obstacles to the transferability of pension rights from one Member State to another; is of the opinion that the creation of an internal market for pensions requires a European framework regulating pension products;

34. Urges the Commission urgently to review Directive 2003/41/EC of the European Parliament and of the Council of 3 June 2003 on the activities and supervision of institutions for occupational retirement provision ⁽⁴⁾ in order to provide a solid solvency regime appropriate to such institutions for occupational retirement provision, based on advice from the Committee of European Insurance and Occupational Pensions Supervisors and a thorough impact assessment, examining level playing field issues through differences in calculation and underlying assumptions for measuring liabilities; stresses that such a regime could be based on an extension of some aspects of the amended Commission proposal of 26 February 2008 for a Directive of the European Parliament and of the Council on the taking-up and pursuit of the business of insurance and re-insurance (Solvency II) (COM(2008)0119) to pension funds, taking into account the specificities of the institutions for occupational retirement provision, such as the long-term nature of the pension schemes they operate and the type of risk coverage or guarantees provided by pension funds; considers that such a special solvency regime would underpin financial stability and prevent regulatory arbitrage;

35. Recalls that the Court of Justice has ruled against obstacles to tax exemptions for cross-border pension contributions; emphasises that tax relief offers the best incentive for long-term savings and that further harmonisation may be needed to remove all obstacles to cross-border contributions to pension schemes;

36. Notes the current trend away from defined benefit pension systems to defined contribution pension systems and is concerned about the decline in employer contributions that evidently accompanies this trend; emphasises the need for strengthened participation and contribution levels of employees in existing pension schemes in order to ensure adequate retirement income for individuals and emphasises the need for continued adequate contributions from employers, particularly in defined contribution pension schemes; is concerned that the envisaged revision of International Accounting Standard (IAS) 19 regarding employee benefits, as for example in the case of the possible abolition of the so-called 'corridor-approach', could entail significant changes to pension systems that need to be carefully assessed, especially as regards possible adverse effects on the attractiveness of defined benefit schemes;

37. Observes that, in order to ensure decent living conditions for disabled persons and to avoid the 'benefits trap', it is necessary to provide compensation for the additional cost of living associated with disability and to coordinate it with pension systems and social integration policies;

⁽¹⁾ Texts Adopted, P6_TA(2008)0094.

⁽²⁾ OJ L 359, 19.12.1986, p. 56.

⁽³⁾ OJ C 175 E, 10.7.2008, p. 392.

⁽⁴⁾ OJ L 235, 23.9.2003, p. 10.

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Financial sustainability

38. Stresses the need for the Member States to preserve adequate levels of funding for social security and pensions systems and the need to find alternative and robust tax bases in the face of the increased competition brought about by globalisation; stresses the importance of reducing reliance on labour taxation in order to increase the competitiveness of Member State economies and provide more work incentives; recognises the complexity involved in shifting to a more capital based taxation, given the smaller capital tax base and greater mobility of capital; suggests that shifting to new methods of taxation and/or other alternatives could be considered to improve the financial sustainability of social spending, which would reduce the tax burden on people with lower incomes; maintains that employers' social security contributions represent an investment because they result in increased productivity, this being one of the reasons why countries with high social spending are also the most competitive;

39. Underlines the fact that Member States must focus on the medium and long-term objectives of the Stability and Growth Pact (SGP) and ensure sustainable public finances to meet the increased pressure of an ageing population; notes that the Informal Economic and Finance Ministers Council held in Brdo on 5 April 2008 agreed that the focus on social spending should move from volume of expenditure to achievements and outcome; recommends that the Council reflect on further improvements to the SGP, for example by allowing longer term investments to be accounted for over a longer period of time;

40. Stresses that Member States should design their financial policies in a sustainable manner by fairly sharing the tax burden among employees, consumers, businesses and income from capital, and across generations;

41. Considers that regulation should aim to secure the solvency and protection of occupational pension schemes, not least in the event of a takeover or other significant changes in ownership or management;

42. Calls on the Member States to include in their annual budgets a fund for future pension payments;

43. Stresses the need to consider a phased transition from joint contribution-based to fund-based insurance-type pension schemes,

Healthcare and long-term care

44. Expresses the conviction that measures to improve health mean a need to invest, which can contribute to reducing the costs in light of the ageing population and improve the soundness of public finances; insists on the importance of preserving the values and principles underpinning all health care systems in the European Union, which comprise universal coverage, solidarity in financing, equity of access and the provision of high-quality health care, notwithstanding the need for rational consumption of scarce resources; emphasises that by improving the organisation and provision of services in accordance with the principles of subsidiarity, there is the potential for improving both the quality and financial efficiency of health services;

45. Given the projected higher costs of health care and long-term care, considers that Member States should reflect on their funding and take account of the fact that, given the possibility that less non-professional care will be available due to the trend towards smaller families and an increase in women's participation in the labour market, the increase in long-term care might be higher than projected;

46. Points out that the emphasis should be placed on persons needing expensive or long-term health care, persons and groups of persons facing particular access problems, such as ethnic minorities and persons on low incomes, on care for persons suffering from chronic illnesses and the development of open support structures for the rehabilitation, social integration and support of persons with physical or mental disabilities and the elderly, so as to avoid institutionalisation and to help them live independently;

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47. Observes that the public funding of health care helps protect against financial risk, independently of the personal health risks and thus supports equality and social security, whereas, in contrast, private contribution mechanisms involve limited or no pooling of risks and usually link payments to the risk of ill health and ability to pay, while simultaneously guaranteeing a sustainable financing regardless of demographic change;

48. Recognises the importance of public financing in achieving the objective of solidarity, and the wide diversity of the levels of public and private financing of health care in the Member States; recommends that the Commission carries out research to determine the level and/or range of public financing that meets the objective of solidarity, both for the system as a whole and for particular service areas;

49. Recognises the increasing popularity of market-based solutions and privatisation in health care financing as a panacea for cost explosion, inefficiency and problems of quality of care, especially in the new Member States; recognises the increasing evidence that the functional privatisation of social health insurance systems, the profit motive and competition between financial intermediaries usually make the administration of health care systems more expensive, whilst their beneficial effects in terms of cost containment, efficiency and quality of care are dubious; for this reason, recommends that Member States with a single payer model preserve that model;

50. Notes that health care systems that are predominantly funded through employment-based social insurance contributions may benefit from broadening the revenue base to include non-earnings-related income;

51. Notes that, in the light of the principle of freedom to provide services and the right of the insured under health insurance schemes to choose a doctor or establishment freely, it is not permissible for Member States to refuse to reimburse their citizens for any treatment received abroad but that Member States can impose (fixed) individualised ceilings on the costs incurred and are not obliged to reimburse treatment that their nationals would not have received at home;

52. Calls on the Member States to avoid a purely financial approach when adopting reform policies aimed at redesigning the legal frameworks which underpin their respective national healthcare systems;

53. Is deeply convinced that the starting point for any reform should be a careful analysis of the existing health (financing) system to identify weaknesses and problem areas, combined with understanding of the contextual factors that may contribute to or impede successful reform; expects Member States to be fully aware of the considerable impact of healthcare reforms on the operation, capacity, and efficiency of their respective healthcare systems, and of the threats that insufficiently or inadequately prepared reform measures can have on the quality and availability of healthcare services, on the health of citizens, and hence on their employability;

54. Calls on the Member States to consider the whole range of health financing functions and policies, rather than focusing on contribution mechanisms alone; is convinced that raising the level of employment-based contributions, or raising the private contribution of patients to the cost of healthcare services are wrong-headed policies that can have disastrous consequences since they limit in an unacceptable way the access of citizens with low incomes to the full range of healthcare services;

55. Is convinced that the access of citizens with low incomes to high quality healthcare services should be seen as a clear priority that it is linked most closely with the European values of solidarity and equal rights, and that it constitutes a precondition for the successful achievement of the Lisbon objective of full employment;

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56. Calls on the Commission to take into account the aspects of the equal rights of all Union citizens to high-quality healthcare systems, and to integrate the necessary guarantees against discrimination against citizens relating to financing into the revision of Community anti-discrimination legislation, or any new legislative instrument dealing with the issue of access to healthcare services;

57. Recommends that Member States contribute to efficiency and equity in their respective healthcare systems by lowering the number of risk pools or — better still — by creating a single, national pool that can facilitate strategic direction and coordination throughout the health system;

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58. Instructs its President to forward this resolution to the Council, the Commission, the Employment Committee, Social Protection Committee, and the governments and parliaments of the Member States and the candidate countries.

EU and PNR data

P6_TA(2008)0561

European Parliament resolution of 20 November 2008 on the proposal for a Council framework decision on the use of Passenger Name Record (PNR) for law enforcement purposes

(2010/C 16 E/08)

The European Parliament,

- having regard to the statement by the Commission during the debate of 21 October 2008, following the Oral Question B6-0476/2008 on the proposal for a Council framework decision on the use of Passenger Name Record (PNR) for law enforcement purposes (COM(2007)0654),
 - having regard to the current debates in the Council at ministerial and working group levels on the above-mentioned proposal,
 - having regard to the opinions delivered by the Fundamental Rights Agency, the European Data Protection Supervisor, the Article 29 Working Party and the Working Party on Police and Justice,
 - having regard to its previous resolutions ⁽¹⁾ on the EU-US PNR agreement ⁽²⁾, the EU-Canada PNR agreement ⁽³⁾ and the EU-Australia PNR agreement ⁽⁴⁾,
 - having regard to Rule 108(5) of its Rules of Procedure,
- A. whereas the data protection principles to be respected by the EU institutions and Member States are outlined in Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), Articles 7 and 52 of the Charter of Fundamental Rights of the European Union (the Charter of Fundamental Rights), Article 286 of the EC Treaty, Article 5 of Council of Europe Convention 108 for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108) and, at secondary level, Directive 95/46/EC of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽⁵⁾ and the draft Council Framework Decision on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters),

⁽¹⁾ OJ C 61 E, 10.3.2004, p. 381; OJ C 81 E, 31.3.2004, p. 105; OJ C 103 E, 29.4.2004, p. 665; OJ C 157 E, 6.7.2006, p. 464; OJ C 305 E, 14.12.2006, p. 250; OJ C 287 E, 29.11.2007, p. 349; OJ C 175 E, 10.7.2008, p. 564; Texts Adopted, 22.10.2008, P6_TA(2008)0512.

⁽²⁾ OJ L 204, 4.8.2007, p. 18.

⁽³⁾ OJ L 82, 21.3.2006, p. 15.

⁽⁴⁾ OJ L 213, 8.8.2008, p. 49.

⁽⁵⁾ OJ L 281, 23.11.1995, p. 31.

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- B. whereas any new EU legislation should comply with the proportionality and subsidiarity principles, as outlined in Article 5 of the EC Treaty and Protocol 30 thereto,

On procedural aspects

1. Acknowledges the need for stronger cooperation at European level and internationally in the fight against terrorism and serious crime; recognises that the collection and processing of data can be a valuable tool for law enforcement purposes;
2. Takes the view that law enforcement authorities should be provided with all the tools they need to adequately carry out their tasks, including access to data; emphasises, however, that since such measures have a considerable impact on the personal life of Union citizens, their justification in terms of necessity, proportionality and usefulness in achieving their stated objectives needs to be convincingly substantiated, and stresses that effective safeguards for privacy and legal protection must be put in place; believes that this is a precondition for lending the necessary political legitimacy to a measure which citizens may view as an inappropriate intrusion into their privacy;
3. Regrets that the formulation and justification of the Commission's proposal have left so many legal uncertainties with respect to compatibility with the ECHR and the Charter of Fundamental Rights, as well as its legal basis, which has raised questions as to the appropriate role for Parliament in the legislative procedure; notes that the same concerns regarding the proposal's lack of legal certainty:
 - are raised in the opinions delivered by the Fundamental Rights Agency (FRA), the European Data Protection Supervisor (EDPS), the Article 29 Working Party and the Working Party on Police and Justice;
 - require the Council to undertake a substantial review of the possible scope and impact of a future EU initiative in this domain, and incorporate significant amounts of additional information, including the above-mentioned opinions;
4. Considers that under these conditions Parliament must reserve its formal opinion under the formal consultation procedure until the concerns raised in this resolution are properly addressed and the minimum information necessary is provided;
5. Maintains its strong reservations as to the necessity for and added value of the proposal for the establishment of an EU PNR scheme and the safeguards which it contains, notwithstanding the explanations and points of clarification given by the Commission and the Council so far, both orally and in writing; observes, furthermore, that many of the questions raised by Parliament, the Article 29 Working Party, the Working Party on Police and Justice, EDPS and the FRA have not been satisfactorily answered;
6. Shares the FRA's view that the mere availability of commercial databases does not automatically justify their use for law enforcement purposes; moreover, the same or even better results could be obtained by improving mutual legal assistance between law enforcement authorities;
7. Invites the Council, if it intends to continue the examination of the Commission text, to take into account the recommendations in this resolution and to duly justify the conditions of pressing social need which could make this new EU intervention 'necessary', as required under Article 8 of the ECHR; considers these to be the minimum conditions of support for the introduction of an EU PNR scheme; is ready to contribute and participate in this work at all levels;

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8. Reiterates its calls for clarification of the relationship between the use of PNR and other measures such as Council Directive 2004/82/EC ⁽¹⁾ of 29 April 2004 on the obligation of carriers to communicate passenger data, the proposed Entry-Exit scheme, the Electronic System for Travel Authorisation, biometrics in passports and visas, SIS, VIS, Regulation (EC) No 2320/2002 ⁽²⁾ of the European Parliament and of the Council of 16 December 2002 establishing common rules in the field of civil aviation security, and national border protection schemes; notes with regret that the implementation of some of these measures has been considerably delayed and considers that a full and systematic evaluation of the current EU and Schengen security cooperation mechanisms and tools aimed at ensuring aviation security, protecting external borders and fighting terrorism could help in assessing the added value of the proposed EU PNR scheme;

9. Recalls that the debate on the appropriate legal basis for the proposal is continuing and reiterates that, according to Article 47 of the EU Treaty, legislative measures within the framework of judicial and police cooperation should be accompanied by the necessary accompanying Community measures to be adopted in codecision with Parliament on all first-pillar aspects, particularly those defining the scope of the obligations to be fulfilled by economic operators ⁽³⁾;

10. Recalls that the Court of Justice of the European Communities has already challenged the EU-US PNR Agreement on the grounds that its legal basis is wrong; calls therefore on the Commission to examine carefully which legal basis is appropriate;

11. Considers that, in connection with the tabling of the new legislation, national parliaments must be fully involved in the legislative process, given the impact of the proposal on both citizens and the national legal orders of the Member States;

12. Stresses that possible future legislation establishing an EU PNR scheme as a new framework for EU police cooperation should contain provisions for periodic evaluation of its implementation, application, usefulness and breaches of safeguards; considers that national parliaments, the EDPS, the Article 29 Working Party and the FRA should be invited to play a role in both review and evaluation; considers, therefore, that the new legislation should include a sunset clause;

13. Emphasises, in this context, that each Member State bears the initial responsibility for the collection of PNR data and their protection; stresses that safeguards are mandatory when PNR data are transmitted, exchanged or transferred to or between other Member States; takes the view, therefore, that access to PNR data exchanged between Member States should be strictly limited only to those authorities that deal with counter-terrorism and organised crime; considers that other law enforcement agencies may be granted access subject to judicial approval;

Subsidiarity

14. Notes with concern that the need for Community action has not yet been sufficiently demonstrated; in this connection, questions the claim by the Commission that the stated aim of the proposal is harmonisation of national schemes, when only a few Member States have a system for the use of PNR data for law enforcement and other purposes, or plans for such a scheme; considers, therefore, that the Commission's proposal does not harmonise national systems (as they are non-existent), but merely creates the obligation for all Member States to set up such a system;

15. Notes that the Commission is proposing a 'decentralised' scheme, which means that the European added value is even less clear;

⁽¹⁾ OJ L 261, 6.8.2004, p. 24.

⁽²⁾ OJ L 355, 30.12.2002, p. 1.

⁽³⁾ See, in particular, the Council Legal Service opinion on this subject and the Opinion of the Advocate General delivered on 14 October 2008 on Case C-301/06, Ireland v European Parliament and Council of the European Union on the Data Retention Directive 2006/24/EC.

Proportionality

16. Recalls that Article 8 of the ECHR and Article 52 of the Charter of Fundamental Rights require that such a massive infringement of the right to the protection of personal data be legitimate and justified by a pressing social need, provided for by law and proportionate to the end pursued, which must be necessary and legitimate in a democratic society; in this connection, deplores the fact that the purpose of this envisaged police cooperation measure is not limited to issues such as combating terrorism and organised crime;

17. Is concerned that, in essence, the proposal gives law enforcement authorities access to all data without a warrant; points out that the Commission has not demonstrated the need for new law enforcement powers, or that this goal cannot be achieved with less far reaching measures; criticises the fact that there is no information as to how existing law enforcement powers fall short of what is needed, and where and when the authorities have demonstrably lacked the powers they needed for the stated purpose; requests that a review of the existing measures mentioned below take place before an EU PNR system is further developed;

18. Notes the Commission's claim that 'the EU has been able to assess the value of PNR data and to realise its potential for law enforcement purposes', but stresses that to date there is no evidence to substantiate this claim, given that:

- any information so far provided by the US is anecdotal and the US have never conclusively proven that the massive and systematic use of PNR data is necessary in the fight against terrorism and serious crime,
- there has only been one joint review of the US-EU PNR Agreement, which assessed only the implementation, not the results,
- the preliminary conclusions from the UK system for the use of PNR data refer to law enforcement purposes other than counterterrorism, which fall outside the scope of the Commission's proposal, and to the use of PNR on a case-by-case basis in the context of ongoing investigations, on the basis of a warrant and with due cause; so far they provide no evidence of the usefulness of the mass collection and use of PNR data for counterterrorism purposes;

Purpose limitation

19. Stresses that the principle of purpose limitation is one of the basic principles of data protection; points out, in particular, that Convention 108 states that personal data shall be 'stored for specified and legitimate purposes and not used in a way incompatible with those purposes' (Article 5(b)); notes also that derogations from this principle are allowed only insofar as they are provided for by law and constitute a necessary measure in a democratic society in the interests of, inter alia, the 'suppression of criminal offences' (Article 9); points out that the case-law of the European Court of Human Rights has made clear that these derogations must be proportionate, precise and foreseeable, pursuant to Article 8(2) of the ECHR;

20. Deplores the lack of precise purpose limitation which is an essential safeguard in the imposition of restrictive measures, and considers that such protection is even more important as regards secret surveillance measures, given the heightened risk of arbitrariness in such circumstances; considers that, as the stated purposes and definitions are imprecise and open-ended, they should be strictly specified to avoid exposing the EU PNR scheme to legal challenge;

21. Reiterates that PNR data may be very useful as supportive, additional evidence in a specific investigation into known terrorism suspects and associates; points out, however, that there is no evidence that PNR data are useful for massive automated searches and analyses on the basis of risk criteria or patterns (i.e. profiling or data mining) in seeking potential terrorists ⁽¹⁾;

⁽¹⁾ CRS report for the American Congress 'Data Mining and Homeland Security: An Overview' by Jeffrey Seifert; 'Effective counter-terrorism and the limited role of predicative data mining' by CATO Institute; 'Protecting individual privacy in the struggle against terrorists: a framework for program assessment'; 'No dream ticket to security' by Frank Kuipers, Clingendael Institute, August 2008.

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22. Stresses, furthermore, that EU data protection rules place restrictions on the use of profiling on the basis of personal data (Article 8 of the Charter of Fundamental Rights and the ECHR); concurs, therefore, with the FRA's opinion that profiling based on PNR data should only be intelligence-led, based on individual cases and factual parameters;

23. Reiterates its concerns regarding the measures outlining an indiscriminate use of PNR data for profiling and for the definition of risk assessment parameters; recalls that any kind of profiling based on ethnicity, nationality, religion, sexual orientation, gender, age or medical condition should be expressly banned as incompatible with the prohibition of any discrimination as defined in the Treaties and in the Charter of Fundamental Rights;

24. Recalls that, in the event of any extension of the proposal's scope, the Commission and the Council should clarify in detail for each stated purpose what use will be made of the PNR data and why existing law enforcement powers are not sufficient; considers that, for each specific purpose, the appropriate legal basis must be established;

Protection of personal data

25. Stresses that the adoption of an adequate data protection framework under the third pillar is an absolute precondition for any EU PNR scheme, as are specific rules for the transfer and use of PNR data that are not covered by the EU data protection framework under the first and third pillars; stresses the need to clarify which data protection rules apply to Passenger Information Units (PIUs) and to ensure the traceability of all access, transfer and use of PNR data;

26. Emphasises that sensitive data may be used only on a case-by-case basis in the context of a regular investigation or prosecution, obtained under a warrant; notes the concern of airlines that sensitive data cannot be filtered from general remarks; calls, therefore, for the definition of strict conditions for the processing of these data by PIUs, as defined by the FRA in its opinion;

Details of implementation

27. Stresses that, as regards storage periods, the Commission fails to justify the proposed retention period; considers, however, that for the purpose of developing risk indicators and establishing patterns of travel and behaviour, anonymised data should be sufficient; considers also that, if the scope of the PNR scheme is extended, retention periods must be justified for each separate purpose;

28. Reiterates that data transfers should be made using the PUSH method alone and that third countries should not have direct access to PNR data in EU reservation systems;

29. Welcomes the fact that, as regards access to PNR data, the proposal states that all entities having access to PNR data should be named in an exhaustive list;

30. Stresses, as regards transfers to third countries, that data may not be transferred to third countries unless an adequate level of protection (as specified in Directive 95/46/EC and the legal instruments establishing Europol and Eurojust) or appropriate safeguards are provided by the third countries concerned (in accordance with Convention 108), and that transfers should be made only on a case-by-case basis;

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31. Reiterates that passengers must be informed in full and in an accessible manner of the details of the scheme and of their rights, and that Member State authorities are responsible for providing this information; suggests that the example of the 'denied boarding' information in airports should be used; considers it essential to define a right of access, rectification and appeal for passengers;

32. Requests that detailed and harmonised rules be laid down on the security of PNR data, in terms of both IT solutions and authorisation and access rules;

Consequences for carriers

33. Notes that air carriers collect PNR data for commercial purposes and that data are not systematically collected to complete all PNR fields; insists that airlines should not be required to collect any data additional to those which they are collecting for their commercial purposes; considers that air carriers should not be made responsible for verifying whether records are complete and accurate, nor should any sanctions be applied in respect of incomplete or incorrect data; calls for a clear evaluation of the costs involved in an EU PNR scheme; considers that any additional costs should be borne by the requesting parties;

Intermediaries/Passenger Information Units (PIUs)

34. Calls for a clear definition of the role and powers of the PIUs, in particular in terms of transparency and democratic accountability and in order to lay down appropriate data protection rules; requests that the role of PIUs be limited to the transfer of data to competent authorities, in order to ensure that risk assessments may only be carried out by competent authorities and in the context of an inquiry; asks for clarification of the law which will govern the risk assessment conducted by the PIUs, and the responsibility of data protection authorities in cases where Member States cooperate to set up a joint PIU;

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35. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the European Data Protection Supervisor, the Fundamental Rights Agency, the Article 29 Working Party and the Working Party on Police and Justice.

Financial assistance for Member States' balances of payments

P6_TA(2008)0562

European Parliament resolution of 20 November 2008 on establishing a facility providing medium-term financial assistance for Member States' balances of payments

(2010/C 16 E/09)

The European Parliament,

— having regard to the Commission's proposal of 31 October 2008 for a Council Regulation amending Regulation (EC) No 332/2002 establishing a facility providing medium-term financial assistance for Member States' balances of payments (COM(2008)0717),

— having regard to the Commission's recommendation of 31 October 2008 for a Council decision granting mutual assistance for Hungary and proposal for a Council decision providing EU medium-term assistance for Hungary (COM(2008)0716),

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- having regard to Council Regulation (EC) No 332/2002 of 18 February 2002 establishing a facility providing medium-term financial assistance for Member States' balances of payments ⁽¹⁾ and Parliament's resolution of 6 September 2001 on medium-term financial assistance for Member States' balances of payments ⁽²⁾,
 - having regard to Articles 100 and 119 of the EC Treaty,
 - having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas the Commission recommends granting medium-term financial assistance to Hungary of up to EUR 6 500 000 000 on the basis of Article 119 of the Treaty, in conjunction with an IMF arrangement,
- B. whereas a comprehensive approach to medium-term financial assistance for all Member States is preferable,
- C. whereas the impact of the current global financial and economic crisis should be borne in mind,
- D. whereas the economies of the Member States that have more recently acceded to the European Union do not benefit from the advantages of having a reserve currency of their own,
- E. whereas the currencies of those Member States have recently been subjected to powerful speculative action and the magnitude of the current external imbalances has been driven primarily by a strong expansion of non-governmental credit,
- F. whereas there is a need for policies to address the specific problems of those Member States' economies against the backdrop of the global financial crisis and a spreading recession in Europe,
- G. whereas the budget policy room for manoeuvre in addressing large external imbalances and preventing financial instability may be quite limited against the backdrop of the current economic recession spreading across the European Union,
1. Believes that Member States outside the euro area should be encouraged to look for potential medium-term financial assistance in respect of their balance of payments deficits within the Community before seeking assistance at international level;
 2. Considers the current situation to be further proof of the relevance of the euro in protecting the Member States in the euro area and invites the Member States outside the euro area to join it as soon as they fulfil the Maastricht criteria;
 3. Invites the Commission to analyse in detail in what way the behaviour of individual banks that moved their assets from Hungary after adoption of rescue plans by other Member States has impacted on Hungary's balance of payments;
 4. Invites the Commission to examine carefully the speculative action (short-selling) on the currencies of the more recently acceded Member States and what might be done to prevent a drastic erosion of confidence in their currencies and the local banking systems;
 5. Invites the Commission to communicate the results of those analyses to the de Larosière group and to Parliament's responsible committee;

⁽¹⁾ OJ L 53, 23.2.2002, p. 1.

⁽²⁾ OJ C 72 E, 21.3.2002, p. 312.

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6. Recognises that it is necessary to increase significantly the ceiling for the outstanding amount in loans to be granted to Member States laid down in Regulation (EC) No 332/2002, given that, since its adoption, the number of Member States outside the euro area has increased substantially; underlines that such an increase would also enhance the Community's flexibility in responding to further requests for medium-term financial assistance such as in the context of the current global financial crisis;
7. Notes that there would be no budgetary impact of such an increase of the loan ceiling because the loans would be borrowed by the Commission on the financial markets and the beneficiary Member States would have to repay them; stresses that the only possible budgetary impact would be that arising from a Member State defaulting on its debt;
8. Recalls that, before Hungary's current financial difficulties Regulation (EC) No 332/2002 had not been applied since its adoption in 2002, and that its predecessor, Regulation (EEC) No 1969/88 ⁽¹⁾ implementing the mechanism foreseen by the Article 119 of the Treaty, was applied twice, once for Greece in 1991 and once for Italy in 1993, and that Greece and Italy have fully respected their commitments to the Commission;
9. Recalls that Parliament requested that the Council examine, every two years, on the basis of a report from the Commission, after consulting Parliament and after the delivery of the Economic and Financial Committee's opinion, whether the facility established still meets the needs which led to its creation; asks whether such reports have been drawn up since the adoption of Regulation (EC) No 332/2002;
10. Instructs its President to forward this resolution to the Council, the Commission, the European Central Bank, the Eurogroup and the governments of the Member States.

⁽¹⁾ OJ L 178, 8.7.1988, p. 1.

Response of the European Union to the deteriorating situation in the east of the Democratic Republic of Congo

P6_TA(2008)0563

European Parliament resolution of 20 November 2008 on the EU response to the deteriorating situation in the east of the Democratic Republic of Congo

(2010/C 16 E/10)

The European Parliament,

- having regard to the Conclusions of the Council of the European Union on the situation in the Democratic Republic of Congo (DRC) of 11 November 2008,
- having regard to its resolution of 23 October 2008 on the Democratic Republic of Congo: clashes in the eastern border areas of the DRC ⁽¹⁾,
- having regard to its resolution of 21 February 2008 on North Kivu ⁽²⁾,
- having regard to its resolution of 17 January 2008 on the situation in the Democratic Republic of Congo and rape as a war crime ⁽³⁾ and its previous resolutions on violations of human rights in the DRC,

⁽¹⁾ Texts Adopted, P6_TA(2008)0526.

⁽²⁾ Texts Adopted, P6_TA(2008)0072.

⁽³⁾ Texts Adopted, P6_TA(2008)0022.

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- having regard to its resolution of 15 November 2007 on the European Union's response to situations of fragility in developing countries ⁽¹⁾,
 - having regard to the resolution of the ACP-EU Joint Parliamentary Assembly of 22 November 2007 on the situation in the DRC, particularly in the east of the country, and its impact on the region,
 - having regard to the Commission communication of 25 October 2007 entitled 'Towards an EU response to situations of fragility — engaging in difficult environments for sustainable development, stability and peace' (COM(2007)0643) and the Commission staff working document annexed thereto (SEC(2007)1417),
 - having regard to Resolution 60/1 of the United Nations General Assembly of 24 October 2005 on the 2005 World Summit Outcome, and in particular paragraphs 138 to 140 on the responsibility to protect populations,
 - having regard to the conclusions of the Southern African Development Community summit, which stated that it was prepared to send peace-keeping troops to North Kivu 'if necessary',
 - having regard to the Council statement of 10 October 2008 on the situation in the eastern part of the DRC,
 - having regard to the report of the mission by its Committee on Development to North Kivu in 2008,
 - having regard to the European Consensus on Humanitarian Aid signed on 18 December 2007,
 - having regard to Rule 103(4) of its Rules of Procedure,
- A. whereas the fighting between the DRC army, the Mai Mai militia, the rebel troops (National Congress for the Defence of the People (CNDP)) of ousted General Laurent Nkunda and the fighters of the Democratic Forces for the Liberation of Rwanda (FDLR) as well as troops of Uganda's Lord's Resistance Army has been escalating and continues to cause tremendous hardship to the civilian populations of North Kivu,
- B. whereas on Sunday, 16 November 2008, the UN envoy, former Nigerian President Olusegun Obasanjo, met with the rebel leader Laurent Nkunda and reached an agreement with him on the creation of a tripartite committee to monitor a ceasefire between the army and the rebels, and whereas there is an urgent need for support from the powers which are partners of the countries involved, with a view to ensuring a solution,
- C. whereas intense international diplomatic efforts involving regional and European facilitators are under way, with the aim of preventing the fighting in North Kivu from escalating into a repeat of the wider 1998-2003 Congo war, which involved six neighbouring states; whereas a regional summit on the crisis in the east of the DRC was organised on 7 November 2008 in Nairobi,
- D. whereas since the beginning of the violence millions of people have been killed and displaced and whereas an estimated 250 000 have been displaced since the resumption of fighting in the DRC by General Laurent Nkunda in August 2008, causing a humanitarian catastrophe in the east of the country,

⁽¹⁾ OJ C 282 E, 6.11.2008, p. 460.

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- E. whereas in spite of its mandate by virtue of Chapter VII of the United Nations Charter, authorising the use of all necessary means to discourage all attempts to use force, and to protect civilians, the United Nations Mission in the DRC (MONUC):
- has not had the necessary means to protect civilians since the recent resumption of fighting in the east of the DRC and to disarm and repatriate the Hutu fighters from Rwanda who are present on DRC territory,
 - has been forced to wait for the green light from India and Pakistan to send Indian and Pakistani soldiers into combat, contrary to the provisions of the mandate on the basis of which MONUC has been deployed in the DRC,
 - did not intervene to stop the massacre of more than 200 people which took place on 5 November 2008 in Kiwanja despite the fact that one of its military bases is located there,
- F. whereas the UN Security Council discussed the situation in eastern DRC once again on 11 November 2008 without agreeing to reinforce MONUC with an additional 3 000 troops as requested by MONUC,
- G. whereas only 6 000 MONUC soldiers are deployed in North Kivu out of a total of 17 000 soldiers present on DRC territory,
- H. whereas the member states of the UN Security Council — which includes Belgium, France, Italy and the United Kingdom — have always refused to give MONUC supplementary means to fulfil its mission; whereas the Council of the European Union is calling for enhanced cooperation between the EU, its Member States and MONUC,
- I. whereas following the initiative of European Commissioner Louis Michel, a regional summit took place in Nairobi, during which the Presidents of the DRC, Joseph Kabila, and of Rwanda, Paul Kagame, agreed to implement immediately all the agreements made in the past, with a view to ensuring peace and sustainable political stability,
- J. whereas, however, that meeting has not been followed by any immediate ceasefire in the east of the DRC, and violent fighting has continued between parties to the conflict, which has severely affected the civilian population,
- K. whereas MONUC has clearly established that Laurent Nkunda's fighters are receiving support from Rwanda, and the United Nations Secretary-General Ban Ki-moon has called on African leaders to assume their 'historical responsibility at this critical moment for the region, for Africa and for the world',
- L. whereas humanitarian organisations are currently responsible for 200 000 refugees in the camps around the town of Goma and estimate that there may be as many as 1 million civilians hiding in the bush in order to escape the violence; whereas the situation in the refugee camps is deteriorating from day to day and the UN High Commissioner for Refugees expresses fears of possible militarisation of refugee camps,
- M. whereas the recruitment of child soldiers in the east of the DRC has increased significantly since the escalation of the conflict,
- N. whereas it appears that DRC troops and fighters belonging to the FDLR are both involved in the exploitation and sale of minerals in the east of the DRC,

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- O. whereas the plan to end the crisis in the east of the country, established by DRC parliamentarians, calls for a general mobilisation in favour of military, political and diplomatic dialogue between the parties involved in the conflict,
- P. whereas the Ministers of Foreign Affairs of France and of the United Kingdom, Bernard Kouchner and David Miliband, recommended strengthening MONUC rather than sending a European force to North Kivu but at the same time affirmed that the possibility of sending a European force was not excluded if it became necessary,
- Q. whereas the epidemics in North Kivu are worsening, with cholera, measles and whooping cough spreading as huge numbers of displaced people are being lodged in temporary sites,
1. Is extremely concerned at the increase in clashes in North Kivu and the consequences for the population of the east of the DRC and the region as a whole, particularly the humanitarian consequences resulting from the recent offensive by the CNDP, which has displaced and killed large numbers of people in North Kivu;
 2. Expresses its deep outrage at the massacres, crimes against humanity and acts of sexual violence against women and girls in the eastern provinces of the DRC, and calls on all relevant national and international authorities systematically to bring the perpetrators to justice; calls on the UN Security Council, as a matter of urgency, to take all measures capable of genuinely preventing any further attacks on the civilian population of the eastern provinces of the DRC;
 3. Welcomes the decisions taken by the Commission and the Member States to increase humanitarian aid to the civilian population affected by this crisis; draws attention to the difficulties faced by the humanitarian organisations in delivering humanitarian assistance thanks to the security situation in North Kivu; calls on all parties to guarantee access to vulnerable communities and to ensure the safety of aid workers so that the humanitarian presence can continue; recalls that military means and capacities should be used to back up humanitarian aid operations only in very specific circumstances and as a last resort;
 4. Reiterates its firm belief that the Amani and Nairobi processes are still the appropriate framework for stabilising the situation in the east of the DRC in the long term;
 5. Urges Laurent Nkunda to respect his own declaration supporting the peace process for the east of the DRC, made after talks with the Special Envoy of the Secretary-General of the United Nations and the former President of the Republic of Nigeria, Olusegun Obasanjo; calls in this regard on the CNDP to rejoin the Amani peace process without delay; reaffirms its support for the DRC authorities in the search for a political solution to the crisis; welcomes the plan put forward by the DRC parliamentarians, which calls for a general mobilisation in favour of military, political and diplomatic dialogue;
 6. Considers that an international conference on the Great Lakes should be convened to find a viable political solution to the conflict and promote sound regional economic integration, which will benefit all countries of the region;
 7. Stresses the need for further efforts to put an end to the activity of foreign armed groups in the east of the DRC, in particular the FDLR; calls on the governments of the DRC and of other countries in the region to take the necessary steps to this end; welcomes the DRC-Rwanda agreement, announced by the foreign ministers of the two countries, allowing Rwandan intelligence teams to go into the DRC and cooperate with the DRC army to end the FDLR presence in the region;

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8. Calls on the African Union, the UN Security Council and key international players, including the EU, the USA and China, to increase pressure on all parties to push forward with the peace process, finding a solution to the problem of control of the mineral resources and aiming for a broad peace agreement rather than only a ceasefire, and further calls on these actors to put pressure on Rwanda and Uganda to give a commitment to end the free movement and operations of Nkunda's troops on their territory;
9. Urges all parties concerned to restore the rule of law and fight impunity, specifically in connection with the mass rapes of women and girls and the recruitment of child soldiers;
10. Calls on the Government of the DRC to develop a plan with Rwanda and MONUC to isolate and capture the leaders of the genocide among the FDLR and offer resettlement in the DRC or reintegration in Rwanda to those who were not involved in the genocide and are willing to demobilise;
11. Calls on the DRC authorities to put an immediate stop to any looting and violence by government soldiers, as witnessed by the UN Office for the Coordination of Humanitarian Aid;
12. Calls on the EU Member States to implement the recommendation of the UN Panel of Experts on the illegal exploitation of the DRC's natural resources, including sanctions against those persons and companies whose participation in the pillage has been proven, in order to contribute to the stabilisation of the country;
13. Points out that the illegal exploitation of natural resources in the east of the DRC is a source of funding for the rebel groups and, therefore, of instability in the region; reiterates the importance of combating such illegal exploitation by rebel groups and governments in the region; calls in this respect on the DRC authorities, in collaboration with MONUC, to close down the economic bases of rebel groups by preventing them from accessing mineral supplies (particularly diamonds, coltan and gold) and trading networks;
14. Calls on the Council and the Commission to insist in talks with the governments of the DRC and neighbouring countries on the implementation of effective systems of traceability and proof of origin of natural resources, namely gold, cassiterite (tin ore), coltan, cobalt, diamonds, pyrochlore and timber, which should include acceptance of the deployment, on their territory, of UN-mandated monitors to observe imports of natural resources from the DRC and to ensure the protection of these UN-mandated monitors;
15. Reiterates its call for the effective establishment of monitoring mechanisms analogous to the Kimberley process for the certification of the origin of natural resources from the DRC imported into the EU;
16. Calls on the Commission and the Member States to ensure that European companies do not trade in, handle or import products derived from minerals that have been sourced in a manner that benefits armed groups in the DRC, and hold accountable any that persist in such practices;
17. Calls on the Council and the Commission to make every effort to find a political solution, which is the only way to put an end to the conflicts in the DRC; welcomes, in this regard, the initiative taken by Commissioner Michel to organise a meeting of the President of the DRC and the President of the Republic of Rwanda in Nairobi; calls on the Commission to engage with the authorities of the DRC with a view to implementing the agreement regarding the return of FDLR fighters to Rwanda; urges the authorities of the DRC and the Republic of Rwanda to step up their cooperation in order to implement the commitments agreed on in Nairobi, and to give priority to dialogue and consultation with a view to helping to bring about lasting peace in the east of the DRC and stability in the region;
18. Calls for zero tolerance of the sexual violence against girls and women which is used as a weapon of war and for severe criminal penalties to be imposed on the perpetrators of these crimes; draws attention to the importance of access to health services in conflict situations and refugee camps, especially in the light of the recent outbreaks of cholera, whooping cough and measles;

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19. Reaffirms its support for MONUC in the present dramatic circumstances in which, despite its shortcomings, its presence remains indispensable, and calls for every effort to be made to allow it to carry out its mandate in full and to use the force of arms to protect those under threat; in this respect, calls on the Council, and in particular, Belgium, France, Italy and the United Kingdom, to play a leading role in ensuring that the United Nations Security Council and the Department for Peacekeeping Operations supports MONUC by strengthening its operational capacities in terms of appropriate equipment and manpower;
 20. Calls on the Council to urge the UN Security Council to provide MONUC with the mandate and the means to address the exploitation of minerals by armed groups, including by monitoring and controlling key border posts, airstrips, selected mining areas and supply routes;
 21. Insists that, if additional military forces are deployed, their mandate should focus on the protection of civilians, as well as supporting and contributing to respect for new peace agreements which could be concluded;
 22. Calls on the Council and the Commission to draw up, together with the Government of the DRC, the UN and other major donors, a new plan for large-scale disarmament, demobilisation and reintegration (DDR) in the DRC based on the EU concept for support to DDR and an ambitious security sector reform strategy for the country based on the EU's Policy Framework for Security Sector Reform, both to be adequately financed by both Community and CFSP funding;
 23. Calls on the Government of the DRC to do everything possible to identify those responsible for the war crimes committed in the region, and to bring them to justice;
 24. Calls on the Council and Commission to implement with immediate effect large-scale humanitarian and medical assistance and reintegration programmes for the civilian populations in the eastern parts of the DRC, with a particular focus on assistance for women and girls affected by crimes of sexual violence, in order to meet immediate needs and in anticipation of the reconstruction which will be required; notes the key role played by women in rebuilding shattered communities;
 25. Notes with interest the appointment of a team of facilitators including the former President of the Republic of Nigeria, Olusegun Obasanjo, and the former President of the United Republic of Tanzania, Benjamin Mkapa; calls on the Council to work together with the International Conference on the Great Lakes Region and the African Union to stabilise the situation in the east of the DRC;
 26. Calls on the Council to work with international and regional mediators to address the economic agendas of the warring parties explicitly in the context of current mediation efforts;
 27. Calls on the Council and Commission to closely follow the humanitarian and security situation in the east of the DRC, with a view to determining in more detail the different lines of action that may be envisaged in the light of circumstances;
 28. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Chairman of the Commission of the African Union, the President of the Pan-African Parliament and the governments and parliaments of the Democratic Republic of Congo and of the other member states of the Southern African Development Community.
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European Space Policy

P6_TA(2008)0564

European Parliament resolution of 20 November 2008 on the European space policy: how to bring space down to earth

(2010/C 16 E/11)

The European Parliament,

- having regard to the Council resolution of 26 September 2008 on taking forward the European Space Policy ⁽¹⁾,
 - having regard to the UN Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (Resolution 2222 (XXI) — Outer Space Treaty),
 - having regard to its resolutions of 10 July 2008 on space and security ⁽²⁾, and of 29 January 2004 on the action plan for implementing the European space policy ⁽³⁾, and to the deliberations of the public hearing organised by its Committee on Industry, Research and Energy on 16 July 2007,
 - having regard to Council resolution of 21 May 2007 on the European space policy ⁽⁴⁾,
 - having regard to the Commission working document of 11 September 2008 entitled European Space Policy Progress Report (COM(2008)0561),
 - having regard to the Council Decision of 7 October 2003 on the signing of the Framework Agreement between the EC and the European Space Agency,
 - having regard to the Treaty on the Functioning of the European Union (TFEU) and the Treaty on European Union (TEU), as amended by the Treaty of Lisbon, and the relevant provisions on the European space policy (Article 189 of the TFEU),
 - having regard to Rule 108(5) of its Rules of Procedure,
- A. whereas space is a strategic asset of fundamental importance for Europe's independence, security and prosperity and whereas political developments in this area must be spearheaded by the Council together with Parliament,
- B. whereas the EU and a number of its Member States have been involved in financing and developing space technology and science for over 30 years, resulting in the establishment of a vision for a European space policy (ESP), and recognising the fruitful cooperation with the European Space Agency (ESA),
- C. whereas there is a growing interest in a strong and leading role for the EU in an ESP in order to foster solutions in the field of the environment, transport, research, defence and security,

⁽¹⁾ OJ C 268, 23.10.2008, p. 1.

⁽²⁾ Texts Adopted, P6_TA(2008)0365.

⁽³⁾ OJ C 96 E, 21.4.2004, p. 136.

⁽⁴⁾ OJ C 136, 20.6.2007, p. 1.

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- D. whereas a strong ESP, in particular, in terms of applications, services and related infrastructures, will contribute to the EU's societal, cultural, economic and scientific influence, help develop its industrial and scientific base, contribute to its growth and employment and will ensure its political and technological autonomy in a coherent and realistic manner,
- E. whereas all Europe's space activities fully respect the principle that the exploration and use of outer space are for the benefit and in the interests of all countries and recognise outer space as a province of all mankind to be used for exclusively peaceful purposes,
- F. whereas the EU is committed to promoting international cooperation in the exploration and use of outer space; sharing the Council's view that Europe should undertake its actions regarding space exploration within a worldwide programme,
- G. whereas it is important to the development of the ESP to reinforce public understanding and support for the development of space technologies, ensuring the complementarity of actions and maximising synergies with non-space developments,
- H. whereas there is a strategic need for Europe to guarantee the continuity of autonomous, reliable, sustainable and cost-efficient access to space, based on both the availability of a set of adequate and competitive world-class launchers and an operational European space port,
- I. whereas it is necessary to find adequate EU instruments and funding schemes for the ESP to supplement the allocations from the Seventh Framework Programme for Research, Technological Development and Demonstration Activities (2007-2013), so as to allow the different economic actors to plan their actions in the medium and long term,
- J. whereas an adequate structure of governance in the field of space policy and activities and an appropriate regulatory framework to ease the swift emergence of innovative and competitive downstream services, in particular with the objective of guaranteeing sustained access to spectrum for all space-based applications, are fundamental to ensure that the ESP delivers the expected results and matches the ambitions of the EU, the ESA and their respective Member States,
- K. whereas a precise calendar needs to be defined to fulfil the goals of Galileo, EGNOS and the programme for Global Monitoring for Environment and Security (GMES — renamed Copernicus) and a roadmap should be established for the various bodies playing a role in the implementation of these programmes,
- L. whereas space now represents a unique tool for instantaneous collection and worldwide broadcasting of large quantities of data in today's society, as well as a crucial tool for the understanding and monitoring of global climate change, a field in which Europe is at the forefront; calling on the other international actors to a more responsible attitude towards future generations,
- M. whereas important breakthroughs can be achieved regarding security aspects in space, mainly in the field of telecommunications, surveillance and Earth observation,
- N. whereas the resolution of the fourth Space Council of 22 May 2007 (joint meeting between the Council of the European Union and the ESA Council) calls for the optimisation of the decision-making process on space-related issues in the Council of the European Union as well as in other EU institutions,

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- O. whereas the next financial framework should take into account adequate EU instruments and funding schemes to allow long-term Community investment for space-related research and for the operation of sustainable space-based applications for the benefit of Europe and its citizens,
- P. whereas the EU should strengthen its cooperation with developing countries,
1. Welcomes the Council conclusions of 26 September 2008 as a useful political commitment towards the development of an ESP which contributes strongly to a European identity and reiterates its intention of being constructive and participating fully in its implementation, as if the Treaty of Lisbon were in force;
 2. Agrees with the Council that the current priorities are the timely implementation of the Galileo and EGNOS and GMES/Copernicus programmes;
 3. Welcomes in particular the creation of the Galileo Inter-institutional Panel which may serve as a model in the development of the ESP;
 4. Calls on the Commission and the Council to set a precise calendar for the creation of an efficient governance structure regarding the GMES/Copernicus programme and to clearly establish a roadmap for this programme with the aim of improving its efficiency and specifying its budget allocation;
 5. Insists on the decisive role of the GMES/Copernicus programme as a user-driven initiative implemented thanks to the essential contribution of the in-situ Earth- and space-based observation infrastructures; stresses that data and service continuity is indispensable; takes the view, more particularly, that the Commission should first undertake to commission an impact assessment of the potential benefits, the costs to be incurred and the long-term evolution of the GMES/Copernicus programme, and then submit to Parliament and the Council an action plan covering, inter alia, the following aspects:
 - the legal framework of the GMES/Copernicus programme,
 - GMES/Copernicus governance, including the role of EU and non-EU bodies,
 - funding of the GMES/Copernicus programme,
 - an implementation plan,
 - the role of similar but complementary initiatives, both intergovernmental and multilateral,
 - the international aspects of the GMES/Copernicus programme, and hence the necessary cooperation;
 6. Regrets that, despite the clear recommendations of the user community, the continuity of the low inclination altimetry data is not ensured after the end of life of the Jason 2 satellite already in orbit, and asks the Commission to tackle the problems relating to the financing of Jason 3, which risk endangering the short-term sustainability of Copernicus services, and to report to Parliament on the decisions taken in this respect;
 7. Encourages the establishment of a structured dialogue between European institutional actors and intergovernmental actors, ensuring for all Member States an open and equitable access to the benefits of the ESP;
 8. Calls on the Council and the Commission to encourage synergies between civilian and security developments in the field of space; points out that the European security and defence capabilities depend among other things on the availability of satellite-based systems and that access to these is crucial for the European Union;

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9. Asks the Council and the Commission to make progress on the subject of international relations, namely on competition in international commercial and government markets, with the goal of ensuring that Europe speaks with one voice and follows an agreed strategy;

10. Agrees with the Council that international cooperation on space must serve the interests of Europe and that, with this purpose, should contribute to global initiatives; stresses the importance of ensuring Europe's political, technological and operational autonomy;

11. Reminds the Council and the Commission of their stated intention of submitting to Parliament, in the context of the ESP implementation plan, specific recommendations or proposals, given the nature of the four priority areas, on:

— space and climate change,

— the ESP's contribution to the Lisbon Strategy,

— space and security, based on its resolution of 10 July 2008,

— space exploration, including human presence and manned space flight;

12. Stresses the importance of developing a space-related industrial policy, a crucial element in this policy being the regulatory framework and the standardisation programme which contributes to the emergence of new European downstream markets, and recalls that the Galileo Regulation sets a benchmark for the involvement of small and medium-sized enterprises in European space-related industrial policy;

13. Recognises the unique contribution of space programmes which, allowing global and long-term coverage, make available important data for research into climate change, and provide the evidence base for key decisions to be taken in environment policy;

14. Recognises that space can contribute to reaching the Lisbon goals so as to fulfil the economic, educational, social and environmental ambitions of the EU and the expectations of its citizens;

15. Recognises the need for the EU to take practical steps to pursue the reduction of Europe's dependence concerning selected critical space technologies, components and operations;

16. Considers that Europe should develop a common vision and long-term strategic planning for space exploration to play a role in international programmes (such as the Global Exploration Strategy) for human and robotic space exploration, including the possibility of a human expedition to Mars;

17. Urges that consideration be given to a possible new specific budget line for the ESP in the EU budget in order to reflect the strong commitment of the EU towards the ESP and to increase the clarity and transparency of this policy, should the provisions of the Lisbon Treaty relating to space policy enter into force;

18. Calls on the Commission and the Member States to promote investments in space-related science and technology;

19. Calls on the Commission to take the appropriate initiatives for developing the use of space for the collection and distribution of information and insists on the need to encourage technological developments in the field of surveillance and observation of space;

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20. Calls on the Commission to take the necessary measures to avoid pollution of outer space;
21. Calls on the Commission to produce a study on the impact of space tourism and its necessary relevant safety, security and regulatory framework;
22. Calls on the Council and the Commission to initiate a large-scale effort of reflection on space exploration, defining a vision of what should be Europe's position in, and resources for, future worldwide exploration endeavours; in this respect, wishes to be closely associated with the forthcoming high-level conference on exploration proposed by the Commission;
23. Stresses the value of space exploration for inspiring young Europeans to choose a career in science and technology and to strengthen research capabilities in Europe;
24. Instructs its President to forward this resolution to the Council, the Commission, the European Space Agency, the governments and parliaments of the Member States and the Secretary-General of the United Nations.

Cluster munitions

P6_TA(2008)0565

European Parliament resolution of 20 November 2008 on the Convention on cluster munitions

(2010/C 16 E/12)

The European Parliament,

- having regard to the Convention on cluster munitions (CCM) adopted by 107 countries at the diplomatic conference held in Dublin from 1919 to 30 May 2008,
 - having regard to the message of 30 May 2008 from the United Nations Secretary-General encouraging 'States to sign and ratify this important agreement without delay' and stating that he looks forward 'to its rapid entry into force',
 - having regard to its resolution of 25 October 2007 entitled 'Towards a global treaty to ban all cluster munitions' ⁽¹⁾,
 - having regard to Rule 108(5) of its Rules of Procedure,
- A. whereas the CCM will be open for signature as from 3 December 2008 in Oslo, and thereafter at the United Nations in New York, and will enter into force on the first day of the sixth month after the thirtieth ratification,
 - B. whereas the CCM will prohibit the use, production, stockpiling and transfer of cluster munitions as an entire category of weapons,
 - C. whereas the CCM will require States Parties to destroy stockpiles of such munitions,
 - D. whereas the CCM will establish a new humanitarian standard for the assistance of victims and will require States to clear unexploded cluster munition remnants that are left behind after conflicts,

⁽¹⁾ OJ C 263 E, 16.10.2008, p. 648.

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1. Welcomes the work of civil society, in particular the Cluster Munitions Coalition, in seeking to bring an end to the human suffering caused by cluster munitions;
2. Calls on all States to sign, ratify and implement the CCM at the earliest opportunity;
3. Calls on all States to take steps at national level to begin implementing the CCM even before it is signed and ratified;
4. Calls on all States not to use, invest in, stockpile, produce, transfer or export cluster munitions until the CCM has entered into force;
5. Calls on all those EU Member States which have used cluster munitions to provide assistance to affected populations and on the Commission to increase financial assistance through all available instruments to communities and individuals affected by unexploded cluster munitions;
6. Calls on all those EU Member States which have used cluster munitions to provide technical and financial assistance for the clearance and destruction of cluster munition remnants and on the Commission to increase financial assistance for the same purpose through all available instruments;
7. Calls on all the EU Member States not to take any action which might circumvent or jeopardise the CCM and its provisions; in particular, calls on all the EU Member States not to adopt, endorse or subsequently ratify a possible Convention on Conventional Weapons (CCW) Protocol allowing for the use of cluster munitions which would not be compatible with the prohibition of such munitions pursuant to Articles 1 and 2 of the CCM;
8. Instructs its President to forward this resolution to the Council, the Commission, the High Representative for the Common Foreign and Security Policy, the governments and parliaments of the EU Member States, the UN Secretary-General and the Cluster Munitions Coalition.

HIV/AIDS: early diagnosis and early care

P6_TA(2008)0566

European Parliament resolution of 20 November 2008 on HIV/AIDS: early diagnosis and early care

(2010/C 16 E/13)

The European Parliament,

- having regard to its resolution of 24 April 2007 on combating HIV/AIDS within the EU and in the neighbouring countries, 2006-2009 ⁽¹⁾,
- having regard to the Bremen Declaration of 13 March 2007 on 'Responsibility and Partnership — Together against HIV/AIDS',
- having regard to its resolution of 6 July 2006 on HIV/AIDS: time to deliver ⁽²⁾,
- having regard to its resolution of 30 November 2006 on AIDS ⁽³⁾,
- having regard to the Council Conclusions of 6 June 2005 on combating HIV/AIDS,

⁽¹⁾ OJ C 74 E, 20.3.2008, p. 348.

⁽²⁾ OJ C 303 E, 13.12.2006, p. 871.

⁽³⁾ OJ C 316 E, 20.12.2006, p. 366.

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- having regard to the Commission Communication of 15 December 2005 on ‘Combating HIV/AIDS within the European Union and in the neighbouring countries, 2006-2009’ (COM(2005)0654),
 - having regard to the ‘Dublin Declaration’ on partnership to fight HIV/AIDS in Europe and Central Asia, adopted at the Ministerial Conference ‘Breaking the Barriers — Partnership to fight HIV/AIDS in Europe and Central Asia’ held on 23-24 February 2004 within the framework of the Irish EU Presidency,
 - having regard to the report of the Joint United Nations Programme on HIV/AIDS (UNAIDS) and WHO Europe entitled ‘Progress on implementing the Dublin Declaration on Partnership to Fight HIV/AIDS in Europe and Central Asia’ of 2008,
 - having regard to the ‘Vilnius Declaration’ on measures to strengthen the response to HIV/AIDS in the European Union and in neighbouring countries, adopted by Ministers and representatives of governments from the European Union and neighbouring countries at the conference ‘Europe and HIV/AIDS — New Challenges, New Opportunities’ conference, held in Vilnius, Lithuania, on 16-17 September 2004,
 - having regard to the WHO’s 2006 HIV/AIDS programme ‘Towards universal access by 2010’,
 - having regard to the Eurobarometer survey on AIDS Prevention of February 2006,
 - having regard to Rule 103(4) of its Rules of Procedure,
- A. whereas EuroHIV’s end-year report 2006 shows that 269 152 people were newly diagnosed as infected with HIV in 1999-2006 within the European Union and 806 258 people were newly diagnosed as infected with HIV in the European Region of the WHO,
- B. whereas in the European Union 11 % of all new HIV infections affect young people under the age of 25, according to the EuroHIV end-year report 2006,
- C. whereas the reports from EuroHIV and UNAIDS confirm that the number of new HIV infections is still rising at an alarming rate within the European Union as well as in neighbouring countries, and that in some countries the estimated number of people infected with HIV is almost three times higher than the official number,
- D. whereas, despite the increased number of HIV infections, the steady decrease in the number of AIDS cases diagnosed in recent years has continued in 2006, with 40 % fewer cases diagnosed in 2006 in comparison to 1999 in the EU, according to the EuroHIV end-year report 2006,
- E. whereas a large proportion of HIV infections remain undiagnosed; whereas many people do not know whether they are infected or not, and are likely to discover it only once afflicted by HIV/AIDS-related illnesses,
- F. whereas the infectivity of HIV increases significantly in the presence of other sexually transmitted diseases (such as gonorrhoea, chlamydia, herpes and syphilis),
- G. whereas the epidemic among intravenous drug users is one of the reasons for the rapid spread of HIV infection in many Eastern European countries,

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- H. whereas HIV/AIDS is a communicable disease, and there is a risk of contagion even from infected persons whose infection has not been detected,
- I. whereas the report of UNAIDS and WHO Europe, entitled 'Progress on implementing the Dublin Declaration on Partnership to Fight HIV/AIDS in Europe and Central Asia', found that few of the 53 countries in the European region had adopted an approach to tackling stigma, discrimination and human rights that complied with their Dublin declaration commitments,
- J. whereas full protection of human rights is essential in every aspect of the response to HIV,
- K. whereas there is a critical need for cross-border cooperation to address the epidemic,
- L. whereas effective public health measures to facilitate the early diagnosis of HIV need to be introduced,
1. Calls on the Council and the Commission to formulate a strategy on HIV to:
 - promote early diagnosis and reduction of barriers to testing;
 - ensure early care and communication of the benefits of earlier care;
 2. Calls on the Commission to ensure accurate monitoring and surveillance by the European Centre for Disease Prevention and Control, including more precise estimates (size, characteristics, etc.) of the undiagnosed population, respecting confidentiality and protecting personal data;
 3. Calls on the Commission to commit substantial political, financial and human resources to support the implementation of such a strategy;
 4. Calls on the Commission and the Member States to ensure access to testing, which must remain free and anonymous;
 5. Calls on the Commission to establish an HIV/AIDS risk reduction strategy focusing on vulnerable groups and groups known to be at high risk;
 6. Calls on the Council to instruct the Commission to prepare Council recommendations on the implementation of evidence-based testing and treatment guidelines in each Member State;
 7. Calls on the Council to instruct the Commission to ensure that future monitoring of progress in the fight against HIV/AIDS in Europe and neighbouring countries incorporates indicators that directly address and assess human rights issues in relation to HIV/AIDS;
 8. Calls on the Member States to enact provisions which effectively outlaw discrimination against people living with HIV/AIDS, including restrictions that impact on their freedom of movement within their jurisdictions;
 9. Calls on the Member States to step up information and education campaigns on the prevention, testing and treatment of HIV/AIDS;
 10. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States, the UN Secretary-General, the Joint United Nations Programme on HIV/AIDS and the World Health Organization.
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Situation in the beekeeping sector

P6_TA(2008)0567

European Parliament resolution of 20 November 2008 on the situation in the beekeeping sector

(2010/C 16 E/14)

The European Parliament,

— having regard to Rule 108(5) of its Rules of Procedure,

- A. whereas the beekeeping sector throughout the world, and more particularly in Europe, is encountering very serious difficulties,
- B. whereas apiculture has a beneficial impact on the ecosystem as a whole and is essential for the agricultural ecosystem in particular,
- C. whereas it is essential to preserve biodiversity, to which apiculture makes a significant contribution through cross-pollination activities,
- D. whereas beekeeping has been practised in Europe for thousands of years and forms an integral part of its cultural and agriculture heritage,
- E. whereas apiculture products confer nutritional and medicinal benefits,
- F. whereas the variety and high quality of honey and other apiculture products such as royal jelly, propolis, venom and beeswax produced by the European beekeeping sector is due to its expertise and the diversity of its climate,
- G. whereas the sector suffers unfair competition from products originating in third countries and imported into the Community market,
- H. whereas honey may be imported from various regions of the world, but only bees, in sufficient numbers, can guarantee pollination,
- I. whereas there is a serious threat of a decline in bee colonies due to the significant reduction in the supply of pollen and nectar,
- J. whereas there has been a drastic decline in the number of bee colonies in the world,
- K. whereas the continued presence in hives of the parasitic bee mites, *Varroa spp.*, colony collapse disorder and the spread of *Nosema ceranae* are among the causes of the crisis in bee health,
- L. whereas 76 % of the production of food for human consumption is dependent on the beekeeping sector,
- M. whereas 84 % of vegetable species cultivated in Europe depend on pollination,

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- N. whereas the instructions and good practice applicable to the use of biocides are too often ignored,
- O. whereas no methods exist as yet to eradicate certain bee diseases which result in a reduction in their resistance and the loss of hives,
1. Considers that it is essential to respond without delay to the crisis in bee health in an appropriate manner and with effective tools;
 2. Considers that action should be taken to tackle unfair competition from apiculture products originating in third countries, which is partly the result of lower production costs, particularly as regards the price of sugar and labour;
 3. Calls on the Commission to step up immediately further research into the parasites and diseases, as well as other potential causes such as erosion of genetic diversity and cultivation of genetically modified crops, decimating the bee population, while making additional budgetary resources available for this research;
 4. Considers it vital to make it compulsory to indicate the country of origin of bee honey on labels;
 5. Calls on the Council and the Commission to introduce measures under the CAP Health Check encouraging the creation of ecological compensation areas (such as apicultural set-aside areas) especially in large areas of arable cultivation; calls for such areas to be situated in those parts of fields which are difficult to cultivate, where plants such as phacelia, borage, charlock and wild white clover could be grown, providing rich sources of nectar in areas where bees gather;
 6. Calls on the Council and the Commission to give due consideration to the health of bees, the possibilities for marketing bee products and the economic impact on the beekeeping sector in all discussions and future legislative steps concerning the cultivation of genetically modified crops in the European Union;
 7. Calls on the Commission to promote the necessary measures to limit the risk of insufficient pollination both for beekeepers and for farmers, whose production could increase considerably;
 8. Calls on the Commission to ensure that the quality of surface water is monitored and controlled, as bees are highly sensitive to any deterioration in their environment;
 9. Calls on the Commission to undertake research into the link which exists between bee mortality and the use of pesticides such as thiamethoxam, imidacloprid, clothianidin and fipronil so that it can take appropriate measures as regards authorisation of such products;
 10. Calls on the Commission to coordinate all information pertaining to this situation that is presently available in each Member State; believes that the Commission should cooperate with recognised organisations with a view to exchanging scientific information they have concerning the impact of pesticides on bees;
 11. Considers it vital to introduce a requirement that imported honey be analysed to detect the possible presence of American foulbrood bacteria;
 12. Urges the Commission to propose a financial aid mechanism for apiaries which are in difficulties due to bee mortality;

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13. Calls for the Commission to incorporate into its veterinary policy research into, and action to tackle, bee diseases;
14. Calls on the Commission to urge all Member States to bring forward immediate support for the bee-keeping sector;
15. Instructs its President to forward this resolution to the Council and the Commission.

Environmental inspection in Member States

P6_TA(2008)0568

European Parliament resolution of 20 November 2008 on the review of Recommendation 2001/331/EC providing for minimum criteria for environmental inspections in the Member States

(2010/C 16 E/15)

The European Parliament,

- having regard to Recommendation 2001/331/EC of the European Parliament and of the Council of 4 April 2001 providing for minimum criteria for environmental inspections in the Member States ⁽¹⁾,
 - having regard to the Commission Communication of 14 November 2007 on the review of Recommendation 2001/331/EC providing for minimum criteria for environmental inspections in the Member States (COM(2007)0707),
 - having regard to Rule 108(5) of its Rules of Procedure,
- A. whereas in 2001 Parliament and the Council adopted Recommendation 2001/331/EC, containing non-binding criteria for planning, carrying out, following up and reporting on environmental inspections, recognising that there was a wide disparity between inspection systems in the Member States,
 - B. whereas the recommendation's aim was to strengthen compliance with Community environmental law and to contribute to its more consistent implementation and enforcement in all Member States,
 - C. whereas the abovementioned Communication sets out the Commission's views on further development of the recommendation, based, inter alia, on the reports that the Member States have submitted on their implementation of the recommendation,
 - D. whereas that Communication noted that the information submitted by the Member States on how they were implementing the recommendation was 'incomplete or difficult to compare',
 - E. whereas the information submitted by the Member States demonstrated that 'only a few have achieved full implementation', and that 'there are still large disparities in the way environmental inspections are being carried out within the Community',

⁽¹⁾ OJ L 118, 27.4.2001, p. 41.

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- F. whereas according to the Commission the situation of incomplete implementation is partially due to differing interpretations by Member States of the definitions and criteria of the recommendation and of the reporting requirements,
- G. whereas the Commission recognises that the scope of the recommendation is inadequate and does not include many important activities, such as Natura 2000, the control of illegal waste shipments, the registration, evaluation, authorisation and restriction of chemical substances (REACH), the restriction of certain hazardous substances in products (e.g. the Directive on the restriction of the use of certain hazardous substances in electrical and electronic equipment — the RoHS Directive), trade in endangered species as well as activities related to genetically modified organisms and producer responsibility systems,
1. Voices its concern at the Commission's conclusion that the full implementation of environmental legislation in the Community cannot be ensured, since this leads not only to continuing damage to the environment but also to distortions of competition;
 2. Emphasises that good and even enforcement of Community environmental law is essential, and that anything less falls short of public expectations and undermines the reputation of the Community as an effective guardian of the environment;
 3. Opposes the Commission's intention of dealing with the problem only through a non-binding recommendation and through the insertion of specific legally binding requirements in sectoral legislation;
 4. Urges the Commission instead to come forward, before the end of 2009, with a proposal for a directive on environmental inspections, clarifying the definitions and criteria set out in Recommendation 2001/331/EC and extending its scope;
 5. Considers it essential to strengthen the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) and urges the Commission to report, before the end of 2009, on possible ways of doing so, including the establishment of a Community environmental inspection force;
 6. Proposes that greater emphasis be placed on supporting environmental education and information provision, the specific content of which would be determined at local, regional or national level on the basis of the needs and problems identified in a given area;
 7. Instructs its President to forward this resolution to the Council and the Commission.

Somalia

P6_TA(2008)0569

European Parliament resolution of 20 November 2008 on Somalia

(2010/C 16 E/16)

The European Parliament,

— having regard to its resolutions on the situation in Somalia, particularly that of 15 November 2007 on Somalia ⁽¹⁾ and that of 19 June 2008 on the routine killing of civilians in Somalia ⁽²⁾,

— having regard to the Amnesty International report of 1 November 2008 entitled 'The State of the World's Human Rights',

⁽¹⁾ OJ C 282 E, 6.11.2008, p. 479.

⁽²⁾ Texts Adopted, P6_TA(2008)0313.

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- having regard to the statement of 8 November 2008 made by Radhika Coomaraswamy, the UN Secretary-General's Special Representative for children and armed conflict, condemning the stoning of 13-year-old Aisha Ibrahim Duhulow,

- having regard to various regional human rights instruments, and in particular the African Charter on Human and Peoples' Rights of 1981 and the Protocol of 2003 thereto on the Rights of Women in Africa,

- having regard to Rule 115(5) of its Rules of Procedure,

- A. whereas on 27 October 2008 a 13-year-old girl named Aisha Ibrahim Duhulow was stoned to death in Somalia,

- B. whereas the stoning to death was carried out by a group of 50 men in a stadium in the southern port of Kismayo, in front of around 1 000 spectators,

- C. whereas she was accused and convicted of adultery in breach of Islamic law while she was in fact a victim of rape by three men,

- D. whereas the al-Shabab militia, who control Kismayo, detained and ordered the execution by stoning of Aisha Ibrahim Duhulow, but did not arrest or detain those accused of her rape,

- E. whereas inside the stadium, militia members opened fire when some of the people at the stadium attempted to save the life of Aisha Ibrahim Duhulow, and shot dead a boy who was a bystander,

- F. whereas there are credible reports that human rights activists in Kismayo have received death threats from the al-Shabab militia, who accuse them of spreading false information about the incident,

- G. whereas, due to the dramatic situation in Somalia and the widespread violence perpetrated by some factions of the Alliance for the Re-Liberation of Somalia (the so-called 'Islamic Courts') which are trying to topple the legitimate government of Somalia, there are gross violations of human rights in Somalia on a daily basis,

- H. whereas these violations of human rights also include the recent kidnapping of two Italian Roman Catholic nuns from Kenya who were then taken to Somalia, and the increase in suicide attacks, which have killed at least 30 people in the north of the country in recent weeks,

- I. whereas members of staff from international organisations present in the country have recently been the target of violence and killings, and whereas the majority of these have been attributed to members of armed opposition groups, including al-Shabab militias, and the faction 'Islamic Courts',

- J. whereas the Islamist insurgents have carried out public floggings in the capital, Mogadishu, attempting to show their growing strength,

- K. whereas such brutal acts show the methods employed by such militias and, more generally, all the risks in terms of respect for human rights in the event of an expansion of their control over the country,

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- L. whereas Somalia's Transitional Federal Government (TFG) and the Alliance for the Re-Liberation of Somalia (ARS) signed a cease-fire agreement on the 26 October 2008 in Djibouti, and whereas the regional leaders of the Inter-Governmental Authority for Development (IGAD) presented a peace plan for Somalia at the special Summit in Nairobi on 28-29 October 2008,
- M. whereas it is essential to support Somalia's TFG and its President, Mr Abdullahi Yusuf,
1. Strongly condemns the stoning and execution of Aisha Ibrahim Duhulow and expresses its horror at such a barbaric act perpetrated against a 13-year-old rape victim;
 2. Calls on the Somali Government to condemn this execution and to take action to prevent such brutal executions in the future;
 3. Calls on the Somali Government to issue documents and make statements to restore the honour of Aisha Ibrahim Duhulow posthumously;
 4. Supports the legitimate Somali Government's attempts to assert its control over the port of Kismayo, and calls for those accused of raping Aisha Ibrahim Duhulow to be brought to trial in accordance with due process;
 5. Calls on the EU to provide all necessary support in order to create a lasting democratic government in Somalia and to further help the Somali Government to assert its control over the whole country and establish the rule of law in a manner compatible with its international human rights obligations, which would prevent such executions in the future;
 6. Strongly urges the African Union Mission in Somalia (Amisom) to make full use of its mandate to protect civilians, with a particular focus on women and children, and calls for it to be mandated to monitor, investigate and report human rights violations;
 7. Calls on both the Somali and Kenyan authorities to make all possible efforts and take all possible political and diplomatic initiatives to secure the release of the two Italian Roman Catholic nuns;
 8. Strongly supports the Djibouti agreement between the TFG and the ARS aimed at ending years of hostilities in Somalia and at forging a lasting solution to restore peace and put an end to the abuses referred to in this resolution;
 9. Instructs its President to forward this resolution to the Council, the Commission, the Member States, the Secretaries-General of the United Nation and the African Union, IGAD governments, Amisom and the Government of Somalia.
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Thursday 20 November 2008

Death penalty in Nigeria

P6_TA(2008)0570

European Parliament resolution of 20 November 2008 on the death penalty in Nigeria

(2010/C 16 E/17)

The European Parliament,

- having regard to its previous resolutions on human rights violations in Nigeria,
 - having regard to the existing moratorium on the use of the death penalty by the Federal Government of Nigeria,
 - having regard to the Universal Declaration of Human Rights,
 - having regard to the International Covenant on Civil and Political Rights of 1966, ratified by Nigeria on 29 October 1993,
 - having regard to the African Charter on Human and People's Rights of 1981, ratified by Nigeria on 22 June 1983,
 - having regard to the African Charter on the Rights and Welfare of the Child of 1990, ratified by Nigeria on 23 July 2001,
 - having regard to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984 ratified by Nigeria on 28 July 2001,
 - having regard to the Convention on the Elimination of All Forms of Discrimination against Women of 1979, ratified by Nigeria on 13 June 1985, and its Optional Protocol of 1999, ratified by Nigeria on 22 November 2004,
 - having regard to the Convention on the Rights of the Child of 1989, ratified by Nigeria on 19 April 1991,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas more than 720 men and 11 women are under sentence of death in Nigeria's prisons,
- B. whereas the Nigerian National Study Group on the Death Penalty and the Presidential Commission on the Reform of the Administration of Justice have found that inmates on death row are almost exclusively poor and without legal representation,
- C. whereas although international law prohibits the sentencing of child offenders to the death penalty, at least 40 death row prisoners were aged between 13 and 17 at the time of their alleged offence,
- D. whereas Islamic Sharia courts have jurisdiction over criminal cases in 12 of Nigeria's 36 states; whereas these courts continue to hand down death sentences as well as sentences of flogging and amputation,

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- E. whereas 47 % of death row inmates are waiting for their appeal to be decided, a quarter of prisoners' appeals have taken five years, 6 % of prisoners with appeals outstanding have waited more than 20 years, and one prisoner has spent 24 years on death row,
- F. whereas Nigeria's criminal justice system is riddled with corruption and negligence and suffers from a significant lack of resources,
- G. whereas torture, although prohibited in Nigeria, occurs on a daily basis, and almost 80 % of inmates in Nigerian prisons say they have been beaten, threatened with weapons or tortured in police cells,
- H. whereas many prisoners awaiting trial and on death row are being subjected to extortion by police officers, who ask them for money to release them,
- I. whereas more than half the country's 40 000 prison inmates have not been tried or sentenced,
- J. whereas chronic but preventable diseases such as HIV, malaria, tuberculosis, influenza and pneumonia are also present in the prisons,
- K. whereas the Nigerian authorities have made some attempts to address the failures of their judicial system; whereas the National Study Group on the Death Penalty (2004) and the Presidential Commission on the Reform of the Administration of Justice (2007) have expressed doubts as to whether the death penalty helps lower the rate and extent of crime in Nigeria; whereas, however, neither federal nor state governments have taken action to address the urgent problems highlighted by these two study groups,
- L. whereas Nigeria has not officially reported any executions since 2002,
- M. whereas only seven of the African Union's 53 member states are known to have carried out executions in 2007, while 13 African countries are abolitionist in law and a further 22 are abolitionist in practice,
- N. whereas in 1977 just 16 countries had abolished the death penalty for all crimes; whereas today, 137 out of 192 UN member states have abolished the death penalty in law or in practice,
1. Calls on the Federal Government of Nigeria and the state governments to abolish the death penalty;
 2. Calls on the Federal Government of Nigeria and the state governments, pending abolition, to declare an immediate moratorium on all executions as provided for by UN General Assembly resolution 62/149 of 26 February 2008, and to commute without delay all death sentences to terms of imprisonment;
 3. Calls on the Federal Government of Nigeria and the state governments to develop a comprehensive approach to crime and explain how the crime situation will be addressed;

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4. Urges the Federal Government of Nigeria and the state governments to remove all provisions in both federal and state legislation which provide for the death penalty for people who were under the age of 18 at the time of the alleged crime;
5. Calls on the Federal Government of Nigeria and the state governments to ensure that in capital cases the most rigorous internationally recognised and constitutional standards for fair trial are respected, especially in the areas of inadequate legal representation of poorer prisoners, of confessions or evidence obtained through violence, coercion or torture, of inordinately long trial and appeal periods, and of sentencing of minors;
6. Calls on the Federal Government of Nigeria to ratify the 1989 Second Optional Protocol to the International Covenant on Civil and Political Rights and the 2002 Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
7. Urges the Nigerian state governments to remove all provisions for mandatory death sentences;
8. Calls on the Federal Government of Nigeria and the state governments to implement the recommendations of the National Study Group on the Death Penalty (2004) and the Presidential Commission on the Reform of the Administration of Justice (2007), and in particular to establish a moratorium on executions and commute all death sentences;
9. Calls on the Council, the Commission and the Member States to provide technical support to the Nigerian authorities with a view to reviewing the legislation which provides for the death penalty, abolishing the death penalty, and improving the investigation procedures of the Nigerian police;
10. Calls for support for the activities of the Working Group on the Death Penalty of the African Commission on Human and Peoples' Rights in drafting a protocol to the African Charter banning the death penalty and making its reinstatement impossible;
11. Instructs its President to forward this resolution to the Council, the Commission, the parliaments and the governments of the Member States, The Economic Community Of West African States, the Federal Government and Parliament of Nigeria, the African Union and the Pan-African Parliament.

The case of the al-Kurd family

P6_TA(2008)0571

European Parliament resolution of 20 November 2008 on the case of the al-Kurd family

(2010/C 16 E/18)

The European Parliament,

- having regard to its previous resolutions on the Middle East,
- having regard to the report drawn up by its ad hoc delegation to Israel and the Palestinian Territories (30 May to 2 June 2008) and its conclusions,

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- having regard to the Fourth Geneva Convention,
 - having regard to the relevant United Nations (UN) resolutions,
 - having regard to the EU-Israel Association Agreement, and in particular Article 2 thereof,
 - having regard to the declaration issued by the Presidency on behalf of the European Union on 10 November 2008 on the destruction of houses in East Jerusalem,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas, on the night of Sunday, 9 November 2008, members of the Israeli police and armed forces evicted the al-Kurd family from their home in the Sheikh Jarrah neighbourhood of East Jerusalem where they had lived for more than 50 years; whereas, immediately afterwards, they allowed settlers to enter the family's house and then sealed off the area,
- B. whereas this eviction was carried out on the basis of an order issued by the Israeli Supreme Court on 16 July 2008 following long and controversial legal proceedings on disputed ownership before Israeli courts and authorities,
- C. whereas the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) has declared that it will continue to offer the family assistance,
- D. whereas the eviction took place despite international objections; whereas the US has raised the issue with the Israeli authorities; whereas this decision may pave the way for the takeover of 26 more houses in the Sheikh Jarrah neighbourhood of East Jerusalem, with 26 other families targeted for eviction; whereas this matter has political ramifications for the future status of East Jerusalem,
- E. drawing attention to the relevant UN Security Council resolutions and the fact that the international community has not recognised Israeli sovereignty over East Jerusalem,
- F. whereas a European Parliament delegation visited the Sheikh Jarrah neighbourhood on 3 November 2008 and had the opportunity to meet the al-Kurd family,
1. Expresses its deep concern at the eviction of the al-Kurd family, the recent destruction of the houses of Palestinian families by the Israeli authorities in several areas of East Jerusalem and the possible serious consequences of these measures;
 2. Points out that these operations, which seriously affect the lives of the residents of these areas, contravene international law, and calls on the Israeli authorities to put an end to them as soon as possible;
 3. Points out, whilst acknowledging the independence of the Israeli judiciary within the internationally recognised borders of the State of Israel, that under international law East Jerusalem is not subject to the jurisdiction of Israeli courts;

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4. Calls on the Council, the Commission and the international community, including the Quartet, to make all possible efforts to protect Palestinian residents in the Sheikh Jarrah neighbourhood and other areas of East Jerusalem and calls on the Quartet to play a more active role in this direction;
 5. Reiterates its call to the Israeli authorities immediately to halt any expansion of settlements and the building of the security fence beyond Israel's 1967 borders, actions which are contrary to international law and are undermining peace efforts;
 6. Affirms that such actions can only damage the chances of reaching a peace agreement between Palestinians and Israelis; urges Israel to refrain from all unilateral measures that may pre-empt the result of the final status negotiations, particularly in Jerusalem;
 7. Instructs its President to forward this resolution to the Council, the Commission, the High Representative for the Common Foreign and Security Policy, the governments and parliaments of the Member States, the Quartet Special Envoy for the Middle East, the Israeli Government, the Knesset, the President of the Palestinian Authority and the Palestinian Legislative Council.
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II

*(Information)*INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES,
OFFICES AND AGENCIES

EUROPEAN PARLIAMENT

Request for waiver of the immunity of Frank Vanhecke

P6_TA(2008)0537

**European Parliament decision of 18 November 2008 on the request for waiver of the immunity of
Frank Vanhecke (2008/2092(IMM))**

(2010/C 16 E/19)

The European Parliament,

- having regard to the request for waiver of the immunity of Frank Vanhecke, submitted, at the request the Dendermonde Public Prosecutor, by the Minister of Justice of the Kingdom of Belgium, and announced in plenary sitting on 10 April 2008,
 - having heard Frank Vanhecke in accordance with Rule 7(3) of its Rules of Procedure,
 - having regard to Articles 9 and 10 of the Protocol of 8 April 1965 on the Privileges and Immunities of the European Communities, and to Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,
 - having regard to the judgments of 12 May 1964 and 10 July 1986 ⁽¹⁾ of the Court of Justice of the European Communities,
 - having regard to Articles 58 and 59 of the Belgian Constitution,
 - having regard to Rules 6(2) and 7 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A6-0421/2008),
1. Decides to waive the immunity of Frank Vanhecke;
 2. Instructs its President to forward this decision, and the report of its committee responsible, immediately to the appropriate authority of the Kingdom of Belgium.

⁽¹⁾ Case 101/63 *Wagner v Fohrmann and Krier* [1964] ECR 195 and Case 149/85 *Wybot v Faure and Others* [1986] ECR 2391.

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Request for waiver of the immunity of Massimo D'Alema

P6_TA(2008)0538

European Parliament decision of 18 November 2008 on the request for waiver of the immunity of Massimo D'Alema (2008/2298(IMM))

(2010/C 16 E/20)

The European Parliament,

- having regard to the request for waiver of the immunity of Massimo D'Alema, forwarded by the Public Prosecution Service at the Court of Milan on 30 May 2008, and announced in plenary sitting on 16 June 2008,
 - having regard to Article 10 of the Protocol of 8 April 1965 on the Privileges and Immunities of the European Communities and Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,
 - having regard to the judgments of 12 May 1964 and 10 July 1986 ⁽¹⁾ of the Court of Justice of the European Communities,
 - having regard to Rules 6 and 7 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A6-0422/2008),
1. Decides not to authorise the use of the telephone intercepts in question and not to waive the immunity of Massimo D'Alema;
 2. Instructs its President to forward this decision, and the report of the committee responsible, immediately to the competent Italian authorities.

⁽¹⁾ Case 101/63 *Wagner v Fohrmann and Krier* [1964] ECR 195 and Case 149/85 *Wybot v Faure and others* [1986] ECR 2391.

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III

(Preparatory acts)

EUROPEAN PARLIAMENT

Protocol to the EC-Kazakhstan Partnership and Cooperation Agreement *

P6_TA(2008)0528

European Parliament legislative resolution of 18 November 2008 on the proposal for a Council and Commission decision on the conclusion of the Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Kazakhstan, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union (COM(2007)0105 — C6-0328/2008 — 2007/0039(CNS))

(2010/C 16 E/21)

(Consultation procedure)

The European Parliament,

- having regard to the proposal for a Council and Commission decision (COM(2007)0105),
 - having regard to the Partnership and Cooperation Agreement with the Republic of Kazakhstan,
 - having regard to Article 44(2), Article 47(2), last sentence, Articles 55, 57(2), 71, 80(2), 93, 94, 133 and 181a, and Article 300(2), second sentence, of the EC Treaty,
 - having regard to Article 101 of the EC Treaty,
 - having regard to Article 6(2) of the Act of Accession of Bulgaria and Romania,
 - having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0328/2008),
 - having regard to Rules 51, 83(7) and 43(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A6-0416/2008),
1. Approves conclusion of the Protocol;
 2. Instructs its President to forward its position to the Council and the Commission, and to the governments and parliaments of the Member States and of the Republic of Kazakhstan.

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Joint undertaking to develop the new generation European air traffic management system (SESAR) *

P6_TA(2008)0529

European Parliament legislative resolution of 18 November 2008 on the proposal for a Council regulation amending Council Regulation (EC) No 219/2007 on the establishment of a joint undertaking to develop the new generation European air traffic management system (SESAR) (COM(2008)0483 — C6-0305/2008 — 2008/0159(CNS))

(2010/C 16 E/22)

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2008)0483),
 - having regard to Articles 171 and 172 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0305/2008),
 - having regard to Rules 51 and 43(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Industry, Research and Energy (A6-0439/2008),
1. Approves the Commission proposal;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 4. Instructs its President to forward its position to the Council and Commission.

Statutory markings for two- or three-wheel motor vehicles (codified version) *I**

P6_TA(2008)0530

European Parliament legislative resolution of 18 November 2008 on the proposal for a directive of the European Parliament and of the Council on statutory markings for two- or three-wheel motor vehicles (codified version) (COM(2008)0318 — C6-0205/2008 — 2008/0099(COD))

(2010/C 16 E/23)

(Codecision procedure — codification)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2008)0318),
- having regard to Article 251(2) and Article 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0205/2008),

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- having regard to the Interinstitutional Agreement of 20 December 1994 — Accelerated working method for official codification of legislative texts ⁽¹⁾,
 - having regard to Rules 80 and 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A6-0382/2008),
- A. whereas, according to the Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission, the proposal in question contains a straightforward codification of the existing texts without any change in their substance,
1. Approves the Commission proposal as adapted to the recommendations of the Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission;
 2. Instructs its President to forward its position to the Council and the Commission.

⁽¹⁾ OJ C 102, 4.4.1996, p. 2.

Company law concerning single-member private limited-liability companies (codified version) *I**

P6_TA(2008)0531

European Parliament legislative resolution of 18 November 2008 on the proposal for a directive of the European Parliament and of the Council in the area of company law on single-member private limited-liability companies (codified version) (COM(2008)0344 — C6-0217/2008 — 2008/0109(COD))

(2010/C 16 E/24)

(Codecision procedure — codification)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2008)0344),
- having regard to Articles 251(2) and 44 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0217/2008),
- having regard to the Interinstitutional Agreement of 20 December 1994 — Accelerated working method for official codification of legislative texts ⁽¹⁾,
- having regard to Rules 80 and 51 of its Rules of Procedure,
- having regard to the report of the Committee on Legal Affairs (A6-0383/2008),

⁽¹⁾ OJ C 102, 4.4.1996, p. 2.

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- A. whereas, according to the Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission, the proposal in question contains a straightforward codification of the existing texts without any change in their substance,
1. Approves the Commission proposal as adapted to the recommendations of the Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission;
 2. Instructs its President to forward its position to the Council and the Commission.

The driver's seat on wheeled agricultural or forestry tractors (codified version) *I**

P6_TA(2008)0532

European Parliament legislative resolution of 18 November 2008 on the proposal for a directive of the European Parliament and of the Council on the driver's seat on wheeled agricultural or forestry tractors (codified version) (COM(2008)0351 — C6-0243/2008 — 2008/0115(COD))

(2010/C 16 E/25)

(Codecision procedure — codification)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2008)0351),
- having regard to Article 251(2) and Article 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0243/2008),
- having regard to the Interinstitutional Agreement of 20 December 1994 — Accelerated working method for official codification of legislative texts ⁽¹⁾,
- having regard to Rules 80 and 51 of its Rules of Procedure,
- having regard to the report of the Committee on Legal Affairs (A6-0384/2008),

- A. whereas, according to the Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission, the proposal in question contains a straightforward codification of the existing texts without any change in their substance,
1. Approves the Commission proposal as adapted to the recommendations of the Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission;
 2. Instructs its President to forward its position to the Council and the Commission.

⁽¹⁾ OJ C 102, 4.4.1996, p. 2.

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Guarantee Fund for external actions (codified version) *

P6_TA(2008)0533

European Parliament legislative resolution of 18 November 2008 on the proposal for a Council regulation establishing a Guarantee Fund for external actions (codified version) (COM(2008)0365 — C6-0273/2008 — 2008/0117(CNS))

(2010/C 16 E/26)

(Consultation procedure — codification)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2008)0365),
 - having regard to Article 308 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0273/2008),
 - having regard to the Interinstitutional Agreement of 20 December 1994 — Accelerated working method for official codification of legislative texts ⁽¹⁾,
 - having regard to Rules 80 and 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A6-0387/2008),
- A. Whereas, according to the Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission, the proposal in question contains a straightforward codification of the existing texts without any change in their substance,
1. Approves the Commission proposal as adapted to the recommendations of the Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission;
 2. Instructs its President to forward its position to the Council and the Commission.

⁽¹⁾ OJ C 102, 4.4.1996, p. 2.

Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ***

P6_TA(2008)0534

European Parliament legislative resolution of 18 November 2008 on the draft Council decision concerning the conclusion of the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (9196/2008 — C6-0215/2008 — 2008/0048(AVC))

(2010/C 16 E/27)

(Assent procedure)

The European Parliament,

- having regard to the draft Council decision (9196/2008),
- having regard to the request for assent submitted by the Council pursuant to Article 300(3), second subparagraph, in conjunction with Article 61(c) of the EC Treaty (C6-0215/2008),

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- having regard to Rules 75 and 83(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Legal Affairs (A6-0428/2008),
1. Gives its assent to conclusion of the Convention;
 2. Instructs its President to forward its position to the Council and the Commission, and to the governments and parliaments of the Member States.

European system of national and regional accounts in the Community ***I

P6_TA(2008)0535

European Parliament legislative resolution of 18 November 2008 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2223/96 on the European system of national and regional accounts in the Community as regards the implementing powers conferred on the Commission — Adaptation to the regulatory procedure with scrutiny (COM(2007)0776 — C6-0452/2007 — 2007/0272(COD))

(2010/C 16 E/28)

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2007)0776),
 - having regard to Article 251(2) and Article 285(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0452/2007),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A6-0376/2008),
1. Approves the Commission proposal;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and the Commission.
-

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Mobilisation of the European Globalisation Adjustment Fund

P6_TA(2008)0536

European Parliament resolution of 18 November 2008 on the proposal for a decision of the European Parliament and of the Council on the mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (COM(2008)0609 — C6-0345/2008 — 2008/2286(ACI))

(2010/C 16 E/29)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2008)0609 — C6-0345/2008),
 - having regard to the Interinstitutional Agreement (IIA) of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, and in particular point 28 thereof,
 - having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund ⁽²⁾,
 - having regard to the report of the Committee on Budgets and the opinion of the Committee on Employment and Social Affairs (A6-0430/2008),
- A. whereas the European Union has set up the appropriate legislative and budgetary instruments to provide additional support to workers who suffer from the consequences of major structural changes in world trade patterns and to assist their reintegration into the labour market,
- B. whereas the Union's financial assistance to workers made redundant should be dynamic and made available as quickly and efficiently as possible, in accordance with the Joint Declaration of the European Parliament, the Council and the Commission adopted during the conciliation meeting on 17 July 2008,
- C. whereas Italy has requested assistance in respect of four cases concerning redundancies in the textile sector in Sardinia, Piedmont, Lombardy and Tuscany ⁽³⁾,

1. Requests the institutions involved to make the necessary efforts to accelerate the mobilisation of the Fund in accordance with the abovementioned joint declaration by the adoption of which the European Parliament, the Council and the Commission confirm the importance of ensuring a rapid procedure with due respect of the IIA of 17 May 2006 for the adoption of decisions on the mobilisation of the European Globalisation Adjustment Fund;

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

⁽³⁾ EGF/2007/005 IT/Sardegna, EGF/2007/006 IT/Piemonte, EGF/2007/007 IT/Lombardia and EGF/2008/001 IT/Toscana.

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2. Approves the decision annexed to this resolution;
3. Instructs its President to sign the decision with the President of the Council and arrange for its publication in the Official Journal of the European Union;
4. Instructs its President to forward this resolution, including its annex, to the Council and Commission.

ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE MOBILISATION OF THE EUROPEAN GLOBALISATION ADJUSTMENT FUND IN ACCORDANCE WITH POINT 28 OF THE INTERINSTITUTIONAL AGREEMENT OF 17 MAY 2006 BETWEEN THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION ON BUDGETARY DISCIPLINE AND SOUND FINANCIAL MANAGEMENT

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

having regard to the Treaty establishing the European Community,

having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, and in particular point 28 thereof,

having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund ⁽²⁾, and in particular Article 12(3) thereof,

having regard to the proposal from the Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (the 'Fund') was established to provide additional support to redundant workers who suffer from the consequences of major structural changes in world trade patterns and to assist them with their reintegration into the labour market.
- (2) The Interinstitutional Agreement of 17 May 2006 allows the mobilisation of the Fund within the annual ceiling of EUR 500 million.
- (3) Italy has submitted four applications to deploy the Fund, in respect of redundancies in the textile sector: on 9 August 2007 for Sardinia, on 10 August 2007 for Piedmont, on 17 August 2007 for Lombardy and on 12 February 2008 for Tuscany. These applications comply with the requirements for determining the financial contributions as laid down in Article 10 of Regulation (EC) No 1927/2006.
- (4) The Fund should, therefore, be mobilised in order to provide a financial contribution for the applications,

HAVE DECIDED AS FOLLOWS:

Article 1

For the general budget of the European Union for the financial year 2008, the European Globalisation Adjustment Fund shall be mobilised to provide the sum of **EUR 35 158 075** in commitment and payment appropriations.

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

Tuesday 18 November 2008

Article 2

This Decision shall be published in the *Official Journal of the European Union*.

Done at Strasbourg, ... November 2008.

For the European Parliament
The President

For the Council
The President

General arrangements for excise duty *

P6_TA(2008)0541

European Parliament legislative resolution of 18 November 2008 on the proposal for a Council directive concerning the general arrangements for excise duty (COM(2008)0078 — C6-0099/2008 — 2008/0051(CNS))

(2010/C 16 E/30)

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2008)0078),
 - having regard to Article 93 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0099/2008),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs and the opinions of the Committee on Industry, Research and Energy and the Committee on the Internal Market and Consumer Protection (A6-0417/2008),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 5. Instructs its President to forward its position to the Council and the Commission.

Tuesday 18 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 1
Proposal for a directive
Recital 2a (new)

(2a) To enhance the functioning of the internal market, further efforts should be made to achieve a gradual harmonisation of excise duty within the European Union, while taking into account matters such as public health, the protection of the environment and budgetary considerations.

Amendment 2
Proposal for a directive
Recital 4

(4) Excise goods may be subject to other indirect taxes for specific purposes. In that case, however, and in order not to jeopardise the useful effect of Community rules relating to indirect taxes, Member States should comply with certain essential elements of those rules.

(4) Excise goods may be subject to other indirect taxes for specific purposes. In that case, however, and in order not to jeopardise the useful effect of Community rules relating to indirect taxes, Member States should comply with certain essential elements of those rules, ***namely those relating to the tax base and calculation, and tax chargeability and monitoring.***

Amendment 3
Proposal for a directive
Recital 4a (new)

(4a) When implementing this Directive, Member States should take into account the need to ensure a high level of human health protection.

Amendment 4
Proposal for a directive
Recital 9

(9) Since excise duty is a tax on the consumption of certain goods, duty should not be charged in respect of excise goods which have been destroyed or irretrievably lost, irrespective of the circumstances of the destruction or loss.

(9) Since excise duty is a tax on the consumption of certain goods, duty should not be charged in respect of excise goods which have been ***indisputably*** destroyed or irretrievably lost, irrespective of the circumstances of the destruction or loss.

Tuesday 18 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 57**Proposal for a directive****Recital 14**

(14) *The situations in which* tax-free sales to travellers leaving the territory of the Community *are* allowed *should be clearly determined*.

(14) Tax-free sales to travellers leaving the territory of the Community *by land should continue to be allowed insofar as the tax-free shops located on its borders can guarantee to Member States that they fulfil all the necessary conditions to prevent any possible evasion, avoidance or abuse*.

Amendment 58**Proposal for a directive****Recital 14a (new)**

(14a) *Travellers taking a flight or sea-crossing to a third territory or to a third country, holding a transport document stating that the final destination is an airport or port situated in a third territory or in a third country, should be able to benefit from the exemption from payment of excise duty on excise goods supplied by tax-free shops*.

Amendment 59**Proposal for a directive****Recital 19a (new)**

(19a) *The rules applicable to the movement of excise goods under suspension of duty should, under certain conditions, allow for an overall guarantee to be provided for lower excise duties, or for no guarantee to be provided*.

Amendment 5**Proposal for a directive****Recital 21a (new)**

(21a) *In order to ensure the efficient operation of the computerised system, Member States should adopt, within their national applications, a uniform data set and structure in order to provide a reliable interface for economic operators*.

Amendment 6**Proposal for a directive****Recital 24**

(24) It is necessary to determine the procedures to be used in a case in which the computerised system is not available.

(24) It is necessary to determine the procedures to be used in a case in which the computerised system is not available *through no fault of the operators involved in the movement of excise goods or for reasons outside their control*.

Tuesday 18 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 7**Proposal for a directive****Recital 28a (new)**

(28a) In the case of products that are subject to excise duty because they are acquired by private individuals for their own use and transported by them, the quantity of the excise goods should be specified.

Amendment 8**Proposal for a directive****Recital 36**

(36) In order to allow a period of adjustment to the electronic control system for the movement of goods under suspension of excise duty, Member States should be able to benefit from a transitional period during which such movement may continue to be carried out subject to the formalities laid down by Directive 92/12/EEC.

(36) In order to allow a period of adjustment to the electronic control system for the movement of goods under suspension of excise duty, Member States should be able to benefit from a transitional period during which such movement may continue to be carried out subject to the formalities laid down by Directive 92/12/EEC. *The length of the transitional period should be set with due regard to the feasibility of in fact introducing the computerised system in the individual Member States.*

Amendment 9**Proposal for a directive****Article 4 — point 4a (new)**

(4a) ‘importation of excise goods’ means the entry of excise goods onto the territory of the Community — unless those excise goods have, upon their entry into the Community, been placed under a customs suspensive procedure or arrangement — or the release of excise goods from any such customs suspension procedure or arrangement;

Amendment 10**Proposal for a directive****Article 4 — point 4b (new)**

(4b) ‘registered consignee’ means a natural or legal person authorised by the competent authorities of the Member State of destination, under conditions fixed by those authorities, to receive excise goods moving under a duty suspension arrangement and that have been dispatched from another Member State;

Tuesday 18 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 11**Proposal for a directive****Article 4 — point 4c (new)**

- (4c) *'registered consignor' means a natural or legal person authorised by the competent authorities of the Member State of importation, under conditions fixed by those authorities, to dispatch excise goods that are subject to a duty suspension arrangement on their release for free circulation, in accordance with Regulation (EC) No 450/2008 of the European Parliament and of the Council of 23 April 2008 laying down the Community Customs Code (Modernised Customs Code) ⁽¹⁾;*

⁽¹⁾ OJ L 145, 4.6.2008, p. 1.

Amendment 12**Proposal for a directive****Article 4 — point 4d (new)**

- (4d) *'authorised warehouse keeper' means a natural or legal person permitted by the competent authorities of a Member State to produce, process, hold, receive or dispatch excise goods in the course of its business where the requirement to pay excise duty is suspended under a duty suspension arrangement;*

Amendment 13**Proposal for a directive****Article 4 — point 4e (new)**

- (4e) *'tax warehouse' means a place where excise goods that are subject to a duty suspension arrangement are produced, processed, held, received or dispatched by an authorised warehouse keeper in the course of his or her business, subject to certain conditions laid down by the competent authorities of the Member State in which the tax warehouse is located;*

Amendment 14**Proposal for a directive****Article 4 — point 4f (new)**

- (4f) *'place of importation' means the place where goods are located when they are released for free circulation, in accordance with Regulation (EC) No 450/2008.*

Tuesday 18 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 15**Proposal for a directive****Article 7 — paragraph 2 — subparagraph 1 — point c**

(c) the importation of excise goods.

(c) the importation of excise goods, **including irregular importation, unless the excise goods are placed, immediately upon importation, under a duty suspension arrangement.**

Amendment 16**Proposal for a directive****Article 7 — paragraph 4**

4. The total destruction or irretrievable loss of excise goods, **including losses inherent in the nature of those goods, shall not be considered released for consumption.**

4. The total destruction or irretrievable loss of the excise goods in question shall be proven to the satisfaction of the competent authorities **of the Member State where that total destruction or irretrievable loss occurred.**

The loss or destruction of the excise goods in question shall be proven to the satisfaction of the competent authorities.

Where, in the case of a movement under a duty suspension arrangement, it is not possible to determine where the total destruction or the irretrievable loss occurred, it shall be deemed to have occurred in the Member State where it has been detected.

For the purposes of the first subparagraph, goods shall be irretrievably lost when they are rendered unusable by any person.

Member States may subject the deliberate destruction of goods under a duty suspension arrangement to prior approval by the competent authorities.

Amendment 17**Proposal for a directive****Article 9 — paragraph 1**

1. Where an irregularity has occurred, during a movement under suspension of excise duty, giving rise to **the** release for consumption of excise goods and it is not possible to determine where the release for consumption took place, it shall be deemed to have taken place in the Member State of dispatch.

1. Where an irregularity has occurred, during a movement under suspension of excise duty, giving rise to **a** release for consumption of excise goods **in accordance with Article 7(2)(a)**, and it is not possible to determine where the release for consumption took place, it shall be deemed to have taken place in the Member State of dispatch **and at the time when the irregularity has been detected.**

Where the excise goods under a duty suspension arrangement fail to arrive at their destination and the related irregularity, giving rise to a release for consumption in accordance with Article 7(2)(a), has not been detected, the release for consumption shall be deemed to have taken place in the Member State where and at the time when the excise goods are detected.

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TEXT PROPOSED BY THE COMMISSION

However, if, before the expiry of a period of three years from the date on which the movement has begun in accordance with Article 19(1), it is ascertained in which Member State the release for consumption actually took place, that Member State shall inform the competent authorities of the Member State of dispatch.

Where the excise duty has been levied by the Member State of dispatch, it shall be reimbursed or remitted as soon as evidence of **its collection** by the other Member State has been provided.

AMENDMENTS

However, if, before the expiry of a period of three years from the date on which the movement has begun in accordance with Article 19(1), it is ascertained in which Member State the release for consumption actually took place, **the release for consumption shall be deemed to have taken place in** that Member State, **which** shall inform the competent authorities of the Member State of **detection or** dispatch.

Where the excise duty has been levied by the Member State of **detection or** dispatch, it shall be reimbursed or remitted as soon as evidence of **the release for consumption in** the other Member State has been provided.

Amendment 18**Proposal for a directive****Article 9 — paragraph 1a (new)**

1a. Where it is possible, through the use of appropriate evidence, to determine beyond reasonable doubt where an irregularity has taken place during a movement under a duty suspension arrangement giving rise to the release for consumption of excise goods, excise duty shall be liable in the Member State in which the irregularity took place.

Amendment 19**Proposal for a directive****Article 9 — paragraph 2a (new)**

2a. Where an irregularity can be proven to have taken place in one Member State, resulting in the release for consumption of excise goods in relation to which the excise tax stamps of the Member State of destination are attached, excise duty shall be liable in the Member State in which the irregularity took place only when the excise duty is reimbursed to the economic operator by the Member State of destination.

Amendment 20**Proposal for a directive****Article 9 — paragraph 2b (new)**

2b. In cases of irregularity where the Member State of destination does not levy excise duty through the use of excise stamps, the excise duty shall be immediately liable in the Member State in which the irregularity took place.

Tuesday 18 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 21**Proposal for a directive
Article 9 — paragraph 3**

3. For the purposes of paragraph 1, an irregularity shall mean a situation in which **the** movement has not ended in accordance with Article 19(2).

3. For the purposes of paragraph 1, an irregularity shall mean a situation, **other than that referred to in Article 7(4)**, in which **a** movement, **or a part of a movement**, has not ended in accordance with Article 19(2).

Amendment 22**Proposal for a directive
Article 11 — paragraph 1 — point ea (new)**

(ea) delivery to an approved research and development acility, laboratory, government department or other approved party for the purpose of quality testing, pre-market introductory examination and verification for possible counterfeiting, provided that the goods involved are not deemed to be in commercial quantities, where:

(i) Member States may determine what quantities are to constitute commercial quantities; and

(ii) Member States may establish simplified procedures to facilitate the movement of goods under this point.

Amendment 23**Proposal for a directive
Article 11 — paragraph 2**

2. Exemptions shall be subject to conditions and limitations laid down by the host Member State. Member States may grant the exemption by means of a refund of excise duty.

2. Exemptions shall be subject to conditions and limitations laid down by the host Member State. Member States may grant the exemption by means of a refund of excise duty. **The refund conditions established by the Member State shall not result in unduly burdensome exemption procedures.**

Amendment 54**Proposal for a directive
Article 11 — paragraph 2a (new)**

2a. Excise duty, including that on petroleum oils, may be reimbursed or remitted in accordance with the procedure laid down by each Member State. A Member State shall apply the same procedure to national goods as to those from other Member States.

Tuesday 18 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 63/rev
Proposal for a directive
Article 13 — paragraph 1

1. Member States may exempt from payment of excise duty excise goods supplied by tax-free shops which are carried away in the personal luggage of travellers taking a flight **or** sea-crossing to a third territory or to a third country.

1. Member States may exempt from payment of excise duty excise goods supplied by tax-free shops which are carried away in the personal luggage of travellers taking a flight, sea-crossing **or land-crossing** to a third territory or to a third country.

Amendment 65/rev
Proposal for a directive
Article 13 — paragraph 4

4. For the purposes of this Article the following definitions shall apply:

4. For the purposes of this Article the following definitions shall apply:

(a) 'third territory' means the territories referred to in Article 5(2) and (3);

(a) 'third territory' means the territories referred to in Article 5(2) and (3);

(b) 'tax-free shop' means any establishment situated within an airport or port which fulfils the conditions laid down by the competent public authorities, pursuant in particular to paragraph 3;

(b) 'tax-free shop' means any establishment situated within an airport or port **or on the border with a third country or with a third territory** which fulfils the conditions laid down by the competent public authorities, pursuant in particular to paragraph 3;

(c) 'traveller to a third territory or to a third country' means any passenger holding a transport document, for air or sea travel, stating that the **immediate** destination is an airport or port situated in a third territory or a third country.

(c) 'traveller to a third territory or to a third country' means any passenger holding a transport document, for air or sea travel, stating that the **final** destination is an airport or port situated in a third territory or **in** a third country, **and any passenger leaving the Community by land.**

Amendment 25
Proposal for a directive
Article 14 — paragraph 2

2. Production, processing and holding of excise goods **shall be considered to take place under suspension of** excise duty **only if those activities occur in premises authorised pursuant to paragraph 3.**

2. Production, processing and holding of excise goods, **where the excise duty has not been paid, shall take place in a tax warehouse.**

Tuesday 18 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 26
Proposal for a directive
Article 14 — paragraph 3

3. *The competent authorities of the Member States shall authorise as ‘tax warehouses’ premises that are to be used for the production, processing and holding of excise goods, as well as for their receipt or dispatch, under duty suspension arrangements.* *deleted*

Amendment 27
Proposal for a directive
Article 15 — paragraph 1 — subparagraphs 2 and 3

The authorisation may not be refused on the sole ground that the natural or legal person is established in another Member State *and intends itself to operate the tax warehouse through a representative or branch in the Member State of authorisation.*

The authorisation *shall be subject to conditions that the authorities may lay down for the purposes of preventing any possible evasion or abuse.* The authorisation may not, however, be refused on the sole ground that the natural or legal person is established in another Member State.

The authorisation shall cover the activities referred to in Article 14(3).

Amendment 28
Proposal for a directive
Article 16 — paragraph 1 — introductory part

1. Excise goods may be moved under suspension of excise duty within the territory of the Community:

1. Excise goods may be moved under suspension of excise duty *between two points* within the territory of the Community, *including through a third country or through a region in a third country:*

Amendment 29
Proposal for a directive
Article 16 — paragraph 1 — point a — point ii

(ii) *a natural or legal person authorised by the competent authorities of the Member State of destination, under the conditions fixed by those authorities, to receive excise goods moving under suspension of excise duty dispatched from another Member State, hereinafter the ‘registered consignee’;*

(ii) *the premises of a* registered consignee;

Tuesday 18 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 30**Proposal for a directive****Article 16 — paragraph 1 — point b**

- (b) from the place of importation to any of the destinations referred to in point (a), where those goods are dispatched by a **natural or legal person authorised for that purpose by the competent authorities of the Member State of importation, under the conditions fixed by those authorities, hereinafter the** 'registered consignor'.
- (b) from the place of importation to any of the destinations **or consignees** referred to in point (a), where those goods are dispatched by a registered consignor.

Amendment 31**Proposal for a directive****Article 17 — paragraph 1 — introductory part**

1. The competent authorities of the Member State of dispatch, under the conditions fixed by them, shall require that the risks inherent in the movement under suspension of excise duty are covered by a guarantee, which may be provided by one or more of the following persons:
1. The competent authorities of the Member State of dispatch, under the conditions fixed by them, shall require that the risks inherent in the movement under suspension of excise duty are covered by a guarantee, which may be provided by one or more of the following persons **or on their behalf**:

Amendment 32**Proposal for a directive****Article 17 — paragraph 2 — subparagraph 1**

2. The guarantee shall be valid throughout the Community.
2. The guarantee shall be valid throughout the Community **and may be drawn up**:
- (a) **by an institution authorised to carry on the business of a credit institution under Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions ⁽¹⁾; or**
- (b) **by an undertaking authorised to carry on insurance business under Council Directive 92/49/EEC of 18 June 1992 on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance ⁽²⁾.**

⁽¹⁾ OJ L 177, 30.6.2006, p. 1.

⁽²⁾ OJ L 228, 11.8.1992, p. 1.

Tuesday 18 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 33
Proposal for a directive
Article 17a (new)

Article 17a

1. *At the request of the person referred to in Article 17(1), the competent authorities of the Member State of dispatch may, under conditions they have set, allow for an overall guarantee to be provided for lower excise duties, or for no guarantee to be provided, provided that fiscal responsibility for the transport is at the same time assumed by the party responsible for the transport.*
2. *The authorisation referred to in paragraph 1 shall be granted only to persons who:*
 - (a) *are established in the customs territory of the Community;*
 - (b) *have a satisfactory record as regards the provision of guarantees concerning the movement of excise goods under a duty suspension arrangement; and*
 - (c) *regularly provide guarantees concerning the movement of excise goods under a duty suspension arrangement or are deemed by the customs authorities to have the ability to meet the obligations upon them in relation to those procedures.*
3. *The measures governing the procedure for granting the authorisations in application of paragraphs 1 and 2 shall be adopted in accordance with the regulatory procedure referred to in Article 40(2).*

Amendment 34
Proposal for a directive
Article 18 — paragraph 2 — subparagraph 2 — introductory part

A registered consignee authorised for the purposes of the first subparagraph shall comply with the following requirements:

A **temporary** registered consignee authorised for the purposes of the first subparagraph shall comply with the following requirements:

Amendment 35
Proposal for a directive
Article 19 — paragraph 1

1. The movement of excise goods under suspension of excise duty shall be deemed to begin when the goods leave the tax warehouse of dispatch or the place of importation.

1. The movement of excise goods under suspension of excise duty shall be deemed to begin when the goods leave the tax warehouse of dispatch or the place of importation. **The point at which the goods leave the tax warehouse or the place of importation shall be determined by the dispatch of a supplementary information message without delay to the competent authority by the authorised warehouse keeper or the registered consignor.**

Tuesday 18 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 36
Proposal for a directive
Article 19 — paragraph 2

2. The movement of excise goods under suspension of excise duty shall **be deemed to** end when the consignee has taken delivery of the goods **or**, in the case referred to in point (iii) of Article 16(1)(a), **when** the goods have left the territory of the Community.

2. The movement of excise goods under suspension of excise duty shall end:

- when the consignee has taken delivery of the goods. **The time when the consignee takes delivery of the goods shall be determined by the dispatch of a supplementary information message sent by the consignee immediately upon arrival of the goods to the competent authority;**
- **when**, in the case referred to in point (iii) of Article 16(1)(a), the goods have left the territory of the Community **or have been placed under a customs suspensive procedure or arrangement.**

Amendment 37
Proposal for a directive
Article 19a (new)

Article 19a

The rules applicable to the movement of excise goods under a duty suspension arrangement shall, under conditions set by the competent authorities of the Member State of dispatch, allow for an overall guarantee to be provided for lower excise duty, or for no guarantee to be provided, provided that fiscal responsibility for the transport is at the same time assumed by the party responsible for the transport.

Amendment 38
Proposal for a directive
Article 20 — paragraph 1

1. A movement of excise goods shall be considered to take place under suspension of excise duty only if it takes place under cover of an electronic administrative document processed in accordance with paragraphs 2 and 3.

1. A movement of excise goods shall be considered to take place under suspension of excise duty only if it takes place under cover of an electronic administrative document processed in accordance with paragraphs 2 and 3. **The Member States and the Commission shall take the necessary measures to implement key public facilities at national level and to ensure their interoperability.**

Tuesday 18 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 39
Proposal for a directive
Article 20 — paragraph 6

6. The *consignor* shall *communicate the administrative reference code to the person accompanying the* goods.

The code shall be available throughout the movement *under suspension of excise duty.*

6. The goods *dispatched* shall *be accompanied by printed information identifying the goods in* movement.

Amendment 40
Proposal for a directive
Article 22

The competent authority of the Member State of dispatch may allow, under the conditions fixed by that Member State, that the consignor, using the computerised system, splits a movement under suspension of excise duty of energy products into two or more movements provided that the total quantity of excise goods does not change.

Member States *may also provide that such a* splitting *may not be carried out* on their territory.

The competent authority of the Member State of dispatch may allow, under the conditions fixed by that Member State, that the consignor, using the computerised system, splits a movement under suspension of excise duty of energy products into two or more movements provided that:

(a) the total quantity of excise goods does not change; *and*

(b) *the splitting is carried out on the territory of a Member State which permits such a procedure.*

Member States *shall inform the Commission if and under which conditions they allow* splitting *consignments* on their territory. *The Commission shall transmit that information to the other Member States.*

Amendment 41
Proposal for a directive
Article 23 — paragraph 1 — subparagraph 1

1. On receipt of excise goods at any of the destinations referred to in points (i), (ii) or (iv) of Article 16(1)(a) or in Article 16(2), the consignee shall *without delay* submit a report of their receipt, hereinafter the 'report of receipt', to the competent authorities of the Member State of destination using the computerised system.

1. On receipt of excise goods at any of the destinations referred to in points (i), (ii) or (iv) of Article 16(1)(a) or in Article 16(2), the consignee shall, *no later than the working day following receipt*, submit a report of their receipt, hereinafter the 'report of receipt', to the competent authorities of the Member State of destination using the computerised system.

Amendment 42
Proposal for a directive
Article 24 — paragraph 3

3. The competent authorities of the Member State of dispatch shall forward the report of export to the consignor.

3. The competent authorities of the Member State of dispatch shall forward the report of export to the consignor *no later than the working day following receipt of the certificate stating that the excise goods have left the territory of the Community.*

Tuesday 18 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 43**Proposal for a directive****Article 26 — paragraph 1 — subparagraphs 2 and 3**

When the availability of the system is restored, the consignor shall submit a draft electronic administrative document without delay. That document shall replace the paper document referred to in point (a) of the first subparagraph as soon as it has been processed in accordance with Article 20(3), and the procedure relating to the electronic administrative document shall apply.

The goods shall continue to be moved in accordance with the fallback procedure, including the discharge procedure, even if the electronic system becomes available again during the movement.

Until such time as the electronic administrative document has been processed in accordance with Article 20(3), the movement shall be considered to take place under suspension of excise duty under cover of the paper document.

Amendment 44**Proposal for a directive****Article 26 — paragraph 2 — subparagraph 1**

2. Where the computerised system is not available, an authorised warehousekeeper or a registered consignor may communicate the information referred to in Article 20(8) or Article 22 using alternative means of communication. To that end he shall inform the competent authorities of the Member State of dispatch at the time that the change of destination or splitting of the movement is initiated.

2. Where the computerised system is not available, an authorised warehousekeeper or a registered consignor may communicate the information referred to in Article 20(8) or Article 22 using alternative means of communication ***defined by the Member States***. To that end he shall inform the competent authorities of the Member State of dispatch at the time that the change of destination or splitting of the movement is initiated.

Amendment 45**Proposal for a directive****Article 28**

Member States may establish simplified procedures in respect of movements under suspension of excise duty which take place entirely on their territory.

Member States may establish simplified procedures in respect of movements under suspension of excise duty which take place entirely on their territory, ***including the possibility of waiving the requirement of electronic supervision of such movements.***

Amendment 46**Proposal for a directive****Article 29 — point 3a (new)**

(3a) movements of goods pursuant to Article 11(ea).

Tuesday 18 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 47**Proposal for a directive****Article 30 — paragraph 1 — subparagraph 2**

As regards excise goods other than manufactured tobacco acquired by private individuals, the first subparagraph shall also apply in cases where the goods are transported on their behalf. **deleted**

Amendment 48**Proposal for a directive****Article 30 — paragraph 2a (new)**

2a. For the purposes of applying paragraph 2(e), Member States may lay down guide levels, solely as a form of evidence. Those guide levels shall be no less than:

(a) For tobacco products:

- 400 cigarettes;*
- 200 cigarillos (cigars of a maximum weight of 3 grammes each);*
- 100 cigars,*
- 0,5 kilogramme of smoking tobacco;*

(b) For alcoholic beverages:

- 5 litres of spirit drinks;*
- 10 litres of intermediate products;*
- 45 litres of wine (including a maximum of 30 litres of sparkling wine);*
- 55 litres of beer.*

Amendment 49**Proposal for a directive****Article 30 — paragraph 2b (new)**

2b. Member States may also provide for excise duty to become chargeable in the Member State of consumption in respect of the acquisition of mineral oils already released for consumption in another Member State if those goods have been moved atypically by or for private individuals. Atypical movement may include the movement of fuel in containers other than the vehicle tank or a suitable spare fuel container or the movement of liquid heating fuels by means other than tankers being used for a commercial entrepreneur.

Tuesday 18 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 50
Proposal for a directive
Article 34 — paragraph 4 — point a

- (a) register his identity with the tax authorities of the Member State of dispatch of the excise goods;
- (a) register his identity with the tax authorities of the Member State of dispatch of the excise goods **and obtain an identification document from those tax authorities;**

Amendments 51 and 52
Proposal for a directive
Article 37

1. Without prejudice to Article 7(1), Member States may require that excise goods carry tax markings **or** national identification marks used for fiscal purposes at the time when they are released for consumption in their territory, or, in the cases provided for in Article 31(1), first subparagraph, and Article 34(1), when they enter their territory.

2. Any Member State which requires the use of tax marking **or** national identification marks as set out in paragraph 1 shall be required to make them available to authorised warehousekeepers of the other Member States.

3. Without prejudice to any provisions they may lay down in order to ensure that this Article is implemented properly and to prevent any fraud, evasion or abuse, Member States shall ensure that these markings or marks do not create obstacles to the free movement of excise goods.

When such markings or marks are affixed to excise goods, any amount paid or guaranteed to obtain such markings or marks shall be reimbursed, remitted or released by the Member State which issued them if excise duty has become chargeable and has been collected in another Member State.

1. Without prejudice to Article 7(1), Member States may require that excise goods carry tax markings, national identification marks **or any other form of serial or authentication mark** used for fiscal purposes at the time when they are released for consumption in their territory, or, in the cases provided for in Article 31(1), first subparagraph, and Article 34(1), when they enter their territory.

2. Any Member State which requires the use of tax marking, national identification marks **or any other form of serial or authentication mark** as set out in paragraph 1 shall be required to make them available to authorised warehousekeepers of the other Member States.

3. Without prejudice to any provisions they may lay down in order to ensure that this Article is implemented properly and to prevent any fraud, evasion or abuse, Member States shall ensure that these markings or marks do not create obstacles to the free movement of excise goods.

When such markings or marks are affixed to excise goods, any amount paid or guaranteed to obtain such markings or marks shall be reimbursed, remitted or released by the Member State which issued them if excise duty has become chargeable and has been collected in another Member State.

The Member State which issued the markings or marks may nevertheless subject the reimbursement, remittance or release of the amount paid or guaranteed to proof that those markings or marks have been removed or destroyed.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

4. Tax markings *or* identification marks within the meaning of paragraph 1 shall be valid in the Member State which issued them. However, there may be mutual recognition of these markings between Member States.

4. Tax markings, ***national*** identification marks ***or any other form of serial or authentication mark*** within the meaning of paragraph 1 shall be valid in the Member State which issued them. However, there may be mutual recognition of these markings between Member States.

Amendment 53**Proposal for a directive****Article 39**

Until the Council has adopted Community provisions on stores for boats and aircraft, Member States may maintain their national provisions on the subject.

Until the Council has adopted Community provisions on stores for boats and aircraft, Member States may maintain their national provisions on the subject. ***Those national provisions must be communicated to the other Member States so that their economic operators are able to benefit thereunder.***

School Fruit Scheme (amendment of Single CMO Regulation) *

P6_TA(2008)0542

European Parliament legislative resolution of 18 November 2008 on the proposal for a Council regulation amending Regulations (EC) No 1290/2005 on the financing of the common agricultural policy and (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) in order to set up a School Fruit Scheme (COM(2008)0442 — C6-0315/2008 — 2008/0146(CNS))

(2010/C 16 E/31)

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2008)0442),
 - having regard to Articles 36 and 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0315/2008),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development (A6-0391/2008),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;

Tuesday 18 November 2008

3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
5. Instructs its President to forward its position to the Council and Commission.

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 1

Proposal for a regulation — amending act

Recital 2

(2) The objectives of the CAP set out in Article 33 of the Treaty include the stabilisation of markets, assuring the availability of supplies and ensuring that supplies reach consumers at reasonable prices. The provision of Community aid under a School Fruit Scheme to supply fruit and **vegetable** and **banana products** to pupils in educational establishments would meet these objectives. Further, the Scheme should bring young consumers to appreciate fruit and vegetables and therefore **should** enhance future consumption thereby promoting earnings in agriculture, also an objective of the CAP. In addition, under Article 35(b) of the Treaty, provision may be made within the framework of the common agricultural policy for joint measures, such as a School Fruit Scheme, to promote consumption of certain products.

(2) The objectives of the CAP set out in Article 33 of the Treaty include the stabilisation of markets, assuring the availability of supplies and ensuring that supplies reach consumers at reasonable prices. The provision of Community aid under a School Fruit Scheme to supply fruit and **vegetables** and **bananas of EU origin, and products therefrom which should be as fresh as possible, seasonal, and obtainable at low cost**, to pupils in educational establishments would meet these objectives. **As required by the principle of subsidiarity, Member States should, when determining the target group, be accorded sufficient flexibility to enable them, in keeping with their needs, to supply school fruit to as wide a circle of users as possible.** Further, the Scheme should bring young consumers to appreciate fruit and vegetables and **should therefore have a highly positive effect on public health and the fight against child poverty, enhance future consumption, create a multiplier effect by involving pupils, parents and teachers, thereby having a markedly positive effect on public health and** promoting earnings in agriculture, also an objective of the CAP. In addition, under Article 35(b) of the Treaty, provision may be made within the framework of the common agricultural policy for joint measures, such as a School Fruit Scheme, to promote consumption of certain products, **to be combined with an additional health and nutrition education component, and to provide encouragement and stimulus to regional producers, in particular those of mountain regions.**

Amendment 2

Proposal for a regulation — amending act

Recital 2a (new)

(2a) **The School Fruit Scheme should be clearly identified as an EU initiative aimed at combating obesity in young people and developing their taste for fruit and vegetables. It should also serve, with the aid of appropriate educational programmes, to make children aware of the changing seasons in the course of a year. To that end, education authorities should, as a matter of priority, ensure the distribution of seasonal fruit, giving preference to a varied range of fruits so as to enable children to discover different tastes.**

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 3**Proposal for a regulation — amending act****Recital 3**

(3) Moreover, Article 152(1) of the Treaty requires that ‘a high level of human health protection shall be ensured in the definition and implementation of all Community policies’. The clear health benefits of a School Fruit Scheme are aspects which should be integrated into the implementation of the CAP.

(3) Moreover, Article 152(1) of the Treaty requires that ‘a high level of human health protection shall be ensured in the definition and implementation of all Community policies’. The clear health benefits of a School Fruit Scheme are aspects which should be integrated into the implementation of **EU policies in general, and into the CAP in particular.**

Amendment 4**Proposal for a regulation — amending act****Recital 3a (new)**

(3a) The European Action Plan for Organic Food and Farming proposes the launch of a multi-annual EU-wide information and promotion campaign over several years to inform schools about the merits of organic farming and to increase consumer awareness and recognition of organic products, including recognition of the EU logo. The School Fruit Scheme should support these objectives, particularly with regard to organic fruit, and accompanying measures should include the provision of information about organic agriculture.

Amendment 5**Proposal for a regulation — amending act****Recital 6**

(6) Provision should therefore be made for Community aid to **co-finance** the supplying to pupils in educational establishments certain healthy products of the **fruit and vegetables, processed fruit and vegetables** and bananas sectors and also for certain related costs of logistics, distribution, equipment, communication, monitoring and evaluation. The Commission should lay down the conditions of the Scheme.

(6) Provision should therefore be made for Community aid to **finance** the supplying to pupils in educational establishments certain healthy products of the fruit and vegetables and bananas sectors and also for certain related costs of logistics, distribution, equipment, communication, monitoring and evaluation, **as well as the accompanying measures required to ensure the effectiveness of the Scheme.** The Commission should lay down the conditions of the Scheme. **Particular attention should be paid to the requirements of quality and sustainability of the products covered by the Scheme: they should meet the highest standards and should, preferably, be seasonal and produced locally where possible, or within the EU.**

Amendment 6**Proposal for a regulation — amending act****Recital 7**

(7) In order to ensure orderly implementation of the School Fruit Scheme, Member States, at national or regional level, wishing to make use of it should draw up a prior strategy. They should also provide for accompanying measures required to make the scheme effective.

(7) In order to ensure orderly implementation of the School Fruit Scheme, Member States, at national or regional level, wishing to make use of it should draw up a prior strategy, **including in the area of education for the target groups.** They should also provide for accompanying **educational and logistic** measures required to make the scheme effective, **and the Commission should provide guidelines for the implementation of this regulation. Member States may incorporate these measures in an educational manner into teaching packages on health and nutrition in schools.**

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 7**Proposal for a regulation — amending act****Recital 8**

(8) So as not to restrict the overall impact of similar national measures, Member States should also be **permitted** to grant additional national aid for the supply of products and related costs and accompanying measures and the Community School Fruit Scheme should be without prejudice to any separate national school fruit schemes which respect Community law. However, in order to ensure a practical effect for the Community Scheme, it **should** not replace current funding for existing **national** School Fruit Schemes or other school distribution schemes that include fruit.

(8) So as not to restrict the overall impact of similar national measures, Member States should also be **encouraged** to grant additional national aid for the supply of products and related costs and accompanying measures and the Community School Fruit Scheme should be without prejudice to any separate national school fruit schemes which respect Community law. However, in order to ensure a practical effect for the Community Scheme, it **must** not replace current **national** funding for existing **multi-annual** School Fruit Schemes or other school distribution schemes that include fruit. **Community financing should be supplementary in nature and is reserved for new schemes or the extension of existing schemes.**

Amendment 8**Proposal for a regulation — amending act****Recital 9**

(9) In order to ensure sound budgetary management, a fixed ceiling of Community aid and maximum co-financing rates should be provided for and the Community financial contribution to the scheme should be added to the list of measures eligible for EAFG financing set out in Article 3(1) of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy.

(9) In order to ensure sound budgetary management, a fixed ceiling of Community aid and maximum co-financing rates should be provided for and the Community financial contribution to the scheme should be added to the list of measures eligible for EAFG financing set out in Article 3(1) of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy. **If one Member State or more does not take up Community financing, the funds may be transferred and used in other Member States.**

Amendment 9**Proposal for a regulation — amending act****Recital 10**

(10) In order to allow time for the smooth implementation of the Scheme, it should apply from the 2009/10 school year. **A report on it should be delivered** after three years.

(10) In order to allow time for the smooth implementation of the Scheme, it should apply from the 2009/10 school year. **Member States should undertake an annual evaluation of the implementation and impact of the programme, and the Commission should submit a report to the European Parliament and the Council** after three years. **Since only a long-term programme will yield long-term benefits, it is necessary to ensure the monitoring and evaluation of the programme in order to measure its effectiveness and propose possible improvements.**

Tuesday 18 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 10**Proposal for a regulation — amending act****Recital 11**

(11) In order to make the scheme more effective, the Community should be able to finance information, monitoring and evaluation measures aimed at raising public awareness of, and networking measures related to, the School Fruit Scheme and its objectives without prejudice to its powers to co-finance, in the framework of Council Regulation (EC) No 3/2008 of 17 December 2007 on information provision and promotion measures for agricultural products on the internal market and in third countries, necessary accompanying measures to raise awareness about the beneficial health effects of fruit and vegetables consumption.

(11) In order to make the scheme more effective, the Community should be able to finance information, monitoring and evaluation measures aimed at raising public awareness of, and networking measures related to, the School Fruit Scheme and its objectives without prejudice to its powers to co-finance, in the framework of Council Regulation (EC) No 3/2008 of 17 December 2007 on information provision and promotion measures for agricultural products on the internal market and in third countries, necessary accompanying measures to raise awareness about the beneficial health effects of fruit and vegetables consumption. ***It will be essential for the Commission to undertake a major EU-wide publicity campaign for the Scheme.***

Amendment 13**Proposal for a regulation — amending act****Article 2 — point 1 — point a**

Regulation (EC) No 1234/2007

Article 103ga — Paragraph 1

1. Under conditions to be determined by the Commission, from the 2009/10 school year, Community aid shall be granted for supplying to pupils in educational establishments certain products of the fruit and vegetables, ***processed fruit and vegetables*** and bananas sectors ***to be determined*** by the Commission ***and may*** also be granted for certain related costs of logistics, distribution, equipment, communication, monitoring and evaluation.

1. Under conditions to be determined by the Commission, from the 2009/10 school year, Community aid shall be granted for supplying to pupils in educational ***and pre-school*** establishments certain products of the fruit and vegetables and bananas sectors ***of EU origin, selected*** by the Commission, ***to be determined in more detail by the Member States***, and ***shall*** also be granted for certain related costs of logistics, distribution, equipment, communication, monitoring and evaluation, ***as well as for purposes of financing the accompanying measures needed to ensure the effectiveness of the Scheme.***

The Commission and the Member States shall select fruit and vegetables, which shall be as fresh as possible, seasonal, and obtainable at low cost, on the basis of health criteria, such as the fewest possible unnatural and unhealthy additives.

Local products should be used as a matter of priority in order to avoid unnecessary transport and the resulting environmental pollution.

Organic and local fruit and vegetables shall, if available, be given particular consideration.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 14**Proposal for a regulation — amending act****Article 2 — point 1 — point a***Regulation (EC) No 1234/2007**Article 103ga — paragraph 2*

2. Member States, at national or regional level, wishing to participate in the scheme shall draw up a prior strategy for its implementation. They shall also provide **for** accompanying measures necessary to make the scheme effective.

2. Member States, at national or regional level, wishing to participate in the scheme shall draw up a prior strategy for its implementation, **taking account of the soil and climate conditions under which fruit and vegetables are produced. In this connection, Community preference of the products concerned shall be ensured. These Member States shall also provide the Community and national financial resources required for implementation and shall undertake the** accompanying measures necessary to make the scheme effective, **with priority for pre-school and primary-school children, to whom fruit shall be distributed free of charge on a daily basis.**

Under this strategy, Member States shall determine, inter alia:

— *the products to be distributed, having regard to the seasonal and local nature of the products;*

— *the age groups of the beneficiary school population;*

— *the educational establishments participating in the Scheme.*

In accordance with objective criteria, Member States shall give priority to locally produced, traditional fruit and vegetables and support smaller farms in implementing the scheme.

Accompanying measures shall include the provision of health and dietary advice, information on the health benefits of fruit, appropriate to the age of the students, as well as information on the particular characteristics of organic farming.

Amendment 15**Proposal for a regulation — amending act****Article 2 — point 1 — point a***Regulation (EC) No 1234/2007**Article 103ga — paragraph 3 — point a*

(a) exceed EUR **90 million** per school year,

(a) exceed EUR **500 million** per school year,

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 16**Proposal for a regulation — amending act****Article 2 — point 1 — point a**

Regulation (EC) No 1234/2007

Article 103 ga — paragraph 3 — point b

- | | |
|---|--|
| (b) exceed 50 % of the costs of supply and related costs referred to in paragraph 1, or 75 % of such costs in the regions eligible under the Convergence Objective, | (b) exceed the costs of supply and related costs and those of the accompanying measures, as referred to in paragraph 1, |
|---|--|

Amendment 17**Proposal for a regulation — amending act****Article 2 — point 1 — point a**

Regulation (EC) No 1234/2007

Article 103 ga — paragraph 3 — point c

- | | |
|--|---|
| (c) cover costs other than the costs of supply and related costs referred to in paragraph 1, and | (c) cover costs other than the costs of supply and related costs and those of the accompanying measures required to ensure the effectiveness of the Scheme, as referred to in paragraph 1, and |
|--|---|

Amendment 18**Proposal for a regulation — amending act****Article 2 — point 1 — point a**

Regulation (EC) No 1234/2007

Article 103ga — paragraph 3 — point d

- | | |
|--|--|
| (d) be used to replace current funding for any existing national school fruit schemes or other school distribution schemes that include fruit. | (d) be used to replace current public funding for any existing national school fruit schemes or other school distribution schemes that include fruit. |
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Amendment 19**Proposal for a regulation — amending act****Article 2 — point 1 — point a**

Regulation (EC) No 1234/2007

Article 103ga — paragraph 5

- | | |
|--|--|
| 5. The Community school fruit scheme shall be without prejudice to any separate national school fruit schemes which respect Community law. | 5. The Community school fruit scheme shall be without prejudice to any separate national school fruit schemes which respect Community law. Pilot projects, conducted on an experimental basis in a small number of educational establishments for limited periods of time, shall not be considered national schemes under paragraph 3(d). |
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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 21**Proposal for a regulation — amending act****Article 2 — point 3***Regulation (EC) No 1234/2007**Article 184 — Point 6*

(6) before 31 August 2012 to the European Parliament and the Council on the application of the School Fruit Scheme provided for in Article 103ga, accompanied, if necessary, by appropriate proposals. The report shall in particular address the issues of the extent to which the scheme has promoted the establishment of well functioning School Fruit Schemes in Member States and the impact of the Scheme on the improvement of children's eating habits.

(6) before 31 August 2012 to the European Parliament and the Council on the application of the School Fruit Scheme provided for in Article 103ga, accompanied, if necessary, by appropriate proposals. The report shall in particular address the issues of:

— the extent to which the scheme has promoted the establishment of well functioning School Fruit Schemes in Member States and the impact of the Scheme on the improvement of children's eating habits;

— *the extent to which opting for national cofinancing, by means of a parental contribution, has or has not influenced the outreach and effectiveness of the scheme;*

— *the relevance and impact of national accompanying measures, in particular the way in which the School Fruit Scheme and accompanying information on a healthy diet are incorporated into the national curriculum;*

Wednesday 19 November 2008

Community statistics on public health and health and safety at work *II**

P6_TA(2008)0546

European Parliament legislative resolution of 19 November 2008 on the Council common position for adopting a regulation of the European Parliament and of the Council on Community statistics on public health and health and safety at work (9815/3/2008 — C6-0343/2008 — 2007/0020(COD))

(2010/C 16 E/32)

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (9815/3/2008 — C6-0343/2008) ⁽¹⁾,
 - having regard to its position at first reading ⁽²⁾ on the Commission proposal to Parliament and the Council (COM(2007)0046),
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Food Safety (A6-0425/2008),
1. Approves the common position;
 2. Notes that the act is adopted in accordance with the common position;
 3. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
 4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Union;
 5. Instructs its President to forward its position to the Council and Commission.

⁽¹⁾ OJ C 280 E, 4.11.2008, p. 1.

⁽²⁾ OJ C 282 E, 6.11.2008, p. 109.

Wednesday 19 November 2008

Publication and translation obligations of certain types of companies ***I

P6_TA(2008)0547

European Parliament legislative resolution of 19 November 2008 on the proposal for a directive of the European Parliament and of the Council amending Council Directives 68/151/EEC and 89/666/EEC as regards publication and translation obligations of certain types of companies (COM(2008)0194 — C6-0171/2008 — 2008/0083(COD))

(2010/C 16 E/33)

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2008)0194),
 - having regard to Article 251(2) and Article 44(2)(g) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0171/2008),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs and the opinion of Committee on Economic and Monetary Affairs (A6-0400/2008),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

P6_TC1-COD(2008)0083

Position of the European Parliament adopted at first reading on 19 November 2008 with a view to the adoption of Directive 2008/.../EC of the European Parliament and of the Council amending Council Directives 68/151/EEC, 77/91/EEC and 89/666/EEC as regards publication and translation obligations of certain types of companies

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 44(2)(g) thereof,

Having regard to the proposal from the Commission **||**,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

⁽¹⁾ OJ C.

⁽²⁾ Position of the European Parliament of 19 November 2008 (not yet published in the Official Journal) and Council Decision of ...

Wednesday 19 November 2008

Whereas:

- (1) The European Council agreed, at its meeting on 8 and 9 March 2007, that administrative burdens on companies should be reduced by 25 % by the year 2012 in order to enhance the competitiveness of companies in the Community.
- (2) Company law has been identified as one area that contains a high number of information obligations for companies, some of which seem outdated or excessive.
- (3) *Those* information obligations need to be reviewed in order to reduce the burdens weighing on companies within the Community to the minimum *required* to ensure the protection of the interests of other stakeholders.
- (4) Under *the* First Council Directive 68/151/EEC of 9 March 1968 on coordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of Article 58 of the Treaty, with a view to making such safeguards equivalent throughout the Community ⁽¹⁾, limited-liability companies need to disclose, by way of publication, certain information that has to be entered into the Member States' central register, commercial register or companies register. This publication, in many Member States, has to take place by using the national gazette and sometimes, in addition, through the national or regional newspapers.
- (5) In most cases, the publication obligations entail additional costs for the companies *concerned* without providing real added value given that company registers make their information available online. Initiatives — **such as the future European e-Justice portal** — aimed at facilitating the Community-wide access to such registers further reduce the need to *publish that* information in a national gazette or in other print media.
- (6) In order to allow for a cost-effective publication that provides users with easy access to the information, Member States should make mandatory the use of a central electronic platform. **This platform should either contain all the information that is required to be disclosed or give access to that information in the company's electronic file in the Member States' registers. Member States** should, furthermore, ensure that **any costs charged to companies for such publication are included in a single fee, together with those, if any, that are charged for entries in the register. Any existing publication obligations in Member States should not lead to any additional specific fees. This should not, however, prejudice the freedom of Member States to pass on to companies the costs connected with the setting-up and operation of the platform, including the formatting of documents, either by including those costs in registration fees or by demanding a mandatory periodical contribution from companies.**
- (7) **In line with the principle of subsidiarity, Member States may continue all other existing national forms of publication, provided that they are well defined and based on objective conditions, particularly in the interests of legal certainty and information security and having regard to the availability of access to the Internet and national practices. Member States should cover the costs of such supplementary publication obligations within the single fee.**
- (8) **Consistently with the use of a central electronic platform, the Second Council Directive 77/91/EEC of 13 December 1976 on coordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of Article 58 of the Treaty, in respect of the formation of public limited liability companies and the maintenance and alteration of their capital, with a view to making such safeguards equivalent ⁽²⁾ should be amended.**

⁽¹⁾ OJ L 65, 14.3.1968, p. 8. ||

⁽²⁾ OJ L 26, 31.1.1977, p. 1.

Wednesday 19 November 2008

- (9) The Eleventh Council Directive 89/666/EEC of 21 December 1989 concerning disclosure requirements in respect of branches opened in a Member State by certain types of company governed by the law of another State ⁽¹⁾ requires certain information concerning the company to be disclosed. The Member State in which the branch is situated, hereinafter 'the host Member State', is currently able to require that a limited number of documents in that context be translated into another official language of the Community.
- (10) That possibility should be maintained as well as the possibility, for the host Member State, of requiring in some limited cases that the translation be certified, as the interests of third parties may make it necessary to ensure, through such certification, that the translation is sufficiently reliable.
- (11) A translation may, however, be deemed sufficiently reliable if it has been certified by a translator who has been officially appointed and sworn in another Member State or by any other person authorised in that Member State to certify translations into the language required. It should not, in this case, be open to the host Member State to require any additional certification under its own rules.
- (12) The same applies where a document required for the registration of the branch can be produced, by the register where the company's file is held, in the official language of the Community required by the host Member State. In this case too, an additional certification does not seem justified.
- (13) Furthermore, Member States should not be able to impose any formality relating to the language of the document that goes beyond the certification. In particular, requirements for notarisation of an already certified translation exceed what is required to guarantee a sufficient degree of reliability.
- (14) Since the objective of this Directive, namely reducing administrative burdens relating to publication and translation obligations of certain types of companies within the Community, cannot be sufficiently achieved by Member States and can therefore, by reason of the scale and effects, be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.
- (15) Directives 68/151/EEC, 77/91/EEC and 89/666/EEC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Amendment of Directive 68/151/EEC

Article 3(4) of Directive 68/151/EEC is replaced by the following:

'4. Disclosure of the documents and particulars referred to in Article 2 shall be effected by publication through a central electronic platform that allows access to the information disclosed in chronological order.

Member States shall ensure that companies are not charged a specific fee in respect of a publication on the central electronic platform or in respect of any additional publication obligation imposed by Member States relating to those documents and particulars. **This provision shall not affect the ability of Member States to pass on to companies the costs in respect of the central electronic platform.'**

⁽¹⁾ OJ L 395, 30.12.1989, p. 36.

Article 2**Amendment of Directive 77/91/EEC**

Article 29(3) of Directive 77/91/EEC is replaced by the following:

'3. Any offer of subscription on a pre-emptive basis and the period within which the right of pre-emption is to be exercised shall be published in the national gazette. However, the laws of a Member State need not provide for such publication where all a company's shares are registered. In such case, all the company's shareholders must be informed in writing. The period within which the right of pre-emption is to be exercised shall not be less than 14 days from the date of publication of the offer or from the date of dispatch of the letters to the shareholders.'

Article 3**Amendment of Directive 89/666/EEC**

Article 4 of Directive 89/666/EEC is replaced by the following:

'Article 4

1. The Member State in which the branch has been opened may stipulate that the documents referred to in **point (b)** of Article 2(2) and in Article 3 must be **disclosed** in an official language of the Community other than the official language of the register referred to in point (c) of Article 2(1), and that the translation of such documents must be certified. **Where a Member State requires certification, the translation shall be certified by a person duly qualified in any Member State.**

2. **Paragraph 1 shall apply mutatis mutandis to the attestation referred to in point (c) of Article 2(2), unless the attestation has been issued from the register referred to in point (c) of Article 2(1) in the official language required by the Member State in which the branch has been opened.**

3. Member States shall not impose any **additional** formal requirement relating to the translation of the documents other than those **referred to** in paragraphs 1 and 2.'

Article 4**Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive **before 1 May 2010**. **Member States may continue all other existing national forms of publication, provided that they are well defined and based on objective conditions, particularly in the interests of legal certainty and information security and having regard to the availability of access to the Internet and national practices. Member States shall cover the costs of such supplementary publication obligations within the single fee.** They shall forthwith communicate to the Commission the text of such laws, regulations and administrative provisions, together with a table showing the correlation between them and this Directive.

When they are adopted by Member States, these measures shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. *The methods of making such reference shall be laid down by Member States.*

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Wednesday 19 November 2008

Article 5

Entry into force

This Directive shall enter into force on the twentieth day following its publication in the Official Journal of the European Union.

Article 6

Addressees

This Directive is addressed to the Member States.

Done at ..., on ...

For the European Parliament
The President

For the Council
The President

European Statistics ***I

P6_TA(2008)0548

European Parliament legislative resolution of 19 November 2008 on the proposal for a regulation of the European Parliament and of the Council on European Statistics (COM(2007)0625 — C6-0346/2007 — 2007/0220(COD))

(2010/C 16 E/34)

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2007)0625),
 - having regard to Articles 251(2) and 285(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0346/2007),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A6-0349/2008),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and the Commission.

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P6_TC1-COD(2007)0220

Position of the European Parliament adopted at first reading on 19 November 2008 with a view to the adoption of Regulation (EC) No .../2008 of the European Parliament and of the Council on European Statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities

(As an agreement was reached between Parliament and Council, Parliament's position at first reading corresponds to the final legislative act, Regulation (EC) No 223/2009.)

Support schemes for farmers under the CAP *

P6_TA(2008)0549

European Parliament legislative resolution of 19 November 2008 on the proposal for a Council regulation establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers (COM(2008)0306 — C6-0240/2008 — 2008/0103(CNS))

(2010/C 16 E/35)

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2008)0306),
 - having regard to Articles 36, 37 and 299(2) of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0240/2008),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development and the opinions of the Committee on Budgets, the Committee on the Environment, Public Health and Food Safety and the Committee on Regional Development (A6-0402/2008),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 5. Instructs its President to forward its position to the Council and Commission.

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Amendment 1**Proposal for a regulation****Recital 1a (new)**

(1a) The dismantling of bureaucracy in the agricultural sector should be pursued by means of transparent, simpler and less cumbersome legislation. Only by reducing costs and administrative burdens can the common agricultural policy help entrepreneurial farmers to become competitive on globalised markets.

Amendment 3**Proposal for a regulation****Recital 2a (new)**

(2a) Continuous efforts should be made towards achieving simplification, improvement and harmonisation of the cross-compliance system. The Commission should therefore present a report on the application of the cross-compliance system every two years.

Amendment 4**Proposal for a regulation****Recital 2b (new)**

(2b) Reduced administrative burdens, harmonised checks, amalgamation of checks, including within the Union institutions, and timely payments would increase the overall support among farmers for the cross-compliance system and thus increase the effectiveness of the policy.

Amendment 5**Proposal for a regulation****Recital 2c (new)**

(2c) In order to limit the burden on farmers, Member States and the Union institutions should be encouraged to keep both the number of on-the-spot checks and the number of supervisory agencies to a minimum, without prejudice to the provisions of Commission Regulation (EC) No 796/2004 of 21 April 2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and

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control system provided for in Council Regulation (EC) No 1782/2003 ⁽¹⁾. Member States should therefore be allowed to perform minimum controls at the level of the paying agency. Further, Member States and the Union institutions should be encouraged to take additional measures to limit the number of persons carrying out the controls, to ensure that they are properly trained and to limit the period during which an on-the-spot check may be carried out on a particular farm to a maximum of one day. The Commission should assist Member States in meeting the requirements for integrated sample selections. Sample selection for on-the-spot checks should be carried out independently from specific minimum control percentages as provided for under the specific legislation falling within the scope of cross-compliance.

⁽¹⁾ OJ L 141, 30.4.2004, p. 18.

Amendment 6

Proposal for a regulation

Recital 2d (new)

(2d) Member States should ensure that farmers are not penalised twice (i.e. through the reduction or withholding of payments, as well as a fine following non-compliance with the relevant national legislation) for the same instance of non-compliance.

Amendment 7

Proposal for a regulation

Recital 3

(3) Furthermore, in order to avoid the abandonment of agricultural land and ensure that it is maintained in good agricultural and environmental condition, Regulation (EC) No 1782/2003 established a Community framework within which Member States adopt standards taking account of the specific characteristics of the areas concerned, including soil and climatic conditions and existing farming systems (land use, crop rotation, farming practices) and farm structures. The abolition of compulsory set aside within the single payment scheme may in certain cases have adverse effects for the environment, in particular as regards certain landscape features. It is therefore appropriate to reinforce the existing Community provisions aiming at protecting, where appropriate, specified landscape features.

(3) Furthermore, in order to avoid the abandonment of agricultural land and ensure that it is maintained in good agricultural and environmental condition, Regulation (EC) No 1782/2003 established a Community framework within which Member States adopt standards taking account of the specific characteristics of the areas concerned, including soil and climatic conditions and existing farming systems (land use, crop rotation, farming practices) and farm structures. The abolition of compulsory set aside within the single payment scheme may in certain cases have adverse effects for the environment, in particular as regards **ordinary biodiversity and** certain landscape features. It is therefore appropriate to reinforce the existing Community provisions aiming at protecting, where appropriate, **biodiversity and** specified landscape features. **While taking account of the need to ensure the highest water quality standards, as laid down in Community legislation, no further restrictions should be imposed which would impede desirable rural development.**

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Amendment 8**Proposal for a regulation****Recital 4**

(4) Protection and management of water in the context of the agricultural activity *has* increasingly *become* a problem in *certain areas*. It is therefore appropriate to also reinforce the existing Community framework for good agricultural and environmental condition with the aim to protect water against pollution and run-off and to manage the use of water.

(4) Protection and management of water in the context of the agricultural activity *is* increasingly *becoming* a problem in *an ever-larger part of the Community*. It is therefore appropriate to also reinforce the existing Community framework for good agricultural and environmental condition with the aim to protect water against pollution and run-off and to manage the use of water, *including reducing the substantial annual wastage of water through better agronomic and water management systems*.

Amendments 190 and 226**Proposal for a regulation****Recital 6**

(6) In order to achieve a better balance between policy tools designed to promote sustainable agriculture and those designed to promote rural development, a system of compulsory progressive reduction of direct payments ('modulation') was introduced by Regulation (EC) No 1782/2003. This system should be maintained including the exemption of payments up to EUR **5 000** from its application.

(6) In order to achieve a better balance between policy tools designed to promote sustainable agriculture and those designed to promote rural development, a system of compulsory progressive reduction of direct payments ('modulation') was introduced by Regulation (EC) No 1782/2003. This system should be maintained including the exemption of payments up to EUR **10 000** from its application.

Amendment 10**Proposal for a regulation****Recital 7**

(7) The savings made through the modulation mechanism introduced by Regulation (EC) No 1782/2003 are used to finance measures under the rural development policy. Since the adoption of that regulation the agricultural sector has been faced with a number of new and demanding challenges such as climate change, the increasing importance of bio energy, as well as the need for a better water management and a more effective protection of biodiversity. The European Community, as party to the Kyoto Protocol, has been called to adapt its policies in the light of the climate change considerations. Furthermore, following serious problems related to water scarcity and droughts, water management issues

(7) The savings made through the modulation mechanism introduced by Regulation (EC) No 1782/2003 are used to finance measures under the rural development policy. Since the adoption of that regulation the agricultural sector has been faced with a number of new and demanding challenges such as climate change, the increasing importance of bio energy, as well as the need for a better water management and a more effective protection of biodiversity. The European Community, as party to the Kyoto Protocol, has been called to adapt its policies in the light of the climate change considerations. Furthermore, following serious problems related to water scarcity and droughts, water management issues

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should be further addressed. Protecting biodiversity remains a major challenge and while important progress has been made, the achievement of the European Community's biodiversity target for 2010 will require additional efforts. The Community acknowledges the need to tackle these new challenges in the framework of its policies. In the area of agriculture, rural development programs adopted under Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) are an appropriate tool to deal with them. To enable Member States to **revise their** rural development programmes accordingly without being required to reduce their current rural development activities in other areas, additional funding needs to be made available. However, the financial perspectives for the period 2007 to 2013 do not provide for the financial means to reinforce the Community's rural development policy as necessary. Under these circumstances it is appropriate to mobilise a large part of the financial resources needed by providing for a gradual increase of the reduction of direct payments through modulation.

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should be further addressed. Protecting biodiversity remains a major challenge and while important progress has been made, the achievement of the European Community's biodiversity target for 2010 will require additional efforts. The Community acknowledges the need to tackle these new challenges in the framework of its policies. In the area of agriculture, rural development programs adopted under Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) are an appropriate tool to deal with them. **Some Member States already have rural development programmes in place that address the new challenges. However,** to enable **all** Member States to **operate** rural development programmes without being required to reduce their current rural development activities in other areas, additional funding needs to be made available. However, the financial perspectives for the period 2007 to 2013 do not provide for the financial means to reinforce the Community's rural development policy as necessary. Under these circumstances it is appropriate to mobilise a large part of the financial resources needed by providing for a gradual increase of the reduction of direct payments through modulation.

Amendments 11, 197 and 210

Proposal for a regulation

Recital 8

(8) The distribution of direct income support among farmers is characterised by the allocation of a large share of payments to a rather limited number of large beneficiaries. **It is clear that** larger beneficiaries **do not** require the same level of unitary support for the objective of income support to be efficiently attained. Moreover, the potential to adapt makes it easier to larger beneficiaries to operate with lower levels of unitary support. It therefore seems equitable to expect farmers with high amounts of support to make a particular contribution to the financing of rural development measures addressing new challenges. Therefore, it appears appropriate to establish a mechanism providing for an increased reduction of the highest payments the proceeds of which should also be used to deal with new challenges in the framework of rural development. To ensure the proportionality of this mechanism the additional reductions should increase progressively according to the amounts of the payments concerned.

(8) The distribution of direct income support among farmers is characterised by the allocation of a large share of payments to a rather limited number of large beneficiaries. **Irrespective of their business structure,** larger beneficiaries **may not** require the same level of unitary support for the objective of income support to be efficiently attained. Moreover, the potential to adapt makes it easier to larger beneficiaries to operate with lower levels of unitary support. It therefore seems equitable to expect farmers with high amounts of support — **taking into account the total wage bill of each farm** — to make a particular contribution to the financing of rural development measures addressing new challenges. Therefore, it appears appropriate to establish a mechanism providing for an increased reduction of the highest payments the proceeds of which should also be used to deal with new challenges in the framework of rural development. To ensure the proportionality of this mechanism the additional reductions should

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increase progressively according to the amounts of the payments concerned. *Nevertheless, the situation should be avoided where associative bodies that bring together a large number of farmers with their respective farms, as is the case for agricultural cooperatives, and that comply with the definition of 'farmer' laid down in Article 2 of this Regulation are considered as large beneficiaries, which would entail the corresponding reduction in payments. To this end, it should be specified which bodies meet these conditions so that they are exempted from possible progressivity.*

Furthermore, in order to avoid further fragmentation in the agricultural sector, producer associations that channel the direct payment should not be considered large beneficiaries when applying the modulation mechanism.

Amendment 12

Proposal for a regulation

Recital 8a (new)

(8a) Member States should also be given a special support option in order to adequately meet new challenges which may arise from the effects of the CAP health check.

Amendment 13

Proposal for a regulation

Recital 16

(16) In order to help farmers to meet the standards of modern, high-quality agriculture, it is necessary that Member States operate a comprehensive system offering advice to **commercial farms**. The farm advisory system should help farmers to become more aware of material flows and on-farm processes relating to the environment, food safety, animal health and welfare without in any way affecting their obligation and responsibility to respect those standards.

(16) In order to help farmers to meet the standards of modern, high-quality agriculture, it is necessary that Member States operate a comprehensive system offering advice to **all farmers**. The farm advisory system should help farmers to **produce efficiently and in a cost-effective way and** to become more aware of material flows and on-farm processes relating to the environment, food safety, animal health and welfare without in any way affecting their obligation and responsibility to respect those standards.

Amendment 14

Proposal for a regulation

Recital 19

(19) The management of small amounts is a burdensome task for the competent authorities of the Member States. **To avoid excessive administrative burden it is appropriate for Member States to refrain from granting direct payments where the payment would be lower than the Community average support for**

(19) The management of small amounts is a burdensome task for the competent authorities of the Member States. **Member States may decide not to grant direct payments below a minimum threshold to be determined.**

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one hectare or the eligible area of the holding for which support is claimed would relate to less than one hectare. Special provision should be made for those Member States whose farm structure differs significantly from the average Community one. Member States should be given discretion to opt for the implementation of one of the two criteria taking account of the particularities of the structures of their agricultural economies. As special payment entitlements were allocated to farmers with so-called 'landless' holdings the application of the hectare-based threshold would be ineffective. Such farmers should therefore be subject to the averages support-based minimum amount.

Amendment 15
Proposal for a regulation
Recital 21

(21) Payments provided for under Community support schemes should be made by the competent national authorities to beneficiaries in full, subject to any reductions provided for in this Regulation, and within prescribed periods. In order to render the management of direct payments more flexible, Member States should be allowed to pay direct payments in two instalments per year.

(21) Payments provided for under Community support schemes should be made by the competent national authorities to beneficiaries in full, subject to any reductions provided for in this Regulation, and within prescribed periods. In order to render the management of direct payments more flexible, Member States should be allowed to pay direct payments in two instalments per year **with a view, on the one hand, to making provision, in the event of late payment, for the inclusion of interest at the market rate and, on the other, subject to the needs of the sector, to giving the Member States flexibility in deciding payment dates.**

Amendment 16
Proposal for a regulation
Recital 23

(23) *In order to achieve the objectives of the common agricultural policy, common support schemes have to be adapted to changing developments, if necessary within short time limits. Beneficiaries cannot, therefore, rely on support conditions remaining unchanged and should be prepared for a possible review of schemes in particular in the light of economic developments or the budgetary situation.*

deleted

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Amendment 17
Proposal for a regulation
Recital 23a (new)

(23a) The first pillar of the common agricultural policy should be retained in the future so as to guarantee the key role which farmers play as motors of the economy in numerous rural regions, as well as being guardians of the landscape and ensuring the high standards of food safety required by the Union.

Amendment 18
Proposal for a regulation
Recital 24

(24) Regulation (EC) No 1782/2003 established a single payment scheme that combined the existing various support mechanisms into a single scheme of de-coupled direct payments. Experience with the application of the single payment scheme shows that certain of its elements can be simplified to the benefit of farmers and administrations. Furthermore, given that the single payment scheme has in the meantime been implemented by all Member States that were required to do so, a number of provisions that were linked to its initial implementation have become obsolete and should therefore be adjusted. In this context, a significant under use of payment entitlements has been detected in some cases. To avoid such situation **and taking into account that farmers are already familiar with the functioning of the single payment scheme**, the period **initially fixed** for reverting unused payment entitlements to the national reserve should be **reduced to two** years.

(24) Regulation (EC) No 1782/2003 established a single payment scheme that combined the existing various support mechanisms into a single scheme of de-coupled direct payments. Experience with the application of the single payment scheme shows that certain of its elements can be simplified to the benefit of farmers and administrations. Furthermore, given that the single payment scheme has in the meantime been implemented by all Member States that were required to do so, a number of provisions that were linked to its initial implementation have become obsolete and should therefore be adjusted. In this context, a significant under use of payment entitlements has been detected in some cases. To avoid such situation, the period for reverting unused payment entitlements to the national reserve should be **fixed at three** years.

Amendment 19
Proposal for a regulation
Recital 27

(27) Compulsory set aside of arable land was introduced as a supply control mechanism. Market developments in the arable crops sector together with the introduction of decoupled aids no longer justify the need for maintaining this instrument, which therefore should be abolished. Set-aside entitlements established in accordance with Articles 53 and 63(2) of Regulation (EC) No 1782/2003 shall therefore **be activated on hectares subject to the same eligibility conditions that any other entitlement**.

(27) Compulsory set aside of arable land was introduced as a supply control mechanism. Market developments in the arable crops sector together with the introduction of decoupled aids no longer justify the need for maintaining this instrument, which therefore should be abolished. Set-aside entitlements established in accordance with Articles 53 and 63(2) of Regulation (EC) No 1782/2003 shall therefore **become normal entitlements**.

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Amendment 20
Proposal for a regulation
Recital 28

(28) Further to the integration of formerly coupled market support into the single payment scheme, the value of payment entitlements was, in those Member States opting for a historic implementation, based on the individual level of past support. With a growing number of years elapsing since the introduction of the single payment scheme and following the successive integration of further sectors into the single payment scheme, it becomes increasingly harder to justify the legitimacy of significant individual differences in the support level which are only based on past support. For this reason Member States that chose the historic implementation model should be allowed under certain conditions to review the allocated payment entitlements with a view to approximating their unit value while respecting the general principles of community law and the objectives of the Common Agricultural Policy. In this context Member States may take into account the specificities of geographical areas when fixing closer values. The levelling of payment entitlements should take place during an adequate transition period and within a limited range of reductions in order to allow farmers to reasonably adapt to the changing levels of support.

(28) Further to the integration of formerly coupled market support into the single payment scheme, the value of payment entitlements was, in those Member States opting for a historic implementation, based on the individual level of past support. With a growing number of years elapsing since the introduction of the single payment scheme and following the successive integration of further sectors into the single payment scheme, it becomes increasingly harder to justify the legitimacy of significant individual differences in the support level which are only based on past support. For this reason Member States that chose the historic implementation model should be allowed under certain conditions to review the allocated payment entitlements with a view to approximating their unit value while respecting the general principles of community law and the objectives of the Common Agricultural Policy. In this context Member States may take into account the specificities of geographical areas when fixing closer values. The levelling of payment entitlements should take place during an adequate transition period, ***depending on the pace of implementation chosen by each Member State***, and within a limited range of reductions in order to allow farmers to reasonably adapt to the changing levels of support.

Amendment 21
Proposal for a regulation
Recital 29a (new)

(29a) The cross-compliance system and the common agricultural policy are likely to require further adjustment in the future, as current payment levels do not always seem to be proportionate with the compliance efforts made by the farmers concerned, since payments still depend to a large extent on historic spending. Animal welfare legislation is obviously particularly burdensome for livestock farmers, something which is not reflected in the level of their payments. However, if imported products were to meet the same animal welfare standards, then there would be no need to compensate farmers for their compliance with Community legislation in this area. The Commission should therefore strive for recognition of the non-trade concerns as import criteria within the World Trade Organisation negotiations.

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Amendment 22**Proposal for a regulation****Recital 30**

(30) Regulation (EC) No 1782/2003, while introducing a decoupled single payment scheme allowed Member States to exclude certain payments from that scheme. At the same time Article 64(3) of that Regulation provided for the revision of the options provided for in Sections 2 and 3 of Chapter 5 of its Title III, in the light of market and structural developments. An analysis of the relevant experience shows that decoupling **introduces** flexibility in the choice of producers, enabling them to take their production decisions on the basis of profitability and market response. **This is particularly the case for the arable crops, hops and seeds sectors, and to a certain extent, also the beef sector.** Therefore, **the partially coupled payments in these sectors should be integrated into the single payment scheme. In order for farmers in the beef sector to gradually adjust to the new support arrangements provision should be made for a phasing-in of the integration of the special premium for male animals and the slaughter premium.** Since the partially coupled payments in the fruit and vegetable sectors were only recently introduced, and only as a transitional measure, no review of such schemes is necessary.

(30) Regulation (EC) No 1782/2003, while introducing a decoupled single payment scheme allowed Member States to exclude certain payments from that scheme. At the same time Article 64(3) of that Regulation provided for the revision of the options provided for in Sections 2 and 3 of Chapter 5 of its Title III, in the light of market and structural developments. An analysis of the relevant experience shows that decoupling **could introduce** flexibility in the choice of producers, enabling them to take their production decisions on the basis of profitability and market response. Therefore, **it is desirable to authorise those Member States which so decide to continue decoupling aid.** Since the partially coupled payments in the fruit and vegetable sectors were only recently introduced, and only as a transitional measure, no review of such schemes is necessary.

Amendment 23**Proposal for a regulation****Recital 31a (new)**

(31a) Specific measures are required to assist the Union sheep sector, which is in serious decline. The recommendations of European Parliament resolution of 19 June 2008 on the future of the sheep/lamb and goat sector in Europe ⁽¹⁾ should be implemented.

⁽¹⁾ Texts Adopted for that date, P6_TA(2008)0310.

Amendment 24**Proposal for a regulation****Recital 32**

(32) Member States should be allowed to use up to 10 % of their ceilings for granting specific support in clearly defined cases. Such support should allow Member States to address environmental issues and improve the quality and marketing of agricultural products. Specific support should also be available to buffer the consequences of the phasing-out of milk quotas and the decoupling of support in particularly sensitive sectors. **Given the growing importance of an effective management of risks Member States should be given the option to financially contribute to the premiums farmers pay for crop insurance as well as to the financing of financial compensation of certain economic losses in case of animal or plant diseases.** With a view to respect the Community's international obligations the resources that could be used for any coupled support measures should be limited at an appropriate level. **The conditions applicable to the financial contributions to crop insurance and animal or plant disease related compensation should be established accordingly.**

(32) Member States should be allowed to use up to 10 % of their ceilings for granting specific support in clearly defined cases. Such support should allow Member States to address environmental issues and improve the quality and marketing of agricultural products. Specific support should also be available to buffer the consequences of the phasing-out of milk quotas and the decoupling of support in particularly sensitive sectors. With a view to respect the Community's international obligations the resources that could be used for any coupled support measures should be limited at an appropriate level.

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Amendment 25
Proposal for a regulation
Recital 32a (new)

(32a) Given the increasing importance of effective risk management, Member States should be authorised to use up to an additional 5 % of their ceilings to grant support to farmers or to organisations or groups of producers in the form of financial contributions to expenses related to insurance premiums and mutual funds.

Amendment 26
Proposal for a regulation
Recital 36

36. The de-coupling of direct support and the introduction of the single payment scheme were essential elements in the process of reforming the common agricultural policy. However several reasons called in 2003 for maintaining specific support for a number of crops. Experience gained through the implementation of Regulation (EC) No 1782/2003 together with the evolution of the market situation indicates that schemes that were kept outside the single payment scheme in 2003 **can** now be integrated into that scheme to promote a more market-oriented and sustainable agriculture. This is the case in particular for the olive oil sector, where only marginal coupling was applied. It is also the case for the durum wheat, **protein crops**, rice, potato starch, and nuts payments, where the decreasing effectiveness of remaining coupled payments, supports the decoupling option. **In the case of flax it is also appropriate to abolish the support for processing and to integrate the relevant amounts into the single payment scheme.** As regards rice, **dried fodder**, potato starch and flax a transitional period should be provided for in order to ensure their shift to decoupled support to be as smooth as possible. As regards nuts, Member States should be allowed to continue to pay the national part of the aid in a coupled way in order to cushion the effects of decoupling.

36. The de-coupling of direct support and the introduction of the single payment scheme were essential elements in the process of reforming the common agricultural policy. However several reasons called in 2003 for maintaining specific support for a number of crops. Experience gained through the implementation of Regulation (EC) No 1782/2003 together with the evolution of the market situation indicates that schemes that were kept outside the single payment scheme in 2003 **could** now be integrated into that scheme, **at the option of the Member State concerned**, to promote a more market-oriented and sustainable agriculture. This is the case in particular for the olive oil sector, where only marginal coupling was applied. It is also the case for the durum wheat, rice, potato starch, and nuts payments, where the decreasing effectiveness of remaining coupled payments, supports the decoupling option. As regards rice, potato starch and flax a transitional period should be provided for in order to ensure their shift to decoupled support to be as smooth as possible. As regards nuts, Member States should be allowed to continue to pay the national part of the aid in a coupled way in order to cushion the effects of decoupling.

Amendment 27
Proposal for a regulation
Recital 37

(37) As a consequence of the integration of new schemes into the single payment scheme, provision should be made for the calculation of the new level of individual income support under that scheme. In the case of nuts, potato starch, flax **and dried fodder**,

(37) As a consequence of the integration of new schemes into the single payment scheme, provision should be made for the calculation of the new level of individual income support under that scheme. In the case of nuts, potato starch **and** flax, such increase

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such increase should be granted on the basis of the support farmers received in most recent years. However, in the case of the integration of payments that were so far partially excluded from the single payment scheme, Member states should be given the option to use the original reference periods.

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should be granted on the basis of the support farmers received **or the production quotas allocated to farmers** in most recent years. However, in the case of the integration of payments that were so far partially excluded from the single payment scheme, Member states should be given the option to use the original reference periods.

Amendment 28**Proposal for a regulation****Recital 38**

(38) Regulation (EC) No 1782/2003 established specific support for energy crops with a view to assisting the sector to develop. Due to the recent developments in the bio-energy sector and, in particular, to the strong demand for such products on international markets and the introduction of binding targets for the share of bio-energy in total fuel by 2020 there is no longer sufficient reason to grant specific support for energy crops.

(38) Regulation (EC) No 1782/2003 established specific support for energy crops with a view to assisting the sector to develop. Due to the recent developments in the bio-energy sector and, in particular, to the strong demand for such products on international markets and the introduction of binding targets for the share of bio-energy in total fuel by 2020 there is no longer sufficient reason to grant specific **coupled** support for energy crops. **Accordingly, the amounts for this purpose should in future be incorporated into the single payment scheme.**

Amendment 29**Proposal for a regulation****Article 1 — point d**

(d) support schemes for farmers producing rice, starch potatoes, **cotton**, sugar, fruit and vegetables, sheep meat and goat meat and beef and veal;

(d) support schemes for farmers producing rice, **protein crops**, starch potatoes, sugar, fruit and vegetables, **tobacco**, sheep meat and goat meat and beef and veal;

Amendment 30**Proposal for a regulation****Article 2 — point a**

(a) 'farmer' means a natural or legal person, or a group of natural or legal persons, whatever legal status is granted to the group and its members by national law, whose holding is situated within Community territory, as referred to in Article 299 of the Treaty, and who exercises an agricultural activity;

(a) 'farmer' means a natural or legal person, or a group of natural or legal persons, whatever legal status is granted to the group and its members by national law, whose holding is situated within Community territory, as referred to in Article 299 of the Treaty, and who exercises an agricultural activity, **from which he derives the main part of his income;**

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Amendment 31**Proposal for a regulation**
Article 2 — point aa (new)

(aa) 'farmer holding payment entitlements' means a farmer to whom payment entitlements have been allocated or definitively transferred;

Amendment 32**Proposal for a regulation**
Article 2 — point fa (new)

(fa) 'region' means a Member State, a region within a Member State or a geographical area within a Member State presenting specific characteristics and/or structural handicaps, at the option of the Member State concerned;

Amendment 33**Proposal for a regulation**
Article 4 — paragraph 1

1. A farmer receiving direct payments shall respect the statutory management requirements listed in Annex II, and the good agricultural and environmental condition established under Article 6.

1. A farmer receiving direct payments shall respect the statutory management requirements listed in Annex II, and the good agricultural and environmental condition established under Article 6, *save where this is impracticable or disproportionate.*

Amendment 34**Proposal for a regulation**
Article 4 — paragraph 1a (new)

1 a. A farmer receiving direct payments shall be required to ensure safety at the workplace and to abide by the contractual rules laid down by the Member State concerned.

Amendment 35**Proposal for a regulation**
Article 5 — paragraph 1 — point a a (new)

(aa) workplace safety,

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Amendment 36**Proposal for a regulation****Article 6 — paragraph 1**

1. Member States shall ensure that all agricultural land, especially land which is no longer used for production purposes, is maintained in good agricultural and environmental condition. Member States shall define, at national or regional level, minimum requirements for good agricultural and environmental condition **on the basis of the framework set up** in Annex III, **taking into account** the specific characteristics of the areas concerned, including soil and climatic condition, existing farming systems, land use, crop rotation, farming practices, and farm structures.

1. Member States shall ensure that all agricultural land, especially land which is no longer used for production purposes, is maintained in good agricultural and environmental condition. Member States shall define, at national or regional level, minimum requirements for good agricultural and environmental condition, **taking into account the issues listed** in Annex III, **the Commission guidelines and/or other standards consistent with the nature of their own farming industries**, the specific characteristics of the areas concerned, including soil and climatic condition, **ecosystems**, existing farming systems, land use, crop rotation, farming practices, and farm structures. **These minimum requirements shall be adapted to each situation and chosen on the basis of their greater agronomic and environmental effectiveness (as recognised by scientific research and practical experience).**

The second column of Annex III comprises optional standards, and Member States shall decide for themselves whether to make use of them. In addition, the measures taken shall be based on existing EU legislation and shall not entail any additional obligations.

Amendment 37**Proposal for a regulation****Article 6a (new)****Article 6a****Bonus points**

Each Member State shall be free to introduce 'bonus' cross-compliance that awards farmers bonus points for actions fostering biodiversity and implemented in addition to the obligations arising from good agro-environmental cross-compliance. Each Member State shall define the actions for which such points may be awarded. Bonus points may be used to offset penalty points incurred in the area of good agricultural and environmental condition described in Article 6. Arrangements for such offsetting shall be laid down by the Member States.

Amendment 38**Proposal for a regulation****Article 6b (new)****Article 6b****Food security**

Member States shall ensure that, with a view to balanced and sustainable land use, priority is given to national and/or regional food security. To that end they shall carry out a food-security assessment on any planned expansion of energy production from agricultural raw materials to ensure that it does not endanger food security.

Wednesday 19 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendments 186, 229 and 39**Proposal for a regulation****Article 7, paragraph 1**

1. Any amount of direct payments to be granted in a given calendar year to a farmer that exceeds **EUR 5 000** shall be reduced for each year until 2012 **by the following percentages:**

- (a) 2009: **7 %**,
- (b) 2010: **9 %**,
- (c) 2011: **11 %**,
- (d) 2012: **13 %**.

1. Any amount of direct payments to be granted in a given calendar year to a farmer that exceeds **EUR 10 000** shall be reduced for each year until 2012 **as follows:**

- (a) 2009: **6 %**,
- (b) 2010: **6 %**,
- (c) 2011: **7 %**,
- (d) 2012: **7 %**.

Amendment 40**Proposal for a regulation****Article 7 — paragraph 1 — subparagraph 1a (new)**

Member States shall ensure that any increases in compulsory modulation are matched by corresponding decreases in voluntary modulation.

Amendment 41**Proposal for a regulation****Article 7 — paragraph 2**

2. The reductions referred to in paragraph 1 shall be increased for the:

- (a) amounts between EUR 100 000 and EUR 199 999, by **3 percentage points**,
- (b) amounts between EUR 200 000 and EUR 299 999, by **6 percentage points**,
- (c) amounts above EUR 300 000, by **9 percentage points**.

2. The reductions referred to in paragraph 1 shall be increased for the:

- (a) amounts between EUR 100 000 and EUR 199 999, by **1 percentage point**,
- (b) amounts between EUR 200 000 and EUR 299 999, by **2 percentage points**,
- (c) amounts above EUR 300 000, by **3 percentage points**.

Amendment 42**Proposal for a regulation****Article 7 — paragraph 2a (new)**

2 a. The provisions set out in paragraph 1 shall only apply to payments fully integrated into the single payment scheme.

Wednesday 19 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 43**Proposal for a regulation****Article 7 — paragraph 3**

3. Paragraphs 1 and 2 shall not apply to direct payments granted to farmers in the French overseas departments, in the Azores and Madeira, in the Canary and Aegean islands.

3. Paragraphs 1 and 2 shall not apply to direct payments granted to farmers in the French overseas departments, in the Azores and Madeira, in the Canary, **Ionian** and Aegean islands.

Amendment 211**Proposal for a regulation****Article 7 — paragraph 3a (new)**

3 a. Paragraph 2 shall not apply to cooperatives and other legal entities made up of several farmers receiving the direct payment, and who channel the subsidies in order to distribute them among members. This derogation shall not apply to large beneficiaries receiving EUR 100 000 or more, who are members of such entities.

Amendment 240**Proposal for a regulation****Article 7 — paragraph 3b (new)**

3 b. It may be decided not to apply paragraph 2 where a body bringing together farmers who receive the single payment merely receives or channels these amounts for distribution in full among its members.

Amendment 44**Proposal for a regulation****Article 8 — paragraph 1**

1. Without prejudice to Article 11, the total net amounts of direct payments which may be granted in a Member State in respect of a calendar year after application of Articles 7 and 10 of this Regulation and Article 1 of Regulation (EC) No 378/2007 shall not be higher than the ceilings set out in Annex IV to this Regulation. Where necessary, Member States shall proceed to a linear reduction of direct payments in order to respect the ceilings set out in that Annex IV.

1. Without prejudice to Article 11, the total net amounts of direct payments which may be granted in a Member State in respect of a calendar year after application of Articles 7 and 10 of this Regulation and Article 1 of Regulation (EC) No 378/2007 shall not be higher than the ceilings set out in Annex IV to this Regulation. Where necessary, Member States shall proceed to a linear reduction of **the amounts of** direct payments **to which modulation reductions apply**, in order to respect the ceilings set out in that Annex IV.

Wednesday 19 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 45**Proposal for a regulation****Article 8 — paragraph 2**

2. The Commission, in accordance with the procedure referred to in Article 128(2) shall **review** the ceiling set out in Annex IV in order to take account of:

(a) modifications to maximum amounts that may be granted in accordance with the direct payments;

(b) **modifications to the voluntary modulation referred to in Regulation (EC) No 378/2007;**

(c) structural changes of the holdings.

2. The Commission, in accordance with the procedure referred to in Article 128(2) shall **examine annually** the ceiling set out in Annex IV in order to take account of:

(a) modifications to maximum amounts that may be granted in accordance with the direct payments;

(c) structural changes of the holdings,

and shall inform the European Parliament thereof.

Amendment 46**Proposal for a regulation****Article 9 — paragraph 1**

1. The amounts resulting from application of the reductions provided for in Article 7, in any Member State other than the new Member States, shall be available **as additional** Community support for measures under rural development programming financed under the European Agricultural Fund for Rural Development (EAFRD) as specified in Regulation (EC) No 1698/2005, according to the conditions set out in the following paragraphs.

1. The amounts resulting from application of the reductions provided for in Article 7, in any Member State other than the new Member States, shall be available **for** Community support for measures under rural development programming financed under the European Agricultural Fund for Rural Development (EAFRD) as specified in Regulation (EC) No 1698/2005, according to the conditions set out in the following paragraphs.

Amendment 47**Proposal for a regulation****Article 10 — paragraph 1**

1. Article 7 shall only apply to farmers in a new Member State in any given calendar year if the level of direct payments applicable in that Member State for that calendar year under Article 110 is no less than the level in Member States other than the new Member States, taking into account any reductions applied under Article 7(1).

1. Modulation shall be compulsory for the new Member States only from the time when they receive full direct payments.

Wednesday 19 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 48**Proposal for a regulation****Article 10 — paragraph 4**

4. Any amount resulting from the application of Article 7(1) and (2) shall be allocated to the new Member State where the corresponding amounts have been generated in accordance with the procedure referred to in Article 128(2). ***They shall be used in accordance with Article 69(5a) of Regulation (EC) No 1698/2005.***

4. Any amount resulting from the application of Article 7(1) and (2) shall be allocated to the new Member State where the corresponding amounts have been generated in accordance with the procedure referred to in Article 128(2).

Amendment 49**Proposal for a regulation****Article 12 — title**

Farm Advisory System

Farm ***Research and*** Advisory System**Amendment 50****Proposal for a regulation****Article 12 — paragraph 2**

2. The advisory activity shall cover at least the statutory management requirements and the good agricultural and environmental condition referred to in Chapter 1.

2. The ***research and*** advisory activity shall cover at least the statutory management requirements and the good agricultural and environmental condition referred to in Chapter 1 ***as well as dissemination of production methods that are economically efficient, ecologically sustainable and more economical in terms of natural resources and production costs (energy and inputs, etc.).***

Amendment 51**Proposal for a regulation****Article 13 — paragraph 2**

2. Member States shall ***give priority to the farmers who receive more than EUR 15 000 of direct payments per year.***

2. Member States shall ***ensure that all farmers can participate in this advisory system on a voluntary basis.***

Wednesday 19 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 52**Proposal for a regulation****Article 18 — paragraph 1 — subparagraph 2**

This data base shall, in particular, allow direct and immediate consultation, through the competent authority of the Member State, of the data relating to the calendar and/or marketing years starting from the year 2000.

This data base shall, in particular, allow direct and immediate consultation, through the competent authority of the Member State, of the data relating to the calendar and/or marketing years starting from the year 2000, **or, for new Member States, from the first year after accession.**

Amendment 53**Proposal for a regulation****Article 22 — paragraph 1**

1. Member States shall carry out administrative controls on the aid applications to verify the eligibility conditions for the aid.

1. Member States shall carry out administrative controls on the aid applications to verify the eligibility conditions for the aid. **Such administrative controls shall not be overly burdensome, particularly in terms of cost and paperwork, for the farmer.**

Amendment 54**Proposal for a regulation****Article 24 — paragraph 1**

1. Member States shall carry out on-the-spot-checks to verify whether the farmer complies with the obligations referred to in Chapter 1.

1. Member States shall carry out on-the-spot-checks to verify whether the farmer complies with the obligations referred to in Chapter 1. **Such controls shall take place within a period of not more than one day for a particular farm and shall not be overly burdensome for the farmer.**

Amendment 55**Proposal for a regulation****Article 24 — paragraph 2 — subparagraph 1**

2. Member States may make use of their existing administration and control systems to ensure compliance with the statutory management requirements and good agricultural and environmental condition referred to in Chapter 1.

2. Member States may make use of their existing administration and control systems to ensure compliance with the statutory management requirements and good agricultural and environmental condition referred to in Chapter 1. **However, Member States shall endeavour to limit the number of controlling agencies and the number of persons carrying out the on-the-spot checks on a particular farm.**

Wednesday 19 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 56

Proposal for a regulation

Article 24 — paragraph 2a (new)

2 a. Member States may make use of private management and control systems, provided they have been officially accredited by the national authorities.

Amendment 57

Proposal for a regulation

Article 24 — paragraph 2b (new)

2 b. Member States shall endeavour to plan controls in such a way that farms which can best be controlled in a particular period during the year, due to seasonal reasons, are indeed controlled in that particular period. However, if, due to seasonal reasons, the controlling agency is unable to check a particular statutory management requirement, or a part thereof, or good agricultural and environmental conditions during an on-the-spot check, those requirements and conditions shall be deemed to be met.

Amendment 58

Proposal for a regulation

Article 25 — paragraph 1 — subparagraph 2

The first subparagraph shall also apply where, the non-compliance in question is the result of an act or omission directly attributable to the person to whom or from whom the agricultural land was transferred.

The first subparagraph shall also apply where, the non-compliance in question is the result of an act or omission directly attributable to the person to whom or from whom the agricultural land was transferred, **unless the person who is responsible for the non-compliance has also submitted an aid application for the relevant year. In that case, the sanction mentioned in the first subparagraph shall be applied to the amounts of direct payments to be granted to the person who is responsible for the non-compliance.**

Amendment 59

Proposal for a regulation

Article 25 — paragraph 1 — subparagraph 3

For the purpose of this paragraph 'transfer' means any type of transaction whereby the agricultural land ceases to be at the disposal of the transferor.

For the purpose of this paragraph 'transfer' means any type of transaction whereby the agricultural land ceases to be at the disposal of the transferor, **with the exception of those types of transactions which the farmer concerned cannot prevent.**

Wednesday 19 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 60**Proposal for a regulation****Article 25 — paragraph 3 — subparagraph 2**

Where a Member State decides to make use of the option provided for in the first subparagraph, ***in the following year*** the competent authority shall ***take*** the actions ***required to ensure that the farmer remedies the findings of non-compliance concerned. The finding and the remedial action to be taken shall be notified to the farmer.***

Where a Member State decides to make use of the option provided for in the first subparagraph, the competent authority shall ***inform the farmer of the findings of non-compliance, and the farmer shall in turn communicate*** the actions ***taken to remedy the problem. For the purposes of monitoring the measures taken by the farmer, the competent authority shall take these farms into account when carrying out the risk analysis for on-the-spot-checks in the following year.***

Amendment 61**Proposal for a regulation****Article 26a (new)****Article 26a****Review**

By 31 December 2007 at the latest, and every two years thereafter, the Commission shall submit a report on the application of the cross-compliance system accompanied, if necessary, by appropriate proposals notably with a view to:

- amending the list of statutory management requirements set out in Annex III,***
- simplifying, deregulating and improving the legislation under the list of statutory management requirements, with special attention being paid to legislation concerning nitrates,***
- simplifying, improving and harmonising the arrangements for performing on-the-spot checks, taking into account the opportunities offered by the development of indicators and bottleneck-based controls, controls already performed under private certification schemes, controls already performed under national legislation implementing the statutory management requirements, and information and communication technology.***

The reports shall also contain an estimate of the total costs of control under the cross-compliance system for the year preceding the year in which the report is published.

Wednesday 19 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 63**Proposal for a regulation****Article 30 — paragraph 1**

1. Member States **shall not** grant direct payments **to a farmer in one the following cases:**

(a) **where the total amount of direct payments claimed or due to be granted in a given calendar year does not exceed EUR 250, or**

(b) **where the eligible area of the holding for which direct payments are claimed or due to be granted does not exceed one hectare. However, Cyprus may set a minimum eligible area of 0,3 hectares and Malta of 0,1 hectares.**

However, farmers holding special entitlements referred to in Article 45(1) shall be subject to the condition referred to in point (a).

1. Member States **may decide not to** grant direct payments **below a minimum threshold to be determined.**

Any amounts saved as a result of the application of the first subparagraph shall remain in the national reserve of the Member State from which they originate.

Amendment 64**Proposal for a regulation****Article 30 — paragraph 2**

2. Member States may decide in an objective and non-discriminatory manner not to grant direct payments to companies or firms within the meaning of the second paragraph of Article 48 of the Treaty whose principal company's objects do not consist of **exercising an agricultural activity.**

2. Member States may decide in an objective and non-discriminatory manner not to grant direct payments to companies or firms within the meaning of the second paragraph of Article 48 of the Treaty whose principal company's objects do not consist of **the production, rearing or cultivation of agricultural products, including harvesting, milking, breeding and the keeping of animals for agricultural purposes.**

Amendment 65**Proposal for a regulation****Article 31 — paragraph 2**

2. Payments shall be made up to twice a year within the period from 1 December to 30 June of the following calendar year.

2. Payments shall be made up to twice a year within the period from 1 December to 30 June of the following calendar year, **and shall include a payment of interest at market rates on the amount due from 30 June of the following calendar year.**

Wednesday 19 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 66**Proposal for a regulation****Article 31 — paragraph 2a (new)**

2 a. Where payment is delayed as a result of a dispute with the competent authority which is settled in the farmer's favour, the farmer shall be paid interest at the market rate.

Amendment 67**Proposal for a regulation****Article 31 — paragraph 3**

3. Payments under support schemes listed in Annex I **shall not be made** before the controls with regard to eligibility conditions, to be carried out by the Member State pursuant to Article 22, have been finalised.

3. No payments **shall be made in respect of an application** under support schemes listed in Annex I before the controls with regard to eligibility conditions, to be carried out by the Member State pursuant to Article 22, have been finalised **on that application**.

Amendment 68**Proposal for a regulation****Article 31 — paragraph 3 — subparagraph 1a (new)**

Nevertheless, if payments are made as an advance or in two instalments, the first amount is determined on the basis of the results of the administrative and on-the-spot checks that are available at the date of payment and at such a level that the definitive amount of the payment is not less than the amount of the first instalment.

Amendment 69**Proposal for a regulation****Article 33****Article 33***deleted***Review**

Support schemes listed in Annex I shall apply without prejudice to possible review at any moment in the light of economic developments and the budgetary situation.

Wednesday 19 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 70**Proposal for a regulation****Article 34 — paragraph 2**

2. *For the purpose of this title, farmers holding payment entitlements shall mean farmers having been allocated or definitively transferred payment entitlements.* *deleted*

Amendment 71**Proposal for a regulation****Article 34 — paragraph 2a (new)**

2 a. Set-aside entitlements established in accordance with Articles 53 and 63(2) of Regulation (EC) No 1782/2003 shall become entitlements under this Regulation.

Amendment 72**Proposal for a regulation****Article 37 — paragraph 1**

The payment entitlements per hectare shall not be modified save as otherwise provided.

1. The payment entitlements per hectare shall not be modified save as otherwise provided.

Amendment 73**Proposal for a regulation****Article 37 — paragraph 2**

The Commission, in accordance with the procedure referred to in Article 128(2) of this Regulation, shall lay down detailed rules for the modification of payment entitlements in particular in case of fractions of entitlements.

2. *If a farmer who has been granted a direct payment in the reference period changes his legal status or denomination in that period or not later than 31 December of the year preceding the year of application of the single payment scheme, he shall have access to the single payment scheme under the same conditions as the farmer originally managing the holding.*

3. *If mergers take place during the reference period or not later than 31 December of the year preceding the year of application of the single payment scheme, the farmer managing the new holding shall have access to the single payment scheme under the same conditions as the farmers managing the original holdings.*

Wednesday 19 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

If divisions take place during the reference period or not later than 31 December of the year preceding the year of application of the single payment scheme, the farmers managing the holdings shall have access, pro rata, to the single payment scheme under the same conditions as the farmer managing the original holding.

Amendment 75

Proposal for a regulation

Article 42 — paragraph 1 — subparagraph 1a (new)

If, at the end of a given budgetary year, it becomes clear in a Member State that the aggregate of the payment entitlements actually granted is lower than the national ceiling laid down in Annex VIII, the difference shall be allocated to the national reserve.

Amendment 76

Proposal for a regulation

Article 42 — paragraph 2

2. Member States may use the national reserve to grant, **in priority and** according to objective criteria, payment entitlements to farmers **who commence their** agricultural activity and in such a way as to ensure equal treatment between farmers and to avoid market and competition distortions.

2. Member States may use the national reserve to grant, according to objective criteria, payment entitlements to farmers **carrying out** agricultural activity and in such a way as to ensure equal treatment between farmers and to avoid market and competition distortions. **Member States may give precedence in particular to newcomers, farmers who are younger than 35, family holdings or other priority farmers.**

Amendment 77

Proposal for a regulation

Article 42 — paragraph 3

3. Member States **that do not apply Article 68(1)(c)** may use the national reserve for the purpose of establishing, according to objective criteria and in such a way as to ensure equal treatment between farmers and to avoid market and competition distortions, payment entitlements for farmers in areas subject to restructuring and/or development programs relating to one or the other form of public intervention in order to avoid abandoning of land and/or in order to compensate specific disadvantages for farmers in those areas.

3. Member States may use, **with effect from the entry into force of this Regulation in 2009**, the national reserve for the purpose of establishing, according to objective criteria and in such a way as to ensure equal treatment between farmers and to avoid market and competition distortions, payment entitlements **and support measures** for farmers in areas subject to restructuring and/or development programs relating to one or the other form of public intervention, **for sectors in difficulty concentrated in the most disadvantaged areas, such as the sheep and goat sectors**, in order to avoid abandoning of land **and production** and/or in order to compensate specific disadvantages for farmers in those areas.

Wednesday 19 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 78**Proposal for a regulation****Article 42 — paragraph 3a (new)**

3 a. Member States may use the national reserve to grant payment entitlements to farmers who have entered into special contracts regulated by the Member States.

Amendment 79**Proposal for a regulation****Article 43**

Any payment entitlement which has not been activated for a period of 2 years shall be allocated to the national reserve, except in case of *force majeure* and exceptional circumstances within the meaning of Article 36(1).

Any payment entitlement which has not been activated for a period of 3 years shall be allocated to the national reserve, except in case of *force majeure* and exceptional circumstances within the meaning of Article 36(1). **Priority shall be given in the utilisation of these funds to facilitating access by young people to agricultural activity with a view to ensuring the transfer between generations.**

Amendment 80**Proposal for a regulation****Article 44 — paragraph 2**

2. Payment entitlements may be transferred by sale or any other definitive transfer with or without land. In contrast, lease or similar types of transactions shall be allowed only if the payment entitlements transferred are accompanied by the transfer of an equivalent number of eligible hectares. *deleted*

Amendment 81**Proposal for a regulation****Article 44 — paragraph 3 — subparagraph 1a (new)**

In such cases Member States may also decide that leases or similar types of transactions shall be permitted only if the payment entitlements transferred are accompanied by the transfer of an equivalent number of eligible hectares.

Amendment 82**Proposal for a regulation****Article 45 — paragraph 2 — subparagraph 1**

2. By way of derogation from Article 35(1) a farmer who has special entitlements shall be authorised by the Member State to derogate from the requirement to activate entitlements by an equivalent number of eligible hectares provided that he maintains at least 50 % of the agricultural activity exercised in calendar years 2000, 2001 and 2002 expressed in livestock units (LU).

2. By way of derogation from Article 35(1) a farmer who has special entitlements shall be authorised by the Member State to derogate from the requirement to activate entitlements by an equivalent number of eligible hectares provided that he maintains at least 50 % of the agricultural activity exercised in calendar years 2000, 2001 and 2002 — **for Bulgaria and Romania, calendar years 2006, 2007 and 2008** — expressed in livestock units (LU).

Wednesday 19 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 83**Proposal for a regulation****Article 45 — paragraph 2 — subparagraph 2a (new)**

However, it may apply to those Member States which have not yet introduced the single payment scheme, but intend to do so.

Amendment 84**Proposal for a regulation****Article 45 — paragraph 3**

3. In case of a transfer of the special entitlements, the transferee shall **not** benefit from the derogation of paragraph 2 **except** in case of inheritance or anticipated inheritance.

3. In case of a transfer of the special entitlements, the transferee shall benefit from the derogation of paragraph 2, **insofar as all payment entitlements subject to the derogation have been transferred and**, in case of inheritance or anticipated inheritance **or where the transferee does not have the area necessary to activate them.**

Amendments 85, 86, 87 and 88**Proposal for a regulation****Article 46**

In duly justified cases, Member States may decide, **by 1 August 2009 at the latest, and** acting in compliance with the general principles of Community law, to move as from 2010 towards approximating the value of payment entitlements established under Chapter I to IV of Title III of Regulation (EC) No 1782/2003. To this end payment entitlements may be made subject to progressive modifications according to **at least three pre-established annual steps and** objective and non-discriminatory criteria.

1. In duly justified cases, Member States may decide, acting in compliance with the general principles of Community law, to move as from 2010 towards approximating the value of payment entitlements established under Chapter I to IV of Title III of Regulation (EC) No 1782/2003. To this end payment entitlements may be made subject to progressive modifications according to objective and non-discriminatory criteria.

The reduction of the value of any payment entitlement shall **in none of these annual steps be more than** 50 % of the difference between its starting value and **that applicable upon implementation of the final annual step.**

The reduction of the value of any payment entitlement shall **not exceed** 50 % of the difference between its starting value and **its final value.**

Member States may decide to apply the **preceding subparagraphs** at the appropriate geographical level which shall be determined according to objective and non-discriminatory criteria such as their institutional or administrative structure **and/or** the regional agricultural potential.

2. Member States may decide to apply the **revision of payment entitlements** at the appropriate geographical level which shall be determined according to objective and non-discriminatory criteria such as their institutional or administrative structure, the regional agricultural potential **and/or the specific structural handicaps suffered by a given geographical area.**

Wednesday 19 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

In areas subject to public use requirements or other collective land management contracts, the value of payment entitlements may be redefined on the basis of the surface area of the farm, provided that the parameters of maximum environmental load are respected.

Amendment 89**Proposal for a regulation****Article 47 — paragraph 1**

1. A Member State having introduced the single payment scheme in accordance with Chapters 1 to 4 of Title III of Regulation (EC) No 1782/2003 may decide, by 1 August **2009** at the latest, to apply the single payment scheme from **2010** at regional level under the conditions laid down in this section.

1. A Member State having introduced the single payment scheme in accordance with Chapters 1 to 4 of Title III of Regulation (EC) No 1782/2003 may decide, by 1 August *each year* at the latest, to apply the single payment scheme from *the following year* at regional level under the conditions laid down in this section.

Amendment 90**Proposal for a regulation****Article 47 — paragraph 2 — subparagraph 1**

2. Member States shall define the regions according to objective and non-discriminatory criteria such as their institutional or administrative structure *and/or* the regional agricultural potential.

2. Member States shall define the regions according to objective and non-discriminatory criteria such as their institutional or administrative structure, the regional agricultural potential *and/or the specific structural handicaps suffered by a given geographical area*.

Amendment 91**Proposal for a regulation****Article 48 — paragraph 1**

1. In duly justified cases, Member States may decide to divide no more than 50 % of the regional ceiling established under Article 47 between all the farmers whose holdings are located in the region concerned, including those who do not hold payment entitlements.

1. In duly justified cases, Member States may decide to divide no more than 50 % of the regional ceiling established under Article 47 between all the farmers whose holdings are located in the region concerned, including those who do not hold payment entitlements. *The areas used shall be those declared by the farmer on 15 May 2008.*

Amendment 92**Proposal for a regulation****Article 48 — paragraph 2 — subparagraph 1a (new)**

However, Member States may introduce other clearly defined criteria, such as the quality of the producer or agricultural and/or rural employment, in order to guarantee geographical coherence, diversity and a dynamic rural environment, and the maintenance of traditional models of production that are not linked to the land.

Wednesday 19 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 93**Proposal for a regulation****Article 49 — paragraph 1**

1. In duly justified cases Member States applying Article 48 of this Regulation may decide, by 1 August 2009 at the latest, and acting in compliance with the general principles of Community law, to move as from 2011 towards approximating the value of payment entitlements established under this section or under Section 1 of Chapter 5 of Title III of Regulation (EC) No 1782/2003. To this end they may make such payment entitlements subject to progressive modifications according to **at least two pre-established annual steps and** objective and non-discriminatory criteria.

1. In duly justified cases Member States applying Article 48 of this Regulation may decide, by 1 August 2009 at the latest, and acting in compliance with the general principles of Community law, to move as from 2011 towards approximating the value of payment entitlements established under this section or under Section 1 of Chapter 5 of Title III of Regulation (EC) No 1782/2003. To this end they may make such payment entitlements subject to progressive modifications according to objective and non-discriminatory criteria.

Amendment 94**Proposal for a regulation****Article 49 — paragraph 2 — subparagraph 1**

2. In duly justified cases Member States having introduced the single payment scheme in accordance with Section 1 of Chapter 5 of Title III of Regulation (EC) No 1782/2003 may decide, by 1 August 2009 at the latest, and acting in compliance with the general principles of Community law, to move as from 2010 towards approximating the value of payment entitlements established under that section by making such payment entitlements subject to progressive modifications according to **at least three pre-established annual steps and** objective and non-discriminatory criteria.

2. In duly justified cases Member States having introduced the single payment scheme in accordance with Section 1 of Chapter 5 of Title III of Regulation (EC) No 1782/2003 may decide, by 1 August 2009 at the latest, and acting in compliance with the general principles of Community law, to move as from 2010 towards approximating the value of payment entitlements established under that section by making such payment entitlements subject to progressive modifications according to objective and non-discriminatory criteria.

Amendment 95**Proposal for a regulation****Article 49 — paragraph 3**

3. The reduction of the value of any payment entitlement **shall in none of the annual steps referred to** in paragraphs 1 and 2 be more than 50 % of the difference between its starting value and **that applicable upon implementation of the final annual step.**

3. The reduction of the value of any payment entitlement **provided for** in paragraphs 1 and 2 **shall not** be more than 50 % of the difference between its starting value and **its final value.**

Wednesday 19 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 96**Proposal for a regulation****Article 49 — paragraph 4**

4. Member States may decide to apply **paragraphs 1, 2 and 3** at the appropriate geographical level which shall be determined according to objective and non-discriminatory criteria such as their institutional **and/or** administrative structure or the regional agricultural potential.

4. Member States may decide to apply **the revision of payment entitlements** at the appropriate geographical level which shall be determined according to objective and non-discriminatory criteria such as their institutional, administrative structure or the regional agricultural potential **and/or the specific structural handicaps suffered by a given geographical area.**

Amendment 98**Proposal for a regulation****Article 53 — paragraph 1 — subparagraph 1**

1. Any Member State having excluded the sheep and goat and beef payments from the single payment scheme under the conditions of Articles 67 and 68 of Regulation (EC) No 1782/2003 **may decide by 1 August 2009 to continue to** apply the single payment scheme from 2010 **under the conditions laid down in this section and** in conformity with the decision taken under Article 64(1) of Regulation (EC) No 1782/2003. **However, Member States may decide to set the part of the component of their national ceiling to be used for additional payments to farmers in accordance with Article 55(1) of this Regulation at a rate lower than that decided under Article 64(1) of Regulation (EC) No 1782/2003.**

1. Any Member State having excluded the sheep and goat and beef payments from the single payment scheme under the conditions of Articles 67 and 68 of Regulation (EC) No 1782/2003 **shall** apply the single payment scheme from 2010 in conformity with the decision taken under Article 64(1) of Regulation (EC) No 1782/2003.

Amendment 99**Proposal for a regulation****Article 53 — paragraph 2 — subparagraph 1**

2. According to the choice made by each Member State, the Commission shall fix, in accordance with the procedure referred to in Article 128(2), a ceiling for each of the direct payments referred to, respectively, in Articles 54, 55 **and 56.**

2. According to the choice made by each Member State, the Commission shall fix, in accordance with the procedure referred to in Article 128(2), a ceiling for each of the direct payments referred to, respectively, in Articles 54 **and 55.**

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 100**Proposal for a regulation****Article 53 — paragraph 2 — subparagraph 2**

This ceiling shall be equal to the component of each type of direct payment in the national ceilings referred to in Article 41, multiplied by the percentages of reduction applied by Member States in accordance with Articles 54, 55 **and 56**.

This ceiling shall be equal to the component of each type of direct payment in the national ceilings referred to in Article 41, multiplied by the percentages of reduction applied by Member States in accordance with Articles 54 **and 55**.

Amendment 101**Proposal for a regulation****Article 55 — paragraph 1 — subparagraph 1**

1. Member States that in accordance with Article 68(2)(a)(i) of Regulation (EC) No 1782/2003 retained all or part of the component of national ceilings referred to in Article 41 of this Regulation corresponding to the suckler cow premium referred to in Annex VI to Regulation (EC) No 1782/2003 shall make, on a yearly basis, an additional payment to farmers.

1. Member States that in accordance with Article 68 of Regulation (EC) No 1782/2003 retained all or part of the component of national ceilings referred to in Article 41 of this Regulation corresponding to the suckler cow premium **or the special premium** referred to in Annex VI to Regulation (EC) No 1782/2003 shall make, on a yearly basis, an additional payment to farmers.

Amendment 102**Proposal for a regulation****Article 56 — paragraph 3a (new)**

3 a. Any decision taken by a Member State within the framework of Articles 53 to 56 of this Regulation must be taken in agreement with institutions representing its regional authorities, and on the basis of an impact study on the implications of this decision at regional level.

Amendment 103**Proposal for a regulation****Article 59 — paragraph 3**

3. During the first year of application of the single payment scheme, the new Member States may use the national reserve for the purpose of allocating payment entitlements, according to objective and non-discriminatory criteria and in such a way as to ensure equal treatment between farmers and to avoid market and competition distortions, to farmers in specific sectors, finding themselves in a special situation as a result of the transition to the single payment scheme.

3. During the first year of application of the single payment scheme, the new Member States may use the national reserve for the purpose of allocating payment entitlements, according to objective and non-discriminatory criteria and in such a way as to ensure equal treatment between farmers and to avoid market and competition distortions, to farmers in specific sectors, finding themselves in a special situation as a result of the transition to the single payment scheme. **Member States may give precedence in particular to newcomers, young farmers, family holdings or other priority farmers.**

Wednesday 19 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 104**Proposal for a regulation****Article 59 — paragraph 5**

5. New Member States may use the national reserve for the purpose of allocating, according to objective criteria and in such a way as to ensure equal treatment between farmers and to avoid market and competition distortions, entitlements for farmers in areas subject to restructuring and/or development programmes relating to one or the other form of public intervention in order to avoid abandoning of land and/or in order to compensate specific disadvantages for farmers in those areas.

5. New Member States may use the national reserve for the purpose of allocating, according to objective criteria and in such a way as to ensure equal treatment between farmers and to avoid market and competition distortions, entitlements for farmers in areas subject to restructuring and/or development programmes relating to one or the other form of public intervention in order to avoid abandoning of land and/or in order to compensate specific disadvantages for farmers in those areas. **Member States may give precedence in particular to newcomers, young farmers, family holdings or other priority farmers.**

Amendment 105**Proposal for a regulation****Article 63 — paragraph 3**

3. Except in case of *force majeure* or exceptional circumstances as referred to in Article 36(1), a farmer may transfer his payment entitlements without land only after he has activated, within the meaning of Article 35, at least **80** % of his payment entitlements during at least one calendar year or, after he has given up voluntarily to the national reserve all the payment entitlements he has not used in the first year of application of the single payment scheme.

3. Except in case of *force majeure* or exceptional circumstances as referred to in Article 36(1), a farmer may transfer his payment entitlements without land only after he has activated, within the meaning of Article 35, at least **70** % of his payment entitlements during at least one calendar year or, after he has given up voluntarily to the national reserve all the payment entitlements he has not used in the first year of application of the single payment scheme.

Amendment 106**Proposal for a regulation****Article 64 — subparagraph –1 (new)**

As from 2010, Member States which so decide may decouple the specific aid for producers of rice, protein crops, dried fodder and nuts.

Wednesday 19 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 107
Proposal for a regulation
Article 64

Member States **shall** integrate as from 2010 the support available under coupled support schemes referred to in points I, II, and III of Annex X into the single payment scheme in accordance with the rules laid down in this chapter.

Member States **may** integrate as from 2010 the support available under coupled support schemes referred to in points I, II, and III of Annex X into the single payment scheme in accordance with the rules laid down in this chapter.

Amendment 108
Proposal for a regulation
Article 65 — paragraph 1

1. The amounts referred in Annex XI that were available for coupled support under the schemes referred under point I of Annex X shall be distributed by the Member States amongst the farmers in the sectors concerned in accordance with objective and non discriminatory criteria taking account, in particular, of support that those farmers received, directly or indirectly, under the relevant support schemes during one or more years of the period **2005 to 2008**.

1. The amounts referred in Annex XI that were available for coupled support under the schemes referred under point I of Annex X shall be distributed by the Member States **chiefly** amongst the farmers in the sectors concerned in accordance with objective and non discriminatory criteria taking account, in particular, of support that those farmers received, directly or indirectly, under the relevant support schemes **or production quotas** during one or more years of the period **2005 to 2011**.

Amendment 109
Proposal for a regulation
Article 65 — paragraph 1a (new)

1 a. Where justified, the Member States may distribute all or some of the amounts referred to in paragraph 1 in accordance with objective criteria amongst all farmers whose farms are situated in the region in question.

Amendment 110
Proposal for a regulation
Article 65 — paragraph 2 — subparagraph 1

2. Member States **shall** increase the value of the payment entitlements held by the farmers concerned on the basis of the amounts resulting from the application of paragraph 1.

2. Member States **may** increase the value of the payment entitlements held by the farmers concerned on the basis of the amounts resulting from the application of paragraph 1.

Wednesday 19 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 111**Proposal for a regulation****Article 66 — paragraph 1**

The amounts that were available for coupled support under the schemes referred to under point II of Annex X shall be distributed by the Member States amongst the farmers in the sectors concerned in proportion with the support that those farmers received under the relevant support schemes during the period 2000 to 2002. Member States may, however, choose a more recent representative period in accordance with objective and non discriminatory criteria.

The amounts that were available for coupled support under the schemes referred to under point II of Annex X shall be distributed by the Member States **chiefly** amongst the farmers in the sectors concerned in proportion with the support that those farmers received under the relevant support schemes during the period 2000 to 2002. Member States may, however, choose a more recent representative period in accordance with objective and non discriminatory criteria.

Amendment 112**Proposal for a regulation****Chapter 5 — title**

SPECIFIC SUPPORT

SPECIFIC SUPPORT PAYMENTS

Amendment 113**Proposal for a regulation****Article 68 — title***General rules**Additional payments***Amendment 114****Proposal for a regulation****Article 68 — paragraph -1 (new)**

-1. Member States may decide by 1 January 2010 at the latest, and thereafter during the period from 1 October 2011 to 1 January 2012 at the latest, to use from 2010 and/or from 2012 up to 15 % of their national ceilings referred to in Article 41 to grant support to farmers.

Amendment 115**Proposal for a regulation****Article 68 — paragraph 1 — introductory part**

1. Member States may decide **by 1 August 2009 at the latest** to use **from 2010** up to 10 % of their national ceilings referred to in Article 41 to grant support to farmers:

1. Member States may decide, **in accordance with paragraph -1**, to use up to 10 % of their national ceilings referred to in Article 41 to grant **integrated** support to farmers **or to organisations or groups of producers for the promotion of sustainable forms of production**:

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 116**Proposal for a regulation****Article 68 — paragraph 1 — point a — subpoint i**

- | | |
|---|---|
| (i) specific types of farming which are important for the protection or enhancement of the environment, | (i) specific types of farming which are important for the protection or enhancement of the environment, <i>the climate, biodiversity and water quality, in particular organic farming and pasture rearing,</i> |
|---|---|

Amendment 117**Proposal for a regulation****Article 68 — paragraph 1 — point a — subpoint iii**

- | | |
|---|--|
| (iii) for improving the marketing of agricultural products; | (iii) for improving the marketing, <i>in particular regional marketing, and competitiveness</i> of agricultural products; |
|---|--|

Amendment 118**Proposal for a regulation****Article 68 — paragraph 1 — point b**

- | | |
|--|---|
| (b) to address specific disadvantages affecting farmers in the dairy, <i>beef, sheep and goatmeat</i> and rice sectors in economically vulnerable or environmentally sensitive areas, | (b) to address specific disadvantages affecting farmers in the dairy and rice sectors in economically vulnerable or environmentally sensitive areas <i>and producers of beef and veal, sheep-meat and goat-meat,</i> |
|--|---|

Amendment 119**Proposal for a regulation****Article 68 — paragraph 1 — point c**

- | | |
|--|---|
| (c) in areas subject to restructuring and/or development programs in order to avoid abandoning of land and/or in order to address specific disadvantages for farmers in those areas, | (c) in areas subject to restructuring and/or development programs in order to avoid abandoning of land and/or in order to address specific disadvantages for farmers in those areas; <i>precedence shall be given in particular to newcomers, young farmers, family holdings or other priority farmers, such as producers belonging to a producers' organisation or farming cooperative,</i> |
|--|---|

Amendments 120 and 191**Proposal for a regulation****Article 68 — paragraph 1 — point d**

- | | |
|--|-----------------------|
| (d) <i>in the form of contributions to crop insurance premiums in accordance with the conditions set out in Article 69,</i> | <i>deleted</i> |
|--|-----------------------|

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendments 121 and 191
Proposal for a regulation
Article 68 — paragraph 1 — point e

- (e) *mutual funds for animal and plant diseases in accordance with the conditions set out in Article 70.* *deleted*

Amendment 122
Proposal for a regulation
Article 68 — paragraph 1a (new)

1a. Member States may decide, in accordance with paragraph –1, to use from the next calendar year up to 5 % of their national ceilings referred to in Article 41 to grant support to farmers or to organisations or groups of producers in the form of:

- (a) *contributions to insurance premiums in accordance with the conditions set out in Article 69; or*
- (b) *mutual funds in accordance with the conditions set out in Article 70.*

Amendment 123
Proposal for a regulation
Article 68 — paragraph 3

3. Support for measures referred to in paragraph 1(b) may only be granted:

- (a) *upon full implementation of the single payment scheme in the sector concerned in accordance with Articles 54, 55 and 71.*
- (b) to the extent necessary to create an incentive to maintain current levels of production.

3. Support for measures referred to in paragraph 1(b) may only be granted to the extent necessary to create an incentive to maintain current levels of **employment and** production.

Amendment 124
Proposal for a regulation
Article 68 — paragraph 4

4. Support under the measures referred to in paragraph 1(a), (b) **and (e)** shall be limited to **2,5 % of the national ceilings referred to in Article 41**. Member States may set sublimits per measure.

4. Support under the measures referred to in paragraph 1(a) **and** (b) shall be limited to **a percentage consistent with Council Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986-1994) ⁽¹⁾**. Member States may set sublimits per measure.

(¹) OJ L 336, 23.12.1994, p. 1.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 125**Proposal for a regulation****Article 68 — paragraph 5 — point a**

- (a) in paragraph 1(a) and (d) shall take the form of annual additional payments,
- (a) in paragraph 1(a) and **1a(a)** shall take the form of annual additional payments,

Amendment 126**Proposal for a regulation****Article 68 — paragraph 5 — point d**

- (d) in paragraph **1(e)** shall take the form of compensation payments as specified in Article 70.
- (d) in paragraph **1a(b)** shall take the form of compensation payments as specified in Article 70.

Amendment 127**Proposal for a regulation****Article 68 — paragraph 6**

- 6. The transfer of payment entitlements with increased unit values and of additional payment entitlements referred to in paragraph 5(c) may only be allowed if the transferred entitlements are accompanied by the transfer of an equivalent number of hectares.*
- deleted*

Amendment 128**Proposal for a regulation****Article 68 — paragraph 7**

- 7. Support for measures referred to in paragraph 1 shall be consistent with other Community measures and policies.*
- 7. The Commission, in accordance with the procedure referred to in Article 128(2), shall define the conditions for the granting of the support referred to in this section, in particular with a view to ensuring consistency with other Community measures and policies.*

Amendment 129**Proposal for a regulation****Article 68 — paragraph 7a (new)**

- 7 a. Member States shall inform the Commission each year of the measures planned and shall make public the methods and criteria used to reallocate the appropriations, the names of the beneficiaries and the amounts allocated to them.*

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 130**Proposal for a regulation****Article 68 — paragraph 8 — point a**

- | | |
|--|---|
| <p>(a) in paragraph 1(a), (b), (c) and (d) by proceeding to linear reduction of the entitlements allocated to farmers and/or from the national reserve,</p> | <p>(a) in paragraph 1(a), (b) and (c) and paragraph 1a(a) by proceeding to linear reduction of the entitlements allocated to farmers and/or from the national reserve,</p> |
|--|---|

Amendment 131**Proposal for a regulation****Article 68 — paragraph 8 — point b**

- | | |
|---|---|
| <p>(b) in paragraph 1(e) by proceeding, if necessary, to linear reduction of one or several of the payments to be made to the beneficiaries of the relevant payments in accordance with this title and within the limits set out in paragraphs 1 and 3.</p> | <p>(b) in paragraph 1a(b) by proceeding, if necessary, to linear reduction of one or several of the payments to be made to the beneficiaries of the relevant payments in accordance with this title.</p> |
|---|---|

Amendment 132**Proposal for a regulation****Article 68 — paragraph 9**

- | | |
|---|-----------------------|
| <p>9. The Commission, in accordance with the procedure referred to in Article 128(2), shall define the conditions for the granting of the support referred to under this section, in particular with a view to ensure consistency with other Community measures and policies and to avoid cumulation of support.</p> | <p><i>deleted</i></p> |
|---|-----------------------|

Amendment 133**Proposal for a regulation****Article 69 — title***Crop insurance**Insurance arrangements***Amendment 134****Proposal for a regulation****Article 69 — paragraph 1 — subparagraph 1**

- | | |
|--|--|
| <p>1. Member States may grant financial contributions to premiums for crop insurance against losses caused by adverse climatic events.</p> | <p>1. Member States may grant financial contributions to premiums for insurance, where the relevant precautionary measures against known risks have been taken, designed to compensate for:</p> <p>(a) losses caused by adverse climatic events which can be assimilated to natural disasters;</p> |
|--|--|

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

(b) *other losses caused by climatic events;*

(c) *economic losses caused by animal or plant diseases or pest infestations.*

Each Member State or region shall draw up specific studies to produce comparative statistical or actuarial data.

Amendment 135

Proposal for a regulation

Article 69 — paragraph 1 — subparagraph 2a (new)

For the purposes of this article, ‘economic losses’ shall mean all additional costs borne by a farmer on account of the exceptional measures which he adopts in order to reduce supply to the market concerned or any significant loss of production. The costs in respect of which compensation may be granted pursuant to other Community provisions and those stemming from the application of any other health, veterinary or plant-health measure shall not be regarded as economic losses.

Amendment 136

Proposal for a regulation

Article 69 — paragraphs 2 and 3

2. The financial contribution *granted per farmer* shall be set at 60 % of the insurance premium *due*. Member States may decide to increase the financial contribution to 70 % *taking account of the climatic situation* or the situation of the sector concerned.

Member States may restrict the amount of the premium eligible for aid by imposing appropriate ceilings.

3. *Coverage by crop-insurance shall only be available where the adverse climatic event has been formally recognised as such by the competent authority in the Member State concerned.*

2. The financial contribution shall be set at 60 % of the insurance premium *payable individually or, where appropriate, collectively, in cases where the insurance contract has been taken out by a producer organisation*. Member States may decide to increase the contribution to 70 % *in light of the climatic conditions* or the situation of the sector concerned.

Member States may restrict the amount of the premium eligible for aid by imposing appropriate ceilings.

Amendment 137

Proposal for a regulation

Article 69 — paragraph 5

5. Any financial contribution shall be paid directly to the farmer concerned.

5. Any financial contribution shall be paid directly to the farmer concerned *or, where appropriate, to the producer organisation which took out the contract on the basis of the number of its members.*

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 138**Proposal for a regulation****Article 69 — paragraph 6 — subparagraph 1**

6. Member States' expenditure for the granting of financial contributions shall be co-financed by the Community from the funds referred to in **Article 68(1)**, at a rate of **40 %** of the eligible amounts of insurance premium set in accordance with paragraph 2 of this Article.

6. Member States' expenditure for the granting of financial contributions shall be co-financed by the Community from the funds referred to in **Article 68(1a)** at a rate of **50 %** of the eligible amounts of insurance premium set in accordance with paragraph 2 of this Article.

In the case of new Member States, however, the rate referred to in the first subparagraph shall be increased to 70 %.

Amendment 139**Proposal for a regulation****Article 70 — title**Mutual funds *for animal and plant diseases*

Mutual funds

Amendment 140**Proposal for a regulation****Article 70 — paragraph 1**

1. Member States may provide for financial compensation to be paid to farmers for economic losses caused by the outbreak of animal or plant disease by way of financial contributions to mutual funds.

1. Member States may provide for financial compensation to be paid to farmers for economic losses caused by **natural disasters, adverse climatic events**, the outbreak of animal or plant disease by way of financial contributions to mutual funds, **where the relevant precautionary measures have been taken. Such funds may be run by producer organisations and/or inter-branch organisations pursuant to the terms and conditions laid down in Articles 122 and 123 of Regulation (EC) No 1234/2007.**

Such funds may be in addition to the provisions of national farmers' insurance schemes.

Amendments 141 and 205**Proposal for a regulation****Article 70 — paragraph 2 — point a**

(a) 'mutual fund' shall mean a system accredited by the Member State in accordance with national law for affiliated farmers to insure themselves, by granting compensation payments to such farmers affected by economic losses caused by the outbreak of animal or plant disease;

(a) 'mutual fund' shall mean a system accredited by the Member State in accordance with national **and European** law for affiliated farmers to insure themselves, by granting compensation payments to such farmers affected by economic losses **suffered by their farm on account of a natural disaster, adverse**

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

climatic events or caused by the outbreak of animal or plant quarantine disease or for affiliated farmers to insure themselves, by granting compensation payments to such farmers affected by direct losses caused by the outbreak of animal or plant quarantine disease;

Amendment 142

Proposal for a regulation

Article 70 — paragraph 2 — point b

(b) 'economic losses' shall mean any additional cost incurred by a farmer as a result of exceptional measures taken by the farmer with the objective to reduce supply on the market concerned or any substantial loss of production. Costs for which compensation may be granted in accordance with other Community provisions and those resulting from the application of any other health and veterinary or phytosanitary measures shall not be considered as economic losses.

(b) 'economic losses' shall mean any additional cost incurred by a farmer as a result of exceptional measures taken by the farmer with the objective to reduce supply on the market concerned, **costs incurred as a result of emergency vaccination** or any substantial loss of production. Costs for which compensation may be granted in accordance with other Community provisions and those resulting from the application of any other health and veterinary or phytosanitary measures shall not be considered as economic losses;

Amendment 143

Proposal for a regulation

Article 70 — paragraph 2 — point b a (new)

(ba) *'adverse climatic events' shall mean weather conditions which can be assimilated to a natural disaster, such as frost, hail, ice, rain, forest fires or drought, and which destroy more than 30 % of the average of annual production of a given farmer in the preceding three-year period or a three-year average based on the preceding five-year period, excluding the highest and lowest entry;*

Amendment 144

Proposal for a regulation

Article 70 — paragraph 2 — point b b (new)

(bb) *'relevant precautionary measures' shall mean measures which optimise animal and plant health;*

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendments 206 and 145

Proposal for a regulation

Article 70 — paragraph 3 — subparagraph 1

3. The mutual funds shall pay the financial compensation directly to affiliated farmers who are affected by economic losses.

3. The mutual funds shall pay the financial compensation directly to affiliated farmers who are affected by economic **or direct** losses, **provided they have taken the relevant precautionary measures.**

Amendment 146

Proposal for a regulation

Article 70 — paragraph 6 — subparagraph 1

6. Member States' expenditure on the financial contributions shall be co-financed by the Community from the funds referred to in **Article 68(1)** at a rate of **40 %** of the amounts eligible under paragraph 4.

6. Member States' expenditure on the financial contributions shall be co-financed by the Community from the funds referred to in **Article 68(1a)** at a rate of **50 %** of the amounts eligible under paragraph 4.

In the case of the new Member States, however, the rate referred to in the first subparagraph shall be increased to 70 %.

Amendment 147

Proposal for a regulation

Article 70a (new)

Article 70a

Special aids to milk producers

1. Where the expenditure forecast carried out in accordance with the early-warning system in Regulation (EC) No 1290/2005, indicates that a margin of at least EUR 600 000 000 remains in heading 2 of the financial framework for a given financial year, that amount, less the margin, shall be made available for specific aids to milk producers.

2. The Commission shall submit to the European Parliament and the Council its estimate for special aids to milk producers together with the preliminary draft budget for the financial year.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

3. Specific aids to milk producers may be employed for the following types of measures:

- (a) **specific support in accordance with Article 68(1)(b) of this Regulation;**
- (b) **measures in accordance with Articles 20 and 36(a) of Regulation (EC) No 1698/2005, provided they serve directly to support farms.**

4. Member States shall notify the Commission no later than 15 October of the year in question, on the basis of the preliminary draft budget as set out in paragraph 2, which measures have been taken pursuant to paragraph 3.

5. Specific aid funding to milk producers shall be distributed among the Member States in accordance with each country's milk reference quantities pursuant to Annex I to Council Regulation (EC) No 1788/2003 of 29 September 2003 establishing a levy in the milk and milk products sector ⁽¹⁾.

⁽¹⁾ OJ L 270, 21.10.2003, p. 123.

Amendment 148
Proposal for a regulation
Article 71

For the years 2009, 2010, and 2011 aid shall be granted to farmers producing rice, falling within CN code 1006 10 under the conditions laid down in this section.

Aid shall be granted to farmers producing rice, falling within CN code 1006 10 under the conditions laid down in this section.

Amendment 149
Proposal for a regulation
Article 72 — paragraph 2 — table

	(EUR/ha)	
	2009	2010-2011
Bulgaria	345,255	172,627
Greece	561,00	280,5
Spain	476,25	238,125
France	411,75	205,875
Italy	453,00	226,5
Hungary	232,50	116,25
Portugal	453,75	226,875
Romania	126,075	63,037

	(EUR/ha)	
	2009-2013	
Bulgaria	345,255	
Greece	561,00	
Spain	476,25	
France	411,75	
Italy	453,00	
Hungary	232,50	
Portugal	453,75	
Romania	126,075	

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 150
Proposal for a regulation
Section 1 a (new)

SECTION 1A

PROTEIN CROP PREMIUM

Article 74a

Scope

Aid shall be granted to farmers producing protein crops under the conditions laid down in this section.

Protein crops shall include:

- (a) peas falling within CN code 0713 10;*
- (b) field beans falling within CN code 0713 50;*
- (c) sweet lupins falling within CN code ex 1209 29 50.*

Article 74b

Conditions and amount of the aid

Aid shall be EUR 55,57 per hectare of protein crops harvested after the milky maturity stage.

However, crops grown on areas which are fully sown and which are cultivated in accordance with local standards, but which do not attain the stage of milky maturity as a result of exceptional weather conditions recognised by the Member State concerned, shall remain eligible for aid provided that the areas in question are not used for any other purpose up to this growing stage.

Article 74c

Areas

- 1. A maximum guaranteed area eligible for aid of 1 400 000 ha is hereby established.*
- 2. Where the area for which aid is claimed exceeds the maximum guaranteed area, the area per farmer for which aid is claimed shall be reduced proportionately in that year, in accordance with the procedure referred to in Article 128(2).*

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 151
Proposal for a regulation
Article 75 — point a

- (a) EUR 66,32 for marketing years 2009/2010 **and** 2010/2011; — EUR 66,32 for marketing years 2009/2010, 2010/2011, **2011/2012 and 2012/2013**;

Amendment 152
Proposal for a regulation
Article 75 — point b

- (b) EUR 33,16 for marketing years 2011/2012 **deleted**
and 2012/2013.

Amendment 153
Proposal for a regulation
Section 3 — Articles 77 to 81

Section 3 is deleted

Amendment 154
Proposal for a regulation
Article 82 — paragraph 2

2. The aid shall be granted **for a maximum of five consecutive years as from the marketing year in which the threshold of 50 % referred to in paragraph 1 has been reached but no later than for** the marketing year 2013/2014.
2. The aid shall be granted **until** the marketing year 2013/2014.

Amendments 187, 198 and 209
Proposal for a regulation
Section 6 a (new)

SECTION 6A

AID FOR TOBACCO

Article 87a

Scope

For the harvest years 2010, 2011 and 2012, aid may be granted to farmers producing raw tobacco falling within CN code 2401 under the conditions laid down in this section.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Article 87b**Conditions governing eligibility**

The aid shall be granted to farmers who received a tobacco premium under Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organization of the market in raw tobacco ⁽¹⁾ in the years 2000, 2001 and 2002 and to farmers who obtained production quotas for tobacco during the period from 1 January 2002 to 31 December 2005. Payment of the aid shall be subject to the following conditions:

- (a) the tobacco comes from a production area listed in Annex II to Commission Regulation (EC) No 2848/98 of 22 December 1998 laying down detailed rules for the application of Council Regulation (EEC) No 2075/92 as regards the premium scheme, production quotas and the specific aid to be granted to producer groups in the raw tobacco sector ⁽²⁾;*
- (b) the quality requirements laid down by Regulation (EC) No 2848/98 have been met;*
- (c) the leaf tobacco is supplied by the producer to the first processing undertaking on the basis of a cultivation contract;*
- (d) aid is granted in such a way as to guarantee equal treatment of farmers and/or in accordance with objective criteria, such as the location of tobacco producers in an Objective I region or the production of varieties of a given quality.*

At the end of the period of application of the area-based single payment scheme under Article 111, and where Article 87a applies, production quotas for tobacco shall be awarded, pursuant to the first paragraph, no later than at the end of the first year of application of the single payment scheme.

Article 87c**Amount**

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

The maximum total amount of aid, also including the amounts to be transferred to the Community Tobacco Fund referred to in Article 87d, shall be as follows:

(in EUR M)

	2010-2012
<i>Germany</i>	21 287
<i>Spain</i>	70 599
<i>France</i>	48 217
<i>Italy (excluding Apulia)</i>	189 366
<i>Portugal</i>	8 468

(in EUR M)

	2010-2012
<i>Hungary</i>	<i>p.m.</i>
<i>Bulgaria</i>	<i>p.m.</i>
<i>Romania</i>	<i>p.m.</i>
<i>Poland</i>	<i>p.m.</i>

Article 87d**Transfer to the Community Tobacco Fund**

An amount equal to 5 % of the aid granted in accordance with this section for the calendar years 2010 to 2012 shall finance actions of information under the Community Tobacco Fund provided for in Article 13 of Regulation (EEC) No 2075/92.

⁽¹⁾ OJ L 215, 30.7.1992, p. 70.

⁽²⁾ OJ L 358, 31.12.1998, p. 17.

Amendment 155**Proposal for a regulation****Article 90 — paragraph 4**

4. Per ewe, the amount of the premium shall be EUR 21. However for farmers marketing sheep's milk or products based on sheep's milk the premium per ewe shall be **EUR 6,8**.

4. Per ewe, the amount of the premium shall be EUR 21. However for farmers marketing sheep's milk or products based on sheep's milk the premium per ewe shall be **EUR 16,8**.

Amendment 156**Proposal for a regulation****Article 90 — paragraph 5**

5. Per she-goat the amount of the premium shall be **EUR 6,8**.

5. Per she-goat the amount of the premium shall be **EUR 16,8**.

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Amendment 157**Proposal for a regulation****Article 98 — point a**

- (a) *'region' shall mean a Member State or a region within a Member State, at the option of the Member State concerned,* *deleted*

Amendment 158**Proposal for a regulation****Article 112 a (new)***Article 112a**National reserve*

1. *Member States applying the single area payment scheme shall create a national reserve containing the difference between ceilings fixed in Annex VIIIa and the total value of the direct payments actually paid in the given year.*

2. *Member States may use the national reserve in order to grant payments aimed at the implementation of the measures referred to in Article 68, according to objective criteria and in such a way as to ensure equal treatment between farmers and to avoid the breach of market principles and distortion of competition.*

Amendment 160**Proposal for a regulation****Article 113 — paragraph 4 — subparagraph 2 — point (b a) (new)**

(ba) requirements referred to in point C of Annex II shall apply with effect from 1 January 2013.

Amendment 161**Proposal for a regulation****Article 123****Article 123***deleted***Financial transfer for restructuring in the tobacco regions**

As from budget year 2011, an amount of EUR 484 million shall be available as additional Community support for measures in tobacco producing regions under rural development programming financed under the EAFRD, for those Member States in which the tobacco producers received aid in accordance with Council Regulation (EC) No 2075/92 during the years 2000, 2001 and 2002.

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TEXT PROPOSED BY THE COMMISSION

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Amendment 162**Proposal for a regulation
Article 129 — point t**

- (t) *with regard to cotton, detailed rules in respect of:* *deleted*
- (i) *the calculation of the reduction of the aid provided for in Article 80(3);*
- (ii) *the approved inter-branch organisations, in particular their financing and a control and sanction system.*

Amendment 163**Proposal for a regulation
Article 132 — point 1 — point (b)
Regulation (EC) No 378/2007
Article 1 — paragraph 5**

5. The modulation rates applicable to a farmer resulting from the application of Article 7 of Regulation (EC) No XXX/2008 (this regulation) minus 5 percentage points shall be deducted from the rate of voluntary modulation applied by Member States in application of paragraph 4 of this Article. Both the percentage to be deducted and the final voluntary modulation rate shall be equal to or higher than 0.

5. The modulation rates applicable to a farmer resulting from the application of Article 7 of Regulation (EC) No XXX/2008 (this regulation) minus 5 percentage points shall be deducted from the rate of voluntary modulation applied by Member States in application of paragraph 4 of this Article. Both the percentage to be deducted and the final voluntary modulation rate shall be equal to or higher than 0. ***No adjustments should, however, result in an overall reduction in the amount of EAFRD funding already allocated to rural development programmes, as laid out in the formal Commission decision which approves them.***

Amendment 164**Proposal for a regulation
Article 133 a (new)****Article 133a*****Study on costs of compliance***

The Commission shall execute a study assessing the actual costs for farmers stemming from complying with Community legislation in the fields of environment, animal welfare and food safety, and which go beyond the standards that import products are subject to. This legislation concerns, among others, the regulations and directives listed in Annex II underpinning the cross-compliance system, as well as the standards defined as good agricultural and environmental condition (GAEC) in Annex III which is also part of the cross compliance requirements.

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The study shall assess the compliance costs as described above in all Member States, which might differ between Member States and even between regions within Member States on the basis of differences in their climatic, geological, production, economic and social features.

Amendment 165**Proposal for a regulation****Annex I — line 3 — column 2**

Title IV, Chapter 2 of Regulation (EC) No 1782/2003

Title IV, Chapter 1, Section 1a of *this* Regulation**Amendment 166****Proposal for a regulation****Annex II — point A — subpoint 4**

4. *Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p. 1)*

Articles 4 and 5

4. *Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration (OJ L 372, 27.12.2006, p. 19)*

Article 6

Amendment 167**Proposal for a regulation****Annex II — point A a (new)****Aa Workplace safety**

8a *Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1)*

Article 6

8b *Directive 2000/54/EC of the European Parliament and of the Council of 18 September 2000 on the protection of workers from risks related to exposure to biological agents at work (seventh individual directive within the meaning of Article 16(1) of Directive 89/391/EEC) (OJ L 262, 17.10.2000, p. 21)*

Articles 3, 6, 8
and 9

8c *Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work (OJ L 216, 20.8.1994, p. 12)*

8d *Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (sixth individual directive within the meaning of Article 16(1) of Council Directive 89/391/EEC) (OJ L 158, 30.4.2004, p. 50)*

Article 3 and
Articles 4 to 12

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Amendment 168
Proposal for a regulation
Annex III — column 2 — heading

*Standards**Examples of relevant requirements*

Amendment 194
Proposal for a regulation
Annex III — line 4 — column 2 — indent 2 a (new)

— *Where appropriate, establishment and/or retention of habitats*

Amendment 169
Proposal for a regulation
Annex III — line 4 — column 2 — indent 3

— Retention of landscape features, *including, where appropriate, hedges, ponds, ditches, trees in line, in group or isolated and field margins,*

— Retention of landscape features,

Amendment 171
Proposal for a regulation
Annex III — line 5 — column 2 — indent 1

— Establishment of buffer strips along water courses,

— Establishment of buffer strips along water courses *in accordance with relevant common legislation on the protection of surface water,*

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Amendment 172
Proposal for a regulation
Annex IV

million EUR

Calendar year	2009	2010	2011	2012
Belgium	583,2	570,9	563,1	553,9
Czech Republic				773,0
Denmark	985,9	965,3	954,6	937,8
Germany	5 467,4	5 339,2	5 269,3	5 178,0
Estonia				88,9
Ireland	1 283,1	1 264,0	1 247,1	1 230,0
Greece	2 567,3	2 365,5	2 348,9	2 324,1
Spain	5 171,3	5 043,4	5 019,1	4 953,5
France	8 218,5	8 021,2	7 930,7	7 796,2
Italy	4 323,6	4 103,7	4 073,2	4 023,3
Cyprus				48,2
Latvia				130,5
Lithuania				337,9
Luxembourg	35,2	34,5	34,0	33,4
Hungary				1 150,9
Malta				4,6
Netherlands	841,5	827,0	829,4	815,9
Austria	727,7	718,2	712,1	704,9
Poland				2 730,5
Portugal	635,8	623,0	622,6	622,6
Slovenia				129,4
Slovakia				335,9
Finland	550,0	541,2	536,0	529,8
Sweden	731,7	719,9	710,6	699,8
United Kingdom	3 373,0	3 340,4	3 335,8	3 334,9

million EUR

Calendar year	2009	2010	2011	2012
Belgium	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Czech Republic	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Denmark	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Germany	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Estonia	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Ireland	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Greece	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Spain	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
France	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Italy	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Cyprus	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Latvia	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Lithuania	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Luxembourg	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Hungary	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Malta	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Netherlands	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Austria	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Poland	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Portugal	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Slovenia	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Slovakia	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Finland	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Sweden	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
United Kingdom	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>

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Proposal for a regulation
Annex VIII

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EUR 1 000

Member State	2009	2010	2011	2012	2013	2014	2015	2016 and subsequent years
Belgium	614 179	611 901	613 281	613 281	614 661	614 661	614 661	614 661
Denmark	1 030 478	1 031 321	1 043 421	1 043 421	1 048 999	1 048 999	1 048 999	1 048 999
Germany	5 770 254	5 781 666	5 826 537	5 826 537	5 848 330	5 848 330	5 848 330	5 848 330
Ireland	1 342 268	1 340 737	1 340 869	1 340 869	1 340 869	1 340 869	1 340 869	1 340 869
Greece	2 367 713	2 209 591	2 210 829	2 216 533	2 216 533	2 216 533	2 216 533	2 216 533
Spain	4 838 512	5 070 413	5 114 250	5 139 246	5 139 316	5 139 316	5 139 316	5 139 316
France	8 404 502	8 444 468	8 500 503	8 504 425	8 518 804	8 518 804	8 518 804	8 518 804
Italy	4 143 175	4 277 633	4 320 238	4 369 974	4 369 974	4 369 974	4 369 974	4 369 974
Luxembourg	37 051	37 084	37 084	37 084	37 084	37 084	37 084	37 084
Netherlands	853 090	853 169	886 966	886 966	904 272	904 272	904 272	904 272
Austria	745 561	747 298	750 019	750 019	751 616	751 616	751 616	751 616
Portugal	589 723	600 296	600 370	605 967	605 972	605 972	605 972	605 972
Finland	566 801	565 823	568 799	568 799	570 583	570 583	570 583	570 583
Sweden	763 082	765 229	768 853	768 853	770 916	770 916	770 916	770 916
United Kingdom	3 985 834	3 986 361	3 987 844	3 987 844	3 987 849	3 987 849	3 987 849	3 987 849

EUR 1 000

Member State	2009	2010	2011	2012	2013	2014	2015	2016 and subsequent years
Bulgaria	287 399	328 997	409 587	490 705	571 467	652 228	732 986	813 746
Czech Republic	559 622	647 080	735 801	821 779	909 164	909 164	909 164	909 164
Estonia	60 500	70 769	80 910	91 034	101 171	101 171	101 171	101 171
Cyprus	31 670	38 845	43 730	48 615	53 499	53 499	53 499	53 499
Latvia	90 016	104 025	118 258	132 193	146 355	146 355	146 355	146 355
Lithuania	230 560	268 746	305 964	342 881	380 064	380 064	380 064	380 064
Hungary	807 366	935 912	1 064 312	1 191 526	1 318 542	1 318 542	1 318 542	1 318 542
Malta	3 434	3 851	4 268	4 685	5 102	5 102	5 102	5 102
Poland	1 877 107	2 164 285	2 456 894	2 742 771	3 033 549	3 033 549	3 033 549	3 033 549
Romania	623 399	713 207	891 072	1 068 953	1 246 821	1 424 684	1 602 550	1 780 414
Slovenia	87 942	102 047	116 077	130 107	144 236	144 236	144 236	144 236
Slovakia	240 014	277 779	314 692	351 377	388 191	388 191	388 191	388 191

⁽¹⁾ Ceilings calculated taking account of the schedule of increments provided for under Article 110

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EUR 1 000

Member State	2009	2010	2011	2012	2013	2014	2015	2016 and subsequent years
Belgium	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Denmark	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Germany	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Ireland	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Greece	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Spain	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
France	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Italy	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Luxembourg	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Netherlands	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Austria	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Portugal	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Finland	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Sweden	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
United Kingdom	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>

EUR 1 000

Member State	2009	2010	2011	2012	2013	2014	2015	2016 and subsequent years
Bulgaria	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Czech Republic	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Estonia	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Cyprus	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Latvia	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Lithuania	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Hungary	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Malta	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Poland	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Romania	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Slovenia	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>
Slovakia	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>	<i>p. m</i>

Amendment 174

Proposal for a regulation
Annex X — part I — indent 2

— from 2010, the protein crop premium provided for in Chapter 2 of Title IV of Regulation (EC) No 1782/2003; *deleted*

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 175**Proposal for a regulation****Annex X — part I — indent 3**

- from **2010** the crop specific payment for rice provided for in Chapter III of Title IV of Regulation (EC) No 1782/2003 and Section 1 of Chapter 1 of Title IV of this Regulation, in accordance with the time schedule provided for in Article 72(2) of this Regulation;
- from **2013** the crop specific payment for rice provided for in Chapter III of Title IV of Regulation (EC) No 1782/2003 and Section 1 of Chapter 1 of Title IV of this Regulation, in accordance with the time schedule provided for in Article 72(2) of this Regulation;

Amendment 176**Proposal for a regulation****Annex X — part I — indent 5**

- *from 2011 the aid for processing dried fodder provided for in Subsection I of Section I of Chapter IV of Title I of Part II of Regulation (EC) No 1234/2007;*
- deleted*

Amendment 177**Proposal for a regulation****Annex X — part I — indent 6**

- from **2011** the aid for processing flax grown for fibre in Subsection II of Section I of Chapter IV of Title I of Part II of Regulation (EC) No 1234/2007, in accordance with the time schedule provided for in that subsection;
- from **2013** the aid for processing flax grown for fibre in Subsection II of Section I of Chapter IV of Title I of Part II of Regulation (EC) No 1234/2007, in accordance with the time schedule provided for in that subsection;

Amendment 178**Proposal for a regulation****Annex X — part I — indent 7**

- from **2011** the potato starch premium provided for in Article [95a] of Regulation (EC) No 1234/2007 and, in accordance with the time schedule of Article 75 of this Regulation, the aid for starch potato provided in that Article.
- from **2013** the potato starch premium provided for in Article [95a] of Regulation (EC) No 1234/2007 and, in accordance with the time schedule of Article 75 of this Regulation, the aid for starch potato provided in that Article.

Amendment 179**Proposal for a regulation****Annex X — part I a (new)****Ia**

From 2010, where a Member State does not take the decision referred to in Article 64 of this Regulation:

- *the protein crop premium provided for in Chapter 2 of Title IV of Regulation (EC) No 1782/2003;*

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

- *the crop specific payment for rice provided for in Chapter III of Title IV of Regulation (EC) No 1782/2003 and Section 1 of Chapter 1 of Title IV of this Regulation, in accordance with the time schedule provided for in Article 72(2) of this Regulation;*
- *the aid for processing dried fodder provided for in Subsection I of Section I of Chapter IV of Title I of Part II of Regulation (EC) No 1234/2007.*

Amendment 180

**Proposal for a regulation
Annex XI — ‘Dried fodder’ table**

‘Dried fodder’ table

deleted

Amendment 181

**Proposal for a regulation
Annex XI — ‘Protein crops’ table**

‘Protein crops’ table

deleted

Amendment 182

**Proposal for a regulation
Annex XI — ‘Rice’ table**

Column 2010

deleted

Column 2011

Column 2012

Amendment 183

**Proposal for a regulation
Annex XI — ‘Long fibre flax’ table**

Column 2011

deleted

Column 2012

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 184
Proposal for a regulation
Annex XI — ‘Potato starch processing aid’ table

Column 2011*deleted***Column 2012**

Amendment 185
Proposal for a regulation
Annex XI — ‘Potato starch aid for growers’ table

Column 2011*deleted***Column 2012**

Modifications to the common agricultural policy *

P6_TA(2008)0550

European Parliament legislative resolution of 19 November 2008 on the proposal for a Council regulation on modifications to the common agricultural policy by amending Regulations (EC) No 320/2006, (EC) No 1234/2007, (EC) No 3/2008 and (EC) No [...]/2008 (COM(2008)0306 — C6-0241/2008 — 2008/0104(CNS))

(2010/C 16 E/36)

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2008)0306),
 - having regard to Articles 36 and 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0241/2008),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development (A6-0401/2008),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 5. Instructs its President to forward its position to the Council and Commission.

Wednesday 19 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 1**Proposal for a regulation — amending act****Recital 3**

(3) In respect of cereals the system should be modified to ensure competitiveness and market orientation for the sector while keeping the role of intervention as a safety net in case of market disruptions and facilitating farmers' response to market conditions. The Council Conclusions on the reform of the intervention system for maize provided for a review of the whole cereals intervention system in the context of the Health Check, based on an analysis which indicated a certain risk for additional barley intervention if prices were low. The present outlook for cereals has however since changed significantly, and is characterised by a favourable world market price environment driven by expanding world demand and low global cereal stocks. Within this context, setting intervention levels to zero for other feed grains in the same time frame as the maize reform would allow for intervention without having negative implications for the cereals market as a whole. The outlook for the cereals sector also applies for durum wheat, meaning that buying into intervention could be abolished since it has lost its relevance with market prices always significantly above the intervention price. Since intervention for cereals is to be a safety net *rather than an element which influences price formation, the differences in harvesting periods across Member States, which effectively start the marketing campaigns, are not longer relevant since the system will no longer provide for prices reflecting intervention levels plus monthly increments. In the interests of simplification the dates for cereals intervention should therefore be harmonised across the Community.*

(3) In respect of cereals the system should be modified to ensure competitiveness and market orientation for the sector while keeping the role of intervention as a safety net in case of market disruptions and facilitating farmers' response to market conditions. The Council Conclusions on the reform of the intervention system for maize provided for a review of the whole cereals intervention system in the context of the Health Check, based on an analysis which indicated a certain risk for additional barley intervention if prices were low. The present outlook for cereals has however since changed significantly, and is characterised by a favourable world market price environment driven by expanding world demand and low global cereal stocks. Within this context, setting intervention levels to zero for other feed grains in the same time frame as the maize reform would allow for intervention without having negative implications for the cereals market as a whole. The outlook for the cereals sector also applies for durum wheat, meaning that buying into intervention could be abolished since it has lost its relevance with market prices always significantly above the intervention price. Since intervention for cereals is to be a safety net, *intervention should only take place during the last three months of the marketing year.*

Amendment 2**Proposal for a regulation — amending act****Recital 4**

(4) Since the 2003 reform, the competitiveness of the rice sector has increased, with stable production, falling stocks in the view of increasing demand both in the Community and on the world market, with the expected price significantly above the intervention price. *Therefore providing for buying into intervention for rice is no longer necessary and so should be abolished.*

(4) Since the 2003 reform, the competitiveness of the rice sector has increased, with stable production, falling stocks in the view of increasing demand both in the Community and on the world market, with the expected price significantly above the intervention price. *Intervention should nevertheless be maintained as a safety net.*

Wednesday 19 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 3**Proposal for a regulation — amending act****Recital 6**

(6) The abolition of intervention for **these products** may safely be carried out in 2009 since the current market situation and perspectives suggest that intervention would not, in any case, be applicable for them in 2009.

(6) The abolition of intervention for **rice and pigmeat** may safely be carried out in 2009 since the current market situation and perspectives suggest that intervention would not, in any case, be applicable for them in 2009.

Amendment 5**Proposal for a regulation — amending act****Recital 8a (new)**

(8a) With effect from 2009, investment support for milk producers should no longer be limited to the established quota volume so that producers can make investments more specifically geared to market requirements.

Amendment 6**Proposal for a regulation — amending act****Recital 10**

(10) Aid for private storage of butter is not widely used. Nevertheless due to the seasonal pattern of milk production in the Community there will always be a seasonal pattern of butter production. Therefore, temporary pressure on the butter market may occur which could be alleviated by seasonal storage. The decision should, however, be taken by the Commission based on sound market analysis rather than an obligation to open the scheme every year and so the scheme should become optional.

deleted

Amendment 7**Proposal for a regulation — amending act****Recital 12**

(12) Disposal aids for butter for pastry and ice cream and for direct consumption have been reduced in line with the reduction of the intervention price for butter as from 2004 and have consequently been zero before tenders were suspended due to the favourable market situation. **Disposal aid schemes are no longer needed to support the market at intervention price level and should therefore be abolished.**

(12) Disposal aids for butter for pastry and ice cream and for direct consumption have been reduced in line with the reduction of the intervention price for butter as from 2004 and have consequently been zero before tenders were suspended due to the favourable market situation.

Wednesday 19 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 8**Proposal for a regulation — amending act****Recital 13**

(13) As was the case in the common agricultural policy reform of 2003, to enhance the competitiveness of Community agriculture and to promote more market-oriented and sustainable agriculture, it is necessary to continue the shift from production support to producer support by abolishing the existing aids in Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (single CMO Regulation) for **dried fodder**, flax, hemp and potato starch and integrating support for these products into the system of decoupled income support for each farm. As was the case for the 2003 CAP reform, while decoupling aid paid to farmers will leave the actual amounts paid unchanged, it will significantly increase the effectiveness of the income aid.

(13) As was the case in the common agricultural policy reform of 2003, to enhance the competitiveness of Community agriculture and to promote more market-oriented and sustainable agriculture, it is necessary to continue the shift from production support to producer support by abolishing the existing aids in Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (single CMO Regulation) for flax, hemp and potato starch and integrating support for these products into the system of decoupled income support for each farm. As was the case for the 2003 CAP reform, while decoupling aid paid to farmers will leave the actual amounts paid unchanged, it will significantly increase the effectiveness of the income aid.

Amendment 9**Proposal for a regulation — amending act****Recital 14**

(14) The Council decided in 2000 to phase out the aid for short flax and hemp fibre. This decision was implemented with effect from the 2009/2010 marketing year by the amendments made to the single CMO by Regulation (EC) No 247/2008, as was the phasing out of the additional processing aid for processors of flax grown in traditional areas. Aid for long flax fibre should be decoupled. However in order to allow the industry to adapt, **half of the shift to the single payment scheme should take place in 2011 and the remaining part in 2013.**

(14) The Council decided in 2000 to phase out the aid for short flax and hemp fibre. This decision was implemented with effect from the 2009/2010 marketing year by the amendments made to the single CMO by Regulation (EC) No 247/2008, as was the phasing out of the additional processing aid for processors of flax grown in traditional areas. Aid for long flax fibre should be decoupled. However in order to allow the industry to adapt, the shift to the single payment scheme should take place **by 2013 at the latest.**

Amendment 10**Proposal for a regulation — amending act****Recital 15**

(15) The dried fodder regime was reformed in 2003, when part of the aid was given to producers and decoupled. In the context of the overall orientation of the Health Check towards more market orientation, and the present outlook in feed markets, the transition to full decoupling for the entire sector should therefore be completed by decoupling the remaining aid to the industry.

(15) The dried fodder regime was reformed in 2003, when part of the aid was given to producers and decoupled. In the context of the overall orientation of the Health Check towards more market orientation, and the present outlook in feed markets, the transition to full decoupling for the entire sector should therefore be completed, **by 2013 at the latest**, by decoupling the remaining aid to the industry.

Wednesday 19 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

It should be possible to mitigate the effects of ending the payment of aid to processors by appropriate adjustments in the price paid to producers of the raw materials, who will themselves be receiving increased direct aid entitlements as a result of decoupling. The ending of the aid to processors is also justified in the light of the market situation and perspectives for protein crops as a whole. Given the fact that the sector has already been restructuring since the 2003 reform and the particular negative environmental impact that the production of dehydrated fodder has recently been found to generate, the aid should be decoupled although a short transitional period of two years should be provided for to allow the sector to adjust.

Amendment 11

Proposal for a regulation — amending act
Recital 17

(17) *Developments in domestic and international cereal and starch markets render the starch production refund no longer pertinent with respect to its initial objectives, and should therefore be abolished. The market situation and perspectives are such that the aid has been set at zero for some time and this would be expected to continue, so that rapid abolition may be effected without negative effects for the sector.* *deleted*

Amendment 12

Proposal for a regulation — amending act
Recital 18

(18) *The provisions on exceptional market support measures related to animal diseases are to be dealt with in a horizontal provision on risk management, and so should be deleted from Regulation (EC) No 1234/2007.* *deleted*

Amendment 13

Proposal for a regulation — amending act
Recital 19

(19) Producer organisations can serve **a useful** role in grouping supply in sectors where there is an imbalance in concentration of producers and purchasers. Member States should therefore be able to recognise producer organisations in all sectors.

(19) **While crop insurance or mutual funds can contribute to corrective risk management, this can be very costly in economic and social terms. Parallel efforts should therefore be made to develop preventive risk management instruments.** Producer organisations **and interbranch organisations** can serve **an important** role in **this preventive risk management, particularly by** grouping supply in sectors where there is an imbalance in concentration of producers and purchasers **or by improving knowledge of the markets.** Member States should therefore be able to recognise producer organisations **and professional organisations** in all sectors.

Wednesday 19 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 42**Proposal for a regulation — amending act****Article 1 — point –1 (new)**

Regulation (EC) No 247/2006

Article 4 — paragraph 3

(–1) Article 4(3) of Regulation (EC) No 247/2006 is replaced by the following:

3. By way of derogation from paragraph 2(a), it shall be permitted to market from the Azores to the rest of the Community the following maximum quantities of sugar (code NC 1701) during the following years:

— 2008: 3 000 tonnes,

— 2009: 2 285 tonnes,

— 2010: 1 570 tonnes,

— 2011: 855 tonnes,

Amendment 44**Proposal for a regulation — amending act****Article 1 — point –1a (new)**

Regulation (EC) No 247/2006

Article 5 — paragraph 1

(–1a) Article 5(1) of Regulation (EC) No 247/2006 is replaced by the following:

1. During the period referred to in Article 10(1) of Regulation (EC) No 1260/2001, the C sugar referred to in Article 13 of that Regulation, exported pursuant to Commission Regulation (EEC) No 2670/81 of 14 September 1981 laying down detailed implementing rules in respect of sugar production in excess of the quota and introduced to be consumed in Madeira and the Canary Islands in the form of white sugar under code NC 1701 and to be refined and consumed in the Azores as raw sugar under code NC 1701 12 10 and/or NC 1701 11 10, shall benefit, under the conditions of this Regulation, from the exemption regime relating to import duties within the limit of the supply estimates referred to in Article 2 of this Regulation.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 66**Proposal for a regulation — amending act****Article 4 — point 1**

Regulation (EC) No 1234/2007

Article 8 — paragraph 1 — point (b)

(1) *Point (b) of Article 8(1) is deleted.**deleted***Amendment 14****Proposal for a regulation — amending act****Article 4 — point 2**

Regulation (EC) No 1234/2007

Article 10

(2) *Article 10 is amended as follows:**deleted*(a) *Paragraph 1 is amended as follows:*(i) *point (a) is replaced by the following:**‘(a) common wheat, barley, maize and sorghum;’*(ii) *point (b) is deleted.*(b) *Paragraph 2 is deleted.***Amendment 15****Proposal for a regulation — amending act****Article 4 — point 3**

Regulation (EC) No 1234/2007

Article 11 — point a

(a) for cereals, from **1 November** to 31 May;(a) for cereals, from **1 March** to 31 May;

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 16**Proposal for a regulation — amending act****Article 4 — point 3**

Regulation (EC) No 1234/2007

Article 11 — point (da) (new)

*(da) for pigmeat, throughout any marketing year.***Amendment 17****Proposal for a regulation — amending act****Article 4 — point 3**

Regulation (EC) No 1234/2007

Article 12 — paragraph 1 — point b a (new)

*(ba) shall be opened for pigmeat by the Commission, without the assistance of the Committee referred to in Article 195(1), if the average market price for pig carcasses over a representative period, as established by reference to the prices recorded in each Member State on the representative markets of the Community and weighted by means of coefficients reflecting the relative size of the pig herd in each Member State, is, and is likely to remain, at less than 103 % of the reference price.***Amendment 18****Proposal for a regulation — amending act****Article 4 — point 3**

Regulation (EC) No 1234/2007

Article 12 — paragraph 2

2. Public intervention for common wheat may be suspended by the Commission, ***without the assistance of the Committee referred to in Article 195(1)***, if the price for wheat with a minimum protein content of 11 % 'Rouen delivered' is higher than the reference price.

It shall be reopened by the Commission, ***without the assistance of the Committee referred to in Article 195(1)***, if the conditions provided for in the first subparagraph of this paragraph no longer apply.

2. Public intervention for common wheat may be suspended by the Commission if the price for wheat with a minimum protein content of 11 % 'Rouen delivered' is higher than the reference price.

It shall be reopened by the Commission if the conditions provided for in the first subparagraph of this paragraph no longer apply.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 67**Proposal for a regulation — amending act****Article 4 — point 4**

Regulation (EC) No 1234/2007

Subsection III — Article 18

4) *Subsection III of Section II of Chapter I of Title I of Part II is replaced by the following:* **deleted**

Subsection III**Intervention prices****Article 18****Intervention prices**

1. *The intervention prices and the quantities accepted for intervention for the products referred to in Article 10(a), (d), (e) and (f) shall be determined by the Commission by means of tendering procedures. In special circumstances, tendering procedures may be restricted to, or the intervention prices and the quantities accepted for intervention may be fixed per, Member State or per region of a Member State on the basis of recorded average market prices.*

2. *The intervention price determined in accordance with paragraph 1 shall not be higher:*

- (a) for cereals, than the respective reference prices;*
- (b) for beef, than the average market price recorded in a Member State or a region of a Member State increased by an amount to be determined by the Commission on the basis of objective criteria;*
- (c) for butter, than 90 % of the reference price;*
- (d) for skimmed milk powder, than the reference price.*

3. *The intervention price for sugar shall be 80 % of the reference price fixed for the marketing year following the marketing year during which the offer is lodged. However, if the quality of the sugar offered to the paying agency differs from the standard quality defined in point B of Annex IV for which the reference price is fixed, the intervention price shall be increased or reduced accordingly.*

Wednesday 19 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 43**Proposal for a regulation — amending act****Article 4 — point 4 a (new)**

Regulation (EC) No 1234/2007

Article 26 — paragraph 2 — point (a) — point (ii a) (new)

4a) In Article 26(2)(a), the following point is inserted:**(iia) for utilisation under the specific supply regime provided for in Article 5 of Regulation (EC) No 247/2006****Amendment 19****Proposal for a regulation — amending act****Article 4 — point 5**

Regulation (EC) No 1234/2007

Part II — Title I — Chapter I — Section III — Subsection I

(5) Subsection I of Section III of Chapter I of Title I of Part II is deleted. **deleted****Amendment 20****Proposal for a regulation — amending act****Article 4 — point 6**

Regulation (EC) No 1234/2007

Article 31

(6) Article 31 is amended as follows: **deleted****(a) Paragraph 1 is amended as follows:****(i) after point (c) the following points are inserted:****(ca) unsalted butter produced from cream or milk in an approved undertaking of the Community of a minimum butterfat content, by weight, of 82 %, a maximum milk solids non-fat content, by weight, of 2 %, and a maximum water content, by weight, of 16 %;****(cb) salted butter produced from cream or milk in an approved undertaking of the Community of a minimum butterfat content, by weight, of 80 %, a maximum milk solids non-fat content, by weight, of 2 %, a maximum water content, by weight, of 16 % and a maximum salt content, by weight, of 2 %;**

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

(ii) *point (e) is deleted;*

(b) *In paragraph 2, the second subparagraph is deleted.*

Amendment 21

Proposal for a regulation — amending act

Article 4 — point 7

Regulation (EC) No 1234/2007

Article 34a (new)

7. *The following Article 34a is inserted:*

deleted

Article 34a

Conditions of granting for butter

1. *The Commission may decide to grant aid for private storage for butter in particular if developments in prices and stocks of the products indicate a serious imbalance in the market which could be avoided or reduced by means of seasonal storage.*

2. *The amount of aid shall be fixed by the Commission taking account of storage costs and the likely development in butter prices.*

Amendment 22

Proposal for a regulation — amending act

Article 4 — point 8

Regulation (EC) No 1234/2007

Article 36

(8) *Article 36 is deleted.*

deleted

Amendment 23

Proposal for a regulation — amending act

Article 4 — point 11

Regulation (EC) No 1234/2007

Article 44

(11) *Article 44 is deleted.*

deleted

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 24**Proposal for a regulation — amending act****Article 4 — point 12 — point a**

Regulation (EC) No 1234/2007

Article 46 — paragraph 1

(a) Paragraph 1 is replaced by the following: *deleted*

1. For the exceptional support measures referred to in Article 45, the Community shall provide part-financing equivalent to 50 % of the expenditure borne by Member States.

Amendment 25**Proposal for a regulation — amending act****Article 4 — point 14a (new)**

Regulation (EC) No 1234/2007

Article 66 — paragraph 5a (new)

(14a) In Article 66, the following paragraph is added:

5 a. Member States may apply for temporary quota increases based on underutilisation of milk quotas in other Member States, on the condition that they can prove that their dairy market is not likely to enjoy a soft landing under the basic rules. To this end the Commission shall calculate every year the underutilisation of milk quotas. The Commission shall assess potential applications by Member States for extra quota increases and present a proposal for the temporary handing out of production quotas at the beginning of each marketing year. These temporary quotas in a given marketing year shall always remain below the level of underutilisation of quotas in the marketing year before the given marketing year. The Commission may be assisted by the Committee referred to in Article 195(1).

Amendment 26**Proposal for a regulation — amending act****Article 4 — point 14b (new)**

Regulation (EC) No 1234/2007

Article 78 — paragraph 3a (new)

(14b) In Article 78, the following paragraph 3a is inserted:

3 a. All the revenue deriving from the payment of the additional levy to the Union and the appropriations saved from the agricultural budget should be paid into the milk fund so that flanking measures can be implemented in the milk sector.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Measures supported pursuant to Article 68 [general rules] of Regulation (EC) No [...] /2008 [new regulation on direct payments] may not be funded under this system.

Amendment 27

Proposal for a regulation — amending act

Article 4 — point 17

Regulation (EC) No 1234/2007

Part II — Title I — Chapter IV — Section I — Subsection I

17. Subsection I of Section I of Chapter IV of Title I of Part II is deleted. *deleted*

Amendment 28

Proposal for a regulation — amending act

Article 4 — point 18a (new)

Regulation (EC) No 1234/2007

Article 91 — paragraph 1 — subparagraph 2

18a. In Article 91(1), the second subparagraph is replaced by the following:

During the marketing years 2009/10 to 2012/13 aid shall also be granted under the same conditions for processing the straw of short flax and hemp grown for fibre.

Amendment 29

Proposal for a regulation — amending act

Article 4 — point 19

Regulation (EC) No 1234/2007

Article 92 — paragraph 1

1. The amount of processing aid provided for in Article 91 shall be fixed **for long flax fibre:**

- (a) **EUR 200** for the 2009/2010 **and 2010/2011** marketing years; **and**
- (b) **EUR 100** for the **2011/2012 and 2012/2013** marketing years;

1. The amount of processing aid provided for in Article 91 shall be fixed:

- (a) **for long flax fibre, EUR 160 per tonne for the 2009/2010 to 2012/2013** marketing years;
- (b) **for short flax fibre and hemp fibre containing not more than 7,5 % impurities and shives, EUR 90 per tonne for the 2009/2010 to 2012/2013** marketing years.

However, the Member State may, with reference to traditional outlets, also decide to grant aid:

- (a) **for short flax fibre containing a percentage of impurities and shives of between 7,5 % and 15 %;**

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

- (b) for hemp fibre containing a percentage of impurities and shives of between 7,5 % and 25 %.

In the cases provided for in the second subparagraph, the Member State shall grant the aid in respect of a quantity which amounts to not more than the quantity produced, on the basis of 7,5 % of impurities and shives.

Amendment 30

Proposal for a regulation — amending act

Article 4 — point 20a (new)

Regulation (EC) No 1234/2007

Article 94 — paragraph 1 a

- (20a) In Article 94, paragraph 1a is replaced by the following:

1a. A maximum guaranteed quantity of 147 265 tonnes for each of the marketing years 2009/2010 to 2012/2013 shall be established for short flax fibre and hemp fibre in respect of which aid may be granted. That quantity shall be apportioned among certain Member States as national guaranteed quantities in accordance with point A. II. of Annex XI.

Amendment 31

Proposal for a regulation — amending act

Article 4 — point 20b (new)

Regulation (EC) No 1234/2007

Article 94 a

- (20b) Article 94a is replaced by the following:

Article 94a

Additional aid

During the 2009/2010 to 2012/2013 marketing years, additional aid shall be granted to the authorised primary processor in respect of areas under flax in zones I and II as described in point A. III. of Annex XI and the straw production of which has been the subject of:

- (a) a sale/purchase contract or a commitment as referred to in Article 91(1); and
- (b) aid for processing into long fibre.

The amount of additional aid shall be EUR 120 per hectare in zone I and EUR 50 per hectare in zone II.

Wednesday 19 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 32**Proposal for a regulation — amending act****Article 4 — point 21**

Regulation (EC) No 1234/2007

Article 95a — paragraph 1

1. A premium of EUR 22,25 per tonne of starch produced shall be paid for the 2009/2010 **and 2010/2011** marketing years to undertakings producing potato starch for the quantity of potato starch up to the quota limit referred to in Article 84a(2), provided that they have paid to potato producers a minimum price for all the potatoes necessary to produce starch up to that quota limit.

1. A premium of EUR 22,25 per tonne of starch produced shall be paid for the 2009/2010 **to 2012/2013** marketing years to undertakings producing potato starch for the quantity of potato starch up to the quota limit referred to in Article 84a(2), provided that they have paid to potato producers a minimum price for all the potatoes necessary to produce starch up to that quota limit.

Amendment 33**Proposal for a regulation — amending act****Article 4 — point 22**

Regulation (EC) No 1234/2007

Article 96

(22) Article 96 is deleted.**deleted****Amendment 35****Proposal for a regulation — amending act****Article 4 — point 29a (new)**

Regulation (EC) No 1234/2007

Article 122 — paragraph 1b (new)

29a. The following paragraph is added to Article 122:

Member States may also recognise as producer organisations applicant groups within the meaning of Article 5(1) of Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾. In this case the provisions of point (c)(i) of the first paragraph of this Article shall apply.

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

Amendment 36**Proposal for a regulation — amending act****Article 4 — point 30**

Regulation (EC) No 1234/2007

Article 124 — paragraph 1 — subparagraph 1a (new)

These interbranch organisations may act to promote, inter alia, preventive risk management, research and development, information on, and promotion of, products and branches, market analysis and information, and measures of contractualisation.

Wednesday 19 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 37**Proposal for a regulation — amending act****Article 4 — point 30a (new)**

Regulation (EC) No 1234/2007

Article 162 — paragraph 1 — point a — point i

(30a) *In Article 162(1)(a), point (i) is deleted (*).*

(*) *The articles and annexes of Regulation (EC) No 1234/2007 must be adapted as a result.*

Amendment 38**Proposal for a regulation — amending act****Article 4 — point 30 b (new)**

Regulation (EC) No 1234/2007

Article 162 — paragraph 1 — point a — point ii

(30b) *In Article 162(1)(a), point (ii) is deleted (*).*

(*) *The articles and annexes of Regulation (EC) No 1234/2007 must be adapted as a result.*

Amendment 39**Proposal for a regulation — amending act****Article 4 — point 31a (new)**

Regulation (EC) No 1234/2007

Article 182 — paragraph 3

(31a) *Article 182(3) is replaced by the following text:*

3. Member States which reduce their sugar quota by more than 50 % of the sugar quota laid down on 20 February 2006 in Annex III to Regulation (EC) No 318/2006 may grant temporary state aid up to the 2013/2014 marketing year.

Depending on the application by the Member States concerned the Commission shall take a decision on the total amount of state aid available for such a measure.

In the case of Italy the temporary aid referred to in the first subparagraph shall not exceed a total of EUR 11 per marketing year and per tonne of sugar beet, to be allocated to sugar-beet growers and to the transport of sugar beet.

Finland may grant sugar-beet growers up to EUR 350 per hectare and per marketing year.

Within thirty days of the end of each marketing year the Member States concerned shall inform the Commission of the amount of state aid actually granted in the course of that marketing year.

Wednesday 19 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 40**Proposal for a regulation — amending act****Article 4 — point 32**

Regulation (EC) No 1234/2007

Article 184 — point 5

- | | |
|---|---|
| <p>(5) before 30 June 2011 to the European Parliament and Council on the <i>conditions for smoothly phasing out the milk quota system, including, in particular, possible further increases in quotas or possible reductions in the superlevy.</i></p> | <p>(5) before 31 December 2010 to the European Parliament and Council on the <i>state of the milk market. The report shall also analyse the effectiveness of the Member States' management systems in relation to the liberalisation of the quota scheme. Where appropriate the report shall be accompanied by suitable proposals.</i></p> |
|---|---|

Support for rural development by the European Agricultural Fund for Rural Development *

P6_TA(2008)0551

European Parliament legislative resolution of 19 November 2008 on the proposal for a Council regulation amending Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (COM(2008)0306 — C6-0242/2008 — 2008/0105(CNS))

(2010/C 16 E/37)

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2008)0306),
 - having regard to Articles 36 and 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0242/2008),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development and the opinion of the Committee on Regional Development (A6-0390/2008),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 5. Instructs its President to forward its position to the Council and Commission.

Wednesday 19 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 1**Proposal for a regulation — amending act****Recital 1**

(1) In the context of the assessment of the implementation of the common agricultural policy (CAP) reform of 2003, climate change, renewable energies, water management *and* biodiversity were identified as crucial new challenges for European agriculture.

(1) In the context of the assessment of the implementation of the common agricultural policy (CAP) reform of 2003, climate change, renewable energies, water management, biodiversity *and discontinuation of milk quotas* were identified as crucial new challenges for European agriculture.

Amendment 2**Proposal for a regulation — amending act****Recital 5**

(5) *It* is important that operations related to these priorities are further strengthened in the rural development programmes approved in accordance with Council Regulation (EC) No 1698/2005.

(5) *Where Member States' existing rural development programmes do not include sufficient and relevant measures as indicated in Annex II, it* is important that operations related to these priorities are further strengthened in the rural development programmes approved in accordance with Council Regulation (EC) No 1698/2005.

Amendment 3**Proposal for a regulation — amending act****Recital 5a (new)**

(5a) The 2007 Eurobarometer survey entitled 'Attitudes of EU citizens towards Animal Welfare' shows that a large majority (72 %) of EU citizens believe that farmers should be remunerated for the increased costs that can result from higher animal welfare standards. In addition, the Protocol on protection and welfare of animals annexed to the Treaty establishing the European Community by the Treaty of Amsterdam requires that, in formulating and implementing agriculture policies, the Community and the Member States must pay full regard to the welfare requirements of animals.

Amendment 4**Proposal for a regulation — amending act****Recital 6**

(6) Given the importance of these Community priorities, *the obligation for the* Member States *to* provide in rural development programmes for operations related to the new challenges *should* be set out.

(6) Given the importance of these Community priorities, Member States *should* provide in rural development programmes for *a greater proportion of* operations related to the new challenges *to* be set out, *but only if, to date, Member States have not yet attached sufficient importance to those Community priorities.*

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 5**Proposal for a regulation — amending act****Recital 7**

(7) Article 10 of Regulation (EC) No 1698/2005 provides that, with a view to taking account of major changes in the Community priorities in particular, the Community strategic guidelines for rural development (programming period 2007 to 2013) adopted by Council Decision 2006/144/EC may be subject to review. Therefore, a **general obligation** for the Member States to revise the national strategy plans following the review of the Community strategic guidelines **should be set out** in order to arrange the context for the programmes to be modified.

(7) Article 10 of Regulation (EC) No 1698/2005 provides that, with a view to taking account of major changes in the Community priorities in particular, the Community strategic guidelines for rural development (programming period 2007 to 2013) adopted by Council Decision 2006/144/EC may be subject to review. Therefore, the Member States **that have not already adopted relevant measures should be encouraged** to revise the national strategy plans following the review of the Community strategic guidelines in order to arrange the context for the programmes to be modified.

Amendment 6**Proposal for a regulation — amending act****Recital 9**

(9) In view of the new obligations, the requirements on the content of the rural development programmes should be adapted. A non-exhaustive list of types of operations should be provided in order to help the Member States to identify the relevant operations related to the new challenges in the context of the legal framework for rural development.

(9) In view of the new obligations, the requirements on the content of the rural development programmes should be adapted **where necessary**. A non-exhaustive list **which can subsequently be extended, depending on Member States' requirements**, of types of operations should be provided in order to help the Member States to identify the relevant operations related to the new challenges in the context of the legal framework for rural development.

Amendment 7**Proposal for a regulation — amending act****Recital 9a (new)**

(9a) It is also appropriate to adapt Regulation (EC) No 1698/2005 with regard to natural handicap payments in mountain areas and payments in other areas with handicaps. The present scheme on the basis of Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) ⁽¹⁾, which is to apply during the new support period until 2009, should be continued until the end of the current support period.

⁽¹⁾ OJ L 160, 26.6.1999, p. 80.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 8**Proposal for a regulation — amending act****Recital 10**

(10) In order to provide additional incentives to beneficiaries for the uptake of operations related to the new priorities, the possibility to establish **higher amounts and rates of** support for such operations should be given.

(10) In order to provide additional incentives to beneficiaries for the uptake of operations related to the new priorities, the possibility to establish support for such operations **without additional national cofinancing** should be given. **The same option should be applicable by the Member States for the transfer of innovation from applied research.**

Amendment 9**Proposal for a regulation — amending act****Recital 11**

(11) In accordance with Article 9(4) and Article 10(4) of Council Regulation (EC) No XXXX/XXXX of XX/XX/2008 [establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers] financial resources raised by way of the additional modulation are to be used for rural development support. It is appropriate to ensure that an amount equal to those financial resources should be used to support operations related to the new challenges.

(11) In accordance with Article 9(4) and Article 10(4) of Council Regulation (EC) No XXXX/XXXX of XX/XX/2008 [establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers] financial resources raised by way of the additional modulation, **where not already provided for by those Member States applying national voluntary modulation under Council Regulation (EC) 378/2007** ⁽¹⁾, are to be used for rural development support. It is appropriate to ensure that an amount equal to those financial resources should be used to support **both existing and new** operations related to the new challenges **according to the decisions of each Member State. However, care must be taken not to deter farm production where its contribution to rural development is vital.**

⁽¹⁾ Council Regulation (EC) No 378/2007 of 27 March 2007 laying down rules for voluntary modulation of direct payments provided for in Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers (OJ L 95, 5.4.2007, p. 1).

Amendment 10**Proposal for a regulation — amending act****Recital 11a (new)**

(11a) Those operations should be congruent with operations funded from other Community resources, in particular from the Structural Funds (European Regional Development Fund, European Social Fund and Cohesion Fund).

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Amendment 11**Proposal for a regulation — amending act****Recital 12**

(12) Given the additional, specific **and binding** use of these amounts equal **to those financial resources**, the established balance between objectives of the support for rural development **should** not be affected.

(12) Given the additional **and** specific use of these **equal** amounts, the established balance between objectives of the support for rural development **must** not be affected; **accordingly, when resources related to the new priorities are being used, the balance between objectives defined in Article 17 of Regulation (EC) No 1698/2005 should be preserved.**

Amendment 12**Proposal for a regulation — amending act****Recital 12a (new)**

(12a) In order to ensure adequate funding for rural development programmes, greater flexibility should be introduced to enable, moreover, the use, within the same Member State, of unspent resources of the Structural Funds (Heading 1b) for this purpose.

Amendment 28**Proposal for a regulation — amending act****Article 1 — point -1 (new)**

Regulation (EC) No 1698/2005

Article 5 — paragraph 7

(-1) In Article 5, paragraph 7 is replaced by the following:

7. The Member States shall ensure that the operations financed by the EAFRD are in conformity with the Treaty and any acts adopted under it. To that end, all operations financed by the EAFRD shall be targeted directly at farmers.

Amendment 13**Proposal for a regulation — amending act****Article 1 — point 2**

Regulation (EC) No 1698/2005

Article 12a — paragraph 1

1. **Each** Member State shall revise, in accordance with the procedure referred to in Article 12(1), its national strategy plan following the review of the Community strategic guidelines as referred to in Article 10.

1. **In consultation with its sub-national levels of government, each** Member State shall **be invited to** revise, in accordance with the procedure referred to in Article 12(1), its national strategy plan following the review of the Community strategic guidelines as referred to in Article 10.

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TEXT PROPOSED BY THE COMMISSION

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Amendment 14**Proposal for a regulation — amending act****Article 1 — point 3**

Regulation (EC) No 1698/2005

Article 16a — paragraph 1 — subparagraph 1 — introductory section

1. **From 1 January 2010**, Member States shall **provide** in their rural development programmes, in accordance with their specific needs, **for** types of operations having the following priorities as described in the Community strategic guidelines and specified further in the national strategy plan:

1. **Where such provision is not already made** Member States shall, **from 1 January 2010, present** in their rural development programmes, in accordance with their specific needs, types of operations having the following priorities as described in the Community strategic guidelines and specified further in the national strategy plan:

Amendment 15**Proposal for a regulation — amending act****Article 1 — point 3**

Regulation (EC) No 1698/2005

Article 16a — paragraph 1 — subparagraph 1 — point d)

(d) biodiversity.

(d) **preservation and sustainable use of** biodiversity.**Amendment 29****Proposal for a regulation — amending act****Article 1 — point 3**

Regulation (EC) No 1698/2005

Article 16a — paragraph 1 — subparagraph 1a (new)

All operations shall be targeted directly at farmers.**Amendment 16****Proposal for a regulation — amending act****Article 1 — point 3**

Regulation (EC) No 1698/2005

Article 16a — paragraph 1 — subparagraph 2

Member States may base their choice on the indicative list of types of operations set out in Annex II of this Regulation and/or any other types of operations provided that those operations are linked to the priorities referred to in the first subparagraph and are aimed at achieving the potential effects specified in Annex II.

In consultation with their sub-national levels of government, Member States may base their choice on the indicative list of types of operations set out in Annex II of this Regulation and/or any other types of operations, **including those in the area of inland fisheries**, provided that those operations are linked to the priorities referred to in the first subparagraph and are aimed at achieving the potential effects specified in Annex II.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 17**Proposal for a regulation — amending act****Article 1 — point 3**

Regulation (EC) No 1698/2005

Article 16a — paragraph 1 — subparagraph 2a (new)

Member States shall ensure that synergies are achieved with similar operations funded from other Community resources, in particular from the Structural Funds, and, where appropriate, shall develop integrated approaches with regard to strategies, measures and financing.

Amendment 18**Proposal for a regulation — amending act****Article 1 — point 3a (new)**

Regulation (EC) No 1698/2005

Article 16b (new)

(3a) The following Article 16b is inserted:

Article 16b***Innovation and transfer of knowledge from applied research***

1. From 1 January 2010, the Member States shall provide in their rural development programmes, in the light of their specific needs, types of operation targeting the transfer of innovation from applied research to the rural economy.

2. From 1 January 2010, for types of operation referred to in paragraph 1, the aid intensity rates fixed in Annex I may be increased by 10 percentage points.

Amendment 19**Proposal for a regulation — amending act****Article 1 — point 4a (new)**

Regulation (EC) No 1698/2005

Article 30

(4a) Article 30 is replaced by the following:

Article 30***Infrastructure relating to the development and adaptation of agriculture and forestry***

Support provided for in Article 20(b)(v) may cover notably operations related to access to farm and forest land, land consolidation and improvement energy supply, access to information and communication technologies, and water management

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AMENDMENTS

Amendment 20**Proposal for a regulation — amending act****Article 1 — point 4b (new)**

Regulation (EC) No 1698/2005

Article 36 — point (a) — introductory part

(4b) *The introductory part of Article 36(a) is replaced by the following:*

(a) **measures targeting the sustainable use of agricultural land, including inland fisheries, through:**

Amendment 30**Proposal for a regulation — amending act****Article 1 — point 4c (new)**

Regulation (EC) No 1698/2005

Article 39 — paragraph 5a (new)

(4c) *In Article 39 the following paragraph 5a is added:*

5a. Support may be provided for the conservation of valuable agricultural crops and animals in terms of cultural history for operations not covered by the provisions under paragraphs 1 to 4.

Amendment 21**Proposal for a regulation — amending act****Article 1 — point 7**

Regulation (EC) No 1698/2005

Article 69 — paragraph 5a

(5a) An amount equal to the amounts resulting from the application of the compulsory modulation under Articles 9(4) and 10(4) of Regulation (EC) [No XXXX/2008 (new Regulation on direct support schemes)] shall be **spent** by Member States in the period from 1 January 2010 to 31 December 2015 as Community support under the current rural development programmes for operations **of the types referred to in Article 16a of this Regulation approved after 1 January 2010.**

(5a) An amount equal to the amounts resulting from the application of the compulsory modulation under Articles 9(4) and 10(4) of Regulation (EC) [No XXXX/2008 (new Regulation on direct support schemes)] shall be **allocated** by Member States in the period from 1 January 2010 to 31 December 2015 as Community support under the current rural development programmes for **both existing and new operations related to the new challenges in line with the decision taken by each Member State.**

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 32**Proposal for a regulation — amending act****Article 1 — point 7**

Regulation (EC) No 1698/2005

Article 69 — paragraph 5b

(5b) *If at the closure of the programme, the total amount spent on the operations referred to in paragraph 5a of this Article is lower than the amount referred to in Article 16a(3)(b), the difference shall be reimbursed by the Member State to the Community budget up to the amount by which the total allocations available for operations other than those referred to in Article 16a have been exceeded.* *deleted*

Amendment 22**Proposal for a regulation — amending act****Article 1 — point 7a (new)**

Regulation (EC) n° 1698/2005

Article 70 — paragraph 4b (new)

(7a) *In Article 70, the following paragraph 4b is inserted:*

4b. Notwithstanding the ceilings set out in paragraph 3, an amount equal to the funds resulting from the application of the compulsory modulation under Articles 9(4) and 10(4) of Regulation (EC) [No XXXX/2008 (new Regulation on direct support schemes)] may be used without additional national cofinancing.

Amendment 23**Proposal for a regulation — amending act****Article 1 — point 9a (new)**

Regulation (EC) No 1698/2005

Article 93

(9a) *Article 93 is replaced by the following:*

Article 93

Repeal

[...] Regulation (EC) No 1257/1999 shall be repealed with effect from 1 January 2007 with the exception of Articles 13(a), 14(1) and the first two indents of Article 14(2), 15, 17 to 20, 51(3) and 55(4) and the part of Annex I which specifies the amounts under Article 15(3). [...]

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References made to the repealed Regulation shall be construed as being made to this Regulation.

Regulation (EC) No 1257/1999 shall continue to apply to actions approved by the Commission under that Regulation before 1 January 2007. [...]

Amendment 24

Proposal for a regulation — amending act

Article 1 — point 10 — point aa (new)

Regulation (EC) No 1698/2005

Annex — table — line 1

(aa) Line 1 is replaced by the following:

22, paragraph 2	Start-up aid (*)	75 000
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(*) Start-up aid may be granted in the form of a single premium the amount of which shall not exceed EUR 50 000 or of an interest subsidy the capitalised value of which shall not exceed EUR 50 000. Where the two forms of aid are combined, the total amount shall not exceed EUR 75 000.

Amendment 25

Proposal for a regulation — amending act

Annex

Regulation (EC) No 1698/2005

Annex II - Priority: renewable energies — line 4 a (new)

Production and use of solar, wind and geothermic power and combined heat and power	Article 26: modernisation of agricultural holdings Article 53: diversification into non-agricultural activities Article 54: support for business creation and development Article 56: basic services for the rural economy and population	Replacement of fossil fuels
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Amendment 26

Proposal for a regulation — amending act

Annex

Regulation (EC) No 1698/2005

Annex II — Priority: water management — line 1 a (new)

Flood risk management	Article 39: agri-environment payments Article 41: non-productive investments	Improving capacity to manage water in the event of floods
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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 27**Proposal for a regulation — amending act****Annex***Regulation (EC) No 1698/2005**Annex II — New Priority***Priority: Discontinuation of milk quotas****Type of operation****Measures****Potential effects****Modernisation and market-oriented production****Multiannual programmes for milk quota discontinuation****Increase in competitiveness****Community strategic guidelines for rural development (2007 to 2013) ***

P6_TA(2008)0552

European Parliament legislative resolution of 19 November 2008 on the proposal for a Council decision amending Decision 2006/144/EC on the Community strategic guidelines for rural development (programming period 2007 to 2013) (COM(2008)0306 — C6-0239/2008 — 2008/0106(CNS))

(2010/C 16 E/38)

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2008)0306),
 - having regard to the EC Treaty, pursuant to which the Council consulted Parliament (C6-0239/2008),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development and the opinions of the Committee on the Environment, Public Health and Food Safety and the Committee on Regional Development (A6-0377/2008),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 5. Instructs its President to forward its position to the Council and the Commission.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 1

Proposal for a decision — amending act

Annex — point 2

Decision 2006/144/EC

Annex — part 3 — point 3.4a — point (i)

- (i) In particular investment support under axis 1 can be targeted towards energy, water and other input saving machinery and equipment as well as to the production of renewable energy for on farm use. In the agrifood chain and forestry sector investment support should help to develop innovative and more sustainable ways of **biofuel processing**.
- (i) In particular investment support under axis 1 can be targeted towards energy, water and other input saving machinery and equipment as well as to the production of renewable energy for on farm use. In the agrifood chain and forestry sector investment support should help to develop innovative and more sustainable ways of **replacing fossil fuels and reducing greenhouse-gas emissions, including by means of second-generation agrofuels, whereby it must be ensured that food production is not reduced as a result and that the energy balance of the farm concerned is improved overall.**
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Investigations conducted by the European Anti-Fraud Office (OLAF) *I**

P6_TA(2008)0553

European Parliament legislative resolution of 20 November 2008 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1073/1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) (COM(2006)0244 — C6-0228/2006 — 2006/0084(COD))

(2010/C 16 E/39)

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2006)0244),
 - having regard to Articles 251(2) and 280(4) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0228/2006),
 - having regard to Court of Auditors' Opinion No 7/2006 ⁽¹⁾,
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Legal Affairs (A6-0394/2008),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

⁽¹⁾ OJ C 8, 12.1.2007, p. 1.

~~TEA~~_COD(2006)0084

Position of the European Parliament adopted at first reading on 20 November 2008 with a view to the adoption of Regulation (EC) No .../2009 of the European Parliament and of the Council amending Regulation (EC) No 1073/1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 280 thereof,

Having regard to the proposal from the Commission **||**,

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Having regard to the opinion of the Court of Auditors ⁽¹⁾,

||

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

- (1) ***The European Parliament has invited the Commission to press ahead without further delay with consolidating the legal texts on Community administrative investigations. This consolidation aims to strengthen the efficiency of the European Anti-Fraud Office ('the Office') and to clarify the legal framework of its mission.***
- (2) ***It is appropriate to ensure that the staff of the Office can execute their mission in full independence. To this end, it is appropriate to manage human resources in a way that better responds to the operational needs of the Office; particularly by seeking a better balance between temporary staff and permanent staff.***
- (3) ***While drawing attention to the responsibility of every department of the Commission and of the other institutions, bodies, offices and agencies of the European Union and European Communities (hereinafter 'institutions, bodies, offices and agencies') to protect the Community's financial interests, and recognising the importance of prevention aspects when defining European policy in this field, including the fight against fraud and corruption, there is a need to widen the task of the Office to include those aspects. The design of legislative and administrative measures at European level needs to be based on the Office's operational practice in this field.***
- (4) ***Given the scale of the Community funds allocated to the external-aid sector, the number of investigations carried out by the Office in that sector and the existence of international cooperation for investigation purposes, a legal basis should be established which will enable the Commission to seek assistance from the competent authorities in third countries and from international organisations in the performance of the Office's tasks.***
- (5) Clear rules should be laid down which, while confirming the priority enjoyed by the || Office for conducting internal investigations, establish mechanisms enabling the institutions, bodies, offices and agencies quickly to take over the investigation of cases in which the Office decides not to intervene.
- (6) It needs to be made clear that the decision as to whether to open an investigation is left to the discretion of the Office, which may decide not to open an investigation in cases of minor importance or not falling within the investigative priorities set annually by the Office. Such cases should then be handled, where internal investigations are concerned, by the institutions and, where external investigations are concerned, by the competent national authorities in accordance with the rules applicable in each Member State.
- (7) ***The accuracy of the information sent to the Office in connection with its remit has to be checked as quickly as possible. Hence it should be made clear that the institutions, bodies, offices and agencies will grant the Office immediate and automatic access to databases relating to the management of Community funds and to any other database and any other relevant information.***

⁽¹⁾ OJ C 8, 12.1.2007, p. 1.

⁽²⁾ Position of the European Parliament of 20 November 2008.

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- (8) The Office must be placed under precise obligations to inform the institutions, bodies, offices and agencies in good time of investigations in progress where a member, manager, official or other servant or staff member is personally implicated in the matter under investigation or where administrative measures may be required in order to protect the Union's interests.
- (9) In order to make the Office's investigative activity more effective and in the light of the evaluations of its activities made by the institutions, in particular the Commission's evaluation report of April 2003 and the Court of Auditors' special report No 1/2005 on the management of the Office ⁽¹⁾, certain aspects need clarifying and certain measures the Office can take in conducting its investigations need improving. The Office *should* therefore be given the power to carry out the inspections and checks provided for by Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities ⁽²⁾ in connection with internal investigations and in cases of fraud linked to contracts concerning Community funding, and have access to information held by the institutions, bodies, offices and agencies ¶ in connection with external investigations.
- (10) *The Office's operational practice depends greatly on cooperation with Member States. There is a need for the Member States to identify their competent authorities for the Office who are able to provide Office staff with the required assistance in the exercise of their duties, particularly in cases where a Member State has not set up a specialist department with the task of coordinating the fight against Community fraud at national level.*
- (11) *If the operational, legal and administrative framework for combating fraud is to be improved, the Office must know how the results of its investigations have been followed up. Hence the Member States' competent authorities and the institutions, bodies, offices and agencies (and also — with assistance from the Commission — third-country authorities and international organisations) should be required to report regularly to the Office on progress made as regards action taken in response to the final investigation report issued by the Office.*
- (12) *In view of the major benefits of strengthening cooperation between the Office, the European Police Office (Europol) and the European Union's Judicial Cooperation Unit (Eurojust), a legal basis must be introduced which will enable the Office to conclude agreements with those two agencies. In order to bolster the respective powers of Eurojust, the Office and the Member States' competent authorities in respect of deeds liable to criminal investigation, the Office should be called upon to inform Eurojust in cases of suspected illegal activity damaging to the European Communities' financial interests and involving serious forms of criminality and at least two Member States.*
- (13) It is necessary, in the interests of legal certainty, to **codify in this Regulation** the **fundamental** procedural guarantees applicable in internal or external investigations conducted by the Office. That does not affect any more extensive protection which may derive from the rules of the Treaties, **the Protocol on the Privileges and Immunities of the European Communities, the Charter of Fundamental Rights of the European Union, the Statute for Members of the European Parliament**, the Staff Regulations of **Officials of the European Communities (hereinafter 'the Staff Regulations')** and any relevant national provisions.
- (14) *The procedural guarantees and the legitimate rights of persons who are under investigation should be upheld and applied without any difference in treatment stemming from the type of investigation carried out by the Office.*

⁽¹⁾ OJ C 202, 18.8.2005, p. 1.

⁽²⁾ OJ L 292, 15.11.1996, p. 2.

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- (15) *In order to ensure that the Office's operational activities are as transparent as possible, particularly in respect of the principles governing investigation procedure, the legitimate rights of the persons concerned and procedural safeguards, data protection provisions, the policy for providing information on certain aspects of the Office's operational activities, reviewing the legality of investigation activities and appeals procedures for the persons concerned, it is necessary to provide a legal basis for adoption of a procedural code for OLAF investigations. The code should be published in the Official Journal of the European Union.*
- (16) *In order to ensure that procedural guarantees are upheld at every stage of the investigation, checks on legality must be carried out by the Office. Such checks should be carried out in particular prior to the opening and the closing of an investigation and prior to any forwarding of information to the Member States' competent authorities. Such checks should be carried out by legal experts who may play a judicial role within a Member State and who will work within the Office. The Director General of the Office should also request those experts' opinion on behalf of the Office's Investigations and Operations Executive Board (hereinafter 'the executive board').*
- (17) In order to strengthen the protection of the individual rights of persons under investigation, and without prejudice to Article 90a of the Staff Regulations and the powers of the Court of Justice of the European Communities under the Treaty, a person implicated personally *should* be entitled, at the final stage of an investigation, to be provided with the conclusions and recommendations of the final investigation report ■.
- (18) For the sake of greater transparency, it is necessary to ensure an adequate degree of information for informers, who *should* be informed of the initial decision as to whether or not to open an investigation and, on their express request, of the outcome of the action taken on the information supplied.
- (19) *In order to make it possible to provide objective information to European taxpayers and to guarantee freedom of the press, all EU bodies involved in the investigation should respect the principle of protecting journalists' sources in accordance with national legislation.*
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- (20) Experience based on operational practice has shown that it would be useful to allow the *Director General* of the Office to delegate the exercise of certain of his functions to one or more members of the staff of the Office by a written document specifying the conditions and limits governing the delegation.
- (21) *The fundamental rights of the persons concerned by investigations should be respected at all times, particularly when providing information. There is a need to clarify the basic principles of the Office's information policy. Information on Office investigations supplied to the European Parliament, the Council, the Commission and the Court of Auditors, whether bilaterally or as part of the concertation procedure, should be provided while respecting the confidentiality of investigations, the legitimate rights of the persons concerned and, where applicable, the national provisions governing judicial proceedings. There is a need to introduce a legal basis enabling the Office to conclude agreements with the institutions concerned on the provision of information. The Director General of the Office should ensure that any information supplied to the public complies with the principles of neutrality and impartiality. The procedural code for OLAF investigations should spell out the consequences of unauthorised dissemination of information.*
- (22) It is appropriate to strengthen the Supervisory Committee's *role and to revise the criteria and procedure for appointing its members. At the time of their selection, candidates should be engaged in high-level judicial or investigative tasks, or comparable functions. They should be appointed for a non-renewable five-year period. Some members should be appointed at staggered intervals in order to retain the expertise of the committee.*

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- (23) *It is appropriate to widen and strengthen the tasks of the Supervisory Committee arising from its mandate and to safeguard the Office's independence in its investigative function. The Committee should monitor trends concerning procedural safeguards and the length of investigations. It should be informed of investigations lasting more than 12 months and deliver opinions to the Director General of the Office and, if needs be, to the institutions on investigations that are not completed within 18 months. It should be made clear that the Supervisory Committee does not interfere in the running of ongoing investigations.*
- (24) *There is a need to evaluate the judicial, institutional and operational context for the fight against fraud, corruption and any other activity detrimental to the European Communities' financial interests. To this end the institutions should be asked to coordinate their action and encouraged to consider the major aspects of European anti-fraud strategy. A concertation procedure needs to be set up between the European Parliament, the Council and the Commission. This concertation should cover certain areas of cooperation in this field between the Office and the Member States and the institutions of the European Union, and also relations with third countries and international organisations, and should also cover the Office's investigative policy and reports and assessments by the Supervisory Committee. The Director General of the Office and the chair of the Supervisory Committee should participate in the concertation, which should take place at least once a year.*
- (25) *In order to allow the Supervisory Committee to carry out its mission effectively, in full independence and in an efficient way, it is essential that the Office ensure that all conditions are put in place for the secretariat of the Supervisory Committee to work in an independent way under the chair of the committee and its members exclusively.*
- (26) *In order to reinforce complete independence in the running of the Office, the Director General of the Office should be appointed for a term of five years, renewable once. At the time of their selection, candidates should occupy or have occupied a senior judicial post or an executive investigative post and have operational professional experience of at least ten years in a position of high management responsibility. A significant portion of this professional experience should have been acquired in the area of the fight against national or Community fraud. The appointment procedure should be completed within nine months. The Director General of the Office should be designated by common agreement between the European Parliament and the Council and be appointed by the Commission.*
- (27) *Considering the sensitivity of the position, it is appropriate to stipulate that the Director General of the Office will inform the Commission if he intends to engage in any new occupational activity within two years of leaving the post, in conformity with Article 16 of the Staff Regulations. This information should be included in the Commission's annual report on the fight against fraud.*
- (28) *In order to strengthen respect for procedural guarantees, any person who is under investigation by the Office should be able to lodge a complaint with the Supervisory Committee. Complaints will be dealt with by a Review Adviser acting in complete independence, appointed by the Director General of the Office, on a proposal of the Supervisory Committee. The Review Adviser should deliver his opinion within 30 working days and will forward it to the plaintiff, to the Director General of the Office and to the Supervisory Committee.*

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- (29) *After a four-year period, the application of this Regulation should be assessed. The Commission should submit a report to the European Parliament and to the Council, accompanied by an opinion issued by the Supervisory Committee. Following that assessment this Regulation should be able to be revised. In any event, this Regulation should be revised after the creation of a European Public Prosecutor's Office.*
- (30) Regulation (EC) No 1073/1999 ⁽¹⁾ should be amended accordingly.
- (31) This Regulation clarifies and strengthens the courses of action which may be taken by the Office in external investigations, and does so only in isolated respects where legal loopholes have been found in the existing system and where only more effective action by the Office can ensure that reliable external investigations are conducted, which can be used by the authorities of the Member States. In addition, procedural guarantees need to be extended to external investigations in order to provide a uniform legal framework for all investigations conducted by the Office. This Regulation fully respects the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (32) This Regulation respects fundamental rights and complies with the principles recognised in particular in the Charter of Fundamental Rights of the European Union, and in particular Articles 47 and 48 thereof,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1073/1999 shall be amended as follows:

- (1) **In Article 1, paragraphs 1 and 2 shall be replaced by the following:**

'1. In order to step up the fight against fraud, corruption and any other illegal activity affecting the financial interests of the European Community, the European Anti-Fraud Office established by Commission Decision 1999/352/EC, ECSC, Euratom (hereinafter "the Office") shall exercise the powers of investigation conferred on the Commission by the Community rules and Regulations in the Member States and, in accordance with the cooperation and mutual assistance agreements in force, in third countries.

Fraud, corruption and any other illegal activity detrimental to the Community's financial interests, including irregularity, are defined in Community regulations and the provisions of agreements in force in this field.

2. The Office shall provide the Member States with assistance from the Commission in organising close and regular cooperation between their competent authorities in order to coordinate their activities for the purpose of protecting the European Community's financial interests against fraud. The Office shall contribute to the design and development of methods of preventing and of fighting fraud, corruption and any other illegal activity affecting the financial interests of the European Community.'

⁽¹⁾ OJ L 136, 31.5.1999, p. 1.

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(2) Article 3 shall be replaced by the following:

'Article 3

External investigations

1. The Office shall exercise the power conferred on the Commission by Regulation (Euratom, EC) No 2185/96 to carry out on-the-spot inspections and checks in the Member States and, in accordance with the agreements in force, in third countries and international organisations.

As part of its investigative function, the Office shall carry out the inspections and checks provided for in Article 9(1) of Regulation (EC, Euratom) No 2988/95 and in the sectoral rules referred to in Article 9(2) of that Regulation in the Member States and, in accordance with the cooperation *and mutual assistance* agreements in force, in third countries **and in international organisations**.

2. With a view to establishing that there has been fraud, corruption or any other illegal activity referred to in Article 1 in connection with a grant agreement or decision or a contract concerning Community funding, the Office may, in accordance with the procedures laid down by Regulation (Euratom, EC) No 2185/96, conduct on-the-spot checks and inspections on economic operators concerned **directly or indirectly** by such funding.

Member States shall adopt and implement all the measures required in order to ensure that the Office performs the investigative function referred to in this Article. They shall offer their support to the Office in connection with on-the-spot inspections and checks carried out in accordance with the rules laid down in Regulation (Euratom, EC) No 2185/96 on economic operators concerned directly or indirectly by Community funding.

3. During an external investigation and where necessary in order to establish that fraud, corruption or any other illegal activity referred to in Article 1 has occurred, the Office may have access to any relevant information held by the institutions, bodies, offices and agencies connected with the matter under investigation. Article 4(2) and (4) shall apply for that purpose.

4. Where the Office has to hand, prior to an investigation, information which suggests that there has been fraud, corruption or any other illegal activity referred to in Article 1, the *Director General* of the Office **informs** the competent authorities of the Member States concerned and, without prejudice to the sectoral rules, those authorities shall ensure that appropriate action is taken and, where necessary, undertake investigations in accordance with national law, in which staff of the Office may take part. The competent authorities of the Member States concerned shall inform the *Director General* of the Office **of the action taken and** of their findings on the basis of such information. ¶

5. **When the Office decides not to open an investigation it shall inform Eurojust that it has forwarded to the competent authorities in the Member States information giving grounds for suspecting the existence of fraud, an act of corruption or any other illegal activity referred to in Article 1, in the form of serious crime involving two or more Member States. Eurojust shall also be notified by the Office as soon as an Office investigation comes within its competence, in accordance with the procedures laid down in the cooperation and mutual assistance agreements concluded between them.'**

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- (3) *The following article shall be inserted:*

'Article 3a

Cooperation of the Office with Eurojust, Europol and other international organisations

Pursuant to the powers and responsibilities conferred upon it under this Regulation, the Office may conclude cooperation and mutual assistance agreements with Eurojust and Europol. The aim of these agreements shall be to clarify the respective powers and responsibilities of these bodies and to define the cooperation between them within the framework of the area of freedom, of security and of justice.

The Office may also conclude cooperation and mutual assistance agreements with other international organisations.'

- (4) Article 4 shall be amended as follows:

- (a) *paragraph 1, subparagraph 2, shall be replaced by the following:*

'These internal investigations shall be carried out subject to the rules of the Treaties, in particular the Protocol on privileges and immunities of the European Communities, and with due regard for the Staff Regulations under the conditions and in accordance with the procedures provided for in this Regulation and in decisions adopted by each institution, body, office and agency; in respect of procedural guarantees and the legitimate rights of the persons concerned, there must be no difference in treatment in comparison to external investigations.'

- (b) *paragraph 3 shall be replaced by the following:*

'In accordance with the procedures laid down by Regulation (Euratom, EC) No 2185/96, the Office may carry out on-the-spot inspections at the premises of economic operators **who are directly or indirectly concerned** in order to obtain access to information relevant to the matter under internal investigation.'

- (c) *paragraph 5 shall be deleted.*

- (5) Article 5 shall be replaced by the following:

'Article 5

Opening of investigations

1. The Office may open an investigation when sufficiently strong suspicions exist that acts of fraud or corruption or other illegal acts referred to in Article 1 have been committed. The decision whether or not to open an investigation shall take account of the investigation policy priorities and the Office's programme of investigative activities determined in accordance with Articles 11a and 12(6). ***Anonymous information may also be taken into account if it constitutes sufficiently strong grounds for suspicion.***

2. ***The decision to open an investigation shall be taken by the Director General of the Office after consulting the Office's executive board and in accordance with the provisions concerning checks on legality which are laid down in Article 14.***

3. The decision to open an external investigation shall be taken by the *Director General* of the Office, acting on his own initiative or following a request from a Member State concerned or ***one of the institutions of the European Communities or of the European Union.***

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The decision to open an internal investigation shall be taken by the *Director General* of the Office, acting on his own initiative or following a request from a Member State concerned or ***one of the institutions of the European Communities or of the European Union*** within which the investigation is to be conducted.

While the Office is conducting an internal investigation within the meaning of this Regulation, the institutions, bodies, offices or agencies shall not open a parallel investigation into the same facts.

4. When an institution, body, office or agency plans to open an investigation acting under its own administrative authority, it shall ask the Office whether the facts in question are already the subject of an internal investigation. The Office shall state within fifteen working days of that request if an investigation is already open or if it is planning to open an investigation under *paragraph 5*. Failure to reply shall be deemed to be a decision on the part of the Office not to open an internal investigation.

5. The decision on whether or not to open an investigation shall be taken within two months of receipt by the Office of a request as referred to in *paragraphs 3 or 4*. It shall be communicated without delay to the institution, body, office or agency or the Member State which made the request. Reasons shall be given for a decision not to open an investigation.

Where an official or other staff member of an institution, body, office or agency, acting in accordance with Article 22a of the Staff Regulations or the corresponding provisions of the Conditions of Employment of Other Servants, provides information to the Office relating to a suspected fraud or irregularity, the Office shall inform him of the decision whether or not to open an investigation into the facts in question.

Prior to the opening and throughout the duration of an investigation, the institutions, bodies, offices and agencies shall provide the Office with immediate and automatic access to databases relating to with the management of Community funds and to any other database containing relevant data and any other information which will enable the Office to check that the information forwarded is accurate.

6. If the Office decides, on the basis of what it deems appropriate or on the basis of its priorities for investigative action, not to open an internal investigation, it shall without delay send the information available to the institution, body, office or agency concerned for appropriate action to be taken in accordance with the rules that are applicable to it. In appropriate cases the Office shall agree with that institution, body, office or agency on suitable measures to protect the confidentiality of the source of that information and shall ask, if necessary, to be informed of the action taken.

If the Office decides, on the basis of what it deems appropriate or on the basis of its priorities for investigative action, not to open an external investigation, Article 3(4) shall apply.'

(6) Article 6 shall be amended as follows:

(a) ***paragraph 1 shall be replaced by the following:***

'1. The Director General of the Office shall direct the conduct of investigations. He may issue written instructions to an operational Director of the Office to direct the conduct of investigations. Investigations shall be conducted under the authority and the responsibility of the Director General of the Office by agents nominated by the Office.'

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(b) *paragraph 3 shall be replaced by the following:*

'3. The Office's employees shall be equipped for each intervention with a written authority issued by the Director General of the Office indicating the subject matter and the purpose of the investigation, the legal bases for conducting the investigation and the investigative powers stemming from those bases.'

(c) *the following paragraph shall be inserted:*

'3a. Where Office employees nominated to carry out an on-the-spot check or inspection in accordance with the rules laid down in Regulation (Euratom, EC) No 2185/96 encounter resistance from an economic operator, the competent authority of the Member State concerned (previously identified by the Office as a contact point) shall be informed immediately. At the Office's request the competent authority of the Member State concerned shall provide the Office's employees with the assistance which they require in order to carry out their task, as specified in the written authority referred to in paragraph 3. The Member State must ensure that the Office's employees are allowed access (under the same terms and conditions as its competent authorities and in compliance with national law) to all information and documents relating to the facts referred to in Article 1 which prove necessary for the on-the-spot checks and inspections to be carried out satisfactorily.'

(d) *Article 6(4) shall be replaced by the following:*

'4. During on-the-spot inspections, [...] checks and investigations, the Office's employees shall adopt an attitude in keeping with the rules and practices governing investigators of the Member State concerned, with the Staff Regulations and with the decisions referred to in the second subparagraph of Article 4(1). The Office's employees shall act in accordance with the principle of impartiality. They shall immediately notify the Director General of the Office if they find themselves in a position of conflict of interest in the context of their investigation. The Director General of the Office shall decide whether a conflict of interest exists. If it does, the Director General of the Office shall give instructions for replacing the employee.'

(e) *paragraph 5 shall be replaced by the following:*

'5. Investigations shall be conducted continuously over a period which must be proportionate to the circumstances and complexity of the case. Employees of the Office must ensure that the investigation is conducted in accordance with procedures which will enable items of evidence to be safeguarded and preserved. If necessary (where there is a risk that items of evidence will disappear) they may ask the competent authority of the Member State concerned to take, in accordance with its internal law, any necessary precautionary or implementing measures.'

(f) *the following paragraph shall be inserted:*

*'As soon as investigations reveal that a member, manager, official, servant or any other person serving an institution, body, office or agency may be implicated or show that it might be appropriate to take precautionary or administrative measures to protect the interests of the Union, **the Office shall inform** the institution, body, office or agency concerned **without delay** of the investigation in progress. The information supplied shall include the following:*

(a) *the identity of the person or persons under investigation and a summary of the facts in question;*

(b) *any information that may assist the institution, body, office or agency in deciding whether it is appropriate to take precautionary or administrative measures in order to protect the interests of the Union, **and, where appropriate, some indication regarding the timing of precautionary or administrative measures;***

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- (c) any special measures of confidentiality recommended.

The provision of this information to the institution, body, office or agency may be deferred in cases requiring absolute secrecy to be maintained for the purposes of the investigation or requiring recourse to investigative procedures falling within the competence of a national judicial authority, in accordance with national law applicable to investigations. The Director General of the Office shall give reasons for his decision in accordance with the provisions concerning checks on legality which are laid down in Article 14.

The institution, body, office or agency shall decide whether any precautionary or administrative measures are appropriate, with due account being taken of the importance of guaranteeing the effectiveness of the conduct of the investigation and of the specific confidentiality measures recommended by the Office. *The institution, body, office or agency shall inform the Office without delay of the decision to take any measures under this Article or, where appropriate, of the need to initiate an additional disciplinary procedure on matters for which there is an appropriate competence under the Staff Regulations of Officials of the European Communities. An additional disciplinary procedure may be initiated after consulting the Office.;*

- (g) in paragraph 6, the following subparagraph shall be added:

'Employees of the Office may ask the competent authorities of third countries for assistance in the performance of their duties, pursuant to the provisions of the cooperation and mutual assistance agreements concluded with those countries. They may also request assistance from international organisations in the performance of their duties, pursuant to the provisions of the agreements concluded with those organisations.'

- (h) the following paragraph shall be added:

'Where it is found that an investigation cannot be closed within 12 months after it has been opened, the Director General of the Office may decide to extend the period by up to six months. The Director General of the Office shall ascertain the need for the investigation to be extended. Before taking this decision, the Director General of the Office shall inform the Supervisory Committee of the reasons preventing the investigation from being concluded and of the likely period of time needed for it to be completed.'

If an investigation is not completed within 18 months after it has been opened, the Supervisory Committee shall be informed by the Director General of the Office of the reasons which have prevented him from closing the investigation and shall issue an opinion on the extension and, where appropriate, the subsequent running of the investigation.

The Supervisory Committee shall forward a copy of its opinion to the institution, body, office or agency concerned. It may defer the forwarding of its opinion in cases requiring absolute secrecy to be maintained for the purposes of the investigation or in accordance with the national law applicable to investigations.

The Director General of the Office shall submit to the budgetary authority an annual report on the reasons which have prevented him from closing investigations within 30 months after they have been opened. The Supervisory Committee shall submit an opinion on those reasons to the budgetary authority.'

- (7) In Article 7, paragraphs 1 and 2 shall be replaced by the following:

'1. The institutions, bodies, offices and agencies shall forward to the Office without delay any information relating to possible cases of fraud or corruption or any other illegal activity detrimental to the financial interests of the European Community.;

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2. *The institutions, bodies, offices and agencies and, in so far as national law allows, the Member States shall, at the request of the Office or on their own initiative, forward any document or information they hold which relates to a current [...] investigation.'*

(8) The following Articles shall be inserted:

'Article 7a

Procedural guarantees

1. In its investigation the Office shall seek evidence for and against the person concerned. **Investigations shall be conducted objectively and impartially and in accordance with the principle of the presumption of innocence and the procedural guarantees set out in the procedural code for OLAF investigations referred to in Article 15a.**

2. As soon as an investigation reveals that a member, manager, official or other servant or a person serving an institution, body, office or agency or an economic operator may be implicated in a matter, the person concerned shall be informed, provided that this does not prejudice the conduct of the investigation.

In any event, **before the investigation's final report is drawn up** no conclusions referring by name to a natural or legal person may be drawn on completion of an investigation unless the person thus personally implicated has been given the opportunity to make his views known, **in writing or at an interview with employees designated by the Office**, on all matters concerning him. **The person concerned** must be given a summary of such matters in the invitation to comment **and shall submit his comments within the time limits indicated by the Office. In an interview** he is entitled to be assisted by a person of his choice. Any person implicated personally is entitled to use the official Community language of his choice; however, officials or other servants of the Communities may be asked to use an official Community language of which they have a thorough knowledge. A person implicated personally shall be entitled to avoid self incrimination.

In cases requiring absolute secrecy to be maintained for the sake of the investigation **or** entailing use of investigative proceedings falling under the jurisdiction of a national judicial authority or, in the case of an external investigation, that of a competent national authority, the *Director General* of the Office may decide to defer fulfilment of the obligation to ask the person implicated to make his views known, **while complying with the provisions on reviewing legality laid down in Article 14.** In the case of an internal investigation, the *Director General* of the Office shall take his decision **after having informed** the institution, body, office or agency to which the person concerned belongs.

The institution, body, office or agency shall, where necessary, decide on the expediency of any precautionary or administrative measures, taking due account of the interest of ensuring effective management of the investigation and of any particular confidentiality measures that the Office has recommended. The institution, body, office or agency shall inform the Office as soon as possible of the decision to take any measures under this Article or, where appropriate, of the need to initiate an additional disciplinary procedure on matters for which there is an appropriate competence under the Staff Regulations. An additional disciplinary procedure may be initiated after consulting the Office.

3. The invitation to any interview, whether with a witness or with a person implicated personally within the meaning of paragraph 2, must be sent with at least **ten** working days' notice; the period of notice may be shortened with the **express consent** of the person to be interviewed. The invitation shall include a list of the rights of the person interviewed. The Office shall draw up a record of the interview and shall give the person interviewed access to it so that he may either approve the record or add observations.

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When, in the course of the interview, **evidence emerges** that the person interviewed may be involved in the facts under investigation, the procedural rules provided for in paragraph 2 shall apply at once.

4. The procedural guarantees provided for in this Article shall apply without prejudice:
- (a) to more extensive protection which may derive from the rules of the Treaties, **the Charter of Fundamental Rights of the European Union** or any **other** relevant national **or Community** provisions, **including the Protocol on the Privileges and Immunities of the European Communities**;
 - (b) to rights and obligations conferred by the **Statute for Members of the European Parliament or the Staff Regulations**.

Article 7b

Information about decisions to close an investigation and take no further action

If, on completion of an investigation, no evidence has been found against a member, manager, official or other servant or person serving an institution, body, office or agency or against an economic operator, the investigation into that person shall be closed and no further action taken, by decision of the *Director General* of the Office, who shall, **within ten working days of the decision being taken**, inform the person concerned and, where appropriate, the institution, body, office or agency in writing.

Article 7c

Protection of journalistic sources

In order to make it possible to provide objective information to European taxpayers and to guarantee freedom of the press, all EU bodies involved in the investigation must respect the principle of protecting journalists' sources in accordance with national legislation.

- (9) In Article 8, paragraphs 3 and 4 shall be replaced by the following:

'3. The Office shall observe the Community and national provisions on the protection of personal data, in particular those provided for in Regulation (EC) No 45/2001 of the European Parliament and of the Council (*).

4. The *Director General* of the Office shall ensure that the provisions of this Article and of Article 287 of the Treaty are applied.

(*) OJ L 8, 12.1.2001, p. 1.'

- (10) The following Article shall be inserted:

'Article 8a

Notification of the final report on completion of the investigation

Before sending the final investigation report to the institutions, bodies, offices or agencies concerned or to the competent authorities of the Member States concerned, the Office shall communicate the conclusions and recommendations of the final report to the person implicated personally in the matter under internal or external investigation.

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The *Director General* of the Office may decide not to make the communication referred to in the first subparagraph in cases requiring the maintenance of absolute secrecy **or** use of investigative measures that fall under the jurisdiction of a national judicial authority, **in accordance with the national law applicable to investigations**. In the case of an internal investigation he shall decide, **having first duly informed** the institution, body, office or agency to which the person concerned belongs.

If the person implicated personally considers that the procedural guarantees provided for in Articles 6(5) and 7a have been disregarded in a manner liable to affect the conclusions of the investigation, that person may lodge a request for an opinion with the **Director General of the Office, in accordance with the procedure laid down in Article 14a**, within ten working days of receiving the conclusions of the final report.'

(11) Article 9 shall be amended as follows:

(a) paragraph 1 shall be replaced by the following:

'On completion of an investigation by the Office, the latter shall draw up a report, under the authority of the *Director General of the Office*, which shall **give** an account of the stages in the procedure, the legal basis, the facts established and their classification in law, and the findings of the investigation, including recommendations on action that should be taken. **The report shall specify the estimated financial loss and the amounts to be recovered. The regulatory procedure referred to in Article 15a shall detail all the other information to be included in the report for purposes of recovery, responsibility for which lies with the competent authorising officer.**'

(b) paragraph 3 shall be replaced by the following:

'3. Reports drawn up following an external investigation and any useful related documents shall be sent to the competent authorities of the Member States concerned in accordance with the rules relating to external investigations and to the Commission. The competent authorities of the Member States concerned shall, in so far as is not incompatible with national law, inform the *Director General* of the Office of the action taken as a result of the investigation reports sent to them. **To this end, they shall send a progress report to the Director General of the Office every six months or, where applicable, within the period laid down by the Director General of the Office.**

The Office shall send to the competent authorities of third countries, in accordance with the cooperation and mutual assistance agreements concluded with the Commission, and to international organisations, in accordance with the agreements concluded with the Commission, the conclusions and recommendations of the report drawn up following an external investigation and any useful related documents. The Commission shall ensure that the competent authorities of the third countries identified in the cooperation and mutual assistance agreements as the Office's points of contact inform the Director General of the Office, in so far as this is compatible with national law, of the action taken on the conclusions and recommendations of the final investigation report. The Commission shall likewise ensure that the international organisations inform the Director General of the Office of the action taken further to the conclusions and recommendations of the final investigation report. To this end, they shall send a progress report to the Director General of the Office every six months or, where applicable, within the period laid down by the Director General of the Office.'

(c) the following paragraph shall be inserted:

'Where the report drawn up after an internal investigation **contains information pertaining to** facts which could give rise to criminal proceedings, the final report shall be transmitted to the judicial authorities of the Member State concerned **and, without prejudice to national provisions on judicial procedures**, to the institution, body, office or agency concerned in accordance with paragraph 4.'

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(d) Article 9(4) shall be replaced by the following:

‘4. Reports drawn up following an internal investigation and any useful related documents shall be sent to the institution, body, office or agency concerned. The institution, body, office or agency shall take such action, in particular disciplinary or legal, on the internal investigations, as the results of those investigations warrant, and shall report thereon to the Director General of the Office [...]. To that end they shall send the Director General of the Office, every six months or, where appropriate, within the time-limits that the Director General of the Office has set, a report on the progress made.’

(e) the following paragraph shall be added:

‘An informer who has provided the Office with information relating to suspected fraud or irregularity may, if he so requests, be informed by the Office that an investigation has been closed and, where appropriate, that a final report has been sent to the competent authorities. The Office may, however, refuse the request when it considers that it is such as to prejudice the legitimate interests of the persons concerned, the effectiveness of the investigation and the action to be taken subsequent thereto or any confidentiality requirements.’

(12) Article 10 shall be replaced by the following:

‘Article 10

Exchange of information between the Office and the national authorities of the Member States

1. Without prejudice to Articles 8 and 9 of this Regulation and to the provisions of Regulation (Euratom, EC) No 2185/96, the Office may at any time forward to the competent authorities of the Member States concerned information obtained in the course of external investigations.

The decision to forward such information shall be taken by the Director General of the Office, after consultation of the Office’s Executive Board and in accordance with the legality review provisions set out in Article 14(2).

2. Without prejudice to Articles 8 and 9, the *Director General* of the Office shall, in the course of internal investigations, forward to the judicial authorities of the Member State concerned information obtained by the Office concerning facts entailing use of investigative proceedings within the jurisdiction of a national judicial authority or which are so serious as to require urgent criminal prosecution. In such a case he shall first inform the institution, body, office or agency concerned. The information forwarded shall include the identity of the person implicated by the investigation, a summary of the facts established, a preliminary legal evaluation and any financial loss.

The decision to forward such information shall be taken by the Director General of the Office, after consultation of the Office’s Executive Board and in accordance with the legality review provisions set out in Article 14(2).

Before forwarding the information referred to in the first subparagraph, ***provided that this is not prejudicial to the conduct of the inquiry***, the Office shall give the person implicated by the investigation the opportunity to comment on the matters concerning him subject to the conditions, and in accordance with the arrangements, set out in the second and third subparagraphs of Article 7a(2).

3. The competent authorities, and in particular the judicial authorities, of the Member State concerned shall, in so far as is not incompatible with national law, inform the *Director General* of the Office as quickly as possible of the action taken on the basis of the information forwarded to them under this Article.

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4. *Information exchange and cooperation between the Office and the competent authorities of the Member States, as well as the actions and measures taken or implemented on the basis of the information forwarded to them, shall be regularly analysed in the framework of the concertation procedure established under Article 11a.'*

(13) *The following Articles shall be inserted:*

'Article 10a

Exchange of information between the Office and the relevant interested institutions

1. *The Director General of the Office shall report regularly, at least once a year to the European Parliament, the Council, the Commission and the Court of Auditors on the results of the investigations carried out by the Office, with due respect for the confidentiality of those investigations, the legitimate rights of the people involved and, where applicable, the national provisions applicable to judicial procedures.*

The Director General of the Office shall act in accordance with the principle of independence that informs his mission.

2. *The European Parliament, the Council, the Commission and the Court of Auditors shall ensure that the confidentiality of the investigations carried out by the Office, the legitimate rights of the people concerned and, where there are judicial procedures, all national provisions applicable to those procedures, is preserved.*

3. *The Office and the institutions concerned may reach agreements regarding the forwarding of any information necessary for the accomplishment of the Office's mission, in compliance with the principles set out in paragraphs 1 and 2.*

Article 10b

Public information

The Director General of the Office shall ensure that public information is given neutrally and impartially and in accordance with the principles set out in Article 10a.

The procedural code for OLAF investigations adopted under Article 15 sets out the rules on prevention of unauthorised distribution of information relating to the Office's operational activity and the disciplinary sanctions to be applied in the event of an information leak, in accordance with Article 8(3).'

(14) *Article 11 shall be amended as follows:*

(a) *paragraph 1 shall be replaced by the following:*

The Supervisory Committee shall ensure that the Office exercises in full independence the competences conferred upon it by this Regulation by regular monitoring of the implementation of the investigative function. The Supervisory Committee shall:

- (a) *ensure that the rules governing information exchanges between the Office and the institutions, bodies, offices and agencies are complied with;*
- (b) *monitor developments regarding the application of procedural guarantees and the duration of investigations in the light of the periodic statistics, information and investigation reports supplied to it by the Director General of the Office and the opinions drawn up by the Review Adviser;*

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- (c) *assist the Director General of the Office, ensuring that the Office has the resources needed to carry out its investigative task;*
- (d) *give opinions and recommendations on:*
 - *the identification of priorities for investigation;*
 - *the duration of investigations and action taken on investigations;*
 - *the procedural code for OLAF investigations;*
- (e) *give opinions on action by the Director General of the Office before the Court of Justice of the European Communities and the national courts;*
- (f) *assist the Director General of the Office in the concertation procedure.*
- (g) *The Supervisory Committee may bring the Commission or any other institution before the Court of Justice, when it considers that these institutions have taken measures which call the independence of the Director General of the Office into question.*

The Supervisory Committee shall deliver opinions to the *Director General* of the Office, on its own initiative or at his request or the request of an institution, body, office or agency, without however interfering with the conduct of investigations in progress. The applicant shall be provided with a copy of such opinions.;

- (b) *paragraph 2 shall be replaced by the following:*

'2. It shall be composed of five independent outside persons occupying, at the time of their appointment, senior judicial or investigative posts, or comparable posts, relating to the Office's areas of activity. They must possess knowledge of the workings of the institutions of the European Union and of a second official EU language.'

The members of the committee shall be appointed by common agreement of the European Parliament, the Council and the Commission. A call for applications shall be published in the Official Journal of the European Union. The five persons shall be chosen on the basis of a "pre-selection list" submitted by the Commission, comprising at least 12 candidates.'

- (c) *paragraph 3 shall be replaced by the following:*

'3. The term of office of members shall be five years and shall not be renewable. Some members shall be appointed at staggered intervals in order to preserve the Committee's expertise.'

- (d) *paragraphs 6, 7 and 8 shall be replaced by the following:*

'6. The Supervisory Committee shall appoint its chair. It shall adopt its own rules of procedure, which shall, before adoption, be submitted to the European Parliament, the Council and the Commission for their opinion. Meetings of the Supervisory Committee shall be convened on the initiative of its chair or of the Director General of the Office. The Supervisory Committee shall take its decisions by a majority of its members. Its secretariat shall be provided by the Office.'

'7. The Director General of the Office shall forward to the Supervisory Committee each year the Office's programme of investigative activities. He shall keep the Supervisory Committee regularly informed of the Office's activities, the implementation of its investigative function and the action taken by way of follow-up to investigations.'

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The *Director General* of the Office shall inform the Supervisory Committee:

- (a) of cases *in which* the institution, body, agency or office concerned has failed to act on the recommendations made by it;
- (b) of cases in which ***the competent authorities of the Member States have failed act on the recommendations made by it.***

8. The Supervisory Committee shall adopt at least one report on its activities per year, covering in particular ***the assessment of the Office's independence***, the application of procedural guarantees and the duration of investigations; such reports shall be sent to the institutions. The Committee may submit reports to the European Parliament, the Council, the Commission and the Court of Auditors on the results of the Office's investigations and the action taken thereon.'

(15) The following Article *shall be* inserted:

'Article 11a

Concertation procedure

1. A concertation procedure between the European Parliament, the Council and the Commission shall be established.

2. The concertation procedure shall relate to:

(a) ***the relations and cooperation between the Office and the Member States, and among the latter, in particular:***

- ***coordination of actions taken pursuant to Article 1;***
- ***the implementation and application of this Regulation, Regulation (EC, Euratom) No 2988/95 and Regulation (Euratom, EC) No 2185/96, as well as of the Convention on the protection of the financial interests of the European Communities of 26 July 1995 and its protocols;***
- ***the action taken on the Office's final investigation reports and the action taken further to the forwarding of information by the Office;***

(b) ***the relations and cooperation between the Office and the institutions, bodies, offices and agencies, including Eurojust and Europol, including the assistance offered to the Office by the institutions and the action taken on final investigation reports or further to the forwarding of information by the Office;***

(c) ***the relations and cooperation between the Office and the competent authorities in third countries, as well as with international organisations, in the framework of the agreements referred to in this Regulation;***

(d) ***aspects relating to the Office's investigation policy priorities;***

(e) ***the Supervisory Committee's reports and analyses;***

3. Concertation shall take place at least once a year and at the request of one of the institutions.

4. The Director General of the Office and the chair of the Supervisory Committee shall take part in the concertation procedure. Representatives of the Court of Auditors, Eurojust and Europol may be invited.

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5. *Concertation shall be prepared at one or more technical meetings. The meetings shall be convened at the request of one of the institutions or of the Office.*

6. *The concertation procedure may not under any circumstances interfere with the conduct of investigations and shall be carried out with full respect for the independence of the Director General of the Office.*

7. *The institutions, bodies, offices and agencies, the Office and the Member States shall inform the parties to the concertation procedure of the action taken further to the conclusions of the concertation procedure on every occasion.'*

(16) Article 12 shall be replaced by the following:

¶ Article 12

Director General of the Office

1. *The Office shall be placed under the authority of a Director General of the Office appointed by the Commission for a term of five years, which may be renewed once.*

The European Parliament and the Council shall designate the Director General of the Office by common agreement on the basis of a list of 6 candidates put forward by the Commission. A call for applications shall be published in the Official Journal of the European Union.

The appointment shall be made within three months of the list of candidates being put forward by the Commission. The duration of the appointment procedure as a whole may not exceed nine months and the procedure must begin at least nine months before the end of the term of office of the incumbent, who shall remain in office until the beginning of the new Director General's term of office.

If the European Parliament and/or the Council do not oppose the renewal of the Director General's mandate at the latest nine months before his first mandate expires, the Commission will proceed to extend the mandate of the Director General. Opposition to the extension of the mandate should be justified. Otherwise, the nomination procedure provided for in the third subparagraph of this paragraph applies.

2. *The Director General of the Office shall be chosen from among the candidates from Member States who occupy or have occupied a senior judicial or an executive investigative post and who have operational professional experience of at least ten years in a position of high management responsibility. A significant portion of this professional experience shall have been acquired in the area of the fight against national and/or Community fraud. The Director General of the Office must have a thorough knowledge of the workings of the Union institutions and of a second official language of the Union. The candidate's independence must be beyond doubt.*

3. *The Director General shall neither seek nor take instructions from any government or any institution, body, office or agency in the performance of his duties with regard to the opening and carrying out of external and internal investigations or to the drafting of reports following such investigations. If the Director General considers that a measure taken by the Commission calls his independence into question, he shall immediately inform the Supervisory Committee for their opinion, and decide whether to bring an action against the institution concerned before the Court of Justice.*

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The Director General of the Office shall report regularly to the European Parliament, the Council, the Commission and the Court of Auditors, in the context of the concertation procedure referred to in Article 11a, on the findings of investigations carried out by the Office, the action taken and the problems encountered, whilst respecting the confidentiality of the investigations, the legitimate rights of the persons concerned and, where appropriate, national provisions applicable to judicial proceedings.

The above institutions shall ensure that the confidentiality of the investigations conducted by the Office is respected, together with the legitimate rights of the persons concerned, and, where judicial proceedings have been instituted, that all national provisions applicable to such proceedings have been adhered to.

4. Before adopting any disciplinary sanction against the *Director General of the Office*, the Commission shall consult the Supervisory Committee, meeting with representatives of the **European Parliament and of the Council** in the context of the **concertation procedure provided for in Article 11a**.

Measures relating to disciplinary sanctions against the *Director General of the Office* shall be the subject of reasoned decisions, which shall be forwarded for information to the European Parliament, to the Council and to the Supervisory Committee.

5. ***The Director General of the Office will inform the Commission if he intends to engage in any new occupational activity within two years of leaving the post, in conformity with Article 16 of the Staff Regulations.***

6. The *Director General of the Office* shall each year, after securing the opinion of the Supervisory Committee, determine the programme of activities and the investigation policy priorities of the Office.

7. The *Director General of the Office* may delegate the exercise of certain of his functions under Articles 5, 6(3), 7b and 10(2) to one or more members of the staff of the Office by a written document specifying the conditions and limits governing the delegation.'

(17) ***The following Article shall be inserted:***

'Article 12a

Interventions of the Director General of the Office before the Court of Justice of the European Communities and before the national courts

The Director General of the Office may intervene in cases, in connection with the conduct of the Office's activities, brought before the Court of Justice and, in accordance with national law, before the national courts.

Before intervening before the Court of Justice of the European Communities or the national courts, the Director General of the Office shall seek an opinion of the Supervisory Committee.'

(18) Article 13 shall be replaced by the following:

'Article 13

Financing

The appropriations for the Office, the total amount of which shall be entered under a specific budget line within the section of the General Budget of the European Union relating to the Commission, shall be set out in detail in an Annex to that section.

The establishment plan of the Office shall be annexed to the Commission's establishment plan.'

(19) Article 14 shall be replaced by the following:

'Article 14

Review of legality of the Office's investigations

- 1. The review of legality of the Office's investigations shall relate to respect for procedural guarantees and the fundamental rights of the persons concerned by an Office investigation.*
- 2. The review of legality shall be carried out before the opening and before the close of an investigation, before any forwarding of information to the competent authorities in the Member States concerned within the meaning of Articles 9 and 10, and in connection with an evaluation of the absolute confidentiality of the investigation.*
- 3. The review of legality of investigations shall be carried out by Office experts in law and investigative procedure who are qualified to hold judicial office in a Member State. Their opinion shall be annexed to the final investigation report.*
- 4. The procedural code for OLAF investigations referred to in Article 15a sets out the procedure for the review of legality.'*

(20) The following Article shall be inserted:

'Article 14a

Filing of complaints by persons concerned by Office investigations

- 1. Any person personally concerned by an investigation may lodge a complaint with the Supervisory Committee alleging a violation of that person's procedural or human rights in the course of the investigation. Following reception of a complaint, the Supervisory Committee shall transmit the complaint without delay to a Review Adviser.*
- 2. The Director General of the Office, acting on a proposal from the Supervisory Committee, shall appoint a Review Adviser for a non-renewable term of five years. The Supervisory Committee shall base its proposal on a list of several candidates drawn up following a call for applications.*
- 3. The Review Adviser shall act in complete independence. He shall neither seek nor take instructions from anyone in the performance of his duties. He shall perform no functions within the Office other than those related to monitoring compliance with procedures.*
- 4. The Review Adviser is also competent for dealing with the complaints of the informers, including persons falling under Article 22 of the Staff Regulations.*
- 5. The Review Adviser shall, within no more than 30 working days of the forwarding of the complaint, give the complainant, the Supervisory Committee and the Director General of the Office his opinion.*
- 6. The Review Adviser shall report regularly to the Supervisory Committee on his activities. He shall present it, and the Commission, with regular statistical and analytical reports on questions related to complaints.'*

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(21) Article 15 shall be replaced by the following:

Article 15

Evaluation report

In the course of ()..., the Commission shall transmit to the European Parliament and the Council a report on the application of this Regulation, together with an opinion by the Supervisory Committee. The report shall state whether there is a need to amend this Regulation. In any event, this Regulation shall be amended after the creation of a European Public Prosecutor's Office.*

(*) Fourth year after the entry into force of this Regulation.'

(22) The following Article || shall be inserted:

Article 15a

Procedural code for OLAF investigations

1. *The Office shall adopt a "procedural code for OLAF investigations" incorporating the judicial and procedural principles adopted under the present regulation. It shall take account of the Office's operational practices.*

2. *The procedural code for OLAF investigations shall set out the practices to be observed in implementing the mandate and statute of the Office, general principles governing investigative procedures, as well as the main investigative acts, the legitimate rights of the persons concerned, procedural guarantees, provisions relating to data protection and policies on communication and access to documents, provisions on review of legality and the means of redress open to the people concerned.*

3. *Before adoption of the procedural code for OLAF investigations, the European Parliament, the Council, the Commission and the Office's Supervisory Committee shall be consulted. The Supervisory Committee shall ensure the independence of the Office in adopting the procedural code for OLAF investigations.*

4. *The procedural code for OLAF investigations may be updated at the proposal of the Director General of the Office. In this case the adoption procedure referred to in this Article shall apply.*

5. *The procedural code for OLAF investigations adopted by the Office shall be published in the Official Journal of the European Union.'*

||

Article 2

The provisions of Article 12(1) of Regulation (EC) No 1073/1999 as amended by this regulation shall not apply to the Director General of the Office in office at the date of entry into force of this regulation, whose term of office has been renewed for a period of five years.

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Article 3

This Regulation shall enter into force on the [...] day following that of its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ..., on ...

For the European Parliament
The President

For the Council
The President

Draft amending budget No 8/2008

P6_TA(2008)0554

European Parliament resolution of 20 November 2008 on Draft amending budget No 8/2008 of the European Union for the financial year 2008 (15765/2008 — C6-0426/2008 — 2008/2287(BUD))

(2010/C 16 E/40)

The European Parliament,

- having regard to Article 272 of the EC Treaty and Article 177 of the Euratom Treaty,
 - having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽¹⁾, and particularly Articles 37 and 38,
 - having regard to the general budget of the European Union for the financial year 2008, as finally adopted on 13 December 2007 ⁽²⁾,
 - having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽³⁾,
 - having regard to Preliminary draft amending budget No 9/2008 of the European Union for the financial year 2008, which the Commission presented on 6 October 2008 (COM(2008)0619),
 - having regard to Draft amending budget No 8/2008, which the Council established on 18 November 2008 (15765/2008 — C6-0426/2008),
 - having regard to Rule 69 of and Annex IV to its Rules of Procedure,
 - having regard to the report of the Committee on Budgets (A6-0453/2008),
- A. whereas Draft amending budget No 8 to the general budget 2008 concerns only the European Economic and Social Committee and covers the budgetary adjustments resulting from the fact that the increase in salaries and pensions was lower than that used as a basis for drawing up the 2008 preliminary draft,

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.

⁽²⁾ OJ L 71, 14.3.2008.

⁽³⁾ OJ C 139, 14.6.2006, p. 1.

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- B. whereas the principle of presenting an amending budget updating technical data which served to establish the budget in the first place, with a view to returning funds to the taxpayer, is to be welcomed, although, in this case, the cost of the procedure may unfortunately exceed the actual money to be returned,
1. Takes note of Preliminary draft amending budget No 9/2008, which reduces the European Economic and Social Committee's 2008 budget (costs) by EUR 318 262 and its revenue by EUR 48 265;
 2. Approves Draft amending budget No 8/2008 unamended;
 3. Instructs its President to forward this resolution to the Council and Commission.

Conditions of entry and residence of third-country nationals for the purposes of highly qualified employment *

P6_TA(2008)0557

European Parliament legislative resolution of 20 November 2008 on the proposal for a Council directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (COM(2007)0637 — C6-0011/2007 — 2007/0228(CNS))

(2010/C 16 E/41)

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2007)0637),
 - having regard to Article 63(3)(a) and (4) of the EC Treaty,
 - having regard to Article 67 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0011/2007),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Employment and Social Affairs and the Committee on Development (A6-0432/2008),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;

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3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
4. Calls for initiation of the conciliation procedure under the Joint Declaration of 4 March 1975 if the Council intends to depart from the text approved by Parliament;
5. Calls on the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
6. Instructs its President to forward its position to the Council and the Commission.

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 1**Proposal for a directive****Recital 2a (new)**

(2a) At its special meeting in Tampere on 15 and 16 October 1999, the European Council noted the need for approximation of national legislation on the conditions for admission and residence of third-country nationals. In that connection, it declared in particular that the European Union should ensure fair treatment of third-country nationals who reside legally on Member States' territory and that a more vigorous integration policy should aim to grant them rights and obligations comparable to those of Union citizens.

Amendment 2**Proposal for a directive****Recital 3**

(3) The Lisbon European Council in March 2000 set the Community the objective of becoming the most competitive and dynamic knowledge-based economy in the world by 2010.

(3) The Lisbon European Council in March 2000 set the Community the objective of becoming the most competitive and dynamic knowledge-based economy in the world, **capable of sustainable economic growth with more and better jobs and greater social cohesion** by 2010. **Measures to attract and retain highly qualified third-country workers as part of an approach based on the needs of Member States should be seen in the broader context established by the Lisbon Strategy and by the Integrated Guidelines for Growth and Jobs.**

Amendment 3**Proposal for a directive****Recital 5a (new)**

(5a) In an increasingly global labour market, the European Union should increase its attractiveness to workers, in particular highly qualified workers, from third countries. That objective can be more effectively achieved by granting privileges, e.g. particular derogations, and by making it possible to have easier access to relevant information.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 4
Proposal for a directive
Recital 6

(6) To achieve the objectives of the Lisbon Process it is also important to foster the mobility within the Union of highly qualified workers who are EU citizens, and in particular from the Member States which acceded in 2004 and 2007. In **implementing** this Directive, **Member States are bound to respect** the principle of Community preference as expressed in particular in the relevant provisions of the Acts of Accession of 16 April 2003 and 25 April 2005.

(6) To achieve the objectives of the Lisbon Process it is also important to foster the mobility within the Union of highly qualified workers who are EU citizens, and in particular from the Member States which acceded in 2004 and 2007. In **the implementation of** this Directive, the principle of Community preference as expressed in particular in the relevant provisions of the Acts of Accession of 16 April 2003 and 25 April 2005 **should be respected**.

Amendment 5
Proposal for a directive
Recital 10

(10) This Directive should provide for a flexible demand-driven entry system, based on objective criteria such as **a minimum salary threshold comparable with the wage levels in the Member States and on** professional qualifications. **The definition of a common minimum denominator for the national wage threshold** is necessary to ensure **a minimum level of harmonisation in the admission conditions throughout the EU. Member States should fix their national threshold accordingly to the situation of their respective labour markets and their general immigration policies.**

(10) This Directive should provide for a flexible demand-driven entry system, based on objective criteria such as professional qualifications. **Application of the principle of 'equal pay for equal work'** is necessary to ensure **that EU nationals and third-country nationals are treated equally.**

Amendment 6
Proposal for a directive
Recital 11

(11) **Derogations from the main scheme in terms of the salary threshold should be laid down for highly qualified applicants under 30 years of age who, due to their relatively limited professional experience and their position on the labour market, may not be in a position to fulfil the salary requirements of the main scheme, or for those who have acquired their higher education qualifications in the European Union.**

deleted

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 7
Proposal for a directive
Recital 15a (new)

(15a) In the case of intra-EU mobility from one Member State to another after renewal of an EU Blue Card, cross-border commuting may be an option for the EU Blue Card holder. As the EU Blue Card combines a work and residence permit, it does not offer the option of commuting to another Member State for the purpose of work while residing in the Member State which issued the EU Blue Card. The possibility of cross-border commuting should be addressed by Council Directive .../.../EC of ... on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State.

Amendment 8
Proposal for a directive
Recital 17

(17) The mobility of highly qualified third-country workers between the Community and their countries of origin should be fostered and sustained. Derogations from Council Directive 2003/109/EC of 25 November 2003 on the status of third-country nationals who are long-term residents should be foreseen in order to extend the period of absence from the territory of the Community which is not taken into account for the calculation of the period of legal and continuous residence necessary to be eligible for the EC long-term residence status. Longer periods of absence than those provided for in Council Directive 2003/109/EC should also be allowed after highly qualified third-country workers have acquired EC long-term residence status. In particular, to encourage the circular migration of highly qualified third-country workers originating from developing countries, Member States should take into consideration making use of the possibilities offered in Article 4(3), second subparagraph, and Article 9(2) of Council Directive 2003/109/EC to allow for longer periods of absence than those provided for in this Directive. In order to ensure consistency in particular with the underlying development objectives, these derogations should only be applicable if it can be proven that the person concerned has returned to his/her country of origin **for work, study or volunteering activities**.

(17) The mobility of highly qualified third-country workers between the Community and their countries of origin should be fostered and sustained. Derogations from Council Directive 2003/109/EC of 25 November 2003 on the status of third-country nationals who are long-term residents should be foreseen in order to extend the period of absence from the territory of the Community which is not taken into account for the calculation of the period of legal and continuous residence necessary to be eligible for the EC long-term residence status. Longer periods of absence than those provided for in Council Directive 2003/109/EC should also be allowed after highly qualified third-country workers have acquired EC long-term residence status. In particular, to encourage the circular migration of highly qualified third-country workers originating from developing countries, Member States should take into consideration making use of the possibilities offered in Article 4(3), second subparagraph, and Article 9(2) of Council Directive 2003/109/EC to allow for longer periods of absence than those provided for in this Directive. In order to ensure consistency in particular with the underlying development objectives, these derogations should only be applicable if it can be proven that the person concerned has returned to his/her country of origin.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 9
Proposal for a directive
Recital 20

(20) In implementing this Directive, Member States should **refrain from pursuing active recruitment in developing countries in sectors suffering from lack of human resources**. Ethical recruitment policies and principles **applicable to public and private sector employers should be developed in particular in the health sector, as underlined in the Council and Member States' conclusions of 14 May 2007 on the European Programme for Action to tackle the critical shortage of health workers in developing countries (2007-2013)**. These should be strengthened by the development of mechanisms, guidelines and other tools to facilitate circular and temporary migration, **as well as other measures that would minimise negative and maximise positive impacts of highly skilled immigration on developing countries**. Any such intervention must be taken along the lines of the Joint Africa-EU Declaration on Migration and Development agreed in Tripoli on 22 and 23 November 2006 and with a view of establishing a comprehensive migration policy as called for by the European Council of 14 and 15 December 2006.

(20) In implementing this Directive, **the** Member States should **not actively seek to attract highly qualified workers in sectors that are already subject, or are expected to be subject, to a shortage of highly qualified workers in the third country. This applies to the health and education sectors in particular. Member States should establish cooperation agreements with third countries with a view to safeguarding both the Union's needs and the development of the third countries from which highly qualified immigrants come. The cooperation agreements should include** ethical recruitment policies and principles and be strengthened by the development of mechanisms, guidelines and other tools to facilitate circular and temporary migration **by which highly qualified immigrants may return to their countries of origin**. Any such intervention must be taken along the lines of the Joint Africa-EU Declaration on Migration and Development agreed in Tripoli on 22 and 23 November 2006 **and the conclusions of the first meeting of the Global Forum on Migration and Development of July 2007**, and with a view of establishing a comprehensive migration policy as called for by the European Council of 14 and 15 December 2006. **In addition, the Member States, in cooperation with the countries of origin, should offer concrete support for the training of professionals in key sectors weakened by the exodus of talent.**

Amendment 10
Proposal for a directive
Article 2 — point b

(b) 'highly qualified employment' means the exercise of genuine and effective work under the direction of someone else for which a person is paid and for which higher education qualifications or **at least three years of equivalent professional experience is** required;

(b) 'highly qualified employment' means the exercise of genuine and effective work **as an employee** under the direction of someone else for which a person is paid and for which higher education qualifications or **higher professional qualifications are** required;

Amendment 11
Proposal for a directive
Article 2 — point c

(c) 'EU Blue Card' means the authorisation bearing the term 'EU Blue Card' entitling its holder to reside and work legally in its territory and to move to another Member State for highly qualified employment **under the terms of this Directive**;

(c) 'EU Blue Card' means the authorisation bearing the term 'EU Blue Card' entitling its holder to reside and work legally in its territory and, **in accordance with Chapter V**, to move to another Member State for highly qualified employment;

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 12
Proposal for a directive
Article 2 — point f

(f) 'family members' means third-country nationals as defined in Article 4(1) of Directive 2003/86/EC;

(f) 'family members' means third-country nationals as defined in Article 4(1), **4(2)(b) and 4(3)** of Directive 2003/86/EC;

Amendment 13
Proposal for a directive
Article 2 — point g

(g) 'higher education qualification' stands for any degree, diploma or other certificate issued by a competent authority attesting the successful completion of a higher education programme, namely a set of courses provided by an educational establishment recognised as a higher education institution by the State in which it is situated. These qualifications are taken into account, for the purposes of this directive, on condition that the studies needed to acquire them lasted at least three years;

(g) 'higher education qualification' stands for any degree, diploma or other certificate issued **by a third country and subsequently recognised** by the competent authority **of a Member State** attesting the successful completion of a higher education programme, namely a set of courses provided by an educational establishment recognised as a higher education institution by the State in which it is situated. These qualifications are taken into account, for the purposes of this directive, on condition that the studies needed to acquire them lasted at least three years. **For the purpose of this Directive, in order to evaluate whether a third-country national possesses higher education, reference shall be made to International Standard Classification of Education (ISCED) 1997 levels 5a and 6;**

Amendment 14
Proposal for a directive
Article 2 — point h

(h) 'higher professional qualifications' means qualifications attested by evidence of **higher education qualifications or of at least three years of equivalent professional experience;**

(h) 'higher professional qualifications' means qualifications attested by evidence of **at least five years of professional experience of a level comparable to higher education qualifications, including at least two years in a senior position;**

Amendment 15
Proposal for a directive
Article 2 — point i

(i) 'professional experience' means the actual and lawful pursuit of the profession concerned.

(i) 'professional experience' means the actual and lawful pursuit of the profession concerned, **attested by any document issued by the public authorities, e.g. certificate of employment, social insurance certificate or tax certificate;**

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 16**Proposal for a directive****Article 2 — point i a (new)**

(ia) *'regulated profession' means a professional activity or group of professional activities access to which, the pursuit of which, or one of the modes of pursuit of which, is subject, directly or indirectly, by virtue of legislative, regulatory or administrative provisions, to the possession of specific professional qualifications; in particular, the use of a professional title limited by legislative, regulatory or administrative provisions to holders of given professional qualifications shall constitute a mode of pursuit.*

Amendment 17**Proposal for a directive****Article 3 — paragraph 1**

1. This Directive shall apply to third-country nationals who apply to be admitted to the territory of a Member State for the purpose of highly qualified employment.

1. This Directive shall apply to third-country nationals who apply to be admitted to the territory of a Member State for the purpose of highly qualified employment *as well as third-country nationals already legally resident under other schemes in a Member State who apply for an EU Blue Card.*

Amendment 18**Proposal for a directive****Article 3 — paragraph 2 — point a**

(a) staying in a Member State as applicants for international protection or under temporary protection schemes;

(a) staying in a Member State as applicants for international protection or under temporary protection schemes *or who, in either instance, have applied for a residence permit and on whose legal status no decision has yet been taken;*

Amendment 19**Proposal for a directive****Article 3 — paragraph 2 — point b**

(b) who *are refugees or* have applied for recognition as refugees and whose application has not yet given rise to a final decision;

(b) who have applied for recognition as refugees and whose application has not yet given rise to a final decision;

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 20**Proposal for a directive****Article 3 — paragraph 2 — point f**

(f) entering a Member State under commitments contained in an international agreement facilitating the entry and temporary stay of certain categories of trade and investment-related natural persons;

(f) entering a Member State under commitments contained in an international agreement facilitating the entry and temporary stay of certain categories of trade and investment-related natural persons, **in particular intra-corporate transferees, providers of contractual services and trainees with higher-education qualifications who are covered by the Community's obligations under the General Agreement on Trade in Services (GATS)**;

Amendment 21**Proposal for a directive****Article 3 — paragraph 2 — point g a (new)**

(ga) who have been admitted in the territory of a Member State as seasonal workers.

Amendment 22**Proposal for a directive****Article 3 — paragraph 3**

3. This Directive *should* be without prejudice to any future agreement between the Community or between the Community and its Member States on the one hand and one or more third countries on the other, that *would list* the professions which *should* not fall under this directive in order to assure ethical recruitment, in sectors suffering from a lack of personnel, by protecting human resources in the developing countries, signatories to these agreements.

3. This Directive *shall* be without prejudice to any future agreement between the Community or between the Community and its Member States on the one hand and one or more third countries on the other, that *lists* the professions which *will* not fall under this *Directive* in order to *ensure* ethical recruitment, in sectors suffering from a lack of personnel, **in sectors vital to achieving the UN Millennium Development Goals, in particular the health and education sectors, and in sectors vital to the ability of developing countries to deliver basic social services**, by protecting human resources in the developing countries, signatories to these agreements.

Amendment 23**Proposal for a directive****Article 4 — paragraph 2**

2. This Directive shall not affect the right of Member States to adopt or retain more favourable provisions concerning **conditions of entry and residence for** persons to whom **it** applies, **except for entry into the first** Member State.

2. This Directive shall not affect the right of Member States to adopt or retain more favourable provisions concerning persons to whom **this Directive** applies **than the following provisions**..

(a) Article 5(2) in the event of residence in the second Member State;

(b) Articles 12, 13(1) and (2), 14, 16, 17(4) and 20.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 25**Proposal for a directive****Article 5 — paragraph 1 — point a**

- | | |
|--|--|
| <p>(a) present a valid work contract or a binding job offer of at least one year in the Member State concerned;</p> | <p>(a) present a work contract for highly qualified employment which is valid under national law or a binding job offer of at least one year in the Member State concerned;</p> |
|--|--|

Amendment 26**Proposal for a directive****Article 5 — paragraph 1 — point c**

- | | |
|--|-----------------------|
| <p>(c) for unregulated professions, present the documents attesting the relevant higher professional qualifications in the occupation or sector specified in the work contract or in the binding offer of work;</p> | <p>deleted</p> |
|--|-----------------------|

Amendment 27**Proposal for a directive****Article 5 — paragraph 1 — point e**

- | | |
|--|--|
| <p>(e) present evidence of having a sickness insurance for the applicant and his/her family members for all the risks normally covered for nationals of the Member State concerned for periods where no such insurance coverage and corresponding entitlement to benefits are provided in connection with, or resulting from, the work contract;</p> | <p>(e) present evidence of having a sickness insurance for the applicant and his/her family members for all the risks normally covered for nationals of the Member State concerned for periods where no such insurance coverage and corresponding entitlement to health insurance benefits are provided in connection with, or resulting from, the work contract;</p> |
|--|--|

Amendment 28**Proposal for a directive****Article 5 — paragraph 1 — point f**

- | | |
|--|---|
| <p>(f) not be considered to pose a threat to public policy, public security or public health.</p> | <p>(f) not, for reasons which can be objectively demonstrated, constitute a threat to public policy, public security or public health.</p> |
|--|---|

Amendment 29**Proposal for a directive****Article 5 — paragraph 2**

2. In addition to the conditions stipulated in paragraph 1, the gross monthly **salary** specified in the work contract or binding job offer must not be inferior to a national **salary threshold** defined and published for the purpose by the Member States which shall be at least **three** times the **minimum** gross monthly **wage as set by national law**.

2. In addition to the conditions stipulated in paragraph 1, the gross monthly **wage** specified in the work contract or binding job offer must not be inferior to a national **level** defined and published for the purpose by the Member States which shall be at least **1,7** times the gross monthly **or annual average wages in the Member State concerned and shall not be inferior to the wages which apply or would apply to a comparable worker in the host country**.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Member States where minimum wages are not defined shall set the national salary threshold to be at least three times the minimum income under which citizens of the Member State concerned are entitled to social assistance in that Member State, or to be in line with applicable collective agreements or practices in the relevant occupation branches.

Amendment 30
Proposal for a directive
Article 5a (new)

Article 5a

Avoiding shortage of highly qualified workers in third countries

The Member States shall not actively seek to attract highly qualified workers in sectors that are already subject, or are expected to be subject, to a shortage of highly qualified workers in the third country. This applies to the health and education sectors in particular.

Amendment 31
Proposal for a directive
Article 6

Article 6

deleted

Derogation

If the application is submitted by a third-country national of less than 30 years of age and holding higher education qualifications, the following derogations shall apply:

- (a) Member States shall consider fulfilled the condition set out in Article 5(2) if the gross monthly salary offered corresponds to at least two-thirds of the national salary threshold defined in accordance with Article 5(2);*
- (b) Member States may waive the salary requirement provided for in Article 5(2) on condition that the applicant has completed higher education on site studies and obtained a Bachelor and a Master's degree in a higher education institution situated on the territory of the Community;*
- (c) Member States shall not require proof of professional experience in addition to the higher education qualifications, unless this is necessary to fulfil the conditions set out under national legislation for the exercise by EU citizens of the regulated profession specified in the work contract or binding job offer of work.*

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 32**Proposal for a directive****Article 8 — paragraph 2**

2. The initial validity of an EU Blue Card shall be of **two** years and shall be renewed for at least **the same duration**. If the work contract covers a period less than **two** years, the EU Blue Card shall be issued for the duration of the work contract plus **three** months.

2. The initial validity of an EU Blue Card shall be of **three** years and shall be renewed for at least **another two**. If the work contract covers a period **of** less than **three** years, the EU Blue Card shall be issued for the duration of the work contract plus **six** months.

Amendment 33**Proposal for a directive****Article 8 — paragraph 2a (new)**

2a. After 36 months of legal residence in a Member State as holder of an EU Blue Card, the person concerned shall be allowed to carry out highly qualified employment in another Member State while residing in the first Member State. Further details on cross-border commuting are to be drawn up in Directive .../.../EC [on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State].

Amendment 34**Proposal for a directive****Article 9 — paragraph 2 — subparagraph 1**

2. Before taking the decision on an application for an EU Blue Card, Member States may examine the situation of their labour market and apply **their** national procedures regarding the requirements for filling a vacancy.

2. Before taking the decision on an application for an EU Blue Card, Member States may examine the situation of their labour market and apply national **and Community** procedures regarding the requirements for filling a vacancy. **Their discretionary decision shall take account of national and regional demand for labour.**

Amendment 35**Proposal for a directive****Article 9 — paragraph 2 — subparagraph 1a (new)**

Member States may reject an application for an EU Blue Card in order to avoid a brain drain in sectors suffering from a lack of qualified personnel in the countries of origin.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 76
Proposal for a directive
Article 9 — paragraph 2 — subparagraph 2

For reasons of labour market policy, Member States **may** give preference to Union citizens, to third-country nationals, when provided for by Community legislation, as well as to third-country nationals who reside legally and receive unemployment benefits in the Member States concerned.

For reasons of labour market policy, Member States **shall** give preference to Union citizens, **and may give preference** to third-country nationals, when provided for by Community legislation, as well as to third-country nationals who reside legally and receive unemployment benefits in the Member States concerned.

Member States shall reject an application for an EU Blue Card in labour market sectors to which access by workers from other Member States is restricted on the basis of transitional arrangements set out in the Acts of Accession of 16 April 2003 and 25 April 2005.

Amendment 37
Proposal for a directive
Article 10 — paragraph 1

1. Member States shall withdraw or refuse to renew an EU Blue Card issued on the basis of this Directive **in the following cases:**

- (a) when **it** has been fraudulently acquired, or has been falsified or tampered with, **or**
- (b) wherever it appears that the holder did not meet or no longer meets the conditions for entry and residence laid down in Articles 5 and 6 or is residing for purposes other **that** that for which he/she was authorised to reside.
- (c) when the holder has not respected the limitations set out in Articles 13(1) and (2) and 14.

1. Member States shall withdraw or refuse to renew an EU Blue Card issued on the basis of this Directive when **the EU Blue Card** has been fraudulently acquired, or has been falsified or tampered with.

1a. Member States may withdraw or refuse to renew an EU Blue Card issued on the basis of this Directive in the following cases:

- (a) wherever it appears that the holder did not meet or no longer meets the conditions for entry and residence laid down in Articles 5 and 6 or is residing for purposes other **than** that for which he/she was authorised to reside;
- (b) when the holder has not respected the limitations set out in Articles 13(1) and (2) and 14.

Amendment 38
Proposal for a directive
Article 10 — paragraph 3

3. Member States may withdraw or refuse to renew an EU Blue Card **for reasons** of public policy, public security or public health.

3. Member States may withdraw or refuse to renew an EU Blue Card **only where there is a threat to the implementation** of public policy, **or to** public security or public health **which can be objectively demonstrated.**

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 39**Proposal for a directive****Article 11 — paragraph 3 — subparagraph 1a (new)**

By issuing an EU Blue Card, a Member State commits itself to issuing relevant documentation and visas, where applicable, as speedily as possible, but at least within a reasonable period of time before the applicant is due to start the employment on the basis of which the EU Blue Card was issued, unless that Member State cannot reasonably be expected to do so because of a late application for the EU Blue Card by either the employer or the third-country national concerned.

Amendment 40**Proposal for a directive****Article 12 — paragraph 2**

2. If the information supplied in support of the application is inadequate, the competent authorities shall notify the applicant of the additional information that is required. The period referred to in paragraph 1 shall be suspended until the authorities have received the additional information required.

2. If the information supplied in support of the application is inadequate, the competent authorities shall notify the applicant **as soon as possible** of the additional information that is required. The period referred to in paragraph 1 shall be suspended until the authorities have received the additional information required.

Amendment 41**Proposal for a directive****Article 12 — paragraph 3**

3. Any decision rejecting an application for an EU Blue Card, or non-renewing or withdrawing an EU Blue Card, shall be notified in writing to the third-country national concerned and, where relevant, to his/her employer in accordance with the notification procedures under the relevant national legislation and shall be open to challenge before the **courts** of the Member State concerned. The notification shall specify the reasons for the decision, the possible redress procedures available and the time limit for taking action.

3. Any decision rejecting an application for an EU Blue Card, or non-renewing or withdrawing an EU Blue Card, shall be notified in writing to the third-country national concerned and, where relevant, to his/her employer in accordance with the notification procedures under the relevant national legislation and shall be open to challenge before the **competent authority** of the Member State concerned **designated in accordance with national law**. The notification shall specify the reasons for the decision, the possible redress procedures available and the time limit for taking action.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 42
Proposal for a directive
Article 13 — paragraph 1

1. For the first two years of legal residence in the Member State concerned as holder of an EU Blue Card, access to the labour market for the person concerned shall be restricted to the exercise of paid employment activities which meet the conditions for admission set out in Articles 5 and 6. Modifications of the terms of the work contract that affect the conditions for admission or changes in the work relationship shall be **subject to the prior authorisation** in writing **of** the competent authorities of the Member State of residence, according to national procedures and within the time limits set out in Article 12(1).

1. For the first two years of legal residence in the Member State concerned as holder of an EU Blue Card, access to the labour market for the person concerned shall be restricted to the exercise of paid employment activities which meet the conditions for admission set out in Articles 5 and 6. Modifications of the terms of the work contract that affect the conditions for admission or changes in the work relationship shall be **notified in advance**, in writing, **to** the competent authorities of the Member State of residence, according to national procedures and within the time limits set out in Article 12(1).

Amendment 43
Proposal for a directive
Article 13 — paragraph 2

2. After the first two years of legal residence in the Member State concerned as holder of an EU Blue Card, the person concerned shall enjoy equal treatment with nationals **as regards access to highly qualified employment. The holder of the EU Blue Card shall notify changes in his/her work relationship to the competent authorities of the Member State of residence, according to national procedures.**

2. After the first two years of legal residence in the Member State concerned as holder of an EU Blue Card, the person concerned shall enjoy equal treatment with nationals.

Amendment 44
Proposal for a directive
Article 14 — paragraph 1

1. Unemployment in itself shall not constitute a reason for **revoking** an EU Blue Card, unless the period of unemployment exceeds **three** consecutive months.

1. Unemployment in itself shall not constitute a reason for **withdrawing or failing to renew** an EU Blue Card, unless the period of unemployment exceeds **six** consecutive months.

Amendment 45
Proposal for a directive
Article 14 — paragraph 1a (new)

1a. An EU Blue Card holder shall have the right to remain on the territory of the Member States for as long as he/she is engaged in training activities aimed at further increasing his/her professional skills or professional re-qualification.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 46**Proposal for a directive****Article 14 — paragraph 2**

2. During **this period**, the holder of the EU Blue Card shall be allowed to seek and take up employment under the conditions set out in Article 13(1) or (2) whichever is applicable.

2. During **the periods mentioned in paragraphs 1 and 1a**, the holder of the EU Blue Card shall be allowed to seek and take up **highly qualified** employment under the conditions set out in Article 13(1) or (2) whichever is applicable.

Amendment 47**Proposal for a directive****Article 15 — paragraph 2**

2. *Member States may restrict the rights conferred under paragraphs 1(c) and (i) in respect to study grants and procedures for obtaining public housing to cases where the holder of the EU Blue Card has been staying or has the right to stay in its territory for at least three years.* **deleted**

Amendment 48**Proposal for a directive****Article 15 — paragraph 3**

3. *Member States may restrict equal treatment as regards social assistance to cases where the holder of the EU Blue Card has been granted EC long-term resident status in accordance with Article 17.* **deleted**

Amendment 49**Proposal for a directive****Article 16 — paragraph 2a (new)**

2a. Article 8(2) shall be taken to mean that an EU Blue Card holder must have resided lawfully in the territory of a first Member State for the period of validity of the EU Blue Card, renewal included.

Amendment 51**Proposal for a directive****Article 17 — paragraph 4**

4. By way of derogation from Article 9(1)(c) of Directive 2003/109/EC, Member States **shall** extend the period of absence allowed to an EU Blue Card holder and of his/her family members having been granted the EC long-term residence status from the territory of the Community to 24 consecutive months.

4. By way of derogation from Article 9(1)(c) of Directive 2003/109/EC, Member States **may** extend the period of absence allowed to an EU Blue Card holder and of his/her family members having been granted the EC long-term residence status from the territory of the Community to 24 consecutive months.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 52
Proposal for a directive
Article 17 — paragraph 5

5. The derogations to Directive 2003/109/EC set out in paragraphs 3 and 4 shall apply only in cases where the third-country national concerned can present evidence that he/she has been absent from the territory of the Community to exercise an economic activity in an employed or self-employed capacity, or to perform a voluntary service, or to study *in his/her own country of origin*.

5. The derogations to Directive 2003/109/EC set out in paragraphs 3 and 4 shall apply only in cases where the third-country national concerned can present evidence that he/she has been absent from the territory of the Community to exercise, *in his/her country of origin*, an economic activity in an employed or self-employed capacity, or to perform a voluntary service, or to study, *in order to encourage the circular mobility of these professionals, as well as the subsequent involvement of the same migrant workers in training, research and technical activities in their countries of origin*.

Amendment 53
Proposal for a directive
Article 19 — paragraph 3 — introductory part

3. In accordance with the procedures set out in Article 12, the second Member State shall process the *notification* and inform in writing the applicant and the first Member State of its decision to:

3. In accordance with the procedures set out in Article 12, the second Member State shall process the *application and the documents referred to in paragraph 2 of this Article* and inform in writing the applicant and the first Member State of its decision to:

Amendment 54
Proposal for a directive
Article 19 — paragraph 3 — point b

(b) refuse to issue an EU Blue Card *and* oblige the applicant and his/her family members, in accordance with the procedures provided for by national law, including removal procedures, to leave its territory *if the conditions set out in this Article are not fulfilled*. The first Member State shall immediately readmit without formalities the holder of the EU Blue Card and his/her family members. The provisions of Article 14 shall apply after readmission.

(b) refuse to issue an EU Blue Card *if the conditions set out in this Article are not fulfilled or there are grounds for refusal pursuant to Article 9. In that case, the Member State shall* oblige the applicant, *if he/she is already in its territory*, and his/her family members, in accordance with the procedures provided for by national law, including removal procedures, to leave its territory. The first Member State shall immediately readmit without formalities the holder of the EU Blue Card and his/her family members. The provisions of Article 14 shall apply after readmission.

Amendment 75
Proposal for a directive
Article 20 — paragraph 2

2. In cases where a Member State decides to apply the restrictions on access to the labour market provided for in Article 14(3) of Directive 2003/109/EC, it *shall* give preference to holders of the residence permit 'long-term resident — EC/EU Blue Card holder' over other third-country nationals applying to reside there for the same purposes.

2. In cases where a Member State decides to apply the restrictions on access to the labour market provided for in Article 14(3) of Directive 2003/109/EC, it *may* give preference to holders of the residence permit 'long-term resident — EC/EU Blue Card holder' over other third-country nationals applying to reside there for the same purposes *in a situation where two or more candidates are equally well qualified for the job*.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 57**Proposal for a directive****Article 22 — paragraph 1**

1. Member States shall communicate to the Commission and the other Member States if legislative or regulatory measures are enacted in respect of Articles 7, 9(2), 19(5) and 20 through the network established by Decision 2006/688/EC.

1. Member States shall communicate to the Commission and the other Member States if legislative or regulatory measures are enacted in respect of Articles 7, 9(2), 19(5) and 20 through the network established by Decision 2006/688/EC **and shall identify the specific measures concerned.**

Amendment 58**Proposal for a directive****Article 22 — paragraph 3**

3. Annually, and for the first time no later than 1 April of [one year after the date of transposition of this Directive], Member States shall communicate to the Commission and the other Member States through the network established by Decision 2006/688/EC statistics on the volumes of third-country nationals who have been granted, renewed or withdrawn an EU Blue Card during the previous calendar year, indicating their nationality and their occupation. Statistics on admitted family members shall be communicated likewise. For holders of the EU Blue Card and members of their families admitted in accordance with the provisions of Articles 19 to 21, the information provided shall in addition specify the Member State of previous residence.

3. Annually, and for the first time no later than 1 April of [one year after the date of transposition of this Directive], Member States shall communicate to the Commission and the other Member States through the network established by Decision 2006/688/EC statistics on the volumes of third-country nationals who have been granted, renewed or withdrawn an EU Blue Card during the previous calendar year, indicating their nationality and their occupation **in accordance with legislation for the protection of personal data.** Statistics on admitted family members shall be communicated likewise **with the exception of information concerning their occupation.** For holders of the EU Blue Card and members of their families admitted in accordance with the provisions of Articles 19 to 21, the information provided shall in addition specify the Member State of previous residence.

Single application procedure for residence and work *

P6_TA(2008)0558

European Parliament legislative resolution of 20 November 2008 on the proposal for a Council directive on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (COM(2007)0638 — C6-0470/2007 — 2007/0229(CNS))

(2010/C 16 E/42)

(Consultation procedure)

The European Parliament,

— having regard to the Commission proposal to the Council (COM(2007)0638),

— having regard to Article 63(3)(a) of the EC Treaty,

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- having regard to Article 67 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0470/2007),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Employment and Social Affairs (A6-0431/2008),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 5. Instructs its President to forward its position to the Council and the Commission.

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 2**Proposal for a directive****Recital 7a (new)**

(7a) The period of validity of the single permit is to be determined by each Member State.

Amendment 3**Proposal for a directive****Recital 10**

(10) All third-country nationals who are lawfully residing and working in Member States should enjoy at least the same common set of rights in the form of equal treatment with the own nationals of their respective host Member State, irrespective of the initial purpose of or basis for admission. The right to equal treatment in the fields specified by this Directive should be granted not only to those third-country nationals who have been admitted to the territory of a Member State to work but also for those who have been admitted for other purposes and have been given access to the labour market of that Member State in accordance with other Community or national legislation including family members of a third-country worker who are admitted to the Member State in accordance with Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, third-country nationals who are admitted to the territory of a Member State in accordance with Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service and researchers admitted in accordance with Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research.

(10) All third-country nationals who are lawfully residing and working in Member States should enjoy at least the same common set of rights **related to work** in the form of equal treatment with the own nationals of their respective host Member State, irrespective of the initial purpose of or basis for admission. The right to equal treatment in the fields specified by this Directive should be granted not only to those third-country nationals who have been admitted to the territory of a Member State to work but also for those who have been admitted for other purposes and have been given access to the labour market of that Member State in accordance with other Community or national legislation including family members of a third-country worker who are admitted to the Member State in accordance with Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, third-country nationals who are admitted to the territory of a Member State in accordance with Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service and researchers admitted in accordance with Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 4
Proposal for a directive
Recital 13

(13) Third-country nationals who have been admitted to the territory of a Member State **for a period not exceeding 6 months in any twelve-month period** to work on a seasonal basis should not be covered by the Directive given their temporary status.

(13) Third-country nationals who have been admitted to the territory of a Member State to work on a seasonal basis should not be covered by the Directive given their temporary status **and the fact that they will be governed by a specific directive.**

Amendment 5
Proposal for a directive
Recital 13a (new)

(13a) Beneficiaries of temporary protection should be subject to this Directive as regards the common set of rights, as they are authorised to work legally within the territory of a Member State.

Amendment 6
Proposal for a directive
Recital 18a (new)

(18a) This Directive should be implemented without prejudice to more favourable provisions contained in EU legislation and international instruments.

Amendment 53
Proposal for a directive
Recital 18b (new)

(18b) Member States should ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the General Assembly of the United Nations on 18 December 1990.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 7
Proposal for a directive
Recital 19

(19) Member States should give effect to the provisions of this Directive without discrimination on the basis of sex, race, colour, ethnic or social origin, genetic characteristics, language, religion or beliefs, political or other opinions, membership of a national minority, fortune, birth, disabilities, age or sexual orientation in particular in accordance with Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

(19) Member States should give effect to the provisions of this Directive without discrimination on the basis of sex, race, colour, ethnic or social origin, genetic characteristics, language, religion or beliefs, political or other opinions, membership of a national minority, fortune, birth, disabilities, age or sexual orientation in particular in accordance with Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin *and* Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, **and in accordance with future legislation in this field, such as that to be brought in under the proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM(2008)0426).**

Amendment 8
Proposal for a directive
Article 1 — point a

(a) a single application procedure for issuing a single permit for third country nationals to reside and work in the territory of a Member State, in order to simplify their admission and to facilitate the control of their status and;

(a) a single application procedure for issuing a single permit for third country nationals to reside and work in the territory of a Member State, in order to simplify **the procedure for** their admission and to facilitate the control of their status and;

Amendment 9
Proposal for a directive
Article 1 — point b

(b) a common set of rights to third country workers legally residing in a Member State.

(b) a common set of rights to third-country workers legally residing in a Member State, **irrespective of the purposes for which they were initially admitted to the territory of a Member State.**

Amendment 10
Proposal for a directive
Article 1 — paragraph 1a (new)

This Directive shall not affect the competence of the Member States with respect to the admission of third-country nationals to their labour markets.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 11
Proposal for a directive
Article 2 — point d

(d) 'single application procedure' means any procedure leading, *on the basis of one application for the authorisation of a third-country national's residence and work in the territory of a Member State, to a decision on the single permit for that third-country national.*

(d) 'single application procedure' means any procedure leading to *a decision on the single permit authorising a third-country national to reside and work in the territory of a Member State, on the basis of an application by that third-country national or by his or her future employer;*

Amendment 12
Proposal for a directive
Article 2, paragraph d a (new)

(da) '*frontier work*' means performing work in a Member State other than the Member State of residence when the work is performed by a frontier worker as referred to in Article 1(b) of Regulation (EEC) No 1408/71.

Amendment 13
Proposal for a directive
Article 3 — paragraph 1 — point b

(b) to third-country workers legally residing in a Member State.

(b) to third-country workers legally residing in a Member State, *irrespective of the purposes for which they were initially admitted to the territory of a Member State.*

Amendment 14
Proposal for a directive
Article 3 — paragraph 2 — introductory part

2. *This Directive* shall not apply to third-country nationals:

2. *The provisions of this Directive concerning the single application procedure for issuing a single permit authorising third-country nationals to live and work in the territory of a Member State* shall not apply to third-country nationals:

Amendment 15
Proposal for a directive
Article 3 — paragraph 2 — point d

(d) who have been admitted to the territory of a Member State *for a period not exceeding six months in any 12 month period* to work on a seasonal basis;

(d) who have been admitted to the territory of a Member State to work on a seasonal basis;

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 16**Proposal for a directive****Article 3 — paragraph 2 — point d a (new)**

(da) who have been admitted to the territory of a Member State in order to work there for a period not exceeding six months, solely so far as the field of the single application procedure is concerned;

Amendment 17**Proposal for a directive****Article 3 — paragraph 2 — point f**

(f) staying in a Member State as applicants for international protection **or under temporary protection schemes;**

(f) staying in a Member State as applicants for international protection;

Amendment 18**Proposal for a directive****Article 4 — paragraph 1a (new)**

1a. It shall be the responsibility of Member States to determine whether the application for a single permit must be submitted by the third-country national concerned, by his or her future employer or by either of them.

Amendment 19**Proposal for a directive****Article 4 — paragraph 1b (new)**

1b. Where an application for a single permit is submitted by the third-country national concerned, that application may be submitted and examined either when the third-country national is residing outside the territory of the Member State to which he or she wishes to be admitted or when he or she is already legally in the territory of the Member State concerned.

Amendment 20**Proposal for a directive****Article 5 — paragraph 2 — subparagraph 1a (new)**

If the applicant's permit expires before a decision has been taken on its renewal, the Member State responsible for considering the application shall authorise the person concerned and, where applicable, his or her family, to stay legally in its territory until a decision is taken concerning the renewal of the single permit.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 21**Proposal for a directive****Article 5 — paragraph 4**

4. If the information supporting the application is *inadequate*, the designated authority shall notify the applicant of the additional information that is required. The period referred to in paragraph 2 shall be suspended until the authorities have received the additional information required.

4. If the information supporting the application is *incomplete according to publicly specified criteria*, the designated authority shall notify the applicant of the additional information that is required. The period referred to in paragraph 2 shall be suspended until the authorities have received the additional information required.

Amendment 22**Proposal for a directive****Article 5 — paragraph 4a (new)**

4a. Where the time limit for adopting the decision referred to in paragraph 2 is suspended or extended, the applicant shall be duly informed by the competent authority.

Amendment 24**Proposal for a directive****Article 6, paragraph 2a (new)**

2a. A Member State may issue to the holder of a single permit issued by another Member State a permit enabling him to perform frontier work. Such a permit shall be issued pursuant to the national law of the Member State where the frontier work is performed. The period of validity of such a permit may not exceed that of the single permit.

Amendment 25**Proposal for a directive****Article 8 — paragraph 1**

1. Reasons shall be given in the written notification for a decision rejecting the application, not granting, not modifying or not renewing, suspending or withdrawing the single permit on the basis of criteria specified in national or community law.

1. *Objective and verifiable* reasons shall be given in the written notification for a decision rejecting the application, not granting, not modifying or not renewing, suspending or withdrawing the single permit on the basis of criteria specified in national or community law. *Those criteria shall be objective and open to the public, so that the decision can be verified.*

Thursday 20 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 26**Proposal for a directive
Article 8 — paragraph 2**

2. Any decision rejecting the application, not granting, modifying or renewing, suspending or withdrawing a single permit shall be open to challenge before the **courts** of the Member State concerned. The written notification shall specify the possible redress procedures available and the time-limit for taking action.

2. Any decision rejecting the application, not granting, modifying or renewing, suspending or withdrawing a single permit shall be open to challenge before the **competent authority** of the Member State concerned **designated in accordance with national law**. The written notification shall specify the possible redress procedures available, **including the authority responsible** and the time-limit for taking action. **The challenge shall suspend the administrative decision until the final court decision is taken.**

Amendment 27**Proposal for a directive
Article 9**

Member States shall take the necessary measures to inform the third-country national and the future employer on all the documentary evidence they need in order to complete the application.

The Member States shall ensure that regularly updated information concerning the conditions of third-country nationals' entry into and stay in their territory for the purpose of work is made available to the general public, including via their consulates. In particular, Member States shall take the necessary measures to inform the third-country national and the future employer on all the documentary evidence they need in order to complete the application, **and of the total fees payable for the processing of their application.**

Amendment 28**Proposal for a directive
Article 10**

Member States may request applicants to pay fees for handling applications in accordance with this Directive. The level of fees must be proportionate and **may be based on the principle of the service actually provided.**

Member States may request applicants to pay fees for handling applications in accordance with this Directive. The level of fees must be proportionate and **reasonable and shall not exceed the actual costs incurred by the national administration. An overall maximum amount shall be fixed in national law, including, where appropriate, the costs of subcontracting incurred through the use of external firms to collect the documents necessary for compiling a file with a view to obtaining a permit.**

Thursday 20 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 29
Proposal for a directive
Article 11 — introductory part

During the period of its validity, the single permit shall entitle its holder as a minimum to:

During the period of its validity, *as determined by each Member State*, the single permit shall entitle its holder as a minimum to:

Amendment 30
Proposal for a directive
Article 11 — point c

(c) have free access to the entire territory of the Member State issuing the single permit within the limits provided for by national legislation for reasons of security;

(c) have free access to the entire territory of the Member State issuing the single permit. ***Member States may impose territorial restrictions on exercise of the right of residence and the right to work*** within the limits provided for by national legislation for reasons of security ***where the same restrictions apply to their own nationals***;

Amendment 31
Proposal for a directive
Article 11a (new)

Article 11a

Notification and information

The notification and information referred to in Articles 5, 8 and 9 shall be communicated in such a way that the applicant is able to understand their content and implications.

Amendment 32
Proposal for a directive
Article 12 — paragraph 1 — point a

(a) working conditions, including pay and dismissal as well as health and safety at the workplace;

(a) working conditions, including pay, ***holidays, working time*** and dismissal as well as health and safety at the workplace;

Amendment 33
Proposal for a directive
Article 12 — paragraph 1 — point b

(b) freedom of association and affiliation and membership of an *organization* representing workers or employers or of any *organization* whose members are engaged in a specific occupation, including the benefits conferred by such *organizations*, without prejudice to the national provisions on public policy and public security;

(b) freedom of association and affiliation and membership of an *organisation* representing workers or employers or of any *organisation* whose members are engaged in a specific occupation, including the benefits conferred by such *organisations*, ***such as information and support***, without prejudice to the national provisions on public policy and public security;

Thursday 20 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 34**Proposal for a directive****Article 12 — paragraph 1 — point c**

(c) education and vocational training;

(c) education *in the broad sense of the term (language learning and cultural familiarisation with a view to improving integration)* and vocational training;**Amendment 35****Proposal for a directive****Article 12 — paragraph 1 — point d**

(d) recognition of diplomas, certificates and other professional qualifications in accordance with the relevant national procedures;

(d) recognition of diplomas, certificates and other professional qualifications in accordance with the relevant national procedures *applicable pursuant to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications* ⁽¹⁾⁽¹⁾ OJ L 255, 30.9.2005, p. 22.**Amendment 36****Proposal for a directive****Article 12 — paragraph 1 — point f**(f) *payment of acquired* pensions *when moving to a third country*;(f) *portability of pensions or annuities in respect of old age, death, or invalidity at the rate applied by virtue of the law of the debtor Member State or States when moving to a third country*;**Amendment 37****Proposal for a directive****Article 12 — paragraph 1 — point g**

(g) tax benefits;

(g) tax benefits, *provided that the worker is considered to be resident for tax purposes in the Member State concerned*;**Amendment 38****Proposal for a directive****Article 12 — paragraph 1 — point h a (new)**(ha) *information and advisory services offered by employment agencies*;

Thursday 20 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 39**Proposal for a directive****Article 12 — paragraph 2 — introductory part**

2. Member States may restrict equal treatment with nationals:
2. Member States may restrict equal treatment with nationals *only in the following cases:*

Amendment 42**Proposal for a directive****Article 12 — paragraph 2 — point c**

- (c) by restricting the rights conferred under paragraphs 1(h) in respect to **public housing to cases where the third-country national has been staying or who has the right to stay in its territory for at least three years;**
- (c) by restricting the rights conferred under paragraphs 1(h) in respect to housing;

Amendment 43**Proposal for a directive****Article 12 — paragraph 2 — point d**

- (d) *by restricting the rights conferred under paragraphs 1(a), (b) and (g) to those third-country workers who are in employment;* *deleted*

Amendment 44**Proposal for a directive****Article 12 — paragraph 2 — point e**

- (e) *by restricting the rights conferred under paragraphs 1(e) to third-country workers who are in employment except for unemployment benefits.* *deleted*

Amendment 45**Proposal for a directive****Article 12 — paragraph 2a (new)**

2a. Member States shall take the necessary measures to ensure that any violation of the rights enshrined in this Directive is subject to effective, proportionate and deterrent penalties.

Thursday 20 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 47
Proposal for a directive
Article 14

Article 14*deleted*

Each Member State shall ensure that a regularly updated set of information, concerning the conditions of third-country nationals' entry into and stay in its territory for the purpose of work, is made available to the general public.

Amendment of the single CMO Regulation *

P6_TA(2008)0559

European Parliament legislative resolution of 20 November 2008 on the proposal for a Council regulation amending Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products ('single CMO Regulation') (COM(2008)0489 — C6-0314/2008 — 2008/0156(CNS))

(2010/C 16 E/43)

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2008)0489),
 - having regard to Articles 36 and 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0314/2008),
 - having regard to Rule 51 and Rule 43(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development (A6-0368/2008),
1. Approves the Commission proposal;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 4. Instructs its President to forward its position to the Council and the Commission.
-

Thursday 20 November 2008

Medium-term financial assistance for Member States' balance of payments *

P6_TA(2008)0560

European Parliament legislative resolution of 20 November 2008 on the proposal for a Council regulation amending Regulation (EC) No 332/2002 establishing a facility providing medium-term financial assistance for Member States' balances of payments (COM(2008)0717 — C6-0389/2008 — 2008/0208(CNS))

(2010/C 16 E/44)

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2008)0717),
 - having regard to Article 308 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0389/2008),
 - having regard to Council Regulation (EC) No 332/2002 of 18 February 2002 establishing a facility providing medium-term financial assistance for Member States' balances of payments ⁽¹⁾ and Parliament's resolutions of 6 September 2001 on medium-term financial assistance for Member States' balances of payments ⁽²⁾ and 20 November 2008 on establishing a facility providing medium-term financial assistance for Member States' balances of payments ⁽³⁾,
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A6-0450/2008),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 5. Instructs its President to forward its position to the Council, the Commission, and the governments of the Member States.

⁽¹⁾ OJ L 53, 23.2.2002, p. 1.

⁽²⁾ OJ C 72 E, 21.3.2002, p. 312.

⁽³⁾ Texts Adopted, P6_TA(2008)0562.

Thursday 20 November 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS

Amendment 1**Proposal for a regulation — amending act****Recital 2**

(2) *An ad hoc procedure should be foreseen for future revisions of that ceiling, with a view to improving the capacity of the Community to react quickly to major changes in the financial environment affecting the total amount of support potentially needed by the Member States.*

(2) *In the event of exceptional situations that could require a quick Community response to major changes in the financial environment, the European Parliament, the Member States within the Council, and the Commission should act speedily in order to ensure that market confidence is not undermined.*

Amendment 2**Proposal for a regulation — amending act****Article 1— paragraph 2**

Regulation (EC) No 332/2002

Article 1 — paragraph 3

The following paragraph 3 is added:

'Where a serious deterioration of the financial environment calls for urgent Community medium term financial assistance to several Member States, the Commission may decide a revision of the ceiling after having received the opinion from the Economic and Financial Committee as regards both the urgent need to revise the ceiling and the revised ceiling itself. The new ceiling shall enter into force on the day following that of its publication in the Official Journal of the European Union.'

deleted

Amendment 3**Proposal for a regulation — amending act****Article 1a (new)**

Regulation (EC) No 332/2002

Article 10

Article 1 a

Article 10 of Regulation (EC) No 332/2002 is replaced by the following:

Every two years and more frequently if appropriate, the Council shall examine, on the basis of a report from the Commission, and after consulting the European Parliament and after delivery of the Economic and Financial Committee's opinion, whether the facility established still meets, in its principle, arrangements and ceiling, the need which led to its creation.

