

Thursday, 14 December 2006

(2006/C 317 E/04)

MINUTES**PROCEEDINGS OF THE SITTING**

IN THE CHAIR: Sylvia-Yvonne KAUFMANN
Vice-President

1. Opening of sitting

The sitting opened at 9.00.

2. Documents received

The following documents had been received:

from the Council and Commission

- Proposal for a Council decision concerning conclusion on behalf of the European Community of a Framework Agreement on a Multilateral Nuclear Environmental Programme in the Russian Federation and of the Protocol on Claims, Legal Proceedings and Indemnification to the Framework Agreement on a Multilateral Nuclear Environmental Programme in the Russian Federation (COM(2006)0665 — C6-0475/2006 — 2006/0227(CNS))

referred to responsible: ITRE
 opinion: ENVI

- European Commission — Final annual accounts of the European Communities — Financial Year 2005 — European Data Protection Supervisor (SEC(2006)0915 [09] — C6-0472/2006 — 2006/2170(DEC))

referred to responsible: CONT
 opinion: JURI, LIBE

- European Commission — Final annual accounts of the European Communities — Financial Year 2005 — European Ombudsman (SEC(2006)0915 [08] — C6-0471/2006 — 2006/2063(DEC))

referred to responsible: CONT
 opinion: PETI, FEMM, AFCO, DEVE, CULT, AFET, PECH, AGRI, ENVI, EMPL, BUDG,
 ITRE, JURI, ECON, LIBE, INTA, IMCO, TRAN, REGI

- European Commission — Final annual accounts of the European Communities — Financial Year 2005 — Committee of the Regions (SEC(2006)0915 [07] — C6-0470/2006 — 2006/2076(DEC))

referred to responsible: CONT
 opinion: PETI, FEMM, AFCO, DEVE, CULT, AFET, PECH, AGRI, ENVI, EMPL, BUDG,
 ITRE, JURI, ECON, LIBE, INTA, IMCO, TRAN, REGI

- European Commission — Final annual accounts of the European Communities — Financial Year 2005 — Economic and Social Committee (SEC(2006)0915 [06] — C6-0469/2006 — 2006/2075(DEC))

referred to responsible: CONT
 opinion: PETI, FEMM, AFCO, DEVE, CULT, AFET, PECH, AGRI, ENVI, EMPL, BUDG,
 ITRE, JURI, ECON, LIBE, INTA, IMCO, TRAN, REGI

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- European Commission — Final annual accounts of the European Communities — Financial Year 2005 — Court of Auditors (SEC(2006)0915 [05] — C6-0468/2006 — 2006/2074(DEC))

referred to responsible: CONT
 opinion: PETI, FEMM, AFCO, DEVE, CULT, AFET, PECH, AGRI, ENVI, EMPL, BUDG, ITRE, JURI, ECON, LIBE, INTA, IMCO, TRAN, REGI

- European Commission — Final annual accounts of the European Communities — Financial Year 2005 — Court of Justice (SEC(2006)0915 [04] — C6-0467/2006 — 2006/2073(DEC))

referred to responsible: CONT
 opinion: PETI, FEMM, AFCO, DEVE, CULT, AFET, PECH, AGRI, ENVI, EMPL, BUDG, ITRE, JURI, ECON, LIBE, INTA, IMCO, TRAN, REGI

- European Commission — Final annual accounts of the European Communities — Financial Year 2005 — Council (SEC(2006)0915 [03] — C6-0466/2006 — 2006/2072(DEC))

referred to responsible: CONT
 opinion: PETI, FEMM, AFCO, DEVE, CULT, AFET, PECH, AGRI, ENVI, EMPL, BUDG, ITRE, JURI, ECON, LIBE, INTA, IMCO, TRAN, REGI

- European Commission — Final annual accounts of the European Communities — Financial Year 2005 — European Parliament (SEC(2006)0915 [02] — C6-0465/2006 — 2006/2071(DEC))

referred to responsible: CONT
 opinion: PETI, FEMM, AFCO, DEVE, CULT, AFET, PECH, AGRI, ENVI, EMPL, BUDG, ITRE, JURI, ECON, LIBE, INTA, IMCO, TRAN, REGI

- Proposal for a regulation of the European Parliament and of the Council concerning statistics on plant protection products (COM(2006)0778 — C6-0457/2006 — 2006/0258(COD))

referred to responsible: ENVI
 opinion: AGRI, ITRE, IMCO

- Proposal for a Council decision on the acceptance, on behalf of the European Community, of the Protocol amending the TRIPS Agreement, done at Geneva on 6 December 2005 (08934/2006 — C6-0359/2006 — 2006/0060(AVC))

referred to responsible: INTA
 opinion: DEVE, ENVI, JURI

3. A European strategy for sustainable, competitive and secure energy — Biomass and Biofuels — Nuclear Safety and Security Assistance * (debate)

Report on a European strategy for sustainable, competitive and secure energy — Green Paper [2006/2113(INI)] — Committee on Industry, Research and Energy
 Rapporteur: Eluned Morgan (A6-0426/2006).

Report on a strategy for biomass and biofuels [2006/2082(INI)] — Committee on Industry, Research and Energy
 Rapporteur: Werner Langen (A6-0347/2006).

Report on the proposal for a Council regulation establishing an Instrument for Nuclear Safety and Security Assistance [09037/2006 — C6-0153/2006 — 2006/0802(CNS)] — Committee on Industry, Research and Energy
 Rapporteur: Esko Seppänen (A6-0397/2006).

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Andris Piebalgs (Member of the Commission) spoke.

Eluned Morgan introduced the report (A6-0426/2006).

Werner Langen introduced the report (A6-0347/2006).

Esko Seppänen introduced the report (A6-0397/2006).

The following spoke: Anders Wijkman (draftsman of the opinion of the DEVE Committee), Jean-Pierre Audy (draftsman of the opinion of the INTA Committee), Jacky Henin (draftsman of the opinion of the INTA Committee), Janusz Lewandowski (draftsman of the opinion of the BUDG Committee), Christian Ehler (draftsman of the opinion of the ECON Committee), Evangelia Tzampazi (draftsman of the opinion of the ENVI Committee), Frédérique Ries (draftsman of the opinion of the ENVI Committee), Liam Aylward (draftsman of the opinion of the ENVI Committee), Marta Vincenzi (draftsman of the opinion of the TRAN Committee), Hannu Takkula (draftsman of the opinion of the TRAN Committee), Oldřich Vlasák (draftsman of the opinion of the REGI Committee), Willem Schuth (draftsman of the opinion of the AGRI Committee), Herbert Reul, on behalf of the PPE-DE Group, Edit Herczog, on behalf of the PSE Group, Lena Ek, on behalf of the ALDE Group, Claude Turmes, on behalf of the Verts/ALE Group, Roberto Musacchio, on behalf of the GUE/NGL Group, Mieczysław Edmund Janowski, on behalf of the UEN Group, Nils Lundgren, on behalf of the IND/DEM Group, and Lydia Schenardi, Non-attached Member.

IN THE CHAIR: Mario MAURO

Vice-President

The following spoke: Paul Rübig, Reino Paasilinna, Jorgo Chatzimarkakis, Rebecca Harms, Tobias Pflüger, John Whittaker, Jim Allister, Elmar Brok (draftsman of the opinion of the AFET Committee), Alejo Vidal-Quadras, Mechtild Rothe, Anne Laperrouze, Athanasios Pafilis, Alessandro Battilocchio, Jerzy Buzek, Joan Calabuig Rull, Romana Jordan Cizelj, Matthias Groote, Nicole Fontaine, Dorette Corbey, Andres Tarand, Teresa Riera Madurell and Andris Piebalgs.

The debate closed.

Vote: *Minutes of 14.12.2006, Item 6.35, Minutes of 14.12.2006, Item 6.36 and Minutes of 14.12.2006, Item 6.31.*

(The sitting was suspended at 10.50 pending voting time and resumed at 11.05.)

IN THE CHAIR: Josep BORRELL FONTELLES

President

4. Tribute

On behalf of Parliament and of the Commission, Josep Borrell Fontelles (President of the European Parliament) and Jacques Barrot (Vice-President of the Commission) paid tribute to the memory of Loyola de Palacio, Vice-President of the Commission between 1999 and 2004, who had died in Madrid on 13.12.2006.

Parliament observed a minute's silence.

5. Signature of acts adopted under codecision

The President announced that, during the following week, together with the President of the Council and in accordance with Rule 68 of the Rules of Procedure, he would sign the following acts, which had been adopted by codecision:

- Regulation of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC of the European Parliament and of the Council and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (3664/2006 — C6-0000/2006 — 2003/0256(COD))

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- Directive of the European Parliament and of the Council amending Council Directive 67/548/EEC on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances in order to adapt it to Regulation (EC) No .../2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (Reach) and establishing a European Chemicals Agency (3665/2006 — C6-0476/2006 — 2003/0257(COD))
- Decision of the European Parliament and of the Council concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013) (3666/2006 — C6-0477/2006 — 2005/0043(COD))
- Regulation of the European Parliament and of the Council laying down the rules for the participation of undertakings, research centres and universities in actions under the Seventh Framework Programme and for the dissemination of research results (2007-2013) (3668/2006 — C6-0478/2006 — 2005/0277(COD))
- Regulation of the European Parliament and of the Council regarding access to the second generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates (3661/2006 — C6-0479/2006 — 2005/0104(COD))
- Regulation of the European Parliament and of the Council on the establishment, operation and use of the second generation Schengen Information System (SIS II) (3662/2006 — C6-0480/2006 — 2005/0106(COD))
- Decision of the European Parliament and of the Council concerning the European Year of Intercultural Dialogue (2008) (3682/2006 — C6-0481/2006 — 2005/0203(COD))
- Regulation of the European Parliament and of the Council on the submission of statistical data on landings of fishery products in Member States and repealing Council Regulation (EEC) No 1382/91 (3684/2006 — C6-0482/2006 — 2005/0223(COD))
- Regulation of the European Parliament and of the Council amending Regulation (EC) No 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (3681/2006 — C6-0484/2006 — 2004/0270B(COD))
- Decision of the European Parliament and of the Council establishing a programme of Community action in the field of consumer policy (2007-2013) (3680/2006 — C6-0487/2006 — 2005/0042B(COD))
- Regulation of the European Parliament and of the Council establishing a financing instrument for development cooperation (3663/2006 — C6-0490/2006 — 2004/0220(COD))
- Recommendation of the European Parliament and of the Council on transnational mobility within the Community for education and training purposes: European Quality Charter for Mobility (3649/2006 — C6-0492/2006 — 2005/0179(COD))
- Recommendation of the European Parliament and of the Council on key competences for lifelong learning (3650/2006 — C6-0491/2006 — 2005/0221(COD))
- Regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community (3669/2006 — C6-0486/2006 — 2005/0258(COD))
- Regulation of the European Parliament and of the Council on multiannual funding for the action of the European Maritime Safety Agency in the field of response to pollution caused by ships and amending Regulation (EC) No 1406/2002 (3631/2006 — C6-0485/2006 — 2005/0098(COD))
- Regulation of the European Parliament and of the Council establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (3651/2006 — C6-0483/2006 — 2006/0011(COD))
- Directive of the European Parliament and of the Council on driving licences (Recast) (3687/2006 — C6-0494/2006 — 2003/0252(COD))
- Regulation of the European Parliament and of the Council amending Regulation (EC) No .../2006 on medicinal products for paediatric use and amending Regulation (EEC) No 1768/92, Directive 2001/20/EC, Directive 2001/83/EC and Regulation (EC) No 726/2004 (3677/2006 — C6-0495/2006 — 2006/0207(COD))

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- Recommendation of the European Parliament and of the Council on the protection of minors and human dignity and on the right of reply in relation to the competitiveness of the European audiovisual and on-line information services industry (3683/2006 — C6-0496/2006 — 2004/0117(COD))
- Regulation of the European Parliament and of the Council on establishing a European Institute for Gender Equality (3686/2006 — C6-0497/2006 — 2005/0017(COD))
- Regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 571/88 on the organisation of Community surveys on the structure of agricultural holdings, as regards the financial framework for the period 2007-2009 and the maximum Community contribution for Bulgaria and Romania (3689/2006 — C6-0498/2006 — 2006/0112(COD))
- Regulation of the European Parliament and of the Council laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention (3607/2/2006 — C6-0499/2006 — 2005/0006(COD))
- Regulation of the European Parliament and of the Council establishing the European Globalisation adjustment Fund (3678/2006 — C6-0500/2006 — 2006/0033(COD))
- Regulation of the European Parliament and of the Council on establishing a financing instrument for the promotion of democracy and human rights worldwide (European Instrument for Democracy and Human Rights) (3688/2006 — C6-0501/2006 — 2006/0116(COD))
- Regulation of the European Parliament and of the Council on the addition of vitamins and minerals and of certain other substances to foods (3617/7/2006 — C6-0502/2006 — 2003/0262(COD))
- Regulation of the European Parliament and of the Council on nutrition and health claims made on foods (3616/9/2006 — C6-0503/2006 — 2003/0165(COD))

In addition, the Council had announced that it had approved the positions adopted by the European Parliament at first reading on 30 November 2006 with a view to adopting:

- Regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation (3673/2006 — C6-0489/2006 — 2006/0209(COD))
- Directive of the European Parliament and of the Council amending Directive 2006/87/EC laying down technical requirements for inland waterway vessels (3674/2006 — C6-0488/2006 — 2006/0210(COD))

In light of the modifications that had been made by the Council to the two texts forwarded to Parliament, the President had consulted the TRAN Committee, as the committee responsible for the matter. By letter of 12.12.2006, the chairman of that committee had informed the President, in accordance with Rule 66(2), that the modifications did not affect the substance of the texts. The President would thus also sign those acts during the following week.

6. Voting time

Details of voting (amendments, separate and split votes, etc.) appear in the 'Results of votes' annex to the Minutes.

6.1. Draft general budget of the European Union 2007, amended by the Council (vote)

Draft amendments to the draft general budget, amended by the Council

(Qualified majority)

The President reminded the House of the rules governing the budget vote and the majorities required. An electronic check of the number of Members present in the Chamber was taken. There were 542 Members.

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James Elles (general rapporteur for the budget), introduced the following technical adjustments:

Firstly, Amendment 328 to line 22 02 02 is accepted with + 2 million *euro* for commitments and payments. These 2 million *euro* are taken from line 19 05 01. As a result, Amendment 314 to line 19 05 01 is withdrawn.

Secondly, 5 million *euro* in commitments and payments is added to line 16 02 02.

Thirdly, 400 000 *euro* in commitments and payments is added to line 15 04 47.

With regard to the amounts in reserve which are released: Amendment 302 to line 16 03 02 — the reserve is lifted; Amendment 251, line 26 01 50 23; Amendment 330, line 28 01 01.

As regards EPSO, that is Amendment 255: it is replaced by an amendment to reduce the amounts in reserve to 25 % of the appropriations on the relevant budget lines.

Finally, to take account of a problem on pre-accession assistance which arose from the Council's reading, and which we were not able to pick up quickly enough, Parliament calls on the Commission, at the end of paragraph 25 of the resolution, "to present a transfer request or amending budget during the course of 2007 if the amounts foreseen in the 2007 budget turn out to be insufficient". This concerns budget line 05 05 01 01.

I recommend that we vote on these particular elements which I have put forward as technical adjustments.'

Parliament approved these technical adjustments.

(Voting record: 'Results of votes', Item 1)

The amendments adopted are published in the *Texts Adopted* of that day's sitting.

Ulla-Maj Widenroos (President-in-Office of the Council) made the following statement:

'You are about to adopt the 2007 budget at second reading. This is the first budget for the enlarged European Union of 27 Member States. It is also the first budget for the 2007-2013 budgetary period. I am pleased to see that the agreement reached by our two institutions as a result of the negotiations on 21 November and in the dialogue on 28 November has been included in the 2007 draft budget.

There are still some minor divergences of interpretation with regard to the classification of expenditure and the Council reserves its rights in this connection. Nevertheless, the Council is able to accept the maximum rate of increase of expenditure resulting from the vote at second reading that has just been held.

I shall conclude by thanking the Chairman of the Committee on Budgets, Mr Lewandowski, and the rapporteurs, Mr Elles and Mr Grech, for the excellent way that they have worked with us during the negotiations.'

The President made the following statement:

'I note that the budgetary procedure went ahead in accordance with the Treaty and the Interinstitutional Agreement of 6 May 1999, and that, pursuant to Article 13 of that Agreement, the Council and Parliament have established that they agree on the maximum rate of increase for non-compulsory expenditure resulting from Parliament's second reading. The budgetary procedure can thus be deemed closed and the budget is declared definitively adopted'.

Having invited the President-in-Office of the Council, Ulla-Maj Widenroos, the Budget Commissioner Dalia Grybauskaitė, the Chairman of the BUDG Committee Janusz Lewandowski, and the rapporteurs James Elles and Louis Grech to join him, the President of Parliament, along with the President-in-Office of the Council, then signed the budget.

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6.2. Draft general budget for 2007, amended by the Council (all sections) (vote)

Report on the draft general budget of the European Union for the financial year 2007 as modified by the Council (all sections) (15637/2006 — C6-0442/2006 — 2006/2018(BUD) — 2006/2018B(BUD)) and Letters of amendment Nos: 1/2007 (SEC (2006)0762) — 2/2007 (13886/2006 — C6-0341/2006) — 3/2007 (15636/2006 — C6-0443/2006) to the draft general budget of the European Union for the financial year 2007

Section I, European Parliament

Section II, Council

Section III, Commission

Section IV, Court of Justice

Section V, Court of Auditors

Section VI, European Economic and Social Committee

Section VII, Committee of the Regions

Section VIII (A), European Ombudsman

Section VIII (B), European Data Protection Supervisor — Committee on Budgets

Co-rapporteurs: James Elles and Louis Grech (A6-0451/2006).

(Simple majority)

(Voting record: 'Results of votes', Item 2)

MOTION FOR A RESOLUTION

Adopted (P6_TA(2006)0570)

The following spoke on the vote:

— Catherine Guy-Quint and James Elles (co-rapporteur) on the voting procedure.

IN THE CHAIR: Luigi COCILOVO

Vice-President

6.3. Procedure for prior examination and consultation in respect of certain provisions concerning transport proposed in Member States (codified version) ***I (Rule 131) (vote)

Report on the proposal for a decision of the European Parliament and of the Council on a procedure for prior examination and consultation in respect of certain laws, regulations and administrative provisions concerning transport proposed in Member States (Codified version) [COM(2006)0284 — C6-0185/2006 — 2006/0099(COD)] — Committee on Legal Affairs
Rapporteur: Diana Wallis (A6-0458/2006).

(Simple majority)

(Voting record: 'Results of votes', Item 3)

COMMISSION PROPOSAL and DRAFT LEGISLATIVE RESOLUTION

Adopted by single vote (P6_TA(2006)0571)

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6.4. Elimination of controls at the frontiers of Member States (road and inland waterway transport) (codified version) *I (Rule 131) (vote)**

Report on the proposal for a regulation of the European Parliament and of the Council on the elimination of controls performed at the frontiers of Member States in the field of road and inland waterway transport (codified version) [COM(2006)0432 — C6-0261/2006 — 2006/0146(COD)] — Committee on Legal Affairs

Rapporteur: Diana Wallis (A6-0459/2006).

(Simple majority)

(Voting record: 'Results of votes', Item 4)

COMMISSION PROPOSAL and DRAFT LEGISLATIVE RESOLUTION

Adopted by single vote (P6_TA(2006)0572)

6.5. Transmission of data subject to statistical confidentiality (codified version) *I (Rule 131) (vote)**

Report on the proposal for a regulation (Euratom, EC) 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 (codified version) [COM(2006)0477 — C6-0290/2006 — 2006/0159(COD)] — Committee on Legal Affairs

Rapporteur: Diana Wallis (A6-0457/2006).

(Simple majority)

(Voting record: 'Results of votes', Item 5)

COMMISSION PROPOSAL and DRAFT LEGISLATIVE RESOLUTION

Adopted by single vote (P6_TA(2006)0573)

6.6. Submission of nominal catch statistics by Member States fishing in the North-East Atlantic (codified version) *I (Rule 131) (vote)**

Report on the proposal for a regulation of the European Parliament and of the Council on the submission of nominal catch statistics by Member States fishing in the North-East Atlantic (codified version) [COM(2006)0497 — C6-0301/2006 — 2006/0164(COD)] — Committee on Legal Affairs

Rapporteur: Diana Wallis (A6-0460/2006).

(Simple majority)

(Voting record: 'Results of votes', Item 6)

COMMISSION PROPOSAL and DRAFT LEGISLATIVE RESOLUTION

Adopted by single vote (P6_TA(2006)0574)

6.7. Community criteria for the eradication and monitoring of certain animal diseases (codified version) * (Rule 131) (vote)

Report on the proposal for a Council decision laying down Community criteria for the eradication and monitoring of certain animal diseases (codified version) [COM(2006)0315 — C6-0236/2006 — 2006/0104(CNS)] — Committee on Legal Affairs

Rapporteur: Diana Wallis (A6-0461/2006).

(Simple majority)

(Voting record: 'Results of votes', Item 7)

COMMISSION PROPOSAL and DRAFT LEGISLATIVE RESOLUTION

Adopted by single vote (P6_TA(2006)0575)

Thursday, 14 December 2006

6.8. Agreement between the EC and Paraguay on certain aspects of air services * (Rule 131) (vote)

Report on the proposal for a Council decision on the conclusion of the Agreement between the European Community and the Republic of Paraguay on certain aspects of air services [COM(2006)0266 — C6-0308/2006 — 2006/0094(CNS)] — Committee on Transport and Tourism
Rapporteur: Paolo Costa (A6-0406/2006).

(Simple majority)

(Voting record: 'Results of votes', Item 8)

DRAFT LEGISLATIVE RESOLUTION

Adopted by single vote (P6_TA(2006)0576)

6.9. R&D activities in the domain of intelligent manufacturing systems (EU-Australia Agreement, Canada, Norway, Switzerland, Korea, Japan and the USA) * (Rule 131) (vote)

Report on the proposal for a Council decision authorising the conclusion of the agreement to renew and modify the agreement on research and development activities in the domain of intelligent manufacturing systems (IMS) between the European Community and Australia, Canada, the EFTA countries of Norway and Switzerland, Korea, Japan and the United States of America [COM(2006)0343 — C6-0373/2006 — 2006/0111(CNS)] — Committee on Industry, Research and Energy
Rapporteur: Giles Chichester (A6-0418/2006).

(Simple majority)

(Voting record: 'Results of votes', Item 9)

DRAFT LEGISLATIVE RESOLUTION

Adopted by single vote (P6_TA(2006)0577)

6.10. Direct support schemes under CAP; the COM for sugars; restructuring of the sugar industry; owing to the accession of Bulgaria and Romania to the EU * (Rule 131) (vote)

Report on the proposal for a Council regulation adapting Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers, Regulation (EC) No 318/2006 on the common organisation of the markets in the sugar sector and Regulation (EC) No 320/2006 establishing a temporary scheme for the restructuring of the sugar industry in the Community, by reason of the accession of Bulgaria and Romania to the European Union [COM(2006)0677 — C6-0424/2006 — 2006/0226(CNS)] — Committee on Agriculture and Rural Development
Rapporteur: Joseph Daul (A6-0412/2006).

(Simple majority)

(Voting record: 'Results of votes', Item 10)

COMMISSION PROPOSAL and DRAFT LEGISLATIVE RESOLUTION

Adopted by single vote (P6_TA(2006)0578)

6.11. Drugs prevention and information (2007-2013) *I (Rule 131) (vote)**

Report on the proposal for a decision of the European Parliament and of the Council establishing for the period 2007-2013 the specific programme 'Drugs prevention and information' as part of the General programme 'Fundamental Rights and Justice' [COM(2006)0230 — C6-0095/2005 — 2005/0037B(COD)] — Committee on Civil Liberties, Justice and Home Affairs
Rapporteur: Inger Segelström (A6-0454/2006).

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(Simple majority)

(Voting record: 'Results of votes', Item 11)

COMMISSION PROPOSAL, AMENDMENT and DRAFT LEGISLATIVE RESOLUTION

Adopted by single vote (P6_TA(2006)0579)

6.12. Civil justice (2007-2013) *I (Rule 131) (vote)**

Report on the proposal for a decision of the European Parliament and of the Council establishing for the period 2007-2013 the specific programme 'Civil justice' as part of the General programme 'Fundamental Rights and Justice' [COM(2005)0122 — C6-0096/2005 — 2005/0040(COD)] — Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Inger Segelström (A6-0452/2006).

(Simple majority)

(Voting record: 'Results of votes', Item 12)

COMMISSION PROPOSAL, AMENDMENT and DRAFT LEGISLATIVE RESOLUTION

Adopted by single vote (P6_TA(2006)0580)

6.13. European Refugee Fund (2008-2013) *I (Rule 131) (vote)**

Report on the proposal for a decision of the European Parliament and the Council establishing the European Refugee Fund for the period 2008-2013 as part of the General programme 'Solidarity and Management of Migration Flows' [COM(2005)0123 — C6-0124/2005 — 2005/0046(COD)] — Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Barbara Kudrycka (A6-0437/2006).

(Simple majority)

(Voting record: 'Results of votes', Item 13)

COMMISSION PROPOSAL, AMENDMENT and DRAFT LEGISLATIVE RESOLUTION

Adopted by single vote (P6_TA(2006)0581)

6.14. Double-hull or equivalent design requirements for single-hull oil tankers *I (Rule 131) (vote)**

Report on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 417/2002 on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers and repealing Council Regulation (EC) No 2978/94 [COM(2006)0111 — C6-0104/2006 — 2006/0046(COD)] — Committee on Transport and Tourism

Rapporteur: Fernand Le Rachinel (A6-0417/2006).

(Simple majority)

(Voting record: 'Results of votes', Item 14)

COMMISSION PROPOSAL, AMENDMENT and DRAFT LEGISLATIVE RESOLUTION

Adopted by single vote (P6_TA(2006)0582)

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6.15. Creation of the European Fund for the Integration of Third-country Nationals (2007-2013) * (Rule 131) (vote)

Report on the proposal for a Council decision establishing the European Fund for the Integration of Third-country nationals for the period 2007-2013 as part of the General programme 'Solidarity and Management of Migration Flows' [COM(2005)0123 — C6-0238/2005 — 2005/0048(CNS)] — Committee on Civil Liberties, Justice and Home Affairs
Rapporteur: Barbara Kudrycka (A6-0419/2006).

(Simple majority)

(Voting record: 'Results of votes', Item 15)

COMMISSION PROPOSAL, AMENDMENT and DRAFT LEGISLATIVE RESOLUTION

Adopted by single vote (P6_TA(2006)0583)

6.16. Prevention, preparedness and consequence management of terrorism (2007-2013) * (Rule 131) (vote)

Report on the proposal for a Council decision establishing the specific Programme 'Prevention, Preparedness and Consequence Management of Terrorism', for the Period 2007-2013 — General Programme 'Security and Safeguarding Liberties' [COM(2005)0124 — C6-0241/2005 — 2005/0034(CNS)] — Committee on Civil Liberties, Justice and Home Affairs
Rapporteur: Romano Maria La Russa (A6-0390/2006).

(Simple majority)

(Voting record: 'Results of votes', Item 16)

COMMISSION PROPOSAL, AMENDMENTS and DRAFT LEGISLATIVE RESOLUTION

Romano Maria La Russa (rapporteur) objected to the voting procedure laid down in Rule 131 being used in respect of such subjects.

Adopted by single vote (P6_TA(2006)0584)

6.17. Numerical strength of the committees (vote)

Proposal for a decision tabled under Rule 174 by the Conference of Presidents on the numerical strength of the committees (B6-0664/2006)

(Simple majority)

(Voting record: 'Results of votes', Item 17)

PROPOSAL FOR A DECISION

Adopted (P6_TA(2006)0585)

6.18. European Institute for Gender Equality *II (vote)**

Recommendation for second reading on the Council common position for adopting a regulation of the European Parliament and of the Council establishing a European Institute for Gender Equality [10351/1/2006 — C6-0314/2006 — 2005/0017(COD)] — Committee on Women's Rights and Gender Equality
Co-rapporteurs: Lissy Gröner and Amalia Sartori (A6-0455/2006).

(Qualified majority)

(Voting record: 'Results of votes', Item 18)

COMMON POSITION OF THE COUNCIL

Declared approved as amended (P6_TA(2006)0586)

Thursday, 14 December 2006

6.19. Driving licences *II (vote)**

Recommendation for second reading on the Council common position for adopting a directive of the European Parliament and of the Council on driving licences [09010/1/2006 — C6-0312/2006 — 2003/0252(COD)] — Committee on Transport and Tourism

Rapporteur: Mathieu Grosch (A6-0414/2006).

(Qualified majority)

(Voting record: 'Results of votes', Item 19)

COMMON POSITION OF THE COUNCIL

Declared approved as amended (P6_TA(2006)0587)

6.20. Amendment of Rule 81 of Parliament's Rules of Procedure, Implementing provisions (vote)

Report on amendment of Rule 81 of Parliament's Rules of Procedure, Implementing provisions [2006/2211(REG)] — Committee on Constitutional Affairs

Rapporteur: Richard Corbett (A6-0415/2006).

(Qualified majority)

(Voting record: 'Results of votes', Item 20)

TEXT OF THE RULES OF PROCEDURE

Amendments adopted: see *Results of Votes Annex*

PROPOSAL FOR A DECISION

Adopted (P6_TA(2006)0588)

The following spoke on the vote:

— Richard Corbett (rapporteur).

The new provisions would enter into force on 01.01.2007.

6.21. Amendment of the Rules of Procedure (committees, quaestors) (vote)

Report on amendment of Rules 15 and 182(1) of Parliament's Rules of Procedure — Election of Quaestors and committee bureaux [2006/2287(REG)] — Committee on Constitutional Affairs

Rapporteur: Jo Leinen (A6-0464/2006).

(Qualified majority)

(Voting record: 'Results of votes', Item 21)

TEXT OF THE RULES OF PROCEDURE

Amendments adopted: see *Results of Votes Annex*

PROPOSAL FOR A DECISION

Adopted (P6_TA(2006)0589)

The new provisions would enter into force on 01.01.2007.

6.22. External Borders Fund (2007-2013) *I (vote)**

Report on the proposal for a decision of the European Parliament and the Council establishing the External Borders Fund for the period 2007-2013 as part of the General programme 'Solidarity and Management of Migration Flows' [COM(2005)0123 — C6-0125/2005 — 2005/0047(COD)] — Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Barbara Kudrycka (A6-0427/2006).

(Simple majority)

(Voting record: 'Results of votes', Item 22)

Thursday, 14 December 2006

COMMISSION PROPOSAL

Barbara Kudrycka (rapporteur) recommended that the House adopt the compromise amendment.

Approved as amended (P6_TA(2006)0590)

DRAFT LEGISLATIVE RESOLUTION

Adopted (P6_TA(2006)0590)

6.23. Creation of the European Return Fund (2008-2013) *I (vote)**

Report on the proposal for a decision of the European Parliament and the Council establishing the European Refugee Fund for the period 2008-2013 as part of the General programme 'Solidarity and Management of Migration Flows' [COM(2005)0123 — C6-0126/2005 — 2005/0049(COD)] — Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Barbara Kudrycka (A6-0425/2006).

(Simple majority)

(Voting record: 'Results of votes', Item 23)

COMMISSION PROPOSAL

The following spoke: Barbara Kudrycka (rapporteur), Ulla-Maj Widenroos (President-in-Office of the Council) and Andris Piebalgs (Member of the Commission), who clarified the positions of their respective institutions.

Approved as amended (P6_TA(2006)0591)

DRAFT LEGISLATIVE RESOLUTION

Adopted (P6_TA(2006)0591)

6.24. Medicinal products for paediatric use *I (vote)**

Report on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No .../2006 on medicinal products for paediatric use and amending Regulation (EEC) No 1768/92, Directive 2001/20/EC, Directive 2001/83/EC and Regulation (EC) No 726/2004 [COM(2006)0640 — C6-0356/2006 — 2006/0207(COD)] — Committee on the Environment, Public Health and Food Safety

Rapporteur: Françoise Grossetête (A6-0396/2006).

(Simple majority)

(Voting record: 'Results of votes', Item 24)

COMMISSION PROPOSAL

Approved as amended (P6_TA(2006)0592)

DRAFT LEGISLATIVE RESOLUTION

Adopted (P6_TA(2006)0592)

6.25. European Small Claims Procedure *I (vote)**

Report on the proposal for a regulation of the European Parliament and of the Council establishing a European Small Claims Procedure [COM(2005)0087 — C6-0082/2005 — 2005/0020(COD)] — Committee on Legal Affairs

Rapporteur: Hans-Peter Mayer (A6-0387/2006).

(Simple majority)

(Voting record: 'Results of votes', Item 25)

COMMISSION PROPOSAL

Approved as amended (P6_TA(2006)0593)

Thursday, 14 December 2006

DRAFT LEGISLATIVE RESOLUTION

Adopted (P6_TA(2006)0593)

The following spoke on the vote:

— Hans-Peter Mayer (rapporteur) pointed out that the German terminology used was the authentic text and moved an oral amendment to compromise package No 1, which was incorporated.

6.26. Fundamental rights and citizenship (2007-2013) * (vote)

Report on the proposal for a Council decision establishing for the period 2007-2013 the specific programme 'Fundamental rights and citizenship' as part of the General programme 'Fundamental Rights and Justice' [COM(2005)0122 — C6-0236/2005 — 2005/0038(CNS)] — Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Inger Segelström (A6-0465/2006).

(Simple majority)

(Voting record: 'Results of votes', Item 26)

COMMISSION PROPOSAL

Approved as amended (P6_TA(2006)0594)

DRAFT LEGISLATIVE RESOLUTION

Adopted (P6_TA(2006)0594)

6.27. Criminal justice (2007-2013) * (vote)

Report on the proposal for a Council decision establishing for the period 2007-2013 the specific programme 'Criminal justice' as part of the General programme 'Fundamental Rights and Justice' [COM(2005)0122 — C6-0237/2005 — 2005/0039(CNS)] — Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Inger Segelström (A6-0453/2006).

(Simple majority)

(Voting record: 'Results of votes', Item 27)

COMMISSION PROPOSAL

Approved as amended (P6_TA(2006)0595)

DRAFT LEGISLATIVE RESOLUTION

Adopted (P6_TA(2006)0595)

6.28. Preventing and fighting crime (2007-2013) * (vote)

Report on the proposal for a Council decision establishing the specific Programme 'Prevention of and Fight against Crime' for the Period 2007-2013 — General Programme 'Security and Safeguarding Liberties' [COM(2005)0124 — C6-0242/2005 — 2005/0035(CNS)] — Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Romano Maria La Russa (A6-0389/2006).

(Simple majority)

(Voting record: 'Results of votes', Item 28)

COMMISSION PROPOSAL

Approved as amended (P6_TA(2006)0596)

DRAFT LEGISLATIVE RESOLUTION

Adopted (P6_TA(2006)0596)

Thursday, 14 December 2006

6.29. Development of the second generation Schengen Information System (SIS II) * (vote)

Report on the proposal for a Council regulation amending Regulation (EC) No 2424/2001 on the development of the second generation Schengen Information System (SIS II) [COM(2006)0383 — C6-0296/2006 — 2006/0125(CNS)] — Committee on Civil Liberties, Justice and Home Affairs
Rapporteur: Carlos Coelho (A6-0410/2006).

(Simple majority)

(Voting record: 'Results of votes', Item 29)

COMMISSION PROPOSAL

Approved (P6_TA(2006)0597)

DRAFT LEGISLATIVE RESOLUTION

Adopted (P6_TA(2006)0597)

6.30. Development of the second generation Schengen information System (SIS II) * (vote)

Report on the proposal for a Council decision amending Decision 2001/886/JHA on the development of the second generation Schengen Information System (SIS II) [COM(2006)0383 — C6-0297/2006 — 2006/0126(CNS)] — Committee on Civil Liberties, Justice and Home Affairs
Rapporteur: Carlos Coelho (A6-0413/2006).

(Simple majority)

(Voting record: 'Results of votes', Item 30)

COMMISSION PROPOSAL

Approved (P6_TA(2006)0598)

DRAFT LEGISLATIVE RESOLUTION

Adopted (P6_TA(2006)0598)

6.31. Nuclear Safety and Security Assistance * (vote)

Report on the proposal for a Council regulation establishing an Instrument for Nuclear Safety and Security Assistance [09037/2006 — C6-0153/2006 — 2006/0802(CNS)] — Committee on Industry, Research and Energy
Rapporteur: Esko Seppänen (A6-0397/2006).

(Simple majority)

(Voting record: 'Results of votes', Item 31)

COUNCIL TEXT

Approved as amended (P6_TA(2006)0599)

DRAFT LEGISLATIVE RESOLUTION

Adopted (P6_TA(2006)0599)

The following spoke on the vote:

— Esko Seppänen (rapporteur), who moved an oral amendment to amendment 25, which was incorporated.

Thursday, 14 December 2006

6.32. Visas for crossing Member States' external borders * (vote)

Report on the proposal for a Council regulation amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from that requirement [COM(2006)0084 — C6-0256/2006 — 2006/0022(CNS)] — Committee on Civil Liberties, Justice and Home Affairs
Rapporteur: Ioannis Varvitsiotis (A6-0431/2006).

(Simple majority)

(Voting record: 'Results of votes', Item 32)

COMMISSION PROPOSAL

Approved as amended (P6_TA(2006)0600)

DRAFT LEGISLATIVE RESOLUTION

Adopted (P6_TA(2006)0600)

6.33. Sakharov Prize (vote)

Motions for resolution B6-0665/2006 and B6-0666/2006

(Simple majority)

(Voting record: 'Results of votes', Item 33)

MOTION FOR A RESOLUTION RC-B6-0665/2006

(replacing B6-0665/2006 and B6-0666/2006):

tabled by the following Members:

Edward McMillan-Scott, José Ignacio Salafranca Sánchez-Neyra, Gerardo Galeote and Bogusław Sonik, on behalf of the PPE-DE Group;

Pasqualina Napoletano and Véronique De Keyser, on behalf of the PSE Group;

Annemie Neyts-Uyttebroeck, Marco Cappato and Marco Pannella, on behalf of the ALDE Group;

Hélène Flautre, Raúl Romeva i Rueda, Monica Frassoni and Daniel Cohn-Bendit, on behalf of the Verts/ALE Group;

Vittorio Agnoletto, Gabriele Zimmer, Jens Holm, Erik Meijer and Luisa Morgantini, on behalf of the GUE/NGL Group;

Inese Vaidere, Michał Tomasz Kamiński, Adam Bielan, Gintaras Didžiokas and Ryszard Czarnecki, on behalf of the UEN Group

Adopted (P6_TA(2006)0601)

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* *

Edward McMillan-Scott pointed out that Gao Zhisheng, a Chinese human rights lawyer, had very recently been tried and imprisoned.

6.34. Data protection within the framework of police and judicial cooperation in criminal matters (vote)

Report with a proposal for a European Parliament recommendation to the Council on the progress of the negotiations on the framework decision on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters [2006/2286(INI)] — Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Martine Roure (A6-0456/2006).

Thursday, 14 December 2006

*(Simple majority)**(Voting record: 'Results of votes', Item 34)*

PROPOSAL FOR A RECOMMENDATION

Adopted (P6_TA(2006)0602)

6.35. A European strategy for sustainable, competitive and secure energy (vote)

Report on a European strategy for sustainable, competitive and secure energy — Green Paper [2006/2113(INI)] — Committee on Industry, Research and Energy
Rapporteur: Eluned Morgan (A6-0426/2006).

*(Simple majority)**(Voting record: 'Results of votes', Item 35)*

MOTION FOR A RESOLUTION

Adopted (P6_TA(2006)0603)

The following spoke on the vote:

— Claude Turmes, who moved an oral amendment to amendment 10.

As more than 37 Members objected to the oral amendment, it was not incorporated.

6.36. Biomass and Biofuels (vote)

Report on a strategy for biomass and biofuels [2006/2082(INI)] — Committee on Industry, Research and Energy
Rapporteur: Werner Langen (A6-0347/2006).

*(Simple majority)**(Voting record: 'Results of votes', Item 36)*

MOTION FOR A RESOLUTION

Adopted (P6_TA(2006)0604)

The following spoke:

— Mechtild Rothe, on behalf of the PSE Group, who moved an oral amendment to paragraph 76, which was incorporated.

7. Explanations of vote*Written explanations of vote:*

Explanations of vote submitted in writing under Rule 163(3) appear in the *Verbatim Report of Proceedings* for the sitting.

Oral explanations of vote:

Report: James Elles and Louis Grech — A6-0451/2006:

— Laima Liucija Andrikiienė

Report: Lissy Gröner and Amalia Sartori — A6-0455/2006:

— Zita Pleštinšká

Report: Jo Leinen — A6-0464/2006:

— Richard Corbett

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Report: Esko Seppänen — A6-0397/2006:

— Árpád Duka-Zólyomi

Report: Martine Roure — A6-0456/2006:

— Sarah Ludford, on behalf of the ALDE Group

8. Corrections to votes and voting intentions

Corrections to votes and voting intentions appear on the 'Séance en direct' website under 'Votes'/ 'Results of votes'/ 'Roll-call votes'. They are published in hard copy in the 'Result of roll-call votes' annex.

The electronic version on Europarl will be regularly updated for a maximum of two weeks after the day of the vote concerned.

After the two-week deadline has passed, the list of corrections to votes and voting intentions will be finalised so that it can be translated and published in the Official Journal.

(The sitting was suspended at 13.00 and resumed at 15.00.)

IN THE CHAIR: Janusz ONYSZKIEWICZ

Vice-President

9. Approval of Minutes of previous sitting

The Minutes of the previous sitting were approved.

10. Hague Convention on securities (debate)

Oral question (O-0120/2006) by Pervenche Berès, Wolf Klinz, Enrique Barón Crespo, Monica Frassoni, Magda Kósáné Kovács, Louis Grech, Adeline Hazan, Alain Lipietz, Antolín Sánchez Presedo, Benoît Hamon, Rosa Miguélez Ramos, Bernard Poignant, Donata Gottardi, Catherine Trautmann, Gianni Pittella, Manfred Weber, Inés Ayala Sender, Jean Louis Cottigny, Jean-Luc Bennahmias, Marc Tarabella, Jean-Paul Gauzès, Kader Arif, Marie-Arlette Carlotti, Martine Roure, Nicola Zingaretti, Yannick Vaugrenard, Harlem Désir, Gilles Savary, Guy Bono, Janelly Fourtou, Rosa Díez González, Michel Rocard, Marie-Line Reynaud, Bernadette Vergnaud, Béatrice Patrie, Catherine Guy-Quint, Pierre Moscovici, Jean-Claude Fruteau and Csaba Sándor Tabajdi, to the Commission: Implications of signing the Hague Securities Convention (B6-0447/2006)

Pervenche Berès moved the oral question.

Jacques Barrot (Vice-President of the Commission) answered the oral question.

The following spoke: Jean-Paul Gauzès, on behalf of the PPE-DE Group, Antolín Sánchez Presedo, on behalf of the PSE Group, John Purvis, Marc Tarabella, Jacques Barrot and Pervenche Berès.

Motion for a resolution to wind up the debate tabled pursuant to Rule 108(5):

— Pervenche Berès, Wolf Klinz, Monica Frassoni, Magda Kósáné Kovács, Adeline Hazan, Alain Lipietz, Antolín Sánchez Presedo, Benoît Hamon, Rosa Miguélez Ramos, Bernard Poignant, Catherine Trautmann, Henri Weber, Inés Ayala Sender, Jean Louis Cottigny, Jean-Luc Bennahmias, Marc Tarabella, Jean-Paul Gauzès, Kader Arif, Marie-Arlette Carlotti, Martine Roure, Yannick Vaugrenard, Harlem Désir, Gilles Savary, Guy Bono, Janelly Fourtou, Marie-Line Reynaud, Bernadette Vergnaud, Catherine Guy-Quint, Pierre Moscovici, Jean-Claude Fruteau, Csaba Sándor Tabajdi, Françoise Castex, Anne Ferreira, Robert Navarro, Brigitte Douay, Bernadette Bourzai, Alain Hutchinson, Sérgio Sousa Pinto, Alejandro Cercas, Maria Badia i Cutchet, Ignasi Guardans Cambó and Michel Rocard on the implications of signing the Hague Securities Convention (B6-0632/2006)

The debate closed.

Vote: *Minutes of 14.12.2006, Item 14.4.*

Thursday, 14 December 2006

11. Debate on cases of breaches of human rights, democracy and the rule of law (debate)

(For the titles and authors of the motions for resolutions, see Minutes of 12.12.2006, Item 2)

11.1. Fiji

Motions for resolution B6-0646/2006, B6-0649/2006, B6-0652/2006, B6-0660/2006, B6-0662/2006 and B6-0663/2006

Justas Vincas Paleckis, Nirj Deva, Tobias Pflüger, Raúl Romeva i Rueda, Adam Bielan and István Szent-Iványi introduced motions for resolutions.

The following spoke: Bernd Posselt, on behalf of the PPE-DE Group, Józef Pinior, on behalf of the PSE Group, Marcin Libicki, on behalf of the UEN Group, Michael Gahler and Jacques Barrot (Vice-President of the Commission).

The debate closed.

Vote: *Minutes of 14.12.2006, Item 12.1.*

11.2. Implication of the UN forces in sexual abuses in Liberia and in Haiti

Motions for resolution B6-0648/2006, B6-0653/2006, B6-0654/2006, B6-0656/2006 and B6-0659/2006

José Javier Pomés Ruiz, Ilda Figueiredo, Marek Aleksander Czarnecki, Miguel Angel Martínez Martínez and Raúl Romeva i Rueda introduced motions for resolutions.

IN THE CHAIR: Gérard ONESTA

Vice-President

The following spoke: Michael Gahler, on behalf of the PPE-DE Group, Karin Scheele, on behalf of the PSE Group, Marios Matsakis, on behalf of the ALDE Group, Urszula Krupa, on behalf of the IND/DEM Group, Józef Pinior, Kathy Sinnott and Jacques Barrot (Vice-President of the Commission).

The debate closed.

Vote: *Minutes of 14.12.2006, Item 12.2.*

11.3. Burma

Motions for resolution B6-0647/2006, B6-0651/2006, B6-0655/2006, B6-0657/2006, B6-0658/2006 and B6-0661/2006

Thomas Mann, Erik Meijer, Marc Tarabella, Marios Matsakis and Alyn Smith introduced motions for resolutions.

The following spoke: Bernd Posselt, Lidia Joanna Geringer de Oedenberg and Jacques Barrot (Vice-President of the Commission).

The debate closed.

Vote: *Minutes of 14.12.2006, Item 12.3.*

12. Voting time

Details of voting (amendments, separate and split votes, etc.) appear in the 'Results of votes' annex to the Minutes.

Thursday, 14 December 2006

12.1. Fiji (vote)

Motions for resolution B6-0646/2006, B6-0649/2006, B6-0652/2006, B6-0660/2006, B6-0662/2006 and B6-0663/2006

(Simple majority)

(Voting record: 'Results of votes', Item 37)

MOTION FOR A RESOLUTION RC-B6-0646/2006

(replacing B6-0646/2006, B6-0649/2006, B6-0660/2006, B6-0662/2006 and B6-0663/2006):

tabled by the following Members:

Nirj Deva, Geoffrey Van Orden, Bernd Posselt, Charles Tannock, on behalf of the PPE-DE Group, Pasqualina Napoletano, Miguel Angel Martínez Martínez, Marie-Arlette Carlotti, Panagiotis Beglitis, on behalf of the PSE Group,

István Szent-Iványi, Marios Matsakis, on behalf of the ALDE Group,

Margrete Auken, Marie-Hélène Aubert, on behalf of the Verts/ALE Group,

Adam Bielan, Mieczysław Edmund Janowski, Michał Tomasz Kamiński, Marcin Libicki, Roberts Zile, Hanna Foltyn-Kubicka, on behalf of the UEN Group

Adopted (P6_TA(2006)0605)

(Motion for a resolution B6-0652/2006 fell.)

12.2. Implication of the UN forces in sexual abuses in Liberia and in Haiti (vote)

Motions for resolution B6-0648/2006, B6-0653/2006, B6-0654/2006, B6-0656/2006 and B6-0659/2006

(Simple majority)

(Voting record: 'Results of votes', Item 38)

MOTION FOR A RESOLUTION RC-B6-0648/2006

(replacing B6-0648/2006, B6-0653/2006, B6-0654/2006, B6-0656/2006 and B6-0659/2006):

tabled by the following Members:

Michael Gahler, Maria Martens, José Javier Pomés Ruiz, Bernd Posselt and Charles Tannock, on behalf of the PPE-DE Group,

Pasqualina Napoletano, Elena Valenciano Martínez-Orozco, Miguel Angel Martínez Martínez, Marie-Arlette Carlotti, María Sornosa Martínez and Pierre Schapira, on behalf of the PSE Group,

Marios Matsakis, on behalf of the ALDE Group,

Raül Romeva i Rueda, Marie-Hélène Aubert, Margrete Auken and Hiltrud Breyer, on behalf of the Verts/ALE Group,

Luisa Morgantini and Ilda Figueiredo, on behalf of the GUE/NGL Group,

Cristiana Muscardini, Roberta Angelilli, Michał Tomasz Kamiński, Adam Bielan, Hanna Foltyn-Kubicka, Marcin Libicki and Mieczysław Edmund Janowski, on behalf of the UEN Group

Adopted (P6_TA(2006)0606)

12.3. Burma (vote)

Motions for resolution B6-0647/2006, B6-0651/2006, B6-0655/2006, B6-0657/2006, B6-0658/2006 and B6-0661/2006

(Simple majority)

(Voting record: 'Results of votes', Item 39)

Thursday, 14 December 2006

MOTION FOR A RESOLUTION RC-B6-0647/2006

(replacing B6-0647/2006, B6-0651/2006, B6-0655/2006, B6-0657/2006, B6-0658/2006 and B6-0661/2006):

tabled by the following Members:

Geoffrey Van Orden, Thomas Mann, Bernd Posselt, Charles Tannock and Simon Coveney, on behalf of the PPE-DE Group,

Pasqualina Napoletano, Glenys Kinnock and Marc Tarabella, on behalf of the PSE Group,

Frédérique Ries and Marios Matsakis, on behalf of the ALDE Group,

Raül Romeva i Rueda, on behalf of the Verts/ALE Group,

Vittorio Agnoletto and Luisa Morgantini, on behalf of the GUE/NGL Group,

Gintaras Didžiokas, on behalf of the UEN Group

Adopted (P6_TA(2006)0607)

12.4. Hague Convention on securities (vote)

Motion for a resolution B6-0632/2006

*(Simple majority)**(Voting record: 'Results of votes', Item 40)*

MOTION FOR A RESOLUTION

Adopted (P6_TA(2006)0608)

13. Membership of committees and delegations

At the request of the secretariat of the Non-attached Members and the PSE Group, Parliament ratified the following appointments:

Temporary Committee on the alleged use of European countries by the CIA for the transport and illegal detention of prisoners: Jean-Claude Martinez to replace Philip Claeys

Delegation for relations with the People's Republic of China: Philippe Busquin to replace Guido Sacconi

Delegation to the EU-Russia Parliamentary Cooperation Committee: Guido Sacconi to replace Philippe Busquin

14. Verification of credentials

On a proposal by the JURI Committee, Parliament had decided to validate the mandate of Christel Schaldemose with effect from 15.10.2006.

15. Decisions concerning certain documents**Enhanced cooperation between committees**

ENVI Committee

— The placing of plant protection products on the market (COM(2006)0388 — C6-0245/2006 — 2006/0136(COD))

(opinion: ITRE, IMCO)

Enhanced cooperation between committees ENVI, AGRI

(Following the Conference of Presidents' decision of 07.12.2006)

Thursday, 14 December 2006

Authorisation to draw up own-initiative reports (Rule 45)

DEVE Committee

- The Horn of Africa: an EU regional political partnership for peace, security and development (2006/2291(INI))

(opinion: AFET, INTA)

(Following the Conference of Presidents' decision of 07.12.2006)

ENVI Committee

- Thematic Strategy for Soil Protection (2006/2293(INI))

(opinion: AGRI, ITRE, JURI)

(Following the Conference of Presidents' decision of 07.12.2006)

INTA Committee

- Global Europe — External aspects of competitiveness (2006/2292(INI))

(opinion: ITRE, ECON)

(Following the Conference of Presidents' decision of 07.12.2006)

TRAN Committee

- Towards a future Maritime Policy for the Union: A European Vision for the Oceans and Seas (2006/2299(INI))

(opinion: PECH, ENVI, ITRE, REGI)

(Following the Conference of Presidents' decision of 07.12.2006)

Decision to draw up own-initiative reports (Rule 82(4))

AFET Committee

- Report on FYROM's 2006 progress report (2006/2289(INI))

- Report on Croatia's 2006 progress report (2006/2288(INI))

Decision to draw up own-initiative reports (Rule 114(3))

LIBE Committee

- This title is not currently available in all languages. Protection des données dans le cadre de la coopération policière en matière pénale (2006/2286(INI))

16. Written declarations entered in the register (Rule 116)

Number of signatures obtained by the written declarations entered in the register (Rule 116(3)):

Document number	Author	Signatures
64/2006	Robert Evans, Paulo Casaca, David Martin, Sajjad Karim and Carl Schlyter	57
65/2006	Renato Brunetta	40
66/2006	Oldřich Vlasák	29
67/2006	Mary Honeyball, John Bowis and Caroline Lucas	50
68/2006	Manolis Mavrommatis, Vasco Graça Moura and José Albino Silva Peneda	97
69/2006	Aldo Patriciello	11
70/2006	Alessandra Mussolini and Carlo Casini	23
71/2006	Luca Romagnoli	29

Thursday, 14 December 2006

Document number	Author	Signatures
72/2006	Milan Gaľa, Barbara Kudrycka, Zita Pleštinšá and Peter Šťastný	69
73/2006	Mario Borghezio	10
74/2006	Manuel dos Santos, Fausto Correia, Jamila Madeira and Emanuel Fernandes	20
75/2006	Sepp Kusstatscher, Eva Lichtenberger, Alexander Alvaro, Lissy Gröner and Thomas Mann	36
76/2006	Andreas Mölzer	19
77/2006	Andreas Mölzer	9
78/2006	Bogusław Rogalski, Bogdan Pęk and Ryszard Czarnecki	16
79/2006	Milan Horáček, Simon Coveney and Christa Prets	92
80/2006	Michael Cashman, Andrew Duff and Richard Howitt	25
81/2006	Alessandra Mussolini	5
82/2006	Stanisław Jałowiecki	43
83/2006	Philip Claeys, Frank Vanhecke and Koenraad Dillen	9
84/2006	Catherine Stihler	30
85/2006	Jacky Henin, Marco Rizzo and Helmuth Markov	7
86/2006	Adriana Poli Bortone	9
87/2006	Jolanta Dičkutė, John Bowis, Stephen Hughes, Frédérique Ries and Thomas Ulmer	51
88/2006	Daniel Stroj	9
89/2006	Ignasi Guardans Cambó, Panayiotis Demetriou, Ana Maria Gomes, Gérard Onesta and Sylvia-Yvonne Kaufmann	35
90/2006	Caroline Lucas, Jillian Evans, Luigi Cocilovo and Jean Lambert	21
91/2006	Daniel Stroj	8

17. Forwarding of texts adopted during the sitting

Pursuant to Rule 172(2), the Minutes of that day's sitting would be submitted to Parliament for its approval at the beginning of the next sitting.

With Parliament's agreement, the texts that had been adopted would be forwarded forthwith to the bodies named therein.

18. Dates for next sittings

The next sitting would be held on 18.12.2006.

19. Adjournment of session

The session of the European Parliament was adjourned.

The sitting closed at 16.35.

Julian Priestley
Secretary-General

Josep Borrell Fontelles
President

Thursday, 14 December 2006

ATTENDANCE REGISTER

The following signed:

Agnoletto, Aita, Albertini, Allister, Andrejevs, Andria, Andriksen, Angelilli, Antoniozzi, Arif, Arnaoutakis, Ashworth, Atkins, Attwooll, Aubert, Audy, Auken, Ayala Sender, Aylward, Ayuso, Bachelot-Narquin, Baco, Badia i Cutchet, Barsi-Pataky, Batten, Battilocchio, Batzeli, Bauer, Beaupuy, Beazley, Becsey, Beer, Belder, Belet, Belohorská, Bennahmias, Berend, Berès, van den Berg, Berger, Berlato, Berlinguer, Berman, Bielan, Blokland, Bobošíková, Böge, Bösch, Bonde, Bonsignore, Borghesio, Borrell Fontelles, Bourzai, Bowis, Bradbourn, Braghetto, Brejc, Brepoels, Breyer, Brézina, Brie, Brok, Budreikaitė, van Buitenen, Buitenweg, Bullmann, Bushill-Matthews, Busquin, Busuttil, Buzek, Calabuig Rull, Callanan, Camre, Capoulas Santos, Carlotti, Carlshamre, Carnero González, Casa, Casaca, Cashman, Casini, Caspary, Castex, Castiglione, del Castillo Vera, Catania, Cavada, Cederschiöld, Cercas, Chatzimarkakis, Chichester, Chiesa, Chmielewski, Christensen, Chruszcz, Claey, Clark, Cocilovo, Coelho, Cohn-Bendit, Corbey, Cornillet, Correia, Costa, Cottigny, Coûteaux, Cramer, Crowley, Marek Aleksander Czarnecki, Ryszard Czarnecki, Daul, Davies, De Blasio, de Brún, Degutis, Dehaene, De Keyser, Demetriou, De Michelis, Deprez, De Rossa, De Sarnez, Descamps, Désir, Deß, Deva, De Veyrac, De Vits, Díaz de Mera García Consuegra, Dičkutė, Didžiokas, Díez González, Dillen, Dobolyi, Dombrovskis, Doorn, Douay, Dover, Doyle, Drčar Murko, Duchoň, Dührkop Dührkop, Duff, Duka-Zólyomi, Ebner, Ehler, Ek, Elles, Estrela, Ettl, Jill Evans, Jonathan Evans, Fajmon, Farage, Fatuzzo, Fava, Fazakas, Ferber, Fernandes, Fernández Martín, Anne Ferreira, Elisa Ferreira, Figueiredo, Fjellner, Flasarová, Flautre, Florenz, Foltyn-Kubicka, Fontaine, Fourtoul, Fraga Estévez, Frassoni, Freitas, Fruteau, Gahler, Gál, Gaľa, Galeote, García-Margallo y Marfil, García Pérez, Garriga Polledo, Gauzès, Gawronski, Gebhardt, Gentvilas, Geremek, Geringer de Oedenberg, Gewalt, Gibault, Giertych, Gill, Glante, Glattfelder, Goebbels, Goepel, Gollnisch, Gomes, Gomolka, Goudin, Grabowska, Grabowski, Graça Moura, Graefe zu Baringdorf, Gräßle, de Grandes Pascual, Grech, Griesbeck, de Groen-Kouwenhoven, Groote, Grosch, Grossetête, Gruber, Guardans Cambó, Guellec, Guerreiro, Gurmai, Gutiérrez-Cortines, Guy-Quint, Gyürk, Hänsch, Hall, Hammerstein, Hamon, Handzlik, Hannan, Harbour, Harkin, Harms, Hassi, Hatzidakis, Haug, Hazan, Heaton-Harris, Hedh, Hedkvist Petersen, Helmer, Henin, Hennicot-Schoepges, Hennis-Plasschaert, Herczog, Herranz García, Hieronymi, Higgins, Hökmark, Holm, Honeyball, Hoppenstedt, Horáček, Hudacký, Hudghton, Hughes, Hutchinson, Hybášková, Ibrisagic, in 't Veld, Isler Béguin, Itälä, Iturgaiz Angulo, Jackson, Jääteenmäki, Jałowiecki, Janowski, Járóka, Jarzembowski, Jeggle, Jensen, Jöns, Jørgensen, Jordan Cizelj, Juknevičienė, Kaczmarek, Kallenbach, Kamall, Kamiński, Karas, Kasoulides, Kaufmann, Kauppi, Tunne Kelam, Kindermann, Kirkhope, Klamt, Klač, Klich, Koch, Konrad, Korhola, Kósáné Kovács, Koterec, Krahmer, Kratsa-Tsagaropoulou, Kreissl-Dörfler, Kristovskis, Krupa, Kuc, Kudrycka, Kuhne, Kułakowski, Kušis, Kusstatscher, Kuźmiuk, Lagendijk, Lambert, Lambrinidis, Lambsdorff, Landsbergis, Lang, Langen, Langendries, Laperrouze, La Russa, Lauk, Lax, Lechner, Le Foll, Lehne, Leichtfried, Marine Le Pen, Le Rachinel, Léva, Lewandowski, Liberadzki, Libicki, Lichtenberger, Lienemann, Liese, Liotard, Lipietz, Lombardo, Louis, Lucas, Ludford, Lulling, Lundgren, Lynne, Maat, Maaten, McAvan, McCarthy, McDonald, McMillan-Scott, Madeira, Maldeikis, Manders, Mańka, Erika Mann, Thomas Mann, Mantovani, David Martin, Hans-Peter Martin, Martínez, Martínez Martínez, Masiel, Maštálka, Mastenbroek, Mathieu, Mato Adrover, Matsakis, Matsouka, Mauro, Mavrommatis, Mayer, Mayor Oreja, Medina Ortega, Meijer, Méndez de Vigo, Menéndez del Valle, Meyer Pleite, Miguélez Ramos, Mikolášik, Millán Mon, Mitchell, Mohácsi, Moreno Sánchez, Morgan, Morillon, Moscovici, Mote, Mulder, Musacchio, Muscardini, Muscat, Musotto, Mussolini, Myller, Napolitano, Nassauer, Nattrass, Navarro, Newton Dunn, van Nistelrooij, Novak, Obiols i Germà, Achille Occhetto, Özdemir, Olajos, Olbrycht, Ó Neachtain, Onesta, Onyszkiewicz, Oomen-Ruijten, Óry, Oviir, Paasilinna, Pack, Pafilis, Pahor, Paleckis, Panayotopoulos-Cassiotou, Panzeri, Papadimoulis, Papastamkos, Parish, Patrie, Peillon, Pęk, Pflüger, Piecyk, Pieper, Pīks, Pinheiro, Pinior, Piotrowski, Pirker, Piskorski, Pittella, Pleguezuelos Aguilar, Plešinská, Podestà, Podkański, Poignant, Polfer, Pomés Ruiz, Portas, Posdorf, Posselt, Prets, Prodi, Protasiewicz, Purvis, Queiró, Quisthoudt-Rowohl, Rack, Radwan, Ransdorf, Rapkay, Remek, Resetarits, Reul, Reynaud, Riera Madurell, Ries, Riis-Jørgensen, Rocard, Rogalski, Roithová, Romagnoli, Romeva i Rueda, Rosati, Roszkowski, Roth-Behrendt, Rothe, Rouček, Roure, Rudi Ubeda, Rübig, Rühle, Rutowicz, Ryan, Sacconi, Saïfi, Sakalas, Saks, Salinas García, Samaras, Sánchez Presedo, dos Santos, Sartori, Savary, Savi, Sbarbati, Schaldemose, Schapira, Scheele, Schenardi, Schierhuber, Schlyter, Olle Schmidt, Schnellhardt, Schöpflin, Schroedter, Schuth, Schwab, Seeber, Seeberg, Segelström, Seppänen, Siekierski, Silva Peneda, Simpson, Sinnott, Siwec, Skinner, Škottová, Smith, Sommer, Sonik, Sornosa Martínez, Spautz, Staes, Staniszevska, Starkevičiūtė, Šťastný, Stauner, Sterckx, Stevenson, Stihler, Stockmann, Strejček, Stroj, Stubb, Sturdy, Sudre, Susta, Svensson, Swoboda, Szájer, Szejna, Szent-Iványi, Szymański, Tajani, Takkula, Tannock, Tarabella, Tarand, Thomsen, Thyssen, Titley, Toia, Tomczak, Toubon, Toussas, Trakatellis, Trautmann, Triantaphyllides, Trüpel, Turmes, Tzampazi, Ulmer, Väyrynen, Vakalis, Van Hecke, Van Lancker, Van Orden, Varela Suanzes-Carpegna, Varvitsiotis, Vatanen, Vaugrenard, Veraldi, Vergnaud, Vidal-Quadras, de Villiers, Vincenzi, Virrankoski, Vlasák, Vlasto, Voggenhuber, Wagenknecht, Wallis, Walter, Henri Weber, Manfred Weber, Weiler, Weisgerber, Westlund, Whittaker, Wieland, Wiersma, Wijkman, Willmott, Wise, von Wogau, Bernard Piotr Wojciechowski, Janusz Wojciechowski, Wortmann-Kool, Wurtz, Yañez-Barnuevo García, Záborská, Zahradil, Zaleski, Zapłowski, Zappalà, Zatloukal, Ždanoka, Železný, Zimmer, Zingaretti, Zvěřina, Zwiefka

Thursday, 14 December 2006

Observers:

AthanasIU, BărbuleŢiu, Becşenescu, Buruiană-Aprodu, Ciornei, Cioroianu, Coşea, Corina Creţu, Gabriela Creţu, Duca, GaŃ, HogeA, Ivanova, Kirilov, Kónya-Hamar, Mihăescu, Mihalache, Morţun, Parvanova, Paşcu, Podgorean, Popa, Popeangă, Sărbu, Severin, Silaghi, Stoyanov, Ţicău, Vigenin

Thursday, 14 December 2006

ANNEX I

RESULTS OF VOTES

Abbreviations and symbols

+	adopted
-	rejected
↓	lapsed
W	withdrawn
RCV (..., ..., ...)	roll-call vote (in favour, against, abstentions)
EV (..., ..., ...)	electronic vote (in favour, against, abstentions)
split	split vote
sep	separate vote
am	amendment
CA	compromise amendment
CP	corresponding part
D	deleting amendment
=	identical amendments
§	paragraph
art	article
rec	recital
MOT	motion for a resolution
JT MOT	joint motion for a resolution
SEC	secret ballot

1. Draft general budget of the European Union — 2007, amended by the Council

Am No	Budget line	Block, RCV, EC, sep, split	Vote	EV/RCV — comments
COMMISSION				
277	01 04 04	Block 1	+	
3	02 01 04 01	Block 1		
4	02 01 04 05	Block 1		
278	02 02 01	Block 1		
6	02 02 03 04	Block 1		
7	02 02 05	Block 1		

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Am No	Budget line	Block, RCV, EC, sep, split	Vote	EV/RCV — comments
8	02 02 09	Block 1		
9	02 02 10	Block 1		
10	02 03 02 01	Block 1		
279	02 04 01	Block 1		
15	04 02 03	Block 1		
16	04 02 04	Block 1		
17	04 02 05	Block 1		
18	04 02 06	Block 1		
19	04 02 07	Block 1		
20	04 02 08	Block 1		
21	04 02 09	Block 1		
22	04 02 10	Block 1		
23	04 02 11	Block 1		
281	04 02 17	Block 1		
282	04 03 03 02	Block 1		
283	04 03 04	Block 1		
28	04 03 05	Block 1		
29	04 03 06	Block 1		
30	04 04	Block 1		
36	04 04 01 06	Block 1		
284	04 04 02 01	Block 1		
38	04 04 03 01	Block 1		
39	04 04 04 02	Block 1		
43	06 02 01 01	Block 1		
44	06 02 02 01	Block 1		
45	06 02 03	Block 1		
46	06 02 04 01	Block 1		
47	06 02 04 02	Block 1		
285	06 02 06	Block 1		
49	06 02 07	Block 1		
50	06 02 08 01	Block 1		
51	06 02 09 01	Block 1		
52	06 02 10	Block 1		
53	06 03 01	Block 1		

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Am No	Budget line	Block, RCV, EC, sep, split	Vote	EV/RCV — comments
56	06 04 01	Block 1		
60	06 07 02	Block 1		
72	08	Block 1		
73	08 01 04 30	Block 1		
288	08 02 01	Block 1		
289	08 03 01	Block 1		
290	08 04 01	Block 1		
291	08 05 01	Block 1		
292	08 13 01	Block 1		
84	09 01 04 01	Block 1		
293	09 01 04 02	Block 1		
294	09 01 04 03	Block 1		
87	09 02 03 01	Block 1		
88	09 03 03	Block 1		
89	09 03 04 01	Block 1		
90	09 03 04 02	Block 1		
295	09 04 01	Block 1		
92	09 04 03 02	Block 1		
119	12 01 04 01	Block 1		
121	13 03	Block 1		
122	13 03 03	Block 1		
123	13 03 04	Block 1		
124	13 03 05	Block 1		
125	13 03 06	Block 1		
126	13 03 07	Block 1		
127	13 03 08	Block 1		
128	13 03 09	Block 1		
296	13 03 16	Block 1		
132	14 04 02	Block 1		
297	14 05 03	Block 1		
135	15 02 02 05	Block 1		
137	15 02 09	Block 1		
298	15 02 22	Block 1		
139	15 02 25 01	Block 1		

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Am No	Budget line	Block, RCV, EC, sep, split	Vote	EV/RCV — comments
141	15 02 28	Block 1		
142	15 02 29	Block 1		
253	29 01 04 01	Block 1		
41	05 04 03 02	Block 1		
64	07 03 02	Block 1		
65	07 03 03	Block 1		
66	07 03 04	Block 1		
67	07 03 06	Block 1		
287	07 03 07	Block 1		
69	07 03 08	Block 1		
70	07 03 09 01	Block 1		
71	07 03 11	Block 1		
113	11 01 04 01	Block 1		
114	11 01 04 02	Block 1		
115	11 01 04 06	Block 1		
116	11 07 01	Block 1		
117	11 08 01	Block 1		
118	11 08 05 01	Block 1		
62	07 01 04 02	Block 1		
134	15 01 04 20	Block 1		
143	15 04 09	Block 1		
299	15 04 44	Block 1		
300	15 05 55	Block 1		
148	15 06 07	Block 1		
301	15 06 66	Block 1		
302	16 03 02	Block 1		
152	16 03 04	Block 1		
153	16 03 05	Block 1		
154	16 03 06	Block 1		
303	16 04 03	Block 1		
304	16 05 01	Block 1		
157	17 03 01 01	Block 1		
158	17 03 03 01	Block 1		
159	17 03 06	Block 1		

Thursday, 14 December 2006

Am No	Budget line	Block, RCV, EC, sep, split	Vote	EV/RCV — comments
163	17 04 08 01	Block 1		
164	18 01 04 17	Block 1		
165	18 02 03 01	Block 1		
166	18 02 04	Block 1		
167	18 02 05	Block 1		
305	18 02 06	Block 1		
307	18 03 09	Block 1		
172	18 03 10	Block 1		
173	18 03 12	Block 1		
174	18 04 01	Block 1		
175	18 04 05 01	Block 1		
308	18 04 05 03	Block 1		
177	18 04 06	Block 1		
178	18 04 07	Block 1		
179	18 05 05 01	Block 1		
180	18 06 04 01	Block 1		
181	18 07 01 01	Block 1		
309	18 07 03	Block 1		
235	22 01 04 06	Block 1		
240	22 03 01	Block 1		
1	01 03 02	Block 1		
280	04 01 04 13	Block 1		
63	07 02 01	Block 1		
120	13 01 04 02	Block 1		
136	15 02 03	Block 1		
140	15 02 27 01	Block 1		
186	19 01 04 05	Block 1		
187	19 02 01 03	Block 1		
190	19 04 04	Block 1		
313	19 04 06	Block 1		
314	19 05 01	Block 1		
192	19 05 03	Block 1		
193	19 08	Block 1		
194	19 08 02 01	Block 1		

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Am No	Budget line	Block, RCV, EC, sep, split	Vote	EV/RCV — comments
195	19 09	Block 1		
197	19 10	Block 1		
200	19 10 01 03	Block 1		
201	19 10 01 04	Block 1		
321	19 10 02	Block 1		
222	21 01 04 02	Block 1		
224	21 04 04	Block 1		
225	21 04 05	Block 1		
226	21 04 06	Block 1		
326	21 05 01	Block 1		
228	21 06	Block 1		
229	21 06 02	Block 1		
230	21 06 03	Block 1		
327	21 06 04	Block 1		
233	22 01 04 02	Block 1		
234	22 01 04 04	Block 1		
236	22 02 01	Block 1		
328	22 02 02	Block 1		
237		Block 1		
239	22 02 05 02	Block 1		
242	23 01 04 01	Block 1		
244	23 02 02	Block 1		
331	XX 01 01 01	Block 1		
260	XX 01 02 01 02	Block 1		
261	XX 01 02 02 02	Block 1		
262	XX 01 02 11	Block 1		
263	XX 01 02 11 05	Block 1		
264	XX 01 03 01 03	Block 1		
13	04 01 02 11	Block 1		
61	07 01 02 11	Block 1		
245	24 01 06	Block 1		
246	26 01 08	Block 1		
247	26 01 20	Block 1		
248	26 01 21	Block 1		

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Am No	Budget line	Block, RCV, EC, sep, split		Vote	EV/RCV — comments
249	26 01 22 01	Block 1			
250	26 01 23 01	Block 1			
330	28 01 01	Block 1			
255	A4 02 01	Block 1			
251	26 01 50 23	Block 1			
256	PARTC-3-3	Block 1			
257	PARTC-3-6	Block 1			
258	PARTC-3-7	Block 1			
286	06 03 03	split	1	+	
			2	+	
57	06 04 03 03	split	1	+	
			2	+	
42	05 04 05 01	split	1	+	
			2	+	
170	18 03 04	split	1	+	
			2	+	
306	18 03 03	split	1	+	
			2/AN		257, 288, 13
311	19 01 04 03	Block 2		+	
315	19 08 01 01	Block 2			
316	19 08 01 02	Block 2			
317	19 08 01 03	Block 2			
318	19 09 01	Block 2			
319	19 10 01	Block 2			
320	19 10 01 02	Block 2			
323	20 02 01	Block 2			
325	21 03 01	Block 2			
329	22 02 03	Block 2			
269	19 01 04 03	Block 3		↓	
270	19 08 01 01	Block 3			
267	19 08 01 02	Block 3			
271	19 08 01 03	Block 3			
272	19 09 01	Block 3			
274	19 10 01	Block 3			

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Am No	Budget line	Block, RCV, EC, sep, split		Vote	EV/RCV — comments
275	19 10 01 02	Block 3			
273	20 02 01	Block 3			
276	21 03 01	Block 3			
238	22 02 03				
312	19 03	split	1	+	
			2		
310	19 01 02 02	split	1	+	
			2	+	
322	20 01 02 11	split	1	+	
			2/AN		324, 226, 7

Am No	Budget line	Block, RCV, EC, sep, split	Vote	EV/RCV — comments
COURT OF JUSTICE				
97	1 2	Block 4	+	
100		Block 4		
102	1 2 0 4	Block 4		
104	1 2 9	Block 4		
110	1 4 0 6	Block 4		
203	2 0 2 2	Block 4		
205	2 0 2 6	Block 4		
207	2 0 2 9	Block 4		
208	2 1 0 0	Block 4		
210		Block 4		
211	2 1 0 2	Block 4		
212	2 1 0 3	Block 4		
214	2 1 4	Block 4		
216	2 3 6	Block 4		

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Am No	Budget line	Block, RCV, EC, sep, split	Vote	EV/RCV — comments
COURT OF AUDITORS				
101	1 2	Block 5	+	
106	1 2 9	Block 5		
108	1 4 0 0	Block 5		
111	1 6 2	Block 5		
209	2 1 0 0	Block 5		

Am No	Budget line	Block, RCV, EC, sep, split	Vote	EV/RCV — comments
EUROPEAN ECONOMIC AND SOCIAL COMMITTEE				
98	1 2	Block 6	+	
109	1 4 0 0	Block 6		
204	2 0 2 2	Block 6		
206	2 0 2 6	Block 6		
213	2 1 2	Block 6		
217	2 5 4 8	Block 6		
218	2 6 0 4	Block 6		

Am No	Budget line	Block, RCV, EC, sep, split	Vote	EV/RCV — comments
COMMITTEE OF THE REGIONS				
99	1 2	Block 7	+	
103	1 2 0 4	Block 7		
105	1 2 9	Block 7		
112	1 6 3 8	Block 7		

Am No	Budget line	Block, RCV, EC, sep, split	Vote	EV/RCV — comments
EUROPEAN OMBUDSMAN				
215	2 3 1		+	

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Am No	Budget line	Block, RCV, EC, sep, split	Vote	EV/RCV — comments
EUROPEAN DATA PROTECTION SUPERVISOR				
107	1 3 0	Block 8	+	
94	1 0 4	Block 8		
95	1 0 9	Block 8		
96	1 1	Block 8		

Requests for split votes

Verts/ALE

Heading 4 — Option B (Block 3)

First part: text of all amendments excluding all reserves

Second part: all reserves

am 42

First part: text as a whole excluding the reserve and the corresponding remarks

Second part: reserve and corresponding remarks

am 312

First part: text as a whole without the remark 'Therefore ... 50 % ... decision-making process'

Second part: that remark

am 310

First part: text as a whole excluding the reserve

Second part: reserve

PSE

am 286

First part: text as a whole without the remark 'Part of the appropriation ... Baltic Sea and Northern Dimension'

Second part: that remark

am 57

First part: text as a whole without the remark 'Part of the appropriation ... Baltic Sea and Northern Dimension'

Second part: that remark

am 170

First part: text as a whole without the last indent of the remark 'logistical and transport costs'

Second part: 'logistical and transport costs'

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Verts/ALE, PSE

am 322

First part: text as a whole excluding the reserve

Second part: reserve

am 306

First part: text as a whole excluding the reserve

Second part: reserve

2. Draft general budget for 2007, amended by the Council (all sections)

Report: James ELLES, Louis GRECH (A6-0451/2006)

Subject	Am No	Author	RCV, etc.	Vote	RCV/EV — remarks
§ 1	§	original text	split		
			1	+	
			2	+	
After § 1	3	GUE/NGL		-	
	4	GUE/NGL		-	
§ 4	§	original text	RCV	+	516, 19, 13
§ 8	9	PPE-DE	split		
			1	+	
			2	-	256, 276, 18
	§	original text		↓	
§ 9	§	original text	split		
			1	+	
			2	+	
§ 10	10	PPE-DE		+	
	§	original text		↓	
§ 11	11	PPE-DE		+	
	§	original text		↓	
§ 13	5	GUE/NGL		-	
	§	original text	split		
			1	+	
			2/RCV	+	318, 236, 6
§ 15	§	original text	sep	-	

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Subject	Am No	Author	RCV, etc.	Vote	RCV/EV — remarks
§ 16	§	original text	split/RCV		
			1	+	332, 227, 5
			2	+	382, 165, 4
After § 16	8	PSE		R	
§ 17	6	GUE/NGL		-	
	§	original text	split		
			1	+	
			2	+	
§ 26	§	original text	split		
			1	+	
			2	+	
After § 26	1	IND/DEM	RCV	-	89, 453, 22
§ 27	§	original text	RCV	+	487, 64, 8
§ 28	§	original text	sep	+	
§ 34	§	original text	sep	+	
§ 35	§	original text	sep	+	
§ 38	§	original text	RCV	+	515, 37, 8
After § 38	7	GUE/NGL	split		
			1	-	
			2	-	
§ 41	§	original text	RCV	+	551, 2, 11
§ 42	§	original text	RCV	+	522, 28, 10
After § 44	2	IND/DEM	split/RCV		
			1	-	109, 407, 41
			2	↓	
Recital B	§	original text	sep	+	
Recital C	§	original text	sep	-	249, 273, 35
Recital D	§	original text	split		
			1	+	
			2	+	
Recital F	§	original text	split		
			1	+	
			2/RCV	-	249, 299, 15
vote: resolution (as a whole)				+	

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Requests for roll-call votes

IND/DEM: ams 1 and 2

PSE: § 16

PPE-DE: §§ 4, 8, 27, 38, 41 and 42

Requests for separate votes

Verts/ALE: recitals C and D, §§ 11, 15, 27 and 35

PSE: recital B, §§ 28, 34 and 35

Requests for split votes

ALDE, Verts/ALE

am 9

First part: text as a whole without the words ‘considers that the approach ... budgetary procedures’

Second part: those words

Verts/ALE

§ 9

First part: ‘recalls ... budgetary amendments’

Second part: remainder

§ 16

First part: ‘Considers ... functioning NGOs’

Second part: remainder

§ 26

First part: text as a whole without the words ‘rejects the cuts ... second reading’

Second part: those words

am 2

First part: ‘Instructs ... actual costs’

Second part: remainder

PSE

recital D

First part: ‘whereas ... globalisation’

Second part: remainder

recital F

First part: text as a whole without the words ‘on preparing for the review of the MFF’

Second part: those words

§ 1

First part: ‘recalls ... 5 and 6’

Second part: remainder

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Verts/ALE, PSE

§ 13*First part:* 'reiterates ... globalisation'*Second part:* remainder**§ 17***First part:* 'considers ... citizens of Europe'*Second part:* remainder**am 7***First part:* 'Does not ... CFSP'*Second part:* remainder**3. Procedure for prior examination and consultation in respect of certain provisions concerning transport proposed in Member States (codified version) ***I***Report: Diana WALLIS (A6-0458/2006)*

Subject	RCV, etc.	Vote	RCV/EV — remarks
single vote		+	

4. Elimination of controls at the frontiers of Member States (road and inland waterway transport) (codified version) *I***Report: Diana WALLIS (A6-0459/2006)*

Subject	RCV, etc.	Vote	RCV/EV — remarks
single vote		+	

5. Transmission of data subject to statistical confidentiality (codified version) *I***Report: Diana WALLIS (A6-0457/2006)*

Subject	RCV, etc.	Vote	RCV/EV — remarks
single vote		+	

6. Submission of nominal catch statistics by Member States fishing in the North-East Atlantic (codified version) *I***Report: Diana WALLIS (A6-0460/2006)*

Subject	RCV, etc.	Vote	RCV/EV — remarks
single vote		+	

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7. Community criteria for the eradication and monitoring of certain animal diseases (codified version) *

Report: Diana WALLIS (A6-0461/2006)

Subject	RCV, etc.	Vote	RCV/EV — remarks
single vote		+	

8. Agreement between the EC and Paraguay on certain aspects of air services *

Report: Paolo COSTA (A6-0406/2006)

Subject	RCV, etc.	Vote	RCV/EV — remarks
single vote		+	

9. R&D activities in the domain of intelligent manufacturing systems (EU-Australia Agreement, Canada, Norway, Switzerland, Korea, Japan and the USA) *

Report: Giles CHICHESTER (A6-0418/2006)

Subject	RCV, etc.	Vote	RCV/EV — remarks
single vote		+	

10. Direct support schemes under CAP; the COM for sugars; restructuring of the sugar industry; owing to the accession of Bulgaria and Romania to the EU *

Report: Joseph DAUL (A6-0412/2006)

Subject	RCV, etc.	Vote	RCV/EV — remarks
single vote	RCV	+	513, 14, 22

Requests for roll-call votes

PPE-DE: final vote

11. Drugs prevention and information (2007-2013) ***I

Report: Inger SEGELSTRÖM (A6-0454/2006)

Subject	RCV, etc.	Vote	RCV/EV — remarks
single vote	RCV	+	528, 16, 8

Requests for roll-call votes

PPE-DE: final vote

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12. Civil justice (2007-2013) *I***Report: Inger SEGELSTRÖM (A6-0452/2006)*

Subject	RCV, etc.	Vote	RCV/EV — remarks
single vote	RCV	+	486, 61, 3

Requests for roll-call votes

PPE-DE: final vote

13. Creation of the European Refugee Fund (2008-2013) *I***Report: Barbara KUDRYCKA (A6-0437/2006)*

Subject	RCV, etc.	Vote	RCV/EV — remarks
single vote		+	

14. Double-hull or equivalent design requirements for single-hull oil tankers *I***Report: Fernand LE RACHINEL (A6-0417/2006)*

Subject	RCV, etc.	Vote	RCV/EV — remarks
single vote		+	

15. Creation of the European Fund for the Integration of Third-country Nationals (2007-2013) **Report: Barbara KUDRYCKA (A6-0419/2006)*

Subject	RCV, etc.	Vote	RCV/EV — remarks
single vote		+	

16. Prevention, preparedness and consequence management of terrorism (2007-2013) **Report: Romano Maria LA RUSSA (A6-0390/2006)*

Subject	RCV, etc.	Vote	RCV/EV — remarks
single vote		+	

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17. Numerical composition of the Committees

Proposal for a decision: B6-0664/2006

Subject	Am No	Author	RCV, etc.	Vote	RCV/EV — remarks
Proposal for a decision B6-0664/2006 (Conference of Presidents)					
TRAN Committee and FCO Committee	1	PPE-DE, PSE, ALDE, Verts/ALE, GUE/NGL, IND/DEM + UEN		+	
vote: resolution (as a whole)				+	

18. European Institute for Gender Equality ***II

Recommendation for second reading: (qualified majority)

Lissy GRÖNER, Amalia SARTORI (A6-0455/2006)

Subject	Am No	Author	RCV, etc.	Vote	RCV/EV — remarks
Amendments by the Committee responsible — block vote	1-15	Committee		+	
Common position				Declared approved as amended	

N.B.: There is no final vote at second reading.

19. Driving licences ***II

Recommendation for second reading: (qualified majority)

Mathieu GROSCH (A6-0414/2006)

Subject	Am No	Author	RCV, etc.	Vote	RCV/EV — remarks
Proposal to reject the Common position	6	BRADBURN <i>et al</i>	RCV	-	67, 483, 13
Amendments by the Committee responsible — block vote	1-5	Committee		+	
Common position				Declared approved as amended	

Requests for roll-call votes

Philip Bradbourn: am 6

20. Amendment of Rule 81 of Parliament's Rules of Procedure, Implementing provisions

Report: Richard CORBETT (A6-0415/2006) REG

Subject	Am No	Author	RCV, etc.	Vote	RCV/EV — remarks
Rule 81	1	Committee		+	qualified majority
	2	PSE, Verts/ALE		+	qualified majority
vote: proposal for a decision (as a whole)				+	

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21. Amendment of the Rules of Procedure (committees, Quaestors)

Report: Jo LEINEN (A6-0464/2006) REG

Subject	Am No	Author	RCV, etc.	Vote	RCV/EV — remarks
Amendments by the Committee responsible — block vote	1-2	Committee	EV	+	qualified majority 374, 119, 68
vote: resolution (as a whole)			RCV	+	396, 112, 57

Requests for roll-call votes

ALDE: final vote

22. Creation of the External Borders Fund (2007-2013) ***I

Report: Barbara KUDRYCKA (A6-0427/2006)

Subject	Am No	Author	RCV, etc.	Vote	RCV/EV — remarks
Amendment by the Committee responsible — text as a whole	1	Committee		+	
Article 5, § 2, after subpara 1	2	GUE/NGL	RCV	-	83, 331, 146
Article 6, § 2, subpara 2, point (a)	3	GUE/NGL	RCV	-	70, 478, 16
vote: amended proposal				+	
vote: legislative resolution				+	

Requests for roll-call votes

GUE/NGL: ams 2 and 3

23. Creation of the European Return Fund (2008-2013) ***I

Report: Barbara KUDRYCKA (A6-0425/2006)

Subject	Am No	Author	RCV, etc.	Vote	RCV/EV — remarks
Amendment by the Committee responsible — text as a whole	1	Committee	split		
			1	+	
			2	-	108, 440, 13
After recital 21	3	GUE/NGL		↓	
	4	GUE/NGL		↓	
	5	GUE/NGL		↓	
Article 2, § 1	2	GUE/NGL	RCV	-	71, 343, 143
Article 6, § 2, after point (d)	6	GUE/NGL		-	
vote: amended proposal				+	
vote: legislative resolution				+	

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Requests for roll-call votes

GUE/NGL: ams 2, 3 and 4

Requests for split votes

PPE-DE

am 1

First part: text as a whole without Article 54

Second part: Article 54

24. Medicinal products for paediatric use ***I

Report: Françoise GROSSETÊTE (A6-0396/2006)

Subject	Am No	Author	RCV, etc.	Vote	RCV/EV — remarks
Article 1	3	PPE-DE, PSE, Verts/ALE, GUE/NGL, UEN, IND/DEM, Belohorská		+	
Recital 1	1	PPE-DE, PSE, Verts/ALE, GUE/NGL, UEN, IND/DEM, Belohorská		+	
Recital 2	2	PPE-DE, PSE, Verts/ALE, GUE/NGL, UEN, IND/DEM, Belohorská		+	
<i>vote: amended proposal</i>				+	
<i>vote: legislative resolution</i>				+	

25. European Small Claims Procedure ***I

Report: Hans-Peter MAYER (A6-0387/2006)

Subject	Am No	Author	RCV, etc.	Vote	RCV/EV — remarks
Block 1 <i>compromise package</i>	102-105 107-129	PPE-DE, ALDE, PSE, Verts/ALE		+	oral amendment
Block 2	10 12 15 17 19 23 28-29 35-36 40 47 51 55-56 59 64 72 89 94-96 99 101	Committee		↓	

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Subject	Am No	Author	RCV, etc.	Vote	RCV/EV — remarks
Block 3	1-9 11 13-14 16 18 20-22 24-27 30-34 37-39 41-46 48-50 52-54 57-58 60-63 65-71 73-88 90-93 97-98 100	Committee		+	
vote: amended proposal				+	
vote: legislative resolution				+	

Amendment 106 had been cancelled.

Miscellaneous

Hans-Peter Mayer (rapporteur) moved the following oral amendment to block 1:

'Article 15, paragraph 3 is deleted'

26. Fundamental rights and citizenship (2007-2013) *

Report: Inger SEGELSTRÖM (A6-0465/2006)

Subject	Am No	Author	RCV, etc.	Vote	RCV/EV — remarks
Text as a whole	1	Committee		+	
vote: amended proposal			RCV	+	476, 41, 30
vote: legislative resolution				+	

Requests for roll-call votes

IND/DEM: amended proposal

27. Criminal justice (2007-2013) *

Report: Inger SEGELSTRÖM (A6-0453/2006)

Subject	Am No	Author	RCV, etc.	Vote	RCV/EV — remarks
Text as a whole	1	Committee		+	
vote: amended proposal			RCV	+	483, 54, 8
vote: legislative resolution				+	

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Requests for roll-call votes

IND/DEM: amended proposal

28. Preventing and fighting crime (2007-2013) *

Report: Romano Maria LA RUSSA (A6-0389/2006)

Subject	Am No	Author	RCV, etc.	Vote	RCV/EV — remarks
Amendments by the Committee responsible — block vote	1-25	Committee		+	
Article 5, § 1	26	PSE		+	
vote: amended proposal				+	
vote: legislative resolution				+	

29. Development of the second generation Schengen Information System (SIS II) (regulation) *

Report: Carlos COELHO (A6-0410/2006)

Subject	Am No	Author	RCV, etc.	Vote	RCV/EV — remarks
vote: Commission proposal				+	
vote: legislative resolution				+	

30. Development of the second generation Schengen information System (SIS II) (decision) *

Report: Carlos COELHO (A6-0413/2006)

Subject	Am No	Author	RCV, etc.	Vote	RCV/EV — remarks
vote: Commission proposal				+	
vote: legislative resolution				+	

31. Nuclear Safety and Security Assistance *

Report: Esko SEPPÄNEN (A6-0397/2006)

Subject	Am No	Author	RCV, etc.	Vote	RCV/EV — remarks
Amendments by the Committee responsible — block vote	1 3 5-6 8-11 14-24 26	Committee		+	

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Subject	Am No	Author	RCV, etc.	Vote	RCV/EV — remarks
Amendments by the Committee responsible — separate vote	2	Committee	sep/EV	-	234, 287, 4
	4	Committee	sep	+	
	7	Committee	split		
			1	+	
			2	+	
	12	Committee	sep	-	
	25	Committee	sep	+	oral amendment
Article 1, after § 1	27	Verts/ALE	RCV	-	250, 271, 9
Article 2, point (a), indent 3	28	Verts/ALE		-	
	13	Committee		+	
vote: Council text				+	
vote: legislative resolution				+	

Requests for separate votes

PPE-DE: ams 2 and 12

Verts/ALE: am 4

Requests for roll-call votes

Verts/ALE: am 27

Requests for split votes

Verts/ALE

am 7*First part:* 'It is understood ... over the installation'*Second part:* remainder*Miscellaneous*

Esko Seppänen (rapporteur) moved an oral amendment to amendment 25, which now read as follows:

*'Article 20a***Financial reference amount**

The financial reference amount for implementation of this Regulation for the period 2007-2013 shall be 524 million *euro*.

Annual appropriations shall be authorised by the budgetary authority within the limits of the financial framework.'

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32. Visas for crossing Member States' external borders *

Report: Ioannis VARVITSIOTIS (A6-0431/2006)

Subject	Am No	Author	RCV, etc.	Vote	RCV/EV — remarks
Amendments by the Committee responsible — block vote	1-5	Committee		+	
Article 1, § 3, point (a)	7	GUE/NGL		-	
Article 1, § 4, point (a)	8	GUE/NGL		-	
Article 2	9	GUE/NGL		-	
Recital 2	6	GUE/NGL		-	
vote: amended proposal				+	
vote: legislative resolution				+	

33. Sakharov Prize

Motions for resolutions: B6-0665/2006, B6-0666/2006

Subject	Am No	Author	RCV, etc.	Vote	RCV/EV — remarks
Joint motion for a resolution RC-B6-0665/2006 (PPE-DE, PSE, ALDE, Verts/ALE, GUE/NGL + UEN)					
vote: resolution (as a whole)				+	
Motions for resolutions by political groups					
B6-0665/2006		PPE-DE		↓	
B6-0666/2006		PSE, ALDE, Verts/ALE, GUE/NGL, UEN		↓	

Miscellaneous

Bogusław Sonik had also signed the joint motion for a resolution on behalf of the PPE-DE Group.

34. Data protection within the framework of police and judicial cooperation in criminal matters

Report: Martine ROURE (A6-0456/2006)

Subject	Am No	Author	RCV, etc.	Vote	RCV/EV — remarks
§ 3	§	original text	sep/EV	+	279, 226, 6
§ 5	1	PPE-DE		+	
vote: recommendation (as a whole)				+	

Requests for separate votes

PPE-DE: § 3

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35. A European strategy for sustainable, competitive and secure energy

Report: Eluned MORGAN (A6-0426/2006)

Subject	Am No	Author	RCV, etc.	Vote	RCV/EV — remarks
§ 1	11	GUE/NGL		-	
After § 1	9	PPE-DE, UEN	RCV	-	224, 228, 58
§ 3	10	PPE-DE, UEN	EV	+	291, 203, 15
§ 4, introductory part	12	Verts/ALE		-	
§ 4, point (a)	§	original text	split		
			1	+	
			2	-	
§ 4, point (b)	§	original text	split		
			1	+	
			2/EV	-	229, 271, 7
§ 4, after point (f)	1	PSE	EV	+	270, 233, 6
§ 5	§	original text	split		
			1	-	
			2	-	
§ 8	§	original text	sep	+	
After § 17	4	UEN, PPE-DE	EV	-	226, 249, 23
§ 18	13	Verts/ALE		+	
After § 25	14	Verts/ALE	EV	+	266, 227, 10
§ 29	§	original text	sep	+	
§ 37	§	original text	split/RCV		
			1	+	479, 16, 8
			2	+	260, 236, 3
§ 46	§	original text	sep	-	
After § 48	2	PSE		+	
§ 64	5	PPE-DE, ALDE, UEN		+	
§ 79	6	PPE-DE, ALDE, UEN		+	
§ 83	7	PPE-DE, UEN		+	
§ 94	§	original text	split		
			1	+	
			2/EV	-	208, 277, 3

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Subject	Am No	Author	RCV, etc.	Vote	RCV/EV — remarks
§ 97	§	<i>original text</i>	sep	+	
After § 97	15	Verts/ALE	EV	+	276, 207, 3
§ 98	3/rev2= 17/rev2=	PSE PPE-DE, ALDE, UEN		+	
§ 102	8	PPE-DE, UEN		+	
§ 114	16	Verts/ALE	split		
			1	+	
			2	-	
vote: resolution (as a whole)				+	

Requests for separate votes

PSE: §§ 46, 97

ALDE: §§ 5 and 46

Verts/ALE: §§ 8, 29, 97

PPE-DE: § 5

Requests for roll-call votes

ALDE: § 37

Verts/ALE Amendment 9 and § 37

Requests for split votes

PSE

§ 5*First part:* 'Recalls its abovementioned ... gas emission targets';*Second part:* remainder**am 16***First part:* text as a whole without the deletion of the words 'the most "advanced"'*Second part:* deletion of the words 'the most "advanced"'

Verts/ALE

§ 4, point (a)*First part:* text as a whole without the words 'the wide use of flexible mechanisms and'*Second part:* those words**§ 4, point (b)***First part:* 'during the second ... energy consumption'*Second part:* remainder

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PPE-DE

§ 37*First part:* text as a whole without the word 'binding'*Second part:* that word**§ 94***First part:* 'Calls on the Commission ... capacity is limited'*Second part:* remainder*Miscellaneous*

The rapporteur proposed that the text of amendment 9 should be inserted after paragraph 37.

36. Biomass and Biofuels*Report: Werner LANGEN (A6-0347/2006)*

Subject	Am No	Author	RCV, etc.	Vote	RCV/EV — remarks
After § 4	1	IND/DEM		-	
§ 6	6	Verts/ALE		-	
§ 9	§	<i>original text</i>	sep	+	
§ 10	§	<i>original text</i>	split		
			1	+	
			2	-	
§ 11	7	Verts/ALE		-	
After § 15	14	ALDE		+	
§ 24	21	ALDE		-	
§ 26	§	<i>original text</i>	split		
			1	+	
			2	-	
§ 29	8	Verts/ALE		-	
§ 30	§	<i>original text</i>	sep	+	
§ 32	20	ALDE		+	
	9	Verts/ALE		↓	
§ 35	§	<i>original text</i>	split		
			1	+	
			2	-	
§ 45	17/rev	ALDE		+	
	4	PPE-DE		↓	

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Subject	Am No	Author	RCV, etc.	Vote	RCV/EV — remarks
After § 47	10	Verts/ALE	split		
			1	-	
			2	↓	
§ 52	§	<i>original text</i>	sep	+	
§ 56	11	Verts/ALE		-	
After § 56	12	Verts/ALE	EV	-	102, 274, 6
§ 58	§	<i>original text</i>	sep	-	
§ 60	18	ALDE		+	
	§	<i>original text</i>		↓	
§ 65	§	<i>original text</i>	sep	+	
§ 67	13	Verts/ALE		-	
§ 68	§	<i>original text</i>	sep	+	
§ 70	23	ALDE		-	
§ 73	§	<i>original text</i>	split		
			1	+	
			2	+	
§ 76	-	<i>original text</i>		+	<i>oral amendment</i>
After § 77	24	ALDE		-	
	25	ALDE		+	
After § 80	2	PPE-DE		+	
	3	PPE-DE		+	
After citation 8	15	ALDE		+	
Recital C	§	<i>original text</i>	split		
			1	+	
			2	+	
Recital E	5	Verts/ALE		-	
Recital F	19	ALDE		+	
Recital X	§	<i>original text</i>	sep	+	
Recital Y	§	<i>original text</i>	sep	+	
<i>vote: resolution (as a whole)</i>				+	

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Amendments 16 and 22 had been cancelled.

Requests for separate votes

PSE: §§ 65, 68

Verts/ALE: recitals X and Y and §§ 9, 30, 52, 58, 65, 68

PPE-DE: § 60

Requests for split votes

PSE

am 10

First part: text as a whole without the words '30 %' and 'by 2020'

Second part: those words

Verts/ALE

§ 26

First part: expects ... to all Member States

Second part: remainder

§ 73

First part: 'is convinced ... should be supported by the European Union;'

Second part: remainder

PPE-DE

recital C

First part: text as a whole without the words 'hydrogen and'

Second part: those words

§ 10

First part: text as a whole without the words 'hydrogen and'

Second part: those words

§ 35

First part: 'Endorses the Commission's intention ... large-scale implementation'

Second part: remainder

Miscellaneous

Mechtild Rothe, on behalf of the PSE Group, moved the following oral amendment to paragraph 76:

'76. Calls on the Commission to present a proposal for a directive on heating and cooling from renewable energy sources **as part of the energy package in 2007** and recalls its resolution of 14 February 2006 with recommendations to the Commission on heating and cooling from renewable sources of energy.'

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37. Fiji

Motions for resolutions: B6-0646/2006, B6-0649/2006, B6-0652/2006, B6-0660/2006, B6-0662/2006, B6-0663/2006

Subject	Am. No	Author	RCV, etc.	Vote	RCV/EV — remarks
Joint motion for a resolution RC-B6-0646/2006 (PPE-DE, PSE, ALDE, Verts/ALE, UEN)					
§ 7	1	PSE		+	
After § 8	3	GUE/NGL		-	
§ 9	2	PSE		+	
	§	original text		↓	
vote: resolution (as a whole)				+	
Motions for resolutions by political groups					
B6-0646/2006		PSE		↓	
B6-0649/2006		PPE-DE		↓	
B6-0652/2006		GUE/NGL		↓	
B6-0660/2006		Verts/ALE		↓	
B6-0662/2006		UEN		↓	
B6-0663/2006		ALDE		↓	

38. Implication of the UN forces in sexual abuses in Liberia and in Haiti

Motions for resolutions: B6-0648/2006, B6-0653/2006, B6-0654/2006, B6-0656/2006, B6-0659/2006

Subject	Am. No	Author	RCV, etc.	Vote	RCV/EV — remarks
Joint motion for a resolution RC-B6-0648/2006 (PPE-DE, PSE, ALDE, Verts/ALE, GUE/NGL, UEN)					
Recital A	1D	ALDE		-	
vote: resolution (as a whole)				+	
Motions for resolutions by political groups					
B6-0648/2006		PPE-DE		↓	
B6-0653/2006		GUE/NGL		↓	
B6-0654/2006		UEN		↓	
B6-0656/2006		PSE		↓	
B6-0659/2006		Verts/ALE		↓	

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39. Burma

Motions for resolutions: B6-0647/2006, B6-0651/2006, B6-0655/2006, B6-0657/2006, B6-0658/2006, B6-0661/2006

Subject	Am. No	Author	RCV, etc.	Vote	RCV/EV — remarks
Joint motion for a resolution RC-B6-0647/2006 (PPE-DE, PSE, ALDE, Verts/ALE, GUE/NGL, UEN)					
vote: resolution (as a whole)			RCV	+	65, 0, 0
Motions for resolutions by political groups					
B6-0647/2006		PPE-DE		↓	
B6-0651/2006		GUE/NGL		↓	
B6-0655/2006		PSE		↓	
B6-0657/2006		ALDE		↓	
B6-0658/2006		UEN		↓	
B6-0661/2006		Verts/ALE			

Requests for roll-call votes

PPE-DE: final vote

40. Implications of signing the Hague Securities Convention

Motion for a resolution: B6-0632/2006

Subject	Am. No	Author	RCV, etc.	Vote	RCV/EV — remarks
Motion for a resolution B6-0632/2006 (BERÈS et al)					
vote: resolution (as a whole)				+	

Sahra Wagenknecht had also signed the joint motion for a resolution on behalf of the GUE/NGL Group.

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ANNEX II

RESULT OF ROLL-CALL VOTES

1. 2007 draft general budget as amended

Amendment 306/2

For: 257**IND/DEM:** Belder, Blokland, Krupa, Sinnott, Tomczak, Železný**NI:** Belohorská, Bobošíková, Chruszcz, De Michelis, Giertych, Helmer, Mussolini, Wojciechowski Bernard Piotr

PPE-DE: Albertini, Andrikenė, Antoniozzi, Ashworth, Atkins, Audy, Ayuso, Bachelot-Narquin, Barsi-Pataky, Bauer, Beazley, Becsey, Belet, Berend, Böge, Bonsignore, Bowis, Bradbourn, Braghetto, Brejc, Brepoels, Březina, Bushill-Matthews, Busuttil, Buzek, Callanan, Casa, Casini, Caspary, Castiglione, Cederschiöld, Chichester, Chmielewski, Coelho, Daul, De Blasio, Dehaene, Demetriou, Descamps, Deß, Deva, De Veyrac, Díaz de Mera García Consuegra, Dombrovskis, Doorn, Dover, Doyle, Duchoň, Duka-Zólyomi, Ebner, Ehler, Elles, Evans Jonathan, Fajmon, Fatuzzo, Ferber, Fjellner, Florenz, Fontaine, Fraga Estévez, Freitas, Gahler, Gál, Gaľa, Galeote, García-Margallo y Marfil, Garriga Polledo, Gauzès, Gawronski, Gewalt, Glattfelder, Goepel, Gomolka, Graça Moura, Gräßle, de Grandes Pascual, Grosch, Grossetête, Guellec, Gutiérrez-Cortines, Gyürk, Handzlik, Harbour, Heaton-Harris, Hennicot-Schoepges, Herranz García, Hieronymi, Higgins, Hökmark, Hoppenstedt, Hudacký, Hybášková, Ibrisagic, Italä, Iturgaiz Angulo, Jackson, Jałowiecki, Járóka, Jordan Cizelj, Kaczmarek, Kamall, Karas, Kauppi, Kelam, Kirkhope, Klamt, Klač, Klich, Koch, Konrad, Korhola, Kratsa-Tsagaropoulou, Kudrycka, Kušis, Langen, Langendries, Lauk, Lechner, Lehne, Lewandowski, Liese, Lulling, Maat, McMillan-Scott, Mann Thomas, Mantovani, Mathieu, Mato Adrover, Mauro, Mavrommatis, Mayer, Mayor Oreja, Méndez de Vigo, Mikolášik, Millán Mon, Mitchell, Musotto, Nassauer, van Nistelrooij, Novak, Olajos, Olbrycht, Oomen-Ruijten, Öry, Panayotopoulos-Cassiotou, Papastamkos, Parish, Pieper, Pīks, Pinheiro, Pirker, Plešinská, Podestà, Pomés Ruiz, Posdorf, Posselt, Protasiewicz, Purvis, Queiró, Quisthoudt-Rowohl, Rack, Radwan, Reul, Roithová, Rudi Ubeda, Rübig, Saïfi, Samaras, Sartori, Schierhuber, Schnellhardt, Schöpflin, Schwab, Seeber, Seeberg, Siekierski, Silva Peneda, Škottová, Sommer, Sonik, Spautz, Štátný, Stauner, Stevenson, Strejček, Stubb, Sturdy, Sudre, Surján, Szájer, Tajani, Tannock, Thyssen, Toubon, Trakatellis, Ulmer, Vakalis, Van Orden, Varela Suanzes-Carpegna, Varvitsiotis, Vatanen, Vidal-Quadras, Vlasák, Vlasto, Weber Manfred, Weisgerber, Wieland, Wijkman, von Wogau, Wortmann-Kool, Záborská, Zahradil, Zaleski, Zappalà, Zvěřina

UEN: Angelilli, Aylward, Berlatto, Bielan, Crowley, Czarnecki Marek Aleksander, Czarnecki Ryszard, Foltyn-Kubicka, Grabowski, Janowski, Kamiński, Kristovskis, Kuźmiuk, La Russa, Libicki, Masiel, Muscardini, Pęk, Piotrowski, Podkański, Rogalski, Roszkowski, Rutowicz, Ryan, Szymański, Wojciechowski Janusz, Zapałowski

Verts/ALE: Lipietz**Against: 288**

ALDE: Andria, Attwooll, Beupuy, Budreikaitė, Cavada, Chatzimarkakis, Cocilovo, Cornillet, Costa, Davies, Deprez, De Sarnez, Drčar Murko, Duff, Ek, Fourtou, Geremek, Gibault, Griesbeck, Guardans Cambó, Hall, Harkin, Hennis-Plasschaert, in 't Veld, Jäätteenmäki, Jensen, Juknevičienė, Krahmer, Kułakowski, Laperrouze, Lax, Ludford, Lynne, Maaten, Manders, Mohácsi, Morillon, Mulder, Newton Dunn, Onyszkiewicz, Oviir, Piskorski, Prodi, Resetarits, Ries, Riis-Jørgensen, Savi, Sbarbati, Schmidt Olle, Schuth, Staniszevska, Sterckx, Susta, Szent-Iványi, Takkula, Toia, Väyrynen, Van Hecke, Virrankoski, Wallis

GUE/NGL: Agnoletto, Aita, Brie, Catania, de Brún, Figueiredo, Flasarová, Guerreiro, Henin, Holm, Kaufmann, Liotard, McDonald, Maštálka, Meijer, Meyer Pleite, Musacchio, Pafilis, Papadimoulis, Pflüger, Portas, Ransdorf, Remek, Seppänen, Svensson, Triantaphyllides, Wagenknecht, Wurtz, Zimmer

IND/DEM: Batten, Clark, Farage, Goudin, Lundgren, Natrass, Whittaker, Wise**NI:** Battilocchio, Gollnisch, Lang, Le Rachinel, Martin Hans-Peter, Mote

Thursday, 14 December 2006

PSE: Arif, Ayala Sender, Badia I Cutchet, Batzeli, Berès, van den Berg, Berger, Berlinguer, Berman, Bösch, Bourzai, Bullmann, Busquin, Calabuig Rull, Capoulas Santos, Carlotti, Carnero González, Casaca, Cashman, Castex, Cercas, Chiesa, Christensen, Corbett, Corbey, Correia, Cottigny, De Keyser, De Rossa, Désir, De Vits, Díez González, Dobolyi, Douay, Dührkop Dührkop, Estrela, Ettl, Fazakas, Fernandes, Ferreira Anne, Ferreira Elisa, García Pérez, Gebhardt, Geringer de Oedenberg, Glante, Goebbels, Gomes, Grabowska, Grech, Groote, Guy-Quint, Hänsch, Hamon, Haug, Hazan, Hedh, Hedkvist Petersen, Herczog, Honeyball, Hughes, Hutchinson, Jöns, Jørgensen, Kindermann, Koterec, Kreissl-Dörfler, Kuhne, Lambrinidis, Le Foll, Leichtfried, Liberadzki, Lienemann, McAvan, McCarthy, Madeira, Mañka, Mann Erika, Martin David, Martínez Martínez, Mastenbroek, Matsouka, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Moreno Sánchez, Morgan, Moscovici, Muscat, Myller, Napoletano, Navarro, Obiols i Germà, Occhetto, Paasilinna, Pahor, Paleckis, Panzeri, Patrie, Peillon, Piecyk, Pinior, Pittella, Pleguezuelos Aguilar, Poignant, Prets, Rapkay, Reynaud, Riera Madurell, Rocard, Rosati, Rothe, Rouček, Roure, Sacconi, Sakalas, Saks, Salinas García, Sánchez Presedo, dos Santos, Savary, Schaldemose, Schapira, Scheele, Schulz, Segelström, Simpson, Siwiec, Skinner, Sornosa Martínez, Stihler, Stockmann, Swoboda, Tarabella, Tarand, Thomsen, Titley, Trautmann, Tzampazi, Van Lancker, Vaugrenard, Vergnaud, Vincenzi, Walter, Weber Henri, Weiler, Westlund, Wiersma, Willmott, Yañez-Barnuevo García, Zingaretti

UEN: Camre, Kuc

Verts/ALE: Aubert, Bennahmias, Breyer, Buitenweg, Cohn-Bendit, Cramer, Evans Jill, Frassoni, Graefe zu Baringdorf, de Groen-Kouwenhoven, Harms, Hassi, Horáček, Hudghton, Isler Béguin, Kallenbach, Kusstatscher, Lagendijk, Lambert, Lichtenberger, Lucas, Özdemir, Onesta, Romeva i Rueda, Rühle, Schlyter, Schroedter, Smith, Staes, Trüpel, Turmes, Voggenreiber, Ždanoka

Abstention: 13

ALDE: Matsakis

IND/DEM: Bonde, Coûteaux, Louis, de Villiers

NI: Allister, Baco, Claeys, Dillen, Le Pen Marine, Martinez, Schenardi

Verts/ALE: van Buitenen

2. 2007 draft general budget as amended

Amendment 322/2

For: 324

ALDE: Andria, Beaupuy, Budreikaitė, Cavada, Chatzimarkakis, Cocilovo, Cornillet, Costa, Davies, Deprez, De Sarnez, Drčar Murko, Duff, Ek, Fourtou, Geremek, Gibault, Griesbeck, Guardans Cambó, Hall, Harkin, Hennis-Plasschaert, in 't Veld, Jäätteenmäki, Jensen, Juknevičienė, Krahmer, Kułakowski, Laperrouze, Lax, Ludford, Lynne, Maaten, Manders, Matsakis, Mohácsi, Mulder, Newton Dunn, Onyszkiewicz, Oviir, Piskorski, Prodi, Resutaris, Ries, Riis-Jørgensen, Savi, Sbarbati, Schmidt Olle, Schuth, Staniszevska, Sterckx, Susta, Szent-Iványi, Takkula, Toia, Väyrynen, Van Hecke, Virrankoski, Wallis

GUE/NGL: Liotard, Svensson

IND/DEM: Belder, Blokland, Krupa, Sinnott, Tomczak, Źelezný

NI: Belohorská, Bobošíková, Chruszcz, Claeys, Dillen, Giertych, Gollnisch, Helmer, Lang, Le Pen Marine, Le Rachinel, Martinez, Mussolini, Schenardi, Wojciechowski Bernard Piotr

PPE-DE: Albertini, Andriksen, Antoniazzi, Ashworth, Atkins, Audy, Ayuso, Bachelot-Narquin, Barsi-Pataky, Bauer, Beazley, Becsey, Belet, Berend, Böge, Bonsignore, Bowis, Bradbourn, Braghetto, Brejc, Brepoels, Brézina, Bushill-Matthews, Busuttil, Buzek, Callanan, Casa, Casini, Caspary, Castiglione, Cederschiöld, Chichester, Chmielewski, Coelho, Daul, Dehaene, Demetriou, Descamps, Deß, Deva, De Veyrac, Díaz de Mera García Consuegra, Dombrowski, Doorn, Dover, Doyle, Duchon, Duka-Zólyomi, Ebner, Ehler, Elles,

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Evans Jonathan, Fajmon, Fatuzzo, Ferber, Fjellner, Florenz, Fontaine, Fraga Estévez, Freitas, Gahler, Gál, Gaña, Galeote, García-Margallo y Marfil, Garriga Polledo, Gauzès, Gawronski, Gewalt, Glattfelder, Goepel, Gomolka, Graça Moura, Gräßle, de Grandes Pascual, Grossetête, Guellec, Gutiérrez-Cortines, Gyürk, Handzlik, Harbour, Heaton-Harris, Hennicot-Schoepges, Herranz García, Hieronymi, Higgins, Hökmark, Hoppenstedt, Hudacký, Hybášková, Ibrisagic, Itälä, Iturgaiz Angulo, Jackson, Jałowiecki, Járóka, Jeggel, Jordan Cizelj, Kaczmarek, Kamall, Karas, Kauppi, Kelam, Kirkhope, Klamt, Klauf, Klich, Koch, Konrad, Korhola, Kratsa-Tsagaropoulou, Kudrycka, Kuškis, Langen, Lauk, Lechner, Lehne, Lewandowski, Liese, Lulling, Maat, McMillan-Scott, Mann Thomas, Mantovani, Mathieu, Mato Adrover, Mauro, Mavrommatis, Mayer, Mayor Oreja, Méndez de Vigo, Mikolášik, Millán Mon, Mitchell, Musotto, Nassauer, van Nistelrooij, Novak, Olajos, Olbrycht, Oomen-Ruijten, Őry, Pack, Papastamkos, Parish, Pieper, Píks, Pinheiro, Pirker, Pleštinová, Podestà, Pomés Ruiz, Posdorf, Posselt, Protasiewicz, Purvis, Queiró, Quisthoudt-Rowohl, Rack, Radwan, Reul, Roithová, Rudi Ubeda, Rübig, Saïfi, Samaras, Sartori, Schierhuber, Schnellhardt, Schöpflin, Schwab, Seeber, Seeborg, Siekierski, Silva Peneda, Škottová, Sommer, Sonik, Spautz, Šťastný, Stauner, Stevenson, Strejček, Stubb, Sturdy, Sudre, Surján, Szájer, Tajani, Tannock, Thyssen, Toubon, Trakatellis, Ulmer, Vakalis, Van Orden, Varela Suanzes-Carpegna, Varvitsiotis, Vatanen, Vidal-Quadras, Vlasák, Vlasto, Weber Manfred, Weisgerber, Wieland, Wijkman, von Wogau, Wortmann-Kool, Záborská, Zahradil, Zaleski, Zappalà, Zvěřina

PSE: Mann Erika

UEN: Angelilli, Aylward, Berlato, Bielan, Borghezio, Crowley, Czarnecki Marek Aleksander, Czarnecki Ryszard, Foltyn-Kubicka, Grabowski, Janowski, Kamiński, Kristovskis, Kuźmiuk, La Russa, Libicki, Masiel, Muscardini, Pęk, Piotrowski, Podkański, Rogalski, Roszkowski, Rutowicz, Ryan, Szymański, Wojciechowski Janusz, Zapłowski

Against: 226

ALDE: Morillon

GUE/NGL: Agnoletto, Aita, Brie, Catania, de Brún, Figueiredo, Flasarová, Guerreiro, Henin, Holm, Kaufmann, McDonald, Maštálka, Meijer, Meyer Pleite, Musacchio, Papadimoulis, Pflüger, Portas, Ransdorf, Remek, Seppänen, Triantaphyllides, Wagenknecht, Wurtz, Zimmer

IND/DEM: Batten, Clark, Coûteaux, Farage, Goudin, Lundgren, Natrass, Whittaker, Wise

NI: Allister, Battilocchio, De Michelis, Mote

PPE-DE: Grosch

PSE: Arif, Ayala Sender, Badia I Cutchet, Batzeli, Berès, van den Berg, Berger, Berlinguer, Berman, Bösch, Bourzai, Bullmann, Busquin, Calabuig Rull, Capoulas Santos, Carlotti, Carnero González, Casaca, Cashman, Castex, Cercas, Chiesa, Christensen, Corbett, Corbey, Correia, Cottigny, De Keyser, De Rossa, Désir, De Vits, Díez González, Dobolyi, Douay, Dührkop Dührkop, Estrela, Ettl, Fazakas, Fernandes, Ferreira Anne, Ferreira Elisa, García Pérez, Gebhardt, Geringer de Oedenberg, Glante, Goebbels, Gomes, Grabowska, Grech, Groote, Guy-Quint, Hänsch, Hamon, Haug, Hazan, Hedh, Hedkvist Petersen, Herczog, Honeyball, Hughes, Hutchinson, Jöns, Jørgensen, Kindermann, Koterec, Kreissl-Dörfler, Kuhne, Lambrinidis, Le Foll, Leichtfried, Liberadzki, Lienemann, McAvan, McCarthy, Madeira, Maňka, Martin David, Martínez Martínez, Mastenbroek, Matsouka, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Moreno Sánchez, Morgan, Moscovici, Muscat, Myller, Napoletano, Navarro, Obiols i Germà, Occhetto, Paasilinna, Pahor, Paleckis, Panzeri, Patrie, Peillon, Piecyk, Pinior, Pittella, Pleguezuelos Aguilar, Poignant, Prets, Rapkay, Reynaud, Riera Madurell, Rocard, Rosati, Rothe, Rouček, Roure, Sacconi, Sakalas, Saks, Salinas García, Sánchez Presedo, dos Santos, Savary, Schaldemose, Schapira, Scheele, Schulz, Segelström, Simpson, Siwiec, Skinner, Sornosa Martínez, Stihler, Stockmann, Swoboda, Tarabella, Tarand, Thomsen, Titley, Trautmann, Tzampazi, Van Lancker, Vaugrenard, Vergnaud, Vincenzi, Walter, Weber Henri, Weiler, Westlund, Wiersma, Willmott, Yañez-Barnuevo García, Zingaretti

UEN: Camre, Kuc

Vers/ALE: Aubert, Bennahmias, Breyer, Buitenweg, Cohn-Bendit, Cramer, Evans Jill, Frassoni, Graefe zu Baringdorf, de Groen-Kouwenhoven, Harms, Hassi, Horáček, Hudghton, Isler Béguin, Kallenbach, Kustatscher, Lagendijk, Lambert, Lichtenberger, Lipietz, Lucas, Özdemir, Onesta, Romeva i Rueda, Rühle, Schlyter, Schroedter, Smith, Staes, Trüpel, Turmes, Voggenhuber, Ždanoka

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Abstention: 7**GUE/NGL:** Pafilis**IND/DEM:** Bonde, Louis, de Villiers**NI:** Baco, Martin Hans-Peter**Verts/ALE:** van Buitenen**3. Report: Elles/Grech A6-0451/2006****Paragraph 4****For: 516**

ALDE: Andria, Attwooll, Beaupuy, Budreikaitė, Cavada, Cocilovo, Cornillet, Costa, Davies, Deprez, De Sarnez, Drčar Murko, Duff, Ek, Fourtou, Gibault, Griesbeck, Guardans Cambó, Hall, Harkin, Hennis-Plasschaert, in 't Veld, Jääteenmäki, Jensen, Juknevičienė, Krahmer, Kułakowski, Laperrouze, Lax, Ludford, Lynne, Maaten, Manders, Matsakis, Mohácsi, Morillon, Mulder, Newton Dunn, Onyszkiewicz, Oviir, Piskorski, Polfer, Prodi, Resutarits, Ries, Riis-Jørgensen, Savi, Sbarbati, Schmidt Olle, Schuth, Staniszevska, Sterckx, Susta, Szent-Iványi, Takkula, Toia, Väyrynen, Van Hecke, Virrankoski, Wallis

GUE/NGL: Agnoletto, Aita, Brie, Catania, de Brún, Figueiredo, Flasarová, Guerreiro, Henin, Holm, Kaufmann, Liotard, McDonald, Maštálka, Meijer, Meyer Pleite, Musacchio, Papadimoulis, Pflüger, Portas, Ransdorf, Remek, Seppänen, Svensson, Triantaphyllides, Wagenknecht, Wurtz, Zimmer

IND/DEM: Krupa, Sinnott, Tomczak, Źelezný

NI: Battilocchio, Belohorská, Bobošíková, Chruszcz, De Michelis, Giertych, Helmer, Mussolini, Wojciechowski Bernard Piotr

PPE-DE: Albertini, Andrikenė, Antoniozzi, Ashworth, Atkins, Audy, Ayuso, Bachelot-Narquin, Barsi-Pataky, Bauer, Beazley, Becsey, Belet, Berend, Böge, Bonsignore, Bowis, Bradbourn, Braghetto, Brejc, Brepoels, Brežina, Bushill-Matthews, Busuttil, Buzek, Callanan, Casa, Casini, Caspary, Castiglione, Cederschiöld, Chichester, Chmielewski, Coelho, Daul, De Blasio, Dehaene, Demetriou, Descamps, Deß, Deva, Dombrovskis, Dover, Doyle, Duchoň, Duka-Zólyomi, Ebner, Elles, Evans Jonathan, Fajmon, Fatuzzo, Ferber, Fjellner, Florenz, Fontaine, Fraga Estévez, Freitas, Gahler, Gál, Gaľa, Galeote, García-Margallo y Marfil, Garriga Polledo, Gauzès, Gawronski, Gewalt, Glatfelder, Goepel, Gomolka, Graça Moura, Gräßle, de Grandes Pascual, Grosch, Grossetête, Guellec, Gutiérrez-Cortines, Gyürk, Handzlik, Harbour, Heaton-Harris, Hennicot-Schoepges, Herranz García, Hieronymi, Higgins, Hökmark, Hoppenstedt, Hudacký, Hybášková, Ibrisagic, Itälä, Iturgaiz Angulo, Jackson, Jałowicki, Járóka, Jarzembowski, Jeggel, Jordan Cizelj, Kaczmarek, Kamall, Karas, Kauppi, Kelam, Kirkhope, Klamt, Klaß, Klich, Koch, Konrad, Korhola, Kratsa-Tsagaropoulou, Kudrycka, Langen, Langendries, Lauk, Lechner, Lehne, Lewandowski, Liese, Lulling, Maat, McMillan-Scott, Mann Thomas, Mantovani, Mathieu, Mato Adrover, Mauro, Mavrommatis, Mayer, Mayor Oreja, Méndez de Vigo, Mikolášik, Millán Mon, Mitchell, Musotto, Nassauer, van Nistelrooij, Novak, Olajos, Olbrycht, Oomen-Ruijten, Óry, Pack, Panayotopoulos-Cassiotou, Papastamkos, Parish, Pieper, Píks, Pinheiro, Pirker, Pleštinská, Podestà, Pomés Ruiz, Posdorf, Posselt, Protasiewicz, Purvis, Queiró, Rack, Radwan, Reul, Rudi Ubeda, Rübig, Saïfi, Salafranca Sánchez-Neyra, Samaras, Sartori, Schierhuber, Schnellhardt, Schöpflin, Schwab, Seeber, Siekierski, Silva Peneda, Škottová, Sommer, Sonik, Spautz, Šťastný, Stauner, Stevenson, Strejček, Stubb, Sturdy, Sudre, Surján, Szájer, Tajani, Tannock, Thyssen, Toubon, Trakatellis, Ulmer, Vakalis, Van Orden, Varela Suanzes-Carpegna, Varvitsiotis, Vatanen, Vidal-Quadras, Vlasák, Vlasto, Weber Manfred, Weisgerber, Wijkman, von Wogau, Wortmann-Kool, Záborská, Zahradil, Zaleski, Zappalà

PSE: Arif, Ayala Sender, Badia I Cutchet, Batzeli, Berès, van den Berg, Berger, Berlinguer, Berman, Bösch, Bourzai, Bullmann, Busquin, Calabuig Rull, Capoulas Santos, Carlotti, Carnero González, Casaca, Cashman, Castex, Cercas, Chiesa, Christensen, Corbett, Corbey, Correia, Cottigny, De Rossa, Désir, De Vits, Díez González, Dobolyi, Douay, Dührkop Dührkop, Estrela, Ettl, Fazakas, Fernandes, Ferreira Anne, Ferreira Elisa, García Pérez, Gebhardt, Geringer de Oedenberg, Glante, Goebbels, Gomes, Grabowska, Grech, Groote, Guy-Quint, Hänsch, Hamon, Haug, Hazan, Hedh, Hedkvist Petersen, Herczog, Honeyball, Hughes, Hutchinson, Jöns, Jørgensen, Kindermann, Koterec, Kreissl-Dörfler, Kuhne, Lambrinidis, Le Foll, Leichtfried, Liberadzki, Lienemann, McAvan, McCarthy, Madeira, Mañka, Mann Erika, Martin David, Martínez Martínez, Mastenbroek, Matsouka, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Moreno Sánchez, Morgan,

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Moscovici, Muscat, Myller, Napoletano, Navarro, Obiols i Germà, Paasilinna, Pahor, Paleckis, Panzeri, Patrie, Peillon, Piecyk, Pinior, Pittella, Pleguezuelos Aguilar, Poignant, Prets, Rapkay, Reynaud, Riera Madurell, Rocard, Rosati, Rothe, Rouček, Roure, Sacconi, Sakalas, Saks, Salinas García, Sánchez Presedo, Savary, Schaldemose, Schapira, Scheele, Schulz, Segelström, Simpson, Siwec, Sornosa Martínez, Stihler, Stockmann, Swoboda, Szejna, Tarabella, Tarand, Thomsen, Titley, Trautmann, Tzampazi, Vaugrenard, Vergnaud, Vincenzi, Walter, Weber Henri, Weiler, Westlund, Wiersma, Willmott, Yañez-Barnuevo García, Zingaretti

UEN: Angelilli, Aylward, Berlato, Borghezio, Crowley, Czarnecki Marek Aleksander, Czarnecki Ryszard, Foltyn-Kubicka, Grabowski, Janowski, Kamiński, Kristovskis, Kuc, Kuźmiuk, La Russa, Libicki, Masiel, Muscardini, Ó Neachtain, Pęk, Piotrowski, Podkański, Rogalski, Roszkowski, Rutowicz, Ryan, Szymański, Wojciechowski Janusz, Zapałowski

Verts/ALE: Aubert, Breyer, Buitenweg, Cohn-Bendit, Cramer, Evans Jill, Frassoni, Graefe zu Baringdorf, de Groen-Kouwenhoven, Harms, Hassi, Horáček, Hudghton, Isler Béguin, Kallenbach, Lagendijk, Lambert, Lichtenberger, Lipietz, Lucas, Özdemir, Onesta, Romeva i Rueda, Rühle, Schroedter, Smith, Staes, Trüpel, Turmes, Vogenhuber, Ždanoka

Against: 19

IND/DEM: Belder, Blokland, Bonde, Coûteaux, Goudin, Lundgren

NI: Claeys, Dillen, Gollnisch, Lang, Le Pen Marine, Le Rachinel, Martin Hans-Peter, Martinez, Mote, Schenardi

PPE-DE: Zvěřina

PSE: Occhetto

UEN: Bielan

Abstention: 13

GUE/NGL: Pafilis

IND/DEM: Batten, Clark, Farage, Louis, Natrass, de Villiers, Whittaker, Wise

NI: Allister, Baco

Verts/ALE: van Buitenen, Schlyter

Corrections to votes

For

Rainer Wieland

4. Report: Elles/Grech A6-0451/2006

Paragraph 13/2

For: 318

ALDE: Andrejevs, Andria, Attwooll, Beaupuy, Budreikaitė, Carlshamre, Cavada, Chatzimarkakis, Cocilovo, Cornillet, Costa, Davies, Deprez, De Sarnez, Drčar Murko, Duff, Ek, Fourtou, Geremek, Gibault, Griesbeck, Guardans Cambó, Hall, Harkin, Hennis-Plasschaert, in 't Veld, Jäätteenmäki, Jensen, Juknevičienė, Krahmer, Kułakowski, Laperrouze, Lax, Ludford, Lynne, Maaten, Manders, Matsakis, Mohácsi, Morillon, Mulder, Newton Dunn, Onyszkiewicz, Oviir, Piskorski, Polfer, Prodi, Resetarits, Ries, Riis-Jørgensen, Savi, Sbarbati, Schmidt Olle, Staniszevska, Sterckx, Susta, Szent-Iványi, Takkula, Toia, Väyrynen, Van Hecke, Virrankoski, Wallis

IND/DEM: Belder, Blokland, Krupa, Lundgren, Tomczak, Źelezný

NI: Allister, Bobošíková, Chruszcz, Giertych, Helmer, Mussolini, Wojciechowski Bernard Piotr

Thursday, 14 December 2006

PPE-DE: Albertini, Andrikienė, Antoniozzi, Ashworth, Atkins, Audy, Ayuso, Bachelot-Narquin, Barsi-Pataký, Bauer, Beazley, Becsey, Belet, Berend, Böge, Bonsignore, Bowis, Bradbourn, Braghetto, Brejc, Brepoels, Březina, Bushill-Matthews, Busuttil, Buzek, Callanan, Casa, Casini, Caspary, Castiglione, Cederschiöld, Chichester, Chmielewski, Coelho, Daul, De Blasio, Dehaene, Demetrious, Descamps, Deß, Deva, De Veyrac, Díaz de Mera García Consuegra, Dombrovskis, Doorn, Dover, Doyle, Duchoň, Duka-Zólyomi, Ebner, Ehler, Elles, Evans Jonathan, Fajmon, Fatuzzo, Ferber, Fjellner, Florenz, Fontaine, Fraga Estévez, Freitas, Gahler, Gál, Gaľa, Galeote, García-Margallo y Marfil, Garriga Polledo, Gauzès, Gawronski, Gewalt, Glattfelder, Goepel, Gomolka, Graça Moura, Gräßle, de Grandes Pascual, Grosch, Grossetête, Guellec, Gutiérrez-Cortines, Gyürk, Handzlik, Harbour, Heaton-Harris, Hennicot-Schoepges, Herranz García, Hieronymi, Higgins, Hökmark, Hoppenstedt, Hudacký, Hybášková, Ibrisagic, Itälä, Iturgaiz Angulo, Jackson, Jałowicki, Járóka, Jarzembowski, Jeggle, Jordan Cizelj, Kaczmarek, Kamall, Karas, Kauppi, Kelam, Kirkhope, Klamt, Klač, Klich, Koch, Konrad, Korhola, Kratsa-Tsagaropoulou, Kudrycka, Langen, Langendries, Lauk, Lechner, Lehne, Lewandowski, Liese, Lulling, Maat, McMillan-Scott, Mann Thomas, Mantovani, Mathieu, Mato Adrover, Mauro, Mavrommatis, Mayer, Mayor Oreja, Méndez de Vigo, Mikolášik, Mitchell, Musotto, Nassauer, van Nistelrooij, Novak, Olajos, Olbrycht, Oomen-Ruijten, Öry, Pack, Panayotopoulos-Cassiotou, Papastamkos, Parish, Pieper, Píks, Pinheiro, Pirker, Pleštinšká, Podestà, Pomés Ruiz, Posdorf, Posselt, Protasiewicz, Purvis, Queiró, Rack, Radwan, Reul, Roithová, Rudi Ubeda, Rübig, Saïfi, Salafranca Sánchez-Neyra, Samaras, Sartori, Schierhuber, Schnellhardt, Schöpflin, Schwab, Seeber, Seeborg, Siekierski, Silva Peneda, Škottová, Sommer, Sonik, Spautz, Šťastný, Stauner, Stevenson, Strejček, Stubb, Sturdy, Sudre, Surján, Szájer, Tajani, Tannock, Thyssen, Toubon, Trakatellis, Ulmer, Vakalis, Van Orden, Varela Suanzes-Carpegna, Varvitsiotis, Vatanen, Vidal-Quadras, Vlasák, Vlasto, Weber Manfred, Weisgerber, Wieland, Wijkman, von Wogau, Wortmann-Kool, Záborská, Zahradil, Zaleski, Zappalà, Zvěřina

UEN: Angelilli, Berlato, Bielan, Borghezio, Camre, Crowley, Czarnecki Marek Aleksander, Czarnecki Ryszard, Foltyn-Kubicka, Grabowski, Janowski, Kamiński, Kristovskis, Kuźmiuk, Masiel, Muscardini, Ó Neachtain, Pęk, Piotrowski, Podkański, Rogalski, Roszkowski, Rutowicz, Ryan, Wojciechowski Janusz, Zapalowski

Against: 236

GUE/NGL: Agnoletto, Aita, Brie, Catania, de Brún, Figueiredo, Flasarová, Guerreiro, Henin, Holm, Kaufmann, Liotard, McDonald, Maštálka, Meijer, Meyer Pleite, Musacchio, Pafilis, Papadimoulis, Pflüger, Portas, Ransdorf, Remek, Seppänen, Svensson, Triantaphyllides, Wagenknecht, Wurtz, Zimmer

IND/DEM: Batten, Clark, Coûteaux, Farage, Goudin, Louis, Natrass, Sinnott, de Villiers, Whittaker, Wise

NI: Battilocchio, Belohorská, Claeys, De Michelis, Dillen, Gollnisch, Lang, Le Pen Marine, Le Rachinel, Martin Hans-Peter, Schenardi

PSE: Arif, Ayala Sender, Badia I Cutchet, van den Berg, Berger, Berlinguer, Berman, Bösch, Bourzai, Bullmann, Busquin, Calabuig Rull, Capoulas Santos, Carlotti, Carnero González, Casaca, Cashman, Castex, Cercas, Chiesa, Christensen, Corbett, Corbey, Correia, Cottigny, De Keyser, De Rossa, Désir, De Vits, Díez González, Dobolyi, Douay, Dührkop Dührkop, Estrela, Ettl, Fazakas, Fernandes, Ferreira Anne, Ferreira Elisa, García Pérez, Gebhardt, Geringer de Oedenberg, Glante, Goebbels, Gomes, Grabowska, Grech, Groote, Gurmai, Guy-Quint, Hänsch, Hamon, Haug, Hazan, Hedh, Hedkvist Petersen, Herczog, Honeyball, Hughes, Hutchinson, Jöns, Jørgensen, Kindermann, Koterec, Kreissl-Dörfler, Kuhne, Lambrinidis, Le Foll, Leichtfried, Liberadzki, Lienemann, McAvan, McCarthy, Madeira, Maňka, Mann Erika, Martin David, Martínez Martínez, Mastenbroek, Matsouka, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Moreno Sánchez, Morgan, Moscovici, Muscat, Myller, Napoletano, Navarro, Obiols i Germà, Occhetto, Paasilinna, Pahor, Paleckis, Panzeri, Patrie, Peillon, Piecyk, Pinior, Pittella, Pleguezuelos Aguilar, Poignant, Prets, Rapkay, Reynaud, Riera Madurell, Rocard, Rosati, Rothe, Rouček, Roure, Sacconi, Sakalas, Saks, Salinas García, Sánchez Presedo, dos Santos, Savary, Schaldemose, Schapira, Scheele, Schulz, Segelström, Simpson, Siwiec, Skinner, Sornosa Martínez, Stihler, Stockmann, Swoboda, Szejna, Tarabella, Tarand, Thomsen, Titley, Trautmann, Tzampazi, Van Lancker, Vaugrenard, Vergnaud, Vincenzi, Walter, Weber Henri, Weiler, Westlund, Wiersma, Willmott, Yañez-Barnuevo García, Zingaretti

UEN: Kuc

Verts/ALE: Aubert, Bennahmias, Breyer, Buitenweg, Cohn-Bendit, Cramer, Evans Jill, Frassoni, Graefe zu Baringdorf, de Groen-Kouwenhoven, Harms, Hassi, Horáček, Hudghton, Isler Béguin, Kallenbach, Kustatscher, Lagendijk, Lambert, Lichtenberger, Lipietz, Lucas, Özdemir, Onesta, Romeva i Rueda, Rühle, Schlyter, Schroedter, Smith, Staes, Trüpel, Turmes, Voggenhuber, Ždanoka

Thursday, 14 December 2006

Abstention: 6

IND/DEM: Bonde

NI: Baco, Martinez, Mote

UEN: Libicki

Verts/ALE: van Buitenen

Corrections to votes

For

Rainer Wieland

5. Report: Elles/Grech A6-0451/2006

Paragraph 16/1

For: 332

ALDE: Andrejevs, Andria, Attwooll, Beaupuy, Budreikaitė, Carlshamre, Cavada, Chatzimarkakis, Cocilovo, Cornillet, Costa, Davies, Deprez, De Sarnez, Drčar Murko, Duff, Ek, Fourtou, Geremek, Gibault, Griesbeck, Guardans Cambó, Hall, Harkin, Hennis-Plasschaert, in 't Veld, Jäätteenmäki, Jensen, Juknevičienė, Krahmer, Kułakowski, Laperrouze, Lax, Ludford, Lynne, Maaten, Manders, Matsakis, Mohácsi, Morillon, Mulder, Newton Dunn, Onyszkiewicz, Oviir, Piskorski, Polfer, Prodi, Resetarits, Ries, Riis-Jørgensen, Savi, Sbarbati, Schmidt Olle, Staniszewska, Sterckx, Susta, Szent-Iványi, Takkula, Toia, Väyrynen, Van Hecke, Virrankoski, Wallis

GUE/NGL: Holm, Liotard, Meijer, Svensson

IND/DEM: Belder, Blokland, Bonde, Coûteaux, Goudin, Krupa, Louis, Lundgren, Sinnott, Tomczak, de Villiers, Železný

NI: Allister, Bobošíková, Chruszcz, Giertych, Helmer, Martin Hans-Peter, Mussolini, Wojciechowski Bernard Piotr

PPE-DE: Albertini, Andriksen, Antoniazzi, Ashworth, Atkins, Audy, Ayuso, Bachelot-Narquin, Barsi-Pataky, Bauer, Beazley, Becsey, Belet, Berend, Böge, Bonsignore, Bowis, Bradbourn, Braghetto, Brejc, Brepoels, Brežina, Bushill-Matthews, Busuttil, Buzek, Callanan, Casa, Casini, Caspary, Castiglione, Cederschiöld, Chichester, Chmielewski, Coelho, Daul, De Blasio, Dehaene, Demetriou, Descamps, Deß, Deva, De Veyrac, Díaz de Mera García Consuegra, Dombrovskis, Doorn, Dover, Doyle, Duchoň, Duka-Zólyomi, Ebner, Ehler, Elles, Evans Jonathan, Fajmon, Fatuzzo, Ferber, Fjellner, Florenz, Fontaine, Fraga Estévez, Freitas, Gähler, Gál, Gaľa, Galeote, García-Margallo y Marfil, Garriga Polledo, Gauzès, Gawronski, Gewalt, Glattfelder, Goepel, Gomolka, Graça Moura, Gräßle, de Grandes Pascual, Grosch, Grossetête, Guellec, Gyürk, Handzlik, Harbour, Heaton-Harris, Hennicot-Schoepges, Herranz García, Hieronymi, Higgins, Hökmark, Hoppenstedt, Hudacký, Hybášková, Ibrisagic, Itälä, Iturgaiz Angulo, Jackson, Jałowiecki, Járóka, Jarzembowski, Jeggle, Jordan Cizelj, Kaczmarek, Kamall, Karas, Kauppi, Kelam, Kirkhope, Klamt, Klaß, Klich, Koch, Konrad, Korhola, Kratsa-Tsagaropoulou, Kudrycka, Langen, Langendries, Lauk, Lechner, Lehne, Lewandowski, Liese, Lulling, Maat, McMillan-Scott, Mann Thomas, Mantovani, Mathieu, Mato Adrover, Mauro, Mavrommatis, Mayer, Mayor Oreja, Méndez de Vigo, Mikolášik, Millán Mon, Mitchell, Musotto, Nassauer, van Nistelrooij, Novak, Olajos, Olbrycht, Oomen-Ruijten, Őry, Pack, Panayotopoulos-Cassiotou, Papastamkos, Parish, Pieper, Píks, Pinheiro, Pirker, Pleštinská, Podestà, Pomés Ruiz, Posdorf, Posselt, Protasiewicz, Purvis, Queiró, Rack, Radwan, Reul, Roithová, Rudi Ubeda, Rübig, Saïfi, Salafranca Sánchez-Neyra, Samaras, Sartori, Schierhuber, Schnellhardt, Schöpflin, Schwab, Seeber, Seeberg, Siekierski, Silva Peneda, Škottová, Sommer, Sonik, Spautz, Šťastný, Stauner, Stevenson, Strejček, Stubb, Sturdy, Sudre, Surján, Szájer, Tajani, Tannock, Thyssen, Toubon, Trakatellis, Ulmer, Vakalis, Van Orden, Varela Suanzes-Carpegna, Varvitsiotis, Vatanen, Vidal-Quadras, Vlasák, Vlasto, Weber Manfred, Weisgerber, Wieland, Wijkman, von Wogau, Wortmann-Kool, Záborská, Zahradil, Zaleski, Zappalà, Zvěřina

PSE: Mastenbroek

Thursday, 14 December 2006

UEN: Angelilli, Berlato, Bielan, Borghezio, Crowley, Czarnecki Marek Aleksander, Czarnecki Ryszard, Foltyn-Kubicka, Grabowski, Janowski, Kamiński, Kristovskis, Kuźmiuk, La Russa, Libicki, Masiel, Muscardini, Ó Neachtain, Pęk, Piotrowski, Podkański, Rogalski, Roszkowski, Rutowicz, Ryan, Szymański, Wojciechowski Janusz, Zapałowski

Against: 227

GUE/NGL: Agnoletto, Aita, Brie, Catania, de Brún, Figueiredo, Flasarová, Guerreiro, Henin, Kaufmann, McDonald, Maštálka, Meyer Pleite, Musacchio, Pafilis, Papadimoulis, Pflüger, Portas, Ransdorf, Remek, Seppänen, Triantaphyllides, Wagenknecht, Wurtz, Zimmer

IND/DEM: Batten, Clark, Farage, Natrass, Whittaker, Wise

NI: Battilocchio, Claeys, De Michelis, Dillen, Gollnisch, Lang, Le Pen Marine, Le Rachinel, Martinez, Schenardi

PSE: Arif, Ayala Sender, Badia I Cutchet, Batzeli, Berès, van den Berg, Berger, Berlinguer, Berman, Bösch, Bourzai, Bullmann, Busquin, Calabuig Rull, Capoulas Santos, Carlotti, Carnero González, Casaca, Cashman, Castex, Cercas, Chiesa, Christensen, Corbett, Corbey, Correia, Cottigny, De Keyser, De Rossa, Désir, De Vits, Díez González, Dobolyi, Douay, Dührkop Dührkop, Estrela, Ettl, Fazakas, Fernandes, Ferreira Anne, Ferreira Elisa, García Pérez, Gebhardt, Geringer de Oedenberg, Glante, Goebbels, Gomes, Grabowska, Grech, Groote, Gurmai, Guy-Quint, Hänsch, Hamon, Haug, Hazan, Hedh, Hedkvist Petersen, Herczog, Honeyball, Hughes, Hutchinson, Jöns, Jørgensen, Kindermann, Koterec, Kreissl-Dörfler, Kuhne, Lambrinidis, Le Foll, Leichtfried, Liberadzki, Lienemann, McAvan, McCarthy, Madeira, Maňka, Mann Erika, Martin David, Martínez Martínez, Matsouka, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Moreno Sánchez, Morgan, Moscovici, Muscat, Myller, Napolitano, Navarro, Obiols i Germà, Occhetto, Paasilinna, Pahor, Paleckis, Panzeri, Patrie, Peillon, Piecyk, Pinior, Pittella, Pleguezuelos Aguilar, Poignant, Prets, Rapkay, Reynaud, Riera Madurell, Rocard, Rosati, Rothe, Rouček, Roure, Sacconi, Sakalas, Saks, Salinas García, Sánchez Presedo, dos Santos, Savary, Schaldemose, Schapira, Scheele, Schulz, Segelström, Simpson, Siwiec, Skinner, Sornosa Martínez, Stihler, Stockmann, Swoboda, Szejna, Tarabella, Tarand, Thomsen, Titley, Trautmann, Tzampazi, Van Lancker, Vaugrenard, Vergnaud, Vincenzi, Walter, Weber Henri, Weiler, Westlund, Wiersma, Willmott, Yañez-Barnuevo García, Zingaretti

UEN: Kuc

Verts/ALE: Aubert, Bennahmias, Breyer, Buitenweg, Cohn-Bendit, Cramer, Evans Jill, Frassoni, Graefe zu Baringdorf, de Groen-Kouwenhoven, Harms, Hassi, Horáček, Hudghton, Isler Béguin, Kallenbach, Kusstatscher, Lagendijk, Lambert, Lichtenberger, Lipietz, Lucas, Özdemir, Onesta, Romeva i Rueda, Rühle, Schlyter, Schroedter, Smith, Staes, Trüpel, Turmes, Voggenhuber, Ždanoka

Abstention: 5

NI: Baco, Belohorská, Mote

UEN: Camre

Verts/ALE: van Buitenen

6. Report: Elles/Grech A6-0451/2006

Paragraph 16/2

For: 382

ALDE: Andrejevs, Andria, Attwooll, Beaupuy, Budreikaitė, Carlshamre, Cavada, Chatzimarkakis, Cocilovo, Cornillet, Costa, Davies, Deprez, De Sarnez, Drčar Murko, Duff, Ek, Fourtou, Geremek, Gibault, Griesbeck, Guardans Cambó, Hall, Harkin, Hennis-Plasschaert, in 't Veld, Jäätteenmäki, Jensen, Juknevičienė, Krahmer, Kułakowski, Laperrouze, Lax, Ludford, Lynne, Maaten, Manders, Matsakis, Mohácsi, Morillon, Mulder, Newton Dunn, Onyszkiewicz, Oviir, Piskorski, Polfer, Prodi, Resetarits, Ries, Riis-Jørgensen, Savi, Sbarbati, Schmidt Olle, Staniszewska, Sterckx, Susta, Szent-Iványi, Takkula, Toia, Väyrynen, Van Hecke, Virrankoski, Wallis

Thursday, 14 December 2006

GUE/NGL: Agnoletto, Aita, Brie, Catania, de Brún, Figueiredo, Flasarová, Guerreiro, Henin, Holm, Kaufmann, Liotard, McDonald, Meijer, Musacchio, Papadimoulis, Pflüger, Portas, Ransdorf, Remek, Seppänen, Svensson, Triantaphyllides, Wagenknecht, Wurtz, Zimmer

IND/DEM: Belder, Blokland, Coûteaux, Krupa, Louis, Sinnott, Tomczak, de Villiers, Železný

NI: Allister, Bobošíková, Chruszcz, Giertych, Gollnisch, Helmer, Lang, Le Pen Marine, Le Rachinel, Martin Hans-Peter, Martinez, Mussolini, Schenardi, Wojciechowski Bernard Piotr

PPE-DE: Albertini, Andriksen, Antoniozzi, Ashworth, Atkins, Audy, Ayuso, Bachelot-Narquin, Barsi-Pataky, Bauer, Beazley, Becsey, Belet, Berend, Böge, Bowis, Bradbourn, Braghetto, Brejc, Brepoels, Březina, Bushill-Matthews, Busuttil, Buzek, Callanan, Casa, Casini, Caspary, Castiglione, Cederschiöld, Chichester, Chmielewski, Coelho, Daul, De Blasio, Dehaene, Demetriou, Descamps, Deß, Deva, De Veyrac, Díaz de Mera García Consuegra, Dombrowski, Doorn, Dover, Doyle, Duchoň, Duka-Zólyomi, Ebner, Ehler, Elles, Evans Jonathan, Fajmon, Fatuzzo, Ferber, Fjellner, Florenz, Fontaine, Fraga Estévez, Freitas, Gahler, Gál, Gaľa, Galeote, García-Margallo y Marfil, Garriga Polledo, Gauzès, Gawronski, Gewalt, Glattfelder, Goepel, Gomolka, Graça Moura, Gräßle, de Grandes Pascual, Grosch, Grossetête, Guellec, Gutiérrez-Cortines, Gyürk, Handzlik, Harbour, Heaton-Harris, Hennicot-Schoepges, Herranz García, Hieronymi, Higgins, Hökmark, Hoppenstedt, Hudacký, Hybášková, Ibrisagic, Itälä, Iturgaiz Angulo, Jackson, Jałowiecki, Járóka, Jarzembowski, Jeggle, Jordan Cizelj, Kaczmarek, Kamall, Karas, Kauppi, Kelam, Kirkhope, Klamt, Klač, Klich, Koch, Konrad, Korhola, Kratsa-Tsagaropoulou, Kudrycka, Langen, Langendries, Lauk, Lechner, Lehne, Lewandowski, Liese, Lulling, Maat, McMillan-Scott, Mann Thomas, Mantovani, Mathieu, Mato Adrover, Mauro, Mavrommatis, Mayer, Méndez de Vigo, Mikolášik, Mitchell, Musotto, Nassauer, van Nistelrooij, Novak, Olajos, Olbrycht, Oomen-Ruijten, Óry, Pack, Panayotopoulos-Cassiotou, Papastamkos, Parish, Pīks, Pinheiro, Pirker, Pleštinská, Podestà, Posdorf, Posselt, Protasiewicz, Purvis, Queiró, Rack, Radwan, Reul, Roithová, Rudi Ubeda, Rübig, Saïfi, Salafranca Sánchez-Neyra, Samaras, Sartori, Schierhuber, Schnellhardt, Schöpflin, Schwab, Seeber, Seeborg, Siekierski, Silva Peneda, Škottová, Sommer, Sonik, Spautz, Šťastný, Stauner, Stevenson, Strejček, Stubb, Sturdy, Sudre, Surján, Szájer, Tannock, Thyssen, Toubon, Trakatellis, Ulmer, Vakalis, Van Orden, Varela Suanzes-Carpegna, Varvitsiotis, Vidal-Quadras, Vlasák, Vlasto, Weber Manfred, Weisgerber, Wieland, Wijkman, von Wogau, Wortmann-Kool, Záborská, Zahradil, Zaleski, Zappalà, Zvěřina

UEN: Angelilli, Berlato, Bielan, Borghezio, Crowley, Czarnecki Marek Aleksander, Foltyn-Kubicka, Grabowski, Janowski, Kamiński, Kristovskis, Kuźmiuk, La Russa, Libicki, Masiel, Muscardini, Ó Neachtain, Pęk, Piotrowski, Podkański, Rogalski, Roszkowski, Rutowicz, Ryan, Szymański, Wojciechowski Janusz, Zapałowski

Verts/ALE: Aubert, Bennahmias, Breyer, Buitenweg, Cohn-Bendit, Cramer, Evans Jill, Frassoni, Graefe zu Baringdorf, de Groen-Kouwenhoven, Harms, Hassi, Horáček, Hudghton, Isler Béguin, Kallenbach, Kusstatscher, Lagendijk, Lambert, Lichtenberger, Lipietz, Lucas, Özdemir, Onesta, Romeva i Rueda, Rühle, Schlyter, Schroedter, Smith, Staes, Trüpel, Voggenhuber, Ždanoka

Against: 165

GUE/NGL: Pafilis

IND/DEM: Batten, Bonde, Clark, Farage, Goudin, Lundgren, Nattrass, Whittaker, Wise

NI: Battilocchio, Claeys, De Michelis, Dillen

PSE: Arif, Ayala Sender, Badia I Cutchet, Batzeli, van den Berg, Berger, Berlinguer, Berman, Bösch, Bourzai, Bullmann, Calabuig Rull, Capoulas Santos, Carlotti, Carnero González, Casaca, Cashman, Castex, Cercas, Chiesa, Christensen, Corbett, Corbey, Correia, Cottigny, De Keyser, De Rossa, Désir, De Vits, Díez González, Dobolyi, Douay, Dührkop Dührkop, Estrela, Ettl, Fernandes, Ferreira Anne, Ferreira Elisa, García Pérez, Gebhardt, Geringer de Oedenberg, Glante, Goebbels, Gomes, Grabowska, Grech, Groote, Gurmai, Guy-Quint, Hänsch, Hamon, Haug, Hazan, Hedh, Hedkvist Petersen, Herczog, Honeyball, Hughes, Hutchinson, Jöns, Jørgensen, Kindermann, Koterec, Kreissl-Dörfler, Kuhne, Lambrinidis, Le Foll, Leichtfried, Liberadzki, Lienemann, McAvan, McCarthy, Madeira, Mańka, Mann Erika, Martin David, Martínez Martínez, Mastenbroek, Matsouka, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Moreno Sánchez, Morgan, Moscovici, Muscat, Myller, Napolitano, Navarro, Obiols i Germà, Occhetto, Paasilinna, Pahor, Paleckis, Panzeri, Patrie, Peillon, Piecyk, Pinior, Pittella, Pleguezuelos Aguilar, Poignant, Prets, Rapkay, Reynaud, Riera Madurell, Rocard, Rosati, Rothe, Rouček, Roure, Sacconi, Sakalas, Saks, Salinas García, Sánchez Presedo, dos Santos, Savary, Schaldemose, Schapira, Scheele, Schulz, Segelström, Simpson, Siwiec, Skinner, Sornosa Martínez, Stihler, Stockmann, Swoboda, Szejna, Tarabella, Tarand, Thomsen, Titley, Trautmann, Tzampazi, Van Lancker, Vaugrenard, Vergnaud, Vincenzi, Walter, Weber Henri, Weiler, Westlund, Wiersma, Willmott, Yañez-Barnuevo García, Zingaretti

UEN: Camre, Kuc

Thursday, 14 December 2006

Abstention: 4**NI:** Baco, Belohorská, Mote**Verts/ALE:** van Buitenen**7. Report: Elles/Grech A6-0451/2006****Amendment 1****For: 89****GUE/NGL:** Agnoletto, Aita, Brie, Catania, Figueiredo, Flasarová, Guerreiro, Henin, Holm, Liotard, Maštálka, Meijer, Meyer Pleite, Musacchio, Pafilis, Papadimoulis, Pflüger, Portas, Ransdorf, Seppänen, Svensson, Triantaphyllides, Wagenknecht, Wurtz, Zimmer**IND/DEM:** Bonde, Goudin, Krupa, Lundgren, Sinnott, Tomczak, Železný**NI:** Bobošíková, Chruszcz, Giertych, Wojciechowski Bernard Piotr**PPE-DE:** Andriksen, Casini, Duchoň, Fajmon, de Grandes Pascual, Hybášková, Mauro, Millán Mon, Salafranca Sánchez-Neyra, Škottová, Strejček, Vlasák, Wijkman, Zahradil, Zvěřina**PSE:** Batzeli, van den Berg, Berman, Capoulas Santos, Corbey, Ferreira Elisa, Hedh, Hedkvist Petersen, Lambrinidis, Mastenbroek, Matsouka, Napolitano, Segelström, Swoboda, Westlund**UEN:** Bielan, Czarnecki Marek Aleksander, Czarnecki Ryszard, Foltyn-Kubicka, Grabowski, Janowski, Kamiński, Kristovskis, Kuźmiuk, Libicki, Masiel, Pęk, Piotrowski, Podkański, Rogalski, Roszkowski, Rutowicz, Szymański, Wojciechowski Janusz, Zapałowski**Verts/ALE:** Hassi, Schlyter, Trüpel**Against: 453****ALDE:** Andrejevs, Andria, Attwooll, Beaupuy, Budreikaitė, Carlshamre, Cavada, Chatzimarkakis, Cocilovo, Cornillet, Costa, Davies, Deprez, De Sarnez, Drčar Murko, Duff, Ek, Fourtou, Geremek, Gibault, Griesbeck, Guardans Cambó, Hall, Harkin, Hennis-Plasschaert, in 't Veld, Jäätteenmäki, Jensen, Juknevičienė, Krahmer, Kułakowski, Laperrouze, Lax, Ludford, Lynne, Maaten, Manders, Matsakis, Mohácsi, Morillon, Mulder, Newton Dunn, Onyszkiewicz, Oviir, Piskorski, Polfer, Prodi, Resetarits, Ries, Riis-Jørgensen, Savi, Sbarbati, Staniszevska, Sterckx, Susta, Szent-Iványi, Takkula, Toia, Väyrynen, Van Hecke, Virrankoski, Wallis**IND/DEM:** Belder, Blokland**NI:** Allister, Battilocchio, Claeys, De Michelis, Dillen, Gollnisch, Helmer, Lang, Le Pen Marine, Le Rachinel, Martinez, Mote, Mussolini, Schenardi**PPE-DE:** Albertini, Antoniozzi, Ashworth, Atkins, Audy, Ayuso, Bachelot-Narquin, Barsi-Pataky, Bauer, Beazley, Becsey, Belet, Berend, Böge, Bonignore, Bowis, Bradbourn, Braghetto, Brejc, Brepoels, Březina, Bushill-Matthews, Busuttil, Buzek, Callanan, Casa, Caspary, Castiglione, Cederschiöld, Chichester, Chmielewski, Coelho, Daul, De Blasio, Dehaene, Demetriou, Descamps, Deß, Deva, De Veyrac, Díaz de Mera García Consuegra, Dombrovskis, Doorn, Dover, Doyle, Duka-Zólyomi, Ebner, Evans Jonathan, Fatuzzo, Ferber, Fjellner, Florenz, Fontaine, Fraga Estévez, Freitas, Gahler, Gál, Gaľa, Galeote, García-Margallo y Marfil, Garriga Polledo, Gauzès, Gawronski, Gewalt, Glattfelder, Goepel, Gomolka, Graça Moura, Gräßle, Grosch, Grossetête, Guellec, Gutiérrez-Cortines, Gyürk, Handzlik, Harbour, Heaton-Harris, Hennicot-Schoepges, Herranz García, Hieronymi, Higgins, Hökmark, Hoppenstedt, Hudacký, Ibrisagic, Itälä, Iturgaiz Angulo, Jackson, Jałowiecki, Járóka, Jarzembowski, Jeggel, Jordan Cizelj, Kaczmarek, Kamall, Karas, Kauppi, Kelam, Kirkhope, Klamt, Klač, Klich, Koch, Konrad, Korhola, Kratsa-Tsagaropoulou, Kudrycka, Langen, Langendries, Lauk, Lechner, Lehne, Lewandowski, Liese, Lulling, Maat, McMillan-Scott, Mann Thomas, Mantovani, Mathieu, Mato Adrover, Mavrommatis, Mayer, Mayor Oreja, Méndez de Vigo, Mikolášik, Mitchell, Musotto, Nassauer, van Nistelrooij, Novak, Olajos, Olbrycht, Oomen-Ruijten, Óry, Pack, Panayotopoulos-Cassiotou, Papastamkos, Parish, Pieper, Pīks, Pinheiro, Pirker, Pleštinská, Podestà, Pomés Ruiz, Posdorf, Posselt, Protasiewicz, Purvis, Queiró, Quisthoudt-Rowohl, Rack, Radwan, Reul, Roithová, Rudi Ubeda, Rübig, Saïfi, Samaras, Sartori, Schierhuber, Schnellhardt, Schöpflin, Schwab, Seeber, Seeborg, Siekierski, Silva Penada, Sommer, Sonik, Spautz, Šťastný, Stauner, Stevenson, Stubb, Sturdy, Sudre, Surján, Szájer, Tajani, Tannock, Thyssen, Toubon, Trakatellis, Ulmer, Vakalis, Van Orden, Varela Suanzes-Carpegna, Varvitsiotis, Vatanen, Vidal-Quadras, Vlasto, Weber Manfred, Weisgerber, Wieland, von Wogau, Wortmann-Kool, Záborská, Zaleski, Zappalà

Thursday, 14 December 2006

PSE: Arif, Ayala Sender, Badia I Cutchet, Berès, Berger, Berlinguer, Bösch, Bourzai, Bullmann, Busquin, Calabuig Rull, Carlotti, Carnero González, Casaca, Cashman, Castex, Cercas, Chiesa, Christensen, Corbett, Correia, Cottigny, De Keyser, De Rossa, Désir, De Vits, Díez González, Dobolyi, Douay, Dührkop Dührkop, Estrela, Ettl, Fazakas, Fernandes, Ferreira Anne, García Pérez, Gebhardt, Geringer de Oedenberg, Glante, Goebbels, Gomes, Grabowska, Grech, Groote, Gurmai, Guy-Quint, Hänsch, Hamon, Haug, Hazan, Herczog, Honeyball, Hughes, Hutchinson, Jöns, Jørgensen, Kindermann, Koterec, Kreissl-Dörfler, Le Foll, Leichtfried, Liberadzki, Lienemann, McAvan, McCarthy, Madeira, Mañka, Mann Erika, Martin David, Martínez Martínez, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Moreno Sánchez, Morgan, Moscovici, Muscat, Myller, Navarro, Obiols i Germà, Occhetto, Paasilinna, Pahor, Paleckis, Panzeri, Patrie, Peillon, Piecyk, Pinior, Pittella, Pleguezuelos Aguilar, Poignant, Prets, Rapkay, Reynaud, Riera Madurell, Rocard, Rosati, Rothe, Rouček, Roure, Sacconi, Sakalas, Saks, Salinas García, Sánchez Presedo, dos Santos, Savary, Schaldemose, Schapira, Scheele, Schulz, Simpson, Siwiec, Skinner, Sornosa Martínez, Stihler, Stockmann, Szejna, Tarabella, Tarand, Thomsen, Titley, Trautmann, Tzampazi, Van Lancker, Vaugrenard, Vergnaud, Vincenzi, Walter, Weber Henri, Weiler, Willmott, Yañez-Barnuevo García, Zingaretti

UEN: Angelilli, Berlatto, Borghezio, Crowley, Kuc, La Russa, Muscardini, Ó Neachtain, Ryan

Verts/ALE: Aubert, Bennahmias, Breyer, Buitenweg, Cohn-Bendit, Cramer, Evans Jill, Frassoni, Graefe zu Baringdorf, de Groen-Kouwenhoven, Harms, Horáček, Hudghton, Isler Béguin, Kallenbach, Kusstatscher, Lagendijk, Lambert, Lichtenberger, Lipietz, Özdemir, Onesta, Romeva i Rueda, Rühle, Schroedter, Smith, Staes, Turmes, Voggenhuber, Ždanoka

Abstention: 22

ALDE: Schmidt Olle

GUE/NGL: de Brún, Kaufmann, McDonald, Remek

IND/DEM: Batten, Clark, Coûteaux, Farage, Louis, Natrass, de Villiers, Whittaker, Wise

NI: Baco, Belohorská, Martin Hans-Peter

PSE: Kuhne, Wiersma

UEN: Camre

Verts/ALE: van Buitenen, Lucas

8. Report: Elles/Grech A6-0451/2006

Paragraph 27

For: 487

ALDE: Andrejevs, Andria, Attwooll, Beaupuy, Budreikaitė, Carlshamre, Cavada, Chatzimarkakis, Cocilovo, Cornillet, Davies, Deprez, Drčar Murko, Duff, Fourtou, Gibault, Griesbeck, Hall, Harkin, Hennis-Plasschaert, in 't Veld, Jäätteenmäki, Jensen, Juknevičienė, Kułakowski, Laperrouze, Lax, Ludford, Lynne, Maaten, Manders, Matsakis, Mohácsi, Morillon, Mulder, Newton Dunn, Onyszkiewicz, Oviir, Piskorski, Prodi, Resetarits, Ries, Savi, Schmidt Olle, Staniszewska, Susta, Szent-Iványi, Takkula, Toia, Väyrynen, Virrankoski, Wallis

GUE/NGL: Agnoletto, Aita, Brie, Catania, Flasarová, Henin, Holm, Kaufmann, Liotard, Maštálka, Meijer, Meyer Pleite, Musacchio, Pafilis, Papadimoulis, Pflüger, Portas, Ransdorf, Remek, Seppänen, Svensson, Triantaphyllides, Wagenknecht, Wurtz, Zimmer

IND/DEM: Coûteaux, Louis, Sinnott, de Villiers

NI: Allister, Battilocchio, Belohorská, Chruszcz, De Michelis, Giertych, Helmer, Martin Hans-Peter, Mussolini, Wojciechowski Bernard Piotr

Thursday, 14 December 2006

PPE-DE: Albertini, Andrikienė, Antoniozzi, Ashworth, Atkins, Audy, Ayuso, Bachelot-Narquin, Barsi-Pataky, Bauer, Beazley, Becsey, Belet, Berend, Böge, Bonsignore, Bowis, Bradbourn, Braghetto, Brejc, Brepoels, Březina, Bushill-Matthews, Busuttil, Buzek, Callanan, Casa, Casini, Caspary, Castiglione, Chmielewski, Coelho, Daul, De Blasio, Dehaene, Demetriou, Descamps, Deß, Deva, De Veyrac, Díaz de Mera García Consuegra, Dombrowski, Doorn, Dover, Doyle, Duka-Zólyomi, Ebner, Ehler, Elles, Evans Jonathan, Fatuzzo, Ferber, Florenz, Fontaine, Fraga Estévez, Freitas, Gahler, Gál, Gaľa, Galeote, García-Margallo y Marfil, Garriga Polledo, Gauzès, Gawronski, Gewalt, Glattfelder, Goepel, Gomolka, Graça Moura, Gräßle, de Grandes Pascual, Grosch, Grosselet, Guellec, Gutiérrez-Cortines, Gyürk, Handzlik, Harbour, Heaton-Harris, Hennicot-Schoepges, Herranz García, Hieronymi, Higgins, Hoppenstedt, Hudacký, Itälä, Jackson, Jałowiecki, Járóka, Jarzembowski, Jeggler, Jordan Cizelj, Kaczmarek, Kamall, Karas, Kauppi, Kelam, Kirkhope, Klamt, Klač, Klich, Koch, Konrad, Korhola, Kratsa-Tsagaropoulou, Kudrycka, Langen, Langendries, Lauk, Lechner, Lehne, Lewandowski, Liese, Lulling, Maat, McMillan-Scott, Mann Thomas, Mantovani, Mathieu, Mato Adrover, Mauro, Mavrommatis, Mayer, Mayor Oreja, Méndez de Vigo, Mikolášik, Millán Mon, Mitchell, Musotto, Nassauer, van Nistelrooij, Novak, Olajos, Olbrycht, Oomen-Ruijten, Őry, Pack, Panayotopoulos-Cassiotou, Papastamkos, Parish, Pieper, Píks, Pinheiro, Pirker, Pleštinšká, Podestà, Pomés Ruiz, Posdorf, Posselt, Protasiewicz, Purvis, Queiró, Quisthoudt-Rowohl, Rack, Radwan, Reul, Roithová, Rudi Ubeda, Rübig, Saïfi, Salafranca Sánchez-Neyra, Samaras, Sartori, Schierhuber, Schnellhardt, Schöpflin, Schwab, Seeber, Seeborg, Siekierski, Silva Penada, Sommer, Spautz, Štátný, Stauner, Stevenson, Stubb, Sturdy, Sudre, Surján, Szájer, Tajani, Tannock, Thyssen, Toubon, Trakatellis, Ulmer, Vakalis, Van Orden, Varela Suanzes-Carpegna, Varvitsiotis, Vatanen, Vidal-Quadras, Vlasto, Weber Manfred, Weisgerber, Wieland, von Wogau, Wortmann-Kool, Záborská, Zaleski, Zappalà

PSE: Arif, Ayala Sender, Badia I Cutchet, Batzeli, Berès, Berger, Berlinguer, Bösch, Bourzai, Bullmann, Busquin, Calabuig Rull, Carlotti, Carnero González, Casaca, Cashman, Castex, Cercas, Chiesa, Christensen, Corbett, Correia, Cottigny, De Keyser, De Rossa, Désir, De Vits, Díez González, Dobolyi, Douay, Dührkop Dührkop, Estrela, Ettl, Fazakas, Fernandes, Ferreira Anne, García Pérez, Gebhardt, Geringer de Oedenberg, Glante, Gomes, Grabowska, Grech, Groote, Gurmai, Guy-Quint, Hänsch, Hamon, Haug, Hazan, Herczog, Honeyball, Hughes, Hutchinson, Jöns, Jørgensen, Kindermann, Koterec, Kreissl-Dörfler, Kuhne, Lambrinidis, Le Foll, Leichtfried, Liberadzki, Lienemann, McAvan, McCarthy, Madeira, Mańka, Mann Erika, Martin David, Martínez Martínez, Matsouka, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Moreno Sánchez, Morgan, Moscovici, Muscat, Myller, Napoletano, Navarro, Obiols i Germà, Occhetto, Paasilinna, Pahor, Paleckis, Panzeri, Patrie, Peillon, Piecyk, Pinior, Pittella, Pleguezuelos Aguilar, Poignant, Prets, Rapkay, Reynaud, Riera Madurell, Rocard, Rosati, Rothe, Rouček, Roure, Sacconi, Sakalas, Salinas García, Sánchez Presedo, dos Santos, Savary, Schaldemose, Schapira, Scheele, Schulz, Siwiec, Skinner, Sornosa Martínez, Stihler, Stockmann, Swoboda, Szejna, Tarabella, Thomsen, Titley, Trautmann, Tzampazi, Van Lancker, Vaugrenard, Vergnaud, Vincenzi, Walter, Weber Henri, Weiler, Willmott, Yañez-Barnuevo García, Zingaretti

UEN: Angelilli, Berlatto, Bielan, Borghezio, Crowley, Czarnecki Marek Aleksander, Czarnecki Ryszard, Foltyn-Kubicka, Janowski, Kamiński, Kristovskis, Kuc, Kuźmiuk, La Russa, Libicki, Masiel, Muscardini, Ó Neachtain, Podkański, Roszkowski, Rutowicz, Ryan, Szymański, Wojciechowski Janusz

Verts/ALE: Aubert, Bennahmias, Breyer, Buitenweg, Cohn-Bendit, Cramer, Evans Jill, Frassoni, Graefe zu Baringdorf, de Groen-Kouwenhoven, Harms, Hassi, Horáček, Hudghton, Isler Béguin, Kallenbach, Kusstatscher, Lagendijk, Lambert, Lichtenberger, Lipietz, Lucas, Özdemir, Onesta, Romeva i Rueda, Rühle, Schroedter, Smith, Staes, Trüpel, Turmes, Voggenhuber, Ždanoka

Against: 64

ALDE: Costa, De Sarnez, Geremek, Guardans Cambó, Krahmer, Polfer, Riis-Jørgensen, Sbarbati, Sterckx, Van Hecke

IND/DEM: Batten, Belder, Blokland, Bonde, Clark, Farage, Goudin, Krupa, Lundgren, Natrass, Tomczak, Whittaker, Wise, Żelezný

NI: Bobošíková, Claeys, Dillen, Gollnisch, Lang, Le Pen Marine, Le Rachinel, Martinez, Schenardi

PPE-DE: Cederschiöld, Duchoň, Fajmon, Fjellner, Hökmark, Ibrisagic, Iturgaiz Angulo, Škottová, Sonik, Strejček, Vlasák, Wijkman, Zahradil, Zvěřina

PSE: van den Berg, Berman, Capoulas Santos, Corbey, Ferreira Elisa, Hedh, Hedkvist Petersen, Mastenbroek, Saks, Segelström, Westlund

UEN: Grabowski, Pęk, Piotrowski, Rogalski, Zapalowski

Verts/ALE: Schlyter

Thursday, 14 December 2006

Abstention: 8

ALDE: Ek

GUE/NGL: de Brún, McDonald

NI: Baco, Mote

PSE: Wiersma

UEN: Camre

Verts/ALE: van Buitenen

Corrections to votes

Against

Jorgo Chatzimarkakis

9. Report: Elles/Grech A6-0451/2006

Paragraph 38

For: 515

ALDE: Andrejevs, Andria, Attwooll, Beaupuy, Budreikaitė, Carlshamre, Cavada, Chatzimarkakis, Cocilovo, Cornillet, Costa, Davies, Deprez, De Sarnez, Drčar Murko, Duff, Ek, Fourtou, Geremek, Gibault, Griesbeck, Hall, Harkin, Hennis-Plasschaert, in 't Veld, Jäätteenmäki, Jensen, Juknevičienė, Krahmer, Kułakowski, Laperrouze, Lax, Ludford, Lynne, Maaten, Manders, Matsakis, Mohácsi, Morillon, Mulder, Newton Dunn, Onyszkiewicz, Oviir, Piskorski, Polfer, Prodi, Resetarits, Ries, Riis-Jørgensen, Savi, Sbarbati, Schmidt Olle, Staniszevska, Sterckx, Susta, Szent-Iványi, Takkula, Toia, Väyrynen, Van Hecke, Virrankoski, Wallis

GUE/NGL: Agnoletto, Aita, Brie, Catania, de Brún, Figueiredo, Henin, Holm, Kaufmann, Liotard, McDonald, Meijer, Musacchio, Pafilis, Papadimoulis, Portas, Ransdorf, Seppänen, Svensson, Wurtz, Zimmer

IND/DEM: Belder, Blokland, Bonde, Goudin, Krupa, Lundgren, Sinnott, Tomczak

NI: Battilocchio, Belohorská, De Michelis, Helmer, Martin Hans-Peter, Mussolini

PPE-DE: Albertini, Andrikenė, Antoniozzi, Ashworth, Atkins, Audy, Ayuso, Bachelot-Narquin, Barsi-Pataky, Bauer, Beazley, Becsey, Belet, Berend, Böge, Bonsignore, Bowis, Bradbourn, Braghetto, Brejc, Brepoels, Březina, Bushill-Matthews, Busuttil, Buzek, Callanan, Casa, Casini, Caspary, Castiglione, Cederschiöld, Chichester, Chmielewski, Coelho, Daul, De Blasio, Dehaene, Demetriou, Descamps, Deß, Deva, De Veyrac, Díaz de Mera, García Consuegra, Dombrovskis, Doorn, Dover, Doyle, Duka-Zólyomi, Ebner, Ehler, Elles, Evans Jonathan, Fatuzzo, Ferber, Fjellner, Florenz, Fontaine, Fraga Estévez, Freitas, Gahler, Gál, Gaľa, Galeote, García-Margallo y Marfil, Garriga Polledo, Gauzès, Gawronski, Gewalt, Glattfelder, Goepel, Gomolka, Graça Moura, Gräßle, de Grandes Pascual, Grosch, Grossetête, Guellec, Gutiérrez-Cortines, Gyürk, Handzlik, Harbour, Heaton-Harris, Hennicot-Schoepges, Herranz García, Hieronymi, Higgins, Hökmark, Hoppenstedt, Hudacký, Hybášková, Ibrisagic, Itälä, Iturgaiz Angulo, Jackson, Jałowiecki, Járóka, Jarzembowski, Jeggle, Jordan Cizelj, Kaczmarek, Kamall, Karas, Kauppi, Kelam, Kirkhope, Klamt, Klač, Klich, Koch, Konrad, Korhola, Kratsa-Tsagaropoulou, Kudrycka, Langen, Langendries, Lauk, Lechner, Lehne, Lewandowski, Liese, Lulling, Maat, McMillan-Scott, Mann Thomas, Mantovani, Mathieu, Mato Adrover, Mauro, Mavrommatis, Mayer, Mayor Oreja, Méndez de Vigo, Mikolášik, Millán Mon, Mitchell, Musotto, Nassauer, van Nistelrooij, Novak, Olajos, Olbrycht, Oomen-Ruijten, Őry, Pack, Panayotopoulos-Cassiotou, Papastamkos, Parish, Pieper, Pīks, Pinheiro, Pirker, Pleštinská, Podestà, Pomés Ruiz, Posdorf, Posselt, Protasiewicz, Purvis, Queiró, Quisthoudt-Rowohl, Rack, Radwan, Reul, Roithová, Rudi Ubeda, Rübig, Saïfi, Salafranca Sánchez-Neyra, Samaras, Sartori, Schierhuber, Schnellhardt, Schöpflin, Schwab, Seeber, Seeberg, Siekierski, Silva Peneda, Sommer, Sonik, Spautz, Štastný, Stauner, Stevenson, Stubb, Sturdy, Sudre, Surján, Szájer, Tajani, Tannock, Thyssen, Toubon, Trakatellis, Ulmer, Vakalis, Van Orden, Varela Suanzes-Carpegna, Varvitsiotis, Vatanen, Vidal-Quadras, Vlasto, Weber Manfred, Weisgerber, Wieland, Wijkman, von Wogau, Wortmann-Kool, Záborská, Zaleski, Zappalà

Thursday, 14 December 2006

PSE: Arif, Ayala Sender, Badia I Cutchet, Batzeli, Berès, van den Berg, Berger, Berlinguer, Berman, Bösch, Bourzai, Bullmann, Busquin, Calabuig Rull, Capoulas Santos, Carlotti, Carnero González, Casaca, Cashman, Castex, Cercas, Chiesa, Christensen, Corbett, Corbey, Correia, Cottigny, De Keyser, De Rossa, Désir, De Vits, Díez González, Dobolyi, Douay, Dührkop Dührkop, Estrela, Ettl, Fazakas, Fernandes, Ferreira Anne, Ferreira Elisa, García Pérez, Gebhardt, Geringer de Oedenberg, Glante, Goebbels, Gomes, Grabowska, Grech, Groote, Gurmai, Guy-Quint, Hänsch, Hamon, Haug, Hazan, Hedh, Hedkvist Petersen, Herczog, Honeyball, Hughes, Hutchinson, Jöns, Jørgensen, Kindermann, Koterec, Kuhne, Lambrinidis, Le Foll, Leichtfried, Liberadzki, Lienemann, McAvan, McCarthy, Madeira, Mañka, Mann Erika, Martin David, Martínez Martínez, Mastenbroek, Matsouka, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Moreno Sánchez, Morgan, Moscovici, Muscat, Myller, Napoletano, Paasilinna, Pahor, Paleckis, Panzeri, Patrie, Peillon, Piecyk, Pinior, Pittella, Pleguezuelos Aguilar, Poignant, Prets, Rapkay, Reynaud, Riera Madurell, Rocard, Rosati, Rothe, Rouček, Roure, Sacconi, Sakalas, Saks, Salinas García, Sánchez Presedo, dos Santos, Savary, Schaldemose, Schapira, Scheele, Schulz, Segelström, Siwiec, Skinner, Sornosa Martínez, Stihler, Stockmann, Swoboda, Szejna, Tarabella, Tarand, Thomsen, Titley, Tzampazi, Van Lancker, Vaugrenard, Vergnaud, Vincenzi, Walter, Weber Henri, Weiler, Westlund, Wiersma, Willmott, Yañez-Barnuevo García, Zingaretti

UEN: Angelilli, Berlato, Bielan, Borghezio, Crowley, Czarnecki Marek Aleksander, Czarnecki Ryszard, Foltyn-Kubicka, Grabowski, Janowski, Kamiński, Kristovskis, Kuc, Kuźmiuk, La Russa, Libicki, Masiel, Muscardini, Ó Neachtain, Pęk, Piotrowski, Podkański, Rogalski, Roszkowski, Rutowicz, Wojciechowski Janusz, Zapałowski

Verts/ALE: Aubert, Bennahmias, Breyer, Buitenweg, Cohn-Bendit, Cramer, Evans Jill, Frassoni, Graefe zu Baringdorf, de Groen-Kouwenhoven, Harms, Hassi, Horáček, Hudghton, Isler Béguin, Kallenbach, Kusstatscher, Lagendijk, Lambert, Lichtenberger, Lipietz, Lucas, Özdemir, Onesta, Romeva i Rueda, Rühle, Schlyter, Schroedter, Smith, Staes, Trüpel, Turmes, Voggenhuber, Ždanoka

Against: 37

ALDE: Guardans Cambó

GUE/NGL: Flasarová, Guerreiro, Maštálka, Meyer Pleite, Pflüger, Remek, Triantaphyllides, Wagenknecht

IND/DEM: Batten, Clark, Farage, Nattrass, Whittaker, Wise, Železný

NI: Bobošíková, Chruszcz, Claeys, Dillen, Giertych, Gollnisch, Lang, Le Pen Marine, Le Rachinel, Martinez, Schenardi, Wojciechowski Bernard Piotr

PPE-DE: Duchoň, Fajmon, Škottová, Strejček, Vlasák, Zahradil, Zvěřina

PSE: Simpson

UEN: Szymański

Abstention: 8

IND/DEM: Coûteaux, Louis, de Villiers

NI: Allister, Baco, Mote

UEN: Camre

Verts/ALE: van Buitenen

10. Report: Elles/Grech A6-0451/2006

Paragraph 41

For: 551

ALDE: Andrejevs, Andria, Attwooll, Beaupuy, Budreikaitė, Carlshamre, Cavada, Chatzimarkakis, Cocilovo, Cornillet, Costa, Davies, Deprez, De Sarnez, Drčar Murko, Duff, Ek, Fourtou, Geremek, Gibault, Griesbeck, Guardans Cambó, Hall, Harkin, Hennis-Plasschaert, in 't Veld, Jäätteenmäki, Jensen, Juknevičienė, Krahmer, Kułakowski, Laperrouze, Lax, Ludford, Lynne, Maaten, Manders, Matsakis, Mohácsi, Morillon, Mulder, Newton Dunn, Onyszkiewicz, Oviir, Piskorski, Polfer, Prodi, Resetarits, Ries, Riis-Jørgensen, Savi, Sbarbati, Schmidt Olle, Staniszevska, Sterckx, Susta, Szent-Iványi, Takkula, Toia, Väyrynen, Van Hecke, Virrankoski, Wallis

Thursday, 14 December 2006

GUE/NGL: Agnoletto, Aita, Brie, Catania, de Brún, Figueiredo, Flasarová, Guerreiro, Henin, Holm, Kaufmann, Liotard, McDonald, Maštálka, Meijer, Meyer Pleite, Musacchio, Pafilis, Papadimoulis, Pflüger, Portas, Ransdorf, Remek, Seppänen, Svensson, Wagenknecht, Wurtz, Zimmer

IND/DEM: Belder, Blokland, Bonde, Coûteaux, Goudin, Krupa, Louis, Lundgren, Sinnott, Tomczak, de Villiers, Železný

NI: Battilocchio, Belohorská, Bobošíková, Chruszcz, Claeys, De Michelis, Dillen, Giertych, Gollnisch, Helmer, Lang, Le Pen Marine, Le Rachinel, Martinez, Mussolini, Schenardi, Wojciechowski Bernard Piotr

PPE-DE: Albertini, Andriksen, Antoniozzi, Ashworth, Atkins, Audy, Ayuso, Bachelot-Narquin, Barsi-Pataky, Bauer, Beazley, Becsey, Belet, Berend, Böge, Bonsignore, Bowis, Bradbourn, Braghetto, Brejc, Brepoels, Březina, Bushill-Matthews, Busuttil, Buzek, Callanan, Casa, Casini, Caspary, Castiglione, Cederschiöld, Chichester, Chmielewski, Coelho, Daul, De Blasio, Dehaene, Demetriou, Descamps, Deß, Deva, De Veyrac, Díaz de Mera García Consuegra, Dombrovskis, Doorn, Dover, Doyle, Duchoň, Duka-Zólyomi, Ebner, Ehler, Elles, Evans Jonathan, Fajmon, Fatuzzo, Ferber, Fjellner, Florenz, Fontaine, Fraga Estévez, Freitas, Gahler, Gál, Gaľa, Galeote, García-Margallo y Marfil, Garriga Polledo, Gauzès, Gawronski, Gewalt, Glattfelder, Goepel, Gomolka, Graça Moura, Gräßle, de Grandes Pascual, Grosch, Grossetête, Guellec, Gutiérrez-Cortines, Gyürk, Handzlik, Harbour, Heaton-Harris, Hennicot-Schoepges, Herranz García, Hieronymi, Higgins, Hökmark, Hoppenstedt, Hudacký, Hybášková, Ibrisagic, Itälä, Iturgaiz Angulo, Jackson, Jałowicki, Járóka, Jarzembowski, Jeggle, Jordan Cizelj, Kaczmarek, Kamall, Karas, Kauppi, Kelam, Kirkhope, Klamt, Klač, Klich, Koch, Konrad, Korhola, Kratsa-Tsagaropoulou, Kudrycka, Langen, Langendries, Lauk, Lechner, Lehne, Lewandowski, Liese, Lulling, Maat, McMillan-Scott, Mann Thomas, Mantovani, Mathieu, Mato Adrover, Mauro, Mavrommatis, Mayer, Mayor Oreja, Méndez de Vigo, Mikolášik, Millán Mon, Mitchell, Musotto, Nassauer, van Nistelrooij, Novak, Olajos, Olbrycht, Oomen-Ruijten, Óry, Pack, Panayotopoulos-Cassiotou, Papastamkos, Parish, Pieper, Píks, Pinheiro, Pirker, Plešinská, Podestà, Pomés Ruiz, Posdorf, Posselt, Protasiewicz, Purvis, Queiró, Quisthoudt-Rowohl, Rack, Radwan, Reul, Roithová, Rudi Ubeda, Rübig, Saïfi, Salafranca Sánchez-Neyra, Samaras, Sartori, Schierhuber, Schnellhardt, Schöpflin, Schwab, Seeber, Seeborg, Siekierski, Silva Peneda, Škottová, Sommer, Sonik, Spautz, Šťastný, Stauner, Stevenson, Strejček, Stubb, Sturdy, Sudre, Surján, Szájer, Tajani, Tannock, Thyssen, Toubon, Trakatellis, Ulmer, Vakalis, Van Orden, Varela Suanzes-Carpegna, Varvitsiotis, Vidal-Quadras, Vlasák, Vlasto, Weber Manfred, Weisgerber, Wieland, Wijkman, von Wogau, Wortmann-Kool, Záborská, Zahradil, Zaleski, Zappalà, Zvěřina

PSE: Arif, Ayala Sender, Badia I Cutchet, Batzeli, Berès, van den Berg, Berger, Berlinguer, Berman, Bösch, Bourzai, Bullmann, Busquin, Calabuig Rull, Capoulas Santos, Carlotti, Carnero González, Casaca, Cashman, Castex, Cercas, Chiesa, Christensen, Corbett, Corbey, Correia, Cottigny, De Keyser, De Rossa, Désir, De Vits, Díez González, Dobolyi, Douay, Dührkop Dührkop, Estrela, Ettl, Fazakas, Fernandes, Ferreira Anne, Ferreira Elisa, García Pérez, Gebhardt, Geringer de Oedenberg, Glante, Gomes, Grabowska, Grech, Groote, Gurmai, Guy-Quint, Hänsch, Hamon, Haug, Hazan, Hedh, Hedkvist Petersen, Herczog, Honeyball, Hughes, Hutchinson, Jöns, Jørgensen, Kindermann, Koterec, Kreissl-Dörfler, Kuhne, Lambrinidis, Le Foll, Leichtfried, Liberadzki, Lienemann, McAvan, McCarthy, Madeira, Mańka, Mann Erika, Martin David, Martínez Martínez, Mastenbroek, Matsouka, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Moreno Sánchez, Morgan, Moscovici, Muscat, Myller, Napoletano, Navarro, Obiols i Germà, Occhetto, Paasilinna, Pahor, Paleckis, Panzeri, Patrie, Peillon, Piecyk, Pinor, Pittella, Pleguezuelos Aguilar, Poignant, Prets, Rapkay, Reynaud, Riera Madurell, Rocard, Rosati, Rothe, Rouček, Roure, Sacconi, Sakalas, Saks, Salinas García, Sánchez Presedo, dos Santos, Savary, Schaldemose, Schapira, Scheele, Schulz, Segelström, Simpson, Siwiec, Skinner, Sornosa Martínez, Stihler, Stockmann, Swoboda, Szejna, Tarabella, Tarand, Thomsen, Titley, Trautmann, Tzampazi, Van Lancker, Vaugrenard, Vergnaud, Vincenzi, Walter, Weber Henri, Weiler, Westlund, Wiersma, Willmott, Yañez-Barnuevo García, Zingaretti

UEN: Angelilli, Aylward, Berlato, Bielan, Borghezio, Crowley, Czarnecki Ryszard, Foltyn-Kubicka, Grabowski, Janowski, Kamiński, Kristovskis, Kuc, Kuźmiuk, La Russa, Libicki, Masiel, Muscardini, Ó Neachtain, Pęk, Piotrowski, Podkański, Rogalski, Roszkowski, Rutowicz, Ryan, Szymański, Wojciechowski Janusz, Zapałowski

Verts/ALE: Aubert, Bennahmias, Breyer, Buitenweg, Cohn-Bendit, Cramer, Evans Jill, Frassoni, Graefe zu Baringdorf, de Groen-Kouwenhoven, Harms, Hassi, Horáček, Hudghton, Isler Béguin, Kallenbach, Kusstatscher, Lagendijk, Lambert, Lichtenberger, Lipietz, Lucas, Özdemir, Onesta, Romeva i Rueda, Rühle, Schlyter, Schroedter, Smith, Staes, Trüpel, Turmes, Voggenhuber, Ždanoka

Against: 2

IND/DEM: Farage

NI: Martin Hans-Peter

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Abstention: 11**GUE/NGL:** Triantaphyllides**IND/DEM:** Batten, Clark, Natrass, Whittaker, Wise**NI:** Allister, Baco, Mote**UEN:** Camre**Verts/ALE:** van Buitenen**11. Report: Elles/Grech A6-0451/2006****Paragraph 42****For: 522**

ALDE: Andrejevs, Andria, Attwooll, Beaupuy, Budreikaitė, Carlshamre, Cavada, Chatzimarkakis, Cocilovo, Cornillet, Costa, Davies, Deprez, De Sarnez, Drčar Murko, Duff, Ek, Fourtou, Gibault, Griesbeck, Guardans Cambó, Hall, Harkin, Hennis-Plasschaert, in 't Veld, Jäätteenmäki, Jensen, Juknevičienė, Kułakowski, Lax, Ludford, Lynne, Maaten, Manders, Matsakis, Mohácsi, Morillon, Mulder, Newton Dunn, Onyszkiewicz, Oviir, Piskorski, Polfer, Prodi, Resetarits, Ries, Riis-Jørgensen, Savi, Sbarbati, Schmidt Olle, Sterckx, Susta, Szent-Iványi, Takkula, Toia, Väyrynen, Van Hecke, Virrankoski, Wallis

GUE/NGL: Agnoletto, Aita, Brie, Catania, de Brún, Figueiredo, Flasarová, Guerreiro, Henin, Holm, Kaufmann, Liotard, McDonald, Maštálka, Meijer, Meyer Pleite, Musacchio, Pafilis, Papadimoulis, Pflüger, Portas, Ransdorf, Remek, Seppänen, Svensson, Wagenknecht, Wurtz, Zimmer

IND/DEM: Krupa, Tomczak**NI:** Battilocchio, Belohorská, Chruszcz, De Michelis, Giertych, Helmer, Mussolini, Wojciechowski Bernard Piotr

PPE-DE: Albertini, Andriksen, Antoniazzi, Ashworth, Atkins, Audy, Ayuso, Bachelot-Narquin, Barsi-Pataky, Bauer, Beazley, Becsey, Belet, Berend, Böge, Bonsignore, Bowis, Bradbourn, Braghetto, Brejc, Brepoels, Březina, Bushill-Matthews, Busuttil, Buzek, Callanan, Casa, Casini, Caspary, Castiglione, del Castillo Vera, Cederschiöld, Chichester, Chmielewski, Coelho, Daul, De Blasio, Dehaene, Demetriou, Descamps, Deß, Deva, De Veyrac, Díaz de Mera García Consuegra, Dombrovskis, Doorn, Dover, Doyle, Duka-Zólyomi, Ebner, Ehler, Elles, Evans Jonathan, Fatuzzo, Ferber, Fjellner, Florenz, Fontaine, Fraga Estévez, Freitas, Gahler, Gál, Gál, Galeote, García-Margallo y Marfil, Garriga Polledo, Gauzès, Gawronski, Gewalt, Glattfelder, Goepel, Gomolka, Graça Moura, Gräßle, de Grandes Pascual, Grosch, Grossetête, Guellec, Gutiérrez-Cortines, Gyürk, Handzik, Harbour, Heaton-Harris, Hennicot-Schoepges, Herranz García, Hieronymi, Higgins, Hökmark, Hoppenstedt, Hudacký, Hybášková, Ibrisagic, Itälä, Iturgaiz Angulo, Jackson, Jałowicki, Járóka, Jarzembowski, Jeggle, Jordan Cizelj, Kaczmarek, Kamall, Karas, Kauppi, Kelam, Kirkhope, Klamt, Klač, Klich, Koch, Konrad, Korhola, Kratsa-Tsagaropoulou, Kudrycka, Langen, Langendries, Lauk, Lechner, Lehne, Lewandowski, Liese, Lulling, Maat, McMillan-Scott, Mann Thomas, Mantovani, Mathieu, Mato Adrover, Mauro, Mavrommatis, Mayer, Mayor Oreja, Méndez de Vigo, Mikolášik, Mitchell, Musotto, Nassauer, van Nistelrooij, Novak, Olajos, Olbrycht, Oomen-Ruijten, Öry, Pack, Panayotopoulos-Cassiotou, Papastamkos, Parish, Pieper, Píks, Pinheiro, Pirker, Pleštinská, Podestà, Pomés Ruiz, Posdorf, Posselt, Protasiewicz, Purvis, Queiró, Quisthoudt-Rowohl, Rack, Radwan, Reul, Roithová, Rudi Ubeda, Rübig, Saïfi, Salafranca Sánchez-Neyra, Samaras, Sartori, Schierhuber, Schnellhardt, Schöpflin, Seeber, Seeberg, Siekierski, Silva Peneda, Sommer, Sonik, Spautz, Štátný, Stauner, Stevenson, Stubb, Sturdy, Sudre, Surján, Szájer, Tajani, Tannock, Thyssen, Toubon, Trakatellis, Ulmer, Vakalis, Van Orden, Varela Suanzes-Carpegna, Varvitsiotis, Vatanen, Vidal-Quadras, Vlasto, Weber Manfred, Weisgerber, Wieland, Wijkman, von Wogau, Wortmann-Kool, Záborská, Zaleski, Zappalà

PSE: Arif, Ayala Sender, Badia I Cutchet, Batzeli, Berès, van den Berg, Berger, Berlinguer, Berman, Bösch, Bourzai, Bullmann, Busquin, Calabuig Rull, Capoulas Santos, Carlotti, Carnero González, Casaca, Cashman, Castex, Cercas, Chiesa, Christensen, Corbett, Corbey, Correia, Cottigny, De Keyser, De Rossa, Désir, De Vits, Díez González, Dobolyi, Douay, Dührkop Dührkop, Estrela, Ettl, Fazakas, Fernandes, Ferreira Anne, Ferreira Elisa, García Pérez, Gebhardt, Geringer de Oedenberg, Glante, Goebbels, Gomes, Grabowska, Grech, Groote, Gurmai, Guy-Quint, Hänsch, Hamon, Haug, Hazan, Hedh, Hedkvist Petersen, Herczog, Honeyball, Hughes, Hutchinson, Jöns, Jørgensen, Kindermann, Koterec, Kreissl-Dörfler, Kuhne, Lambrinidis, Leichtfried, Liberadzki, Lienemann, McAvan, McCarthy, Madeira, Maňka, Mann Erika, Martin David, Martínez Martínez, Mastenbroek, Matsouka, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Moreno Sánchez, Morgan,

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Moscovici, Muscat, Myller, Napoletano, Navarro, Obiols i Germà, Occhetto, Paasilinna, Pahor, Paleckis, Panzeri, Patrie, Peillon, Piecyk, Pinior, Pittella, Pleguezuelos Aguilar, Poignant, Prets, Rapkay, Reynaud, Riera Madurell, Rocard, Rosati, Rothe, Rouček, Roure, Sacconi, Sakalas, Saks, Salinas García, Sánchez Presedo, dos Santos, Savary, Schaldemose, Schapira, Scheele, Schulz, Segelström, Simpson, Siwiec, Skinner, Sornosa Martínez, Stihler, Stockmann, Swoboda, Szejna, Tarabella, Tarand, Thomsen, Titley, Trautmann, Tzampazi, Van Lancker, Vaugrenard, Vergnaud, Vincenzi, Walter, Weber Henri, Weiler, Westlund, Wiersma, Willmott, Yañez-Barnuevo García, Zingaretti

UEN: Angelilli, Aylward, Berlato, Bielan, Borghezio, Crowley, Czarnecki Marek Aleksander, Czarnecki Ryszard, Foltyn-Kubicka, Grabowski, Janowski, Kamiński, Kristovskis, Kuc, Kuźmiuk, La Russa, Libicki, Masiel, Muscardini, Ó Neachtain, Pęk, Piotrowski, Podkański, Rogalski, Roszkowski, Rutowicz, Ryan, Szymański, Wojciechowski Janusz, Zapałowski

Verts/ALE: Aubert, Bennahmias, Breyer, Buitenweg, Cohn-Bendit, Cramer, Evans Jill, Frassoni, Graefe zu Baringdorf, de Groen-Kouwenhoven, Harms, Hassi, Horáček, Hudghton, Isler Béguin, Kallenbach, Kusstatscher, Lagendijk, Lambert, Lichtenberger, Lipietz, Lucas, Özdemir, Onesta, Romeva i Rueda, Rühle, Schlyter, Schroedter, Smith, Staes, Trüpel, Turmes, Voggenhuber, Ždanoka

Against: 28

IND/DEM: Batten, Belder, Blokland, Bonde, Clark, Farage, Goudin, Lundgren, Natrass, Whittaker, Wise, Železný

NI: Bobošíková, Claeys, Dillen, Gollnisch, Lang, Le Pen Marine, Le Rachinel, Martinez, Schenardi

PPE-DE: Duchoň, Fajmon, Škottová, Strejček, Vlasák, Zahradil, Zvěřina

Abstention: 10

IND/DEM: Coûteaux, Louis, Sinnott, de Villiers

NI: Allister, Baco, Martin Hans-Peter, Mote

UEN: Camre

Verts/ALE: van Buitenen

12. Report: Elles/Grech A6-0451/2006

Amendment 2/1

For: 109

ALDE: Resetarits, Schmidt Olle

GUE/NGL: Agnoletto, Aita, Brie, Catania, de Brún, Flasarová, Henin, Holm, Kaufmann, Liotard, McDonald, Maštálka, Meijer, Meyer Pleite, Musacchio, Pafilis, Papadimoulis, Pflüger, Portas, Ransdorf, Remek, Seppänen, Svensson, Triantaphyllides, Wagenknecht, Wurtz, Zimmer

IND/DEM: Batten, Belder, Blokland, Bonde, Clark, Coûteaux, Farage, Goudin, Louis, Lundgren, Natrass, Sinnott, de Villiers, Whittaker, Wise, Železný

NI: Bobošíková, Claeys, Dillen, Lang, Le Pen Marine, Le Rachinel, Martin Hans-Peter, Schenardi

PPE-DE: Duchoň, Fajmon, Méndez de Vigo, Škottová, Strejček, Vlasák, Wijkman, Zahradil, Zvěřina

PSE: van den Berg, Bullmann, Carlotti, Hedh, Hedkvist Petersen, Kreissl-Dörfler, Kuhne, Lienemann, Mastenbroek, Myller, Segelström, Van Lancker

UEN: Czarnecki Ryszard, Kamiński

Verts/ALE: Aubert, Bennahmias, Breyer, Buitenweg, Cohn-Bendit, Cramer, Evans Jill, Frassoni, de Groen-Kouwenhoven, Harms, Hassi, Horáček, Hudghton, Isler Béguin, Kallenbach, Kusstatscher, Lagendijk, Lambert, Lichtenberger, Lipietz, Lucas, Özdemir, Onesta, Romeva i Rueda, Rühle, Schlyter, Schroedter, Smith, Staes, Trüpel, Turmes, Voggenhuber, Ždanoka

Thursday, 14 December 2006

Against: 407

ALDE: Andrejevs, Andria, Attwooll, Beaupuy, Budreikaitė, Carlshamre, Cavada, Chatzimarkakis, Cocilovo, Cornillet, Costa, Davies, Deprez, De Sarnez, Drčar Murko, Duff, Fourtou, Geremek, Gibault, Griesbeck, Guardans Cambó, Hall, Harkin, Hennis-Plasschaert, in 't Veld, Jäätteenmäki, Jensen, Juknevičienė, Krahmer, Kułakowski, Laperrouze, Lax, Ludford, Lynne, Maaten, Manders, Matsakis, Mohácsi, Morillon, Mulder, Newton Dunn, Onyszkiewicz, Oviir, Piskorski, Polfer, Prodi, Ries, Riis-Jørgensen, Savi, Sbarbati, Staniszevska, Sterckx, Susta, Szent-Iványi, Takkula, Toia, Väyrynen, Van Hecke, Virrankoski, Wallis

IND/DEM: Krupa, Tomczak

NI: Battilocchio, Belohorská, Chruszcz, De Michelis, Giertych, Wojciechowski Bernard Piotr

PPE-DE: Albertini, Andrikienė, Antoniozzi, Audy, Ayuso, Bachelot-Narquin, Barsi-Pataky, Bauer, Becsey, Belet, Berend, Böge, Bonsignore, Braghetto, Brejc, Brepoels, Březina, Busuttil, Buzek, Casa, Caspary, Castiglione, del Castillo Vera, Cederschiöld, Chmielewski, Coelho, Daul, De Blasio, Dehaene, Demetriou, Descamps, Deß, De Veyrac, Díaz de Mera García Consuegra, Dombrovskis, Doorn, Doyle, Duka-Zólyomi, Ebner, Ehler, Fatuzzo, Ferber, Fjellner, Florenz, Fontaine, Fraga Estévez, Freitas, Gahler, Gál, Gaľa, Galeote, García-Margallo y Marfil, Garriga Polledo, Gauzès, Gawronski, Gewalt, Glattfelder, Goepel, Gomolka, Graça Moura, Gräßle, de Grandes Pascual, Grosch, Grossetête, Guellec, Gutiérrez-Cortines, Gyürk, Handzik, Hennicot-Schoepges, Herranz García, Hieronymi, Higgins, Hökmark, Hoppenstedt, Hudacký, Hybášková, Ibrisagic, Itälä, Iturgaiz Angulo, Jałowiecki, Járóka, Jarzembowski, Jeggel, Jordan Cizelj, Kaczmarek, Karas, Kauppi, Kelam, Klamt, Klač, Klich, Koch, Konrad, Korhola, Kratsa-Tsagaropoulou, Kudrycka, Langen, Langendries, Lauk, Lechner, Lehne, Lewandowski, Liese, Lulling, Maat, Mann Thomas, Mantovani, Mathieu, Mato Adrover, Mauro, Mavrommatis, Mayer, Mayor Oreja, Mikolášik, Millán Mon, Mitchell, Musotto, Nassauer, van Nistelrooij, Novak, Olajos, Olbrycht, Oomen-Ruijten, Óry, Pack, Panayotopoulos-Cassiotou, Papastamkos, Pieper, Píks, Pinheiro, Pirker, Pleštinská, Podestà, Pomés Ruiz, Posdorf, Posselt, Protasiewicz, Queiró, Quisthoudt-Rowohl, Rack, Radwan, Reul, Roithová, Rudi Ubeda, Rübig, Saïfi, Salafranca Sánchez-Neyra, Samaras, Sartori, Schierhuber, Schnellhardt, Schöpflin, Schwab, Seeber, Seeborg, Siekierski, Silva Peneda, Sommer, Šťastný, Stauner, Stubb, Sudre, Surján, Szájer, Tajani, Thyssen, Toubon, Trakatellis, Ulmer, Vakalis, Varela Suanzes-Carpegna, Varvitsiotis, Vatanen, Vidal-Quadras, Vlasto, Weber Manfred, Weisgerber, Wieland, von Wogau, Wortmann-Kool, Záborská, Zaleski, Zappalà

PSE: Arif, Ayala Sender, Badia I Cutchet, Berger, Berlinguer, Berman, Bösch, Bourzai, Busquin, Calabuig Rull, Carnero González, Casaca, Cashman, Castex, Cercas, Chiesa, Christensen, Corbett, Corbey, Correia, Cottigny, De Keyser, De Rossa, Désir, De Vits, Díez González, Dobolyi, Douay, Dührkop Dührkop, Estrela, Ettl, Fazakas, Fernandes, Ferreira Anne, Ferreira Elisa, García Pérez, Gebhardt, Geringer de Oedenberg, Glante, Gomes, Grabowska, Grech, Groote, Gurmai, Guy-Quint, Hänsch, Hamon, Haug, Hazan, Herczog, Hughes, Hutchinson, Jöns, Jørgensen, Kindermann, Koterec, Lambrinidis, Le Foll, Liberadzki, McAvan, McCarthy, Madeira, Maňka, Mann Erika, Martínez Martínez, Matsouka, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Moreno Sánchez, Morgan, Moscovici, Muscat, Napoletano, Navarro, Obiols i Germà, Occhetto, Paasilinna, Pahor, Paleckis, Panzeri, Patrie, Peillon, Piecyk, Pinior, Pittella, Pleguezuelos Aguilar, Poignant, Prets, Rapkay, Reynaud, Riera Madurell, Rocard, Rosati, Rothe, Rouček, Roure, Sacconi, Sakalas, Saks, Salinas García, Sánchez Presedo, dos Santos, Savary, Schaldemose, Schapira, Schulz, Simpson, Siwiec, Skinner, Sornosa Martínez, Stihler, Stockmann, Szejna, Tarabella, Tarand, Thomsen, Trautmann, Tzampazi, Vaugrenard, Vergnaud, Vincenzi, Walter, Weber Henri, Weiler, Westlund, Yañez-Barnuevo García, Zingaretti

UEN: Angelilli, Aylward, Berlatto, Borghezio, Crowley, Czarnecki Marek Aleksander, Foltyn-Kubicka, Grabowski, Janowski, Kristovskis, Kuc, Kuźmiuk, La Russa, Libicki, Masiel, Muscardini, Ó Neachtain, Pęk, Piotrowski, Podkański, Rogalski, Roszkowski, Rutowicz, Ryan, Szymański, Wojciechowski Janusz, Zapałowski

Verts/ALE: Graefe zu Baringdorf

Abstention: 41

ALDE: Ek

NI: Allister, Baco, Helmer, Martinez, Mote, Mussolini

PPE-DE: Ashworth, Atkins, Beazley, Bowis, Bushill-Matthews, Callanan, Chichester, Deva, Dover, Elles, Evans Jonathan, Harbour, Heaton-Harris, Jackson, Kamall, Kirkhope, McMillan-Scott, Parish, Purvis, Sonik, Stevenson, Sturdy, Tannock, Van Orden

Thursday, 14 December 2006

PSE: Honeyball, Leichtfried, Martin David, Scheele, Swoboda, Titley, Wiersma

UEN: Bielan, Camre

Verts/ALE: van Buitenen

Corrections to votes

For

Michael Cashman, Åsa Westlund, Richard Corbett, Catherine Stihler, Dorette Corbey, Jorgo Chatzimarkakis

Abstention

Glenis Willmott, Linda McAvan, David Martin

13. Report: Elles/Grech A6-0451/2006

Recital F/2

For: 249

IND/DEM: Bonde, Goudin, Krupa, Lundgren, Tomczak

NI: Belohorská, Chruszcz, Giertych, Helmer, Martin Hans-Peter, Mussolini, Wojciechowski Bernard Piotr

PPE-DE: Albertini, Andriksen, Antoniazzi, Ashworth, Atkins, Audy, Ayuso, Bachelot-Narquin, Barsi-Pataky, Bauer, Beazley, Becsey, Belet, Berend, Böge, Bonsignore, Bowis, Bradbourn, Braghetto, Brejc, Brepoels, Březina, Bushill-Matthews, Busuttil, Buzek, Callanan, Casa, Casini, Caspary, Castiglione, del Castillo Vera, Cederschiöld, Chichester, Chmielewski, Coelho, Daul, De Blasio, Dehaene, Demetriou, Descamps, Deß, Deva, De Veyrac, Díaz de Mera García Consuegra, Dombrovskis, Doorn, Dover, Doyle, Duka-Zólyomi, Ebner, Ehler, Elles, Evans Jonathan, Fatuzzo, Ferber, Fjellner, Florenz, Fontaine, Fraga Estévez, Freitas, Gahler, Gál, Gaľa, Galeote, García-Margallo y Marfil, Garriga Polledo, Gauzès, Gawronski, Gewalt, Glattfelder, Goepel, Gomolka, Graça Moura, Gräßle, de Grandes Pascual, Grosch, Grossetête, Guellec, Gutiérrez-Cortines, Gyürk, Handzlik, Harbour, Heaton-Harris, Hennicot-Schoepges, Herranz García, Hieronymi, Higgins, Hökmark, Hoppenstedt, Hudacký, Hybášková, Ibrisagic, Itälä, Iturgaiz Angulo, Jackson, Jałowiecki, Járóka, Jarzembowski, Jeggle, Jordan Cizelj, Kaczmarek, Kamall, Karas, Kauppi, Kelam, Kirkhope, Klamt, Klaß, Klich, Koch, Konrad, Korhola, Kratsa-Tsagaropoulou, Kudrycka, Langen, Langendries, Lauk, Lechner, Lehne, Lewandowski, Liese, Lulling, McMillan-Scott, Mann Thomas, Mantovani, Mathieu, Mato Adrover, Mauro, Mavrommatis, Mayer, Mayor Oreja, Méndez de Vigo, Mikolášik, Millán Mon, Mitchell, Musotto, Nassauer, van Nistelrooij, Novak, Olajos, Olbrycht, Oomen-Ruijten, Óry, Pack, Panayotopoulos-Cassiotou, Papastamkos, Parish, Pieper, Pîks, Pinheiro, Pirker, Pleštinská, Podestà, Pomés Ruiz, Posdorf, Posselt, Protasiewicz, Purvis, Queiró, Quisthoudt-Rowohl, Rack, Radwan, Reul, Roithová, Rudi Ubeda, Rübig, Saïfi, Salafranca Sánchez-Neyra, Samaras, Sartori, Schierhuber, Schnellhardt, Schöpflin, Seeber, Seeberg, Siekierski, Silva Peneda, Sommer, Sonik, Šťastný, Stauner, Stevenson, Stubb, Sturdy, Sudre, Surján, Szájer, Tajani, Tannock, Thyssen, Toubon, Trakatellis, Ulmer, Vakalis, Van Orden, Varela Suanzes-Carpegna, Varvitsiotis, Vatanen, Vidal-Quadras, Vlasto, Weisgerber, Wieland, Wijkman, von Wogau, Wortmann-Kool, Záborská, Zaleski, Zappalà

UEN: Angelilli, Aylward, Berlato, Bielan, Borghezio, Crowley, Czarnecki Marek Aleksander, Czarnecki Ryszard, Foltyn-Kubicka, Grabowski, Janowski, Kristovskis, Kuźmiuk, La Russa, Libicki, Masiel, Muscardini, Ó Neachtain, Pęk, Piotrowski, Podkański, Rogalski, Roszkowski, Rutowicz, Ryan, Szymański, Wojciechowski Janusz, Zapałowski

Verts/ALE: Trüpel

Against: 299

ALDE: Andrejevs, Andria, Attwooll, Beaupuy, Budreikaitė, Carlshamre, Cavada, Chatzimarkakis, Cornillet, Costa, Davies, Deprez, De Sarnez, Drčar Murko, Duff, Fourtou, Geremek, Gibault, Griesbeck, Guardans Cambó, Hall, Harkin, Hennis-Plasschaert, in 't Veld, Jäätteenmäki, Jensen, Juknevičienė, Krahmer, Kułakowski, Laperrouze, Lax, Ludford, Lynne, Maaten, Manders, Matsakis, Mohácsi, Morillon, Mulder, Newton Dunn, Onyszkiewicz, Oviir, Piskorski, Polfer, Prodi, Resetarits, Ries, Riis-Jørgensen, Savi, Sbarbati, Schmidt Olle, Staniszevska, Sterckx, Susta, Szent-Iványi, Takkula, Toia, Väyrynen, Van Hecke, Virrankoski, Wallis

Thursday, 14 December 2006

GUE/NGL: Agnoletto, Aita, Brie, Catania, de Brún, Figueiredo, Flasarová, Guerreiro, Henin, Holm, Kaufmann, Liotard, McDonald, Maštálka, Meijer, Meyer Pleite, Musacchio, Pafilis, Papadimoulis, Pflüger, Portas, Ransdorf, Remek, Seppänen, Svensson, Triantaphyllides, Wagenknecht, Wurtz, Zimmer

IND/DEM: Belder, Blokland, Železný

NI: Battilocchio, Bobošíková, Claeys, De Michelis, Dillen, Gollnisch, Lang, Le Pen Marine, Le Rachinel, Martinez, Schenardi

PPE-DE: Duchoň, Fajmon, Maat, Škottová, Strejček, Vlasák, Zahradil, Zvěřina

PSE: Arif, Ayala Sender, Badia I Cutchet, Batzeli, Berès, van den Berg, Berger, Berlinguer, Berman, Bösch, Bourzai, Bullmann, Busquin, Calabuig Rull, Capoulas Santos, Carlotti, Carnero González, Casaca, Cashman, Castex, Cercas, Chiesa, Christensen, Corbett, Corbey, Correia, Cottigny, De Keyser, De Rossa, Désir, De Vits, Díez González, Dobolyi, Douay, Dührkop Dührkop, Estrela, Ettl, Fazakas, Fernandes, Ferreira Anne, Ferreira Elisa, García Pérez, Gebhardt, Geringer de Oedenberg, Glante, Goebbels, Gomes, Grabowska, Grech, Groote, Gurmai, Guy-Quint, Hänsch, Hamon, Haug, Hazan, Hedh, Hedkvist Petersen, Herczog, Honeyball, Hughes, Hutchinson, Jöns, Jørgensen, Kindermann, Koterec, Kreissl-Dörfler, Kuhne, Lambrinidis, Le Foll, Leichtfried, Liberadzki, Lienemann, McAvan, McCarthy, Madeira, Maňka, Mann Erika, Martin David, Martínez Martínez, Mastenbroek, Matsouka, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Moreno Sánchez, Morgan, Moscovici, Muscat, Myller, Napoletano, Navarro, Obiols i Germà, Occhetto, Paasilinna, Pahor, Paleckis, Panzeri, Patrie, Peillon, Piecyk, Pinior, Pittella, Pleguezuelos Aguilar, Poignant, Prets, Rapkay, Reynaud, Riera Madurell, Rocard, Rosati, Rothe, Rouček, Roure, Sacconi, Sakalas, Saks, Salinas García, Sánchez Presedo, dos Santos, Savary, Schaldemose, Schapira, Scheele, Schulz, Segelström, Simpson, Siwiec, Skinner, Sornosa Martínez, Stihler, Stockmann, Swoboda, Szejna, Tarabella, Tarand, Thomsen, Titley, Trautmann, Tzampazi, Van Lancker, Vaugrenard, Vergnaud, Vincenzi, Walter, Weber Henri, Weiler, Westlund, Wiersma, Willmott, Yañez-Barnuevo García, Zingaretti

UEN: Kamiński, Kuc

Verts/ALE: Aubert, Bennahmias, Breyer, Buitenweg, Cohn-Bendit, Cramer, Evans Jill, Frassoni, Graefe zu Baringdorf, de Groen-Kouwenhoven, Harms, Hassi, Horáček, Hudghton, Isler Béguin, Kallenbach, Kusstatscher, Lagendijk, Lambert, Lichtenberger, Lipietz, Lucas, Özdemir, Onesta, Romeva i Rueda, Rühle, Schlyter, Schroedter, Smith, Staes, Turmes, Voggenhuber, Ždanoka

Abstention: 15

IND/DEM: Batten, Clark, Coûteaux, Farage, Louis, Nattrass, Sinnott, de Villiers, Whittaker, Wise

NI: Allister, Baco, Mote

UEN: Camre

Verts/ALE: van Buitenen

14. Report: Daul A6-0412/2006

Resolution

For: 513

ALDE: Andrejevs, Andria, Attwooll, Beaupuy, Budreikaitė, Carlshamre, Cavada, Chatzimarkakis, Cocilovo, Cornillet, Costa, Davies, Deprez, De Sarnez, Drčar Murko, Duff, Ek, Fourtou, Geremek, Gibault, Griesbeck, Guardans Cambó, Hall, Harkin, Hennis-Plasschaert, in 't Veld, Jäätteenmäki, Jensen, Juknevičienė, Krahmer, Kułakowski, Lax, Ludford, Lynne, Maaten, Manders, Matsakis, Mohácsi, Morillon, Mulder, Newton Dunn, Onyszkiewicz, Oviir, Piskorski, Polfer, Prodi, Resetarits, Ries, Riis-Jørgensen, Savi, Sbarbati, Schuth, Staniszevska, Sterckx, Susta, Szent-Iványi, Toia, Väyrynen, Van Hecke, Wallis

GUE/NGL: Brie, de Brún, Figueiredo, Flasarová, Guerreiro, Henin, Holm, Kaufmann, Liotard, McDonald, Maštálka, Meijer, Meyer Pleite, Papadimoulis, Pflüger, Ransdorf, Remek, Seppänen, Svensson, Triantaphyllides, Wagenknecht, Wurtz, Zimmer

Thursday, 14 December 2006

IND/DEM: Belder, Blokland, Bonde, Krupa, Tomczak, Železný

NI: Battilocchio, Bobošíková, Chruszcz, Claeys, De Michelis, Giertych, Gollnisch, Lang, Le Pen Marine, Le Rachinel, Martin Hans-Peter, Martinez, Schenardi, Wojciechowski Bernard Piotr

PPE-DE: Albertini, Andrikenė, Antoniozzi, Ashworth, Atkins, Audy, Ayuso, Bachelot-Narquin, Barsi-Pataky, Bauer, Beazley, Becsey, Belet, Berend, Böge, Bonsignore, Bowis, Bradbourn, Braghetto, Brepoels, Březina, Bushill-Matthews, Busuttil, Buzek, Callanan, Casa, Casini, Caspary, Castiglione, del Castillo Vera, Cederschiöld, Chichester, Chmielewski, Coelho, Daul, De Blasio, Dehaene, Demetriou, Descamps, Deß, Deva, De Veyrac, Díaz de Mera García Consuegra, Dombrovskis, Doorn, Dover, Duchoň, Duka-Zólyomi, Ebner, Ehler, Elles, Evans Jonathan, Fajmon, Fatuzzo, Ferber, Fjellner, Florenz, Fontaine, Fraga Estévez, Freitas, Gähler, Gál, Gaľa, Galeote, García-Margallo y Marfil, Garriga Polledo, Gauzès, Gawronski, Gewalt, Glattfelder, Goepel, Gomolka, Graça Moura, Gräßle, de Grandes Pascual, Grosch, Grossetête, Guellec, Gutiérrez-Cortines, Gyürk, Handzlik, Harbour, Heaton-Harris, Hennicot-Schoepges, Herranz García, Hieronymi, Higgins, Hökmark, Hoppenstedt, Hudacký, Hybášková, Ibrisagic, Itälä, Iturgaiz Angulo, Jackson, Jałowiecki, Járóka, Jarzembowski, Jeggle, Jordan Cizelj, Kaczmarek, Karas, Kauppi, Kelam, Kirkhope, Klamt, Klač, Klich, Koch, Konrad, Korhola, Kratsa-Tsagaropoulou, Kudrycka, Langen, Langendries, Lauk, Lechner, Lehne, Lewandowski, Liese, Lulling, Maat, McMillan-Scott, Mann Thomas, Mantovani, Mathieu, Mato Adrover, Mauro, Mavrommatis, Mayer, Mayor Oreja, Méndez de Vigo, Millán Mon, Mitchell, Musotto, Nassauer, van Nistelrooij, Olajos, Olbrycht, Oomen-Ruijten, Őry, Pack, Panayotopoulos-Cassiotou, Papastamkos, Parish, Pieper, Pīks, Pinheiro, Plešinská, Podestà, Posdorf, Posselt, Protasiewicz, Purvis, Queiró, Quisthoudt-Rowohl, Rack, Radwan, Reul, Roithová, Rudi Ubeda, Rübig, Saïfi, Salafranca Sánchez-Neyra, Samaras, Sartori, Schnellhardt, Schöpflin, Seeber, Seeborg, Siekierski, Silva Peneda, Škottová, Sommer, Sonik, Spautz, Šťastný, Stauner, Stevenson, Strejček, Stubb, Sturdy, Sudre, Surján, Szájer, Tajani, Tannock, Thyssen, Toubon, Trakatellis, Ulmer, Vakalis, Varela Suanzes-Carpegna, Varvitsiotis, Vatanen, Vidal-Quadras, Vlasák, Vlasto, Weber Manfred, Weisgerber, Wieland, von Wogau, Wortmann-Kool, Záborská, Zahradil, Zaleski, Zappalà, Zvěřina

PSE: Arif, Ayala Sender, Badia I Cutchet, Batzeli, Berès, van den Berg, Berger, Berlinguer, Berman, Bösch, Bourzai, Bullmann, Busquin, Calabuig Rull, Capoulas Santos, Carlotti, Carnero González, Casaca, Cashman, Castex, Cercas, Chiesa, Christensen, Corbett, Correia, Cottigny, De Keyser, De Rossa, Désir, De Vits, Díez González, Dobolyi, Douay, Dührkop Dührkop, Estrela, Ettl, Fazakas, Fernandes, Ferreira Anne, Ferreira Elisa, García Pérez, Gebhardt, Geringer de Oedenberg, Glante, Goebbels, Gomes, Grech, Groote, Gurmai, Guy-Quint, Hänsch, Haug, Hazan, Hedh, Hedkvist Petersen, Herczog, Honeyball, Hughes, Hutchinson, Jöns, Jørgensen, Kindermann, Koterec, Kreissl-Dörfler, Lambrinidis, Le Foll, Leichtfried, Liberadzki, Lienemann, McAvan, McCarthy, Madeira, Maňka, Mann Erika, Martin David, Martínez Martínez, Mastenbroek, Matsouka, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Moreno Sánchez, Morgan, Moscovici, Muscat, Myller, Napoletano, Navarro, Obiols i Germà, Occhetto, Paasilinna, Pahor, Panzeri, Patrie, Peillon, Piecyk, Pinior, Pittella, Pleguezuelos Aguilar, Poignant, Prets, Rapkay, Reynaud, Riera Madurell, Rocard, Rosati, Rothe, Rouček, Roure, Sacconi, Sakalas, Saks, Salinas García, Sánchez Presedo, Savary, Schaldemose, Schapira, Scheele, Schulz, Segelström, Simpson, Siwiec, Skinner, Sornosa Martínez, Stihler, Stockmann, Swoboda, Szejna, Tarabella, Tarand, Thomsen, Titley, Trautmann, Tzampazi, Van Lancker, Vaugrenard, Vergnaud, Vincenzi, Walter, Weber Henri, Weiler, Westlund, Wiersma, Willmott, Yañez-Barnuevo García, Zingaretti

UEN: Angelilli, Berlato, Bielan, Borghezio, Crowley, Czarnecki Marek Aleksander, Foltyn-Kubicka, Grabowski, Janowski, Kamiński, Kristovskis, Kuc, Kuźmiuk, Libicki, Masiel, Muscardini, Ó Neachtain, Pęk, Piotrowski, Podkański, Rogalski, Rutowicz, Ryan, Szymański, Zapłowski

Verts/ALE: Aubert, Bennahmias, Breyer, Buitenweg, Cohn-Bendit, Cramer, Evans Jill, Frassoni, Graefe zu Baringdorf, de Groen-Kouwenhoven, Harms, Hassi, Horáček, Hudghton, Isler Béguin, Kallenbach, Kusstatscher, Lagendijk, Lambert, Lichtenberger, Lipietz, Lucas, Özdemir, Onesta, Romeva i Rueda, Rühle, Schroedter, Smith, Staes, Voggenhuber, Ždanoka

Against: 14

ALDE: Laperrouze

GUE/NGL: Catania, Portas

IND/DEM: Batten, Clark, Goudin, Lundgren, Natrass, Whittaker, Wise

NI: Baco, Dillen, Mote

UEN: Camre

Thursday, 14 December 2006

Abstention: 22**ALDE:** Schmidt Olle**GUE/NGL:** Agnoletto, Musacchio, Pafilis**IND/DEM:** Coûteaux, Louis, Sinnott, de Villiers**NI:** Allister, Belohorská, Helmer, Mussolini**PPE-DE:** Brejc, Doyle, Kamall, Novak, Schwab, Wijkman**PSE:** Corbey, Kuhne**Verts/ALE:** van Buitenen, Schlyter**15. Report: Segelström A6-0454/2006****Resolution****For: 528**

ALDE: Andrejevs, Andria, Attwooll, Beupuy, Budreikaitė, Carlshamre, Cavada, Chatzimarkakis, Cocilovo, Cornillet, Costa, Davies, Deprez, De Sarnez, Drčar Murko, Duff, Ek, Fourtou, Geremek, Gibault, Griesbeck, Guardans Cambó, Hall, Harkin, Hennis-Plasschaert, in 't Veld, Jäätteenmäki, Jensen, Juknevičienė, Krahmer, Kułakowski, Laperrouze, Lax, Ludford, Lynne, Maaten, Manders, Matsakis, Mohácsi, Morillon, Mulder, Newton Dunn, Onyszkiewicz, Oviir, Piskorski, Polfer, Prodi, Resetarits, Ries, Riis-Jørgensen, Savi, Sbarbati, Schmidt Olle, Schuth, Staniszewska, Sterckx, Susta, Szent-Iványi, Takkula, Väyrynen, Van Hecke, Virrankoski, Wallis

GUE/NGL: Agnoletto, Aita, Brie, Catania, de Brún, Figueiredo, Flasarová, Guerreiro, Henin, Kaufmann, McDonald, Maštálka, Meyer Pleite, Musacchio, Papadimoulis, Pflüger, Portas, Ransdorf, Remek, Wagenknecht, Wurtz, Zimmer

IND/DEM: Belder, Blokland, Krupa, Sinnott, Tomczak, Železný

NI: Allister, Belohorská, Bobošíková, Chruszcz, De Michelis, Giertych, Gollnisch, Lang, Le Pen Marine, Le Rachinel, Martin Hans-Peter, Martinez, Mussolini, Schenardi, Wojciechowski Bernard Piotr

PPE-DE: Albertini, Andriksen, Antoniozzi, Ashworth, Atkins, Audy, Ayuso, Bachelot-Narquin, Barsi-Pataky, Bauer, Beazley, Becsey, Belet, Berend, Böge, Bonsignore, Bowis, Bradbourn, Braghetto, Brejc, Brepoels, Březina, Busuttil, Buzek, Callanan, Casa, Casini, Caspary, Castiglione, del Castillo Vera, Cederschiöld, Chichester, Chmielewski, Coelho, Daul, De Blasio, Dehaene, Demetriou, Descamps, Deß, Deva, De Veyrac, Díaz de Mera García Consuegra, Dombrovskis, Doorn, Dover, Doyle, Duchoň, Duka-Zólyomi, Ebner, Ehler, Elles, Fajmon, Fatuzzo, Ferber, Fjellner, Fontaine, Fraga Estévez, Freitas, Gahler, Gál, Gaľa, Galeote, García-Margallo y Marfil, Garriga Polledo, Gauzès, Gawronski, Gewalt, Glattfelder, Goepel, Gomolka, Graça Moura, Gräßle, de Grandes Pascual, Grosch, Grossetête, Guellec, Gutiérrez-Cortines, Gyürk, Handzlik, Harbour, Heaton-Harris, Hennicot-Schoepges, Herranz García, Hieronymi, Higgins, Hökmark, Hoppenstedt, Hudacký, Hybášková, Ibrisagic, Itälä, Iturgaiz Angulo, Jackson, Jałowiecki, Járóka, Jarzembowski, Jeggle, Jordan Cizelj, Kaczmarek, Kamall, Karas, Kauppi, Kelam, Kirkhope, Klamt, Klač, Klich, Koch, Konrad, Korhola, Kratsa-Tsagaropoulou, Kudrycka, Langen, Langendries, Lauk, Lechner, Lehne, Lewandowski, Liese, Lulling, Maat, McMillan-Scott, Mann Thomas, Mantovani, Mathieu, Mato Adrover, Mauro, Mavrommatis, Mayer, Mayor Oreja, Millán Mon, Mitchell, Musotto, Nassauer, van Nistelrooij, Novak, Olajos, Olbrycht, Oomen-Ruijten, Őry, Pack, Panayotopoulos-Cassiotou, Papastamkos, Parish, Pieper, Pīks, Pinheiro, Pleštinská, Podestà, Pomés Ruiz, Posdorf, Posselt, Protasiewicz, Purvis, Queiró, Quisthoudt-Rowohl, Rack, Radwan, Reul, Roithová, Rudi Ubeda, Rübig, Saïfi, Salafranca Sánchez-Neyra, Samaras, Sartori, Schnellhardt, Schöpflin, Schwab, Seeber, Seeborg, Siekierski, Silva Peneda, Škottová, Sommer, Sonik, Spautz, Šťastný, Stauner, Stevenson, Strejček, Stubb, Sturdy, Sudre, Surján, Szájer, Tajani, Tannock, Thyssen, Toubon, Trakatellis, Ulmer, Vakis, Van Orden, Varela Suanzes-Carpegna, Varvitsiotis, Vatanen, Vidal-Quadras, Vlasto, Weber Manfred, Weisgerber, Wieland, Wijkman, von Wogau, Wortmann-Kool, Záborská, Zahradil, Zaleski, Zappalà, Zvěřina

PSE: Arif, Ayala Sender, Badia I Cutchet, Batzeli, Berès, van den Berg, Berger, Berlinguer, Bösch, Bourzai, Bullmann, Busquin, Calabuig Rull, Capoulas Santos, Carlotti, Carnero González, Casaca, Cashman, Castex, Cercas, Christensen, Corbett, Corbey, Correia, Cottigny, De Keyser, De Rossa, Désir, De Vits, Díez González, Dobolyi, Douay, Dührkop Dührkop, Estrela, Ettl, Fazakas, Fernandes, Ferreira Anne, Ferreira Elisa, García Pérez, Gebhardt, Geringer de Oedenberg, Glante, Goebbels, Gomes, Grabowska, Grech, Groote, Gurmai,

Thursday, 14 December 2006

Guy-Quint, Hänsch, Hamon, Haug, Hazan, Hedh, Hedkvist Petersen, Herczog, Honeyball, Hughes, Hutchinson, Jöns, Jørgensen, Kindermann, Koterec, Kreissl-Dörfler, Kuhne, Lambrinidis, Le Foll, Leichtfried, Liberadzki, Lienemann, McAvan, McCarthy, Madeira, Mañka, Mann Erika, Martin David, Martínez Martínez, Mastenbroek, Matsouka, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Moreno Sánchez, Morgan, Moscovici, Muscat, Myller, Napolitano, Navarro, Obiols i Germà, Occhetto, Paasilinna, Pahor, Panzeri, Patrie, Peillon, Piecyk, Pinior, Pittella, Pleguezuelos Aguilar, Poignant, Prets, Rapkay, Reynaud, Riera Madurell, Rocard, Rosati, Rothe, Rouček, Roure, Sacconi, Sakalas, Saks, Salinas García, Sánchez Presedo, dos Santos, Savary, Schaldemose, Scheele, Schulz, Segelström, Simpson, Siwec, Skinner, Sornosa Martínez, Stihler, Stockmann, Swoboda, Szejna, Tarabella, Tarand, Thomsen, Titley, Trautmann, Tzampazi, Van Lancker, Vaugrenard, Vergnaud, Vincenzi, Walter, Weber Henri, Weiler, Westlund, Wiersma, Willmott, Yañez-Barnuevo García, Zingaretti

UEN: Angelilli, Berlatto, Bielan, Borghezio, Camre, Crowley, Czarnecki Marek Aleksander, Czarnecki Ryszard, Foltyn-Kubicka, Grabowski, Janowski, Kamiński, Kristovskis, Kuc, Kuźmiuk, La Russa, Libicki, Masiel, Muscardini, Ó Neachtain, Pęk, Piotrowski, Podkański, Rogalski, Rutowicz, Ryan, Szymański, Wojciechowski Janusz, Zapałowski

Verts/ALE: Aubert, Bennahmias, Breyer, Buitenweg, Cohn-Bendit, Cramer, Evans Jill, Frassoni, Graefe zu Baringdorf, de Groen-Kouwenhoven, Harms, Hassi, Horáček, Hudghton, Isler Béguin, Kallenbach, Kusstatscher, Lagendijk, Lambert, Lichtenberger, Lipietz, Lucas, Özdemir, Onesta, Romeva i Rueda, Rühle, Schlyter, Schroedter, Smith, Staes, Trüpel, Turmes, Voggenhuber, Ždanoka

Against: 16

GUE/NGL: Holm, Liotard, Meijer, Seppänen, Svensson

IND/DEM: Bonde, Clark, Goudin, Lundgren, Natrass, Whittaker, Wise

NI: Helmer, Mote

PPE-DE: Bushill-Matthews, Evans Jonathan

Abstention: 8

GUE/NGL: Pafilis, Triantaphyllides

IND/DEM: Coûteaux, Louis, de Villiers

NI: Battilocchio

PSE: Berman

Verts/ALE: van Buitenen

Corrections to votes

For

Philip Bushill-Matthews

16. Report: Segelström A6-0452/2006

Resolution

For: 486

ALDE: Andrejevs, Andria, Attwooll, Beaupuy, Budreikaitė, Carlshamre, Cavada, Chatzimarkakis, Cocilovo, Cornillet, Costa, Davies, Deprez, De Sarnez, Drčar Murko, Duff, Ek, Fourtou, Geremek, Gibault, Griesbeck, Guardans Cambó, Hall, Harkin, Hennis-Plasschaert, in 't Veld, Jäätteenmäki, Jensen, Juknevičienė, Krahmer, Kułakowski, Laperrouze, Lax, Ludford, Lynne, Maaten, Manders, Matsakis, Mohácsi, Morillon, Mulder, Newton Dunn, Onyszkiewicz, Oviir, Piskorski, Polfer, Prodi, Resetarits, Ries, Riis-Jørgensen, Savi, Sbarbati, Schmidt Olle, Schuth, Staniszevska, Sterckx, Susta, Szent-Iványi, Takkula, Toia, Väyrynen, Van Hecke, Virrankoski, Wallis

Thursday, 14 December 2006

GUE/NGL: Agnoletto, Aita, Brie, Catania, de Brún, Flasarová, Henin, Kaufmann, McDonald, Maštálka, Meyer Pleite, Musacchio, Papadimoulis, Pflüger, Portas, Ransdorf, Remek, Wagenknecht, Wurtz, Zimmer

IND/DEM: Belder, Blokland, Sinnott

NI: Battilocchio, Belohorská, Bobošíková, De Michelis, Martin Hans-Peter, Mussolini

PPE-DE: Albertini, Andriksen, Antoniozzi, Audy, Ayuso, Bachelot-Narquin, Barsi-Pataky, Bauer, Becsey, Belet, Berend, Bonsignore, Braghetto, Brejc, Brepoels, Březina, Busuttil, Buzek, Casa, Casini, Caspary, Castiglione, del Castillo Vera, Cederschiöld, Chmielewski, Coelho, Daul, De Blasio, Dehaene, Demetriou, Descamps, Deß, De Veyrac, Díaz de Mera García Consuegra, Dombrovskis, Doorn, Doyle, Duchoň, Duka-Zólyomi, Ebner, Ehler, Fajmon, Fatuzzo, Ferber, Fjellner, Florenz, Fontaine, Fraga Estévez, Freitas, Gahler, Gál, Gaľa, Galeote, García-Margallo y Marfil, Garriga Polledo, Gauzès, Gawronski, Gewalt, Glatfelder, Goepel, Gomolka, Graça Moura, Gräßle, de Grandes Pascual, Grosch, Grossetête, Guellec, Gutiérrez-Cortines, Gyürk, Handzik, Hennicot-Schoepges, Herranz García, Hieronymi, Higgins, Hökmark, Hoppenstedt, Hudacký, Hybášková, Ibrisagic, Itälä, Jałowicki, Járóka, Jarzembowski, Jeggle, Jordan Cizelj, Kaczmarek, Karas, Kauppi, Kelam, Klamt, Klač, Klich, Koch, Konrad, Korhola, Kratsa-Tsagaropoulou, Kudrycka, Langen, Langendries, Lauk, Lechner, Lehne, Lewandowski, Liese, Lulling, Maat, Mann Thomas, Mantovani, Mathieu, Mato Adrover, Mauro, Mavrommatis, Mayer, Mayor Oreja, Méndez de Vigo, Millán Mon, Mitchell, Musotto, Nassauer, van Nistelrooij, Novak, Olajos, Olbrycht, Oomen-Ruijten, Óry, Pack, Panayotopoulos-Cassiotou, Papastamkos, Pieper, Píks, Pinheiro, Pleštinská, Podestà, Pomés Ruiz, Posdorf, Posselt, Protasiewicz, Queiró, Quisthoudt-Rowohl, Rack, Radwan, Reul, Roithová, Rudi Ubeda, Rübig, Saïfi, Salafranca Sánchez-Neyra, Samaras, Sartori, Schierhuber, Schnellhardt, Schöpflin, Schwab, Seeber, Seeborg, Siekierski, Silva Peneda, Škottová, Sommer, Sonik, Spautz, Šťastný, Stauner, Strejček, Stubb, Sudre, Surján, Szájer, Tajani, Thyssen, Toubon, Trakatellis, Ulmer, Vakalis, Varela Suanzes-Carpegna, Varvitsiotis, Vidal-Quadras, Vlasák, Vlasto, Weber Manfred, Weisgerber, Wieland, Wijkman, von Wogau, Wortmann-Kool, Záborská, Zahradil, Zaleski, Zappalà, Zvěřina

PSE: Arif, Ayala Sender, Badia I Cutchet, Batzeli, Berès, van den Berg, Berger, Berlinguer, Berman, Bösch, Bourzai, Bullmann, Busquin, Calabuig Rull, Capoulas Santos, Carlotti, Carnero González, Casaca, Cashman, Castex, Cercas, Christensen, Corbett, Corbey, Correia, Cottigny, De Keyser, De Rossa, Désir, De Vits, Díez González, Dobolyi, Douay, Dührkop Dührkop, Estrela, Ettl, Fazakas, Fernandes, Ferreira Anne, Ferreira Elisa, García Pérez, Gebhardt, Geringer de Oedenberg, Glante, Goebbels, Gomes, Grabowska, Grech, Groote, Gurmai, Guy-Quint, Hänsch, Haug, Hazan, Hedh, Hedkvist Petersen, Herczog, Honeyball, Hughes, Hutchinson, Jöns, Jørgensen, Kindermann, Koterec, Kreissl-Dörfler, Kuhne, Lambrinidis, Le Foll, Leichtfried, Liberadzki, Lienemann, McAvan, McCarthy, Madeira, Maňka, Mann Erika, Martin David, Martínez Martínez, Mastenbroek, Matsouka, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Moreno Sánchez, Morgan, Moscovici, Muscat, Myller, Napoletano, Navarro, Obiols i Germà, Occhetto, Paasilinna, Pahor, Panzeri, Patrie, Peillon, Piecyk, Pinior, Pittella, Pleguezuelos Aguilar, Poignant, Prets, Rapkay, Reynaud, Riera Madurell, Rocard, Rosati, Rothe, Rouček, Roure, Sacconi, Sakalas, Saks, Salinas García, Sánchez Presedo, dos Santos, Savary, Schaldemose, Schapira, Scheele, Schulz, Segelström, Simpson, Siwiec, Skinner, Sornosa Martínez, Stihler, Stockmann, Swoboda, Szejna, Tarabella, Thomsen, Titley, Trautmann, Tzampazi, Van Lancker, Vaugrenard, Vergnaud, Vincenzi, Walter, Weber Henri, Weiler, Westlund, Wiersma, Willmott, Yañez-Barnuevo García, Zingaretti

UEN: Angelilli, Berlato, Bielan, Borghezio, Crowley, Czarnecki Marek Aleksander, Czarnecki Ryszard, Foltyn-Kubicka, Janowski, Kamiński, Kristovskis, Kuc, Kuźmiuk, La Russa, Libicki, Masiel, Muscardini, Ó Neachtain, Podkański, Rutowicz, Ryan, Szymański, Wojciechowski Janusz

Verts/ALE: Aubert, Bennahmias, Breyer, Buitenweg, Cohn-Bendit, Cramer, Evans Jill, Frassoni, Graefe zu Baringdorf, de Groen-Kouwenhoven, Harms, Hassi, Horáček, Hudghton, Isler Béguin, Kallenbach, Kusstatscher, Lagendijk, Lambert, Lichtenberger, Lipietz, Lucas, Özdemir, Onesta, Romeva i Rueda, Rühle, Schroedter, Smith, Staes, Trüpel, Voggenhuber, Ždanoka

Against: 61

GUE/NGL: Holm, Liotard, Meijer, Pafilis, Seppänen, Svensson

IND/DEM: Batten, Bonde, Clark, Coûteaux, Goudin, Krupa, Lundgren, Natrass, Tomczak, Whitaker, Wise

NI: Allister, Chruszcz, Claeys, Dillen, Giertych, Gollnisch, Helmer, Lang, Le Pen Marine, Le Rachinel, Martinez, Mote, Schenardi, Wojciechowski Bernard Piotr

Thursday, 14 December 2006

PPE-DE: Ashworth, Atkins, Bowis, Bradbourn, Bushill-Matthews, Callanan, Chichester, Deva, Dover, Elles, Evans Jonathan, Harbour, Heaton-Harris, Jackson, Kamall, Kirkhope, McMillan-Scott, Parish, Purvis, Stevenson, Sturdy, Tannock, Van Orden

UEN: Camre, Grabowski, Pęk, Piotrowski, Rogalski, Zapałowski

Verts/ALE: Schlyter

Abstention: 3

GUE/NGL: Triantaphyllides

IND/DEM: Železný

Verts/ALE: van Buitenen

17. Recommendation: Grosch A6-0414/2006

Amendment 6

For: 67

ALDE: Lynne

IND/DEM: Batten, Bonde, Clark, Farage, Goudin, Krupa, Lundgren, Natrass, Tomczak, Whittaker, Wise, Železný

NI: Allister, Belohorská, Bobošíková, Claeys, Dillen, Gollnisch, Helmer, Lang, Le Pen Marine, Le Rachinel, Martinez, Mote, Romagnoli, Schenardi

PPE-DE: Albertini, Ashworth, Atkins, Bowis, Bradbourn, Bushill-Matthews, Callanan, Chichester, Deva, Dover, Duchoň, Elles, Evans Jonathan, Fajmon, Hannan, Harbour, Heaton-Harris, Hudacký, Hybášková, Jackson, Kamall, Kirkhope, McMillan-Scott, Parish, Škottová, Stevenson, Strejček, Sturdy, Tannock, Van Orden, Vlasák, Zahradil, Zvěřina

UEN: Grabowski, Pęk, Piotrowski, Rogalski, Rutowicz, Zapałowski

Verts/ALE: Schlyter

Against: 483

ALDE: Andrejevs, Andria, Attwooll, Beaupuy, Budreikaitė, Carlshamre, Cavada, Chatzimarkakis, Cocilovo, Cornillet, Costa, Davies, Deprez, De Sarnez, Drčar Murko, Duff, Fourtou, Geremek, Gibault, Griesbeck, Guardans Cambó, Hall, Harkin, in 't Veld, Jäätteenmäki, Jensen, Juknevičienė, Krahmer, Kułakowski, Laperrouze, Lax, Ludford, Matsakis, Mohácsi, Morillon, Newton Dunn, Onyszkiewicz, Oviir, Piskorski, Polfer, Prodi, Resetarits, Ries, Riis-Jørgensen, Savi, Sbarbati, Schmidt Olle, Schuth, Staniszevska, Sterckx, Susta, Szent-Iványi, Takkula, Toia, Väyrynen, Van Hecke, Virrankoski, Wallis

GUE/NGL: Agnoletto, Aita, Brie, Catania, de Brún, Flasarová, Henin, Holm, Kaufmann, Liotard, McDonald, Maštálka, Meijer, Meyer Pleite, Musacchio, Pafilis, Papadimoulis, Pflüger, Portas, Ransdorf, Remek, Seppänen, Svensson, Triantaphyllides, Wagenknecht, Wurtz, Zimmer

IND/DEM: Belder, Blokland, Sinnott

NI: Battilocchio, Chruszcz, De Michelis, Giertych, Martin Hans-Peter, Mussolini, Wojciechowski Bernard Piotr

PPE-DE: Andriksen, Antoniazzi, Audy, Ayuso, Bachelot-Narquin, Barsi-Pataky, Bauer, Becsey, Belet, Berend, Böge, Bonsignore, Braghetto, Brejc, Brepoels, Březina, Busuttil, Buzek, Casa, Casini, Caspary, Castiglione, del Castillo Vera, Cederschiöld, Chmielewski, Coelho, Daul, De Blasio, Dehaene, Demetriou, Descamps, Deß, De Veyrac, Díaz de Mera García Consuegra, Dombrovskis, Doorn, Doyle, Ebner, Ehler, Fatuzzo, Fjellner, Florenz, Fontaine, Fraga Estévez, Freitas, Gahler, Gál, Gaľa, Galeote, García-Margallo y Marfil, Garriga Polledo, Gauzès, Gawronski, Gewalt, Glatfelder, Goepel, Gomolka, Graça Moura, Gräßle, de Grandes Pascual, Grosch, Grossetête, Guellec, Gyürk, Handzik, Hennicot-Schoepges, Herranz García, Hieronymi, Higgins, Hökmark, Hoppenstedt, Ibrisagic, Itälä, Iturgaiz Angulo, Jałowiecki, Járóka, Jarzembowski, Jęgle, Jordan Cizelj, Kaczmarek, Karas, Kauppi, Kelam, Klamt, Kłaf, Klich, Koch, Konrad, Korhola,

Thursday, 14 December 2006

Kratsa-Tsagaropoulou, Kudrycka, Langen, Langendries, Lauk, Lechner, Lehne, Liese, Lulling, Maat, Mann Thomas, Mantovani, Mathieu, Mato Adrover, Mauro, Mavrommatis, Mayer, Mayor Oreja, Méndez de Vigo, Mikolášik, Millán Mon, Mitchell, Musotto, Nassauer, van Nistelrooij, Novak, Olajos, Olbrycht, Oomen-Ruijten, Óry, Pack, Panayotopoulos-Cassiotou, Papastamkos, Pieper, Píks, Pinheiro, Pirker, Pleštinská, Podestà, Pomés Ruiz, Posdorf, Posselt, Protasiewicz, Queiró, Quisthoudt-Rowohl, Rack, Radwan, Reul, Roithová, Rudi Ubeda, Rübig, Saifi, Salafranca Sánchez-Neyra, Samaras, Sartori, Schierhuber, Schnellhardt, Schöpflin, Schwab, Seeber, Seeborg, Siekierski, Silva Peneda, Sommer, Sonik, Spautz, Šťastný, Stauner, Stubb, Sudre, Surján, Szájer, Tajani, Thyssen, Toubon, Trakatellis, Ulmer, Vakalis, Varela Suanzes-Carpegna, Varvitsiotis, Vatanen, Vidal-Quadras, Vlasto, Weber Manfred, Weisgerber, Wieland, Wijkman, von Wogau, Wortmann-Kool, Záborská, Zaleski, Zappalà

PSE: Arif, Ayala Sender, Badia I Cutchet, Batzeli, Berès, van den Berg, Berger, Berlinguer, Berman, Bösch, Bourzai, Bullmann, Busquin, Calabuig Rull, Capoulas Santos, Carlotti, Carnero González, Casaca, Cashman, Castex, Cercas, Chiesa, Christensen, Corbett, Corbey, Correia, Cottigny, De Keyser, De Rossa, Désir, De Vits, Díez González, Dobolyi, Douay, Dührkop Dührkop, Estrela, Ettl, Fazakas, Fernandes, Ferreira Anne, Ferreira Elisa, García Pérez, Gebhardt, Geringer de Oedenberg, Glante, Goebbels, Gomes, Grabowska, Grech, Groote, Gurmai, Guy-Quint, Hänsch, Hamon, Haug, Hazan, Hedh, Hedkvist Petersen, Herczog, Honeyball, Hughes, Hutchinson, Jöns, Jørgensen, Kindermann, Koterec, Kreissl-Dörfler, Kuhne, Lambrinidis, Le Foll, Leichtfried, Liberadzki, Lienemann, McAvan, McCarthy, Madeira, Maňka, Mann Erika, Martin David, Martínez Martínez, Mastenbroek, Matsouka, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Moreno Sánchez, Morgan, Moscovici, Muscat, Myller, Napoletano, Navarro, Obiols i Germà, Occhetto, Paasilinna, Pahor, Paleckis, Panzeri, Patrie, Peillon, Piecyk, Pinior, Pittella, Pleguezuelos Aguilar, Poignant, Prets, Rapkay, Reynaud, Riera Madurell, Rocard, Rosati, Rothe, Rouček, Roure, Sacconi, Sakalas, Saks, Salinas García, Sánchez Presedo, dos Santos, Savary, Schaldemose, Schapira, Scheele, Schulz, Segelström, Simpson, Siwiec, Skinner, Sornosa Martínez, Stihler, Stockmann, Swoboda, Szejna, Tarabella, Tarand, Thomsen, Titley, Trautmann, Van Lancker, Vaugrenard, Vergnaud, Vincenzi, Walter, Weber Henri, Weiler, Westlund, Wiersma, Willmott, Yañez-Barnuevo García, Zingaretti

UEN: Angelilli, Aylward, Berlato, Bielan, Borghezio, Camre, Crowley, Czarnecki Marek Aleksander, Czarnecki Ryszard, Foltyn-Kubicka, Janowski, Kamiński, Kristovskis, Kuc, Kuźmiuk, La Russa, Libicki, Masiel, Muscardini, Ó Neachtain, Podkański, Roszkowski, Ryan, Szymański, Wojciechowski Janusz

Verts/ALE: Aubert, Bennahmias, Breyer, Buitenweg, Cohn-Bendit, Cramer, Evans Jill, Frassoni, Graefe zu Baringdorf, de Groen-Kouwenhoven, Harms, Hassi, Horáček, Kallenbach, Kusstatscher, Lagendijk, Lambert, Lichtenberger, Lipietz, Lucas, Özdemir, Onesta, Romeva i Rueda, Rühle, Schroedter, Smith, Staes, Trüpel, Turmes, Voggenhuber, Ždanoka

Abstention: 13

ALDE: Hennis-Plasschaert, Maaten, Manders, Mulder

GUE/NGL: Figueiredo, Guerreiro

IND/DEM: Coûteaux, Louis

NI: Baco

PPE-DE: Ferber, Purvis

Verts/ALE: van Buitenen, Hudghton

18. Report: Leinen A6-0464/2006

Resolution

For: 396

IND/DEM: Belder, Blokland, Bonde, Coûteaux, Goudin, Louis, Lundgren, Sinnott, Tomczak

NI: Battilocchio, Belohorská, Bobošíková, Chruszcz, De Michelis, Giertych, Helmer, Mussolini, Wojciechowski Bernard Piotr

Thursday, 14 December 2006

PPE-DE: Albertini, Andriksen, Antoniazzi, Ashworth, Atkins, Audy, Ayuso, Bachelot-Narquin, Barsi-Pataky, Bauer, Beazley, Becsey, Belet, Berend, Böge, Bonsignore, Bowis, Bradbourn, Braghetto, Brejc, Brepoels, Březina, Bushill-Matthews, Busuttil, Buzek, Callanan, Casa, Casini, Caspary, Castiglione, del Castillo Vera, Cederschiöld, Chichester, Chmielewski, Coelho, Daul, De Blasio, Dehaene, Demetriou, Descamps, Deß, Deva, De Veyrac, Díaz de Mera García Consuegra, Dombrowskis, Doorn, Dover, Doyle, Duchoň, Duka-Zólyomi, Ebner, Ehler, Elles, Evans Jonathan, Fajmon, Fatuzzo, Ferber, Fjellner, Florenz, Fontaine, Fraga Estévez, Freitas, Gahler, Gál, Gaľa, Galeote, García-Margallo y Marfil, Garriga Polledo, Gauzès, Gawronski, Gewalt, Glattfelder, Goepel, Gomolka, Graça Moura, Gräßle, de Grandes Pascual, Grosch, Grossetête, Guellec, Gyürk, Handzlik, Hannan, Harboun, Heaton-Harris, Herranz García, Hieronymi, Higgins, Hökmark, Hoppenstedt, Hudacký, Hybášková, Ibrisagic, Itälä, Jackson, Jałowiecki, Járóka, Jarzembowski, Jeggel, Jordan Cizelj, Kaczmarek, Kamall, Karas, Kauppi, Kelam, Kirkhope, Klamt, Klač, Klich, Koch, Konrad, Korhola, Kratsa-Tsagaropoulou, Kudrycka, Langen, Langendries, Lauk, Lechner, Lehne, Lewandowski, Liese, Lulling, Maat, McMillan-Scott, Mann Thomas, Mantovani, Mathieu, Mato Adrover, Mauro, Mavrommatis, Mayer, Mayor Oreja, Méndez de Vigo, Mikolášik, Millán Mon, Mitchell, Musotto, Nassauer, van Nistelrooij, Novak, Olajos, Olbrycht, Oomen-Ruijten, Őry, Pack, Panayotopoulos-Cassiotou, Papastamkos, Parish, Pieper, Píks, Pinheiro, Pirker, Pleštinská, Podestà, Pomés Ruiz, Posdorf, Posselt, Protasiewicz, Purvis, Queiró, Quisthoudt-Rowohl, Rack, Radwan, Roithová, Rudi Ubeda, Rübig, Saifí, Salafranca Sánchez-Neyra, Samaras, Sartori, Schierhuber, Schnellhardt, Schöpflin, Schwab, Seeber, Seeberg, Siekierski, Silva Penada, Škottová, Sommer, Sonik, Spautz, Šťastný, Stauner, Stevenson, Strejček, Stubb, Sturdy, Sudre, Surján, Szájer, Tajani, Tannock, Thyssen, Toubon, Trakatellis, Ulmer, Vakalis, Van Orden, Varela Suanzes-Carpegna, Varvitsiotis, Vatanen, Vidal-Quadras, Vlasák, Vlasto, Weber Manfred, Weisgerber, Wieland, Wijkman, von Wogau, Wortmann-Kool, Záborská, Zahradil, Zaleski, Zappalà, Zvěřina

PSE: Arif, Ayala Sender, Badia I Cutchet, Batzeli, Berès, van den Berg, Berger, Berlinguer, Berman, Bösch, Bullmann, Busquin, Calabuig Rull, Capoulas Santos, Carnero González, Casaca, Cercas, Chiesa, Christensen, Corbett, Corbey, Correia, Cottigny, De Keyser, De Rossa, Désir, De Vits, Díez González, Douay, Dührkop Dührkop, Estrela, Ettl, Fazakas, Fernandes, Ferreira Elisa, García Pérez, Gebhardt, Geringer de Oedenberg, Glante, Goebbels, Gomes, Grabowska, Grech, Groote, Gurmai, Hänsch, Hamon, Haug, Hazan, Hedh, Hedkvist Petersen, Herczog, Hutchinson, Jöns, Jørgensen, Kindermann, Koterec, Kreissl-Dörfler, Kuhne, Lambrinidis, Leichtfried, Liberadzki, McAvan, McCarthy, Madeira, Mañka, Martínez Martínez, Matsouka, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Moreno Sánchez, Morgan, Moscovici, Muscat, Myller, Napolitano, Obiols i Germà, Occhetto, Paasilinna, Pahor, Paleckis, Panzeri, Patrie, Peillon, Piecyk, Pinior, Pittella, Pleguezuelos Aguilar, Poignant, Prets, Rapkay, Reynaud, Riera Madurell, Rocard, Rosati, Rothe, Rouček, Roure, Sacconi, Sakalas, Saks, Salinas García, Sánchez Presedo, dos Santos, Savary, Schaldemose, Schapira, Schulz, Segelström, Siwiec, Skinner, Sornosa Martínez, Stockmann, Swoboda, Szejna, Tarabella, Tarand, Thomsen, Titley, Trautmann, Tzampazi, Van Lancker, Vaugrenard, Vergnaud, Vincenzi, Walter, Weber Henri, Weiler, Westlund, Wiersma, Yañez-Barnuevo García, Zingaretti

UEN: Angelilli, Aylward, Berlato, Bielan, Borghezio, Crowley, Czarnecki Marek Aleksander, Czarnecki Ryszard, Foltyn-Kubicka, Grabowski, Janowski, Kamiński, Kristovskis, Kuc, Kuźmiuk, La Russa, Libicki, Masiel, Muscardini, Ó Neachtain, Pęk, Podkański, Rogalski, Roszkowski, Rutowicz, Ryan, Szymański, Wojciechowski Janusz, Zapałowski

Against: 112

ALDE: Andrejevs, Andria, Attwooll, Beaupuy, Budreikaitė, Carlshamre, Cavada, Chatzimarkakis, Cornillet, Costa, Davies, Deprez, De Sarnez, Drčar Murko, Duff, Ek, Fourtou, Geremek, Gibault, Griesbeck, Guardans Cambó, Hall, Harkin, Hennis-Plasschaert, in 't Veld, Jäätteenmäki, Jensen, Juknevičienė, Krahmer, Kułakowski, Laperrouze, Lax, Ludford, Lynne, Maaten, Matsakis, Mohácsi, Morillon, Mulder, Newton Dunn, Onyszkiewicz, Oviir, Piskorski, Polfer, Prodi, Resetarits, Ries, Riis-Jørgensen, Savi, Sbarbati, Schmidt Olle, Schuth, Staniszevska, Sterckx, Susta, Szent-Iványi, Takkula, Toia, Väyrynen, Van Hecke, Virrankoski, Wallis

IND/DEM: Batten, Clark, Farage, Nattrass, Whittaker, Wise

NI: Allister, Martin Hans-Peter, Mote

PPE-DE: Hennicot-Schoepges

PSE: Bourzai, Dobolyi, Guy-Quint, Mann Erika, Martin David, Stihler

UEN: Camre

Verts/ALE: Aubert, Bennahmias, Breyer, Buitenweg, Cohn-Bendit, Cramer, Evans Jill, Frassoni, Graefe zu Baringdorf, de Groen-Kouwenhoven, Harms, Hassi, Horáček, Hudghton, Kallenbach, Kusstatscher, Legendijk, Lambert, Lichtenberger, Lipietz, Lucas, Özdemir, Onesta, Romeva i Rueda, Rühle, Schlyter, Schroedter, Smith, Staes, Trüpel, Turmes, Voggenhuber, Ždanoka

Thursday, 14 December 2006

Abstention: 57**ALDE:** Cocilovo, Manders**GUE/NGL:** Agnoletto, Aita, Brie, Catania, de Brún, Figueiredo, Flasarová, Guerreiro, Henin, Holm, Kaufmann, Liotard, McDonald, Maštálka, Meijer, Meyer Pleite, Musacchio, Pafilis, Papadimoulis, Pflüger, Portas, Ransdorf, Remek, Seppänen, Svensson, Triantaphyllides, Wagenknecht, Wurtz, Zimmer**IND/DEM:** Krupa, Železný**NI:** Baco, Claeys, Dillen, Gollnisch, Lang, Le Pen Marine, Le Rachinel, Martinez, Romagnoli, Schenardi**PPE-DE:** Reul**PSE:** Carlotti, Cashman, Castex, Honeyball, Hughes, Le Foll, Lienemann, Mastenbroek, Navarro, Scheele, Simpson**UEN:** Piotrowski**Verts/ALE:** van Buitenen**19. Report: Kudrycka A6-0427/2006****Amendment 2****For: 83****ALDE:** Krahmer, Resetarits**GUE/NGL:** Agnoletto, Aita, Brie, Catania, de Brún, Figueiredo, Flasarová, Guerreiro, Henin, Holm, Kaufmann, Liotard, McDonald, Maštálka, Meijer, Meyer Pleite, Musacchio, Pafilis, Papadimoulis, Pflüger, Portas, Ransdorf, Remek, Seppänen, Svensson, Triantaphyllides, Wagenknecht, Wurtz, Zimmer**IND/DEM:** Bonde, Krupa, Sinnott, Tomczak**NI:** Martin Hans-Peter**PPE-DE:** Fjellner, Hökmark, Ibrisagic, Kauppi**PSE:** Gomes, Guy-Quint, Scheele**UEN:** Grabowski, Pęk, Piotrowski, Podkański, Rogalski, Ryan, Zapałowski**Verts/ALE:** Aubert, Bennahmias, Breyer, Buitenweg, Cohn-Bendit, Cramer, Evans Jill, Frassoni, Graefe zu Baringdorf, de Groen-Kouwenhoven, Harms, Hassi, Horáček, Hudghton, Kallenbach, Kusstatscher, Lagendijk, Lambert, Lichtenberger, Lipietz, Lucas, Özdemir, Onesta, Romeva i Rueda, Rühle, Schlyter, Schroedter, Smith, Staes, Trüpel, Turmes, Voggenhuber, Ždanoka**Against: 331****ALDE:** Andrejevs, Andria, Attwooll, Beaupuy, Budreikaitė, Carlshamre, Cavada, Cocilovo, Cornillet, Costa, Davies, Deprez, De Sarnez, Drčar Murko, Duff, Ek, Fourtou, Geremek, Gibault, Griesbeck, Guardans Cambó, Hall, Harkin, Hennis-Plasschaert, in 't Veld, Jäätteenmäki, Jensen, Juknevičienė, Kułakowski, Laperrouze, Lax, Ludford, Lynne, Maaten, Manders, Matsakis, Mohácsi, Morillon, Mulder, Newton Dunn, Onyszkiewicz, Oviir, Piskorski, Polfer, Prodi, Ries, Riis-Jørgensen, Savi, Sbarbati, Schmidt Olle, Schuth, Staniszevska, Sterckx, Susta, Szent-Iványi, Takkula, Toia, Väyrynen, Van Hecke, Virrankoski, Wallis**IND/DEM:** Belder, Blokland, Coûteaux, Goudin, Louis, Lundgren, Železný**NI:** Allister, Belohorská, Bobošíková, Chruszcz, Claeys, De Michelis, Dillen, Giertych, Gollnisch, Helmer, Lang, Le Pen Marine, Le Rachinel, Martinez, Mote, Mussolini, Romagnoli, Schenardi, Wojciechowski Bernard Piotr

Thursday, 14 December 2006

PPE-DE: Albertini, Andrikienė, Antoniozzi, Ashworth, Atkins, Audy, Ayuso, Bachelot-Narquin, Barsi-Pataky, Bauer, Beazley, Becsey, Belet, Berend, Böge, Bonsignore, Bowis, Bradbourn, Braghetto, Brejc, Brepoels, Březina, Bushill-Matthews, Buzek, Callanan, Casa, Casini, Caspary, Castiglione, del Castillo Vera, Cederschiöld, Chichester, Chmielewski, Coelho, Daul, De Blasio, Dehaene, Demetriou, Descamps, Deß, Deva, De Veyrac, Díaz de Mera García Consuegra, Dombrovskis, Doorn, Dover, Doyle, Duchoň, Duka-Zólyomi, Ebner, Ehler, Elles, Evans Jonathan, Fajmon, Fatuzzo, Ferber, Florenz, Fontaine, Fraga Estévez, Freitas, Gahler, Gál, Gaľa, Galeote, García-Margallo y Marfil, Garriga Polledo, Gauzès, Gawronski, Gewalt, Glattfelder, Goepel, Gomolka, Graça Moura, Gräßle, de Grandes Pascual, Grosch, Grossetête, Guellec, Gutiérrez-Cortines, Gyürk, Handzlik, Hannan, Harbour, Heaton-Harris, Hennicot-Schoepges, Herranz García, Hieronymi, Higgins, Hoppenstedt, Hudacký, Hybášková, Itälä, Iturgaiz Angulo, Jackson, Jałowiecki, Járóka, Jarzembowski, Jeggle, Jordan Cizelj, Kaczmarek, Kamall, Karas, Kelam, Kirkhope, Klamt, Klač, Klich, Koch, Konrad, Korhola, Kratsa-Tsagaropoulou, Kudrycka, Langen, Langendries, Lauk, Lechner, Lehne, Lewandowski, Liese, Lulling, Maat, Mann Thomas, Mantovani, Mathieu, Mato Adrover, Mauro, Mavrommatis, Mayer, Mayor Oreja, Méndez de Vigo, Mikolášik, Millán Mon, Mitchell, Musotto, Nassauer, van Nistelrooij, Novak, Olajos, Olbrycht, Oomen-Ruijten, Óry, Pack, Panayotopoulos-Cassiotou, Papastamkos, Parish, Pieper, Pīks, Pinheiro, Pirker, Plešinská, Podestà, Pomés Ruiz, Posdorf, Posselt, Protasiewicz, Purvis, Queiró, Quisthoudt-Rowohl, Rack, Radwan, Reul, Roithová, Rudi Ubeda, Rübig, Saïfi, Salafranca Sánchez-Neyra, Samaras, Sartori, Schierhuber, Schnellhardt, Schöpflin, Schwab, Seeber, Seeberg, Siekierski, Silva Peneda, Škottová, Sommer, Sonik, Spautz, Šťastný, Stauner, Stevenson, Strejček, Stubb, Sturdy, Sudre, Surján, Szájer, Tajani, Tannock, Thyssen, Toubon, Trakatellis, Ulmer, Vakalis, Van Orden, Varela Suanzes-Carpegna, Varvitsiotis, Vatanen, Vidal-Quadras, Vlasák, Vlasto, Weber Manfred, Weisgerber, Wieland, von Wogau, Wortmann-Kool, Záborská, Zahradil, Zaleski, Zappalà, Zvěřina

PSE: Berlinguer, Désir, Fazakas, Glante, Grech, Hänsch, Jørgensen, Muscat

UEN: Angelilli, Berlatto, Bielan, Borghezio, Camre, Crowley, Czarnecki Marek Aleksander, Czarnecki Ryszard, Foltyn-Kubicka, Janowski, Kamiński, Kristovskis, Kuc, Kuźmiuk, La Russa, Libicki, Masiel, Muscardini, Ó Neachtain, Roszkowski, Rutowicz, Szymański, Wojciechowski Janusz

Abstention: 146

IND/DEM: Batten, Clark, Farage, Natrass, Whittaker, Wise

NI: Baco, Battilocchio

PPE-DE: McMillan-Scott

PSE: Ayala Sender, Badia I Cutchet, Batzeli, Berès, van den Berg, Berger, Berman, Bösch, Bourzai, Busquin, Calabuig Rull, Capoulas Santos, Carlotti, Carnero González, Casaca, Cashman, Castex, Cercas, Chiesa, Christensen, Corbett, Corbey, Correia, Cottigny, De Keyser, De Rossa, De Vits, Díez González, Dobolyi, Douay, Dührkop Dührkop, Estrela, Ettl, Fernandes, Ferreira Anne, Ferreira Elisa, García Pérez, Gebhardt, Geringer de Oedenberg, Grabowska, Groote, Gurmai, Hamon, Haug, Hazan, Hedh, Hedkvist Petersen, Herczog, Honeyball, Hughes, Hutchinson, Jöns, Kindermann, Koterec, Kreissl-Dörfler, Kuhne, Lambrinidis, Le Foll, Leichtfried, Liberadzki, Lienemann, McAvan, McCarthy, Madeira, Maňka, Mann Erika, Martin David, Martínez Martínez, Mastenbroek, Matsouka, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Moreno Sánchez, Morgan, Moscovici, Myller, Napoletano, Navarro, Obiols i Germà, Occhetto, Paasilinna, Pahor, Patrie, Peillon, Piecyk, Pinior, Pittella, Pleguezuelos Aguilar, Poignant, Prets, Rapkay, Reynaud, Riera Madurell, Rocard, Rosati, Rothe, Rouček, Roure, Sacconi, Sakalas, Saks, Salinas García, Sánchez Presedo, dos Santos, Savary, Schaldemose, Schapira, Schulz, Segelström, Simpson, Siwiec, Skinner, Sornosa Martínez, Stihler, Stockmann, Swoboda, Szejna, Tarabella, Tarand, Thomsen, Titley, Trautmann, Tzampazi, Van Lancker, Vaugrenard, Vergnaud, Vincenzi, Walter, Weber Henri, Weiler, Westlund, Wiersma, Willmott, Yañez-Barnuevo García, Zingaretti

Verts/ALE: van Buitenen

Corrections to votes

Abstention

Joseph Muscat, Harlem Désir

Thursday, 14 December 2006

20. Report: Kudrycka A6-0427/2006**Amendment 3****For: 70****ALDE:** Resetarits

GUE/NGL: Agnoletto, Aita, Brie, Catania, de Brún, Figueiredo, Flasarová, Guerreiro, Henin, Holm, Kaufmann, Liotard, McDonald, Maštálka, Meijer, Meyer Pleite, Musacchio, Pafilis, Papadimoulis, Pflüger, Portas, Ransdorf, Remek, Seppänen, Svensson, Triantaphyllides, Wagenknecht, Wurtz, Zimmer

IND/DEM: Bonde, Sinnott**NI:** Martin Hans-Peter**PPE-DE:** Fjellner, Ibrisagic**PSE:** Szejna**UEN:** Pęk

Verts/ALE: Aubert, Bennahmias, Breyer, Buitenweg, Cohn-Bendit, Cramer, Evans Jill, Frassoni, Graefe zu Baringdorf, de Groen-Kouwenhoven, Harms, Hassi, Horáček, Hudghton, Kallenbach, Kusstatscher, Lagendijk, Lambert, Lichtenberger, Lipietz, Lucas, Özdemir, Onesta, Romeva i Rueda, Rühle, Schlyter, Schroedter, Smith, Staes, Trüpel, Turmes, Voggenhuber, Ždanoka

Against: 478

ALDE: Andrejevs, Andria, Attwooll, Beaupuy, Budreikaitė, Carlshamre, Cavada, Chatzimarkakis, Cocilovo, Cornillet, Costa, Davies, Deprez, De Sarnez, Drčar Murko, Duff, Ek, Fourtou, Geremek, Gibault, Griesbeck, Guardans Cambó, Hall, Harkin, Hennis-Plasschaert, in 't Veld, Jäätteenmäki, Jensen, Juknevičienė, Krahmer, Kułakowski, Laperrouze, Lax, Ludford, Lynne, Maaten, Manders, Matsakis, Mohácsi, Morillon, Mulder, Newton Dunn, Onyszkiewicz, Oviir, Piskorski, Polfer, Prodi, Ries, Riis-Jørgensen, Savi, Sbarbati, Schmidt Olle, Schuth, Staniszevska, Sterckx, Susta, Szent-Iványi, Takkula, Toia, Väyrynen, Van Hecke, Virrankoski, Wallis

IND/DEM: Belder, Blokland, Coûteaux, Goudin, Louis, Lundgren, Železný

NI: Allister, Battilocchio, Belohorská, Bobošíková, Chruszcz, Claey, De Michelis, Dillen, Giertych, Gollnisch, Helmer, Lang, Le Pen Marine, Le Rachinel, Mote, Mussolini, Romagnoli, Schenardi, Wojciechowski Bernard Piotr

PPE-DE: Albertini, Andrikenė, Antoniozzi, Ashworth, Atkins, Audy, Ayuso, Bachelot-Narquin, Barsi-Pataky, Bauer, Beazley, Becsey, Belet, Berend, Böge, Bonsignore, Bowis, Bradbourn, Braghetto, Brejc, Brepoels, Březina, Bushill-Matthews, Busuttil, Buzek, Callanan, Casa, Casini, Caspary, Castiglione, del Castillo Vera, Cederschiöld, Chichester, Chmielewski, Coelho, Daul, De Blasio, Dehaene, Demetriou, Descamps, Deß, Deva, De Veyrac, Díaz de Mera García Consuegra, Dombrovskis, Doorn, Dover, Doyle, Duchoň, Duka-Zólyomi, Ebner, Ehler, Elles, Evans Jonathan, Fajmon, Fatuzzo, Ferber, Florenz, Fontaine, Fraga Estévez, Freitas, Gahler, Gál, Gaľa, Galeote, García-Margallo y Marfil, Garriga Polledo, Gauzès, Gawronski, Gewalt, Glattfelder, Goepel, Gomolka, Graça Moura, Gräßle, de Grandes Pascual, Grosch, Grossetête, Guellec, Gutiérrez-Cortines, Gyürk, Handzlik, Hannan, Harbour, Heaton-Harris, Hennicot-Schoepges, Herranz García, Hieronymi, Higgins, Hökmark, Hoppenstedt, Hudacký, Hybášková, Itälä, Iturgaiz Angulo, Jackson, Jałowiecki, Járóka, Jarzembowski, Jeggle, Jordan Cizelj, Kaczmarek, Kamall, Karas, Kauppi, Kelam, Kirkhope, Klamt, Klač, Klich, Koch, Konrad, Korhola, Kratsa-Tsagaropoulou, Kudrycka, Langen, Langendries, Lauk, Lechner, Lehne, Lewandowski, Liese, Lulling, Maat, McMillan-Scott, Mann Thomas, Mantovani, Mathieu, Mato Adrover, Mauro, Mavrommatis, Mayer, Mayor Oreja, Méndez de Vigo, Mikolášik, Millán Mon, Mitchell, Musotto, Nassauer, van Nistelrooij, Novak, Olajos, Olbrycht, Oomen-Ruijten, Óry, Pack, Papastamkos, Parish, Pieper, Píks, Pinheiro, Pirker, Pleštinská, Podestà, Pomés Ruiz, Posdorf, Posselt, Protasiewicz, Purvis, Queiró, Quisthoudt-Rowohl, Rack, Radwan, Reul, Roithová, Rudi Ubeda, Rübig, Saïfi, Salafranca Sánchez-Neyra, Samaras, Sartori, Schierhuber, Schnellhardt, Schöpflin, Schwab, Seeber, Seeberg, Siekierski, Silva Penada, Škottová, Sommer, Sonik, Spautz, Šťastný, Stauner, Stevenson, Strejček, Stubb, Sturdy, Sudre, Surján, Szájer, Tajani, Tannock, Thyssen, Toubon, Trakatellis, Ulmer, Vakalis, Van Orden, Varela Suanzes-Carpegna, Varvitsiotis, Vatanen, Vidal-Quadras, Vlasák, Vlasto, Weber Manfred, Weisgerber, Wieland, Wijkman, von Wogau, Wortmann-Kool, Záborská, Zahradil, Zaleski, Zappalà, Zvěřina

Thursday, 14 December 2006

PSE: Arif, Ayala Sender, Badia I Cutchet, Batzeli, Berès, van den Berg, Berger, Berlinguer, Berman, Bösch, Bourzai, Busquin, Calabuig Rull, Capoulas Santos, Carlotti, Carnero González, Casaca, Cashman, Castex, Cercas, Christensen, Corbett, Corbey, Correia, Cottigny, De Keyser, De Rossa, Désir, De Vits, Díez González, Dobolyi, Douay, Dührkop Dührkop, Estrela, Ettl, Fazakas, Fernandes, Ferreira Anne, Ferreira Elisa, García Pérez, Gebhardt, Geringer de Oedenberg, Glante, Goebbels, Grabowska, Grech, Groote, Gurmai, Guy-Quint, Hänsch, Hamon, Haug, Hazan, Hedh, Hedkvist Petersen, Herczog, Honeyball, Hughes, Hutchinson, Jöns, Jørgensen, Kindermann, Koterec, Kreissl-Dörfler, Kuhne, Lambrinidis, Leichtfried, Liberadzki, Lienemann, McAvan, McCarthy, Madeira, Mañka, Mann Erika, Martin David, Martínez Martínez, Mastenbroek, Matsouka, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Moreno Sánchez, Morgan, Moscovici, Muscat, Myller, Napolitano, Navarro, Obiols i Germà, Occhetto, Paasilinna, Pahor, Paleckis, Panzeri, Patrie, Peillon, Piecyk, Pinior, Pittella, Pleguezuelos Aguilar, Poignant, Prets, Rapkay, Reynaud, Riera Madurell, Rocard, Rosati, Rothe, Rouček, Roure, Sacconi, Sakalas, Saks, Salinas García, Sánchez Presedo, dos Santos, Savary, Schaldemose, Schapira, Scheele, Schulz, Segelström, Simpson, Siwiec, Skinner, Sornosa Martínez, Stihler, Stockmann, Swoboda, Tarabella, Tarand, Thomsen, Titley, Trautmann, Tzampazi, Van Lancker, Vaugrenard, Vergnaud, Vincenzi, Walter, Weber Henri, Weiler, Westlund, Wiersma, Willmott, Yañez-Barnuevo García, Zingaretti

UEN: Angelilli, Berlato, Bielan, Borghezio, Camre, Crowley, Czarnecki Marek Aleksander, Czarnecki Ryszard, Foltyn-Kubicka, Janowski, Kamiński, Kristovskis, Kuc, Kuźmiuk, La Russa, Libicki, Masiel, Muscardini, Ó Neachtain, Podkański, Roszkowski, Rutowicz, Ryan, Szymański, Wojciechowski Janusz

Abstention: 16

IND/DEM: Batten, Clark, Farage, Krupa, Natrass, Tomczak, Whittaker, Wise

NI: Baco, Martinez

PSE: Chiesa

UEN: Grabowski, Piotrowski, Rogalski, Zapalowski

Verts/ALE: van Buitenen

21. Report: Kudrycka A6-0425/2006

Amendment 2

For: 71

ALDE: Polfer, Resetarits

GUE/NGL: Agnoletto, Aita, Brie, Catania, de Brún, Figueiredo, Flasarová, Guerreiro, Henin, Holm, Kaufmann, Liotard, McDonald, Maštálka, Meijer, Meyer Pleite, Musacchio, Papadimoulis, Pflüger, Portas, Ransdorf, Remek, Seppänen, Svensson, Triantaphyllides, Wagenknecht, Wurtz, Zimmer

IND/DEM: Bonde, Sinnott

NI: Bobošíková, Claeys

PPE-DE: Cederschiöld, Fjellner, Hökmark, Ibrisagic

PSE: Szejna

Verts/ALE: Aubert, Bennahmias, Breyer, Buitenweg, Cohn-Bendit, Cramer, Evans Jill, Frassoni, Graefe zu Baringdorf, de Groen-Kouwenhoven, Harms, Hassi, Horáček, Hudghton, Isler Béguin, Kallenbach, Lagendijk, Lambert, Lichtenberger, Lucas, Özdemir, Onesta, Romeva i Rueda, Rühle, Schlyter, Schroedter, Smith, Staes, Trüpel, Turmes, Voggenhuber, Ždanoka

Thursday, 14 December 2006

Against: 343

ALDE: Andrejevs, Andria, Attwooll, Beupuy, Budreikaitė, Carlshamre, Cavada, Chatzimarkakis, Cocilovo, Cornillet, Costa, Davies, Deprez, De Sarnez, Drčar Murko, Duff, Ek, Fourtou, Geremek, Gibault, Griesbeck, Guardans Cambó, Hall, Harkin, Hennis-Plasschaert, in 't Veld, Jäätteenmäki, Jensen, Juknevičienė, Krahmer, Kułakowski, Laperrouze, Lax, Ludford, Lynne, Maaten, Manders, Matsakis, Mohácsi, Morillon, Mulder, Newton Dunn, Onyszkiewicz, Oviir, Piskorski, Prodi, Ries, Riis-Jørgensen, Savi, Sbarbati, Schmidt Olle, Schuth, Staniszevska, Sterckx, Susta, Szent-Iványi, Takkula, Toia, Väyrynen, Van Hecke, Veraldi, Virrankoski, Wallis

IND/DEM: Batten, Belder, Blokland, Clark, Coûteaux, Farage, Goudin, Krupa, Louis, Lundgren, Natrass, Tomczak, Wise, Żelezný

NI: Allister, Chruszcz, De Michelis, Dillen, Giertych, Gollnisch, Helmer, Lang, Le Pen Marine, Le Rachinel, Mote, Mussolini, Romagnoli, Schenardi, Wojciechowski Bernard Piotr

PPE-DE: Albertini, Andriksen, Antoniozzi, Ashworth, Atkins, Audy, Ayuso, Bachelot-Narquin, Barsi-Pataky, Bauer, Beazley, Becsey, Belet, Berend, Bonsignore, Bowis, Bradbourn, Braghetto, Brejc, Brepoels, Březina, Bushill-Matthews, Busuttil, Buzek, Callanan, Casa, Casini, Caspary, Castiglione, del Castillo Vera, Chichester, Chmielewski, Coelho, Daul, De Blasio, Dehaene, Demetriou, Descamps, Deß, Deva, De Veyrac, Díaz de Mera García Consuegra, Dombrovskis, Doorn, Dover, Doyle, Duchoň, Duka-Zólyomi, Ebner, Ehler, Elles, Evans Jonathan, Fajmon, Fatuzzo, Ferber, Florenz, Fontaine, Fraga Estévez, Freitas, Gahler, Gál, Gaľa, Galeote, García-Margallo y Marfil, Garriga Polledo, Gauzès, Gawronski, Gewalt, Glattfelder, Goepel, Gomolka, Graça Moura, Gräßle, de Grandes Pascual, Grosch, Grossetête, Guellec, Gyürk, Handzlik, Hannan, Harbourn, Heaton-Harris, Hennicot-Schoepges, Herranz García, Hieronymi, Higgins, Hoppenstedt, Hudacký, Hybášková, Itälä, Iturgaiz Angulo, Jackson, Jałowiecki, Járóka, Jarzembowski, Jeggle, Jordan Cizelj, Kaczmarek, Kamall, Karas, Kauppi, Kelam, Kirkhope, Klamt, Klaş, Klich, Koch, Konrad, Korhola, Kratsa-Tsagaropoulou, Kudrycka, Langen, Langendries, Lauk, Lechner, Lehne, Lewandowski, Liese, Lulling, Maat, McMillan-Scott, Mann Thomas, Mantovani, Mathieu, Mato Adrover, Mauro, Mavrommatis, Mayer, Mayor Oreja, Méndez de Vigo, Mikolášik, Millán Mon, Mitchell, Musotto, Nassauer, van Nistelrooij, Novak, Olajos, Olbrycht, Oomen-Ruijten, Óry, Pack, Panayotopoulos-Cassiotou, Papastamkos, Parish, Píks, Pinheiro, Pirker, Pleštinská, Podestà, Pomés Ruiz, Posdorf, Posselt, Protasiewicz, Purvis, Queiró, Quisthoudt-Rowohl, Rack, Radwan, Reul, Roithová, Rudi Ubéda, Rübig, Saifi, Salafranca Sánchez-Neyra, Samaras, Sartori, Schierhuber, Schnellhardt, Schöpflin, Seeber, Seeberg, Siekierski, Silva Peneda, Škottová, Sommer, Sonik, Spautz, Šťastný, Stauner, Stevenson, Strejček, Stubb, Sturdy, Sudre, Surján, Szájer, Tajani, Tannock, Thyssen, Toubon, Trakatellis, Ulmer, Vakalis, Van Orden, Varela Suanzes-Carpegna, Varvitsiotis, Vatanen, Vidal-Quadras, Vlasák, Vlasto, Weber Manfred, Weisgerber, Wieland, Wijkman, von Wogau, Wortmann-Kool, Záborská, Zahradil, Zaleski, Zappalà, Zvěřina

PSE: Glante, Grech, Gurmai, Hänsch, Jöns, Moscovici, Muscat, Pahor, Titley

UEN: Angelilli, Berlato, Bielan, Borghezio, Camre, Crowley, Czarnecki Marek Aleksander, Czarnecki Ryszard, Foltyn-Kubicka, Grabowski, Janowski, Kamiński, Kristovskis, Kuc, Kuźmiuk, La Russa, Libicki, Masiel, Muscardini, Ó Neachtain, Pęk, Piotrowski, Podkański, Rogalski, Roszkowski, Rutowicz, Ryan, Szymański, Wojciechowski Janusz, Zapalowski

Abstention: 143

GUE/NGL: Pafilis

NI: Baco, Battilocchio, Belohorská, Martin Hans-Peter, Martinez

PSE: Arif, Ayala Sender, Badia I Cutchet, Batzeli, Berès, van den Berg, Berger, Berlinguer, Berman, Bösch, Bourzai, Busquin, Calabuig Rull, Capoulas Santos, Carlotti, Carnero González, Casaca, Cashman, Castex, Cercas, Chiesa, Christensen, Corbett, Corbey, Correia, Cottigny, De Keyser, De Rossa, Désir, De Vits, Díez González, Dobolyi, Douay, Dührkop Dührkop, Estrela, Ettl, Fernandes, Ferreira Anne, Ferreira Elisa, García Pérez, Gebhardt, Geringer de Oedenberg, Goebbels, Gomes, Grabowska, Groote, Guy-Quint, Hamon, Haug, Hazan, Hedh, Hedkvist Petersen, Herczog, Hughes, Hutchinson, Jørgensen, Kindermann, Koterec, Kreissl-Dörfler, Kuhne, Lambrinidis, Le Foll, Leichtfried, Liberadzki, Lienemann, McAvan, McCarthy, Madeira, Mańka, Mann Erika, Martin David, Martínez Martínez, Mastenbroek, Matsouka, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Moreno Sánchez, Morgan, Myller, Napoletano, Navarro, Obiols i Germà, Paasilinna, Paleckis, Panzeri, Patrie, Peillon, Piecyk, Pittella, Pleguezuelos Aguilar, Poignant, Prets, Rapkay, Reynaud, Riera Madurell, Rocard, Rosati, Rothe, Rouček, Roure, Sacconi, Sakalas, Saks, Salinas García,

Thursday, 14 December 2006

Sánchez Presedo, dos Santos, Savary, Schaldemose, Scheele, Schulz, Segelström, Simpson, Siwiec, Skinner, Sornosa Martínez, Stihler, Stockmann, Swoboda, Tarabella, Tarand, Thomsen, Trautmann, Tzampazi, Van Lancker, Vaugrenard, Vergnaud, Vincenzi, Walter, Weber Henri, Weiler, Westlund, Wiersma, Willmott, Yañez-Barnuevo García, Zingaretti

Verts/ALE: van Buitenen

Corrections to votes

Against

Louis Grech

22. Report: Segelström A6-0465/2006

Commission proposal

For: 476

ALDE: Andrejevs, Andria, Attwooll, Budreikaitė, Carlshamre, Cavada, Chatzimarkakis, Cocilovo, Cornillet, Costa, Davies, Deprez, De Sarnez, Drčar Murko, Duff, Ek, Fourtou, Geremek, Gibault, Griesbeck, Guardans Cambó, Harkin, Hennis-Plasschaert, in 't Veld, Jäätteenmäki, Jensen, Juknevičienė, Krahmer, Kułakowski, Laperrouze, Lax, Ludford, Lynne, Maaten, Manders, Matsakis, Mohácsi, Morillon, Mulder, Newton Dunn, Onyszkiewicz, Oviir, Piskorski, Polfer, Prodi, Resetarits, Ries, Riis-Jørgensen, Savi, Sbarbati, Schmidt Olle, Schuth, Staniszevska, Sterckx, Susta, Szent-Iványi, Takkula, Toia, Väyrynen, Van Hecke, Veraldi, Virrankoski, Wallis

GUE/NGL: Agnoletto, Aita, Brie, Catania, de Brún, Flasarová, Henin, Kaufmann, McDonald, Maštálka, Meyer Pleite, Musacchio, Papadimoulis, Pflüger, Portas, Ransdorf, Remek, Seppänen, Wagenknecht, Wurtz, Zimmer

NI: Battilocchio, Belohorská, De Michelis, Mussolini

PPE-DE: Albertini, Andriksen, Antoniozzi, Audy, Ayuso, Bachelot-Narquin, Barsi-Pataky, Bauer, Becsey, Belet, Berend, Böge, Bonsignore, Braghetto, Brejc, Brepoels, Březina, Busuttil, Buzek, Casa, Casini, Caspary, Castiglione, del Castillo Vera, Cederschiöld, Chmielewski, Coelho, Daul, De Blasio, Dehaene, Demetriou, Descamps, Deß, De Veyrac, Díaz de Mera García Consuegra, Dombrovskis, Doorn, Doyle, Duka-Zólyomi, Ebner, Fatuzzo, Ferber, Fjellner, Florenz, Fontaine, Fraga Estévez, Freitas, Gahler, Gál, Gaľa, Galeote, García-Margallo y Marfil, Garriga Polledo, Gauzès, Gawronski, Gewalt, Glattfelder, Goepel, Gomolka, Graça Moura, Gräßle, de Grandes Pascual, Grosch, Grossetête, Guellec, Gutiérrez-Cortines, Gyürk, Handzlik, Hennicot-Schoepges, Herranz García, Hieronymi, Higgins, Hoppenstedt, Hudacký, Hybášková, Ibrisagic, Itälä, Iturgaiz Angulo, Jałowicki, Járóka, Jarzembowski, Jeggler, Jordan Cizelj, Kaczmarek, Karas, Kauppi, Kelam, Klamt, Klač, Klich, Koch, Konrad, Korhola, Kratsa-Tsagaropoulou, Kudrycka, Langen, Langendries, Lauk, Lechner, Lehne, Lewandowski, Lulling, Maat, Mann Thomas, Mantovani, Mathieu, Mato Adrover, Mavrommatis, Mayer, Mayor Oreja, Méndez de Vigo, Mikolášik, Millán Mon, Mitchell, Musotto, Nassauer, van Nistelrooij, Novak, Olajos, Olbrycht, Oomen-Ruijten, Őry, Pack, Panayotopoulos-Cassiotou, Papastamkos, Pieper, Pīks, Pinheiro, Pirker, Pleštinská, Podestà, Pomés Ruiz, Posdorf, Posselt, Protasiewicz, Queiró, Quisthoudt-Rowohl, Rack, Radwan, Reul, Roithová, Rudi Ubeda, Rübig, Saïfi, Salafranca Sánchez-Neyra, Samaras, Sartori, Schierhuber, Schnellhardt, Schöpflin, Schwab, Seeber, Seeborg, Siekierski, Silva Penada, Sommer, Sonik, Spautz, Štátný, Stubb, Sudre, Surján, Szájer, Tajani, Thyssen, Toubon, Trakatellis, Ulmer, Vakalis, Varela Suanzes-Carpegna, Varvitsiotis, Vatanen, Vidal-Quadras, Vlasto, Weber Manfred, Weisgerber, Wieland, Wijkman, von Wogau, Wortmann-Kool, Záborská, Zaleski, Zappalà

PSE: Arif, Ayala Sender, Badia I Cutchet, Batzeli, Berès, van den Berg, Berger, Berlinguer, Bösch, Bourzai, Bullmann, Busquin, Calabuig Rull, Capoulas Santos, Carlotti, Carnero González, Casaca, Cashman, Castex, Cercas, Chiesa, Christensen, Corbett, Corbey, Correia, Cottigny, De Keyser, De Rossa, Désir, De Vits, Dobolyi, Douay, Dührkop Dührkop, Estrela, Ettl, Fazakas, Fernandes, Ferreira Anne, Ferreira Elisa, Fruteau, García Pérez, Gebhardt, Geringer de Oedenberg, Glante, Goebbels, Gomes, Grabowska, Grech, Groote, Gurmai, Guy-Quint, Hänsch, Hamon, Haug, Hazan, Hedh, Hedkvist Petersen, Herczog, Honeyball, Hughes, Hutchinson, Jöns, Jørgensen, Kindermann, Koterec, Kreissl-Dörfler, Kuhne, Lambrinidis, Le Foll, Leichtfried, Liberadzki, Lienemann, McAvan, McCarthy, Madeira, Maňka, Mann Erika, Martin David, Martínez Martínez, Matsouka, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Moreno Sánchez, Morgan,

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Moscovici, Muscat, Myller, Napoletano, Navarro, Obiols i Germà, Occhetto, Paasilinna, Pahor, Paleckis, Patrie, Peillon, Piecyk, Pinior, Pittella, Pleguezuelos Aguilar, Poignant, Prets, Rapkay, Reynaud, Riera Madurell, Rocard, Rosati, Rothe, Rouček, Roure, Sacconi, Sakalas, Saks, Salinas García, Sánchez Presedo, dos Santos, Savary, Schaldemose, Schapira, Scheele, Schulz, Segelström, Simpson, Siwec, Skinner, Sornosa Martínez, Stihler, Stockmann, Swoboda, Szejna, Tarabella, Tarand, Thomsen, Titley, Trautmann, Tzampazi, Van Lancker, Vaugrenard, Vergnaud, Vincenzi, Walter, Weiler, Westlund, Wiersma, Willmott, Yañez-Barnuevo García, Zingaretti

UEN: Angelilli, Aylward, Berlato, Bielan, Crowley, Czarnecki Marek Aleksander, Foltyn-Kubicka, Janowski, Kamiński, Kristovskis, Kuc, Kuźmiuk, La Russa, Libicki, Masiel, Muscardini, Ó Neachtain, Podkański, Roszkowski, Rutowicz, Ryan, Szymański, Wojciechowski Janusz

Verts/ALE: Aubert, Bennahmias, Breyer, Buitenweg, Cohn-Bendit, Cramer, Evans Jill, Frassoni, Graefe zu Baringdorf, de Groen-Kouwenhoven, Harms, Hassi, Horáček, Hudghton, Isler Béguin, Kallenbach, Kusstatscher, Lagendijk, Lambert, Lichtenberger, Lipietz, Lucas, Özdemir, Onesta, Romeva i Rueda, Rühle, Schlyter, Schroedter, Smith, Staes, Trüpel, Turmes, Voggenhuber, Ždanoka

Against: 41

GUE/NGL: Holm, Liotard, Meijer, Pafilis, Svensson, Triantaphyllides

IND/DEM: Batten, Belder, Blokland, Bonde, Clark, Coûteaux, Goudin, Lundgren, Sinnott

NI: Bobošíková, Chruszcz, Claeys, Dillen, Giertych, Gollnisch, Lang, Le Pen Marine, Le Rachinel, Martinez, Mote, Romagnoli, Schenardi, Wojciechowski Bernard Piotr

PPE-DE: Callanan, Duchoň, Fajmon, Heaton-Harris, Hökmark, Škottová, Strejček, Vlasák, Zahradil, Zvěřina

UEN: Camre, Czarnecki Ryszard

Abstention: 30

IND/DEM: Krupa, Tomczak

NI: Baco, Helmer, Martin Hans-Peter

PPE-DE: Ashworth, Atkins, Beazley, Bowis, Bradbourn, Bushill-Matthews, Chichester, Deva, Dover, Elles, Evans Jonathan, Harbour, Jackson, Kamall, McMillan-Scott, Parish, Purvis, Stevenson, Sturdy, Tannock, Van Orden

UEN: Borghezio, Grabowski, Piotrowski

Verts/ALE: van Buitenen

23. Report: Segelström A6-0453/2006

Commission proposal

For: 483

ALDE: Andrejevs, Andria, Attwooll, Beaupuy, Budreikaitė, Carlshamre, Cavada, Chatzimarkakis, Cocilovo, Cornillet, Costa, Davies, Deprez, De Sarnez, Drčar Murko, Duff, Ek, Fourtou, Geremek, Gibault, Griesbeck, Guardans Cambó, Hall, Harkin, Hennis-Plasschaert, in 't Veld, Jäätteenmäki, Jensen, Juknevičienė, Krahmer, Kułakowski, Laperrouze, Lax, Ludford, Lynne, Maaten, Manders, Matsakis, Mohácsi, Morillon, Mulder, Newton Dunn, Onyszkiewicz, Oviir, Piskorski, Polfer, Prodi, Resetarits, Ries, Riis-Jørgensen, Savi, Sbarbati, Schmidt Olle, Schuth, Staniszevska, Sterckx, Susta, Szent-Iványi, Takkula, Toia, Väyrynen, Van Hecke, Veraldi, Virrankoski, Wallis

GUE/NGL: Agnoletto, Aita, Brie, Catania, Flasarová, Henin, Kaufmann, Maštálka, Meyer Pleite, Musacchio, Papadimoulis, Pflüger, Portas, Remek, Wagenknecht, Wurtz, Zimmer

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IND/DEM: Belder, Blokland, Sinnott, Tomczak

NI: Battilocchio, Belohorská, Bobošíková, De Michelis, Martin Hans-Peter, Mussolini

PPE-DE: Albertini, Andriksen, Antoniazzi, Audy, Ayuso, Bachelot-Narquin, Barsi-Pataky, Bauer, Becsey, Belet, Berend, Böge, Bonsignore, Braghetto, Brejc, Brepoels, Březina, Busuttil, Buzek, Casa, Casini, Caspary, Castiglione, del Castillo Vera, Cederschiöld, Chmielewski, Coelho, Daul, De Blasio, Dehaene, Demetriou, Descamps, Deß, De Veyrac, Díaz de Mera García Consuegra, Dombrowski, Doorn, Doyle, Duchoň, Duka-Zólyomi, Ebner, Fajmon, Fatuzzo, Ferber, Fjellner, Florenz, Fontaine, Fraga Estévez, Freitas, Gahler, Gál, Gaľa, Galeote, García-Margallo y Marfil, Garriga Polledo, Gauzès, Gawronski, Gewalt, Glattfelder, Goepel, Gomolka, Graça Moura, Gräßle, de Grandes Pascual, Grosch, Grossetête, Guellec, Gutiérrez-Cortines, Gyürk, Handzlik, Hennicot-Schoepges, Herranz García, Hieronymi, Higgins, Hökmark, Hoppenstedt, Hudacký, Hybášková, Ibrisagic, Itälä, Iturgaiz Angulo, Jałowiecki, Járóka, Jarzembowski, Jeggle, Jordan Cizelj, Kaczmarek, Karas, Kauppi, Kelam, Klamt, Klač, Klich, Koch, Konrad, Korhola, Kratsa-Tsagaropoulou, Kudrycka, Langen, Langendries, Lauk, Lechner, Lehne, Lewandowski, Lulling, Maat, Mann Thomas, Mantovani, Mathieu, Mato Adrover, Mauro, Mavrommatis, Mayer, Mayor Oreja, Méndez de Vigo, Mikolášik, Millán Mon, Mitchell, Musotto, Nassauer, van Nistelrooij, Novak, Olajos, Olbrycht, Oomen-Ruijten, Őry, Pack, Panayotopoulos-Cassiotou, Papastamkos, Pieper, Píks, Pinheiro, Pirker, Pleštinová, Podestà, Posdorf, Posselt, Protasiewicz, Queiró, Quisthoudt-Rowohl, Rack, Radwan, Reul, Roithová, Rudi Ubeda, Rübig, Saifi, Salafranca Sánchez-Neyra, Samaras, Sartori, Schierhuber, Schnellhardt, Schöpflin, Schwab, Seeber, Seeborg, Siekierski, Silva Penada, Škottová, Sommer, Sonik, Spautz, Šťastný, Strejček, Stubb, Sudre, Surján, Szájer, Tajani, Thyssen, Toubon, Trakatellis, Ulmer, Vakalis, Varela Suanzes-Carpegna, Varvitsiotis, Vatanen, Vidal-Quadras, Vlasák, Vlasto, Weber Manfred, Weisgerber, Wieland, Wijkman, von Wogau, Wortmann-Kool, Záborská, Zahradil, Zaleski, Zappalà, Zvěřina

PSE: Arif, Ayala Sender, Badia I Cutchet, Batzeli, Berès, van den Berg, Berger, Berlinguer, Berman, Bösch, Bourzai, Bullmann, Busquin, Calabuig Rull, Capoulas Santos, Carlotti, Carnero González, Casaca, Cashman, Castex, Cercas, Chiesa, Christensen, Corbett, Corbey, Correia, Cottigny, De Keyser, De Rosa, Désir, De Vits, Dobolyi, Douay, Dührkop, Dührkop, Estrela, Ettl, Fazakas, Fernandes, Ferreira Anne, Ferreira Elisa, Fruteau, García Pérez, Gebhardt, Geringer de Oedenberg, Glante, Goebbels, Gomes, Grabowska, Grech, Groote, Gurmai, Guy-Quint, Hänsch, Hamon, Haug, Hazan, Herczog, Honeyball, Hughes, Hutchinson, Jöns, Jørgensen, Kindermann, Koterec, Kreissl-Dörfler, Kuhne, Lambrinidis, Le Foll, Leichtfried, Liberadzki, Lienemann, McAvan, McCarthy, Madeira, Maňka, Mann Erika, Martin David, Martínez Martínez, Matsouka, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Moreno Sánchez, Morgan, Moscovici, Muscat, Myller, Napolitano, Navarro, Obiols i Germà, Occhetto, Paasilinna, Pahor, Paleckis, Panzeri, Patrie, Peillon, Piecyk, Pinior, Pittella, Pleguezuelos Aguilar, Poignant, Prets, Rapkay, Reynaud, Riera Madurell, Rocard, Rosati, Rothe, Rouček, Roure, Sacconi, Sakalas, Saks, Salinas García, Sánchez Presedo, dos Santos, Savary, Schaldemose, Schapira, Scheele, Segelström, Simpson, Siwiec, Skinner, Sornosa Martínez, Stihler, Stockmann, Swoboda, Szejna, Tarabella, Tarand, Thomsen, Titley, Trautmann, Tzampazi, Van Lancker, Vaugrenard, Vergnaud, Vincenzi, Walter, Weiler, Westlund, Wiersma, Willmott, Yañez-Barnuevo García, Zingaretti

UEN: Angelilli, Aylward, Berlato, Bielan, Crowley, Czarnecki Marek Aleksander, Czarnecki Ryszard, Foltyn-Kubicka, Janowski, Kristovskis, Kuc, La Russa, Libicki, Masiel, Muscardini, Ó Neachtain, Roszkowski, Rutowicz, Ryan, Szymański

Verts/ALE: Aubert, Bennahmias, Breyer, Buitenweg, Cohn-Bendit, Cramer, Evans Jill, Frassoni, Graefe zu Baringdorf, de Groen-Kouwenhoven, Harms, Hassi, Horáček, Hudghton, Isler Béguin, Kallenbach, Kusstatscher, Lagendijk, Lambert, Lichtenberger, Lipietz, Lucas, Özdemir, Onesta, Romeva i Rueda, Rühle, Schroedter, Smith, Staes, Trüpel, Turmes, Voggenhuber, Ždanoka

Against: 54

GUE/NGL: Figueiredo, Guerreiro, Holm, Liotard, Meijer, Pafilis, Seppänen, Svensson, Triantaphyllides

IND/DEM: Batten, Bonde, Clark, Coûteaux, Goudin, Lundgren

NI: Chruszcz, Claeys, Dillen, Giertych, Gollnisch, Helmer, Lang, Le Pen Marine, Le Rachinel, Martinez, Mote, Romagnoli, Schenardi, Wojciechowski Bernard Piotr

PPE-DE: Ashworth, Atkins, Bowis, Bradbourn, Bushill-Matthews, Callanan, Chichester, Deva, Dover, Elles, Evans Jonathan, Harbour, Heaton-Harris, Jackson, Kamall, Kirkhope, McMillan-Scott, Parish, Pomés Ruiz, Purvis, Stevenson, Sturdy, Tannock, Van Orden

Verts/ALE: Schlyter

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Abstention: 8**GUE/NGL:** de Brún, McDonald**IND/DEM:** Krupa**NI:** Baco**UEN:** Camre, Kamiński, Piotrowski**Verts/ALE:** van Buitenen**24. Report: Seppänen A6-0397/2006****Amendment 27****For: 250**

ALDE: Andrejevs, Andria, Attwooll, Cocilovo, Costa, Davies, Duff, Ek, Geremek, Guardans Cambó, Hall, Harkin, in 't Veld, Jääteenmäki, Jensen, Juknevičienė, Kułakowski, Lax, Ludford, Lynne, Matsakis, Newton Dunn, Onyszkiewicz, Piskorski, Prodi, Resetarits, Riis-Jørgensen, Sbarbati, Sterckx, Susta, Szent-Iványi, Takkula, Toia, Väyrynen, Van Hecke, Veraldi, Virrankoski, Wallis

GUE/NGL: Agnoletto, Aita, Catania, de Brún, McDonald, Meijer, Musacchio, Papadimoulis, Pflüger, Portas, Triantaphyllides, Wagenknecht

IND/DEM: Clark, Goudin, Krupa, Sinnott, Tomczak**NI:** Battilocchio, Chruszcz, De Michelis, Giertych, Martin Hans-Peter, Wojciechowski Bernard Piotr**PPE-DE:** Doyle, Karas, Mauro, Papastamkos, Pirker, Rack, Rübig, Schierhuber, Seeber, Seeberg, Škottová

PSE: Arif, Ayala Sender, Badia I Cutchet, Batzeli, Berès, van den Berg, Berger, Berlinguer, Berman, Bösch, Bourzai, Bullmann, Busquin, Calabuig Rull, Capoulas Santos, Carlotti, Carnero González, Casaca, Cashman, Castex, Cercas, Chiesa, Christensen, Corbett, Corbey, Correia, Cottigny, De Keyser, De Rossa, Désir, De Vits, Dobolyi, Douay, Dührkop Dührkop, Ettl, Fernandes, Ferreira Anne, Ferreira Elisa, Fruteau, García Pérez, Gebhardt, Geringer de Oedenberg, Glante, Goebbels, Gomes, Grabowska, Grech, Groote, Gurmai, Guy-Quint, Hänsch, Hamon, Hazan, Hedh, Hedkvist Petersen, Honeyball, Hughes, Hutchinson, Jöns, Jørgensen, Kindermann, Koterec, Kuhne, Lambrinidis, Le Foll, Leichtfried, Lienemann, McAvan, McCarthy, Madeira, Mañka, Mann Erika, Martin David, Martínez Martínez, Mastenbroek, Matsouka, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Moreno Sánchez, Morgan, Moscovici, Muscat, Myller, Napolitano, Navarro, Obiols i Germà, Occhetto, Paasilinna, Pahor, Paleckis, Panzeri, Patrie, Peillon, Pinior, Pittella, Pleguezuelos Aguilar, Poignant, Prets, Rapkay, Reynaud, Riera Madurell, Rocard, Rosati, Rothe, Rouček, Sacconi, Sakalas, Saks, Salinas García, Sánchez Presedo, dos Santos, Savary, Schaldemose, Schapira, Scheele, Schulz, Segelström, Simpson, Siwiec, Skinner, Sornosa Martínez, Stihler, Stockmann, Swoboda, Szejna, Tarabella, Tarand, Thomsen, Trautmann, Tzampazi, Van Lancker, Vaugrenard, Vergnaud, Vincenzi, Walter, Weiler, Westlund, Wiersma, Willmott, Yañez-Barnuevo García, Zingaretti

UEN: Camre, Kuc

Verts/ALE: Aubert, Bennahmias, Breyer, Buitenweg, Cohn-Bendit, Cramer, Evans Jill, Frassoni, Graefe zu Baringdorf, de Groen-Kouwenhoven, Harms, Hassi, Horáček, Hudghton, Isler Béguin, Kallenbach, Kusstatscher, Lagendijk, Lambert, Lichtenberger, Lipietz, Lucas, Özdemir, Onesta, Romeva i Rueda, Rühle, Schlyter, Schroedter, Smith, Staes, Trüpel, Turmes, Voggenhuber, Ždanoka

Against: 271

ALDE: Beaupuy, Carlshamre, Cavada, Chatzimakakis, Cornillet, Deprez, De Sarnez, Drčar Murko, Fourtou, Gibault, Griesbeck, Hennis-Plasschaert, Krahmer, Laperrouze, Maaten, Manders, Morillon, Mulder, Polfer, Ries, Schmidt Olle, Schuth

GUE/NGL: Brie, Flasarová, Henin, Holm, Kaufmann, Liotard, Maštálka, Meyer Pleite, Pafilis, Ransdorf, Remek, Seppänen, Svensson, Wurtz, Zimmer

IND/DEM: Belder, Blokland, Bonde, Lundgren**NI:** Bobošíková, Claeys, Dillen, Mote, Mussolini, Romagnoli, Schenardi

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PPE-DE: Albertini, Andrikienė, Antoniozzi, Ashworth, Atkins, Audy, Ayuso, Bachelot-Narquin, Barsi-Pataky, Bauer, Beazley, Becsey, Belet, Berend, Böge, Bonsignore, Bowis, Bradbourn, Braghetto, Brejc, Brepoels, Březina, Bushill-Matthews, Busuttil, Buzek, Callanan, Casa, Casini, Caspary, Castiglione, del Castillo Vera, Cederschiöld, Chichester, Chmielewski, Coelho, Daul, De Blasio, Dehaene, Demetriotou, Descamps, Deß, Deva, De Veyrac, Díaz de Mera García Consuegra, Dombrovskis, Doorn, Dover, Duchoň, Duka-Zólyomi, Ebner, Ehler, Elles, Evans Jonathan, Fajmon, Fatuzzo, Ferber, Fjellner, Florenz, Fontaine, Fraga Estévez, Freitas, Gähler, Gál, Gaľa, Galeote, García-Margallo y Marfil, Garriga Polledo, Gauzès, Gawronski, Gewalt, Glattfelder, Gomolka, Graça Moura, Gräßle, de Grandes Pascual, Grosch, Grossetête, Guellec, Gutiérrez-Cortines, Gyürk, Handzlik, Harbour, Heaton-Harris, Hennicot-Schoepges, Herranz García, Hieronymi, Higgins, Hökmark, Hoppenstedt, Hudacký, Hybášková, Ibrisagic, Itälä, Iturgaiz Angulo, Jackson, Jałowiecki, Járóka, Jeggle, Jordan Cizelj, Kaczmarek, Kamall, Kauppi, Kelam, Kirkhope, Klamt, Klaş, Klich, Koch, Konrad, Korhola, Kratsa-Tsagaropoulou, Kudrycka, Langen, Langendries, Lauk, Lechner, Lehne, Lewandowski, Liese, Lulling, Maat, McMillan-Scott, Mann Thomas, Mantovani, Mathieu, Mato Adrover, Mavrommatis, Mayer, Mayor Oreja, Méndez de Vigo, Mikolášik, Millán Mon, Mitchell, Musotto, Nassauer, van Nistelrooij, Novak, Olajos, Olbrycht, Oomen-Ruijten, Őry, Pack, Panayotopoulos-Cassiotou, Parish, Pieper, Pīks, Pinheiro, Plešinská, Podestà, Pomés Ruiz, Posdorf, Protasiewicz, Purvis, Queiró, Quisthoudt-Rowohl, Radwan, Reul, Roithová, Rudi Ubeda, Saïfi, Salafranca Sánchez-Neyra, Samaras, Sartori, Schnellhardt, Schöpflin, Schwab, Siekierski, Silva Peneda, Sommer, Spautz, Štastný, Stevenson, Strejček, Stubb, Sturdy, Sudre, Surján, Szájer, Tajani, Tannock, Thyssen, Trakatellis, Ulmer, Vakalis, Van Orden, Varela Suanzes-Carpegna, Varvitsiotis, Vatanen, Vidal-Quadras, Vlasák, Vlasto, Weber Manfred, Weisgerber, Wieland, Wijkman, von Wogau, Wortmann-Kool, Záborská, Zahradil, Zaleski, Zappalà, Zvěřina

UEN: Angelilli, Aylward, Berlato, Bielan, Borghezio, Czarnecki Marek Aleksander, Czarnecki Ryszard, Foltyn-Kubicka, Janowski, Kamiński, Kristovskis, La Russa, Libicki, Masiel, Muscardini, Ó Neachtain, Roszkowski, Rutowicz, Ryan, Wojciechowski Janusz

Abstention: 9

GUE/NGL: Figueiredo, Guerreiro

NI: Baco, Belohorská

PSE: Estrela, Fazakas, Roure, Titley

Verts/ALE: van Buitenen

Corrections to votes

For

Martine Roure

Against

Karin Riis-Jørgensen

25. Report: Morgan A6-0426/2006

Amendment 9

For: 224

ALDE: Andrejevs, Beupuy, Cavada, Chatzimarkakis, Costa, Deprez, De Sarnez, Fourtou, Gibault, Griesbeck, Jensen, Laperrouze, Maaten, Manders, Morillon, Mulder, Onyszkiewicz, Piskorski, Ries, Riis-Jørgensen, Sbarbati, Schmidt Olle, Schuth, Szent-Iványi, Virrankoski

GUE/NGL: Henin, Wurtz

IND/DEM: Belder, Blokland, Krupa, Sinnott, Tomczak

NI: Chruszcz, Giertych, Mussolini, Wojciechowski Bernard Piotr

Thursday, 14 December 2006

PPE-DE: Albertini, Andriksen, Antoniazzi, Ashworth, Atkins, Audy, Ayuso, Bachelot-Narquin, Bauer, Beazley, Becsey, Berend, Böge, Bonsignore, Bowis, Braghetto, Brejc, Brežina, Bushill-Matthews, Busuttil, Buzek, Callanan, Casa, Casini, Caspary, Castiglione, del Castillo Vera, Cederschiöld, Chichester, Chmielewski, Coelho, Daul, De Blasio, Dehaene, Demetriou, Descamps, Deß, Deva, De Veyrac, Díaz de Mera García Consuegra, Dombrowski, Doorn, Dover, Duka-Zólyomi, Ebner, Ehler, Elles, Evans Jonathan, Fatuzzo, Ferber, Fjellner, Florenz, Fontaine, Fraga Estévez, Freitas, Gahler, Gál, Gaľa, Galeote, García-Margallo y Marfil, Garriga Polledo, Gauzès, Gawronski, Gewalt, Glattfelder, Gomolka, Graça Moura, Gräßle, de Grandes Pascual, Grosch, Grossetête, Guellec, Gutiérrez-Cortines, Gyürk, Handzlik, Harbour, Heaton-Harris, Herranz García, Hieronymi, Hökmark, Hoppenstedt, Hudacký, Hybášková, Ibrisagic, Itälä, Iturgaiz Angulo, Jackson, Jałowiecki, Járóka, Jeggle, Jordan Cizelj, Kaczmarek, Kamall, Kauppi, Kelam, Kirkhope, Klamt, Klač, Klich, Koch, Konrad, Korhola, Kratsa-Tsagaropoulou, Kudrycka, Langen, Langendries, Lauk, Lechner, Lehne, Lewandowski, Liese, Lulling, Maat, McMillan-Scott, Mann Thomas, Mantovani, Mathieu, Mato Adrover, Mauro, Mayer, Mayor Oreja, Méndez de Vigo, Mikolášik, Millán Mon, Musotto, Nassauer, van Nistelrooij, Novak, Olajos, Olbrycht, Oomen-Ruijten, Őry, Pack, Parish, Pieper, Píks, Pinheiro, Pleštinská, Podestà, Posdorf, Posselt, Protasiewicz, Purvis, Queiró, Quisthoudt-Rowohl, Radwan, Reul, Roithová, Rudi Ubeda, Saïfi, Salafranca Sánchez-Neyra, Schnellhardt, Schöpf, Schwab, Siekierski, Silva Peneda, Sonik, Spautz, Štátný, Stevenson, Stubb, Sturdy, Sudre, Surján, Szájer, Tajani, Tannock, Thyssen, Toubon, Ulmer, Van Orden, Vatanen, Vidal-Quadras, Vlasto, Weber Manfred, Weisgerber, Wieland, von Wogau, Záborská, Zaleski, Zappalà

PSE: Glante, Goebbels, Maňka, Vaugrenard, Vergnaud

UEN: Camre, Czarnecki Marek Aleksander

Against: 228

ALDE: Andria, Attwooll, Carlshamre, Davies, Drčar Murko, Duff, Ek, Guardans Cambó, Hall, Harkin, in 't Veld, Jääteenmäki, Lax, Ludford, Lynne, Matsakis, Polfer, Prodi, Resetarits, Sterckx, Susta, Toia, Veraldi, Wallis

GUE/NGL: Agnoletto, Aita, Brie, Catania, de Brún, Figueiredo, Flasarová, Guerreiro, Holm, Liotard, McDonald, Maštálka, Meijer, Meyer Pleite, Musacchio, Pafilis, Pflüger, Ransdorf, Remek, Seppänen, Svensson, Triantaphyllides, Wagenknecht

IND/DEM: Batten, Bonde, Clark, Goudin, Lundgren

NI: Battilocchio, De Michelis, Martin Hans-Peter

PPE-DE: Doyle, Hennicot-Schoepges, Higgins, Karas, Mavrommatis, Panayotopoulos-Cassiotou, Papastamkos, Rack, Rübig, Samaras, Schierhuber, Seiber, Seiber, Trakatellis, Vakalis, Varvitsiotis

PSE: Arif, Ayala Sender, Badia I Cutchet, Batzeli, van den Berg, Berger, Berlinguer, Berman, Bösch, Bourzai, Bullmann, Busquin, Calabuig Rull, Carlotti, Carnero González, Casaca, Cashman, Cercas, Chiesa, Christensen, Corbett, Corbey, Correia, De Keyser, De Rossa, Désir, De Vits, Dobolyi, Dührkop Dührkop, Estrela, Ettl, Fernandes, Ferreira Elisa, García Pérez, Gebhardt, Geringer de Oedenberg, Gomes, Grabowska, Grech, Groote, Gurmai, Hänsch, Hedh, Hedkvist Petersen, Honeyball, Hughes, Hutchinson, Jöns, Jørgensen, Kindermann, Koterec, Kuhne, Lambrinidis, Leichtfried, McAvan, Madeira, Mann Erika, Martin David, Martínez Martínez, Mastenbroek, Matsouka, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Morgan, Moscovici, Muscat, Myller, Napoletano, Obiols i Germà, Occhetto, Paasilinna, Pahor, Paleckis, Panzeri, Piecyk, Pinior, Pittella, Pleguezuelos Aguilar, Poignant, Prets, Rapkay, Riera Madurell, Rosati, Rothe, Rouček, Roure, Sacconi, Sakalas, Saks, Salinas García, Sánchez Presedo, dos Santos, Schaldemose, Scheele, Schulz, Segelström, Siwiec, Skinner, Sornosa Martínez, Stockmann, Szejna, Tarabella, Tarand, Thomsen, Titley, Tzampazi, Van Lancker, Vincenzi, Walter, Weiler, Westlund, Wiersma, Willmott, Yañez-Barnuevo García, Zingaretti

UEN: Aylward, Crowley, Janowski, Kristovskis, Kuc, Masiel, Ó Neachtain, Rutowicz

Verts/ALE: Aubert, Bennahmias, Breyer, Buitenweg, Cohn-Bendit, Cramer, Evans Jill, Frassoni, Graefe zu Baringdorf, de Groen-Kouwenhoven, Harms, Hassi, Horáček, Isler Béguin, Kallenbach, Kustatscher, Lagendijk, Lambert, Lichtenberger, Lipietz, Lucas, Özdemir, Onesta, Romeva i Rueda, Rühle, Schlyter, Schroedter, Smith, Staes, Trüpel, Turmes, Voggenhuber, Ždanoka

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Abstention: 58

ALDE: Cocilovo, Geremek, Krahmer, Kułakowski, Newton Dunn, Savi, Staniszevska, Takkula, Väyrynen

GUE/NGL: Kaufmann

NI: Baco, Bobošíková, Claeys, Martinez, Mote, Romagnoli, Schenardi

PPE-DE: Belet, Brepoels, Duchoň, Fajmon, Mitchell, Škottová, Strejček, Vlasák, Wijkman, Zahradil, Zvěřina

PSE: Berès, Capoulas Santos, Castex, Cottigny, Douay, Ferreira Anne, Fruteau, Guy-Quint, Hamon, Hazan, Le Foll, Lienemann, Navarro, Patrie, Peillon, Reynaud, Savary, Schapira, Trautmann

UEN: Berlato, Bielan, Borghezio, Czarnecki Ryszard, Foltyn-Kubicka, Kamiński, Libicki, Muscardini, Roszkowski, Wojciechowski Janusz

Verts/ALE: van Buitenen

Corrections to votes

For

Corien Wortmann-Kool

Against

Jens-Peter Bonde, Carlos Coelho, Rodi Kratsa-Tsagaropoulou

Abstention

Harlem Désir, Marie-Arlette Carlotti, Bernard Poignant, Kader Arif, Bernadette Bourzai, Simon Busuttil

26. Report: Morgan A6-0426/2006

Paragraph 37/1

For: 479

ALDE: Andrejevs, Attwooll, Beaupuy, Budreikaitė, Carlshamre, Cavada, Chatzimarkakis, Cocilovo, Costa, Davies, Deprez, De Sarnez, Drčar Murko, Duff, Ek, Fourtou, Geremek, Gibault, Griesbeck, Guardans Cambó, Hall, Harkin, in 't Veld, Jäätteenmäki, Jensen, Juknevičienė, Krahmer, Kułakowski, Laperrouze, Lax, Ludford, Lynne, Maaten, Manders, Matsakis, Morillon, Mulder, Newton Dunn, Onyszkiewicz, Piskorski, Polfer, Prodi, Resetarits, Ries, Savi, Sbarbati, Schmidt Olle, Schuth, Staniszevska, Sterckx, Susta, Szent-Iványi, Takkula, Toia, Väyrynen, Veraldi, Virrankoski, Wallis

GUE/NGL: Agnoletto, Aita, Catania, de Brún, Flasarová, Holm, Kaufmann, McDonald, Maštálka, Meijer, Meyer Pleite, Musacchio, Pflüger, Ransdorf, Remek, Seppänen, Svensson, Triantaphyllides, Wagenknecht, Wurtz

IND/DEM: Belder, Blokland, Krupa, Sinnott, Tomczak

NI: Battilocchio, Belohorská, Chruszcz, Claeys, De Michelis, Giertych, Martin Hans-Peter, Mussolini, Wojciechowski Bernard Piotr

PPE-DE: Albertini, Andrikenė, Antoniozzi, Ashworth, Atkins, Audy, Ayuso, Bachelot-Narquin, Barsi-Pataky, Bauer, Beazley, Becsey, Belet, Berend, Böge, Bonsignore, Bowis, Braghetto, Brejc, Brepoels, Brézina, Bushill-Matthews, Buzek, Casa, Casini, Caspary, Castiglione, del Castillo Vera, Cederschiöld, Chichester, Chmielewski, Coelho, Daul, De Blasio, Dehaene, Demetriou, Descamps, Deß, Deva, De Veyrac, Díaz de Mera García Consuegra, Dombrowskis, Doorn, Dover, Doyle, Duka-Zólyomi, Ebner, Elles, Evans Jonathan, Fatuzzo, Ferber, Fjellner, Florenz, Fraga Estévez, Freitas, Gähler, Gál, Gaľa, García-Margallo y Marfil, Garriga Polledo, Gauzès, Gewalt, Glattfelder, Gomolka, Graça Moura, Gräßle, de Grandes Pascual, Grosch, Grossetête, Guellec, Gutiérrez-Cortines, Gyürk, Handzik, Harbour, Hennicot-Schoepges, Herranz García, Hieronymi, Higgins, Hökmark, Hoppenstedt, Hudacký, Hybášková, Ibrisagic, Itälä, Iturgaiz Angulo, Jackson, Jałowiecki, Járóka, Jeggle, Jordan Cizelj, Kaczmarek, Karas, Kauppi, Kelam, Kirkhope, Klamt, Klač, Klich, Koch, Konrad, Korhola,

Thursday, 14 December 2006

Kratsa-Tsagaropoulou, Kudrycka, Langen, Lauk, Lechner, Lehne, Lewandowski, Liese, Lulling, Maat, McMillan-Scott, Mann Thomas, Mantovani, Mathieu, Mato Adrover, Mavrommatis, Mayer, Mayor Oreja, Méndez de Vigo, Mikolášik, Millán Mon, Mitchell, Musotto, Nassauer, van Nistelrooij, Novak, Olajos, Olbrycht, Oomen-Ruijten, Öry, Pack, Panayotopoulos-Cassiotou, Papastamkos, Parish, Pieper, Píks, Pinheiro, Pleštinská, Podestà, Posdorf, Posselt, Protasiewicz, Purvis, Queiró, Quisthoudt-Rowohl, Rack, Radwan, Reul, Roithová, Rudi Ubeda, Rübig, Saïfi, Salafranca Sánchez-Neyra, Samaras, Schnellhardt, Schöpflin, Schwab, Seeber, Siekierski, Silva Peneda, Sonik, Spautz, Šťastný, Stevenson, Stubb, Sturdy, Sudre, Surján, Szájer, Tajani, Tannock, Thyssen, Toubon, Trakatellis, Ulmer, Vakalis, Van Orden, Varvitsiotis, Vatanen, Vidal-Quadras, Vlasto, Weber Manfred, Weisgerber, Wieland, Wijkman, von Wogau, Wortmann-Kool, Zaleski, Zappalà

PSE: Arif, Ayala Sender, Badia I Cutchet, Batzeli, Berès, van den Berg, Berger, Berlinguer, Berman, Bösch, Bourzai, Bullmann, Busquin, Calabuig Rull, Capoulas Santos, Carlotti, Carnero González, Casaca, Cashman, Castex, Cercas, Chiesa, Christensen, Corbett, Corbey, Correia, Cottigny, De Keyser, De Rossa, Désir, De Vits, Dobolyi, Douay, Dührkop Dührkop, Estrela, Ettl, Fazakas, Fernandes, Ferreira Anne, Ferreira Elisa, Fruteau, García Pérez, Gebhardt, Geringer de Oedenberg, Glante, Goebbels, Gomes, Grabowska, Grech, Groote, Gurmai, Guy-Quint, Hänsch, Hamon, Haug, Hazan, Hedh, Hedkvist Petersen, Herczog, Honeyball, Hughes, Hutchinson, Jöns, Jørgensen, Kindermann, Koterec, Kuhne, Lambrinidis, Le Foll, Leichtfried, Lienemann, McAvan, Madeira, Mañka, Mann Erika, Martin David, Martínez Martínez, Mastenbroek, Matsouka, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Moreno Sánchez, Morgan, Moscovici, Muscat, Myller, Napolitano, Navarro, Obiols i Germà, Occhetto, Paasilinna, Pahor, Paleckis, Panzeri, Patrie, Peillon, Piecyk, Pittella, Poignant, Prets, Rapkay, Reynaud, Riera Madurell, Rosati, Rothe, Rouček, Roure, Sacconi, Sakalas, Saks, Salinas García, Sánchez Presedo, dos Santos, Savary, Schaldemose, Schapira, Scheele, Schulz, Segelström, Simpson, Siwiec, Skinner, Sornosa Martínez, Stockmann, Swoboda, Szejna, Tarabella, Tarand, Thomsen, Titley, Trautmann, Tzampazi, Van Lancker, Vaugrenard, Vergnaud, Vincenzi, Walter, Weiler, Westlund, Wiersma, Willmott, Yañez-Barnuevo García, Zingaretti

UEN: Angelilli, Aylward, Berlato, Bielan, Borghezio, Camre, Crowley, Czarnecki Marek Aleksander, Czarnecki Ryszard, Foltyn-Kubicka, Janowski, Kamiński, Kristovskis, Kuc, La Russa, Libicki, Masiel, Ó Neachtain, Roszkowski, Rutowicz, Wojciechowski Janusz

Verts/ALE: Aubert, Bennahmias, Buitenweg, Cohn-Bendit, Cramer, Evans Jill, Frassoni, Graefe zu Baringdorf, de Groen-Kouwenhoven, Harms, Hassi, Horáček, Isler Béguin, Kallenbach, Kusstatscher, Lagendijk, Lambert, Lichtenberger, Lipietz, Lucas, Özdemir, Onesta, Romeva i Rueda, Rühle, Schlyter, Schroedter, Smith, Staes, Trüpel, Turmes, Voggenhuber, Ždanoka

Against: 16

ALDE: Andria

GUE/NGL: Brie, Henin, Pafilis

IND/DEM: Batten, Clark, Goudin, Lundgren

NI: Bobošíková

PPE-DE: Duchoň, Seeberg, Škottová, Strejček, Vlasák, Zahradil, Zvěřina

Abstention: 8

GUE/NGL: Figueiredo, Guerreiro, Liotard

NI: Martinez, Romagnoli, Schenardi

PPE-DE: Schierhuber

Verts/ALE: van Buitenen

Corrections to votes

For

Jens-Peter Bonde

Thursday, 14 December 2006

27. Report: Morgan A6-0426/2006**Paragraph 37/2****For: 260**

ALDE: Andrejevs, Attwooll, Beaupuy, Budreikaitė, Carlshamre, Cavada, Cocilovo, Costa, Davies, Deprez, De Sarnez, Drčar Murko, Duff, Ek, Fourtou, Geremek, Gibault, Griesbeck, Guardans Cambó, Hall, Harkin, in 't Veld, Jäätteenmäki, Jensen, Juknevičienė, Kułakowski, Laperrouze, Lax, Lynne, Maaten, Manders, Matsakis, Morillon, Mulder, Newton Dunn, Onyszkiewicz, Piskorski, Polfer, Prodi, Resetarits, Ries, Savi, Sbarbati, Schmidt Olle, Staniszewska, Sterckx, Susta, Szent-Iványi, Takkula, Toia, Väyrynen, Veraldi, Virrankoski, Wallis

GUE/NGL: Agnoletto, Aita, Brie, Catania, de Brún, Guerreiro, Henin, Holm, McDonald, Musacchio, Ransdorf, Remek, Svensson

NI: Battilocchio, Belohorská, De Michelis, Martin Hans-Peter, Mussolini

PPE-DE: Bachelot-Narquin, Brepoels, Doyle, Higgins, Hökmark, Liese, Panayotopoulos-Cassiotou, Papastamkos, Saifi, Schierhuber, Seeberg, Sonik, Wijkman

PSE: Arif, Ayala Sender, Badia I Cutchet, Batzeli, Berès, van den Berg, Berger, Berlinguer, Berman, Bösch, Bourzai, Bullmann, Busquin, Calabuig Rull, Capoulas Santos, Carlotti, Carnero González, Casaca, Cashman, Castex, Cercas, Chiesa, Christensen, Corbett, Corbey, Correia, Cottigny, De Keyser, De Rossa, Désir, De Vits, Douay, Dührkop Dührkop, Ettl, Fazakas, Fernandes, Ferreira Anne, Ferreira Elisa, Fruteau, García Pérez, Gebhardt, Geringer de Oedenberg, Glante, Goebbels, Gomes, Grech, Groote, Gurmai, Guy-Quint, Hänsch, Hamon, Haug, Hazan, Hedh, Hedkvist Petersen, Herczog, Honeyball, Hughes, Hutchinson, Jóns, Jørgensen, Kindermann, Koterec, Kuhne, Lambrinidis, Le Foll, Leichtfried, Lienemann, McAvan, Madeira, Mańka, Mann Erika, Martin David, Martínez Martínez, Mastenbroek, Matsouka, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Moreno Sánchez, Morgan, Moscovici, Muscat, Myller, Napoletano, Navarro, Obiols i Germà, Occhetto, Paasilinna, Pahor, Paleckis, Panzeri, Patrie, Peillon, Piecyk, Pittella, Poignant, Prets, Rapkay, Reynaud, Riera Madurell, Rosati, Rothe, Rouček, Roue, Sacconi, Sakalas, Saks, Salinas García, Sánchez Presedo, dos Santos, Savary, Schaldemose, Schapira, Scheele, Schulz, Segelström, Simpson, Siwiec, Skinner, Sornosa Martínez, Stockmann, Swoboda, Szejna, Tarabella, Tarand, Thomsen, Titley, Trautmann, Tzampazi, Van Lancker, Vaugrenard, Vergnaud, Vincenzi, Walter, Weiler, Westlund, Wiersma, Willmott, Yañez-Barnuevo García, Zingaretti

UEN: Kuc

Verts/ALE: Aubert, Bennahmias, Breyer, Buitenweg, Cohn-Bendit, Cramer, Evans Jill, Frassoni, Graefe zu Baringdorf, de Groen-Kouwenhoven, Harms, Hassi, Horáček, Isler Béguin, Kallenbach, Kusstatscher, Lagendijk, Lambert, Lichtenberger, Lipietz, Lucas, Özdemir, Onesta, Romeva i Rueda, Rühle, Schlyter, Schroedter, Smith, Staes, Trüpel, Turmes, Voggenhuber, Ždanoka

Against: 236

ALDE: Andria, Chatzimarkakis, Krahmer, Schuth

GUE/NGL: Figueiredo, Kaufmann, Liotard, Maštálka, Meijer, Meyer Pleite, Pafilis, Pflüger, Seppänen, Triantaphyllides, Wagenknecht, Wurtz

IND/DEM: Batten, Belder, Blokland, Clark, Goudin, Krupa, Lundgren, Sinnott, Tomczak

NI: Bobošíková, Chruszcz, Claeys, Giertych, Romagnoli, Schenardi, Wojciechowski Bernard Piotr

PPE-DE: Albertini, Andrikienė, Antoniozzi, Ashworth, Atkins, Audy, Ayuso, Barsi-Pataky, Bauer, Beazley, Becsey, Belet, Berend, Böge, Bonsignore, Bowis, Braghetto, Brejc, Brezina, Bushill-Matthews, Buzek, Casa, Casini, Caspary, Castiglione, del Castillo Vera, Cederschiöld, Chichester, Chmielewski, Coelho, Daul, De Blasio, Dehaene, Demetriou, Descamps, Deß, Deva, De Veyrac, Díaz de Mera García Consuegra, Dombrovskis, Doorn, Dover, Duchoň, Duka-Zólyomi, Ebner, Elles, Evans Jonathan, Fajmon, Fatuzzo, Ferber, Fjellner, Florenz, Fraga Estévez, Freitas, Gahler, Gál, Gaľa, Galeote, García-Margallo y Marfil, Garriga Polledo, Gauzès, Gewalt, Glattfelder, Gomolka, Graça Moura, Gräßle, de Grandes Pascual, Grosch, Grossetête, Guellec, Gutiérrez-Cortines, Gyürk, Handzlik, Harbour, Hennicot-Schoepges, Herranz García, Hieronymi, Hoppenstedt, Hudacký, Hybášková, Ibrisagic, Itälä, Iturgaiz Angulo, Jackson, Jałowiecki, Járóka, Jeggle,

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Jordan Cizelj, Kaczmarek, Karas, Kauppi, Kelam, Kirkhope, Klamt, Klauf, Klich, Koch, Konrad, Korhola, Kratsa-Tsagaropoulou, Kudrycka, Langen, Lauk, Lechner, Lehne, Lewandowski, Lulling, Maat, McMillan-Scott, Mann Thomas, Mantovani, Mathieu, Mato Adrover, Mauro, Mavrommatis, Mayer, Mayor Oreja, Méndez de Vigo, Mikolášik, Millán Mon, Mitchell, Musotto, Nassauer, van Nistelrooij, Novak, Olajos, Olbrycht, Oomen-Ruijten, Őry, Pack, Parish, Pieper, Píks, Pinheiro, Pleštinská, Podestà, Posdorf, Posselt, Protasiewicz, Purvis, Queiró, Quisthoudt-Rowohl, Rack, Radwan, Roithová, Rudi Ubeda, Rübig, Salafranca Sánchez-Neyra, Samaras, Schnellhardt, Schöpflin, Schwab, Seeber, Siekierski, Silva Peneda, Škottová, Spautz, Šťastný, Stevenson, Strejček, Stubb, Sturdy, Sudre, Surján, Szájer, Tajani, Tannock, Thyssen, Toubon, Ulmer, Vakalis, Van Orden, Varvitsiotis, Vlasák, Vlasto, Weber Manfred, Weisgerber, Wieland, von Wogau, Wortmann-Kool, Záborská, Zahradil, Zaleski, Zappalà, Zvěřina

UEN: Angelilli, Aylward, Berlato, Bielan, Borghezio, Camre, Crowley, Czarnecki Marek Aleksander, Foltyn-Kubicka, Janowski, Kamiński, Kristovskis, La Russa, Libicki, Masiel, Ó Neachtain, Roszkowski, Rutowicz, Wojciechowski Janusz

Abstention: 3

GUE/NGL: Flasarová

NI: Martinez

Verts/ALE: van Buitenen

Corrections to votes

For

Jens-Peter Bonde

28. RC — B6-0647/2006 — Burma

Resolution

For: 65

ALDE: Beaupuy, Matsakis, Onyszkiewicz

GUE/NGL: Catania, Meijer, Pflüger

IND/DEM: Bonde, Krupa, Sinnott

NI: Martin Hans-Peter, Wojciechowski Bernard Piotr

PPE-DE: Andrikienė, Bauer, Bowis, Březina, Chichester, Daul, Deß, Deva, Duka-Zólyomi, Gahler, Gauzès, Gomolka, Grossetête, Kaczmarek, Karas, Kratsa-Tsagaropoulou, Lulling, Mann Thomas, Mathieu, Mavrommatis, Mayer, Pleštinská, Posselt, Purvis, Roithová, Sudre, Tajani, Tannock, Vatanen, Wieland, Záborská, Zaleski

PSE: Arif, Ayala Sender, Berès, Bourzai, Bullmann, Casaca, Cashman, Geringer de Oedenberg, Martínez Martínez, Pinior, Roure, Sakalas, Sánchez Presedo, Scheele, Tarabella, Trautmann

UEN: Libicki, Rutowicz

Verts/ALE: Lambert, Onesta, Romeva i Rueda, Smith

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TEXTS ADOPTED**P6_TA(2006)0570****Draft general budget for 2007, amended by the Council (all sections)**

European Parliament resolution on the draft general budget of the European Union for the financial year 2007 as modified by the Council (all sections) (15637/2006 — C6-0442/2006 — 2006/2018(BUD) — 2006/2018B(BUD)) and Letters of Amendment Nos 1/2007 (SEC(2006)0762), 2/2007 (13886/2006 — C6-0341/2006) and 3/2007 (15636/2006 — C6-0443/2006) to the draft general budget of the European Union for the financial year 2007

The European Parliament,

- having regard to Article 272 of the EC Treaty and Article 177 of the Euratom Treaty,
- having regard to Council Decision 2000/597/EC, Euratom of 29 September 2000 on the system of the European Communities' own resources ⁽¹⁾,
- 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 ⁽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 the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure ⁽⁴⁾,
- having regard to the draft general budget of the European Union for the financial year 2007, which the Council established on 14 July 2006 (C6-0299/2006),
- having regard to its resolution of 26 October 2006 on the draft general budget of the European Union for the financial year 2007, Section III — Commission (C6-0299/2006) and Letter of amendment No 1/2007 (SEC(2006)0762) to the draft general budget of the European Union for the financial year 2007 ⁽⁵⁾,
- having regard to its resolution of 26 October 2006 on the draft general budget of the European Union for the financial year 2007, Section I — European Parliament, Section II — Council, Section IV — Court of Justice, Section V — Court of Auditors, Section VI — European Economic and Social Committee, Section VII — Committee of the Regions, Section VIII (A) — European Ombudsman, Section VIII (B) — European Data Protection Supervisor (C6-0300/2006) ⁽⁶⁾,
- having regard to Letter of amendment No 2/2007 (13886/2006 — C6-0341/2006) to the draft general budget of the European Union for the financial year 2007,
- having regard to Letter of amendment No 3/2007 (15636/2006 — C6-0443/2006) to the draft general budget of the European Union for the financial year 2007,
- having regard to its amendments and proposed modifications of 26 October 2006 to the draft general budget ⁽⁷⁾,

⁽¹⁾ OJ L 253, 7.10.2000, p. 42.

⁽²⁾ OJ L 248, 16.9.2002, p. 1.

⁽³⁾ OJ C 139, 14.6.2006, p. 1.

⁽⁴⁾ OJ C 172, 18.6.1999, p. 1. Agreement as last amended by Decision 2005/708/EC of the European Parliament and of the Council (OJ L 269, 14.10.2005, p. 24).

⁽⁵⁾ *Texts Adopted*, P6_TA(2006)0451.

⁽⁶⁾ *Texts Adopted*, P6_TA(2006)0452.

⁽⁷⁾ *Texts adopted*, Annex.

Thursday, 14 December 2006

- having regard to the Council's modifications to the amendments and proposed modifications adopted by Parliament to the draft general budget (15637/2006 — C6-0442/2006),
- having regard to the results of the conciliation of 21 November 2006 and the subsequent meeting of 28 November 2006,
- having regard to the statement by the Council on the outcome of its deliberations on the amendments and proposed modifications adopted by Parliament to the draft general budget,
- having regard to Rule 69 and Annex IV of its Rules of Procedure,
- having regard to the report of the Committee on Budgets (A6-0451/2006),

- A. whereas it has followed a consistent strategy throughout its work on the 2007 budget,
- B. whereas this strategy was based on the three pillars set out in its resolution of 18 May 2006 on the 2007 budget: the Commission's Annual Policy Strategy report (APS) ⁽¹⁾, namely: setting policy priorities; delivering value for money; preparing for the 2008/2009 review,
- C. whereas this approach highlighted the major challenges and opportunities for the European Union in relation to the ongoing process of globalisation, and raised fundamental questions about the nature of the EU's strategic partnerships with partner countries and regions around the world,
- D. whereas this clear, consistent, strategic vision delivered results for Parliament in its negotiations with the Council on Parliament's key priorities, including with regard to the Financial Regulation,
- E. whereas the results obtained on Parliament's priorities, on delivering value for money, and on the Financial Regulation will bring real benefits to Europe's citizens in terms of more efficient and more effective spending and will contribute to Parliament's continuing efforts to achieve a positive statement of assurance (DAS) for EU spending,

General considerations: achieving priorities, delivering value for money, preparing for the 2008/2009 review

Achieving priorities

1. Recalls that the strategy and political priorities for Parliament's approach to the 2007 budget were set out in its abovementioned APS resolution of 18 May 2006, in particular paragraphs 5 and 6; considers that the APS resolution was therefore an essential means for setting out its strategy at an early stage in the annual budget procedure;
2. Welcomes the results which it has achieved on its broad priorities and on the key issues in negotiations with the Council in the trialogue and conciliation procedure in advance of Parliament's second reading on the budget;
3. On the overall level of payments, rejects the approach taken by Council of arbitrary, across-the-board cuts in payment levels; considers that payments should be directed to those priority programmes on which efficient and effective spending can be ensured; agrees in the context of an overall deal with Council on a final level of payments of 115 500 million *euro*, which equates to 0,99 % of EU GNI;
4. Recalls its declaration on payments reminding that Points 12 and 13 of the IIA of 17 May 2006 set absolute amounts, representing annual ceilings on expenditure under the general budgets, in the context of the MFF; therefore, the respect of the annual ceilings fixed by the MFF 2007-2013 constitutes automatic acceptance of the rates of increase for non-compulsory expenditure in the annual budgets; reminds the Council that in case these articles are not respected, Parliament will consider this as a violation of the IIA;

⁽¹⁾ Texts adopted, P6_TA(2006)0221.

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5. Notes in this context that Parliament's specialised committees were modest in their demands for increased payment appropriations in the establishment of Parliament's first reading on the 2007 budget given that the main new legal bases have been agreed during the course of 2006 with a view to new EU spending programmes beginning in 2007;

6. On the overall level of commitment appropriations, notes that Parliament has taken a prudent approach in line with that of the specialised committees and has not requested the use of the flexibility instrument; sets commitment appropriations at or close to the ceilings in Annex I of the IIA of 17 May 2006 for the majority of the headings of the 2007 budget;

7. On the Common Foreign and Security Policy (CFSP), decides to restore commitment appropriations for 2007 to the level foreseen in the Preliminary Draft Budget (PDB) of 1 59 200 000 *euro*, but expects Council to implement both the spirit and the letter of the IIA of 17 May 2006 as regards CFSP spending and as confirmed in the exchange of letters between Chairmen Brok and Lewandowski and Finnish Minister Wideroos;

Delivering value for money

8. Emphasises that the value for money approach has been an innovative element of the 2007 budgetary procedure with a view to ensuring improved evaluation of EU programmes and scrutiny of budget implementation in line with Parliament's priorities and its institutional prerogatives; notes the joint statement agreed with the Commission on proper budget implementation and emphasises that the overall objective of this exercise is to deliver better value for money to European citizens and to respond to the challenges which the EU faces through the best possible allocation of funds (see attached declaration);

9. Recalls its decision to place 30 % of appropriations, totalling over 500 million *euro*, in reserve on nearly 40 budget lines on which Parliament has had significant concerns about the quality and level of budget implementation on the basis of a thorough examination of the available information sources; welcomes the constructive response of the Commission to the requirements set out by Parliament for the release of these reserves in its budgetary amendments; further to the response from the Commission annexed to its traditional early-November letter of executability, decides to maintain over 8 900 000 *euro* in reserve on 2 budget lines; resolves to continue to monitor closely the quality and level of implementation of spending on these lines during the course of 2007 in line with a declaration on better value for money;

10. Further welcomes the meeting of 15 November 2006 with the Commissioner for Financial Programming and Budget and the Commission Secretary-General as a strong demonstration of the Commission's commitment to the value for money approach; notes that Parliament's Committee on Budgets will conduct, in the first part of 2007, a hearing on taking forward the value for money approach;

11. Recalls the importance attached by Parliament to the achievement of a positive statement of assurance for funds under shared management; underlines its intention to ensure that, in line with the IIA of 17 May 2006, the relevant audit authorities in Member States produce an assessment of the compliance of management and control systems with Community regulations; reiterates that Member States should therefore undertake to produce an annual summary at the appropriate national level of the available audits and declarations; welcomes the recent development in one Member State to consolidate all the separate accounts where EU money is spent under shared management with a view to the subsequent auditing of these figures; considers that a review of the Court of Auditors' methodology for assessing compliance with EU financial rules through a peer review process with other comparable institutions will contribute to improvements in the Court's approach to auditing EU accounts; notes with amazement that no such peer review process has yet been completed; requests this to be done by 31 July 2007;

12. On the three new agencies (Chemicals Agency, Gender Institute and Agency on Fundamental Rights), notes the joint declarations agreed between the Parliament, Council and Commission regarding the financing and the financial programming for these agencies in the context of the IIA of 17 May 2006; regarding the existing agencies, decides to restore appropriations in the PDB but place in reserve increases above a reference amount pending a positive evaluation of the performance of the agencies against their final work programmes; notes that these evaluations should be completed in the context of a meeting with the Heads of the agencies in Spring 2007;

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Preparing for the 2008/2009 review

13. Reiterates its concern that the European Union should develop a more pro-active strategy to engage with the opportunities and challenges of the ongoing process of globalisation; considers that a re-evaluation of the EU's approach to partnerships with third countries and regions is necessary in this context and that use of the term 'strategic' should be reserved for the EU's most important partnerships, such as the trans-atlantic partnership with the United States of America;

14. Confirms that the political analysis as prepared by the 'Temporary Committee on Policy Challenges and Budgetary Means of the Enlarged Union 2007-2013' and the relevant resolution adopted by Parliament on 8 June 2005 ⁽¹⁾ remain the basis for the review and any possible changes of the IIA; considers that the evaluation of the effectiveness and the implementation of the new generation of multiannual programmes and instruments have to be included;

15. Notes that the preparatory actions adopted by Parliament as regards business and scientific exchanges with China and India are intended to signal the importance attached by Parliament to developing stronger cooperation with these rapidly developing countries;

16. Considers that a greater degree of transparency should be achieved by the Commission as regards the advantages and disadvantages of working with NGOs in delivering EU development assistance; in this light recommends that a cost-benefit analysis be carried out on the functioning of NGOs; intends to examine further the scope for a greater use of micro-credits in future EU development assistance;

17. Considers that the Commission should re-examine the nature of the EU's strategic partnerships in a report to be presented by 30 April 2007, defining in particular the meaning of the word strategic, and that this is but one example of the wider need for the European Union clearly to establish its overall policy priorities in a manner that can be effectively communicated to the citizens of Europe; notes that clear policy priorities are a pre-requisite for the allocation of budgetary resources to these priorities; highlights that in its work on the 2007 budget Parliament established its policy priorities early in the procedure and so developed an effective strategy for the 2007 budget;

18. Believes therefore that Parliament should build upon the priority-setting approach taken in the 2007 budgetary procedure, inter alia through a series of hearings on specific policy topics, to define its medium-term policy priorities; considers that, in line with paragraphs 38 to 40 of the APS resolution of 18 May 2006, this should contribute to the development by Parliament of a strategy for the 2008/2009 review;

Horizontal issues and key elements per MFF heading*Horizontal issues*

19. On pilot projects and preparatory actions, notes the increased ceilings for new projects set out in the IIA of 17 May 2006 and highlights that these projects allow Parliament to indicate priority areas for developing European policies; decides therefore to propose a number of new projects broadly in line with the priorities set out in paragraph 6 of the APS resolution of 18 May 2006;

20. Notes the adoption of the Commission's Letter of amendment No 3/2007 and the elements of the Commission's Letter of amendment No 2/2007 including the provisions relating to classification concerning Hercule II and the European Globalisation Fund; rejects other elements of Letter of amendment 2/2007 and decides to introduce appropriate amounts and budget nomenclature in line with its external priorities;

⁽¹⁾ OJ C 124 E, 25.5.2006, p. 373.

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21. Welcomes the agreement reached to make available an amount of 500 million *euro* for the European Globalisation Fund budgeted for the year 2007; stresses that the procedure adopted for budgeting the Fund remains in conformity with the provisions of Point 28 of the IIA of 17 May 2006 and reaffirms its view that in accordance with the Agreement the order of the sources used for financing the European Globalisation Fund in a year N is the one resulting from the chronological sequence of availability of the information on margins and cancelled commitments, i.e. firstly, cancelled commitment appropriations from year N - 2, secondly, margin left available in year N - 1, thirdly, cancelled commitment appropriations from year N - 1; welcomes the Commission's view on this issue as expressed in the letter of the Commissioner for Financial Programming and Budget to the President of the European Parliament of 17 November 2006;

Main elements per IIA heading

Heading 1a — Competitiveness for growth and employment

22. Confirms its conviction expressed in its APS resolution of 18 May 2006 that knowledge, skills, research and development, innovation, information society technologies, and a sustainable transport and energy policy form the basis of a healthy modern economy and are essential for job creation; has therefore decided to reject the Council's approach of reductions in a number of crucial budget lines aiming at improving the competitiveness of the EU's economy; has decided to increase payment appropriations, albeit at a reduced level relative to its first reading, for priority programmes linked to the Lisbon agenda such as the Competitiveness and Innovation Programme (CIP) and the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013);

23. Is convinced that raising the EU's competitiveness is an essential element of the EU's response to the challenges of globalisation; therefore considers increases in appropriations in heading 1a to be a clear signal of the future direction that EU spending should take; recalls the need for adequate public funding to create the pump-priming effect expected of European Investment Bank cofinancing; awaits with impatience the proposals by the Commission and Council on this subject; stresses that an increase in the long-term subscribed capital would be desirable for the European Investment Fund, both to accompany the introduction of the new mandates (including the CIP) in 2007 and to finance the new technology transfer project operations, as wished by Parliament, the Council or the Commission;

24. Stresses the technological and economic significance of the Galileo programme; reminds the Commission that, taken over the period as a whole, this programme is underfinanced in the new MFF and calls on the Commission to seek promptly a workable and lasting solution in order to ensure the success of this programme;

Heading 1b — Cohesion for growth and employment

25. Notes that the appropriations for the Structural and Cohesion funds are considerably lower for the 2007-2013 MFF than had been anticipated, largely as a result of the conclusions of the December 2005 European Council; considers therefore that the appropriations in the PDB should be restored; underlines the importance of establishing and approving as quickly as possible national programmes now that the new IIA has been agreed; stresses the importance of cohesion as one of the policy priorities of the EU; on pre-accession assistance, asks the Commission to present a transfer request or amending budget during the course of 2007 if the amounts foreseen in the 2007 Budget turn out to be insufficient;

Heading 2 — Preservation and management of natural resources

26. Notes that 2007 will be the first year of full implementation of the most recent reform of the Common Agricultural Policy (CAP); rejects the cuts in compulsory expenditure adopted by the Council in its second reading; rejects the re-classification of several budget lines in the agricultural field from non-compulsory to compulsory expenditure as proposed by the Commission in its Letter of amendment No 2/2007;

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27. Deplores the fact that in spite of the major needs for restructuring, modernisation and diversification of Europe's rural economy, the resources allocated to rural development are set to fall in real terms; considers that a voluntary transfer of funds from direct agricultural support (CAP 'first pillar') to rural development is not the appropriate means for remedying this situation; expresses in this connection strong reservations about the current Commission proposal concerning voluntary modulation of up to 20 % of direct agricultural support to rural development; calls on the Commission to conduct an impact assessment in accordance with the Interinstitutional Agreement of 16 December 2003 between the European Parliament, the Council and the Commission on better law-making⁽¹⁾; reiterates that Parliament still reserves its position concerning voluntary modulation and considers it would be useful to assess it together with the issue of co-financing in the context of the 2008/2009 review as expressed in Declaration No 9 of the IIA of 17 May 2006 concerning voluntary modulation;

28. Is disappointed that in spite of the major needs for appropriations for development of a dead vaccine for the Blue Tongue virus (BTV), Council refused to approve this initiative by Parliament in its second reading; welcomes however the Commission's suggestion, expressed in the letter of executability, to incorporate the development of a new vaccine for blue tongue in the Research budget under the IPA projects; emphasises that preference should be given to the development of a multivalent vaccine, which is effective against the different types of the virus;

29. Endorses and welcomes the joint declaration on Life+ agreed by Parliament, Council and Commission as regards the provision of interim financing in the event of a legislative gap arising between the beginning of 2007 and the final adoption of the legal act;

Heading 3a — Freedom, security and justice

30. Points out that the area of freedom, security and justice, and in particular the promotion of fundamental rights, the definition of a common asylum and migration policy and the fight against terrorism and organised crime, is one of the Union's key priorities;

31. Considers that integrated management of the Union's external borders is one of the objectives currently requiring urgent support; accordingly restores the PDB level of commitment appropriations for the Frontex agency, whilst placing some funds in reserve in line with the overall approach on agencies;

Heading 3b — Citizenship

32. Recalls the importance of the principle of subsidiarity in the field of culture, education, training and youth, and believes that respect for pluralism of opinion is the first condition for an effective communication policy in order to bring the EU closer to citizens; considers that better use can be made of new communications media to bring together European policymakers from all political opinion to share ideas; welcomes, in this context, the gratifying development of reporting by Euronews; calls on the Commission to support the broadcasting of Euronews in Arabic, so that both Arabic-speaking members of the community in the EU and people in Arabic-speaking Mediterranean countries can be more effectively reached and informed about Europe's commitment; urges the Commission to clarify the budget implications of, and the actions to be taken under, the Plan D for Democracy Debate and Dialogue; asks the Commission to publish on the Internet the detail of allocation of subsidies (amounts and beneficiaries) for all actions;

33. Highlights the importance it attaches to effective EU communications strategies and specifically to ensuring that on-line mechanisms can be used to the fullest possible extent to facilitate the development of information and ideas linkages between European opinion-formers and stakeholders; notes in this connection the pilot project adopted on pilot information networks (PINs) to improve communication between policymakers, not least between European and national Parliamentarians, considers that this initiative should build upon existing European web portals in a manner that adds value to existing specific actions in this area;

⁽¹⁾ OJ C 321, 31.12.2003, p. 1.

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34. Calls on the Commission to carry out a survey on the condition and the estimated cost of restoration of the churches in the northern part of Cyprus which have been desecrated, converted into mosques or damaged since the Turkish army took control of the area in 1974, in line with the declaration of the European Parliament on the protection and preservation of the religious heritage in the northern part of Cyprus ⁽¹⁾;

35. Calls into question the quality of the information policy pursued by the Commission; requests the Commission to formally confirm its willingness to represent all institutions and their respective powers adequately;

Heading 4 — The EU as a global player

36. Believes that the EU should ensure that it has the wherewithal to act as a global player in keeping with its values; proposes the restoration of PDB figures on a number of lines and increases beyond the PDB in payments and in commitments in some areas with a view to boosting EU activities through Community programmes in the fields of foreign policy, development and humanitarian aid, and business and scientific exchanges with key emerging countries;

37. Highlights the importance of transparency in the use of the funds allocated to Iraq via the two trust funds and recalls the need to monitor closely Iraq's absorption capacity; therefore asks the Commission to provide regular information about the projects financed by the EU and the level of absorption of the funds earmarked for that country;

38. Notes that the new legal framework for the EU's external actions also implies a new budget structure; welcomes in general the simplification of instruments and the new budget nomenclature proposed with it; welcomes also the presentation of a separate instrument on Human Rights and Democracy, which requires a modification of the nomenclature of the PDB; cannot accept, however, that a number of the proposed changes reduce transparency for either sectors and/or regions and countries; has decided the necessary modifications in this respect; calls on the Commission to provide also a breakdown per activity and pre-accession country and, in the interests of transparency, a corresponding nomenclature in all corresponding budget lines; moreover, calls on the Commission to provide a regular monitoring report to the budgetary authority on the progress of both the two new Member States and the pre-accession countries;

39. Restores appropriations for the CFSP to the level proposed in the Commission's PDB and Council's DB; underlines that it requests the Council to comply with the letter and the spirit of the IIA of 17 May 2006 as regards the CFSP in line with the exchange of letters between Chairmen Brok and Lewandowski and Minister Wideroos;

40. Notes that Parliament's second reading on the 2007 budget leaves no margin remaining under heading 4 and that increased commitments through amending budgets during the course of 2007 would therefore imply recourse to the flexibility instrument; expects to be kept fully informed on a pro-active a priori basis by the Council of the financial needs for the forthcoming Kosovo mission;

Heading 5 — Administration

41. On staffing in the EU institutions, notes that the cuts in staffing levels initially proposed by the Council will not be implemented in the 2007 budget; endorses the joint declaration with the Council on recruitment in relation with the 2004 and 2007 enlargements; welcomes the commitment from the Commission to carry out a substantive screening exercise providing a mid-term evaluation of its staff needs and a detailed report on the Commission's staffing of support and coordination functions covering all places of work by 30 April 2007;

42. Decides to release the amounts placed in reserve in its first reading for Commission staff resources on the basis of a letter from the President of the Commission accepting that all four requests of Parliament to release the reserve will be fully met; looks forward to a strategic discussion of staffing in the EU institutions during 2007 in the context of the screening exercise requested by Parliament;

⁽¹⁾ Texts Adopted, 5.9.2006, P6_TA(2006)0335.

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Other sections of the 2007 budget

43. Notes that the budgetary increase given to 'other sections' in the 2007 Budget, excluding enlargement costs, was only 1,7% over the 2006 budget; this increase constitutes only a marginal increase and reflects the increase in the inflation rate and the cost for the specific priorities of the institutions and is, in fact, significantly less than that requested in the PDB; decides to retain its original position taken in first reading by restoring 10 630 000 euro of the 28 280 000 euro reductions made by Council;

44. Reiterates its belief in the implementation of budgetary rigour in all on-going activities ensuring a more effective budgeting and reflecting the current real needs and priorities of the institutions; acknowledges also however that the institutions need to have the necessary tools to function and operate at a reasonably effective level thereby ensuring that the various objectives of the institutions can really be met; regrets therefore the Council's decision not to agree with Parliament's budget for the 'other sections' as approved in first reading;

45. Requests that the institutions submit by 1 September of each year more informative reports on their activities and their performance; these activity based reports are required to give more and clearer information on how successfully funds are being utilised and to justify the consumption of the budgetary amounts; this would enable the budgetary authority to monitor how and where the increase in funds is rendering the institutions more efficient;

46. Reiterates the importance of interinstitutional cooperation which, undoubtedly, can bring about benefits to the institutions involved; in this respect, considers that the joint administrative service of the European Economic and Social Committee and the Committee of the Regions is an effective and dynamic way of avoiding duplication, reducing costs and developing team spirit without reducing the quality and efficiency of the service provided; invites the two Committees to examine — by not later than July 2007 — this co-operation in the light of the co-sharing principle and with a view to taking the necessary measures to ensure that the needs of both institutions are met and that a more equitable governance of the joint service is guaranteed; recommends that an exercise relating to the evaluation of the functions and activities of the European Economic and Social Committee and the Committee of the Regions should be carried out by not later than the end of June 2007;

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47. Instructs its President to declare that the budget has been finally adopted and arrange for its publication in the *Official Journal of the European Union*;

48. Instructs its President to forward this resolution and the declarations annexed thereto to the Council, the Commission, the Court of Justice, the Court of Auditors, the European Economic and Social Committee, the Committee of the Regions, the European Ombudsman, the European Data Protection Supervisor, and the other institutions and bodies concerned.

ANNEX

**Joint declaration on the three new agencies foreseen in the 2007 budget
in application of Point 47 of the Interinstitutional Agreement (IIA) of
17 May 2006**

The preliminary draft budget for the year 2007 foresees the financing of the following three new agencies:

- the European Chemicals Agency
- the European Gender Institute
- the European Agency on Fundamental Rights.

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The European Parliament, the Council and the Commission undertake to build on this first experience with these three new agencies to further develop the procedure foreseen in Point 47 of the IIA when drawing up proposals for the creation of new agencies.

Joint declaration on the financing of the European Chemicals Agency

In May 2006, the Commission presented the first financial programming for the period 2007-2013, in accordance with Point 46 of the Interinstitutional Agreement (IIA) of 17 May 2006 on budgetary discipline and sound financial management.

On the basis of the information transmitted by the Commission on 7 November 2006, the European Parliament and the Council note that the financing of the European Chemicals Agency can be secured within the agreed expenditure ceiling of heading 1a for the period 2007-2013.

Moreover, the European Parliament and the Council note that the amendments to the legal base of the European Chemicals Agency entail a total additional expenditure of 113 600 000 *euro*, in the years 2008 and 2009 under heading 1a of the multi-annual financial framework 2007-2013, compared to the financial programming presented in May 2006 by the Commission and without taking into account possible redeployments within heading 1a.

Should the Commission, be it on request of the Agency or due to any other unforeseen circumstance, intend to deviate from the amounts originally deemed necessary for the financing of the Agency in the period concerned, it shall notify the budgetary authority of this intention and its effect on the remaining margin of the relevant heading of the multi-annual financial framework and indicate the re-programming.

Joint declaration on the financing of the European Gender Institute

In May 2006, the Commission presented the first financial programming for the period 2007-2013, in accordance with Point 46 of the Interinstitutional Agreement (IIA) of 17 May 2006 on budgetary discipline and sound financial management.

On the basis of the information transmitted by the Commission on 7 November 2006, the European Parliament and the Council note that the financing of the European Gender Institute can be secured within the agreed expenditure ceiling of heading 1a for the period 2007-2013.

Should the Commission, be it on request of the Institute or due to any other unforeseen circumstance, intend to deviate from the amounts originally deemed necessary for the financing of the Institute in the period concerned, it shall notify the budgetary authority of this intention and its effect on the remaining margin of the relevant heading of the multi-annual financial framework and indicate the re-programming.

Joint declaration on the financing of the European Agency on Fundamental Rights

In May 2006, the Commission presented the first financial programming for the period 2007-2013, in accordance with Point 46 of the Interinstitutional Agreement (IIA) of 17 May 2006 on budgetary discipline and sound financial management.

On the basis of the information transmitted by the Commission on 7 November 2006, the European Parliament and the Council note that the financing of the European Agency on Fundamental Rights can be secured within the agreed expenditure ceiling of heading 3a for the period 2007-2013.

Should the Commission, be it on request of the Agency or due to any other unforeseen circumstance, intend to deviate from the amounts originally deemed necessary for the financing of the Agency in the period concerned, it shall notify the budgetary authority of this intention and its effect on the remaining margin of the relevant heading of the multi-annual financial framework and indicate the re-programming.

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Joint declaration on recruitment in relation with the 2004 and 2007 enlargement

The European Parliament and the Council note with great concern the delays in the selection and recruitment process relating to the 2004 enlargement, the low occupancy of posts at Middle Management level, the high ratio of permanent posts occupied by temporary agents and the lack of a sufficient number of appropriate competitions.

The European Parliament and the Council insist that all efforts should be made by the institutions and specifically by the European Personnel Selection Office (EPSO) to ensure that the necessary action is taken to rectify the situation and to speed up the whole process of filling the posts granted by the budgetary authority. The criteria should be as stipulated in Article 27 of the Staff Regulations and to arrive at the broadest possible geographical proportional basis as soon as possible.

The European Parliament and the Council intend to monitor closely the ongoing recruitment process. To this effect, they request each institution and EPSO to provide twice a year an information to the Budgetary Authority on the state of affairs regarding recruitments in relation with the 2004 and 2007 enlargement.

The European Parliament and the Council invite the Secretaries-General of the institutions to present a report on the progress made in the field as follows:

- concerning the filling of the posts granted in the 2004-2006 budgets by the end of January 2007;
- concerning the filling of the posts granted in 2007 by 15 June 2007 and by 31 October 2007.

Joint declaration on Life+

The European Parliament, the Council and the Commission recall the budgetary principle that the implementation of significant operational expenditure requires the prior adoption of a basic act.

At the same time, the three institutions acknowledge that, at the start of budget year 2007 some new basic acts, intended to provide the follow-up to preceding basic acts which expire at the end of 2006, may still be under consideration by the legislative authority. Nonetheless, certain actions do require fresh budgetary commitments to avoid damaging disruption in implementation and preservation of the *acquis*. Such a risk exists for certain actions for which there is already broad political agreement among the three institutions.

A particular concern has been expressed, notably by Parliament in its resolution on the first reading of the draft budget 2007, in relation to the Life+ programme, which will ensure the follow-up to its predecessor Life III and other related actions. Should a legislative gap arise between the beginning of the year 2007 and the final adoption of the legal act, the three institutions agree that an amount of up to 15 million *euro* (out of an overall Life+ budget of 240 million *euro* proposed in the 2007 preliminary draft budget) may be committed in the interim period for activities preparing the relay by Life+ under the best conditions, i.e. with a view to preserving the *acquis* built-up through ongoing actions in the field of the environment. Such activities whose continuation is essential for preserving continuity of the *acquis* relate notably to information systems ensuring the monitoring of EU environmental legislation, the registries underpinning the Emission Trading Scheme, scientific and external expertise preparing Commission proposals in cases where the Commission is bound by target dates, information and awareness actions.

Joint statement of the European Parliament and the Commission to ensure proper budget implementation

In the framework of the budgetary procedure the European Parliament and the Commission emphasise the need for improved value for money in the EU budget and are of the opinion that this concept must be applied on a permanent basis. The aim of this approach is to evaluate and assess the quantitative and qualitative aspects of each EU programme.

In this context, the evaluation of EU programmes should become a major element of concern for the institutions involved in the annual budgetary procedure.

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The European Parliament and the Commission recall that Activity-Based Management (ABM) is to offer an integrated view of the performance and cost of the various policy areas including both operational and administrative resources.

The two Institutions agree to take the necessary steps with regard to improving the monitoring of budget implementation through a process using all available information as from January 2007 to which all committees of the European Parliament will be associated. The European Parliament undertakes to make better use of transfers and amending budgets as instruments to scrutinise budget implementation during the year in respect of Parliament's priorities and its inter-institutional prerogatives.

The results of this ongoing process will be the subject of exchange of views in each triologue foreseen in Annex II of the Interinstitutional Agreement of 17 May 2006.

This exercise aims to ensure that policies financed by the EU budget deliver better value for money to European citizens and respond to the challenges which the European Union faces through the best possible allocation of EU funds.

Declaration of the European Parliament on budgetary discipline for payments

The European Parliament recalls that Points 12 and 13 of the IIA of 17 May 2006 set absolute amounts, representing, annual ceilings on expenditure under the general budgets, in the context of the multi-annual financial framework.

Therefore, the respect of the annual ceilings fixed by the multi-annual financial framework 2007-2013 constitutes an automatic acceptance of the rates of increase for non-compulsory expenditure in the annual budgets.

If Points 12 and 13 of the IIA are not respected, the European Parliament will consider this as a violation of the IIA.

The European Parliament undertakes to implement the provisions of Points 12 and 13 of the IIA as a measure of budgetary discipline for the entire duration of the multi-annual financial framework.

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Procedure for prior examination and consultation in respect of certain provisions concerning transport proposed in Member States (codified version) *I**

European Parliament legislative resolution on the proposal for a decision of the European Parliament and of the Council on a procedure for prior examination and consultation in respect of certain laws, regulations and administrative provisions concerning transport proposed in Member States (codified version) (COM(2006)0284 — C6-0185/2006 — 2006/0099(COD))

(Codecision procedure: codification)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2006)0284) ⁽¹⁾,
- having regard to Article 251(2) and Article 71 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0185/2006),

⁽¹⁾ Not yet published in OJ.

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- having regard to the Interinstitutional Agreement of 20 December 1994 — Accelerated working method for official codification of legislative texts ⁽²⁾,
 - having regard to Rules 80, 51 and 43(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A6-0458/2006);
1. Approves the Commission proposal;
 2. Instructs its President to forward its position to the Council and the Commission.

⁽²⁾ OJ C 102, 4.4.1996, p. 2.

P6_TA(2006)0572

Elimination of controls at the frontiers of Member States (road and inland waterway transport) (codified version) *I**

European Parliament legislative resolution on the proposal for a regulation of the European Parliament and of the Council on the elimination of controls performed at the frontiers of Member States in the field of road and inland waterway transport (codified version) (COM(2006)0432 — C6-0261/2006 — 2006/0146(COD))

(Codecision procedure: codification)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2006)0432) ⁽¹⁾,
 - having regard to Article 251(2) and Article 71 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0261/2006),
 - having regard to the Interinstitutional Agreement of 20 December 1994 — Accelerated working method for official codification of legislative texts ⁽²⁾,
 - having regard to Rules 80, 51 and 43(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A6-0459/2006);
1. Approves the Commission proposal;
 2. Instructs its President to forward its position to the Council and the Commission.

⁽¹⁾ Not yet published in OJ.

⁽²⁾ OJ C 102, 4.4.1996, p. 2.

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P6_TA(2006)0573

Transmission of data subject to statistical confidentiality (codified version) *I**

European Parliament legislative resolution on the proposal for a regulation (Euratom, EC) 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 (codified version) (COM(2006)0477 — C6-0290/2006 — 2006/0159(COD))

(Codecision procedure: codification)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2006)0477) ⁽¹⁾,
 - having regard to Article 251(2) and Article 285 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0290/2006),
 - having regard to the Interinstitutional Agreement of 20 December 1994 — Accelerated working method for official codification of legislative texts ⁽²⁾,
 - having regard to Rules 80, 51 and 43(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A6-0457/2006);
1. Approves the Commission proposal;
 2. Instructs its President to forward its position to the Council and the Commission.

⁽¹⁾ Not yet published in OJ.

⁽²⁾ OJ C 102, 4.4.1996, p. 2.

P6_TA(2006)0574

Submission of nominal catch statistics by Member States fishing in the North-East Atlantic (codified version) *I**

European Parliament legislative resolution on the proposal for a regulation of the European Parliament and of the Council on the submission of nominal catch statistics by Member States fishing in the North-East Atlantic (codified version) (COM(2006)0497 — C6-0301/2006 — 2006/0164(COD))

(Codecision procedure — codification)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2006)0497) ⁽¹⁾,

⁽¹⁾ Not yet published in OJ.

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- having regard to Article 251(2) and Article 285(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0301/2006),
 - 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, 51 and 43(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A6-0460/2006);
1. Approves the Commission proposal;
 2. Instructs its President to forward its position to the Council and the Commission.

⁽¹⁾ OJ C 102, 4.4.1996, p. 2.

P6_TA(2006)0575

Community criteria for the eradication and monitoring of certain animal diseases (codified version) *

European Parliament legislative resolution on the proposal for a Council decision laying down Community criteria for the eradication and monitoring of certain animal diseases (codified version) (COM(2006)0315 — C6-0236/2006 — 2006/0104(CNS))

(Consultation procedure — codification)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2006)0315) ⁽¹⁾,
 - having regard to the EC Treaty, pursuant to which the Council consulted Parliament (C6-0236/2006),
 - having regard to the Interinstitutional Agreement of 20 December 1994 — Accelerated working method for official codification of legislative texts ⁽²⁾,
 - having regard to Rules 80, 51 and 43(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A6-0461/2006);
1. Approves the Commission proposal;
 2. Instructs its President to forward its position to the Council and the Commission.

⁽¹⁾ Not yet published in OJ.

⁽²⁾ OJ C 102, 4.4.1996, p. 2.

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P6_TA(2006)0576

Agreement between the EC and Paraguay on certain aspects of air services *

European Parliament legislative resolution on the proposal for a Council decision on the conclusion of the Agreement between the European Community and the Republic of Paraguay on certain aspects of air services (COM(2006)0266 — C6-0308/2006 — 2006/0094(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the proposal for a Council decision (COM(2006)0266) ⁽¹⁾,
- having regard to Articles 80(2) and 300(2), first subparagraph, first sentence, of the EC Treaty,
- having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0308/2006),
- having regard to Rules 51, 83(7) and 43(1) of its Rules of Procedure,
- having regard to the report of the Committee on Transport and Tourism (A6-0406/2006);

1. Approves conclusion of the agreement;
2. Instructs its President to forward its position to the Council and Commission, and the governments and parliaments of the Member States and the Republic of Paraguay.

⁽¹⁾ Not yet published in OJ.

P6_TA(2006)0577

R & D activities in the domain of intelligent manufacturing systems (EU-Australia Agreement, Canada, Norway, Switzerland, Korea, Japan and the USA) *

European Parliament legislative resolution on the proposal for a Council decision authorising the conclusion of the agreement to renew and modify the agreement on research and development activities in the domain of intelligent manufacturing systems (IMS) between the European Community and Australia, Canada, the EFTA countries of Norway and Switzerland, Korea, Japan and the United States of America (COM(2006)0343 — C6-0373/2006 — 2006/0111(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the proposal for a Council decision (COM(2006)0343) ⁽¹⁾,
- having regard to Articles 170 and 300(2), first subparagraph, of the EC Treaty,

⁽¹⁾ Not yet published in the OJ.

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- having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0373/2006),
- having regard to Rules 51, 83(7) and 43(1) of its Rules of Procedure,
- having regard to the report of the Committee on Industry, Research and Energy (A6-0418/2006);

1. Approves the conclusion of the agreement;
2. Instructs its President to forward its position to the Council and Commission and the governments and parliaments of the Member States and Australia, Canada, the EFTA countries of Norway and Switzerland, Korea, Japan and the United States of America.

P6_TA(2006)0578

Direct support schemes under CAP; the COM for sugars; restructuring of the sugar industry; owing to the accession of Bulgaria and Romania to the EU *

European Parliament legislative resolution on the proposal for a Council regulation adapting Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers, Regulation (EC) No 318/2006 on the common organisation of the markets in the sugar sector and Regulation (EC) No 320/2006 establishing a temporary scheme for the restructuring of the sugar industry in the Community, by reason of the accession of Bulgaria and Romania to the European Union (COM(2006)0677 — C6-0424/2006 — 2006/0226(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2006)0677) ⁽¹⁾,
- having regard to Article 4(3) of the Treaty of Accession of Bulgaria and Romania and Article 41, second subparagraph, and Article 20 of the Act of Accession of Bulgaria and Romania, in conjunction with Annex IV thereto, pursuant to which it has been consulted by the Council (C6-0424/2006),
- having regard to Rules 51 and 43(1) of its Rules of Procedure,
- having regard to the report of the Committee on Agriculture and Rural Development (A6-0412/2006);

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.

⁽¹⁾ Not yet published in the OJ.

Thursday, 14 December 2006

P6_TA(2006)0579

Drugs prevention and information (2007-2013) *I**

European Parliament legislative resolution on the proposal for a decision of the European Parliament and of the Council establishing for the period 2007-2013 the specific programme 'Drugs prevention and information' as part of the General programme 'Fundamental Rights and Justice' (COM(2006)0230 — C6-0095/2005 — 2005/0037B(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the amended Commission proposal to the European Parliament and the Council (COM(2006)0230) ⁽¹⁾,
- having regard to Article 251(2) and Article 152 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0095/2005),
- 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 Budgets (A6-0454/2006);

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⁾ Not yet published in OJ.

P6_TC1-COD(2005)0037B

Position of the European Parliament adopted at first reading on 14 December 2006 with a view to the adoption of *Decision No .../2007/EC* of the European Parliament and of the Council establishing for the period 2007-2013 the specific programme 'Drugs prevention and information' as part of the General programme 'Fundamental Rights and Justice'

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 152 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 69, 21.3.2006, p. 1.

⁽²⁾ *Position of the European Parliament of 14 December 2006.*

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Whereas:

- (1) The Treaty establishing the European Community establishes that in the definition and implementation of all Community policies and activities a high level of human health has to be ensured; Article 3(1)(p) of the Treaty requires Community action to include a contribution to the attainment of a high level of health protection.
- (2) Community action should complement national policies directed towards improving public health, obviating sources of danger to human health and reducing health-related harm associated with drug dependence, **including information and prevention policies.**
- (3) Given that, according to research, the morbidity and the mortality associated with drug dependence affects a sizeable number of European citizens, the health-related harm associated with drug dependence constitutes a major problem for public health.
- (4) The *communication* from the Commission to the Council and the European Parliament on the results of the final evaluation of the EU Drugs Strategy and Action Plan on Drugs (2000-2004) (COM(2004)0707) pointed out the need to regularly involve civil society in the formulation of the EU's policies on drugs.
- (5) *Decision No 1786/2002/EC of the European Parliament and of the Council of 23 September 2002 adopting a programme of Community action in the field of public health (2003-2008)* ⁽¹⁾ includes the development of strategies and measures on drug dependence, as one of the important lifestyle-related health determinants.
- (6) *In Recommendation 2003/488/EC of 18 June 2003 on the prevention and reduction of health-related harm associated with drug dependence* ⁽²⁾, the Council recommended that Member States set as a public health objective the prevention of drug dependence and the reduction of related risks, and that they develop and implement comprehensive strategies accordingly.
- (7) *The Brussels European Council of 16 and 17 December 2004 adopted the EU Drugs Strategy 2005-2012, which covers all European Union drug-related activities and sets main targets. These targets include the attainment of a high level of health protection, well-being and social cohesion by preventing and reducing drug use, dependence and drug-related harms to health and society.*
- (8) The **Council** adopted **the EU Drugs Action Plan (2005-2008)** ⁽³⁾ as a crucial instrument for transposing the EU Drugs Strategy 2005-2012 into concrete actions. The ultimate aim of the Action Plan is to significantly reduce the prevalence of drug use among the population and to reduce the social harm and health damage caused by the use of and trade in illicit drugs.
- (9) ***This Decision aims at the implementation of targets identified by the EU Drugs Strategy 2005-2012 and the EU Drugs Action Plans 2005-2008 and 2009-2012 by supporting projects aiming at the prevention of drug use, including by addressing the reduction of drug-related harm and treatment methods taking account of the latest scientific knowledge.***
- (10) It is important and necessary to recognise the serious immediate and long-term implications of drugs for *individuals, families and communities, with regard to health, psychological and social development, the equal opportunities of those concerned, and the high social and economic costs to society as a whole.*
- (11) ***Special attention should be paid to the prevention of drug use among young people, who are the most vulnerable in the population. The main challenge in prevention is to encourage young people to adopt healthy lifestyles.***

⁽¹⁾ OJ L 271, 9.10.2002, p. 1. Decision as amended by Decision No 786/2004/EC (OJ L 138, 30.4.2004, p. 7).

⁽²⁾ OJ L 165, 3.7.2003, p. 31.

⁽³⁾ OJ C 168, 8.7.2005, p. 1.

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- (12) The European **Community** can bring added value to the actions to be undertaken by Member States in the field of drugs information and prevention, **including treatment and reduction of drug-related harm**, by complementing those actions and by promoting synergies.
- (13) **Complementarity with the technical expertise of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) should be ensured by making use of methodology and best practices developed by the EMCDDA and by the EMCDDA's involvement in the preparation of the annual work programme.**
- (14) The objectives of the proposed action, namely drugs prevention and information, cannot be sufficiently achieved by the Member States because of the need for an exchange of information at EU level and for the Community-wide dissemination of good practices. This can be better achieved at Community level. Due to the need for a coordinated and multidisciplinary approach and by reason of the scale and impact of the initiative, 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 Decision does not go beyond what is necessary in order to achieve those objectives.
- (15) **Bearing in mind the importance of visibility of Community funding, the Commission should provide guidance to allow any authority, non-governmental organisation, international organisation or other entity receiving a grant under this programme properly to acknowledge the support received.**
- (16) This Decision establishes a financial *envelope* for the entire duration of the programme, which is to be the **prime** reference amount for the budgetary authority during the annual budgetary procedure, within the meaning of point 37 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and **sound financial management** ⁽¹⁾.
- (17) Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽²⁾, hereinafter 'the Financial Regulation', and Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 ⁽³⁾, which safeguard the Community's financial interests, **should apply**, taking into account the principles of simplicity and consistency in the choice of budgetary instruments, a limitation on the number of cases where the Commission retains direct responsibility for their implementation and management, and the required proportionality between the amount of resources and the administrative burden related to their use.
- (18) **Appropriate measures should also be taken to prevent irregularities and fraud and the necessary steps should be taken to recover funds lost, wrongly paid or incorrectly used in accordance with Council Regulations (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the Communities' financial interests ⁽⁴⁾ and (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission ⁽⁵⁾ and Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) ⁽⁶⁾.**
- (19) The Financial Regulation requires a basic act to be *adopted* to cover operating grants.
- (20) **The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁷⁾, with a distinction being made between those measures which are subject to the regulatory procedure with scrutiny and those which are subject to the advisory procedure, the advisory procedure being in certain cases, with a view to increased efficiency, the more appropriate,**

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 248, 16.9.2002, p. 1. Regulation as amended by Regulation (EC, Euratom) No 1995/2006 (OJ L 390, 30.12.2006, p. 1).

⁽³⁾ OJ L 357, 31.12.2002, p. 1.

⁽⁴⁾ OJ L 312, 23.12.1995, p. 1.

⁽⁵⁾ OJ L 292, 15.11.1996, p. 2.

⁽⁶⁾ OJ L 136, 31.5.1999, p. 1.

⁽⁷⁾ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/CE (OJ L 200, 22.7.2006, p. 11).

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HAVE DECIDED AS FOLLOWS:

Article 1

Creation of the programme

1. This Decision establishes the programme 'Drugs prevention and information', hereinafter referred to as 'the programme', as part of the general programme 'Fundamental Rights and Justice', in order to contribute to **ensuring a high level of human health protection and to reducing drug-related health damage.**
2. The programme shall cover the period from 1 January 2007 to 31 December 2013.

Article 2

General objectives

1. This programme shall have the following general objectives:
 - (a) to contribute to **improvement of information on** drug use;
 - (b) to prevent and reduce drug use, dependence and *drug-related harm*;
 - (c) **to support the implementation of the EU Drugs Strategy.**

Article 3

Specific objectives

The programme shall have the following specific objectives:

- (a) To promote transnational actions to:
 - set up multidisciplinary networks;
 - ensure the expansion of the knowledge base, the exchange of information and the identification and dissemination of good practice, including through training, study visits and staff exchange;
 - raise awareness of the health and social problems caused by the drug use and to encourage an open dialogue with a view to promoting a better understanding of the drug *phenomenon*;
 - **support measures aimed at preventing drug use, including by addressing reduction of drug-related harm and treatment methods which take account of the latest scientific knowledge.**
- (b) To involve civil society in the implementation and development of the EU Drugs Strategy and Drugs Action Plans.
- (c) To monitor, *carry out* and evaluate the implementation of specific actions under the Drugs Action Plans 2005-2008 and 2009-2012. **The European Parliament shall be involved in the evaluation process through its participation in the Commission's evaluation steering group.**

Article 4

Actions

With a view to pursuing the general and specific objectives set out in Articles 2 and 3, this programme will support, **under the conditions set out in the annual work programmes**, the following types of actions:

- (a) specific actions taken by the Commission, such as studies and research, opinion polls and surveys, formulation of indicators and common methodologies, collection, development and dissemination of data and statistics, seminars, conferences and experts meetings, organisation of public campaigns and events, development and maintenance of websites, preparation and dissemination of information materials, support to and animation of networks of national experts *and* analytical, monitoring and evaluation activities; or

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- (b) specific transnational projects of Community interest presented by at least **two** Member States, **or at least one Member State and one other State which may either be an acceding or a candidate country**, under the conditions set out in the annual work programmes; or
- (c) support for the activities of non-governmental organisations or other entities pursuing an aim of general European interest regarding the general objectives of the programme under the conditions set out in the annual work programmes.

Article 5

Participation

1. The following countries, hereinafter referred to as 'participating countries', may participate in the actions of the programme:
 - (a) the EFTA States that are party to the EEA Agreement, in accordance with the provisions of that Agreement;
 - (b) the candidate **countries, as** well as the western Balkan countries included in the stabilisation and association process in accordance with the conditions laid down in the association agreements or their additional protocols relating to participation in Community programmes concluded or to be concluded with those **countries**.
2. *Projects* may associate candidate countries not participating in this programme where this would contribute to their preparation for accession, or other third countries **or international organisations** not participating in this programme where this serves the aim of the projects.

Article 6

Target Groups

1. The programme is *aimed at* all groups that directly or indirectly deal with the drugs *phenomenon*.
2. With regard to drugs, youth, **women**, vulnerable groups and problematic neighbourhoods are groups at risk and *shall* be identified as target groups. Other target groups are, *inter alia*, teachers and educational staff, **parents**, social workers, local and national authorities, medical and paramedical staff, judicial staff, **law enforcement and penitentiary authorities, NGOs**, trade unions and religious communities.

Article 7

Access to the programme

Access to *the* programme shall be open to public or private organisations and institutions (local authorities at the relevant level, university departments and research centres) working **in the area of information** on and **prevention of** drugs use, **including the reduction and treatment of drug-related harm**.

Bodies and organisations which are profit-oriented shall have access to grants under the programme only in conjunction with non profit-oriented or public organisations.

Article 8

Types of intervention

1. Community funding may take the following legal forms:
 - grants,
 - public procurement contracts.

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2. Community grants shall be awarded following calls for proposals, save in duly substantiated exceptional cases **as provided for by the Financial Regulation**, and shall be provided through operating grants and grants **for actions**.

The annual work programmes shall specify the minimum rate of annual expenditure to be allocated to grants.

The maximum rate of co-financing shall be specified in the annual work programmes.

3. Furthermore, expenditure for accompanying measures, through public procurement contracts, shall be provided for, in which case Community funds will cover the purchase of services and goods. This will cover, *inter alia*, expenditure on information and communication, preparation, implementation, monitoring, checking and evaluation of projects, policies, programmes and legislation.

Article 9

Implementing measures

1. The Commission shall *implement Community assistance* in accordance with the Financial Regulation.

2. To implement the programme, the Commission shall, within the limits of the general objectives set out in Article 2, adopt an annual work programme **taking into account the technical expertise of the EMCDDA. The annual work programme shall set out** specific objectives and thematic priorities, and shall include a description of accompanying measures envisaged in Article 8(3) and if necessary a list of other actions.

The annual work programme for 2007 shall be adopted three months after the entry into force of this Decision.

3. The annual work programme will be adopted in accordance with the regulatory procedure with scrutiny set out in **Article 10(3)**.

4. The evaluation and award procedures relating to grants to actions shall take into account, *inter alia*, the following criteria:

- (a) conformity with the annual work programme, the general objectives as specified in Article 2 and measures taken in the different domains as specified in Articles 3 and 4;
- (b) the quality of the proposed action regarding its conception, organisation, presentation and expected results;
- (c) the amount requested for community financing and its appropriateness as to expected results;
- (d) the impact of the expected results on the general objectives defined in Article 2 and on measures taken in the different domains as specified in Articles 3 and 4.

5. The applications for operating grants, referred to in Article 4(c), shall be assessed in the light of:

- consistency with the programme objectives;
- the quality of the planned activities;
- the likely multiplier effect on the public of these activities;
- the geographic **and social** impact of the activities carried out;
- citizen involvement in the organisation of the bodies concerned;
- the cost/benefit ratio of the activity proposed.

6. Decisions related to actions referred to in Article 4(a) shall be adopted by the Commission in accordance with the regulatory procedure with scrutiny referred to in Article 10(3). Decisions related to projects and activities referred to in Article 4(b) and (c) shall be adopted by the Commission in accordance with the advisory procedure referred to in Article 10(2).

Decisions on applications for grants involving profit-oriented bodies or organisations shall be adopted by the Commission in accordance with the regulatory procedure with scrutiny referred to in Article 10(3).

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Article 10

Committee

1. The Commission shall be assisted by a **committee**.
2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
3. **Where reference is made to this paragraph, Article 5a(1) to (4), and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.**

Article 11

Complementarity

1. Synergies and complementarity with other Community instruments *shall* be sought, particularly the general programme 'Security and Safeguarding Liberties', the *Seventh Research and Development Framework Programme* and the **Community Programme on Public Health**. Complementarity with the **methodology and best practices developed by** the EMCDDA *shall be ensured*, in particular with regard to the statistical element of information on drugs.
2. The programme may share resources with other Community instruments, in particular the general programmes 'Security and Safeguarding Liberties' and 'Solidarity and Management of Migration Flows', and the *Seventh Research and Development Framework Programme*, in order to implement actions meeting the objectives of all the programmes.
3. Operations financed under this Decision shall not receive assistance for the same purpose from other Community financial instruments. The **Commission shall ensure that the** beneficiaries of **the programme** provide it with information about funding received from the Community budget and from other sources, as well as information about *on-going* applications for funding.

Article 12

Budgetary Resources

1. The **financial envelope** for the implementation of this instrument **from 1 January 2007 to 31 December 2013** is set at 21,35 **million euro**.
2. The budgetary resources allocated to the actions provided for in this programme shall be entered in the annual appropriations of the general budget of the European Union. The available annual appropriations shall be authorised by the budgetary authority within the limits of *the financial framework*.

Article 13

Monitoring

1. **The Commission shall ensure that, for** any action financed by the programme, *beneficiaries submit* technical and financial reports on the progress of work. A final report shall also be submitted within three months of the completion of the action. The Commission shall determine the form and content of *these reports*.
2. **The Commission shall ensure that contracts** and agreements resulting from **the implementation of the programme** provide in particular for supervision and financial control by the Commission (or any representative *authorised* by it), if necessary **by means of** on-the-spot **checks, including sample checks**, and audits by the Court of Auditors.
3. **The Commission shall ensure that, for** a period of five years following the last payment in respect of any action, *beneficiaries* of financial assistance **keep** available for the Commission *all supporting documents* regarding expenditure on the action.

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4. On the basis of the results of the reports and sample checks referred to in paragraphs 1 and 2, the Commission shall **ensure that** the amount of financial assistance originally approved, the conditions of its allocation and the timetable for its payment **are adjusted as necessary**.

5. The Commission shall **ensure that** every other step necessary to verify that the actions financed are carried out properly and in compliance with the provisions of this Decision and the Financial Regulation **is taken**.

Article 14

Protection of Community financial interests

1. The Commission shall ensure that, when actions financed under the present Decision are implemented, the financial interests of the Community are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and by the recovery of the amounts unduly paid and, if irregularities are detected, by effective, proportional and dissuasive penalties, in accordance with Regulations (EC, Euratom) No 2988/95 and (Euratom, EC) No 2185/96, and with Regulation (EC) No 1073/1999.

2. For the Community actions financed under this programme, Regulations (EC, Euratom) No 2988/95 and (Euratom, EC) No 2185/96 shall apply to any infringement of a provision of Community law, including infringements of a contractual obligation stipulated on the basis of the programme, resulting from an act or omission by an economic operator, which has, or would have, the effect of prejudicing the general budget of the European Union or budgets managed by the European Communities, by an unjustified item of expenditure.

3. The Commission shall **ensure that** the amount of financial assistance granted for an action **is reduced, suspended or recovered**, if it finds irregularities, including non-compliance with the provisions of this Decision or the individual decision or the contract or agreement granting the financial support in question, or if it transpires that, without Commission approval having been sought, the action has been subjected to a change which conflicts with the nature or implementing conditions of the project.

4. If the time limits have not been observed or if only part of the allocated financial assistance is justified by the progress made with implementing an action, the Commission shall **ensure that** the beneficiary concerned **is requested** to submit observations within a specified period. If the beneficiary does not give a satisfactory answer, the Commission **shall ensure that** the remaining financial assistance **can be cancelled and repayment** of sums already paid **is demanded**.

5. **The Commission shall ensure that any** undue payment **is** repaid to it. Interest shall be added to any sums not repaid in good time under the conditions laid down by the Financial Regulation.

Article 15

Evaluation

1. The programme will be monitored regularly in order to follow the implementation of activities carried out *thereunder*.

2. The Commission shall ensure the regular, independent, external evaluation of the programme.

3. The Commission shall *present* to the European Parliament and the Council:

(a) an interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of this programme no later than 31 March 2011;

(b) an annual presentation on the implementation of the programme;

(c) a *communication* on the continuation of this programme no later than 30 August 2012;

(d) an *ex-post* evaluation report no later than 31 December 2014.

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Article 16

Publication of projects

Each year, the Commission shall publish a list of projects financed under the programme, with a short description of each project.

Article 17

Visibility

The Commission shall lay down guidelines to ensure the visibility of funding granted under this Decision.

Article 18

Entry into force

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*. It shall apply from 1 January 2007, **with the exception of Articles 9(2) and 9(3), which shall apply from the date of entry into force of this Decision.**

Done at ..., on ...

For the European Parliament
The President

For the Council
The President

P6_TA(2006)0580

Civil justice (2007-2013) *I**

European Parliament legislative resolution on the proposal for a decision of the European Parliament and of the Council establishing for the period 2007-2013 the specific programme 'Civil justice' as part of the General programme 'Fundamental Rights and Justice' (COM(2005)0122 — C6-0096/2005 — 2005/0040(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2005)0122) ⁽¹⁾,
 - having regard to Article 251(2) and Articles 61(c) and 67(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0096/2005),
 - 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 Budgets (A6-0452/2006);
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⁾ Not yet published in OJ.

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P6_TC1-COD(2005)0040

Position of the European Parliament adopted at first reading on 14 December 2006 with a view to the adoption of Decision No .../2007/EC of the European Parliament and of the Council establishing for the period 2007-2013 the specific programme 'Civil justice' as part of the General programme 'Fundamental Rights and Justice'

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 61(c) and **Article 67(5)** thereof,

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

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽¹⁾,

Whereas:

- (1) The European Community has set itself the objective of maintaining and developing an area of freedom, security and justice, in which the free movement of persons is assured. To that end, the Community must adopt, among others, measures in the field of judicial cooperation in civil matters necessary for the proper functioning of the internal market.
- (2) Following previous programmes, such as Grotius ⁽²⁾ and the Robert Schuman project ⁽³⁾, Council Regulation (EC) No 743/2002 ⁽⁴⁾ established, for the period 2002 to 2006, a general Community framework of activities to facilitate the implementation of judicial cooperation in civil matters.
- (3) The European Council meeting in Brussels on 4 and 5 November 2004 adopted. The Hague Programme 'Strengthening freedom, security and justice in the European Union'.
- (4) **The Council and the Commission adopted in June 2005 an Action Plan implementing the Hague Programme.**
- (5) The ambitious objectives set by the Treaty and The Hague Programme should be realised through the establishment of a flexible and effective programme that will facilitate planning and implementation.
- (6) The Civil Justice Programme should provide for initiatives taken by the Commission, in compliance with the principle of subsidiarity, for actions in support of organisations promoting and facilitating judicial cooperation in civil matters, and for actions in support of specific projects.
- (7) A general Civil Justice Programme to improve mutual understanding of the legal and judicial systems of the Member States will contribute to lowering the barriers to judicial cooperation in civil matters, which will improve the functioning of the internal market.
- (8) **According to the Hague Programme, strengthening mutual cooperation requires an explicit effort to improve mutual understanding among judicial authorities and different legal systems; European networks of national public authorities should deserve special attention and support in this respect.**
- (9) **This Decision should provide for the possibility of co-financing the activities of certain European networks to the extent that the expenditure is incurred in pursuing an objective of general European interest. However, such co-financing should not imply that a future programme would cover such networks, nor should it prejudice other European networks from benefiting from support to their activities in accordance with this Decision.**

⁽¹⁾ **Position of the European Parliament of 14 December 2006.**

⁽²⁾ OJ L 287, 8.11.1996, p. 3.

⁽³⁾ OJ L 196, 14.7.1998, p. 24.

⁽⁴⁾ OJ L 115, 1.5.2002, p. 1.

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- (10) **Any institution, association or network receiving a grant from this programme should acknowledge the Community support received in accordance with visibility guidelines to be laid down by the Commission.**
- (11) This Decision establishes a financial **envelope** for the entire duration of the programme, which is to be the **prime** reference amount for the budgetary authority during the annual budgetary procedure, within the meaning of **point 37** of the Interinstitutional Agreement of **17 May 2006** between the European Parliament, the Council and the Commission on budgetary discipline and **sound financial management** ⁽¹⁾.
- (12) Since the objectives of the Civil Justice Programme cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the initiative, 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 Decision does not go beyond what is necessary in order to achieve those objectives.
- (13) **Appropriate measures should be taken to prevent irregularities and fraud and the necessary steps should be taken to recover funds lost, wrongly paid or incorrectly used in accordance with Council Regulations (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the Communities' financial interests** ⁽²⁾ **and (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission** ⁽³⁾ **and Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF)** ⁽⁴⁾.
- (14) Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁵⁾ (hereinafter 'the Financial Regulation'), and Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 ⁽⁶⁾, which safeguard the Community's financial interests, have to be applied taking into account the principles of simplicity and consistency in the choice of budgetary instruments, a limitation on the number of cases where the Commission retains direct responsibility for their implementation and management, and the required proportionality between the amount of resources and the administrative burden related to their use.
- (15) The Financial Regulation requires a basic act to be adopted to cover operating grants.
- (16) **The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission** ⁽⁷⁾, **with a distinction being made between those measures which are subject to the regulatory procedure with scrutiny and those which are subject to the advisory procedure, the advisory procedure being in certain cases, with a view to increased efficiency, the more appropriate.**
- (17) **In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on the European Union and the Treaty establishing the European Community, the United Kingdom and Ireland have notified their wish to take part in the adoption and application of this Decision.**
- (18) **In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not participating in the adoption of this Decision, and is not bound by it or subject to its application.**

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 312, 23.12.1995, p. 1.

⁽³⁾ OJ L 292, 15.11.1996, p. 2.

⁽⁴⁾ OJ L 136, 31.5.1999, p. 1.

⁽⁵⁾ OJ L 248, 16.9.2002, p. 1. Regulation as amended by Regulation (EC, Euratom) No 1995/2006 (OJ L 390, 30.12.2006, p. 1).

⁽⁶⁾ OJ L 357, 31.12.2002, p. 1.

⁽⁷⁾ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/CE (OJ L 200, 22.7.2006, p. 11).

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(19) *The European Economic and Social Committee has delivered an opinion on this Decision* ⁽¹⁾,

HAVE DECIDED AS FOLLOWS:

Article 1

Creation of the programme

1. This Decision establishes the specific programme 'Civil Justice', hereinafter referred to as 'the programme', as part of the general programme 'Fundamental Rights and Justice', in order to contribute to the **progressive establishment** of the area of Freedom, Security and Justice.
2. The programme shall cover the period from 1 January 2007 to 31 December 2013.
3. ***In this Decision the term 'Member State' shall mean Member States with the exception of Denmark.***

Article 2

General objectives

1. This programme shall have the following general objectives:
 - (a) to promote judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in civil matters based on mutual recognition and mutual *confidence*;
 - (b) to promote the ***elimination of obstacles to the good functioning of cross-border civil proceedings in the Member States***;
 - (c) to improve the daily life of individuals and businesses by enabling them to assert their rights throughout the European Union, notably by fostering access to *justice*;
 - (d) to improve the contacts, ***exchange of information and networking*** between legal, judicial and administrative authorities and the legal professions, ***including by way of support of judicial training, with the aim of better mutual understanding between such authorities and professionals.***
2. Without prejudice to the objectives and powers of the Community, the general objectives of the programme contribute to the development of Community policies, and more specifically to the creation of a judicial area.

Article 3

Specific objectives

The programme shall have the following specific objectives:

- (a) to foster judicial cooperation in civil matters aiming at:
 - ensuring legal certainty and improving access to justice;
 - promoting mutual recognition ***of decisions in civil and commercial cases***;
 - eliminating obstacles ***to cross-border litigation*** created by disparities in civil law and civil procedures and promoting the necessary ***compatibility*** of legislation ***for that purpose***;
 - guaranteeing a proper administration of justice by avoiding conflicts of jurisdiction;
- (b) to improve mutual knowledge of Member States' legal and judicial systems in civil matters and to promote and strengthen networking, mutual cooperation, exchange and dissemination of information, experience and best practices;

⁽¹⁾ *OJ C 69, 21.3.2006, p. 1.*

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- (c) to ensure the sound implementation, the correct and concrete application and the evaluation of Community instruments in the areas of judicial cooperation in civil and commercial matters;
- (d) to improve information on the legal systems in the Member States and access to justice;
- (e) to promote the training **of legal practitioners** in European Union and Community law;
- (f) to evaluate the general conditions necessary to **reinforce** mutual confidence, **while fully respecting the independence of judiciary**;
- (g) to **facilitate** the operation of the European judicial network in civil and commercial matters *established* by Council Decision 2001/470/CE of 28 May 2001 ⁽¹⁾.

Article 4

Actions

With a view to pursuing the general and specific objectives set out in Articles 2 and 3, this programme will support the following types of actions ***under the conditions set out in the annual work programmes***:

1. Specific actions ***initiated*** by the Commission, such as, studies and research, opinion polls and surveys, formulation of indicators and common methodologies, collection, development and dissemination of data and statistics, seminars, conferences and expert meetings, organisation of public campaigns and events, development and maintenance of websites, preparation and dissemination of information material, support for and management of networks of national experts *and* analytical, monitoring and evaluation activities; or
2. Specific transnational projects of Community interest presented by ***an authority or any other body of a Member State, an international or non-governmental organisation, and involving in any case at least two Member States, or at least one Member State and one other State which may either be an acceding or a candidate country***; or
3. Support for the activities of non-governmental organisations or other entities pursuing an aim of general European interest in accordance with the general objectives of the programme under the conditions set out in the annual work programmes; or
4. ***Operating grants to co-finance expenditure associated with the permanent work programme of the European Network of Councils for the Judiciary and the Network of the Presidents of the Supreme Judicial Courts of the European Union, insofar as it is incurred in pursuing an objective of general European interest by promoting exchanges of views and experience on matters concerning the jurisprudence, organisation and functioning of its members in the performance of their judicial and/or advisory functions, particularly with regard to Community law.***

Article 5

Participation

1. The following countries, hereinafter referred to as 'participating countries', may participate in the actions of the programme: ***the acceding countries***, the candidate ***countries***, ***as*** well as the western Balkan countries included in the stabilisation and association process in accordance with the conditions laid down in the association agreements or their additional protocols relating to participation in Community programmes concluded or to be concluded with those *countries*.

2. Projects may associate *legal* practitioners from Denmark, from the candidate countries not participating in this programme where this would contribute to their preparation for accession, or from other third countries not participating in this programme where this serves the aim of the projects.

⁽¹⁾ OJ L 174, 27.6.2001, p. 25.

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Article 6

Target Groups

1. The programme is targeted at *inter alia*, legal practitioners, the national authorities and the citizens of the Union in general.
2. **'Legal practitioners' means, inter alia, judges, prosecutors, advocates, solicitors, notaries, academic and scientific personnel, ministry officials, court officers, bailiffs, court interpreters and other professionals associated with the judiciary in the area of civil law.**

Article 7

Access to the programme

Access to this programme shall be open to institutions and public or private organisations, including professional organisations, universities, research institutes and legal and judicial training institutes for legal practitioners, **international organisations and** non-governmental organisations of the Member **States**.

Article 8

Types of intervention

1. Community funding may take the following legal forms:
 - grants;
 - public procurement contracts.
2. Community grants shall be awarded further to calls for **proposals, and** shall be provided through operating grants and grants to actions. The maximum rate of co-financing will be specified in the annual work programmes.
3. Furthermore, expenditure is foreseen for accompanying measures, through public procurement contracts, in which case Community funds will cover the purchase of services and goods. This will cover, *inter alia*, expenditure on information and communication, preparation, implementation, monitoring, checking and evaluation of projects, policies, programmes and legislation.

Article 9

Implementing measures

1. The Commission shall implement the Community **financial support** in accordance with **the Financial Regulation**.
2. To implement the programme, the Commission shall, within the limits of the general objectives set out in Article 2, adopt an annual work programme specifying its specific objectives, thematic priorities, a description of accompanying measures envisaged in Article 8 and if necessary a list of other actions.
3. The annual work programme shall be adopted in accordance with the *regulatory procedure with scrutiny referred to in Article 10(3)*.
4. The evaluation and award procedures relating to grants to actions shall take into account, *inter alia*, the following criteria:
 - (a) conformity with the annual work programme, the general objectives as specified in Article 2 and measures taken in the different domains as specified in Articles 3 and 4;
 - (b) quality of the proposed action regarding its conception, organisation, presentation and expected results;
 - (c) amount requested for community financing and its appropriateness as to expected results;

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(d) impact of the expected results on the general objectives defined in Article 2 and on measures taken in the different domains as specified in Articles 3 and 4.

5. The applications for operating grants, referred to in Article 4(4), shall be assessed in the light of:

- consistency with the programme objectives;
- quality of the planned activities;
- likely multiplier effect on the public of these activities;
- geographic impact of the activities carried out;
- citizen involvement in the organisation of the bodies concerned;
- cost/benefit ratio of the activity proposed.

6. The Commission shall examine each of the draft actions submitted to it under Articles 4(2) and 4(3). Decisions related to these actions shall be adopted in accordance with the advisory procedure referred to in Article 10(2).

Article 10

Committee

1. The Commission shall be assisted by a **committee**.
2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
3. **Where reference is made to this paragraph, Article 5a(1) to (4), and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.**

Article 11

Complementarity

1. Synergies and complementarity will be sought with other Community instruments, particularly the criminal justice specific programme of the general programme 'Fundamental rights and Justice', and the general programmes 'Security and Safeguarding Liberties' and 'Solidarity and Management of Migration Flows'. The statistical element of information on civil justice will be developed in collaboration with Member States, using as necessary the Community Statistical Programme.
2. The programme may **exceptionally** share resources with other Community instruments, in particular the criminal justice specific programme of the general programme 'Fundamental rights and Justice', in order to implement actions meeting the objectives of both programmes.
3. Operations financed under this Decision shall not receive **financial support** for the same purpose from other **Union or** Community financial instruments. **It shall be ensured that the** beneficiaries of **the programme** provide the Commission with information about funding received from the Community budget and from other sources, as well as information about ongoing applications for funding.

Article 12

Budgetary Resources

1. The **financial envelope** for the implementation of this instrument is set at 109,3 million euro for the period set out in Article 1.
2. The budgetary resources allocated to the actions provided for in this programme shall be entered in the annual appropriations of the general budget of the European Union. The available annual appropriations shall be authorised by the budgetary authority within the limits of the financial **framework**.

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Article 13

Monitoring

1. **The Commission shall ensure that for** any action financed by the programme, the beneficiary **submits** technical and financial reports on the progress of work. A final report shall also be submitted within three months of the completion of the action. **The Commission shall make the reports available to the Member States.** The Commission shall determine the form and content of the reports.
2. Without prejudice to the audits carried out by the Court of Auditors in liaison with the competent national audit bodies or departments pursuant to Article 248 of the Treaty, or any inspection carried out pursuant to Article 279(c) of the Treaty, officials and other staff of the Commission may carry out on-the-spot checks, including sample checks, on actions financed under the programme.
3. Contracts and agreements resulting from this Decision shall provide in particular for supervision and financial control by the Commission (or any representative authorized by it), if necessary on-the-spot, and audits by the Court of Auditors.
4. **The Commission shall ensure that for** a period of five years following the last payment in respect of any action, the beneficiary of financial assistance **keeps** available for the Commission all the supporting documents regarding expenditure on the action.
5. On the basis of the results of the reports and sample checks referred to in paragraphs 1 and 2, the Commission shall **ensure that** the amount of the financial assistance originally approved, *the conditions of its allocation and the timetable for its payments* **are adjusted as necessary.**
6. The Commission shall **ensure that** every other step necessary to verify that the actions financed are carried out properly and in compliance with the provisions of this Decision and the Financial Regulation **is taken.**

Article 14

Protection of Community financial interests

1. The Commission shall ensure that, when actions financed under the present Decision are implemented, the financial interests of the Community are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and by the recovery of the amounts unduly paid and, if irregularities are detected, by effective, proportional and dissuasive penalties, in accordance with Regulations (EC, Euratom) No 2988/95, (Euratom, EC) No 2185/96, and (EC) No 1073/1999.
2. For the Community actions financed under this programme, Regulation (EC, Euratom) No 2988/95 and Regulation (Euratom, EC) No 2185/96 shall apply to any infringement of a provision of Community law, including infringements of a contractual obligation stipulated on the basis of the programme, resulting from an act or omission by an economic operator, which has, or would have, the effect of prejudicing the general budget of the European Union or budgets managed by the European Communities, by an unjustified item of expenditure.
3. The Commission shall **ensure that** the amount of financial assistance granted for an action **is reduced, suspended or recovered** if it finds irregularities, including non-compliance with the provisions of this Decision or the individual decision or the contract or agreement granting the financial support in question, or if it transpires that, without Commission approval having been sought, the action has been subjected to a change which conflicts with the nature or implementing conditions of the project.
4. If the time limits have not been observed or if only part of the allocated financial assistance is justified by the progress made with implementing an action, the Commission shall **ensure that** the beneficiary **is requested** to submit observations within a specified period. If the beneficiary does not give a satisfactory answer, the Commission **shall ensure that** the remaining financial assistance **can be cancelled** and **repayment of** sums already paid **is demanded.**

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5. ***The Commission shall ensure that any*** undue payment ***is*** repaid to the Commission. Interest shall be added to any sums not repaid in good time under the conditions laid down by the Financial Regulation.

Article 15

Evaluation

1. The programme will be monitored regularly in order to follow the implementation of activities carried out under this programme.
2. The Commission shall ensure the regular, independent, external evaluation of the programme.
3. The Commission shall submit to the European Parliament and the Council:
 - (a) an interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of this programme, ***and including on the work carried out by the beneficiaries of operating grants referred to in Article 4(4),*** no later than 31 March 2011;
 - (b) an annual presentation on the implementation of the programme;***
 - (c) a Communication on the continuation of this programme no later than 30 August 2012;
 - (d) an ex post evaluation report no later than 31 December 2014.

Article 16

Publication of actions

Each year the Commission shall publish a list of actions financed under the programme with a short description of each project.

Article 17

Visibility

The Commission shall lay down guidelines to ensure the visibility of funding granted under this Decision.

Article 18

Entry into force

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*. It shall apply from 1 January 2007.

Done at ..., ...

For the European Parliament,
The President

For the Council,
The President

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P6_TA(2006)0581**European Refugee Fund ***I**

European Parliament legislative resolution on the proposal for a decision of the European Parliament and of the Council establishing the European Refugee Fund for the period 2008-2013 as part of the General programme 'Solidarity and Management of Migration Flows' (COM(2005)0123 — C6-0124/2005 — 2005/0046(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2005)0123) ⁽¹⁾,
 - having regard to Article 251(2) and Article 63(2)(b) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0124/2005),
 - 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 Foreign Affairs, the Committee on Development and the Committee on Budgets (A6-0437/2006);
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⁾ Not yet published in OJ.

P6_TC1-COD(2005)0046

Position of the European Parliament adopted at first reading on 14 December 2006 with a view to the adoption of Decision No .../2007/EC of the European Parliament and of the Council on establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' and repealing Council Decision 2004/904/EC

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 63(2)(b) thereof,

Having regard to the proposal from the Commission,

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

Having regard to the Opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾,

⁽¹⁾ OJ C 88, 11.4.2006, p. 15.

⁽²⁾ OJ C 115, 16.5.2006, p. 47.

⁽³⁾ Position of the European Parliament of 14 December 2006.

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Whereas:

- (1) With a view to the progressive establishment of an area of freedom, security and justice, the Treaty provides both for the adoption of measures aimed at ensuring the free movement of persons, in conjunction with accompanying measures relating to external border controls, asylum and immigration, and for the adoption of measures relating to asylum, immigration and the safeguarding of the rights of third-country nationals.
- (2) The European Council, at its meeting in Tampere on 15 and 16 October 1999, reaffirmed its resolve to create an area of freedom, security and justice. For that purpose, a common European policy on asylum and migration should aim both at the fair treatment of third-country nationals and the better management of migration flows. A common policy on asylum, including a Common European Asylum System, should be a constituent part of the European Union's objective of progressively establishing an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the European Union.
- (3) This Decision respects fundamental rights and observes the principles as reflected, in particular, in the Charter of Fundamental Rights of the European Union and the Geneva Convention of 28 July 1951 relating to the Status of Refugees, as supplemented by the New York Protocol of 31 January 1967 (hereinafter referred to as 'the Geneva Convention').
- (4) With respect to the treatment of persons falling within the scope of this Decision, Member States are bound by their obligations under instruments of international law to which they are party and which prohibit discrimination.
- (5) The best interests of the child should be a primary consideration of Member States when implementing this Decision, in compliance with the UN Convention on the Rights of the Child, where applicable.
- (6) Implementation of this policy should be based on solidarity between Member States and requires mechanisms to promote a balance of efforts between Member States in receiving and bearing the consequences of receiving refugees and displaced persons. To that end, a European Refugee Fund was established for the period 2000 to 2004 by Council Decision 2000/596/EC ⁽¹⁾. That decision was replaced by Council Decision 2004/904/EC of 2 December 2004 establishing the European Refugee Fund for the period 2005 to 2010 ⁽²⁾. This ensured continued solidarity between Member States in the light of recently adopted Community legislation in the field of asylum, taking account of the experience acquired when implementing the European Refugee Fund for the period 2000 to 2004.
- (7) In the Hague Programme of 4 and 5 November 2004, the European Council set a series of objectives and priorities with a view to further developing the Common European Asylum System in its second phase.
- (8) In particular, the European Council underlined the need for the European Union to contribute in a spirit of shared responsibility to a more accessible, equitable and effective international protection system and to provide access to protection and durable solutions at the earliest possible stage, and called for the development of EU-Regional Protection Programmes, including a joint resettlement programme for Member States willing to participate in such a programme.
- (9) The European Council also called for the establishment of appropriate structures involving the national asylum services of the Member States with a view to facilitating practical and collaborative cooperation, aimed at achieving an EU-wide single procedure, the joint compilation, assessment and application of country of origin information and addressing particular pressures on asylum systems or reception capacities resulting from factors such as geographic location.

⁽¹⁾ OJ L 252, 6.10.2000, p. 12.

⁽²⁾ OJ L 381, 28.12.2004, p. 52.

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- (10) A new European Refugee Fund (hereinafter referred to as 'the Fund') should be established in the light of the establishment of the European Fund for the integration of legally-resident third-country nationals, the European Fund for the return of illegally-resident third-country nationals and the External Borders Fund for the period 2007 to 2013, as part of the General programme 'Solidarity and Management of Migration Flows', in particular with a view to setting out common management, control and evaluation arrangements.
- (11) In the light of the scope and the purpose of the Fund, it should not, in any event, support actions with respect to areas and centres for holding persons in third countries.
- (12) It is necessary to adapt the duration of the Fund to the duration of the multiannual financial framework as set out in the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾.
- (13) This Decision is designed to form part of a coherent framework, which also includes Decision No .../2007/EC of the European Parliament and of the Council of ... establishing the External Borders Fund for the period 2007-2013 as part of the General programme 'Solidarity and Management of Migration Flows' ⁽²⁾ (*), Decision No .../2007/EC of the European Parliament and of the Council of ... establishing the European Return Fund for the period 2008-2013 as part of the General programme 'Solidarity and Management of Migration Flows' ⁽³⁾ (*), and Council Decision No .../2007/EC of ... establishing the European Fund for the Integration of Third-country Nationals for the period 2007-2013 as part of the General programme 'Solidarity and Management of Migration Flows' ⁽⁴⁾ (*), which aims to address the issue of fairly sharing responsibilities between Member States as concerns the financial burden arising from the introduction of integrated management of the European Union's external borders and from the implementation of common policies on asylum and immigration, as developed in accordance with Title IV of Part Three of the Treaty.
- (14) It is appropriate to support and improve the efforts made by Member States to grant appropriate reception conditions to refugees, displaced persons and beneficiaries of subsidiary protection, in accordance with Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted ⁽⁵⁾, to apply fair and effective asylum procedures and to promote good practice in the field of asylum so as to protect the rights of persons requiring international protection and enable Member States' asylum systems to work efficiently.
- (15) The integration of refugees into the society of the country in which they are established is one of the objectives of the Geneva Convention. Such persons must be enabled to share the values set out in the Charter of Fundamental Rights of the European Union. To this end, there should be support for action by Member States to promote their social, economic and cultural integration in so far as it contributes to economic and social cohesion, the maintenance and strengthening of which is one of the Community's fundamental tasks provided for in Articles 2 and 3(1)(k) of the Treaty.
- (16) In the light of the Hague Programme, it is necessary to ensure that the Fund's resources are used in the most efficient way possible to achieve the aims of European Union asylum policy, taking into account the need to support resettlement and practical cooperation between Member States, *inter alia* as a means of addressing particular pressures on reception capacities and asylum systems.
- (17) The Fund should support Member States' efforts relating to the enhancement of their capacity to develop, monitor and evaluate their asylum policies in light of their obligations under Community legislation, in particular with a view to engaging in practical cooperation between Member States.

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ ...

^(*) OJ: please insert number, date and OJ reference of that Decision.

⁽³⁾ OJ ...

⁽⁴⁾ OJ ...

⁽⁵⁾ OJ L 304, 30.9.2004, p. 12.

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- (18) The Fund should also support the voluntary efforts made by Member States to provide international protection and a durable solution in their territories to refugees and displaced persons identified as eligible for resettlement by the United Nations High Commissioner for Refugees (UNHCR), such as the actions that the Member States implement to assess the resettlement needs and transfer the persons concerned to their territories, with a view to granting them a secure legal status and to promoting their effective integration.
- (19) It is in the nature of the Fund that it should be able to provide support to voluntary burden-sharing operations agreed between Member States and consisting of the transfer of beneficiaries of international protection, and of applicants for international protection, from one Member State to another which grants them equivalent protection.
- (20) The Fund should also be able to offer adequate support to joint efforts by Member States to identify, share and promote best practices and establish effective cooperation structures in order to enhance the quality of decision-making within the framework of the Common European Asylum System.
- (21) A financial reserve should be established for the implementation of emergency measures to provide temporary protection in the event of a mass influx of displaced persons, pursuant to Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof ⁽¹⁾.
- (22) It should also be possible to use that financial reserve to support Member States' efforts to address situations of particular pressure which result from sudden arrivals of large numbers of persons who may be in need of international protection and which place significant and urgent demands on Member States' reception facilities or asylum systems. The conditions and the procedure for granting financial assistance in these situations should be laid down.
- (23) The support provided by the Fund would be more efficient and better targeted if co-financing of eligible actions were based on a multiannual programme, subject to a mid-term review, and on an annual programme drawn up by each Member State taking into account its situation and needs.
- (24) Whilst it is appropriate to award a fixed amount to each Member State, it remains fair to allocate a large part of the available annual resources in proportion to the burden borne by each Member State through its efforts in receiving refugees and displaced persons, including refugees enjoying international protection within the framework of national programmes.
- (25) Persons granted international protection and a durable solution through resettlement should be included in the numbers of beneficiaries of international protection taken into account when allocating the available annual resources between Member States.
- (26) Taking into account the importance of the strategic use of resettlement from countries or regions designated for the implementation of regional protection programmes, it is necessary to provide additional financial support for the resettlement of persons from the Western Newly Independent States and sub-Saharan Africa, which were so designated in the Communication from the Commission to the European Parliament and the Council on regional protection programmes of 1 September 2005 and the Council Conclusions of 12 October 2005, and from any other countries or regions that are so designated in the future.
- (27) It is equally necessary to provide additional financial support to resettlement actions targeted at certain particularly vulnerable categories of persons, where resettlement is determined to be the most appropriate response to their special needs.

⁽¹⁾ OJ L 212, 7.8.2001, p. 12.

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- (28) In the context of shared management as referred to in Article 53(1)(b) of 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⁾ (hereinafter referred to as 'the Financial Regulation'), the conditions allowing the Commission to exercise its responsibilities for implementation of the general budget of the European Union should be specified and the obligations for the cooperation of the Member States clarified. Applying those conditions would enable the Commission to satisfy itself that Member States are using the Fund in a lawful and correct manner and in accordance with the principle of sound financial management within the meaning of Articles 27 and 48(2) of the Financial Regulation.
- (29) Member States should adopt adequate measures to guarantee the proper functioning of the management and control system and the quality of implementation. To this end, it is necessary to establish general principles and necessary functions which all programmes should fulfil.
- (30) In accordance with the principles of subsidiarity and proportionality, Member States should have the primary responsibility for the implementation and control of the interventions of the Fund.
- (31) The obligations on the Member States as regards management and control systems, the certification of expenditure, and the prevention, detection and correction of irregularities and infringements of Community law should be specified in order to guarantee efficient and correct implementation of their multiannual and annual programmes. In particular, as far as management and control are concerned, it is necessary to establish the arrangements by which Member States ensure that the relevant systems are in place and function satisfactorily.
- (32) Without prejudice to the Commission's powers as regards financial control, cooperation between the Member States and the Commission in this field should be encouraged.
- (33) The effectiveness and impact of actions supported by the Fund also depend on their evaluation and the dissemination of their results. The responsibilities of the Member States and the Commission in this regard, and arrangements to ensure the reliability of evaluation and the quality of the related information, should be formalised.
- (34) Bearing in mind the importance of visibility of Community funding, the Commission should provide guidance facilitating the proper acknowledgement of the support received by any authority, non-governmental organisation, international organisation or other entity receiving a grant under this Fund, taking into account the practice with respect to other instruments under shared management, such as the Structural Funds.
- (35) Actions should be evaluated with a view to a mid-term review and impact assessment, and the evaluation process should be incorporated into project monitoring arrangements.
- (36) This Decision establishes a financial envelope for the entire duration of the programme, which constitutes the prime reference for the budgetary authority during the annual budgetary procedure, according to point 37 of the Interinstitutional Agreement on budgetary discipline and sound financial management.
- (37) Since the objective of this Decision, namely to promote a balance of effort between Member States in receiving refugees and displaced persons, cannot be sufficiently achieved by the Member States and can therefore by reason of the scale and effects of the action 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 Decision does not go beyond what is necessary to achieve this objective.
- (38) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽²⁾.

⁽¹⁾ OJ L 248, 16.9.2002, p. 1. Regulation as amended by Regulation (EC, Euratom) No 1995/2006 (OJ L 390, 30.12.2006, p. 1).

⁽²⁾ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

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- (39) Since the measure of this Decision relating to the adoption of strategic guidelines is of general scope and is designed to amend non-essential elements of this Decision, *inter alia* by deleting some of those elements or by supplementing this Decision by the addition of new non-essential elements, it should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC. On grounds of efficiency, the normal time-limits for the regulatory procedure with scrutiny should be curtailed for the adoption of the strategic guidelines.
- (40) Decision 2004/904/EC should be repealed.
- (41) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Ireland has notified, by letter of 6 September 2005, its wish to take part in the adoption and application of this Decision.
- (42) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom has notified, by letter of 27 October 2005, its wish to take part in the adoption and application of this Decision.
- (43) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not take part in the adoption of this Decision and is not bound by it or subject to its application.
- (44) In accordance with the second indent of paragraph 2 of Article 67 of the Treaty, Council Decision 2004/927/EC of 22 December 2004 providing for certain areas covered by Title IV of Part Three of the Treaty establishing the European Community to be governed by the procedure laid down in Article 251 of that Treaty ⁽¹⁾ rendered the procedure referred to in Article 251 of the Treaty applicable in the areas covered by Articles 62(1), (2)(a) and (3) and 63(2)(b) and (3)(b) of that Treaty,

HAVE ADOPTED THIS DECISION:

CHAPTER I

SUBJECT-MATTER, OBJECTIVES AND ACTIONS

Article 1

Subject matter and scope

This Decision establishes for the period from 1 January 2008 to 31 December 2013 the European Refugee Fund (hereinafter referred to as 'the Fund'), as part of a coherent framework which also includes Decision No .../2007/EC (*), Decision No .../2007/EC (**), and Decision No .../2007/EC (***), in order to contribute to the strengthening of the area of freedom, security and justice and the application of the principle of solidarity between the Member States.

This Decision defines the objectives to which the Fund contributes, its implementation, the available financial resources and the distribution criteria for the allocation of the available financial resources.

It establishes the Fund's management rules, including financial rules, as well as monitoring and control mechanisms, based on the sharing of responsibilities between the Commission and the Member States.

⁽¹⁾ OJ L 396, 31.12.2004, p. 45.

(*) OJ: please insert the number of the first Decision referred to in recital 13 (External Borders Fund).

(**) OJ: please insert the number of the second Decision referred to in recital 13 (European Return Fund).

(***) OJ: please insert the number of the third Decision referred to in recital 13 (European Fund for the Integration of Third-country Nationals).

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*Article 2***General objective of the Fund**

1. The general objective of the Fund shall be to support and encourage the efforts made by the Member States in receiving, and in bearing the consequences of receiving, refugees and displaced persons, taking account of Community legislation on those matters, by co-financing the actions provided for in this Decision.
2. The Fund shall contribute to the financing of technical assistance at the initiative of the Member States or the Commission.

*Article 3***Eligible actions in the Member States**

1. The Fund shall support actions in Member States relating to one or more of the following:
 - (a) reception conditions and asylum procedures;
 - (b) integration of persons referred to in Article 6 whose stay in a particular Member State is of a lasting and stable nature;
 - (c) enhancement of Member States' capacity to develop, monitor and evaluate their asylum policies in the light of their obligations under existing and future Community legislation relating to the Common European Asylum System, in particular with a view to engaging in practical cooperation activities between Member States;
 - (d) resettlement of persons referred to in Article 6(e). For the purposes of this Decision, resettlement means the process whereby, on a request from UNHCR based on a person's need for international protection, third-country nationals or stateless persons are transferred from a third country to a Member State where they are permitted to reside with one of the following statuses:
 - (i) refugee status within the meaning of Article 2(d) of Directive 2004/83/EC, or
 - (ii) a status which offers the same rights and benefits under national and Community law as refugee status;
 - (e) transfer of persons falling within the categories referred to in Article 6(a) and (b) from the Member State which granted them international protection to another Member State where they will be granted similar protection and of persons falling within the category referred to in Article 6(c) to another Member State where their applications for international protection will be examined.
2. As regards reception conditions and asylum procedures, eligible actions shall include the following:
 - (a) accommodation infrastructure or services;
 - (b) structures and training to ensure access to asylum procedures for asylum seekers;
 - (c) provision of material aid and medical or psychological care;
 - (d) social assistance, information or help with administrative and/or judicial formalities and information or counselling on the possible outcomes of the asylum procedure, including on aspects such as voluntary return;
 - (e) legal aid and language assistance;
 - (f) education, language training and other initiatives which are consistent with the status of the person concerned;
 - (g) the provision of support services such as translation and training to help improve reception conditions and the efficiency and quality of asylum procedures;
 - (h) information for local communities as well as training for the staff of local authorities, who will be interacting with those being received in the host country;
 - (i) transfer of persons falling within the category referred to in Article 6(c) from the Member State where they are located to the Member State responsible for the examination of their asylum application.

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3. As regards the integration into Member States' societies of persons referred to in paragraph 1(b) and members of their family, eligible actions shall include the following:

- (a) advice and assistance in areas such as housing, means of subsistence, integration into the labour market, medical, psychological and social care;
- (b) actions enabling such persons to adapt to the society of the Member State in socio-cultural terms, and to share the values enshrined in the Charter of Fundamental Rights of the European Union;
- (c) actions to promote durable and sustainable participation in civil and cultural life;
- (d) measures focusing on education, vocational training, or recognition of qualifications and diplomas;
- (e) actions designed to promote self-empowerment and to enable such persons to provide for themselves;
- (f) actions that promote meaningful contact and constructive dialogue between such persons and the receiving society, including actions which promote the involvement of key partners such as the general public, local authorities, refugee associations, voluntary groups, social partners and the broader civil society;
- (g) measures to support the acquisition of skills by such persons, including language training;
- (h) actions that promote both equality of access and equality of outcomes in relation to such persons' dealings with public institutions.

4. As regards actions relating to the enhancement of Member States' capacity to develop, monitor and evaluate their asylum policies, the following, in particular, shall be eligible for support from the Fund:

- (a) actions promoting the collection, compilation, use and dissemination of country of origin information, including translation;
- (b) actions enhancing the capacity to collect, analyse and disseminate statistics on asylum procedures, reception, integration and beneficiaries of international protection;
- (c) actions enhancing the capacity to assess asylum applications, including appeals;
- (d) actions contributing to the evaluation of asylum policies, such as national impact assessments, surveys among target groups, the development of indicators and benchmarking.

5. As regards actions relating to resettlement, the following, in particular, shall be eligible for support from the Fund:

- (a) actions relating to the establishment and development of a resettlement programme;
- (b) actions relating to the assessment of potential resettlement cases by the competent Member States' authorities, such as conducting missions to the host country, interviews, medical and security screening;
- (c) pre-departure health assessment and medical treatment;
- (d) pre-departure material provisions;
- (e) pre-departure information measures;
- (f) travel arrangements, including the provision of medical escort services;
- (g) information and assistance immediately upon arrival, including interpretation services.

6. As regards actions relating to the transfer of beneficiaries of and applicants for international protection between Member States, the following, in particular, shall be eligible for support from the Fund:

- (a) pre-departure information measures;
- (b) travel arrangements, including the provision of medical escort services;
- (c) information and assistance immediately upon arrival, including interpretation services.

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7. The actions referred to in paragraphs 2 and 3 shall also be eligible for support from the Fund where they are targeted at the persons referred to in Article 6(e).

8. Actions provided for in paragraphs 1 to 6 shall, in particular, promote the implementation of the provisions of the relevant Community legislation in the field of the Common European Asylum System.

9. Actions shall take account of gender-related issues, the best interests of children, the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of torture, or rape or other serious forms of psychological, physical or sexual violence or abuse, victims of trafficking, and individuals in need of emergency care and essential treatment of illness.

10. The Fund shall only support actions with respect to accommodation of persons referred to in Article 6(c) which is separate from areas or centres solely destined for persons whose entry is refused or for persons who are intercepted after crossing an external border illegally or when approaching an external border with a view to entering the territory of the Member States illegally.

Article 4

Community actions

1. At the Commission's initiative, up to 10 % of the Fund's available resources may be used to finance transnational actions or actions of interest to the Community as a whole (hereinafter referred to as 'Community actions') concerning asylum policy and measures applicable to the target groups referred to in Article 6.

2. To be eligible for funding, Community actions shall, in particular:

- (a) further Community cooperation in implementing Community law and good practices, including interpretation and translation services supporting such cooperation;
- (b) support the setting-up of transnational cooperation networks and pilot projects based on transnational partnerships between bodies located in two or more Member States designed to stimulate innovation, facilitate exchanges of experience and good practice and improve the quality of asylum policy;
- (c) support transnational awareness-raising campaigns;
- (d) support studies, dissemination and exchange of information on best practices and all other aspects of asylum policies, including on the use of state-of-the-art technology and on cooperation at national level between key partners, such as local and regional authorities, refugee associations and voluntary groups;
- (e) support pilot projects, including innovative projects, and studies exploring the possibility of new forms of Community cooperation and Community law in this area;
- (f) support development and application by Member States of common statistical tools, methods and indicators for measuring policy developments in the field of asylum;
- (g) offer to networks linking non-governmental organisations which assist refugees and asylum seekers and which are present in at least 10 Member States structural support intended to facilitate exchanges of experience and sound practice and to ensure that the development of Community asylum policy and practice takes into account the experience gained by non-governmental organisations and the interests of refugees and asylum seekers;
- (h) provide Member States with support services in the event of duly substantiated emergency situations requiring urgent action.

3. The annual work programme laying down the priorities for Community actions shall be adopted in accordance with the procedure referred to in Article 52(2).

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Article 5

Emergency measures

1. In the event of temporary protection mechanisms within the meaning of Directive 2001/55/EC being implemented, the Fund shall also finance measures to help the Member States, such measures being separate from, and in addition to, the actions referred to in Article 3.
2. Without prejudice to paragraph 1, the Fund shall also provide assistance to Member States for the implementation of emergency measures aimed at addressing situations of particular pressure. Such situations are characterised by the sudden arrival at particular points on the borders of a large number of third-country nationals who may be in need of international protection, which place exceptionally heavy and urgent demands on the reception facilities, the asylum system or infrastructure of the Member State(s) concerned and may give rise to risks to human life, well being or access to protection provided under Community legislation.
3. The actions implemented in order to address the situations of particular pressure referred to in paragraph 2 shall be eligible for support from the Fund if:
 - (a) they are intended to be implemented immediately and cannot practicably be included in the relevant annual programme; and
 - (b) their duration does not exceed six months.
4. Eligible emergency measures shall concern the following types of action:
 - (a) reception and accommodation;
 - (b) provision of means of subsistence, including food and clothing;
 - (c) medical, psychological or other assistance;
 - (d) staff and administration costs linked to the reception of persons concerned and implementation of the measures;
 - (e) logistical and transport costs;
 - (f) legal aid and language assistance;
 - (g) provision of translation and interpretation services, country of origin information expertise and other measures contributing to the rapid identification of persons who may be in need of international protection and to a fair and efficient processing of asylum applications.
5. Measures under paragraph 4 may be supported by expert teams.

Article 6

Target groups

For the purposes of this Decision the target groups shall comprise the following categories:

- (a) any third-country national or stateless person having the status defined by the Geneva Convention and who is permitted to reside as a refugee in one of the Member States;
- (b) any third-country national or stateless person enjoying a form of subsidiary protection within the meaning of Directive 2004/83/EC;
- (c) any third-country national or stateless person who has applied for one of the forms of protection described in points (a) and (b);
- (d) any third-country national or stateless person enjoying temporary protection within the meaning of Directive 2001/55/EC;
- (e) any third-country national or stateless person who is being or has been resettled in a Member State.

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CHAPTER II

PRINCIPLES OF ASSISTANCE

*Article 7***Complementarity, consistency and compliance**

1. The Fund shall provide assistance which complements national, regional and local actions, integrating into them the priorities of the Community.
2. The Commission and the Member States shall ensure that assistance from the Fund and the Member States is consistent with the activities, policies and priorities of the Community. This consistency shall be indicated in particular in the multiannual programme referred to in Article 18.
3. Operations financed by the Fund shall comply with the provisions of the Treaty and of acts adopted thereunder.

*Article 8***Programming**

1. The objectives of the Fund shall be pursued within the framework of the multiannual programming period from 2008 to 2013, subject to a mid-term review in accordance with Article 22. The multiannual programming system shall include the priorities and a process for management, decision making, auditing and certification.
2. The multiannual programmes approved by the Commission shall be implemented by means of annual programmes.

*Article 9***Subsidiary and proportional intervention**

1. Implementation of multiannual and annual programmes referred to in Articles 18 and 20 shall be the responsibility of Member States at the appropriate territorial level, in accordance with the institutional system specific to each Member State. This responsibility shall be exercised in accordance with this Decision.
2. In relation to audit provisions, the means employed by the Commission and the Member States shall vary according to the size of the Community contribution. The same principle shall apply to provisions on evaluation and to the reports on multiannual and annual programmes.

*Article 10***Implementation methods**

1. The Community budget allocated to the Fund shall be implemented in accordance with Article 53(1)(b) of the Financial Regulation, with the exception of the Community actions referred to in Article 4 and the technical assistance referred to in Article 15 of this Decision.
2. The Commission shall exercise its responsibility for implementing the general budget of the European Union by:
 - (a) checking the existence and proper functioning of management and control systems in the Member States in accordance with the procedures described in Article 32;
 - (b) withholding or suspending payments, in full or in part, in accordance with the procedures described in Articles 41 and 42, if the national management and control systems fail, and applying any other financial correction required, in accordance with the procedures described in Articles 45 and 46.

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Article 11

Partnership

1. Each Member State shall organise, in accordance with current national rules and practices, a partnership with the authorities and bodies which are involved in the implementation of the multiannual programme or which, according to the Member State concerned, are able to make a useful contribution to its development.

Such authorities and bodies may include the competent regional, local, urban and other public authorities, international organisations, in particular UNHCR, and bodies representing civil society, such as non-governmental organisations or social partners.

2. Such partnership shall be conducted in full compliance with the respective institutional, legal and financial jurisdiction of each partner category.

CHAPTER III

FINANCIAL FRAMEWORK

Article 12

Global resources

1. The financial envelope for the implementation of this Decision from 1 January 2008 to 31 December 2013 shall be 628 million *euro*.

2. The annual appropriations shall be authorised by the budgetary authority within the limits of the Financial Framework.

3. The Commission shall make indicative annual breakdowns by Member States in accordance with the criteria established in Article 13.

Article 13

Annual distribution of resources for eligible action in the Member States

1. Each Member State shall receive a fixed amount of 300 000 *euro* from the Fund's annual allocation.

This amount shall be raised to 500 000 *euro* per annum for the period 2008 to 2013 for Member States which acceded to the European Union on 1 May 2004.

This amount shall be raised to 500 000 *euro* per annum for Member States which accede to the European Union during the period from 2007 to 2013 for the remaining part of the period from 2008 to 2013 as from the year following their accession.

2. The remainder of the available annual resources shall be broken down between the Member States as follows:

- (a) 30 % in proportion to the number of persons who fall into one of the categories referred to in Article 6(a), (b) and (e) admitted over the previous three years;
- (b) 70 % in proportion to the number of persons who fall into one of the categories referred to in Article 6(c) and (d) registered over the previous three years.

For the purposes of this breakdown, persons referred to in Article 6(e) shall not be taken into account under the category referred to in Article 6(a).

3. Member States shall receive a fixed amount of 4 000 *euro* for each resettled person falling into one of the following categories:

- (a) persons from a country or region designated for the implementation of a Regional Protection Programme;
- (b) unaccompanied minors;
- (c) children and women at risk, particularly from psychological, physical or sexual violence or exploitation;
- (d) persons with serious medical needs that can only be addressed through resettlement.

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4. Where a Member State resettles a person falling within more than one of the categories referred to in paragraph 3, it shall receive the fixed amount for this person only once.

5. The reference figures shall be the latest statistics produced by the Commission (Eurostat), on the basis of data provided by Member States in accordance with Community law.

Where Member States have not supplied the Commission (Eurostat) with the statistics concerned, they shall provide provisional data as soon as possible.

Before accepting these data as reference figures, the Commission (Eurostat) shall evaluate the quality, comparability and completeness of the statistical information in accordance with normal operational procedures. At the request of the Commission (Eurostat), Member States shall provide it with all the necessary information to do so.

6. By 1 May each year, Member States shall provide the Commission with an estimate of the number of persons referred to in paragraph 3 whom they will resettle the following year, including a breakdown by the different categories referred to in that paragraph. The Commission shall communicate this information to the Committee referred to in Article 52.

Article 14

Financing structure

1. Financial contributions under the Fund shall take the form of grants.

2. Actions supported by the Fund shall be co-financed by public or private sources, shall be of a non-profit nature and shall not be eligible for funding from other sources covered by the general budget of the European Union.

3. Fund appropriations shall be complementary to public or equivalent expenditure allocated by Member States to the measures covered by this Decision.

4. The Community contribution to supported projects, as regards actions implemented in the Member States under Article 3, shall not exceed 50 % of the total cost of a specific action.

This may be increased to 75 % for projects addressing specific priorities identified in the strategic guidelines referred to in Article 17.

The Community contribution shall be increased to 75 % in the Member States covered by the Cohesion Fund.

5. Within the framework of the implementation of national programming as set out in Chapter IV, Member States shall select projects for financing on the basis of the following minimum criteria:

- (a) the situation and requirements in the Member State concerned;
- (b) the cost-effectiveness of the expenditure, *inter alia* in view of the number of persons concerned by the project;
- (c) the experience, expertise, reliability and financial contribution of the organisation applying for funding and any partner organisation;
- (d) the extent to which the project complements other actions funded by the general budget of the European Union or as part of national programmes.

6. As a general rule, Community financial aid for actions supported by the Fund shall be granted for a period of no more than three years, subject to periodic progress reports.

7. The Community contribution to supporting actions implemented under Article 3(4) shall not exceed 15 % of the total of the annual resources allocated to each Member State in accordance with Article 13.

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Article 15

Technical assistance at the initiative of the Commission

1. At the initiative of and/or on behalf of the Commission, subject to a ceiling of 500 000 *euro* of the Fund's annual allocation, the Fund may finance preparatory measures, monitoring, administrative and technical support measures, as well as evaluation, audit and inspection measures necessary for implementing this Decision.
2. Those measures shall include:
 - (a) studies, evaluations, expert reports and statistics, including those of a general nature concerning the operation of the Fund;
 - (b) information measures for the Member States, the final beneficiaries and the general public, including awareness-raising campaigns and a common database of projects financed under the Fund;
 - (c) the installation, operation and interconnection of computerised systems for management, monitoring, inspection and evaluation;
 - (d) the design of a common framework for evaluation and monitoring as well as a system of indicators, taking into account, where appropriate, national indicators;
 - (e) improvements in evaluation methods and the exchange of information on practices in this field;
 - (f) information and training measures for the authorities designated by Member States in accordance with Article 25, complementary to the efforts of the Member States to provide guidance to their authorities in accordance with Article 31(2).

Article 16

Technical assistance at the initiative of the Member States

1. At the initiative of a Member State, for each annual programme, the Fund may finance preparatory measures, management, monitoring, evaluation, information and control measures, as well as measures for the reinforcement of the administrative capacity for the implementation of the Fund.
2. The amount set aside for technical assistance under each annual programme may not exceed:
 - (a) for the period 2008 to 2010, 7 % of the total annual amount of co-financing allocated to that Member State plus 30 000 *euro*; and
 - (b) for the period 2011 to 2013, 4 % of the total annual amount of co-financing allocated to that Member State plus 30 000 *euro*.

CHAPTER IV

PROGRAMMING

Article 17

Adoption of strategic guidelines

1. The Commission shall adopt strategic guidelines setting out a framework for the intervention of the Fund, taking into account progress in the development and implementation of Community legislation in the area of asylum policy as well as the indicative distribution of the financial resources of the Fund for the period of the multiannual programme.
2. For each of the objectives of the Fund, those guidelines shall in particular give effect to the priorities of the Community with a view to promoting the implementation of the Common European Asylum System.
3. The Commission shall adopt the strategic guidelines relating to the multiannual programming period by 31 July 2007 at the latest.
4. The strategic guidelines shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 52(3). Those strategic guidelines, once adopted, shall be annexed to this Decision.

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Article 18

Preparation and approval of national multiannual programmes

1. Each Member State shall propose, on the basis of the strategic guidelines referred to in Article 17, a draft multiannual programme which shall consist of the following elements:
 - (a) a description of the current situation in that Member State as regards arrangements for reception, asylum procedures, counselling for voluntary return, integration, and resettlement and transfer from another Member State of persons covered by Article 6, as well as the development, monitoring and evaluation of asylum policies;
 - (b) an analysis of requirements in the Member State in question in terms of reception, asylum procedures, counselling for voluntary return, integration, and resettlement and transfer from another Member State of persons covered by Article 6, as well as the development, monitoring and evaluation of asylum policies;
 - (c) the presentation of an appropriate strategy to achieve those objectives and the priorities attached to their attainment, and a description of the actions envisaged to implement those priorities;
 - (d) an indication of whether that strategy is compatible with other regional, national and Community instruments;
 - (e) information on the priorities and their specific targets. Those targets shall be quantified using a limited number of indicators, taking into account the proportionality principle. The indicators must make it possible to measure the progress in relation to the baseline situation and the effectiveness of the targets implementing the priorities;
 - (f) a description of the approach chosen for the implementation of the partnership principle laid down in Article 11;
 - (g) a draft financing plan which sets out, for each priority and each annual programme, the Fund's proposed financial contribution and the overall amount of public or private co-financing;
 - (h) the provisions laid down to ensure that the multiannual programme is made public.
2. Member States shall submit their draft multiannual programme to the Commission no later than four months after the Commission has provided the strategic guidelines for the period in question.
3. In order to approve the draft multiannual programme, the Commission shall examine:
 - (a) the draft multiannual programme's consistency with the objectives of the Fund and the strategic guidelines referred to in Article 17;
 - (b) the relevance of the actions envisaged in the draft multiannual programme in the light of the strategy which is proposed;
 - (c) the compliance of the management and control arrangements set up by the Member State for the implementation of the Fund's interventions with the provisions of this Decision;
 - (d) the draft multiannual programme's compliance with Community law and, in particular, with Community law aiming at ensuring the free movement of persons in conjunction with the directly related accompanying measures with respect to external border controls, asylum and immigration.
4. Where the Commission considers that a draft multiannual programme is inconsistent with the strategic guidelines and/or does not comply with the provisions of this Decision setting out management and control systems or with Community law, it shall invite the Member State concerned to provide all necessary additional information and, where appropriate, to revise the draft multiannual programme accordingly.
5. The Commission shall approve each multiannual programme within three months of its formal submission, in accordance with the procedure referred to in Article 52(2).

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Article 19

Revision of multiannual programmes

1. At the initiative of the Member State in question or the Commission, the multiannual programme shall be re-examined and, if necessary, revised for the rest of the programming period in order to take greater or different account of Community priorities. Multiannual programmes may be re-examined in the light of evaluations and/or following implementation difficulties.
2. The Commission shall adopt a decision approving the revision of the multiannual programme as soon as possible after the formal submission of a request to that effect by the Member State concerned. The revision of the multiannual programme shall be carried out in accordance with the procedure referred to in Article 52(2).

Article 20

Annual programmes

1. The multiannual programme approved by the Commission shall be implemented by means of annual programmes.
2. The Commission shall provide the Member States, by 1 July of each year, with an estimate of the amounts to be allocated to them for the following year from the total appropriations allocated under the annual budgetary procedure, calculated as provided for by Article 13.
3. Member States shall submit to the Commission, by 1 November of each year, a draft annual programme for the following year, established in accordance with the multi-annual programme and consisting of the following elements:
 - (a) the general rules for selection of projects to be financed under the annual programme;
 - (b) a description of the actions to be supported under the annual programme;
 - (c) the proposed financial breakdown of the Fund's contribution between the programme's various actions; and an indication of the amount requested to cover technical assistance under Article 16 for the purpose of implementing the annual programme.
4. By way of derogation from paragraph 3, Member States shall submit the draft annual programmes for 2008 to the Commission by 1 March 2008.
5. When examining the draft annual programme of a Member State, the Commission shall take account of the final amount of the appropriations allocated to the Fund under the budgetary procedure.

Within one month of the formal submission of the draft annual programme, the Commission shall inform the Member State concerned of whether it can be approved. If the draft annual programme is inconsistent with the multiannual programme, the Commission shall invite that Member State to provide all necessary information and, where appropriate, to revise the draft annual programme accordingly.

The Commission shall adopt the financing decision approving the annual programme by 1 March of the year in question. The decision shall indicate the amount allocated to the Member State concerned and the period for which the expenditure is eligible.

6. To take into account duly substantiated emergency situations which were not foreseen at the time of the approval of the annual programme and which require urgent action, a Member State may revise up to 10 % of the financial breakdown of the contribution from the Fund between the various actions listed in the annual programme or allocate up to 10 % of the breakdown to other actions in accordance with this Decision. The Member State concerned shall inform the Commission of the revised annual programme.

Article 21

Special provisions concerning emergency measures

1. Member States shall provide the Commission with a statement of requirements and an implementation plan for the emergency measures provided for in Article 5, including a description of the planned measures and the bodies responsible for implementing them.

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2. A Member State requesting assistance from the Fund in order to address a situation of particular pressure, as described in Article 5(2), shall submit to the Commission an application providing all available relevant information, including:

- (a) a detailed description of the current situation, in particular concerning the number of arrivals, the effects on reception capacities, the asylum system or infrastructure and the urgent needs, as well as a substantiated forecast of possible developments in the situation in the short-term;
- (b) a substantiated indication of the exceptional character of the situation, demonstrated by elements which may include recent statistics and other data regarding the inflow of persons at the particular point of the border concerned;
- (c) a detailed description of the emergency measures envisaged, their scale, their nature and the partners concerned;
- (d) a breakdown of the estimated costs of the measures envisaged.

The Commission shall decide whether the conditions for granting financial assistance for emergency measures from the Fund are fulfilled and set the amount of financial assistance to be granted on the basis of the information referred to above as well as any additional relevant information at its disposal. The Commission shall inform Member States of that decision.

3. Financial assistance from the Fund for the emergency measures provided for in Article 5 shall be limited to a period of six months and shall not exceed 80 % of the cost of each measure.

4. In the event of the implementation of the temporary protection mechanism, as referred to in Article 5(1), available resources shall be distributed among the Member States on the basis of the number of persons benefiting from temporary protection in each Member State as referred to in Article 5(1).

Article 22

Mid-term review of the multiannual programme

- 1. The Commission shall review the strategic guidelines and, where necessary, adopt, by 31 March 2010, revised strategic guidelines for the period 2011 to 2013.
- 2. If such revised strategic guidelines are adopted, each Member State shall re-examine its multiannual programme and, where appropriate, revise it.
- 3. The rules laid down in Article 18 on the preparation and approval of national multiannual programmes shall apply *mutatis mutandis* to the preparation and approval of these revised multiannual programmes.
- 4. The revised strategic guidelines shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 52(3).

CHAPTER V

MANAGEMENT AND CONTROL SYSTEMS

Article 23

Implementation

The Commission shall be responsible for implementing this Decision and shall adopt such implementing rules as may be necessary.

Article 24

General principles of management and control systems

The management and control systems of multiannual programmes set up by Member States shall provide for:

- (a) the definition of the functions of the bodies concerned in management and control and the allocation of functions within each body;
- (b) respect for the principle of separation of functions between and within such bodies;

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- (c) adequate resources for each body to carry out the functions which have been allocated to it throughout the period of implementation of actions co-financed by the Fund;
- (d) procedures for ensuring the correctness and regularity of the expenditure declared under the annual programmes;
- (e) reliable accounting, monitoring and financial reporting systems in computerised form;
- (f) a system of reporting and monitoring where the responsible body entrusts the performance of tasks to another body;
- (g) manuals of procedures in relation to the functions to be performed;
- (h) arrangements for auditing the functioning of the system;
- (i) systems and procedures to ensure an adequate audit trail;
- (j) procedures for reporting and monitoring irregularities and for the recovery of amounts unduly paid.

Article 25

Designation of authorities

1. For the implementation of its multiannual programme and annual programmes the Member State shall designate the following:
 - (a) a responsible authority: a functional body of the Member State, national public authority or body designated by the Member State or a body which is governed by the private law of the Member State and has a public service mission, which shall be responsible for the management of the multiannual programme and annual programmes supported by the Fund and handle all communication with the Commission;
 - (b) a certifying authority: a national public authority or body, or individual acting as such a body or authority, designated by the Member State to certify declarations of expenditure before they are sent to the Commission;
 - (c) an audit authority: a national public authority or body, provided that it is functionally independent of the responsible authority and the certifying authority, designated by the Member State and responsible for verifying the effective functioning of the management and control system;
 - (d) where appropriate, a delegated authority.
2. The Member State shall lay down rules governing its relations with the authorities referred to in paragraph 1 and their relations with the Commission.
3. Subject to Article 24 (b), some or all of the authorities referred to in paragraph 1 of this Article may be located within the same body.
4. The rules for implementing Articles 26 to 30 shall be adopted by the Commission in accordance with the procedure referred to in Article 52(2).

Article 26

Responsible authority

1. The responsible authority shall meet the following minimum conditions. It shall:
 - (a) have legal personality, except where it is a functional body of the Member State;
 - (b) have the infrastructure required for easy communication with a wide range of users and with the responsible bodies in the other Member States and the Commission;
 - (c) work in an administrative context allowing it to carry out its tasks correctly and avoiding any conflict of interest;
 - (d) be in a position to apply Community fund management rules;

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- (e) have financial and management capacities proportionate to the volume of Community funds which it will be called upon to manage;
 - (f) have at its disposal personnel with appropriate professional qualifications for administrative work in an international environment.
2. The Member State shall provide the responsible authority with adequate funding so that it can continue to carry out its tasks properly throughout the period 2008 to 2013.
3. The Commission may assist the Member States in the training of staff, in particular as regards the correct application of Chapters V to IX.

*Article 27***Tasks of the responsible authority**

1. The responsible authority shall be responsible for managing and implementing the multi-annual programme in accordance with the principle of sound financial management.

It shall in particular:

- (a) consult partners in accordance with Article 11;
- (b) submit to the Commission proposals for multiannual and annual programmes to which Articles 18 and 20 refer;
- (c) organise and advertise calls for tenders and proposals if appropriate;
- (d) organise the selection of projects for co-financing under the Fund in accordance with the criteria set out in Article 14(5);
- (e) receive payments made by the Commission, and make payments to the final beneficiaries;
- (f) ensure consistency and complementarity between co-financing under the Fund and from other relevant national and Community financial instruments;
- (g) monitor the delivery of the co-financed products and services and check that the expenditure declared for actions has actually been incurred and complies with Community and national rules;
- (h) ensure that there is a system for recording and storing in computerised form accounting records of each action under the annual programmes and that the data on implementation necessary for financial management, monitoring, control and evaluation are collected;
- (i) ensure that final beneficiaries and other bodies involved in the implementation of actions co-financed by the Fund maintain either a separate accounting system or an adequate accounting code for all transactions relating to the action without prejudice to national accounting rules;
- (j) ensure that the evaluations of the Fund referred to in Article 49 are carried out within the time limits laid down in Article 50(2) and meet the quality standards agreed between the Commission and the Member State;
- (k) set up procedures to ensure that all documents regarding expenditure and audits required to ensure an adequate audit trail are held in accordance with the requirements referred to in Article 43;
- (l) ensure that the audit authority receives for the purposes of carrying out the audits defined in Article 30(1) all necessary information on management procedures operated and the projects co-financed by the Fund;
- (m) ensure that the certifying authority receives all necessary information on the procedures and verifications carried out in relation to expenditure for the purpose of certification;
- (n) draw up and submit to the Commission progress and final reports on the implementation of the annual programmes, declarations of expenditure certified by the certifying authority and requests for payment or, where appropriate, statements of reimbursement;
- (o) carry out information and advisory activities and disseminate results of supported actions;
- (p) cooperate with the Commission and the responsible authorities in the other Member States;
- (q) verify the implementation by the final beneficiaries of the guidelines referred to in Article 33(6).

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2. The responsible authority's management activities for projects implemented in the Member States may be financed under the technical assistance arrangements referred to in Article 16.

Article 28

Delegation of tasks by the responsible authority

1. Where all or some of the responsible authority's tasks are delegated to a delegated authority, the responsible authority shall define the scope of the tasks delegated, and set out detailed procedures for the implementation of the delegated tasks, which shall comply with the conditions laid down in Article 26.
2. These procedures shall include supplying the responsible authority with regular information on the effective performance of the delegated tasks and a description of the means employed.

Article 29

Certifying authority

1. The certifying authority shall:
 - (a) certify that:
 - (i) the declaration of expenditure is accurate, results from reliable accounting systems and is based on verifiable supporting documents,
 - (ii) the expenditure declared complies with applicable Community and national rules and has been incurred in respect of actions selected in accordance with the criteria applicable to the programme and complying with Community and national rules;
 - (b) ensure for the purposes of certification that it has received adequate information from the responsible authority on the procedures and verifications carried out in relation to expenditure included in declarations of expenditure;
 - (c) take account for the purposes of certification of the results of all audits carried out by or under the responsibility of the audit authority;
 - (d) maintain accounting records in computerised form of expenditure declared to the Commission;
 - (e) verify the recovery of any Community financing found to have been unduly paid as a result of irregularities detected, together with interest where appropriate;
 - (f) keep an account of amounts recoverable and amounts recovered under the general budget of the European Union, where possible by deducting them from the next declaration of expenditure.
2. The certifying authority's activities relating to projects implemented in the Member States may be financed under the technical assistance arrangements referred to in Article 16, provided that the prerogatives of this authority as described in Article 25 are respected.

Article 30

Audit authority

1. The audit authority shall:
 - (a) ensure that audits are carried out to verify the effective functioning of the management and control system;
 - (b) ensure that audits are carried out on actions on the basis of an appropriate sample to verify expenditure declared; the sample shall represent at least 10 % of the total eligible expenditure for each annual programme;
 - (c) present to the Commission within six months of the approval of the multiannual programme an audit strategy covering the bodies which will perform the audits referred to under points (a) and (b), ensuring that the main beneficiaries of co-financing by the Fund are audited and that audits are spread evenly throughout the programming period.

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2. Where the designated audit authority under this Decision is also the designated audit authority under Decisions No .../2007/EC, No .../2007/EC and No .../2007/EC (*), or where common systems apply to two or more of these Funds, a single combined audit strategy may be submitted under paragraph 1(c).
3. For each annual programme, the audit authority shall draft a report which shall comprise:
 - (a) an annual audit report setting out the findings of the audits carried out in accordance with the audit strategy in respect of the annual programme and reporting any shortcomings found in the systems for the management and control of the programme;
 - (b) an opinion, on the basis of the controls and audits that have been carried out under the responsibility of the audit authority, as to whether the functioning of the management and control system provides reasonable assurance that declarations of expenditure presented to the Commission are correct and that the underlying transactions are legal and regular;
 - (c) a declaration assessing the validity of the request for payment or statement of reimbursement of the final balance and the legality and regularity of the expenditure concerned.
4. The audit authority shall ensure that the audit work takes account of internationally accepted audit standards.
5. The audit relating to projects implemented in the Member States may be financed under the technical assistance arrangements referred to in Article 16, provided that the prerogatives of the audit authority as described in Article 25 are respected.

CHAPTER VI

RESPONSIBILITIES AND CONTROLS

Article 31

Responsibilities of the Member States

1. Member States shall be responsible for ensuring sound financial management of multi-annual and annual programmes and the legality and regularity of underlying transactions.
2. Member States shall ensure that responsible authorities and any delegated authority, certifying authorities, audit authorities and any other bodies concerned receive adequate guidance on setting up the management and control systems referred to in Articles 24 to 30 to ensure that Community financing is used efficiently and correctly.
3. Member States shall prevent, detect and correct irregularities. They shall notify these to the Commission, and keep the Commission informed of the progress in the administrative and legal proceedings.

When amounts unduly paid to a final beneficiary cannot be recovered, the Member State concerned shall be responsible for reimbursing the amounts lost to the general budget of the European Union when it is established that the loss has been incurred as a result of its fault or negligence.

4. Member States shall be primarily responsible for the financial control of actions and shall ensure that management and control systems and audits are implemented in such a way as to guarantee that Community funds are used properly and effectively. They shall provide the Commission with a description of these systems.
5. The detailed rules for implementing paragraphs 1 to 4 shall be adopted in accordance with the procedure referred to in Article 52(2).

Article 32

Management and control systems

1. Before the Commission approves the multiannual programme, in accordance with the procedure referred to in Article 52(2), the Member States shall ensure that management and control systems have been set up in accordance with Articles 24 to 30. They shall be responsible for ensuring that the systems function effectively throughout the programming period.

(*) OJ: please insert the numbers of the 3 Decisions referred to in recital 13.

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2. Member States shall submit to the Commission, together with their draft multiannual programme, a description of the organisation and procedures of the responsible authorities, delegated authorities and certifying authorities, and the internal audit systems operating in those authorities and bodies, the audit authority, and any other bodies carrying out audits under its responsibility.

3. The Commission shall review the application of this provision in the context of the preparation of the report set out in Article 50(3).

Article 33

Responsibilities of the Commission

1. The Commission shall satisfy itself in accordance with the procedure laid down in Article 32 that the Member States have set up management and control systems that comply with Articles 24 to 30, and on the basis of the annual audit reports and its own audits, that the systems function effectively during the programming period.

2. Without prejudice to audits carried out by Member States, Commission officials or authorised Commission representatives may carry out on-the-spot checks to verify the effective functioning of the management and control systems, which may include audits of actions included in the annual programmes, with a minimum of three working days' notice. Officials or authorised representatives of the Member State concerned may take part in such audits.

3. The Commission may require a Member State to carry out on-the-spot checks to verify the correct functioning of the systems or the correctness of one or more transactions. Commission officials or authorised Commission representatives may take part in such checks.

4. The Commission shall, in cooperation with the Member States, ensure that appropriate information, publicity and follow-up are provided for actions supported by the Fund.

5. The Commission shall, in cooperation with the Member States, ensure that actions are consistent with, and complementary to, other relevant Community policies, instruments and initiatives.

6. The Commission shall lay down guidelines to ensure the visibility of the funding granted under this Decision.

Article 34

Cooperation with the audit authorities of the Member States

1. The Commission shall cooperate with the audit authorities to coordinate their respective audit plans and methods and shall immediately exchange the results of audits carried out of management and control systems in order to make the best possible use of control resources and to avoid unjustified duplication of work.

The Commission shall provide its comments on the audit strategy presented under Article 30 within not more than three months of its receipt.

2. In determining its own audit strategy, the Commission shall identify those annual programmes which it considers satisfactory on the basis of its existing knowledge of the management and control systems.

For those programmes, the Commission may conclude that it can rely principally on the audit evidence provided by the Member States and that it will carry out its own on-the-spot checks only if there is evidence to suggest shortcomings in the systems.

CHAPTER VII

FINANCIAL MANAGEMENT

Article 35

Eligibility — Declarations of expenditure

1. All declarations of expenditure shall include the amount of expenditure incurred by final beneficiaries in implementing the actions and the corresponding contribution from public or private funds.

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2. Expenditure shall correspond to the payments effected by the final beneficiaries. It shall be justified by receipted invoices or accounting documents of equivalent evidential value.
3. Expenditure may be considered eligible for support from the Fund only if it is actually paid no earlier than 1 January of the year referred to in the financing decision approving the annual programme referred to in the third subparagraph of Article 20(5). The co-financed actions must not have been completed before the starting date for eligibility.
4. The rules governing eligibility of expenditure within the framework of implemented actions co-financed by the Fund in the Member States under Article 3 shall be adopted in accordance with the procedure referred to in Article 52(2).

Article 36

Completeness of payment to final beneficiaries

Member States shall satisfy themselves that the responsible authority ensures that the final beneficiaries receive the total amount of the contribution from public funds as quickly as possible. No amounts shall be deducted or withheld, nor shall any further specific charge or other charge with equivalent effect be levied that would reduce these amounts for the final beneficiaries, provided that the final beneficiaries meet all the requirements regarding the eligibility of actions and expenses.

Article 37

Use of the euro

1. Amounts set out in the draft multiannual and annual programmes of the Member States referred to in Articles 18 and 20 respectively, certified declarations of expenditure, requests for payments referred to in Article 27(1)(n), expenditure mentioned in the progress report on the implementation of the annual programme referred to in Article 39(4) and the final report on the implementation of the annual programme referred to in Article 51 shall be denominated in euros.
2. Commission financing decisions approving the annual programmes of Member States referred to in the third subparagraph of Article 20(5), Commission commitments and Commission payments shall be denominated and carried out in euros.
3. Member States which have not adopted the euro as their currency on the date of the request for payment shall convert into euros the amounts of expenditure incurred in national currency. This amount shall be converted into euros using the monthly accounting exchange rate of the Commission for the month during which the expenditure was entered in the accounts of the responsible authority of the programme concerned. This rate shall be published electronically by the Commission each month.
4. When the euro becomes the currency of a Member State, the conversion procedure set out in paragraph 3 shall continue to apply to all expenditure recorded in the accounts by the certifying authority before the date of entry into force of the fixed conversion rate between the national currency and the euro.

Article 38

Commitments

Community budgetary commitments shall be made annually on the basis of the Commission financing decision approving the annual programme referred to in the third subparagraph of Article 20(5).

Article 39

Payments — Pre-financing

1. Payments by the Commission of the contribution from the Fund shall be made in accordance with the budget commitments.
2. Payments shall take the form of pre-financing and payment of the balance. They shall be made to the responsible authority designated by the Member State.

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3. A first pre-financing payment representing 50 % of the amount allocated in the financing decision approving the annual programme shall be made to the Member State within sixty days following the adoption of that decision.

4. A second pre-financing payment shall be made no more than three months after the Commission has approved, within two months of the formal submission of a request for payment by a Member State, a progress report on the implementation of the annual programme and a certified declaration of expenditure drawn up in accordance with Article 29(1)(a) and Article 35 accounting for at least 60 % of the amount of the initial payment.

The amount of the second pre-financing payment made by the Commission shall not exceed 50 % of the total amount allocated by the financing decision approving the annual programme and, in any event, where a Member State has committed nationally an amount less than the amount indicated in the financing decision approving the annual programme, the balance of the amount of Community funds actually committed by the Member State for selected projects under the annual programme minus the first pre-financing payment.

5. Any interest generated by pre-financing payments shall be posted to the annual programme concerned, being regarded as a resource for the Member State as national public contribution and shall be declared to the Commission at the time of the declaration of expenditure relating to the final report on the implementation of the annual programme concerned.

6. The amounts paid as pre-financing shall be cleared from the accounts when the annual programme is closed.

Article 40

Payment of balance

1. The Commission shall pay the balance provided it has received the following documents no later than nine months after the eligibility deadline for expenditure laid down in the financing decision approving the annual programme:

- (a) a certified declaration of expenditure, duly drawn up in accordance with Article 29(1)(a) and Article 35, and a request for payment of the balance or statement of reimbursement;
- (b) the final report on the implementation of the annual programme as set out in Article 51;
- (c) the annual audit report, opinion and declaration provided for in Article 30(3).

The payment of the balance shall be subject to the acceptance of the final report on the implementation of the annual programme and of the declaration assessing the validity of the request for payment of the balance.

2. If the responsible authority fails to provide the documents required in paragraph 1 by the due date and in an acceptable format, the Commission shall decommit any part of the budget commitment of the corresponding annual programme that has not been used for payment of the pre-financing.

3. The automatic cancellation procedure defined in paragraph 2 shall be suspended, for the amount of the projects concerned, where legal proceedings or administrative appeals having suspensive effects are under way at Member State level when the documents defined in paragraph 1 are submitted. The Member State shall, in the final report submitted, give detailed information on such projects, and send reports on progress made with regard to these projects every six months. Within three months of the conclusion of the legal proceedings or administrative appeal procedure, the Member State shall present the documents required in paragraph 1 for the projects concerned.

4. The nine-month period referred to in paragraph 1 shall cease to run if the Commission adopts a decision suspending payments of the co-financing for the relevant annual programme in accordance with Article 42. The period shall start to run again from the date when the Commission decision referred to in Article 42(3) has been notified to the Member State.

5. Without prejudice to Article 41, the Commission shall, within six months of receiving the documents referred to in paragraph 1 of this Article, inform the Member State of the amount of expenditure recognised by the Commission as chargeable to the Fund, and of any financial corrections deriving from the difference between declared expenditure and the expenditure recognised. The Member State shall have three months to present its comments.

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6. Within three months of receiving the Member State's comments, the Commission shall decide on the amount of expenditure recognised as chargeable to the Fund, and recover the balance arising from the difference between the final recognised expenditure and the sums already paid to that Member State.

7. Subject to available funding, the Commission shall pay the balance within no more than sixty days from the date on which it accepts the documents referred to in paragraph 1. The balance of the budgetary commitment shall be decommitted within six months following the payment.

Article 41

Withholding of payments

1. The payment shall be withheld by the authorising officer by delegation within the meaning of the Financial Regulation for a maximum period of six months if:

- (a) in a report of a national or Community audit body there is evidence to suggest a significant deficiency in the functioning of the management and control systems;
- (b) that officer has to carry out additional verifications following information coming to his notice which alerted him that expenditure in a certified declaration of expenditure is linked to a serious irregularity which has not been corrected.

2. The Member State and the responsible authority shall be informed immediately of the reasons for the payment being withheld. The payment shall be withheld until the necessary measures are taken by the Member State.

Article 42

Suspension of payments

1. All or part of the pre-financing and payments of the balance may be suspended by the Commission when:

- (a) there is a serious deficiency in the management and control system of the programme which affects the reliability of the procedure for certification of payments and for which corrective measures have not been taken; or
- (b) expenditure in a certified declaration of expenditure is linked to a serious irregularity which has not been corrected; or
- (c) a Member State has not complied with its obligations under Articles 31 and 32.

2. The Commission may decide to suspend pre-financing and payments of the balance after having given the Member State the opportunity to present its observations within a period of three months.

3. The Commission shall end suspension of pre-financing and payments of the balance when it considers that the Member State has taken the necessary measures to enable the suspension to be lifted.

4. If the necessary measures are not taken by the Member State, the Commission may adopt a decision to cancel all or part of the Community contribution to the annual programme in accordance with Article 46.

Article 43

Conservation of documents

Without prejudice to the rules governing State aid under Article 87 of the Treaty, the responsible authority shall ensure that all the supporting documents regarding expenditure and audits on the programmes concerned are kept available for the Commission and the Court of Auditors for a period of five years following the closure of the programmes in accordance with Article 40(1).

This period shall be interrupted either in the case of legal proceedings or at the duly substantiated request of the Commission.

The documents shall be kept either in the form of the originals or in versions certified to be in conformity with the originals on commonly accepted data carriers.

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CHAPTER VIII

FINANCIAL CORRECTIONS

Article 44

Financial corrections by Member States

1. Member States shall in the first instance bear the responsibility for investigating irregularities, acting upon evidence of any major change affecting the nature or the conditions for the implementation or control of programmes and making the required financial corrections.

2. Member States shall make the financial corrections required in connection with the individual or systemic irregularities detected in actions or annual programmes.

Corrections made by the Member States shall consist in cancelling, and if applicable, recovering all or part of the Community contribution. Where the amount is not repaid in the time allowed by the relevant Member State, default interest shall be due at the rate provided for in Article 47(2). Member States shall take into account the nature and gravity of the irregularities and the financial loss to the Fund.

3. In the event of systemic irregularities the relevant Member State shall extend its enquiries to cover all operations liable to be affected.

4. Member States shall include in the final report on the implementation of the annual programme referred to in Article 51 a list of cancellation procedures initiated for the annual programme concerned.

Article 45

Audit of accounts and financial corrections by the Commission

1. Without prejudice to the powers of the Court of Auditors or the checks carried out by the Member States in accordance with national laws, regulations and administrative provisions, Commission officials or authorised Commission representatives may carry out on-the-spot checks, including sample checks, on the actions financed by the Fund and on management and control systems with a minimum of three working days' notice. The Commission shall give notice to the Member State concerned with a view to obtaining all the assistance necessary. Officials or authorised representatives of the Member State concerned may take part in such checks.

The Commission may require the Member State concerned to carry out an on-the-spot check to verify the accuracy of one or more transactions. Commission officials or authorised Commission representatives may take part in such checks.

2. If, after completing the necessary verifications, the Commission concludes that a Member State is not complying with its obligations under Article 31, it shall suspend the pre-financing or payment of the balance in accordance with Article 42.

Article 46

Criteria for the corrections

1. The Commission may make financial corrections by cancelling all or part of the Community contribution to an annual programme where, after carrying out the necessary examination, it concludes that:

- (a) there is a serious deficiency in the management and control system of the programme which has put at risk the Community contribution already paid to the programme;
- (b) expenditure contained in a certified declaration of expenditure is irregular and has not been corrected by the Member State prior to the opening of the correction procedure under this paragraph;
- (c) a Member State has not complied with its obligations under Article 31 prior to the opening of the correction procedure under this paragraph.

The Commission shall decide after having taken into account any comments made by the Member State.

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2. The Commission shall base its financial corrections on individual cases of irregularity identified, taking account of the systemic nature of the irregularity to determine whether a flat-rate or extrapolated correction should be applied. Where the irregularity relates to a declaration of expenditure for which a reasonable assurance had previously been given by the audit authority in accordance with Article 30(3)(b), there will be a presumption of a systemic problem giving rise to the application of a flat-rate or extrapolated correction, unless the Member State can provide proof within three months to rebut this presumption.

3. The Commission shall, when deciding the amount of a correction, take account of the importance of the irregularity and the extent and financial implications of the deficiencies found in the annual programme concerned.

4. Where the Commission bases its position on the facts established by auditors other than those of its own services, it shall draw its own conclusions regarding the financial consequences, after examining the measures taken by the Member State concerned under Article 32, the reports of notified irregularities and any replies from the Member State.

Article 47

Repayment

1. Any repayment due to be made to the general budget of the European Union shall be effected before the due date indicated in the order for recovery drawn up in accordance with Article 72 of the Financial Regulation. This due date shall be the last day of the second month following the issuing of the order.

2. Any delay in effecting repayment shall give rise to interest on account of late payment, starting on the due date and ending on the date of actual payment. The rate of such interest shall be the rate applied by the European Central Bank to its principal refinancing operations, as published in the C series of the *Official Journal of the European Union*, in force on the first calendar day of the month in which the due date falls, increased by three and a half percentage points.

Article 48

Obligations of Member States

A financial correction by the Commission shall not prejudice the Member State's obligation to pursue recoveries under Article 44.

CHAPTER IX

MONITORING, EVALUATION AND REPORTS

Article 49

Monitoring and evaluation

1. The Commission shall carry out regular monitoring on the Fund in cooperation with the Member States.

2. The Fund shall be evaluated by the Commission in partnership with the Member States to assess the relevance, effectiveness and impact of actions in the light of the general objective referred to in Article 2 in the context of the preparation for the report set out in Article 50(3).

3. The Commission shall also consider the complementarity between the actions implemented under the Fund and those pursued under other relevant Community policies, instruments and initiatives.

Article 50

Reporting obligations

1. In each Member State the responsible authority shall take the necessary measures to ensure project monitoring and evaluation.

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To that end, the agreements and contracts it concludes with the organisations responsible for the implementation of the actions shall include clauses laying down an obligation to submit regular and detailed reports on the state of progress of implementation and completion of the assigned objectives, which shall be the basis for, respectively, the progress and final reports on the implementation of the annual programme.

2. The Member States shall submit to the Commission by 30 June 2012 for the period 2008 to 2010 and by 30 June 2015 for the period 2011 to 2013 respectively, an evaluation report on the results and impact of actions co-financed by the Fund.

3. The Commission shall submit to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions by 31 December 2012 for the period 2008 to 2010 and by 31 December 2015 for the period 2011 to 2013 respectively, an *ex-post* evaluation report.

Article 51

Final report on the implementation of the annual programme

1. The final report on the implementation of the annual programme shall include the following information in order to obtain a clear view of the implementation of the programme:

- (a) the financial and operational implementation of the annual programme;
- (b) the progress made in implementing the multiannual programme and its priorities in relation to its specific, verifiable targets, with a quantification, wherever and whenever they lend themselves to quantification, of the indicators;
- (c) the steps taken by the responsible authority to ensure the quality and effectiveness of implementation, in particular:
 - (i) monitoring and evaluation measures, including data collection arrangements,
 - (ii) a summary of any significant problems encountered in implementing the operational programme and any measures taken,
 - (iii) the use made of technical assistance;
- (d) the measures taken to provide information on and make public the annual and multiannual programmes.

2. The report shall be judged acceptable where it contains all the information listed in paragraph 1. The Commission shall reach a decision on the content of the report submitted by the responsible authority within two months of having received all the information referred to in paragraph 1, which shall be acknowledged to the Member States. If the Commission does not respond within the time limit laid down, the report shall be deemed to be accepted.

CHAPTER X

FINAL PROVISIONS

Article 52

Committee

1. The Commission shall be assisted by the common Committee 'Solidarity and Management of Migration flows', established by Decision No .../2007/EC (*).

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

3. Where reference is made to this paragraph, Article 5a(1) to (4) and (5)(b) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The time-limits laid down in Article 5a(3)(c), (4)(b) and (4)(e) of Decision 1999/468/EC shall be set at six weeks.

(*) OJ: please insert the number of the first Decision referred to in recital 13 (External Borders Fund).

Thursday, 14 December 2006

*Article 53***Review**

The European Parliament and the Council shall review this Decision on the basis of a proposal from the Commission by 30 June 2013.

*Article 54***Transitional provisions**

1. This Decision shall not affect the continuation or modification, including the total or partial cancellation, of assistance approved by the Commission on the basis of Decision 2004/904/EC, or any other legislation which applies to that assistance on 31 December 2007.

2. When adopting decisions on co-financing under this Fund, the Commission shall take account of measures adopted on the basis of Decision 2004/904/EC before ... (*) which have financial repercussions during the period covered by that co-financing.

3. Sums committed for co-financing approved by the Commission between 1 January 2005 and 31 December 2007 for which the documents required for closure of the programmes have not been sent to the Commission by the deadline for submitting the final report shall be automatically decommitted by the Commission by 31 December 2010, giving rise to the repayment of amounts unduly paid.

Amounts relating to operations or programmes which have been suspended due to legal proceedings or administrative appeals having suspensory effect shall be disregarded in calculating the amount to be automatically decommitted.

4. Member States shall submit to the Commission by 30 June 2009 an evaluation report on the results and impacts of actions co-financed by the Fund concerning the period 2005 to 2007.

5. The Commission shall submit to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions by 31 December 2009, a report on the results achieved and on qualitative and quantitative aspects of implementation of the Fund for the period 2005 to 2007.

*Article 55***Repeal**

Decision 2004/904/EC shall be repealed with effect from 1 January 2008.

*Article 56***Entry into force and application**

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

This Decision shall apply from 1 January 2008, with the exception of Articles 13, 17, 18, 20, 23 and 25, Article 31(2), Article 31(5), Article 32, Article 35(4) and Article 52 which shall apply from ... (*).

*Article 57***Addressees**

This Decision is addressed to the Member States in accordance with the Treaty establishing the European Community.

Done at ..., on ...

For the European Parliament
The President

For the Council
The President

(*) Date of entry into force of this Decision.

Thursday, 14 December 2006

P6_TA(2006)0582

Double-hull or equivalent design requirements for single-hull oil tankers *I**

European Parliament legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 417/2002 on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers and repealing Council Regulation (EC) No 2978/94 (COM(2006)0111 — C6-0104/2006 — 2006/0046(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2006)0111) ⁽¹⁾,
 - having regard to Article 251(2) and Article 80(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0104/2006),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A6-0417/2006);
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⁾ Not yet published in OJ.

P6_TC1-COD(2006)0046

Position of the European Parliament adopted at first reading on 14 December 2006 with a view to the adoption of Regulation (EC) No .../2006 of the European Parliament and of the Council amending Regulation (EC) No 417/2002 on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers

(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 80(2) thereof,

Having regard to the proposal from the *Commission*,

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

Having regard to the opinion of the Committee of the Regions,

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

⁽¹⁾ OJ C 318, 23.12.2006, p. 229.

⁽²⁾ *Position of the European Parliament of 14 December 2006.*

Thursday, 14 December 2006

Whereas:

- (1) Regulation (EC) No 417/2002 ⁽¹⁾ provides for the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers laid down in the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto ('MARPOL 73/78'), in order to reduce the risk of accidental oil pollution in European waters.
- (2) Regulation (EC) No 417/2002 introduced measures prohibiting the carriage of heavy grades of oil in single-hull oil tankers leaving or bound for ports in the European Union.
- (3) Following action by the Member States and the Commission within the International Maritime Organisation (IMO), this ban has been imposed world-wide through an amendment to Annex I to MARPOL 73/78.
- (4) Paragraphs 5, 6 and 7 of Regulation 13H of Annex I to MARPOL 73/78 concerning the ban on the carriage of heavy grades of oil in single-hull oil tankers contain exemptions from Regulation 13H. The statement by the Italian Presidency of the European Council on behalf of the European Union, recorded in the official report of the IMO's Marine Environment Protection Committee (MEPC 50), expresses a political commitment to refrain from making use of these exemptions.
- (5) Under Regulation (EC) No 417/2002, a ship flying the flag of a Member State could apply the exemptions from Regulation 13H if it operated outside ports or offshore terminals under Community jurisdiction and still comply with Regulation (EC) No 417/2002.
- (6) Regulation (EC) No 417/2002 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Article 4(3) of Regulation (EC) No 417/2002 *is replaced by the following:*

'3. No oil tanker carrying heavy **grades of oil shall** be allowed to fly the flag of a Member State unless such tanker is a double-hull tanker.

No oil tanker carrying heavy grades of oil, irrespective of its flag, shall be allowed to enter or leave ports or offshore terminals or to anchor in areas under the jurisdiction of a Member State, unless such tanker is a double-hull oil tanker.'

Article 2

This Regulation shall enter into force on the twentieth 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 ..., ...

For the European Parliament
The President

For the Council
The President

⁽¹⁾ OJ L 64, 7.3.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 2172/2004 (OJ L 371, 18.12.2004, p. 26).

Thursday, 14 December 2006

P6_TA(2006)0583

European Fund for the Integration of Third-country Nationals *

European Parliament legislative resolution on the proposal for a Council decision establishing the European Fund for the Integration of Third-country Nationals for the period 2007-2013 as part of the General programme 'Solidarity and Management of Migration Flows' (COM(2005)0123 — C6-0238/2005 — 2005/0048(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2005)0123) ⁽¹⁾,
- having regard to Article 63(3)(a) of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0238/2005),
- having regard to Rules 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 Budgets and the Committee on Employment and Social Affairs (A6-0419/2006);

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 if it intends to amend the Commission proposal substantially;
5. Instructs its President to forward its position as annexed to this legislative resolution to the Council and Commission.

⁽¹⁾ Not yet published in OJ.

ANNEX

Amended Proposal for a Council decision establishing the European Fund for the Integration of Third-country nationals for the period 2007-2013 as part of the General programme 'Solidarity and Management of Migration Flows'

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 63(3)(a) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

⁽¹⁾ OJ C ...

⁽²⁾ OJ C ...

Thursday, 14 December 2006

Whereas:

- (1) With a view to the progressive establishment of an area of freedom, security and justice, the Treaty establishing the European Community provides both for the adoption of measures aimed at ensuring the free movement of persons, in conjunction with flanking measures relating to external borders controls, asylum and immigration, and for the adoption of measures relating to asylum, immigration and safeguarding the rights of third country nationals.
- (2) The European Council, at its special meeting in Tampere on 15 and 16 October 1999, stated that the European Union must ensure fair treatment of third country nationals who reside legally on the territory of its Member States. A more vigorous integration policy should aim at granting them rights and obligations comparable to those of EU citizens. It should also enhance non-discrimination in economic, social and cultural life and develop measures against racism and xenophobia.
- (3) The integration of third-country nationals in the Member States is a key element in promoting economic and social cohesion, a fundamental objective of the Community stated in the Treaty. **However, having regard to the Treaty establishing the European Community, this instrument is primarily targeted to third-country nationals who are newly-arrived, as far as the co-financing of concrete actions supporting the integration process.**
- (4) In the Hague Programme of 4-5 November 2004, the European Council underlines that to achieve the objective of stability and cohesion within Member States' societies it is essential to develop effective policies. It calls for greater coordination of national integration policies on the basis of a common framework and invites the Member States, the Council and the Commission to promote the structural exchange of experience and information on integration.
- (5) As requested in the Hague Programme, the Council of the European Union and the representatives of the governments of the Member States established on 19 November 2004 'Common Basic Principles for immigrant integration policy in the European Union'. The Common Basic Principles assist Member States in formulating integration policies by offering them a thoughtful guide of basic principles against which they can judge and assess their own efforts.
- (6) The Common Basic Principles are complementary and in full synergy with **the Community legislative instruments on the admission and stay of legally residing third country nationals concerning family reunion and long term residents, and other relevant existing legislative frameworks, including those relating to gender equality, non discrimination and social inclusion.**
- (7) **Recalling the presentation of the Communication of the Commission of 1 September 2005 on a common Agenda for Integration: framework for the integration of third country nationals in the EU, the Council Conclusions on a common agenda for integration of 1-2 December 2005 underline the need to strengthen the integration policies of the Member States and acknowledge the importance of defining a framework at European level for the integration of legally residing third country nationals in all aspects of society and in particular concrete measures for implementing the Common Basic Principles.**
- (8) The failure of an individual Member State to develop and implement integration policies can have in different ways adverse implications for other Member States and the European Union.
- (9) To underpin this programming in the area of integration, the budgetary Authority entered specific appropriations in the general budget of the European Communities from 2003 to **2006** for the financing of **pilot projects and** preparatory actions in the field of integration (**INTI**).
- (10) **Deleted**

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- (11) In light of **INTI** and referring to the Commission Communications on immigration, integration and employment and the First annual report on Migration and Integration, it is considered necessary to endow the Community from 2007 with a specific instrument designed to contribute to the national efforts of Member States to develop and implement integration policies which enable third-country nationals of different cultural, religious, linguistic and ethnic backgrounds to **fulfil the conditions of residence and to facilitate their integration into European societies**, in accordance with the Common Basic Principles and in complementarity with the ESF.
- (12) To ensure the consistency of the Community's response to integration of third country nationals, actions financed under this instrument should be specific and complementary to actions financed under the ESF **and the European Refugee Fund**. In this context, specific joint programming arrangements to ensure the consistency of the Community's response to integration of third country nationals through the ESF and this instrument will be developed.
- (13) Bearing in mind that this instrument and the ESF are under shared management with Member States, arrangements should also be made at national level to ensure consistency in implementation. For that purpose, the authorities of the Member States responsible for the implementation of this instrument should be required to establish cooperation and coordination mechanisms with the authorities designated by the Member States for managing the implementation of the ESF **and the European Refugee Fund** and to ensure that actions under this Fund should be specific and complementary to actions financed under the ESF **and the European Refugee Fund**.
- (14) This instrument is designed to form part of a coherent framework **consisting of this Decision, the Decision of the European Parliament and the Council establishing the European Refugee Fund for the period 2008-2013, the Decision of the European Parliament and the Council establishing the External Border Fund for the period 2007-2013 and the Decision of the European Parliament and the Council establishing the European Return Fund for the period 2008-2013**, which aims at addressing the issue of a fair share of responsibilities between Member States as concerns the financial burden arising from the introduction of an integrated management of the Union's external borders and from the implementation of common policies on asylum and immigration, as developed in accordance with Title IV of the Treaty establishing the European Community.
- (14a) **This instrument should be targeted primarily, as far as the co-financing of concrete actions supporting the integration process of third country nationals in Member States is concerned, to actions relating to third country nationals who are newly arrived. Reference could be made in this context to the Council Directive 2003/109/EC which refers to the period of five years of legal residence as a requirement with which third-country nationals have to comply in order to qualify for long-term residence status.**
- (14b) **This instrument should also support Member States in enhancing their capacity to develop, implement, monitor and evaluate in general all integration strategies, policies and measures for third country nationals as well as the exchange of information, best practices and co-operation in and between Member States contributing to enhancing this capacity.**
- (15) The support provided by the Fund will be more efficient and better targeted if co-financing of eligible actions is based on strategic multiannual **programming** drawn up by each Member State in **dialogue** with the Commission.
- (16) On the basis of the strategic guidelines adopted by the Commission, each Member State should prepare a multiannual programming document taking into account its specific situation and needs and setting out its development strategy **that should** constitute the framework for preparing **the implementation of the actions to be listed** in annual programmes.
- (17) **Deleted**
- (18) **Deleted**

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- (19) In the context of shared management as referred to in Article 53(1), point (b), of 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⁾, the conditions allowing the Commission to exercise its responsibilities for implementation of the general budget of the European Communities should be specified and the obligations for the cooperation of the Member States clarified. Applying these conditions will enable the Commission to satisfy itself that Member States are utilising the Fund in a lawful and correct manner and in accordance with the principle of sound financial management within the meaning of Articles 27 **and 48(2)** of the Financial Regulation.
- (20) **Deleted**
- (21) Objective criteria should be established to allocate the funds to the Member States. These criteria should take into account the total amount of third country nationals legally staying in Member States and the total new admission of third country nationals over a given reference period.
- (22) **Deleted**
- (23) Member States should adopt adequate measures to guarantee the proper functioning of management and control system. To this end, it is necessary to establish the general principles and the necessary functions which the systems of all programmes shall fulfil.
- (24) **Deleted**
- (25) In accordance with the principles of subsidiarity and proportionality, Member States have the primary responsibility for the implementation and control of the interventions.
- (26) The obligations on the Member States as regards management and control systems, the certification of expenditure, and the prevention, detection and correction of irregularities and infringements of Community law should be specified to guarantee the efficient and correct implementation of their multiannual and annual programmes. In particular, as far as the management and control are concerned, it is necessary to establish the modalities by which Member States ensure that the systems are in place and function satisfactorily.
- (27) Without prejudice to the Commission's powers as regards financial control, cooperation between the Member States and the Commission in this field should be **encouraged**.
- (28) **Deleted**
- (29) The effectiveness and impact of actions supported by this instrument also depend on their evaluation. The responsibilities of the Member States and the Commission in this regard, and arrangements to ensure the reliability of evaluation, should be formalised.
- (30) Actions should be evaluated with a view to a mid-term review and impact assessment, and the evaluation process should be incorporated into project monitoring arrangements.
- (31) **A financial reference amount, within the meaning of point 38 of the interinstitutional agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽²⁾ is included in this Decision for the entire duration of the programme, without thereby affecting the powers of the budgetary authority as they are defined by the Treaty.**
- (31A) **Bearing in mind the importance of visibility of the Community funding, the Commission should provide guidance to facilitate that any authority, non-governmental organisation, international organisation or other entity receiving a grant by this Fund properly acknowledges the support received, taking into account the practice for other instruments under shared management, such as the Structural Funds.**

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.

⁽²⁾ OJ C 139, 14.6.2006, p. 1.

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- (32) Since the objectives of the proposed action, namely to promote the integration of third country nationals in the host societies of Member States within the framework of the Common Basic Principles, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved by the Community, 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 Decision does not go beyond what is necessary in order to achieve those objectives.
- (33) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999, **as amended by Council Decision 2006/512/EC of 17 July 2006** ⁽¹⁾ laying down the procedures for the exercise of implementing powers conferred on the Commission. ***The implementing measures will be subject to a management committee procedure, this provision being the more appropriate in certain cases in order to increase efficiency.***
- (33A) ***In order to ensure a timely implementation of the Fund, this Decision should apply from 1 January 2007.***
- (34) In accordance with Article 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not take part in the adoption of this Decision, and is not bound by it or subject to its application.
- (35) ***In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Ireland has notified, by letter of 6 September 2005, its wish to take part in the adoption and application of this Decision.***
- (36) ***In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom has notified, by letter of 27 October 2005, its wish to take part in the adoption and application of this Decision.***

The European Economic and Social Committee has delivered an opinion ⁽²⁾

The Committee of the Regions has delivered an opinion ⁽³⁾

HAS ADOPTED THIS DECISION:

CHAPTER I

SUBJECT MATTER, OBJECTIVES AND ACTIONS

Article 1

Subject matter and scope

1. This Decision establishes for the period from 1 January 2007 to 31 December 2013 the European Fund for integration of third-country nationals, hereinafter referred to as 'The Fund', as part of ***a coherent framework also including the Decision of the European Parliament and the Council establishing the European Refugee Fund for the period 2008-2013, the Decision of the European Parliament and the Council establishing the External Border Fund for the period 2007-2013 and the Decision of the European Parliament and the Council establishing the European Return Fund for the period 2008-2013, in order to contribute to the strengthening of the area of Freedom, Security and Justice and the application of the principle of solidarity between the Member States.***

⁽¹⁾ OJ L 200, 22.7.2006, p. 11.

⁽²⁾ OJ C ...

⁽³⁾ OJ C ...

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This Decision defines the objectives to which the Fund contributes, its implementation, the available financial resources and the distribution criteria for the allocation of the available financial resources.

It establishes the Fund's management rules, including financial ones, monitoring and control mechanisms based on a share of responsibilities between the Commission and the Member States.

2. Third-country nationals who are on the territory of a third country and who are complying with specific pre-departure measures and/or conditions set out in national law, including those relating to the ability to integrate in the society of this Member State fall under the scope of this Decision.

3. Third-country nationals who have made an application for asylum in respect of which a final decision has not yet been taken, or enjoy refugee or subsidiary protection status, or qualify as refugees or are eligible for subsidiary protection in accordance with Council Directive 2004/83/EC of 29 April 2004, are excluded from the scope of this Decision.

4. Third country national means any person who is not a Union citizen within the meaning of Article 17(1) of the Treaty.

Article 2

General Objective of the Fund

1. The general objective of the Fund is to support the efforts of Member States in enabling third-country nationals of different **economic, social**, cultural, religious, linguistic and ethnic backgrounds to **fulfil the conditions of residence and to facilitate their integration into the European societies.**

The Fund shall primarily focus on actions relating to the integration of newly arrived third-country nationals.

2. In order to further the objective mentioned in paragraph 1 the Fund will contribute to the development and implementation of national integration strategies for third-country nationals **in all aspects of society in particular taking into account the principle that integration is a two-way dynamic process of mutual accommodation by all immigrants and residents of Member States.**

3. The Fund shall contribute to the financing of the technical assistance on the initiative of the Member States or the Commission.

Article 3

Specific objectives

The Fund shall contribute to the following specific objectives:

- (a) **Facilitation of the development and implementation of admission procedures relevant to and supportive of the integration process of third country nationals;**
- (b) **Development and implementation of the integration process of newly-arrived third country nationals in Member States;**
- (c) **Increase of the capacity of Member States to develop, implement, monitor and evaluate policies and measures for the integration of third country nationals;**
- (d) **Exchange of information, best practices and co-operation in and between Member States in developing, implementing, monitoring and evaluating policies and measures for the integration of third country nationals.**

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Article 4

Eligible actions in the Member States

1. As regards the objective defined in Article 3, point (a), the Fund shall support actions in Member States which:

- (a) facilitate the development **and implementation** by Member States of admission procedures, **inter alia** by supporting consultation processes with relevant stakeholders and expert advice or information exchanges on approaches which target specific nationalities or categories of third country nationals;
- (b) render the implementation of admission procedures more effective and accessible to third-country nationals **inter alia** by using user-friendly Communication and Information Technology, information campaigns and selection procedures;
- (c) prepare third-country nationals for their integration into host society in a better way by supporting pre-travel measures **which enable them to acquire knowledge and skills necessary for their integration**, such as **vocational training**, information packages, comprehensive civic orientation courses **and language tuition** in the country of origin.

2. As regards the objective defined in Article 3, point (b), the Fund shall support actions in Member States which:

- (a) **set up programmes and activities aiming at introducing newly arrived third country nationals to the host society and enabling them to acquire basic knowledge about the host society's language, history, institutions, socio economic features, cultural life and the fundamental norms and values, as well as complement such existing programmes and activities;**
- (b) develop and improve the quality of **such** programmes and activities at local and regional level, with a particular emphasis on civic orientation;
- (c) reinforce the capacity of **such** programmes and activities to reach out to particular groups, such as dependants of persons subject to admission procedures, children, women, elderly, illiterate or persons with disabilities;
- (d) increase the flexibility of **such** programmes and activities, in particular through part time courses, fast track modules, distance or E-learning systems or similar models, enabling third-country nationals to **complete** the programmes and activities while at the same time working or studying;
- (e) develop and implement **such** programmes or activities, **targeting at young third-country nationals, with specific social and cultural challenges** related to **identity issues**;
- (f) **develop such programmes or activities encouraging the admission and supporting the integration process of highly qualified and qualified third-country nationals;**

3. As regards the **objectives** defined in Article 3 points (c) **and (d)**, the Fund shall support actions in **and between** Member States which:

- (a) **improve the access of third-country nationals to public and private goods and services, inter alia by intermediary services, interpretation and translation services and by improving the staff's intercultural capacities;**
- (b) **build sustainable organisational structures for integration and diversity management, promote durable and sustainable participation in civil and cultural life, and develop modes of co-operation between different relevant stakeholders enabling officials at various levels to swiftly gain information about experiences and practices else where and, where possible, to pool resources;**
- (c) **develop and implement intercultural training, capacity building and diversity management, training of staff within public and private service providers, including educational institutions;**

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- (d) *reinforce the capacity to coordinate, implement, monitor and evaluate national integration strategies for third-country nationals across the different levels and departments of government;*
- (e) *contribute to the evaluation of admission procedures or the programmes and activities referred to in paragraph 2 by supporting representative surveys among third-country nationals having benefited from them and/or among relevant stakeholders, such as enterprises, non-governmental organisations and regional or local authorities;*
- (f) *introduce and implement schemes to gather and analyse information about the needs of different categories of third-country nationals at local or regional level by involving platforms for consultation of third country nationals and for exchange of information between stakeholders and by conducting surveys among immigrant communities on how best to respond to those needs;*
- (g) *contribute to the two-way process underlying integration policies by developing platforms for consultation of third country nationals, exchange of information between stake holders and intercultural, inter-faith and religious dialogue platforms between communities and/or between communities and policy and decision making authorities;*
- (h) *develop indicators and benchmarking for measuring progress at national level;*
- (i) *develop high quality monitoring tools and evaluation schemes for integration policies and measures;*
- (j) *increase the acceptance of migration in host societies as well as the acceptance of integration measures through awareness-raising campaigns, particularly in the media.*

Article 5

Actions of interest to the Community

1. At the Commission's initiative, up to 7 % of the Fund's available resources may be used to finance transnational actions or actions of interest to the Community as a whole ('Community actions') concerning immigration and integration policy.
2. To be eligible for funding, Community actions shall in particular:
 - (a) further Community cooperation in implementing Community law and good practices in the field of immigration and implementing good practices in the field of integration;
 - (b) support the setting-up of transnational cooperation networks and pilot projects based on transnational partnerships between bodies located in **two** or more Member States designed to stimulate innovation, facilitate exchanges of experience and good practice and improve the quality of integration policies;
 - (c) support transnational awareness-raising campaigns;
 - (d) support studies, dissemination and exchange of information on best practices and all other aspects of **immigration and integration policies**, including for the use of state of the art technology;
 - (e) support pilot projects and studies exploring the possibility of new forms of Community cooperation in the field of immigration and integration and Community law in the field of immigration;
 - (f) support the development **and application by Member States of common** statistical tools, methods and indicators **for measuring policy developments in the fields of immigration and integration.**
3. The annual work programme laying down the priorities for Community actions shall be adopted in accordance with the procedure referred to in Article 51(2).

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Article 6

[Target Groups]

Deleted

CHAPTER II

PRINCIPLES OF ASSISTANCE

Article 7

Complementarity, consistency and compliance

1. The Fund shall provide assistance which complements national, regional and local actions, integrating into them the priorities of the Community.

In particular, to ensure the consistency of the Community's response to integration of third country nationals, actions financed under this instrument shall be specific and complementary to actions financed under the European Social Fund **and the European Refugee Fund**.

2. The Commission and the Member States shall ensure that assistance from the Fund and the Member States is consistent with the activities, policies and priorities of the Community. This consistency shall be indicated in particular in the multiannual programme referred to in Article 18.

3. Operations financed by the Fund shall comply with the provisions of the Treaty and of acts adopted under them.

Article 8

Programming

1. The objectives of the Fund shall be pursued in the framework of **a** multiannual programming period **(2007-2013), subject to a mid-term review, in accordance with Article 21A**. The multiannual programming system shall include the priorities and a process of management, decision making, auditing and certification.

2. The multiannual programmes **approved** by the Commission shall be implemented by means of annual programmes.

Article 9

Subsidiary and proportional intervention

1. Implementation of multiannual and annual programmes referred to in Articles 19 and 21 shall be the responsibility of Member States at the appropriate territorial level, in accordance with the institutional system specific to each Member State. This responsibility shall be exercised in accordance with this Decision.

2. The means employed by the Commission and the Member States shall vary according to the size of the Community contribution in relation to audit provisions. Differentiation also applies to provisions on evaluation and to the reports on multiannual and annual programmes.

Article 10

Implementation methods

1. The Community budget allocated to the Fund shall be implemented in accordance with Article 53(1), point (b) of Council Regulation (EC, Euratom) No 1605/2002, with the exception of the Community Actions referred to in Article 5 and the technical assistance referred to in Article 16. The Member States and the Commission shall ensure compliance with the principle of sound financial management.

2. The Commission exercises its responsibility for implementing the general budget of the European Communities by:

- (a) checking the existence and proper functioning of management and control systems in the Member States in accordance with the procedures described in Article 30;

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- (b) interrupting or suspending all or part of payments in accordance with Articles **40** and **41** if the national management and control systems fail, and by applying any other financial correction required, in accordance with the procedures described in Articles **44** and **45**.

Article 11

[**Additionality**]

Deleted

Article 12

Partnership

1. Each Member State shall organise, in accordance with current national rules and practices, a partnership with the authorities and bodies which ***are involved in the implementation of the multiannual programme or are able to provide a useful contribution to its development according to the Member State concerned.***

Such authorities and bodies may include the competent regional, local, urban and other public authorities, ***international organisations and bodies*** representing civil society ***such as*** non-governmental organisations, including ***migrant organisations, or*** social partners.

This partnership shall include at least the implementing authorities designated by Member States for the purpose of the management of the interventions of the European Social Fund and the responsible authority of the European Refugee Fund.

2. The partnership shall be conducted in full compliance with the respective institutional, legal and financial jurisdiction of each partner category.

CHAPTER III

FINANCIAL FRAMEWORK

Article 13

Global resources

- 1. The financial reference amount or the implementation of actions financed by this Fund for the period from 1 January 2007 until 31 December 2013 shall be 825 million euro.***

1bis. The annual appropriations for the Fund shall be authorised by the budgetary authority within the limits of the financial **framework**.

2. The Commission shall make indicative annual breakdowns by Member States in accordance with the criteria established in Article 14.

Article 14.

Annual distribution of resources for eligible actions in the Member States

1. Each Member State shall receive a fixed amount of **500 000 euro** from the Fund's annual allocation.

This amount shall be fixed at 500 000 euro per annum for Member States which will accede to the European Union in the period 2007-2013, for the remaining part of the period 2007-2013 from the year following their accession.

2. The remainder of the available annual resources shall be broken down between the Member States as follows:

- (a) 40 % in proportion to the average of the total number of legally residing third country nationals in Member States over the previous three years; and
- (b) 60 % in proportion to the number of third country nationals who have obtained an authorisation issued by the authorities of a Member States to reside on its territory over the previous three years.

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3. However, for the purpose of the calculation referred to in point (b) of paragraph 2, the following categories of persons shall not be included:

- (a) seasonal workers, as defined under national law;
- (b) third country nationals admitted for the purposes of studies, pupil exchange, unremunerated training or voluntary service in accordance with Council Directive 2004/114/EC of 13 December 2004 ⁽¹⁾;
- (c) third country nationals admitted for purposes of scientific research in accordance with Council Directive 2005/71/EC of 12 October 2005 ⁽²⁾;
- (d) third country nationals who have received a renewal of an authorisation issued by the authorities of a Member State or a change of status, including third country nationals who acquire long-term resident status in accordance with Council Directive 2003/109/EC of 25 November 2003 ⁽³⁾.

4. The reference figures **shall be** the latest statistics produced by the Statistical Office of the European Communities **on the basis of data provided by Member States** in accordance with Community law.

Where Member States have not supplied to the Commission (Eurostat) the statistics concerned, they shall provide provisional data as soon as possible.

Before accepting these data as reference figures, the Commission (Eurostat) shall evaluate the quality, comparability and completeness of the statistical information in accordance with normal operational procedures. At the request of the Commission (Eurostat), Member States shall provide it with all the necessary information to do so.

Article 15

Financing structure

- 1. The Fund's financial contribution shall take the form of grants.
- 2. Actions supported by the Fund shall be co-financed by public or private sources, shall be of a non-profit nature and shall not be eligible for funding from other sources covered by the general budget of the European Communities.
- 3. Fund appropriations shall be complementary to public or equivalent expenditure allocated by Member States to the measures covered by this Decision.
- 4. The Community contribution to supported projects, as regards actions implemented in the Member States under Article 4 shall not exceed 50 % of the total cost of a specific action.

This may be increased to 75 % for projects addressing specific priorities identified in the **strategic** guidelines as defined in Article 18.

This shall be increased to 75 % in the Member States covered by the Cohesion Fund.

5. In the framework of the implementation of national programming as set out in Chapter IV, Member States shall select projects for financing on the basis of the following minimum criteria:

- (a) **The situation and requirements in the Member State;**
- (b) **the cost-effectiveness of the expenditure, inter alia in view of the number of persons concerned by the project;**
- (c) the experience, expertise, reliability and financial contribution of the organisation applying for funding and any partner organisation;
- (d) the extent to which the projects complement other action funded by the general budget of the European Union or as part of national programmes.

⁽¹⁾ OJ L 375, 23.12.2004, p. 12.

⁽²⁾ OJ L 289, 3.11.2005, p. 15.

⁽³⁾ OJ L 16, 23.1.2004, p. 44.

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6. As a general rule, Community financial aid granted for actions supported by the Fund shall be given for a period of no more than three years, subject to periodic progress reports.

Article 16

Technical assistance at the initiative of the Commission

1. At the initiative of and/or on behalf of the Commission, **subject to a ceiling of 500 000 of the Fund's annual allocation**, the Fund may finance the preparatory measures, monitoring, administrative and technical support measures, as well as evaluation, audit and inspection measures necessary for implementing this Decision.
2. Those actions shall include:
 - (a) studies, evaluations, expert reports, statistics, including those of a general nature concerning the operation of the Fund;
 - (b) **information measures for the Member States the final beneficiaries and the general public, including awareness-raising campaigns and a common data base on the projects financed under the Fund;**
 - (c) the installation, operation and interconnection of computerised systems for management, monitoring, inspection and evaluation;
 - (d) **the design of a common framework for evaluation and monitoring as well as a system of indicators, taking into account, where appropriate, national indicators;**
 - (e) improvements in evaluation methods and the exchange of information on practices in this field.
 - (f) **information and training measures for the authorities designated by Member States in accordance with Chapter V, complementary to the efforts of the Member States to provide guidance to their authorities in accordance with Article 31, paragraph 2.**

Article 17

Technical assistance of the Member States

1. At the initiative of the Member State in question, for each annual programme, the Fund may finance preparatory measures, management, monitoring, evaluation, information and control measures, as well as measures for the reinforcement of the administrative capacity for the implementation of the Fund.
2. The annual amount set aside for technical may not exceed
 - (a) **7 % of the total annual amount of co-financing allocated to the Member State, plus 30 000 euro for 2007-2010 and**
 - (b) **4 % of the total annual amount of co-financing allocated to the Member State, plus 30 000 euro for 2011-2013.**

CHAPTER IV

PROGRAMMING

Article 18

Adoption of strategic guidelines

1. **The** Commission shall adopt strategic guidelines setting out a framework for the intervention of the Fund, taking into account the progress in development and implementation of Community legislation in the area of immigration and other areas related to the integration of third country nationals as well as the indicative distribution of the financial resources of the Fund for the period concerned.
2. For each of the objectives of the Fund, those guidelines shall in particular give effect to the priorities of the Community with a view to promoting the common basic principles.
3. The Commission shall adopt the strategic guidelines relating to the multiannual programming period **on 31 May 2007 at the latest.**
4. The strategic guidelines shall be adopted in accordance with the procedure referred to in Article 51(2).

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Article 19

Preparation and approval of national multiannual programmes

1. Each Member State shall **propose** on the basis of the strategic guidelines referred to in Article 18 a draft multiannual programme which shall **consist of** the following elements:
 - (a) a description of the current situation in the Member State as regards the implementation of national integration strategies in light of the common basic principles and, where available, as regards the development and implementation of national admission and introduction programmes;
 - (b) **an** analysis of requirements in the Member State in question in terms of the national integration strategies and, where available, admission and introduction programmes, and an indication of operational objectives designed to meet these requirements during the period covered by the multiannual programme;
 - (c) **the** presentation of an appropriate strategy to achieve these objectives and the priorities attached to their attainment, and a description of the actions envisaged to implement these priorities;
 - (d) **an** indication of whether this strategy is compatible with other regional, national and Community instruments;
 - (e) information on the priorities and their specific targets. Those targets shall be quantified using a limited number of indicators, taking into account the proportionality principle. The indicators must make it possible to measure the progress in relation to the baseline situation and the effectiveness of the targets implementing the priorities;
 - (f) **a description of the approach chosen for the implementation of the principle of partnership laid down in Article 12;**
 - (g) a draft financing plan which sets out, for each priority and each year, the Fund's proposed financial contribution and the overall amount of public or private co-financing;
 - (h) implementing provisions for the multiannual programme, **consisting of**:
 - **the** designation by the Member State of all the entities stipulated in Article 24;
 - a description of the implementation, monitoring, control and evaluation systems, including description of measures taken to ensure complementarity of actions with those financed under the European Social Fund;
 - a definition of the procedures for the mobilisation and circulation of financial flows in order to ensure their transparency;
 - the provisions laid down to ensure that the multiannual programme is publicised.
2. Member States shall submit their draft multiannual programme no later than four months after the Commission has provided the strategic guidelines for the period in question.
3. **In order to approve the draft multiannual programme**, the Commission shall **examine**:
 - (a) its consistency with the objectives of the Fund and the strategic guidelines defined in Article 18;
 - (b) the relevance **of the actions envisaged in the draft in light of the strategy which is proposed;**
 - (c) the compliance of the management and control arrangements set up by the Member State for the implementation of the Fund's interventions with the provisions set out in this Decision;
 - (d) its compliance with Community law and in particular with Community law aiming at ensuring the free movement of persons in conjunction with the directly related flanking measures with respect to external borders controls, asylum and immigration.
4. Where the Commission considers that a draft multiannual programme is inconsistent with the strategic guidelines or does not comply with the provisions of this decision setting out management and control systems or with Community law, it shall invite the Member State to provide all necessary information and, where appropriate, to revise the proposed programme accordingly.
5. The Commission shall approve each multiannual programme within three months following its formal submission, in accordance with the procedure referred to in Article 51(2).

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Article 20

Revision of multiannual programmes

1. At the initiative of the Member State in question or the Commission, the multiannual programme shall be re-examined and, if necessary, revised for the rest of the programming period in order to take greater or different account of the Community priorities. Multiannual programmes may be re-examined in the light of evaluations and/or following implementation difficulties.
2. The Commission shall adopt a decision approving the revision of the multiannual programme as soon as possible after the formal submission of a request by the Member State concerned. ***The revision of the multiannual programme shall be done in accordance with the procedure referred to in Article 51(2).***

Article 21

Annual programmes

1. The multiannual programmes approved by the Commission shall be implemented by means of annual programmes.
2. The Commission shall provide the Member States, no later than 1 July of each year, with an estimate of the amounts to be allocated to them for the following year from the total appropriations allocated under the annual budgetary procedure, calculated as provided by Article 14.
3. The Member States shall submit to the Commission, no later than 1 November of each year, a draft annual programme for the following year, established in accordance with the multiannual programme and ***consisting of the following elements:***
 - (a) the general rules for selection of projects to be financed under the annual programme;
 - (b) a description of the tasks to be ***supported under the annual programme;***
 - (c) the proposed financial breakdown of the Fund's contribution between the programme's various actions and an indication of the amount requested to cover technical assistance under Article 17 for the purpose of implementing the annual programme.
4. When examining the ***draft annual programme of a*** Member State, the Commission shall take account of the final amount of the appropriations allocated to the Fund under the budgetary procedure [...].

Within one month of the formal submission of this draft, the Commission shall inform the Member State whether it can approve it or not. If the draft annual programme is inconsistent with the multi-annual programme, the Commission shall invite the Member State to provide all necessary information and, where appropriate, to revise the proposed programme accordingly.

The Commission shall adopt the financing decision, ***approving the annual programme***, no later than 1 March of the year in question. The decision shall indicate the amount allocated to the Member State and the period for which the expenditure is eligible.

Article 21A

Mid-term review of the multiannual programme

1. ***The Commission shall review the strategic guidelines and where necessary, adopt, on 31 March 2010 at the latest, new strategic guidelines for the period 2011-2013.***
2. ***If such strategic guidelines are adopted, each Member States shall re-examine its multi-annual programme and where appropriate, revise it.***
3. ***The rules in Article 19 on the preparation and approval of national multi-annual programmes shall apply mutatis mutandis for the preparation and approval of these revised multi-annual programmes.***
4. ***The revised strategic guidelines shall be adopted in accordance with the procedure referred to in Article 51(2).***

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CHAPTER V

MANAGEMENT AND CONTROL SYSTEMS

Article 22

Implementation

The Commission shall be responsible for implementing this Decision and shall adopt such implementing rules as may be necessary.

Article 23

General Principles in the management and control systems

The management and control systems of multiannual programmes set up by Member States shall provide for:

- (a) **the** definition of the functions of the bodies [...] concerned in management and control and **the** allocation of functions within each body [...];
- (b) **the respect of the principle of** separation of functions between **and within such** bodies;
- (c) adequate resources for each body or department to carry out the functions which have been allocated to it throughout the period of implementation of actions financed by the Fund;
- (d) **procedures for ensuring the correctness and regularity of the expenditure declared under the multi-annual programmes;**
- (e) reliable accounting, monitoring and financial reporting systems in computerised form;
- (f) a system of reporting and monitoring **where the responsible body entrusts the execution of tasks to another body;**
- (g) manuals of procedures in relation to the functions to be performed;
- (h) arrangements for **auditing** the functioning of the system;
- (i) systems and procedures to ensure **an adequate** audit trail;
- (j) **reporting and monitoring** procedures **for** irregularities and for the recovery of amounts unduly paid.

Article 24

Designation of authorities

1. For **implementing its** multiannual programme **and annual programmes** the Member State shall designate the following:
 - (a) a responsible authority: a functional body of the Member State or national public authority or body designated by the Member State **or a body governed by the private law of the Member State and which has a public service mission**, which shall be responsible for the management of multi-annual and annual programmes supported by the Fund and shall handle all communication with the Commission;
 - (b) a certifying authority: a national public authority or body, **or individual acting as such body or authority**, designated by the Member State to certify declarations of expenditure and applications for payment before they are sent to the Commission;
 - (c) an audit authority: national public authority or body, **provided that it is functionally independent** of the responsible authority and the certifying authority, designated by the Member State and responsible for verifying the **effective functioning** of the management and control system;
 - (d) where appropriate, a delegated authority;
2. The Member State shall lay down rules governing its relations with those authorities **referred to in paragraph 1** and their relations with the Commission.
3. Subject to Article 23(b), **some or all of the authorities referred to in paragraph 1 maybe located within the** same body.
4. The rules for implementing Articles 25 to 29 shall be adopted by the Commission in accordance with the procedure referred to in Article 51(2).

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Article 25

Responsible authority

1. The responsible authority shall meet the following minimum conditions. It shall:
 - (a) have legal personality, except where it is a functional body of the Member State;
 - (b) have the infrastructure required for easy communication with a wide range of users and with the responsible bodies in the other Member States and the Commission;
 - (c) work in an administrative context allowing it to carry out its tasks correctly and avoiding any conflict of interest;
 - (d) be in a position to apply Community fund management rules;
 - (e) have financial and management capacities proportionate to the volume of Community funds which it will be called upon to manage;
 - (f) have at its disposal personnel with appropriate professional qualifications and language skills for administrative work in an international environment.
 2. The Member State shall provide the responsible authority with adequate funding so that it can **continue to** carry out its tasks properly and uninterruptedly throughout the period 2007-2013.
- 2a. The Commission may assist the Member States in the training of staff, in particular as regards the correct application of Chapter V-IX of this Decision.**

Article 26

Tasks of the responsible authority

1. The responsible authority shall **be responsible for** managing and implementing the multi-annual programme **in accordance with the principle of sound financial management.**

It shall in particular:

- (a) consult partners **in accordance with** Article 12;
- (b) submit to the Commission the proposals for multiannual and annual programmes defined in Articles 19 and 21;
- (c) set up a cooperation mechanism with the managing authorities designated by the Member State for the purposes of the implementation of the actions under the European Social Fund **and the European Refugee Fund;**
- (d) organise and advertise calls for tenders and proposals, **if appropriate;**
- (e) organise selection and award procedures for **co-financing actions under the** Fund in accordance with the principles **set out in Article 15 paragraph 5;**
- (f) receive payments made by the Commission, and make payments to the **final** beneficiaries;
- (g) ensure consistency and complementarity between co-financing under the Fund and from other relevant national and Community financial instruments;
- (h) **monitor** the delivery of the co-financed products and services and that the expenditure declared for actions has actually been incurred and complies with Community and national rules;
- (i) ensure that there is a system for recording and storing in computerised form accounting records of each action under the annual programmes and that the data on implementation necessary for financial management, monitoring, control and evaluation is collected;
- (j) ensure that **final** beneficiaries and other bodies involved in the implementation of actions co-financed by the Fund maintain either a separate accounting system or an adequate accounting code for all transactions relating to the **action, without prejudice to national accounting rules;**

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- (k) ensure that the evaluations of multiannual programmes referred to in Article 48 are carried out within the time limits laid down in this Decision and meet the quality standards agreed between the Commission and the Member State;
 - (l) set up procedures to ensure that all documents regarding expenditure and audits required to ensure an adequate audit trail are held in accordance with the requirements referred to in Article 42;
 - (m) ensure that the audit authority receives, for the purposes of carrying out the audits defined in Article 29(1) all necessary information on management procedures operated and the projects co-financed by the Fund;
 - (n) ensure that the certifying authority receives all necessary information on the procedures and **verifications** carried out in relation to expenditure for the purpose of certification;
 - (o) draw up and submit to the Commission **progress and final** reports **on the implementation of the annual programmes, declarations** of expenditure certified by the certifying authority and **requests** for payment **or where appropriate declaration of reimbursement**;
 - (p) carry out information and advisory activities; and disseminate results of supported actions;
 - (q) cooperate with the Commission and the responsible authorities in the other Member States;
 - (r) **verify the implementation by the final beneficiaries of the guidelines referred to in Article 32(6).**
2. The responsible authority's management activities for projects implemented in the Member States can be financed under the technical assistance arrangements referred to in Article 17.

Article 27

Delegation of tasks by the responsible authority

1. Where all or some of the responsible authority's tasks are delegated to a delegated authority, the responsible authority shall define precisely the scope of the tasks delegated, and set out detailed procedures for the implementation of the delegated tasks, which shall comply with the conditions laid down in Article 25.
2. These procedures shall include supplying the responsible authority with regular information on the effective performance of the delegated tasks and a description of the means employed.

Article 28

Certifying authority

1. The certifying authority shall:
 - (a) certify that:
 - the **declaration** of expenditure is accurate, results from reliable accounting systems and is based on verifiable supporting documents,
 - the expenditure declared complies with applicable Community and national rules and has been incurred in respect of actions selected in accordance with the criteria applicable to the programme and complying with Community and national rules;
 - (b) ensure for the purposes of certification that it has received adequate information from the responsible authority on the procedures and verifications carried out in relation to expenditure included in **declarations** of expenditure;
 - (c) take account for the purposes of certification of the results of all audits carried out by or under the responsibility of the audit authority;
 - (d) maintain accounting records in computerised form of expenditure declared to the Commission;
 - (e) ensure the recovery of any Community financing found to have been unduly paid as a result of irregularities detected, together with interest where appropriate, keeping an account of amounts recoverable and repaying amounts recovered to the **general budget of the European Communities**, where possible by deducting them from the next **declaration** of expenditure.
2. The certifying authority's activities relating to projects implemented in the Member States can be financed under the technical assistance arrangements referred to in Article 17, provided that the prerogatives of this authority as described in Article 24 are respected.

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Article 29

Audit authority

1. The audit authority shall:
 - (a) ensure that audits are carried out to verify the effective **functioning** of the management and control system;
 - (b) ensure that audits are carried out on actions on the basis of an appropriate sample to verify expenditure declared; the sample shall represent at least 10 % of the total eligible expenditure for each annual programme;
 - (c) present to the Commission within six months of the approval of the multiannual programme an audit strategy covering the bodies which will perform the audits referred to under **subparagraphs** (a) and (b), **ensuring** that the main beneficiaries of co-financing by the Fund are audited and that audits are spread evenly throughout the programming period.
2. Where the designated audit authority under this decision is also the designated audit authority under Decisions ..., ... and ... ⁽¹⁾, or where common systems apply to two or more of these Funds, a single combined audit strategy may be submitted under paragraph 1 point (c).
3. **For each annual programme, the** audit authority shall draft a report which shall comprise:
 - (a) an annual audit report setting out the findings of the audits carried out in accordance with the audit strategy in respect of the annual programme and reporting any shortcomings found in the systems for the management and control of the programme.
 - (b) an opinion, **on the basis of the controls and audits that have been carried out under the responsibility of the audit authority**, as to whether **the functioning of** the management and control system **provides** reasonable assurance **that declarations** of expenditure presented to the Commission **are correct and that the** underlying transactions **are legal and regular**.
 - (c) a declaration assessing the validity of the **request** for payment of the final balance and the legality and regularity of the expenditure **concerned**.
4. **The** audit authority shall ensure that the **audit** work **takes account of** internationally accepted audit standards.
5. The audit relating to projects implemented in the Member States can be financed under the technical assistance arrangements referred to in Article 17, provided that the prerogatives of this authority as described in Article 24 are respected.

CHAPTER VI

RESPONSIBILITIES AND CONTROLS

Article 30

Responsibilities of the Member States

1. Member States shall be responsible for ensuring sound financial management of multiannual and annual programmes and the legality and regularity of underlying transactions.
2. They shall ensure that responsible authorities and any delegated authority, certifying authorities, audit authorities and any other bodies concerned receive adequate guidance on setting up the management and control systems referred to in Articles 23 to 29 to ensure that Community financing is used efficiently and correctly.
3. Member States shall prevent, detect and correct irregularities. They shall notify these to the Commission, and keep the Commission informed of the progress in the administrative and legal proceedings.

When amounts unduly paid to **the final** beneficiary cannot be recovered, the Member State is responsible for reimbursing the amounts lost to the **general** budget of the European Communities **when it is established that the loss has been incurred as a result of its fault or negligence**.

⁽¹⁾ References will be inserted to decisions establishing the ERF, the External Borders Fund and the Return Fund.

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4. Member States shall be primarily responsible for the financial control of actions and shall ensure that management systems and audits are implemented in such a way as to guarantee that Community funds are used properly and effectively. They shall provide the Commission with a description of these systems.

5. The detailed rules for implementing paragraphs 1 **to 4** shall be adopted in accordance with the procedure referred to in Article 51(2).

Article 31

Management and control systems

1. Prior to the **approval** of **the** multiannual programme **by the Commission in accordance with the procedure referred to in Article 51(2)**, the Member States shall ensure that management and control systems have been set up in accordance with Articles 23 to 29. They shall be responsible for ensuring that the systems function effectively throughout the programming period.

2. Member States shall submit to the Commission, together with **their** draft multiannual programme, a description of the organisation and procedures of the responsible authorities, delegated authorities and certifying authorities, and the internal audit systems operating in **these** authorities and bodies, the audit authority, and any other bodies carrying out audits under its responsibility.

3. **The Commission shall review the application of this provision in the context of the preparation of the report for the period 2007-2013, set out in Article 49(3).**

Article 32

Responsibilities of the Commission

1. The Commission shall satisfy itself in accordance with the procedure laid down in Article 31 that the Member States have set up management and control systems that comply with Articles 23 to 29, and on the basis of the annual audit reports and its own audits that the systems function effectively during the **programming** period.

2. Without prejudice to audits carried out by Member States, Commission officials or authorised Commission representatives may carry out on-the-spot audits to verify the effective **functioning** of the management and control systems, which may include audits on actions included in the annual programmes, with a minimum of **three** working day's notice. Officials or authorised representatives of the Member State concerned may take part in such audits.

3. The Commission may require **a Member State** to carry out an on-the-spot check to verify the correct functioning of the systems or the correctness of one or more transactions. Commission officials or authorised Commission representatives may take part in such audits.

4. The Commission shall, in cooperation with the Member States, ensure that appropriate information, publicity and follow-up are provided for actions supported by the Fund.

5. The Commission shall, in cooperation with the Member States, ensure that actions are consistent with, and complementary to, other relevant Community policies, instruments and initiatives.

6. **The Commission shall lay down guidelines to ensure the visibility of the funding granted under this Decision.**

Article 33

Cooperation with the control bodies of the Member States

1. The Commission shall cooperate with the audit authorities to coordinate their respective control plans and audit methods and shall immediately exchange the results of audits carried out on management and control systems in order to make the best possible use of control resources and to avoid unjustified duplication of work.

The Commission shall provide its comments on the audit strategy presented under Article 29 not later than three months.

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2. In determining its own audit strategy, the Commission shall identify those **annual** programmes **which it considers satisfactory on the basis of its existing knowledge of** the management and control systems.

For those programmes, the Commission may **conclude that it can** rely principally on the **audit evidence provided by the Member States and that it** will carry out its own on-the-spot audits only **if there is evidence to suggest shortcomings in the systems.**

CHAPTER VII

FINANCIAL MANAGEMENT

Article 34

Eligibility — Declarations of expenditure

1. All declarations of expenditure shall include the amount of expenditure incurred by **final** beneficiaries in implementing the actions and the corresponding contribution from public or private funds.
2. Expenditure shall correspond to the payments effected by the beneficiaries. It shall be justified by receipted invoices or accounting documents of equivalent evidential value.
3. Expenditure may be considered eligible for support from the Fund only if it is actually paid no earlier than 1 January of the year referred to in the **financing** decision, **approving the annual programme** indicated in Article 21(4). Actions co-financed must not have been completed before the starting date for eligibility.

By way of exception, the period for which the expenditure is eligible shall be fixed at three years for the expenditure implementing the actions supported under the 2007 annual programmes.

4. The rules governing eligibility of expenditure within the framework of actions co-financed by the Fund in the Member States under Article 4 shall be adopted in accordance with the procedure provided for by Article 51(2).

Article 35

Completeness of payment to beneficiaries

Member States shall satisfy themselves that the responsible authority ensures that the **final** beneficiaries receive the total amount of the contribution from public funds as quickly as possible. No amounts shall be deducted or withheld, nor any further specific charge or other charge with equivalent effect shall be levied that would reduce these amounts for the **final** beneficiaries **provided that the final beneficiaries meet all the requirements regarding the eligibility of actions and expenses.**

Article 36

Use of the euro

1. **Amounts set out in the draft multi-annual and annual programmes of the Member States referred to in respectively Articles 19 and 21, certified declarations of expenditure, requests for payments referred to in Article 26(1) point (o) and expenditure mentioned in the progress report on the implementation of the annual programme referred to in Article 38(4) and the final report on the implementation of the annual programme referred to in Article 50 shall be denominated in euro.**
2. **Commission financing decisions, approving the annual programmes of Member States referred to in Article 21(4), commitments and payments shall be denominated** and carried out in euro.
3. **Member States which have not adopted the euro as their currency on the date of the request for payment shall convert into euro the amounts of expenditure incurred in national currency. This amount shall be converted in euro using the monthly accounting exchange rate of the Commission in the month during which the expenditure was registered in the accounts of the responsible authority of the programme concerned. This rate shall be published electronically by the Commission each month.**

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4. *When the euro becomes the currency of a Member State, the conversion procedure set out in the preceding paragraph shall continue to apply to all expenditure recorded in the accounts by the certifying authority before the date of entry into force of the fixed conversion rate between the national currency and the euro.*

Article 37

Commitments

Community budgetary commitments shall be made annually on the basis of the financing decision, **approving the annual programme** referred to in Article 21(4).

Article 38

Payments — Pre-financing

1. Payments by the Commission of the contribution from the Funds shall be made in accordance with the budget commitments.
2. Payments shall take the form of pre-financing and payment of the balance. They shall be made to the responsible authority designated by the Member State.
3. A pre-financing payment representing 50 % of the amount allocated in the Commission's financing decision **approving the annual programme** shall be made to the Member State within sixty days following the adoption of *that* decision.
4. A second pre-financing payment shall be made no more than three months after the Commission has approved, **within two months of the formal submission**, a progress report on the implementation of the annual programme and a certified declaration of expenditure drawn up in accordance with Articles **28(1)(a)** and **34** accounting for at least **60 %** of the amount of the initial payment. The amount of the second pre-financing payment made by the Commission shall not exceed 50 % of the total amount allocated by the **financing** decision, **approving the annual programme and**, in any event, **where a Member State has committed nationally an amount less the amount indicated in the financing decision, approving the annual programme**, the balance of the amount of Community funds actually committed by the Member State for selected projects under the annual programme minus the first pre-financing payment.
5. **Any interest** generated by pre-financing payments shall be **posted** to the programme concerned, **being regarded as a resource for the Member State as national public contribution and shall be declared to the Commission at the time of the final declaration of expenditure of the programme concerned.**
6. The amounts paid as pre financing shall be cleared from the accounts when the annual programme is closed.

Article 39

Payments of balance

1. The Commission shall pay the balance provided it has received the following documents **no later than** nine months **after the eligibility deadline for expenditure laid down** in the **financing** decision, **approving the annual programme**:
 - (a) a certified declaration of expenditure duly drawn up in accordance with Articles **28(1) point (a)** and **34 and a request for payment of the balance or a declaration of reimbursement**;
 - (b) the final **report on the** implementation **of** the annual programme, **as** set out in Article 50;
 - (c) the **annual** audit report, opinion and declaration provided for in Article 29(3).

The payment of the balance is subject to the acceptance of the final report **on the implementation** of the annual programme and of the **declaration assessing** the validity **of** the request for payment of the balance.

2. If the responsible authority fails to provide the documents required in paragraph 1 by the due date and in an acceptable format, the Commission shall decommit any part of the budget commitment of the corresponding annual programme that has not been used for payment of the pre-financing.

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3. The automatic cancellation procedure defined in paragraph 2 shall be suspended, for the amount of the projects concerned, where legal proceedings or administrative appeal having **suspensive** effects are ongoing at Member State level at the time of submission of the documents defined in paragraph 1. The Member State shall, in the partial final report submitted, give detailed information on such projects, and send reports on progress made with regard to these projects every 6 months. Within 3 months of the conclusion of the legal proceedings or administrative appeal procedure, the Member State shall present the documents required in paragraph 1 for the projects concerned.
4. The nine months period referred to in paragraph 1 shall be interrupted if the Commission has adopted a decision suspending payments of the co-financing for the relevant annual programme in accordance with the provisions of Article 41. The period shall start to run again from the date when the Commission decision referred to in Article 41(3) has been notified to the Member State.
5. Without prejudice to the provisions of Article 40, the Commission shall, within six months of receiving the documents referred to in paragraph 1, inform the Member State of the amount of expenditure recognised by the Commission as chargeable to the Fund, and of any financial corrections deriving from the difference between declared expenditure and the expenditure recognised. The Member State shall have three months to present its comments.
6. Within three months of receiving the Member State's comments, the Commission shall decide on the amount of expenditure recognised as chargeable to the Fund, and recover the balance arising from the difference between final recognised expenditure and the sums already paid to the Member States.
7. Subject to available funding, the Commission shall pay the balance within no more than sixty days from the date on which it accepts the documents referred to in paragraph one above. The balance of the budgetary commitment shall be decommitted six months following the payment.

Article 40

Interruption

1. The payment deadline shall be interrupted by the authorising officer by delegation within the meaning of Regulation (EC, Euratom) No 1605/2002 for a maximum period of six months if [...]:
- (a) **in a report of a national or Community audit body there is evidence to suggest a significant deficiency in the functioning of the management and control systems [...],**
- (b) **that officer has to carry out additional verifications following information coming to his notice which alerted him that expenditure in a certified declaration of expenditure is linked to a serious irregularity which has not been corrected.**
2. The Member State and the **certifying** authority **shall be informed** immediately of the reasons for the interruption. **The interruption shall be ended** as soon as **the necessary measures have been taken by the Member State.**

Article 41

Suspension

1. All or part of the pre-financing and balance payments may be suspended by the Commission when:
- (a) there is a serious deficiency in the management and control system of the programme which affects the reliability of the procedure for certification of payments and for which corrective measures have not been taken; or
- (b) expenditure in a certified **declaration** of expenditure is linked to a serious irregularity which has not been corrected; or
- (c) a Member State has not complied with its obligations under Articles 30 and 31.
2. The Commission may decide to suspend pre-financing and balance payments after having given the Member State the opportunity to present its observations within a period of three months.
3. The Commission shall end **the** suspension of pre-financing and balance payments when it considers that the Member State has taken the necessary measures to enable the suspension to be lifted.
4. If the required measures are not taken by the Member State, the Commission may adopt a decision to cancel **all or part of** the Community contribution to the annual programme in accordance with Article 45.

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Article 42

Conservation of documents

Without prejudice to the rules governing State aid under Article 87 of the Treaty, the responsible Authority shall ensure that all the supporting documents regarding expenditure and audits on the ***programmes*** concerned are kept available for the Commission and the Court of Auditors ***for a period of five years following the closure of the programmes as defined in Article 39(1)***.

This period shall be interrupted either in the case of legal proceedings or at the duly motivated request of the Commission.

The documents shall be kept either in the form of the originals or in versions certified to be in conformity with the originals on commonly accepted data carriers.

CHAPTER VIII

FINANCIAL CORRECTIONS

Article 43

Financial corrections established by the Member States

1. ***The*** Member States shall ***in the first instance bear the responsibility*** for investigating irregularities, ***acting*** upon evidence of any major change affecting the nature or the conditions for the implementation or control of ***programmes*** and ***making*** the required financial corrections.

2. The Member State shall make the financial corrections required in connection with the individual or systemic irregularities detected in actions or annual programmes. The corrections made by the Member States shall consist in recovering all or part of the Community contribution. The Member State shall take into account the nature and gravity of the irregularities and the financial loss to the Fund.

3. Member States shall include in the ***final*** report ***on the implementation of the annual programme referred to in Article 50*** a list of cancellation proceedings initiated for the annual programme concerned.

The corrections made by the Member State shall consist in cancelling all or part of the Community contribution, and, where the amount is not repaid in the time allowed by the relevant Member State, default interest shall be due at the rate provided for by Article 46(2).

4. In the case of systemic irregularities the Member State shall extend its enquiries to cover all operations liable to be affected.

Article 44

Audit of accounts and financial corrections by the Commission

1. Without prejudice to the powers of the Court of Auditors or the checks carried out by the Member States in accordance with national laws, regulations and administrative provisions, Commission officials or authorised Commission representatives may carry out on-the-spot checks, including sample checks, on the operations financed by the Fund and on management and control systems with a minimum of ***three working days'*** notice. The Commission shall give notice to the Member State concerned with a view to obtaining all the assistance necessary. Officials or authorised representatives of the Member State concerned may take part in such checks.

The Commission may require the Member State concerned to carry out an on-the-spot-check to verify the correctness of one or more transactions. Commission officials or authorised Commission representatives may take part in such checks.

2. If, after completing the necessary verifications, the Commission concludes that a Member State is not complying with its obligations under Article 30, it shall suspend the pre-financing or final payment in accordance with Article 41.

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Article 45

Criteria for the corrections

1. **The Commission may make financial corrections by cancelling** all or part of the Community contribution to an annual programme **where, after carrying out the necessary examination**, it concludes that:

- (a) there is a serious deficiency in the management and control system of the programme which has put at risk the Community contribution already paid to the programme;
- (b) expenditure contained in a certified **declaration** of expenditure is irregular and has not been corrected by the Member State prior to the opening of the correction procedure under this paragraph;
- (c) a Member State has not complied with its obligations under Article 30 prior to the opening of the correction procedure under this paragraph.

The Commission shall decide after having taken into account any comments made by the Member State.

2. The Commission shall base its financial corrections on individual cases of irregularity identified, taking account of the systemic nature of the irregularity to determine whether a flat-rate or extrapolated correction should be applied. Where the case of irregularity relates to a **declaration** of expenditure for which a positive assurance had previously been given in accordance with the Article 29(3)(b) in an annual report, there will be a presumption of a systemic problem giving rise to the application of a flat-rate or extrapolated correction, unless the Member State can provide proof within three months to rebut this presumption.

3. The Commission shall, when deciding the amount of a correction, take account of the importance of the irregularity and the extent and financial implications of the deficiencies found in the annual programme concerned.

4. Where the Commission bases its position on the facts established by auditors other than those of its own services, it shall draw its own conclusions regarding the financial consequences, after examining the measures taken by the Member State concerned under Article 31, the reports of notified irregularities and any replies from the Member State.

Article 46

Repayment

1. Any repayment due to be made to the **general budget of the European Communities** shall be effected before the due date indicated in the order for recovery drawn up in accordance with Article 72 Council Regulation (EC, Euratom) No 1605/2002 ⁽¹⁾. This due date shall be the last day of the second month following the issuing of the order.

2. Any delay in effecting repayment shall give rise to interest on account of late payment, starting on the due date and ending on the date of actual payment. The rate of such interest shall be the rate applied by the European Central Bank to its principal refinancing operations, as published in the C series of the *Official Journal of the European Union*, in force on the first calendar day of the month in which the due date falls, increased by three and a half percentage points.

Article 47

Obligations of Member States

A financial correction by the Commission shall not prejudice the Member State's obligation to pursue recoveries under Article 45.

⁽¹⁾ OJ L 248, 16.9.2002.

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CHAPTER IX

MONITORING, EVALUATION AND REPORTS

Article 48

Monitoring and evaluation

1. The Commission shall carry out regular monitoring on the Fund in cooperation with the Member States.
2. The Fund shall be evaluated regularly by the Commission in partnership with the Member States to assess the relevance, effectiveness and impact of actions in the light of the general objective referred to in Article 2 **in the context of the preparation of the report set out in Article 49(3)**.
3. The Commission shall also look at the complementarity between the actions implemented under the Fund and those pursued under other relevant Community policies, instruments and initiatives.

Article 49

Reporting obligations

1. In each Member State the responsible authority shall take the necessary measures to ensure project-monitoring and evaluation.

To that end, the agreements and contracts it concludes with the organisations responsible for the implementation of the actions shall include clauses laying down an obligation to submit regular and detailed reports on the state of progress of implementation and completion of the assigned objectives **which shall be the basis for respectively the progress and final reports on the implementation of the annual programme**.

2. The Member States shall submit to the Commission:
 - (a) no later than 30 June 2010, an evaluation report on the implementation of actions co-financed by the Fund;
 - (b) no later than 30 June 2012 (for the period 2007-2010) and 30 June 2015 (for the period 2011-2013) respectively, an evaluation report on the results and impact of actions co-financed by the Fund.
3. The Commission shall submit to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions:
 - (a) no later than 30 June 2009, a report on **and a review of** the application of the criteria set out in Article 14 for the annual breakdown of resources between member States; together with proposals for amendments if deemed necessary;
 - (b) no later than 31 December 2010, an intermediate report on the results achieved and on qualitative and quantitative aspects of implementation of the Fund, together with a proposal on the Fund's future development;
 - (c) no later than 31 December 2012 (for the period 2007-2010) and 31 December 2015 (for the period 2011-2013) respectively, an *ex post* evaluation report.

Article 50

Final report on the implementation of the annual programme

1. The **report** shall include the following information in order to obtain a clear view of the implementation of the **programme**:
 - (a) the financial and operational implementation of the annual programme;
 - (b) the progress made in implementing the multiannual programme and its priorities in relation to their specific, verifiable targets, with a quantification, wherever and whenever they lend themselves to quantification, of the indicators;

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- (c) the steps taken by the responsible authority to ensure the quality and effectiveness of implementation, in particular:
 - monitoring and evaluation measures, including data collection arrangements;
 - a summary of any significant problems encountered in implementing the operational programme and any measures taken;
 - the use made of technical assistance;
- (d) the measures taken to provide information on and make public the annual and multiannual programmes.

2. The report shall be judged acceptable where **it contains** all the information listed in paragraph 1. The Commission shall reach a decision on the content of the report submitted by the **responsible authority** within two months **of having received all the information referred to in paragraph 1, which shall be acknowledged to the Member States**. If the Commission does not respond within the time-limit laid down, the report shall be deemed to be accepted.

CHAPTER X

TRANSITIONAL PROVISIONS

Article 50A

The preparation for the multi-annual programme

1. **By way of derogation from Article 19, Member States shall**
 - (a) **as soon as possible after the entry into force of this Decision but no later than 1 March 2007, designate the national responsible authority referred to in Article 25, paragraph 1, point (a), as well as, where appropriate, the delegated authority;**
 - (b) **no later than 1 May 2007, submit the description of the management and control systems referred to in Article 32, paragraph 2.**
2. **By 31 May 2007, the Commission shall provide Member States with**
 - (a) **an estimate of the amounts allocated to them for the financial year 2007;**
 - (b) **estimates of the amounts to be allocated to them for the financial years 2008-2013, on the basis of an extrapolation of the calculation for the estimate for the financial year 2007, bearing in mind the proposed annual appropriations for the years 2007-2013 as set out by the financial perspectives.**

Article 50B

The preparation for the 2007 annual programme

1. **By way of derogation from Article 21, the following time table shall apply for implementation in the financial year 2007:**
 - (a) **By 31 May 2007, the Commission shall provide Member States with an estimate of the amounts allocated to them for the financial year 2007;**
 - (b) **By 1 September 2007, Member States shall present the draft annual programme to the Commission.**
2. **Expenditure actually disbursed between 1 January 2007 and the date on which the financing decision approving the annual programme of the Member State in question is adopted, may qualify for support from the Fund.**
3. **To allow for the adoption in 2008 of financing decisions, approving the annual programme for 2007, the Commission shall make the Community budgetary commitment for 2007 on the basis of the estimate of the amount to be allocated to the Member States, calculated as provided by Article 14.**

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CHAPTER XI

FINAL PROVISIONS

Article 51

Committee

1. The Commission shall be assisted by the common Committee 'Solidarity and Management of Migration Flows', established by the Decision establishing the External Borders Fund for the period 2007-2013 as part of the General programme 'Solidarity and Management of Migration Flows' .../... ⁽¹⁾ (the 'Committee').
2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.
3. The Committee shall adopt its Rules of Procedure.

Article 52

Review

The Council shall review this Decision on the basis of a proposal from the Commission by 30 June 2013 at the latest.

Article 53

Entry into force

This Decision shall apply from 1 January 2007.

Article 54

Addressees

This Decision is addressed to the Member States.

⁽¹⁾ References will be inserted to decisions establishing the ERF, the External Borders Fund and the Return Fund.

P6_TA(2006)0584

**Prevention, Preparedness and Consequence Management of Terrorism
(Programme on Security and Safeguarding Liberties) ***

European Parliament legislative resolution on the proposal for a Council decision establishing the specific programme 'Prevention, Preparedness and Consequence Management of Terrorism' for the period 2007-2013 — General Programme 'Security and Safeguarding Liberties' (COM(2005)0124 — C6-0241/2005 — 2005/0034(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2005)0124) ⁽¹⁾,
- having regard to Article 308 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0241/2005),

⁽¹⁾ Not yet published in OJ.

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- 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 Budgets (A6-0390/2006);
1. Approves the Commission proposal as amended;
 2. Considers that the indicative financial reference amount indicated in the legislative proposal must be compatible with the ceiling of heading 3 A of the new multi-annual Financial Framework and points out that the annual amount will be decided within the annual budgetary procedure in accordance with the provisions of point 38 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management of 17 May 2006 ⁽¹⁾;
 3. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 4. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 5. Asks 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 Commission.

TEXT PROPOSED
BY THE COMMISSION

AMENDMENTS
BY PARLIAMENT

Amendment 1

Title

Proposal for a Council decision establishing the specific programme 'Prevention, **Preparedness and Consequence Management of Terrorism**', for the period 2007-2013

Proposal for a Council decision establishing the specific programme 'Prevention **of the Risks relating to Security, in particular to Terrorism, and Management of their Consequences**', for the period 2007-2013

Amendment 2

Recital 1

(1) Prevention, **preparedness and consequence management of terrorism** are essential aspects of the objective of maintaining and developing the Union as an area of freedom, security and justice as provided for in Article 2, fourth indent, of the Treaty on European Union.

(1) Prevention **of the risks relating to security, in particular to terrorism, and management of their consequences**, are essential aspects of the objective of maintaining and developing the Union as an area of freedom, security and justice as provided for in Article 2, fourth indent, of the Treaty on European Union.

Amendment 3

Recital 2

(2) The Community must take the necessary measures to prevent **terrorists** from attacking the values of democracy, the rule of law, open society **and the freedom of our citizens and societies, and** to limit the consequences of **any attack** wherever possible.

(2) The Community must take the necessary measures to prevent **natural or man-made disasters (including terrorism), in the case of the former, from impairing the well-being, freedom and security of citizens and societies and, in the case of the latter,** from attacking the **very** values of democracy, the rule of law **and** open society, **as well as** to limit the consequences of **such disasters** wherever possible.

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

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TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 4

Recital 6

(6) *The Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions, established by Council Decision 2001/792/EC, Euratom of 23 October 2001, addresses immediate response to all major emergencies, but has not been designed specifically for prevention, preparedness and consequence management of terrorist attacks.*

deleted

Amendment 5

Recital 7

(7) In the interest of efficacy, cost-efficiency and transparency, the specific efforts on prevention, **preparedness and consequence management of** terrorism should be streamlined and financed by one single programme.

(7) In the interest of efficacy, cost-efficiency and transparency, the specific efforts on prevention **of the risks relating to security, in particular to terrorism, and management of their consequences,** should be streamlined and financed by one single programme.

Amendment 6

Recital 8

(8) With regard to legal certainty and coherence, and to the complementarity with other financial programmes, the terms 'prevention **and preparedness** measures', '**crisis and** consequence management' and 'critical infrastructure' should be defined.

(8) With regard to legal certainty and coherence, and to the complementarity with other financial programmes, the terms 'prevention measures', 'consequence management' and 'critical infrastructure' should be defined.

Amendment 7

Recital 9

(9) Commission actions, **together with** transnational projects **where appropriate,** are essential to achieve an integrated and coordinated EU approach. In addition, it is useful and appropriate to support projects within Member States to the extent that they can provide useful experience and knowledge **for** further actions at Community level, in particular inspections and risk and threat assessments.

(9) Commission actions **and** transnational projects are essential **to identify and assess without delay the threats to individuals and critical European infrastructure and** to achieve **an early warning system between the Commission and the Member States and** an integrated and coordinated approach **to responses at EU level.** In addition, it is useful and appropriate to support projects within Member States to the extent that they can provide useful experience and knowledge **applicable to** further actions at Community level, in particular inspections and risk and threat assessments.

Amendment 8

Recital 10

(10) It is also appropriate to provide for third countries and international organisations to participate in transnational projects.

(10) **Given that terrorism has no borders,** it is also appropriate to provide for third countries and international organisations to participate in transnational projects

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TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 9

Recital 11

(11) Complementarity needs to be ensured with other Community and Union programmes such as the EU Solidarity Fund and the Response and Preparedness Instrument for major emergencies, the Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions, the Research & Development Framework Programme and the structural funds.

(11) Complementarity needs to be ensured with other Community and Union programmes such as the EU Solidarity Fund and the Response and Preparedness Instrument for major emergencies, the Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions, the Research & Development Framework Programme and the structural funds. **Joint funding should also be expressly authorised with Commission programmes which allow specific studies to be carried out on the security of individuals and of critical infrastructure, in particular in the fields of transport and energy, with the aim of eventually bringing all funding resources together in a single instrument serving a clearly established global strategy.**

Amendment 10

Recital 12

(12) Since the objectives of this programme cannot be sufficiently achieved by the Member States and **can** therefore, by reason of the scale or impact of the initiative, **be better achieved** at the Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty establishing the European Community. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary to achieve those objectives.

(12) Since the objectives of this programme cannot be sufficiently achieved by the Member States and **may** therefore, by reason of the scale or impact of the initiative, **require in this case an intervention** at the Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty establishing the European Community. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary to achieve those objectives.

Amendment 11

Recital 16

(16) In accordance with Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission, measures for the implementation of this Decision should be adopted by use of the **advisory** procedure provided for in **Article 3** of that Decision. **This is appropriate since the programme does not have a significant impact on the Community budget.**

(16) In accordance with Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission, measures for the implementation of this Decision should be adopted by use of the **regulatory** procedure provided for in **Article 5** of that Decision.

Amendment 12

Article 1, paragraph 1

This decision establishes for the period from 1 January 2007 to 31 December 2013 the specific programme 'Prevention, **Preparedness and Consequence Management of** Terrorism', hereinafter referred to as 'the programme', as part of the general programme 'Security and safeguarding liberties' in order to contribute to the strengthening of the area of Freedom, Security and Justice.

This decision establishes for the period from 1 January 2007 to 31 December 2013 the specific programme 'Prevention **of the Risks relating to Security, in particular to** Terrorism, **and Management of their Consequences**', hereinafter referred to as 'the programme', as part of the general programme 'Security and safeguarding liberties' in order to contribute to the strengthening of the area of Freedom, Security and Justice.

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TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 13

Article 2, point a

- (a) 'prevention **and preparedness**' refers to measures aiming to prevent and/or reduce the risk of **a terrorist attack and/or its consequences**, particularly through risk and threat assessments, inspections and development of common standards on technology and methodology;

- (a) 'prevention' refers to measures aiming to prevent and/or reduce the risk of **terrorist attacks and other security risks and to identify threats to individuals and critical infrastructure**, particularly through risk and threat assessments, inspections and development of common standards on technology and methodology;

Amendment 14

Article 2, point b

- (b) 'consequence management' refers to measures **limiting the mid-term consequences of terrorist attacks which are** necessary to safeguard the European Union as an area of Freedom, Security and Justice;

- (b) 'consequence management' refers to **the coordination of** measures, **limited to the actions eligible pursuant to Article 5(2), in order to respond to security incidents, particularly terrorism, and to limit their consequences, these measures being** necessary to safeguard the European Union as an area of Freedom, Security and Justice, **in particular through the establishment of a centralised early warning system and effective coordination at Community level of responses to such situations;**

Amendment 15

Article 2, point c

- (c) 'critical infrastructure' refers to physical resources, services, communication facilities, networks and/or assets the disruption or destruction of which would have a serious impact on the health, safety, security or economic well-being of citizens or **of** the effective functioning of the European Union or its Member States' governments.

- (c) 'critical infrastructure' refers to physical resources, services, communication facilities, networks and/or assets the disruption or destruction of which would have a serious impact on the health, safety, security or economic well-being of citizens, **on the environment or on** the effective functioning of the European Union or its Member States' governments, **a non-exhaustive list of which appears in the annex to this decision.**

Amendment 16

Article 3, paragraph 1

1. This programme shall contribute to protect citizens, their liberties and society against terrorist attacks and related incidents, and to safeguard the European Union as an area of Freedom, Security and Justice.

1. This programme shall contribute to protect citizens, their liberties and society against terrorist attacks and **other security risks, irrespective of their cause or origin, as well as** related incidents, and to safeguard the European Union as an area of Freedom, Security and Justice.

Amendment 17

Article 3, paragraph 2

2. The general objectives of the programme contribute to the development of other Union and Community policies such as police and judicial cooperation in criminal matters, protection of the environment, public health, transport, research and technological development and economic and social cohesion.

2. The general objectives of the programme contribute to the development of **a comprehensive concept of security based, in particular, on** other Union and Community policies such as police and judicial cooperation in criminal matters, protection of the environment, **energy supply, security of communication and information networks**, public health, transport, research and technological development, **continuity of public action** and economic and social cohesion.

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TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 18

Article 4, paragraph 1

1. Within the general objectives, and unless covered by other specific legal instruments, the programme shall stimulate, promote and develop measures on prevention, **preparedness** and **consequence** management.

1. Within the general objectives, and unless covered by other specific legal instruments, the programme shall stimulate, promote and develop measures on prevention **of risks relating to security, in particular terrorism**, and management **of their consequences**.

Amendment 19

Article 4, paragraph 2, introductory phrase

2. With regard to prevention **and preparedness to** terrorist attacks, the programme aims at

2. With regard to prevention **of** terrorist attacks, the programme aims at

Amendments 20 and 21

Article 4, paragraph 2, point a

(a) stimulating, promoting, and supporting risk and threat assessments on critical infrastructure, **including** evaluations on site, to identify possible targets **of terrorist attacks** and possible needs for upgrading their security,

(a) stimulating, promoting, and supporting risk and threat assessments on **individuals and** critical infrastructure, **in particular by means of** evaluations on site, to identify possible targets and possible needs for upgrading their security,

Amendment 22

Article 4, paragraph 3, introductory phrase

3. With regard to **consequence management in case of** terrorist attacks, the programme aims at

3. With regard to **the management of consequences, particularly those of** terrorist attacks, the programme aims at

Amendment 23

Article 4, paragraph 3, point a

(a) stimulating, promoting and supporting exchange of know-how, experience and technology on the potential consequences of terrorist attacks,

(a) stimulating, promoting and supporting exchange of know-how, experience and technology on the potential consequences of terrorist attacks **and other security risks**,

Amendment 24

Article 4, paragraph 3, point c

(c) ensuring real-time input of specific expertise on terrorism **matters** within overall crisis management, rapid alert and civil protection mechanisms.

(c) ensuring real-time input of specific expertise on **matters including** terrorism within overall crisis management, rapid alert and civil protection mechanisms.

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TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 25

Article 5, paragraph 1, point c, indent 4

— contribute otherwise considerably to protecting the Union and its citizens from terrorist attacks.

— contribute otherwise considerably to protecting the Union and its citizens from terrorist attacks **and other security risks; measures undertaken in partnership with the Member States concerned, relating to critical national infrastructure, so as to eliminate or reduce the risks of exploitation of their security shortcomings, particularly if these could have serious cross-border repercussions, shall therefore be eligible.**

Amendment 26

Article 5, paragraph 2 a (new)

2a. Member States shall remain responsible for the adoption, implementation and financing of operational security measures identified by this programme as being necessary for the improvement of general security in the European Union.

Amendment 27

Article 7, paragraph 2 a (new)

2a. Access to funding shall be facilitated by the application of the principle of proportionality as regards the documents to be supplied and by the creation of a database for the submission of applications.

Amendment 28

Article 7 a (new)

Article 7a**Acknowledgement of funding**

All institutions, associations or networks in receipt of a grant under this programme have the obligation to acknowledge the support granted by the European Union. To this end the Commission shall lay down detailed visibility guidelines.

Amendment 29

Article 8, paragraph 4, point -a (new)

(-a) priority to be given to prevention of terrorist attacks, in the absence of major disasters;

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TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 30

Article 8, paragraph 4 a (new)

4a. The Commission shall, as far as possible, simplify procedures and ensure that calls for proposals provided for in this programme do not entail a bureaucratic burden for promoters of the projects proposed. Calls for proposals may be organised in two stages, the first of which would only require information that was strictly necessary for a proper assessment of the project to be sent.

Amendment 31

Article 9, paragraph 2

2. Where reference is made to this paragraph, **Articles 3** and 7 of Decision 1999/468/EC shall apply.

2. Where reference is made to this paragraph, **Articles 5** and 7 of Decision 1999/468/EC shall apply.

Amendment 32

Article 10, paragraph 1

1. Synergies, consistency and complementarity will be sought with other Union and Community instruments, *inter alia* with the programmes Prevention of and Fight against Crime and Criminal Justice as well as with the Framework Programmes on Research and technological Development, the European Union Solidarity Fund and the Response and Preparedness Instrument for major emergencies.

1. Synergies, consistency and complementarity will be sought with other Union and Community instruments, *inter alia* with the programmes Prevention of and Fight against Crime and Criminal Justice as well as with the Framework Programmes on Research and technological Development, the European Union Solidarity Fund and the Response and Preparedness Instrument for major emergencies. **The Commission shall ensure that the actions undertaken under these programmes do not overlap.**

Amendment 33

Article 10, paragraph 2

2. The programme may share resources with other Community and Union instruments, in particular the programme 'Prevention of and Fight against Crime', in order to implement actions meeting the objectives of both the programme and other Community/Union instruments.

2. The programme may share resources with other Community and Union instruments, in particular the programme 'Prevention of and Fight against Crime', in order to implement actions meeting the objectives of both the programme and other Community/Union instruments **and with Commission programmes allowing specific studies relating to critical infrastructure security to be carried out, such as those already in progress in the fields of transport and energy.**

Amendment 34

Article 10, paragraph 2 a (new)

2a. The Commission shall ensure that the actions covered by this Decision are complementary to those covered by the programmes mentioned in paragraph 1 and that they do not overlap.

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TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 35

Article 10, paragraph 3 a (new)

3a. Should the programme's resources prove insufficient for the implementation of measures already in progress, the Community shall guarantee access to other compatible funds.

Amendment 36

Article 12, paragraph 1 a (new)

The Commission shall ensure that the actions covered by this Decision are subject to prior evaluation, monitoring and ex post evaluation.

Amendment 37

Article 14, paragraph 2 a (new)

2a. The Commission shall inform the European Parliament and the Council annually, at the same time as it submits the Preliminary Draft Budget, on the implementation of the programme, in particular the use of the resources available.

Amendments 38 and 39

Article 14, paragraph 3

3. The Commission shall submit to the European Parliament and the Council:

- (a) **an** interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of this programme no later than 31 March 2010;
- (b) a Communication on the continuation of this programme no later than 31 December 2010;
- (c) an *ex post* evaluation report no later than 31 March 2015.

3. The Commission shall submit to the European Parliament and the Council:

- (-a) a succinct yearly report, including, in particular, information making it possible to measure the programme's success in quantitative terms.**
- (a) **a detailed** interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of this programme no later than 31 March 2010;
- (b) a Communication on the continuation of this programme, **especially regarding its objectives**, no later than 31 December 2010;
- (c) an *ex post* evaluation report, **presenting the results achieved by the programme, including a budgetary evaluation, on completion of its implementation but** no later than 31 March 2015.

Amendment 40

Article 14 a (new)

Article 14a**Publication of projects**

Each year, the Commission, together with the Member States, shall publish a list of the projects financed under this programme with a short description of each project.

Thursday, 14 December 2006

TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENTAmendment 41
*Article 14 b (new)***Article 14b****Equal treatment**

Organisations in receipt of an operating grant by virtue of this programme may take part in calls for proposals for other programmes, without however being entitled to preferential treatment vis-à-vis other organisations financed from budgets other than that of the European Union.

Amendment 42
*Annex (new)***ANNEX****INDICATIVE LIST OF CRITICAL INFRASTRUCTURE SECTORS:****1) Energy**

- a. Oil and gas production, refining, treatment and storage, including pipelines**
- b. Electricity generation**
- c. Transmission of electricity, gas and oil**
- d. Distribution of electricity, gas and oil**

2) Information, Communication Technologies, ICT

- a. Information system and network protection**
- b. Instrumentation automation and control systems (SCADA etc.)**
- c. Internet**
- d. Provision of fixed telecommunications**
- e. Provision of mobile telecommunications**
- f. Radio communication and navigation**
- g. Satellite communication**
- h. Broadcasting**

3) Water

- a. Provision of drinking water**
- b. Control of water quality**
- c. Stemming and control of water quantity**

4) Food

Provision of food and safeguarding food safety and security

5) Health

- a. Medical and hospital care**
- b. Medicines, serums, vaccines and pharmaceuticals**
- c. Bio-laboratories and bio-agents**

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TEXT PROPOSED
BY THE COMMISSION

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6) *Financial*

- a. *Payment services/payment structures (private)*
- b. *Government financial assignment*

7) *Public & Legal Order and Safety*

- a. *Maintaining public & legal order, safety and security*
- b. *Administration of justice and detention*

8) *Civil administration*

- a. *Government functions*
- b. *Armed forces*
- c. *Civil administration services*
- d. *Emergency services*
- e. *Exposal and courier services*

9) *Transport*

- a. *Road transport*
- b. *Rail transport*
- c. *Air traffic*
- d. *Inland waterways transport*
- e. *Ocean and short-sea shipping*

10) *Chemical and nuclear industry*

- a. *Production and storage/processing of chemical and nuclear substances*
- b. *Pipelines of dangerous goods (chemical substances)*

11) *Space and Research*

- a. *Space*
- b. *Research*

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Numerical strength of the committees

Decision on the numerical strength of the committees

The European Parliament,

- having regard to Rule 174 of its Rules of Procedure,
- having regard to its decision of 21 July 2004 on the numerical strength of the committees ⁽¹⁾;

1. Decides that, as from 8 January 2007, the numerical strength of the committees shall be as follows:

C01 — Committee on Foreign Affairs: 86 members

C02 — Committee on Development: 36 members

C03 — Committee on International Trade: 33 members

C04 — Committee on Budgets: 50 members

⁽¹⁾ OJ C 103 E, 28.4.2005, p. 30.

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- C05 — Committee on Budgetary Control: 40 members
- C06 — Committee on Economic and Monetary Affairs: 51 members
- C07 — Committee on Employment and Social Affairs: 52 members
- C08 — Committee on the Environment, Public Health and Food Safety: 68 members
- C09 — Committee on Industry, Research and Energy: 54 members
- C10 — Committee on the Internal Market and Consumer Protection: 44 members
- C11 — Committee on Transport and Tourism: 51 members
- C12 — Committee on Regional Development: 57 members
- C13 — Committee on Agriculture and Rural Development: 47 members
- C14 — Committee on Fisheries: 40 members
- C15 — Committee on Culture and Education: 38 members
- C16 — Committee on Legal Affairs: 28 members
- C17 — Committee on Civil Liberties, Justice and Home Affairs: 60 members
- C18 — Committee on Constitutional Affairs: 29 members
- C19 — Committee on Women's Rights and Gender Equality: 40 members
- C20 — Committee on Petitions: 40 members;

2. Decides that, as from 8 January 2007, the numerical strength of the subcommittees shall be as follows:

SC01A — Subcommittee on Human Rights: 36 members

SC01B — Subcommittee on Security and Defence: 36 members.

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European Institute for Gender Equality *II**

European Parliament legislative resolution on the Council common position for adopting a regulation of the European Parliament and of the Council establishing a European Institute for Gender Equality (10351/1/2006 — C6-0314/2006 — 2005/0017(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (10351/1/2006 — C6-0314/2006) ⁽¹⁾,
- having regard to its position at first reading ⁽²⁾ on the Commission proposal to Parliament and the Council (COM(2005)0081) ⁽³⁾,
- having regard to the amended Commission proposal (COM(2006)0209) ⁽⁴⁾,
- having regard to Article 251(2) of the EC Treaty,
- having regard to Rule 62 of its Rules of Procedure,
- having regard to the recommendation for second reading of the Committee on Women's Rights and Gender Equality (A6-0455/2006);

1. Approves the common position as amended; confirms the joint statement of the Parliament, the Council and the Commission thereon, as annexed hereto;
2. Instructs its President to forward its position to the Council and the Commission.

⁽¹⁾ OJ C 295 E, 5.12.2006, p. 57.

⁽²⁾ Texts adopted, 14.3.2006, P6_TA(2006)0074.

⁽³⁾ Not yet published in the OJ.

⁽⁴⁾ Not yet published in the OJ.

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P6_TC2-COD(2005)0017

Position of the European Parliament adopted at second reading on 14 December 2006 with a view to the adoption of Regulation (EC) No .../2006 of the European Parliament and of the Council on establishing a European Institute for Gender Equality

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 13(2) and 141(3) 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⁾,

Whereas:

- (1) Equality between men and women is a fundamental principle of the European Union. Articles 21 and 23 of the Charter of Fundamental Rights of the European Union set out a prohibition on any discrimination on grounds of sex and provide that equality between men and women must be ensured in all areas.
- (2) Article 2 of the Treaty provides that equality between men and women is one of the Community's essential tasks. Similarly, Article 3(2) of the Treaty requires the Community to aim to eliminate inequalities and to promote equality between men and women in all its activities and thus ensure the integration of the dimension of equality between men and women in all Community policies.
- (3) Article 13 of the Treaty empowers the Council to take appropriate action to combat discrimination inter alia on grounds of sex in all areas of Community competence.
- (4) The principle of equal opportunities and equal treatment of men and women in matters of employment and occupation is enshrined in Article 141 of the Treaty and a comprehensive body of legislation on equal treatment of men and women in relation to access to employment and working conditions including equal pay is already in place.
- (5) The Commission's first annual report on equality between men and women to the Spring European Council in 2004 concluded that significant gender gaps exist in most policy fields, that inequality between men and women is a multi-dimensional phenomenon that has to be tackled by a comprehensive mix of policy measures and that enhanced efforts are needed to meet the Lisbon strategy targets.
- (6) The Nice European Council of 7-9 December 2000 called for 'Increased awareness, the pooling of resources and the exchange of experience, in particular through the establishment of a European Institute for gender issues'.
- (7) The feasibility study ⁽³⁾ carried out for the Commission concluded that there is a clear role for a European Institute for Gender Equality to carry out some of the tasks with which the existing institutions do not currently deal, specifically in the areas of coordination, centralisation and dissemination of research data and information, network building, the raising of visibility of equality between men and women, highlighting the gender perspective and the development of tools for improved integration of gender equality in all Community policies.

⁽¹⁾ OJ C 24, 31.1.2006, p. 29.

⁽²⁾ Opinion of the European Parliament of 14 March 2006 (not yet published in the Official Journal), Council Common Position of 18 September 2006 (OJ C 295 E, 5.12.2006, p. 57) and Position of the European Parliament of 14 December 2006.

⁽³⁾ European Commission Feasibility Study for a European Gender Institute (conducted by PLS Ramboll Management, DK, 2002).

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- (8) The European Parliament in its Resolution of 10 March 2004 on the European Union's policies on gender equality ⁽¹⁾ called on the Commission to speed up the efforts leading to the setting-up of an Institute.
- (9) The Council of Employment, Social Affairs, Health and Consumers Affairs of 1-2 June 2004 and the European Council of 17-18 June 2004 supported the establishment of a European Institute for Gender Equality. The European Council asked the Commission to bring forward a specific proposal.
- (10) The collection, analysis and dissemination of objective, reliable and comparable information and data on equality between men and women, the development of appropriate tools for the elimination of all forms of discrimination on grounds of sex and the integration of the gender dimension in all policy areas, the promotion of dialogue among stakeholders and the raising of awareness among EU citizens are necessary so as to enable the Community to effectively promote and implement gender equality policy, in particular in an enlarged Union. It is therefore appropriate to establish a European Institute for Gender Equality, which would assist the Community institutions and the Member States by carrying out those tasks.
- (11) Gender equality cannot be achieved by an anti-discrimination policy alone but requires measures to promote harmonious co-existence and balanced participation by men and women within society; the Institute should contribute to the attainment of that objective.
- (12) Given the importance of eliminating gender stereotypes in European society in all walks of life and of providing positive examples for women and men to follow, action to achieve those aims should also be included among the Institute's tasks.
- (13) Cooperation with the relevant authorities of the Member States and relevant statistical bodies, in particular Eurostat, is essential to promote the collection of comparable and reliable data at European level. Given that information on equality between men and women is relevant to all levels within the Community — local, regional, national and Community — it would be useful for such information to be available to Member States' authorities in order to help them formulate policies and measures at local, regional and national level in their spheres of competence.
- (14) The Institute should work as closely as possible with all Community programmes and bodies in order to avoid duplication and ensure the best possible use of resources, in particular as regards the European Foundation for the Improvement of Living and Working Conditions ⁽²⁾, the European Agency for Safety and Health at Work ⁽³⁾, the Centre for the Development of Vocational Training ⁽⁴⁾ and the European Union Agency for Fundamental Rights ⁽⁵⁾.
- (15) The Institute should develop cooperation and dialogue with non-governmental and equal opportunities organisations, research centres, social partners, and other related bodies actively seeking to achieve equality at national and European level and in third countries. In the interest of efficiency, it is appropriate for the Institute to set up and coordinate an electronic European Network on Gender Equality with such entities and experts in the Member States.
- (16) With a view to ensuring the necessary balance among the Member States and the continuity of the members of the Management Board, the representatives of the Council will be appointed for each term of office in accordance with the order of rotation of the Presidencies of the Council, commencing in 2007.

⁽¹⁾ OJ C 102 E, 28.4.2004, p. 638.

⁽²⁾ Council Regulation (EEC) No 1365/75 of 26 May 1975 on the creation of a European Foundation for the Improvement of Living and Working Conditions (OJ L 139, 30.5.1975, p. 1). Regulation as last amended by Regulation (EC) No 1111/2005 (OJ L 184, 15.7.2005, p. 1).

⁽³⁾ Council Regulation (EC) No 2062/94 of 18 July 1994 establishing a European Agency for Safety and Health at Work (OJ L 216, 20.8.1994, p. 1). Regulation as last amended by Regulation (EC) No 1112/2005 (OJ L 184, 15.7.2005, p. 5).

⁽⁴⁾ Council Regulation (EEC) No 337/75 of 10 February 1975 establishing a European Centre for the Development of Vocational Training (OJ L 39, 13.2.1975, p. 1). Regulation as last amended by Regulation (EC) No 2051/2004 (OJ L 355, 1.12.2004, p. 1).

⁽⁵⁾ Member States meeting in the framework of the European Council in December 2003 requested the Commission to prepare a proposal for a human rights agency by extending the mandate of the European Monitoring Centre on Racism and Xenophobia.

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- (17) In accordance with Article 3(2) of the Treaty it is appropriate to promote a balanced participation of men and women in the composition of the Management Board.
- (18) The Institute should enjoy maximum independence in the performance of its tasks.
- (19) The Institute should apply the relevant Community legislation concerning public access to documents as set out in Regulation (EC) No 1049/2001 ⁽¹⁾ and the protection of individuals with regard to the processing of personal data as set out in Regulation (EC) No 45/2001 ⁽²⁾.
- (20) Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽³⁾, applies to the Institute.
- (21) For the contractual liability of the Institute, which is governed by the law applicable to the contracts concluded by the Institute, the Court of Justice should have jurisdiction to give judgment, pursuant to any arbitration clause, contained in the contract. The Court of Justice should also have jurisdiction in disputes relating to compensation for any damage arising from the non-contractual liability of the Institute.
- (22) An independent external evaluation should be undertaken to assess the impact of the Institute, the possible need to modify or extend its tasks and the timing of further such reviews.
- (23) Since the objectives of this Regulation, namely to contribute to and strengthen the promotion of gender equality, including gender mainstreaming in all Community policies and the resulting national policies, and the fight against discrimination based on sex, and to raise EU citizens' awareness of gender equality by providing technical assistance to the Community institutions and the authorities of the Member States, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale of the action, 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 Regulation does not go beyond what is necessary to achieve those objectives.
- (24) Article 13(2) of the Treaty permits the adoption of Community measures in order to support and promote the objective of combating discrimination on grounds of sex beyond the field of employment. Article 141(3) of the Treaty is the specific legal basis for measures aimed to ensure the application of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation. Therefore, Article 13(2) and Article 141(3) combined constitute the appropriate legal basis for adoption of this Regulation,

HAVE ADOPTED THIS REGULATION:

Article 1

Establishment of the Institute

A European Institute for Gender Equality (hereinafter referred to as 'the Institute') is hereby established.

⁽¹⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

⁽²⁾ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and of the free movement of such data (OJ L 8, 12.1.2001, p. 1).

⁽³⁾ OJ L 357, 31.12.2002, p. 72.

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Article 2

Objectives

The overall objectives of the Institute shall be to contribute to and strengthen the promotion of gender equality, including gender mainstreaming in all Community policies and the resulting national policies, and the fight against discrimination based on sex, and to raise EU citizens' awareness of gender equality by providing technical assistance to the Community institutions, in particular the Commission, and the authorities of the Member States, as set out in Article 3.

Article 3

Tasks

1. To meet the objectives set in Article 2, the Institute shall:
 - (a) collect, analyse and disseminate relevant objective, comparable and reliable information as regards gender equality, including results from research and best practice communicated to it by Member States, Community institutions, research centres, national equality bodies, non-governmental organisations, social partners, relevant third countries and international organisations, and suggest areas for further research;
 - (b) develop methods to improve the objectivity, comparability and reliability of data at European level by establishing criteria that will improve the consistency of information and take into account gender issues when collecting data;
 - (c) develop, analyse, evaluate and disseminate methodological tools in order to support the integration of gender equality into all Community policies and the resulting national policies and to support gender mainstreaming in all Community institutions and bodies;
 - (d) carry out surveys on the situation in Europe as regards gender equality;
 - (e) set up and coordinate a European Network on Gender Equality, involving the centres, bodies, organisations and experts dealing with gender equality and gender mainstreaming in order to support and encourage research, optimise the use of available resources and foster the exchange and dissemination of information;
 - (f) organise *ad hoc* meetings of experts to support the institute's research work, encourage the exchange of information among researchers and promote the inclusion of a gender perspective in their research;
 - (g) in order to raise EU citizens' awareness of gender equality, organise, with relevant stakeholders, conferences, campaigns and meetings at European level, and present the findings and conclusions to the Commission;
 - (h) disseminate information regarding positive examples of non-stereotypical roles for women and men in every walk of life, present its findings and initiatives designed to publicise and build on such success stories;
 - (i) develop dialogue and cooperation with non-governmental and equal opportunities organisations, universities and experts, research centres, social partners and related bodies actively seeking to achieve equality at national and European level;
 - (j) set up documentation resources accessible to the public;
 - (k) make information on gender mainstreaming available to public and private organisations; and
 - (l) provide information to the Community Institutions on gender equality and gender mainstreaming in the accession and candidate countries.
2. The Institute shall publish an annual report on its activities.

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Article 4

Areas of activity and working methods

1. The Institute shall carry out its tasks within the competences of the Community and in the light of the objectives adopted and priority areas identified in its annual programme, and with due regard to the available budgetary resources.
2. The work programme of the Institute shall be in line with the Community priorities in the field of gender equality and the work programme of the Commission, including its statistical and research work.
3. In pursuing its activities, the Institute shall, in order to avoid duplication and to ensure the best possible use of resources, take account of existing information from whatever source and in particular of activities already carried out by the Community institutions and by other institutions, bodies and competent national and international organisations and work closely with the competent Commission services, including Eurostat. The Institute shall ensure appropriate coordination with all relevant Community agencies and Union bodies to be determined in a memorandum of understanding where appropriate.
4. The Institute shall ensure that the information disseminated is comprehensible to the final users.
5. The Institute may enter into contractual relations, in particular subcontracting arrangements, with other organisations, in order to accomplish any tasks which it may entrust to them.

Article 5

Legal personality and capacity

The Institute shall have legal personality. It shall enjoy, in each of the Member States, the most extensive legal capacity accorded to legal persons under their laws. In particular, it may acquire or dispose of movable or immovable property and may be a party to legal proceedings.

Article 6

Independence of the Institute

The Institute shall carry out its activities independently in the public interest.

Article 7

Access to documents

1. Regulation (EC) No 1049/2001 shall apply to documents held by the Institute.
2. The Management Board shall adopt arrangements for implementing Regulation (EC) No 1049/2001 within six months of the establishment of the Institute.
3. Decisions taken by the Institute pursuant to Article 8 of Regulation (EC) No 1049/2001 may give rise to the lodging of a complaint to the Ombudsman or form the subject of an action before the Court of Justice, under the conditions laid down in Articles 195 and 230 of the Treaty respectively.
4. Regulation (EC) No 45/2001 shall apply to the processing of data by the Institute.

Article 8

**Cooperation with organisations at national and European level,
international organisations and third countries**

1. To help it carry out its tasks, the Institute shall cooperate with organisations and experts in the Member States, such as equality bodies, research centres, universities, non-governmental organisations, social partners as well as with relevant organisations at European or international level and third countries.

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2. Should agreements with international organisations or with third countries prove necessary for the Institute to carry out its tasks efficiently, the Community shall, in accordance with the procedure provided for in Article 300 of the Treaty, enter into such agreements with the international organisations or with third countries in the interests of the Institute. This provision shall not preclude *ad hoc* cooperation with such organisations or third countries.

Article 9

Composition of the Institute

The Institute shall comprise:

- (a) a Management Board;
- (b) an Experts' Forum;
- (c) a Director and his or her staff.

Article 10

Management Board

1. The Management Board shall consist of:

- (a) eighteen representatives appointed by the Council, on the basis of a proposal from each Member State concerned;
- (b) one member representing the Commission, appointed by the Commission;

2. The members of the Management Board shall be appointed in such a way as to secure the highest standards of competence and a broad range of relevant and transdisciplinary expertise in the area of gender equality.

The Council and the Commission shall aim to achieve a balanced representation between men and women on the Management Board.

Alternates who represent the member in his or her absence shall be appointed by the same procedure.

The list of the members and alternates of the Management Board shall be published by the Council in the *Official Journal of the European Union*, on the website of the Institute and on other relevant websites.

3. The term of office shall be three years. For each term of office, the members appointed by the Council shall represent eighteen Member States in the order of the rotating Presidencies, one member being nominated by each Member State concerned.

4. The Management Board shall elect its Chairperson and Vice-Chairperson to serve for a period of three years.

5. Each member of the Management Board referred to under paragraph 1(a) or (b), or in his or her absence, his or her alternate, shall have one vote.

6. The Management Board shall take the decisions necessary for the operation of the Institute. In particular, it shall:

- (a) adopt, on the basis of a draft drawn up by the Director, as referred to in Article 12, after consultation with the Commission, the annual work programme and the medium term work programme, covering a three-year period, in accordance with the budget and the available resources; the programmes may be reviewed whenever necessary; the first annual work programme shall be adopted not later than nine months after the appointment of the Director;
- (b) adopt the annual report referred to in Article 3(2), comparing, in particular, the results achieved with the objectives of the annual work programme; this report shall be forwarded by 15 June at the latest to the European Parliament, the Council, the Commission, the Court of Auditors, the European Economic and Social Committee and the Committee of the Regions and shall be published on the website of the Institute;
- (c) exercise disciplinary authority over the Director and appoint or dismiss him or her pursuant to Article 12; and
- (d) adopt the Institute's annual draft and final budgets.

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7. The Management Board shall adopt the Institute's internal rules on the basis of a proposal drawn up by the Director after consultation with the Commission.
8. Decisions by the Management Board shall be taken by a majority of its members. The Chairperson shall have the casting vote. In the cases referred to in paragraph 6 and in Article 12(1), decisions shall be taken by a two-thirds majority of its members.
9. The Management Board shall adopt its rules of procedure on the basis of a proposal drawn up by the Director after consultation with the Commission.
10. The Chairperson shall convene the Management Board at least once a year. The Chairperson shall convene additional meetings on his or her own initiative or at the request of one-third of the members of the Management Board.
11. The Institute shall forward annually to the European Parliament and the Council (hereinafter referred to as the 'budgetary authority') any information relevant to the outcome of the evaluation procedures.
12. The Directors of the European Foundation for the Improvement of Living and Working Conditions, the European Agency for Safety and Health at Work, the Centre for the Development of Vocational Training and of the European Union Agency for Fundamental Rights may as appropriate be invited to attend meetings of the Management Board as observers in order to coordinate the respective working programmes as regards gender mainstreaming.

Article 11

Experts' Forum

1. The Experts' Forum shall be composed of members from competent bodies specialised in gender equality issues, on the basis of one representative designated by each Member State, two members representing other relevant organisations specialised in gender equality issues designated by the European Parliament, as well as three members designated by the Commission and representing interested parties at European level, with one representative each from:
 - (a) an appropriate non-governmental organisation at Community level which has a legitimate interest in contributing to the fight against discrimination on grounds of sex and the promotion of gender equality;
 - (b) employers' organisations at Community level; and
 - (c) workers' organisations at Community level.

The Member States and the Commission shall aim to achieve a balanced representation between men and women in the Experts' Forum.

Members may be replaced by alternates, appointed at the same time.

2. Members of the Experts' Forum shall not be members of the Management Board.
3. The Experts' Forum shall support the Director in ensuring the excellence and independence of activities of the Institute.
4. The Experts' Forum shall constitute a mechanism for an exchange of information in relation to gender equality issues and the pooling of knowledge. It shall ensure close cooperation between the Institute and competent bodies in the Member States.
5. The Experts' Forum shall be chaired by the Director or, in his/her absence, by a deputy from within the Institute. It shall meet regularly at the invitation of the Director, or at the request of at least a third of its members, and at least once per year. Its operational procedures shall be specified in the Institute's internal rules and shall be made public.
6. Representatives of the Commission's departments shall participate in the work of the Experts' Forum.
7. The Institute shall provide the technical and logistic support necessary for the Experts' Forum and provide a secretariat for its meetings.

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8. The Director may invite experts or representatives of relevant economic sectors, employers, trade unions, professional or research bodies, or non-governmental organisations with recognised experience in disciplines related to the work of the Institute to cooperate in specific tasks and to take part in the relevant activities of the Experts' Forum.

Article 12

Director

1. The Institute shall be headed by a Director appointed by the Management Board on the basis of a list of candidates proposed by the Commission after an open competition, following publication in the *Official Journal of the European Union* and elsewhere of a call for expressions of interest. Before being appointed, the candidate selected by the Management Board shall be asked to make a declaration before the competent committee(s) of the European Parliament and answer questions from its/their members.

2. The Director's term of office shall be 5 years. On a proposal from the Commission and after evaluation, that term of office may be extended once for a period of not more than 5 years. In the evaluation, the Commission shall assess in particular:

- (a) the results achieved in the first term of office and the way they were achieved,
- (b) the Institute's duties and requirements in the coming years.

3. The Director shall be responsible, under the supervision of the Management Board, for:

- (a) performance of the tasks referred to in Article 3;
 - (b) preparing and implementing the Institute's annual and medium-term programmes of activities;
 - (c) preparing the meetings of the Management Board and the Experts' Forum;
 - (d) preparing and publishing the annual report referred to in Article 3(2);
 - (e) all staff-related matters, and in particular exercising the powers provided for in Article 13(3);
 - (f) matters of day-to-day administration; and
 - (g) the implementation of effective monitoring and evaluation procedures relating to the performance of the Institute against its objectives according to professionally recognised standards. The Director shall report annually to the Management Board on the results of the monitoring system.
4. The Director shall be accountable for the management of his/her activities to the Management Board and shall take part in its meetings without voting rights. He/she may also be invited by the European Parliament to report during a hearing on significant issues linked to the Institute's activities.

5. The Director shall be the Institute's legal representative.

Article 13

Staff

1. The Staff Regulations of officials of the European Communities and the Conditions of Employment of other servants of the European Communities laid down in Regulation (EEC, ECSC, Euratom) No 259/68 ⁽¹⁾ and the rules adopted jointly by the European Community institutions for the purpose of applying these Staff Regulations and Conditions of Employment shall apply to the staff of the Institute.

2. The Management Board, in agreement with the Commission, shall adopt the necessary implementing measures, in accordance with the arrangements provided for in Article 110 of the Staff Regulations. The Management Board may adopt provisions to allow national experts from Member States to be employed on secondment at the Institute.

⁽¹⁾ OJ L 56, 4.3.1968, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 723/2004 (OJ L 124, 27.4.2004, p. 1).

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3. The Institute shall exercise in respect of its staff the powers devolved to the appointing authority.

Article 14

Drawing up of the budget

1. Estimates of all the revenue and expenditure of the Institute shall be prepared for each financial year, corresponding to the calendar year, and shall be shown in the budget of the Institute.
2. The revenue and expenditure shown in the budget of the Institute shall be in balance.
3. The revenue of the Institute shall, without prejudice to other resources, comprise:
 - (a) a subsidy from the Community, entered in the general budget of the European Union (Commission section);
 - (b) payments received for services rendered;
 - (c) any financial contributions from the organisations or third countries referred to in Article 8; and
 - (d) any voluntary contribution from the Member States.
4. The expenditure of the Institute shall include staff remuneration, administrative and infrastructure costs and operating expenses.
5. Each year the Management Board, on the basis of a draft drawn up by the Director, shall produce an estimate of revenue and expenditure for the Institute for the following financial year. This estimate, which shall include a draft establishment plan, shall be forwarded by the Management Board to the Commission by 31 March at the latest.
6. The estimate shall be forwarded by the Commission to the budgetary authority together with the preliminary draft general budget of the European Union.
7. On the basis of the estimate, the Commission shall enter in the preliminary draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Article 272 of the Treaty.
8. The budgetary authority shall authorise the appropriations for the subsidy to the Institute and shall adopt the establishment plan for the Institute.
9. The budget of the Institute shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly.
10. The Management Board shall, as soon as possible, notify the budgetary authority of its intention to implement any project which may have significant financial implications for the funding of its budget, in particular any projects relating to property such as the rental or purchase of buildings. It shall inform the Commission thereof.

Where a branch of the budgetary authority has notified its intention to deliver an opinion, it shall forward its opinion to the Management Board within a period of six weeks from the date of notification of the project.

Article 15

Implementation of the budget

1. The Director shall implement the budget of the Institute.
2. By 1 March at the latest following each financial year, the Institute's accounting officer shall communicate the provisional accounts to the Commission's accounting officer together with a report on the budgetary and financial management for that financial year. The Commission's accounting officer shall consolidate the provisional accounts of the institutions and decentralised bodies in accordance with Article 128 of Regulation (EC, Euratom) No 1605/2002.

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3. By 31 March at the latest following each financial year, the Commission's accounting officer shall forward the Institute's provisional accounts to the Court of Auditors, together with the report mentioned in paragraph 2. The report shall also be forwarded to the European Parliament and the Council.
4. On receipt of the Court of Auditors' observations on the Institute's provisional accounts, pursuant to Article 129 of the Regulation (EC, Euratom) No 1605/2002, the Director shall draw up the Institute's final accounts under his or her own responsibility and forward them to the Management Board for an opinion.
5. The Management Board shall deliver an opinion on the Institute's final accounts.
6. By 1 July at the latest following each financial year, the Director shall forward the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the Management Board's opinion.
7. The final accounts shall be published.
8. The Director shall send the Court of Auditors a reply to its observations by 30 September at the latest. He or she shall also send that reply to the Management Board.
9. The Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for the financial year in question, as laid down in Article 146(3) of the Regulation (EC, Euratom) No 1605/2002.
10. By 30 April of year N + 2, the European Parliament, on a recommendation from the Council acting by a qualified majority, shall give a discharge to the Director in respect of the implementation of the budget for year N.
11. The financial rules applicable to the Institute shall be adopted by the Management Board after the Commission has been consulted. They may not depart from Regulation (EC, Euratom) No 2343/2002 unless specifically required for the Institute's operation and with the Commission's prior consent.

Article 16

Languages

1. The provisions laid down in Regulation No 1 of 15 April 1958 determining the languages to be used in the European Economic Community ⁽¹⁾ shall apply to the Institute.
2. The translation services required for the functioning of the Institute shall, in principle, be provided by the Translation Centre for the Bodies of the European Union set up by Council Regulation (EC) No 2965/94 ⁽²⁾.

Article 17

Privileges and immunities

The Protocol on the Privileges and Immunities of the European Communities shall apply to the Institute.

Article 18

Liability

1. The contractual liability of the Institute shall be governed by the law applicable to the contract in question.

The Court of Justice shall have jurisdiction pursuant to an arbitration clause contained in any contracts concluded by the Institute.

⁽¹⁾ OJ P 17, 6.10.1958, p. 385. Regulation as last amended by Regulation (EC) No 920/2005 (OJ L 156, 18.6.2005, p. 3).

⁽²⁾ Council Regulation (EC) No 2965/94 of 28 November 1994 setting up a Translation Centre for bodies of the European Union (OJ L 314, 7.12.1994, p. 1). Regulation as last amended by Regulation (EC) No 920/2005.

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2. In the case of non-contractual liability, the Institute shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by the Institute or its servants in the performance of their duties.

The Court of Justice shall have jurisdiction in disputes relating to compensation for any such damage.

Article 19

Participation of third countries

1. The Institute shall be open to the participation of countries which have concluded agreements with the European Community by virtue of which they have adopted and apply Community legislation in the field covered by this Regulation.

2. Arrangements shall be made under the relevant provisions of those agreements, specifying in particular the nature, extent and manner in which those countries are to participate in the Institute's work, including provisions relating to participation in the initiatives undertaken by the Institute, financial contributions and staff. As regards staff matters, those agreements shall, at all events, be in accordance with the Staff Regulations of officials of the European Communities and the Conditions of employment of other servants of the European Communities.

Article 20

Evaluation

1. By ... (*), the Institute shall commission an independent external evaluation of its achievements on the basis of terms of reference issued by the Management Board in agreement with the Commission. The evaluation shall assess the impact of the Institute on the promotion of gender equality and shall include an analysis of the synergy effects. It shall, in particular, address the possible need to modify or extend the tasks of the Institute, including the financial implications of any such modification or extension of the tasks. Such evaluation shall also examine the appropriateness of the management structure in carrying out the Institute's tasks. The evaluation shall take into account the views of the stakeholders, at both Community and national level.

2. The Management Board, in agreement with the Commission, shall decide the timing of future evaluations, taking into account the results of the evaluation report mentioned in paragraph 1.

Article 21

Review clause

The Management Board shall examine the conclusions of the evaluation mentioned in Article 20 and issue to the Commission such recommendations as may be necessary regarding changes in the Institute, its working practices and remit. The Commission shall forward the evaluation report and the recommendations to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions and make them public. After examination of the evaluation report and the recommendations, the Commission may submit any proposals which it deems necessary concerning this Regulation.

Article 22

Administrative control

The operations of the Institute shall be subject to the supervision of the Ombudsman in accordance with the provisions of Article 195 of the Treaty.

Article 23

Start of the Institute's activities

The Institute shall be operational as soon as possible and in any event not later than ... (**).

(*) The end of the third year following the entry into force of this Regulation.

(**) Twelve months after the entry into force of this Regulation.

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Article 24

Entry into force

This Regulation shall enter into force on the 20th 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

P6_TA(2006)0587

Driving licenses *II**

European Parliament legislative resolution on the Council common position for adopting a directive of the European Parliament and of the Council on driving licences (9010/1/2006 — C6-0312/2006 — 2003/0252(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (9010/1/2006 — C6-0312/2006),
- having regard to its position at first reading ⁽¹⁾ on the Commission proposal to Parliament and the Council (COM(2003)0621) ⁽²⁾,
- having regard to Article 251(2) of the EC Treaty,
- having regard to Rule 62 of its Rules of Procedure,
- having regard to the recommendation for second reading of the Committee on Transport and Tourism (A6-0414/2006);

1. Approves the common position as amended;
2. Instructs its President to forward its position to the Council and Commission.

⁽¹⁾ OJ C 304 E, 1.12.2005, p. 138.

⁽²⁾ Not yet published in OJ.

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P6_TC2-COD(2003)0252

Position of the European Parliament adopted at second reading on 14 December 2006 with a view to the adoption of *Directive 2006/.../EC of the European Parliament and of the Council on driving licences (Recast)*

(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 71 thereof,

Having regard to the proposal from the Commission,

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

After consulting the Committee of the Regions,

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

Whereas:

- (1) Council Directive 91/439/EEC of 29 July 1991 on driving licences ⁽³⁾ has been significantly amended on several occasions. Now that new amendments are being made to the said Directive, it is desirable, in order to clarify matters, that the provisions in question should be recast.
- (2) The rules on driving licences are essential elements of the common transport policy, contribute to improving road safety, and facilitate the free movement of persons taking up residence in a Member State other than the one issuing the licence. Given the importance of individual means of transport, possession of a driving licence duly recognised by a host Member State promotes free movement and freedom of establishment of persons. Despite the progress achieved with harmonising the rules on driving licences, significant differences have persisted between Member States in the rules on periodicity of licences renewal and on subcategories of vehicles, which needed to be harmonised more fully, in order to contribute to the implementation of Community policies.
- (3) The possibility of laying down national provisions with regard to the period of validity provided for in Directive 91/439/EEC leads to the co-existence of different rules in different Member States and over 110 different models of driving licences valid in the Member States. This creates problems of transparency for citizens, police forces and the administrations responsible for the administration of driving licences and leads to the falsification of documents which sometimes date back several decades.
- (4) In order to prevent the single European driving licence model from becoming an additional model to the 110 already in circulation, Member States should take all necessary measures to issue this single model to all licence holders.
- (5) This Directive should not prejudice existing entitlements to drive granted or acquired before its date of application.
- (6) Driving licences are mutually recognised. Member States should be able to apply the period of validity prescribed by this Directive to a licence without a limited administrative validity issued by another Member State and whose holder has resided on their territory for more than two years.

⁽¹⁾ OJ C 112, 30.4.2004, p. 34.

⁽²⁾ Opinion of the European Parliament of 23 February 2005 (OJ C 304 E, 1.12.2005, p. 202), Council Common Position of 18 September 2006 (OJ C 295 E, 5.12.2006, p. 1) and Position of the European Parliament of 14 December 2006 (not yet published in the Official Journal).

⁽³⁾ OJ L 237, 24.8.1991, p. 1. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

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- (7) The introduction of a period of administrative validity for new driving licences should make it possible to apply at the time of periodic renewal the most recent counter-falsification measures and the medical examinations or other measures provided for by the Member States.
- (8) On road safety grounds, the minimum requirements for the issue of a driving licence should be laid down. Standards for driving tests and licensing need to be harmonised. To this end the knowledge, skills and behaviour connected with driving motor vehicles should be defined, the driving test should be based on these concepts and the minimum standards of physical and mental fitness for driving such vehicles should be redefined.
- (9) Proof of fulfilment of compliance with minimum standards of physical and mental fitness for driving by drivers of vehicles used for the transport of persons or goods should be provided when the driving licence is issued and periodically thereafter. Such regular control in accordance with national rules of compliance with minimum standards will contribute to the free movement of persons, avoid distortions of competition and better take into account the specific responsibility of drivers of such vehicles. Member States should be allowed to impose medical examinations as a guarantee of compliance with the minimum standards of physical and mental fitness for driving other motor vehicles. For reasons of transparency, such examinations should coincide with a renewal of driving licences and therefore be determined by the period of validity of the licence.
- (10) It is necessary to strengthen further the principle of progressive access to the categories of two-wheeled vehicles and to the categories of vehicles used for the transport of passengers and goods.
- (11) Nevertheless, Member States should be allowed to set a higher age limit for the driving of certain categories of vehicles in order to further promote road safety; Member States should in exceptional circumstances be allowed to set lower age limits in order to take account of national circumstances.
- (12) The definitions of the categories should reflect to a greater extent the technical characteristics of the vehicles concerned and the skills needed to drive a vehicle.
- (13) Introducing a category of driving licences for mopeds will, in particular, increase road safety as regards the youngest drivers who, according to the statistics, are the hardest hit by road accidents.
- (14) Specific provisions should be adopted to make it easier for physically disabled persons to drive vehicles.
- (15) For reasons connected with road safety, Member States should be able to apply their national provisions on the withdrawal, suspension, renewal and cancellation of driving licences to all licence holders having acquired normal residence in their territory.
- (16) The model driving licence as set out in Directive 91/439/EEC should be replaced by a single model in the form of a plastic card. At the same time, this model driving licence needs to be adapted on account of the introduction of a new category of driving licences for mopeds and of a new category of driving licences for motorcycles.
- (17) The introduction of an optional microchip in the new plastic card model driving licence should enable the Member States to further improve the level of anti-fraud protection. Member States should have flexibility to include national data on the chip provided that it does not interfere with commonly accessible data. The technical requirements for the microchip should be determined by the Commission, assisted by the committee on driving licences.

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- (18) Minimum standards concerning access to the profession of examiner and examiner training requirements should be established in order to improve the knowledge and skills of examiners thereby ensuring a more objective evaluation of driving licence applicants and achieving greater harmonisation of driving tests.
- (19) The Commission should be allowed to undertake the adaptation of Annexes I to VI to scientific and technical progress.
- (20) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾.
- (21) In particular, the Commission should be empowered to establish the criteria necessary for the application of this Directive. Since those measures are of general scope and are designed to amend non-essential elements of this Directive, they should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.
- (22) Since the objectives of this Directive cannot be sufficiently achieved by the Member States and can therefore, by reason of their scale and their 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 those objectives.
- (23) This Directive should not prejudice the obligations of the Member States relating to the deadlines for transposition into national law and application of the Directives listed in Annex VII, Part B,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Model licence

1. Member States shall introduce a national driving licence based on the Community model set out in Annex I, in accordance with the provisions of this Directive. The emblem on page 1 of the Community model driving licences shall contain the distinguishing sign of the Member State issuing the licence.
2. Without prejudice to data protection rules, Member States may introduce a storage medium (microchip) as part of the driving licence, as soon as the requirements concerning the microchip referred to in Annex I, which are designed to amend non-essential elements of this Directive, by supplementing it, are laid down by the Commission in accordance with the procedure referred to in Article 9(2). These requirements shall provide for EC type-approval, which shall only be granted when the ability to resist attempts to tamper with or alter data is demonstrated.
3. The microchip shall incorporate the harmonised driving licence data specified in Annex I.

After consulting the Commission, Member States may store additional data, provided that it does not in any way interfere with the implementation of this Directive.

In accordance with the procedure referred to in Article 9(2), the Commission may amend Annex I in order to guarantee future interoperability.

4. With the agreement of the Commission, Member States may make to the model set out in Annex I such adjustments as are necessary for computer processing of the driving licence.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

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*Article 2***Mutual recognition**

1. Driving licences issued by Member States shall be mutually recognised.
2. When the holder of a valid national driving licence without the administrative validity period set out in Article 7(2) takes up normal residence in a Member State other than that which issued the driving licence, the host Member State may apply to the licence the administrative validity periods set out in that Article by renewing the driving licence, as from 2 years after the date on which the holder has taken up normal residence on its territory.

*Article 3***Anti-forgery measures**

1. Member States shall take all necessary steps to avoid any risk of forgery of driving licences, including that of model driving licences issued before the entry into force of this Directive. They shall inform the Commission thereof.
2. The material used for the driving licence, as set out in Annex I, shall be made secure against forgery in application of specifications designed to amend non-essential elements of this Directive, by supplementing it, which are to be laid down by the Commission in accordance with the procedure referred to in Article 9(2). Member States are free to introduce additional security features.
3. Member States shall ensure that, by ... (*), all driving licences issued or in circulation fulfil all the requirements of this Directive.

*Article 4***Categories, definitions and minimum ages**

1. The driving licence provided for in Article 1 shall authorise the driving of power-driven vehicles in the categories defined hereafter. It may be issued from the minimum age indicated for each category. A 'power-driven vehicle' means any self-propelled vehicle running on a road under its own power, other than a rail-borne vehicle.

2. mopeds:

Category AM:

- two-wheel vehicles or three-wheel vehicles with a maximum design speed of not more than 45 km/h, as defined in Article 1(2)(a) of Directive 2002/24/EC of the European Parliament and of the Council of 18 March 2002 relating to the type-approval of two or three-wheel motor vehicles ⁽¹⁾ (excluding those with a maximum design speed under or equal to 25 km/h), and light quadricycles as defined in Article 1(3)(a) of Directive 2002/24/EC,
- the minimum age for category AM is fixed at 16 years;

3. motorcycles with or without a sidecar and motor tricycles:

- 'motorcycle' means two-wheel vehicles with or without a sidecar, as defined in Article 1(2)(b) of Directive 2002/24/EC,
- 'motor tricycle' means vehicles with three symmetrically arranged wheels, as defined in Article 1(2)(c) of Directive 2002/24/EC;

- (a) Category A1:

- motorcycles with a cylinder capacity not exceeding 125 cubic centimetres, of a power not exceeding 11 kW and with a power/weight ratio not exceeding 0,1 kW/kg,
- motor tricycles with a power not exceeding 15 kW,
- the minimum age for category A1 is fixed at 16 years;

(*) 26 years after the date of entry into force of this Directive.

⁽¹⁾ OJ L 124, 9.5.2002, p. 1. Directive as last amended by Commission Directive 2005/30/EC (OJ L 106, 27.4.2005, p. 17).

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(b) Category A2:

- motorcycles of a power not exceeding 35 kW and with a power/weight ratio not exceeding 0,2 kW/kg and not derived from a vehicle of more than double its power,
- the minimum age for category A2 is fixed at 18 years;

(c) Category A:

(i) motorcycles

- The minimum age for category A is fixed at 20 years. However, access to the driving of motorcycles of this category shall be subject to a minimum of two years' experience on motorcycles under an A2 licence. This requirement as to previous experience may be waived if the candidate is at least 24 years old.

(ii) motor tricycles with a power exceeding 15 kW

- The minimum age for motor tricycles exceeding 15 kW is fixed at 21 years.

4. motor vehicles:

- 'motor vehicle' means any power-driven vehicle, which is normally used for carrying persons or goods by road or for drawing, on the road, vehicles used for the carriage of persons or goods. This term shall include trolleybuses, i.e. vehicles connected to an electric conductor and not rail-borne. It shall not include agricultural or forestry tractors,
- 'Agricultural or forestry tractor' means any power-driven vehicle running on wheels or tracks, having at least two axles, the principal function of which lies in its tractive power, which is specially designed to pull, push, carry or operate certain tools, machines or trailers used in connection with agricultural or forestry operations, and the use of which for carrying persons or goods by road or drawing, on the road, vehicles used for the carriage of persons or goods is only a secondary function;

(a) Category B1:

- quadricycles, as defined in Article 1(3)(b) of Directive 2002/24/EC,
- the minimum age for category B1 is fixed at 16 years,
- category B1 is optional; in Member States which do not introduce this category of driving licence, a driving licence for category B shall be required to drive such vehicles;

(b) Category B:

motor vehicles with a maximum authorised mass not exceeding 3 500 kg and designed and constructed for the carriage of no more than eight passengers in addition to the driver; motor vehicles in this category may be combined with a trailer having a maximum authorised mass which does not exceed 750 kg.

Without prejudice to the provisions of type-approval rules for the vehicles concerned, motor vehicles in this category may be combined with a trailer with a maximum authorised mass exceeding 750 kg, provided that the maximum authorised mass of this combination does not exceed 4 250 kg. In case such a combination exceeds 3 500 kg, Member States shall, in accordance with the provisions of Annex V, require that this combination shall only be driven after:

- a training has been completed, or
- a test of skills and behaviour has been passed.

Member States may also require both such a training and the passing of a test of skills and behaviour.

Member States shall indicate the entitlement to drive such a combination on the driving licence by means of the relevant Community code.

The minimum age for category B is fixed at 18 years;

(c) Category BE:

- without prejudice to the provisions of type-approval rules for the vehicles concerned, combination of vehicles consisting of a tractor vehicle in category B and a trailer or semi-trailer where the maximum authorised mass of the trailer or semi-trailer does not exceed 3 500 kg,
- the minimum age for category BE is fixed at 18 years;

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(d) Category C1:

motor vehicles other than those in categories D1 or D, the maximum authorised mass of which exceeds 3 500 kg, but does not exceed 7 500 kg, and which are designed and constructed for the carriage of no more than eight passengers in addition to the driver; motor vehicles in this category may be combined with a trailer having a maximum authorised mass not exceeding 750 kg;

(e) Category C1E:

- without prejudice to the provisions of type-approval rules for the vehicles concerned, combinations of vehicles where the tractor vehicle is in category C1 and its trailer or semi-trailer has a maximum authorised mass of over 750 kg provided that the authorised mass of the combination does not exceed 12 000 kg,
- without prejudice to the provisions of type-approval rules for the vehicles concerned, combinations of vehicles where the tractor vehicle is in category B and its trailer or semi-trailer has an authorised mass of over 3 500 kg, provided that the authorised mass of the combination does not exceed 12 000 kg,
- the minimum age for categories C1 and C1E is fixed at the age of 18 years, without prejudice to the provisions for the driving of such vehicles in Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers ⁽¹⁾;

(f) Category C:

motor vehicles other than those in categories D1 or D, whose maximum authorised mass is over 3 500 kg and which are designed and constructed for the carriage of no more than eight passengers in addition to the driver; motor vehicles in this category may be combined with a trailer having a maximum authorised mass which does not exceed 750 kg;

(g) Category CE:

- without prejudice to the provisions of type-approval rules for the vehicles concerned, combinations of vehicles where the tractor vehicle is in category C and its trailer or semi-trailer has a maximum authorised mass of over 750 kg,
- the minimum age for categories C and CE is fixed at 21 years, without prejudice to the provisions for the driving of such vehicles in Directive 2003/59/EC;

(h) Category D1:

motor vehicles designed and constructed for the carriage of no more than 16 passengers in addition to the driver and with a maximum length not exceeding 8 m; motor vehicles in this category may be combined with a trailer having a maximum authorised mass not exceeding 750 kg;

(i) Category D1E:

- without prejudice to the provisions of type-approval rules for the vehicles concerned, combinations of vehicles where the tractor vehicle is in category D1 and its trailer has a maximum authorised mass of over 750 kg,
- the minimum age for categories D1 and D1E is fixed at 21 years, without prejudice to the provisions for the driving of such vehicles in Directive 2003/59/EC;

(j) Category D:

motor vehicles designed and constructed for the carriage of more than eight passengers in addition to the driver; motor vehicles which may be driven with a category D licence may be combined with a trailer having a maximum authorised mass which does not exceed 750 kg;

(k) Category DE:

- without prejudice to the provisions of type-approval rules for the vehicles concerned, combinations of vehicles where the tractor vehicle is in category D and its trailer has a maximum authorised mass of over 750 kg,
- the minimum age for categories D and DE is fixed at 24 years, without prejudice to the provisions for the driving of such vehicles in Directive 2003/59/EC;

⁽¹⁾ OJ L 226, 10.9.2003, p. 4. Directive as amended by Council Directive 2004/66/EC (OJ L 168, 1.5.2004, p. 35).

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5. With the agreement of the Commission, Member States may exclude from the application of this Article certain specific types of power-driven vehicle such as special vehicles for disabled persons.

Member States may exclude from the application of this Directive vehicles used by, or under the control of, the armed forces and civil defence.

6. Member States may raise or lower the minimum age for issuing a driving licence:

- (a) for category AM down to 14 years or up to 18 years;
- (b) for category B1 up to 18 years;
- (c) for category A1 up to 17 or 18 years,
 - if there is a two years difference between the minimum age for category A1 and the minimum age for category A2, and
 - there is a requirement of a minimum of two years experience on motorcycles of category A2 before access to the driving of motorcycles for category A can be granted, as referred to in Article 4(3)(c)(i);
- (d) for categories B and BE down to 17 years.

Member States may lower the minimum age for category C to 18 years and for category D to 21 years with regard to:

- (a) vehicles used by the fire service and vehicles used for maintaining public order;
- (b) vehicles undergoing road tests for repair or maintenance purposes.

Driving licences issued to persons at a lower age than set out in paragraphs 2 to 4 in accordance with this paragraph shall only be valid on the territory of the issuing Member State until the licence holder has reached the minimum age limit set out in paragraphs 2 to 4.

Member States may recognise the validity on their territory of driving licences issued to drivers under the minimum ages set out in paragraphs 2 to 4.

Article 5

Conditions and restrictions

1. Driving licences shall state the conditions under which the driver is authorised to drive.
2. If, because of a physical disability, driving is authorised only for certain types of vehicle or for adapted vehicles, the test of skills and behaviour provided for in Article 7 shall be taken in such a vehicle.

Article 6

Staging and equivalences between categories

1. The issue of driving licences shall be subject to the following conditions:
 - (a) licences for categories C1, C, D1 and D shall be issued only to drivers already entitled to drive vehicles in category B;
 - (b) licences for categories BE, C1E, CE, D1E and DE shall be issued only to drivers already entitled to drive vehicles in categories B, C1, C, D1 and D respectively.
2. The validity of driving licences shall be determined as follows:
 - (a) licences granted for categories C1E, CE, D1E or DE shall be valid for combinations of vehicles in category BE;
 - (b) licences granted for category CE shall be valid for category DE as long as their holders are entitled to drive vehicles in category D;
 - (c) licences granted for category CE and DE shall be valid for combinations of vehicles in categories C1E and D1E respectively;

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- (d) licences granted for any category shall be valid for vehicles in category AM. However, for driving licences issued on its territory, a Member State may limit the equivalences for category AM to categories A1, A2 and A, if that Member State imposes a practical test as a condition for obtaining category AM;
 - (e) licences issued for category A2 shall also be valid for category A1;
 - (f) licences granted for categories A, B, C or D shall be valid for categories A1, A2, B1, C1, or D1 respectively.
3. For driving on their territory, Member States may grant the following equivalences:
- (a) motor tricycles under a licence for category B, for motor tricycles with a power exceeding 15 kW provided that the holder of the licence for category B is at least 21 years old;
 - (b) category A1 motorcycles under a licence for category B.

As this paragraph is only valid on their territories, Member States shall not indicate on the driving licence that a holder is entitled to drive these vehicles.

4. Member States may, after consulting the Commission, authorise the driving on their territory of:
- (a) vehicles of category D1 (with a maximum authorised mass of 3 500 kg, excluding any specialised equipment intended for the carriage of disabled passengers) by holders over 21 years old of a driving licence for category B which was obtained at least two years earlier provided that the vehicles are being used by non-commercial bodies for social purposes and that the driver provides his services on a voluntary basis;
 - b) vehicles of a maximum authorised mass exceeding 3 500 kg by holders over 21 years old of a driving licence for category B which was obtained at least two years before, provided that the main purpose of the vehicles is to be used only when stationary as an instructional or recreational area, and that they are being used by non-commercial bodies for social purposes and that vehicles have been modified so that they may not be used either for the transport of more than nine persons or for the transport of any goods other than those strictly necessary for their purposes.

Article 7

Issue, validity and renewal

1. Driving licences shall be issued only to those applicants:
- (a) who have passed a test of skills and behaviour and a theoretical test and who meet medical standards, in accordance with the provisions of Annexes II and III;
 - (b) who have passed a theory test only as regards category AM; Member States may require applicants to pass a test of skills and behaviour and a medical examination for this category.

For tricycles and quadricycles within this category, Member States may impose a distinctive test of skills and behaviour. For the differentiation of vehicles in category AM, a national code may be inserted on the driving licence;

- (c) who have, as regards category A2 or category A, on the condition of having acquired a minimum of 2 years' experience on a motorcycle in category A1 or in category A2 respectively, passed a test of skills and behaviour only, or completed a training pursuant to Annex VI;
- (d) who have completed a training or passed a test of skills and behaviour, or completed a training and passed a test of skills and behaviour pursuant to Annex V as regards category B for driving a vehicle combination as defined in the second subparagraph of Article 4(4)(b);
- (e) who have their normal residence in the territory of the Member State issuing the licence, or can produce evidence that they have been studying there for at least six months.

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2. (a) As from ... (**), licences issued by Member States for categories AM, A1, A2, A, B, B1 and BE shall have an administrative validity of 10 years.

A Member State may choose to issue such licences with an administrative validity of up to 15 years;

- (b) As from ... (**), licences issued by Member States for categories C, CE, C1, C1E, D, DE, D1, D1E shall have an administrative validity of 5 years;
- (c) The renewal of a driving licence may trigger a new administrative validity period for another category or categories the licence holder is entitled to drive, insofar as this is in conformity with the conditions laid down in this Directive;
- (d) The presence of a microchip pursuant to Article 1 shall not be a prerequisite for the validity of a driving licence. The loss or unreadability of the microchip, or any other damage thereto, shall not affect the validity of the document.

3. The renewal of driving licences when their administrative validity expires shall be subject to:

- (a) continuing compliance with the minimum standards of physical and mental fitness for driving set out in Annex III for driving licences in categories C, CE, C1, C1E, D, DE, D1, D1E; and
- (b) normal residence in the territory of the Member State issuing the licence, or evidence that applicants have been studying there for at least six months.

Member States may, when renewing driving licences in categories AM, A, A1, A2, B, B1 and BE, require an examination applying the minimum standards of physical and mental fitness for driving set out in Annex III.

Member States may limit the period of administrative validity set out in paragraph 2 of driving licences issued to novice drivers for any category in order to apply specific measures to such drivers, aiming at improving road safety.

Member States may limit the period of administrative validity of the first licence issued to novice drivers for categories C and D to 3 years in order to be able to apply specific measures to such drivers, so as to improve their road safety.

Member States may limit the period of administrative validity set out in paragraph 2 of individual driving licences for any category in case it is found necessary to apply an increased frequency of medical checks or other specific measures such as restrictions for traffic offenders.

Member States may reduce the period of administrative validity set out in paragraph 2 of driving licences of holders residing on their territory having reached the age of 50 years in order to apply an increased frequency of medical checks or other specific measures such as refresher courses. This reduced period of administrative validity can only be applied upon renewing the driving licence.

4. Without prejudice to national criminal and police laws, Member States may, after consulting the Commission, apply to the issuing of driving licences the provisions of their national rules relating to conditions other than those referred to in this Directive.

5. (a) No person may hold more than one driving licence;

- (b) A Member State shall refuse to issue a licence where it establishes that the applicant already holds a driving licence;

- (c) Member States shall take the necessary measures pursuant to point (b). The necessary measures as regards the issue, replacement, renewal or exchange of a driving licence shall be to verify with other Member States where there are reasonable grounds to suspect that the applicant is already the holder of another driving licence;

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- (d) In order to facilitate the checks pursuant to point (b), Member States shall use the EU driving licence network once it is operational.

Without prejudice to Article 2, a Member State issuing a licence shall apply due diligence to ensure that a person fulfils the requirements set out in paragraph 1 of this Article and shall apply its national provisions on the cancellation or withdrawal of the right to drive if it is established that a licence has been issued without the requirements having been met.

Article 8

Adaptation to scientific and technical progress

The amendments necessary to adapt Annexes I to VI to scientific and technical progress shall be adopted in accordance with the procedure referred to in Article 9(2).

Article 9

Committee

1. The Commission shall be assisted by the committee on driving licences.
2. Where reference is made to this paragraph, Article 5a(1) to (4), and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

Article 10

Examiners

From the entry into force of this Directive, driving examiners shall meet the minimum standards set out in Annex IV.

Driving examiners already working in that capacity before ... (**) shall be subject only to the requirements concerning quality assurance and regular periodic training measures.

Article 11

Various provisions concerning the exchange, the withdrawal, the replacement and the recognition of driving licences

1. Where the holder of a valid national driving licence issued by a Member State has taken up normal residence in another Member State, he may request that his driving licence be exchanged for an equivalent licence. It shall be for the Member State effecting the exchange to check for which category the licence submitted is in fact still valid.
2. Subject to observance of the principle of territoriality of criminal and police laws, the Member State of normal residence may apply its national provisions on the restriction, suspension, withdrawal or cancellation of the right to drive to the holder of a driving licence issued by another Member State and, if necessary, exchange the licence for that purpose.
3. The Member State effecting the exchange shall return the old licence to the authorities of the Member State which issued it and give the reasons for doing so.
4. A Member State shall refuse to issue a driving licence to an applicant whose driving licence is restricted, suspended or withdrawn in another Member State.

A Member State shall refuse to recognise the validity of any driving licence issued by another Member State to a person whose driving licence is restricted, suspended or withdrawn in the former State's territory.

A Member State may also refuse to issue a driving licence to an applicant whose licence is cancelled in another Member State.

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5. A replacement for a driving licence which has, for example, been lost or stolen may only be obtained from the competent authorities of the Member State in which the holder has his normal residence; those authorities shall provide the replacement on the basis of the information in their possession or, where appropriate, proof from the competent authorities of the Member State which issued the original licence.

6. Where a Member State exchanges a driving licence issued by a third country for a Community model driving licence, such exchange shall be recorded on the Community model driving licence as shall any subsequent renewal or replacement.

Such an exchange may occur only if the licence issued by the third country has been surrendered to the competent authorities of the Member State making the exchange. If the holder of this licence transfers his normal residence to another Member State, the latter need not apply the principle of mutual recognition set out in Article 2.

Article 12

Normal residence

For the purpose of this Directive, 'normal residence' means the place where a person usually lives, that is for at least 185 days in each calendar year, because of personal and occupational ties, or, in the case of a person with no occupational ties, because of personal ties which show close links between that person and the place where he is living.

However, the normal residence of a person whose occupational ties are in a different place from his personal ties and who consequently lives in turn in different places situated in two or more Member States shall be regarded as being the place of his personal ties, provided that such person returns there regularly. This last condition need not be met where the person is living in a Member State in order to carry out a task of a definite duration. Attendance at a university or school shall not imply transfer of normal residence.

Article 13

Equivalences between non-Community model licences

1. With the agreement of the Commission, Member States shall establish equivalences between entitlements obtained before the implementation of this Directive and the categories defined in Article 4.

After consulting the Commission, Member States may make to their national legislation such adjustments as are necessary for the purpose of implementing the provisions of Article 11(4), (5) and (6).

2. Any entitlement to drive granted before ... (**) shall not be removed or in any way qualified by the provisions of this Directive.

Article 14

Review

The Commission shall report on the implementation of this Directive, including its impact on road safety, not earlier than ... (**).

Article 15

Mutual Assistance

Member States shall assist one another in the implementation of this Directive and shall exchange information on the licences they have issued, exchanged, replaced, renewed or revoked. They shall use the EU driving licence network set up for these purposes, once this network is operational.

(**) Eleven years after the date of entry into force of this Directive.

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*Article 16***Transposition**

1. Member States shall adopt and publish, not later than ... (*), the laws, regulations and administrative provisions necessary to comply with Article 1(1), Article 3, Article 4(1), (2), (3) and (4)(b) to (k), Article 6(1), (2)(a), (c), (d) and (e), Article 7(1)(b), (c) and (d), (2), (3) and (5), Article 8, Article 10, Article 13, Article 14, Article 15, and Annexes I, point 2, II, point 5.2 concerning categories A1, A2 and A, IV, V and VI. They shall forthwith communicate to the Commission the text of those provisions.
2. They shall apply those provisions as from ... (**).
3. When Member States adopt those provisions, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. They shall also contain an indication that references made, in the laws, regulations or administrative provisions in force, to the repealed Directive shall be construed as being made to this Directive. The methods of making such reference, and its wording, shall be laid down by Member States.
4. 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.

*Article 17***Repeal**

Directive 91/439/EEC shall be repealed with effect from ... (**), without prejudice to the obligations of the Member States with regard to the deadlines indicated in Annex VII, Part B for transposing that Directive into national law.

Article 2(4) of Directive 91/439/EEC shall be repealed on ... (**).

References made to the repealed Directive shall be construed as being made to this Directive and should be read in accordance with the correlation table in Annex VIII.

*Article 18***Entry into force**

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

Article 2(1), Article 5, Article 6(2)(b), Article 7(1)(a), Article 9, Article 11(1), (3), (4), (5) and (6), Article 12, and Annexes I, II and III shall apply from ... (****).

*Article 19***Addressees**

This Directive is addressed to the Member States.

Done at ..., ...

For the European Parliament
The President

For the Council
The President

(*) Four years after the date of entry into force of this Directive.

(**) Six years after the date of entry into force of this Directive.

(***) Date of entry into force of this Directive.

(****) Two years after the date of entry into force of this Directive.

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ANNEX I

PROVISIONS CONCERNING THE COMMUNITY MODEL DRIVING LICENCE

1. The physical characteristics of the card of the Community model driving licence shall be in accordance with ISO 7810 and ISO 7816-1.

The card shall be made of polycarbonate.

Methods for testing the characteristics of driving licences for the purpose of confirming their compliance with the international standards shall be in accordance with ISO 10373.

2. Physical security of driving licences

The threats to the physical security of driving licences are:

- production of false cards: creating a new object which bears great resemblance to the document, either by making it from scratch or by copying an original document,
- material alteration: changing a property of an original document, e.g. modifying some of the data printed on the document.

The overall security lies in the system in its entirety, consisting of the application process, the transmission of data, the card body material, the printing technique, a minimum set of different security features and the personalisation process.

- (a) The material used for driving licences shall be made secure against forgery by using the following techniques (mandatory security features):

- card bodies shall be UV dull,
- a security background pattern designed to be resistant to counterfeit by scanning, printing or copying, using rainbow printing with multicolour security inks and positive and negative guilloché printing. The pattern shall not be composed of the primary colours (CMYK), shall contain complex pattern designs in a minimum of two special colours and shall include micro lettering,
- optical variable elements providing adequate protection against copying and tampering of the photograph,
- laser engraving,
- in the area of the photograph the security design background and photograph should overlap on at least its border (weakening pattern).

- (b) In addition, the material used for driving licences shall be made secure against forgery by using at least three of the following techniques (additional security features):

- colour-shifting inks*,
- thermochromic ink*,
- custom holograms*,
- variable laser images*,
- ultraviolet fluorescent ink, visible and transparent,
- iridescent printing,
- digital watermark in the background,
- infrared or phosphorescent pigments,
- tactile characters, symbols or patterns*.

- (c) Member States are free to introduce additional security features. As a basis, the techniques indicated with an asterisk are to be preferred as they enable the law enforcement officers to check the validity of the card without any special means.

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3. The licence shall have two sides.

Page 1 shall contain:

- (a) the words 'Driving Licence' printed in large type in the language or languages of the Member State issuing the licence;
- (b) the name of the Member State issuing the licence (optional);
- (c) the distinguishing sign of the Member State issuing the licence, printed in negative in a blue rectangle and encircled by twelve yellow stars; the distinguishing signs shall be as follows:

B: Belgium

CZ: Czech Republic

DK: Denmark

D: Germany

EST: Estonia

GR: Greece

E: Spain

F: France

IRL: Ireland

I: Italy

CY: Cyprus

LV: Latvia

LT: Lithuania

L: Luxembourg

H: Hungary

M: Malta

NL: The Netherlands

A: Austria

PL: Poland

P: Portugal

SLO: Slovenia

SK: Slovakia

FIN: Finland

S: Sweden

UK: The United Kingdom;

- (d) information specific to the licence issued, numbered as follows:

- 1. surname of the holder;
- 2. other name(s) of the holder;
- 3. date and place of birth;
- 4.
 - (a) date of issue of the licence;
 - (b) date of expiry of the licence or a dash if the licence is valid indefinitely under the provision of Article 7(2)(c);
 - (c) the name of the issuing authority (may be printed on page 2);
 - (d) a different number from the one under heading 5, for administrative purposes (optional);

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5. number of the licence;
 6. photograph of the holder;
 7. signature of the holder;
 8. permanent place of residence, or postal address (optional);
 9. category of vehicle(s) the holder is entitled to drive (national categories shall be printed in a different type from harmonised categories);
- (e) the words 'European Communities model' in the language(s) of the Member State issuing the licence and the words 'Driving Licence' in the other languages of the Community, printed in pink to form the background of the licence:

Permiso de Conducción

Řidičský průkaz

Kørekort

Führerschein

Juhiluba

Άδεια Οδήγησης

Driving Licence

Permis de conduire

Ceadúnas Tiomána

Patente di guida

Vadītāja apliecība

Vairuotojo pažymėjimas

Vezetői engedély

Ličenzja tas-Sewqan

Rijbewijs

Prawo Jazdy

Carta de Condução

Vodičský preukaz

Vozniško dovoljenje

Ajokortti

Körkort;

- (f) Colour references:

- blue: Pantone Reflex Blue,
- yellow: Pantone Yellow.

Page 2 shall contain:

- (a) 9. category of vehicle(s) the holder is entitled to drive (national categories shall be printed in a different type from harmonised categories);
10. date of first issue of each category (this date must be repeated on the new licence in the event of subsequent replacement or exchange);
 11. date of expiry of each category;
 12. additional information/restriction(s), in code form, facing the (sub)category affected.

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The codes shall be as follows:

— codes 01 to 99: harmonised Community codes

DRIVER (Medical reasons)

01. Sight correction and/or protection

- 01.01 Glasses
- 01.02 Contact lense(s)
- 01.03 Protective glass
- 01.04 Opaque lense
- 01.05 Eye cover
- 01.06 Glasses or contact lenses

02. Hearing aid/communication aid

- 02.01 Hearing aid for one ear
- 02.02 Hearing aid for two ears

03. Prosthesis/orthosis for the limbs

- 03.01 Upper limb prosthesis/orthosis
- 03.02 Lower limb prosthesis/orthosis

05. Limited use (subcode use obligatory, driving subject to restrictions for medical reasons)

- 05.01 Limited to day time journeys (for example: one hour after sunrise and one hour before sunset)
- 05.02 Limited to journeys within a radius of ... km from holder's place of residence or only inside city/region
- 05.03 Driving without passengers
- 05.04 Limited to journeys with a speed not greater than ... km/h
- 05.05 Driving authorised solely when accompanied by a holder of a driving licence
- 05.06 Without trailer
- 05.07 No driving on motorways
- 05.08 No alcohol

VEHICLE ADAPTATIONS

10. Modified transmission

- 10.01 Manual transmission
- 10.02 Automatic transmission
- 10.03 Electronically operated transmission
- 10.04 Adjusted gear-shift lever
- 10.05 Without secondary gearbox

15. Modified clutch

- 15.01 Adjusted gear-shift lever
- 15.02 Manual clutch
- 15.03 Automatic clutch
- 15.04 Partitioning in front of/fold away/detached clutch pedal

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- 20. Modified braking systems
 - 20.01 Adjusted brake pedal
 - 20.02 Enlarged brake pedal
 - 20.03 Brake pedal suitable for use by left foot
 - 20.04 Brake pedal by sole
 - 20.05 Tilted brake pedal
 - 20.06 Manual (adapted) service brake
 - 20.07 Maximum use of reinforced service brake
 - 20.08 Maximum use of emergency brake integrated in the service brake
 - 20.09 Adjusted parking brake
 - 20.10 Electrically operated parking brake
 - 20.11 (Adjusted) foot operated parking brake
 - 20.12 Partitioning in front of/fold away/detached brake pedal
 - 20.13 Brake operated by knee
 - 20.14 Electrically operated service brake
- 25. Modified accelerator systems
 - 25.01 Adjusted accelerator pedal
 - 25.02 Accelerator pedal by sole
 - 25.03 Tilted accelerator pedal
 - 25.04 Manual accelerator
 - 25.05 Accelerator at knee
 - 25.06 Servo accelerator (electronic, pneumatic, etc.)
 - 25.07 Accelerator pedal on the left of brake pedal
 - 25.08 Accelerator pedal on the left
 - 25.09 Partitioning in front of/fold away/detached accelerator pedal
- 30. Modified combined braking and accelerator systems
 - 30.01 Parallel pedals
 - 30.02 Pedals at (or almost at) the same level
 - 30.03 Accelerator and brake with sliding
 - 30.04 Accelerator and brake with sliding and orthosis
 - 30.05 Fold away/detached accelerator and brake pedals
 - 30.06 Raised floor
 - 30.07 Partitioning on the side of the brake pedal
 - 30.08 Partitioning for prosthesis on the side of the brake pedal
 - 30.09 Partitioning in front of the accelerator and brake pedals
 - 30.10 Heel/leg support
 - 30.11 Electrically operated accelerator and brake

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35. Modified control layouts

(Lights switches, windscreen wiper/washer, horn, direction indicators, etc.)

35.01 Control devices operable without negative influence on the steering and handling

35.02 Control devices operable without releasing the steering wheel and accessories (knob, fork, etc.)

35.03 Control devices operable without releasing the steering wheel and accessories (knob, fork, etc.) with the left hand

35.04 Control devices operable without releasing the steering wheel and accessories (knob, fork, etc.) with the right hand

35.05 Control devices operable without releasing the steering wheel and accessories (knob, fork, etc.) and the combined accelerator and braking mechanisms

40. Modified steering

40.01 Standard assisted steering

40.02 Reinforced assisted steering

40.03 Steering with backup system

40.04 Lengthened steering column

40.05 Adjusted steering wheel (Larger and/or thicker steering wheel section, reduced diameter steering wheel, etc.)

40.06 Tilted steering wheel

40.07 Vertical steering wheel

40.08 Horizontal steering wheel

40.09 Foot operated driving

40.10 Alternative adjusted steering (joy-stick, etc.)

40.11 Knob on the steering wheel

40.12 Hand orthosis on the steering wheel

40.13 With orthosis tenodesis

42. Modified rearview mirror(s)

42.01 External (left or) right-side rear-view mirror

42.02 External rear-view mirror set on the wing

42.03 Additional inside rear-view mirror permitting view of traffic

42.04 Panoramic inside rear-view mirror

42.05 Blind spot rear-view mirror

42.06 Electrically operated outside rear-view mirror(s)

43. Modified driver seat

43.01 Driver seat at a good viewing height and in normal distance from the steering wheel and the pedal

43.02 Driver seat adjusted to body shape

43.03 Driver seat with lateral support for good sitting stability

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- 43.04 Driver seat with armrest
- 43.05 Lengthening of sliding driver's seat
- 43.06 Seat-belt adjustment
- 43.07 Harness-type seat-belt
- 44. Modifications to motorcycles (subcode use obligatory)
 - 44.01 Single operated brake
 - 44.02 (Adjusted) hand operated brake (front wheel)
 - 44.03 (Adjusted) foot operated brake (back wheel)
 - 44.04 (Adjusted) accelerator handle
 - 44.05 (Adjusted) manual transmission and manual clutch
 - 44.06 (Adjusted) rear-view mirror(s)
 - 44.07 (Adjusted) commands (direction indicators, braking light, ...)
 - 44.08 Seat height allowing the driver, in sitting position, to have two feet on the road at the same time
- 45. Motorcycle with side-car only
- 50. Restricted to a specific vehicle/chassis number (vehicle identification number, VIN)
- 51. Restricted to a specific vehicle/registration plate (vehicle registration number, VRN)

ADMINISTRATIVE MATTERS

- 70. Exchange of licence No ... issued by ... (EU/UN distinguishing sign in the case of a third country; e.g. 70.0123456789.NL)
- 71. Duplicate of licence No ... (EU/UN distinguishing sign in the case of a third country; e.g. 71.987654321.HR)
- 72. Restricted to category A vehicles having a maximum cylinder capacity of 125 cc and maximum power of 11 KW (A1)
- 73. Restricted to category B vehicles of the motor tricycle or quadricycle type (B1)
- 74. Restricted to category C vehicles the maximum authorised mass of which does not exceed 7 500 kg (C1)
- 75. Restricted to category D vehicles with not more than 16 seats, excluding the driver's seat (D1)
- 76. Restricted to category C vehicles the maximum authorised mass of which does not exceed 7 500 kg (C1), attached to a trailer the maximum authorised mass of which exceeds 750 kg, provided that the maximum authorised mass of the vehicle train thus formed does not exceed 12 000 kg, and that the maximum authorised mass of the trailer does not exceed the unladen mass of the drawing vehicle (C1E)
- 77. Restricted to category D vehicles with not more than 16 passenger seats, excluding the driver's seat (D1), attached to a trailer the maximum authorised mass of which exceeds 750 kg provided that (a) the maximum authorised mass of the vehicle train thus formed does not exceed 12 000 kg and the maximum authorised mass of the trailer does not exceed the unladen mass of the drawing vehicle and (b) the trailer is not used to carry passengers (D1E)
- 78. Restricted to vehicles with automatic transmission

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79. (...) Restricted to vehicles which comply with the specifications indicated in brackets, in the context of the application of Article 10(1) of Directive 91/439/EEC

90.01: to the left

90.02: to the right

90.03: left

90.04: right

90.05: hand

90.06: foot

90.07: usable

95. Driver holding CPC meeting the obligation of professional aptitude provided for by Directive 2003/59/EC until ... [e.g. 95.01.01.2012]

96. Driver having completed training or having passed a test of skills and behaviour in accordance with the provisions of Annex V.

— codes 100 and above: national codes valid only for driving in the territory of the Member State which issued the licence.

Where a code applies to all categories for which the licence is issued, it may be printed under headings 9, 10 and 11;

13. in implementation of section 4(a) of this Annex, a space reserved for the possible entry by the host Member State of information essential for administering the licence;

14. a space reserved for the possible entry by the Member State which issues the licence of information essential for administering the licence or related to road safety (optional). If the information relates to one of the headings defined in this Annex, it should be preceded by the number of the heading in question.

With the specific written agreement of the holder, information which is not related to the administration of the driving licence or road safety may also be added in this space; such addition shall not alter in any way the use of the model as a driving licence;

(b) an explanation of the numbered items which appear on pages 1 and 2 of the licence (at least items 1, 2, 3, 4 (a), 4 (b), 4 (c), 5, 10, 11 and 12).

If a Member State wishes to make the entries in a national language other than one of the following languages: Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish or Swedish, it shall draw up a bilingual version of the licence using one of the aforementioned languages, without prejudice to the other provisions of this Annex;

(c) a space shall be reserved on the Community model licence to allow for the possible introduction of a microchip or similar computer device.

4. Special provisions

(a) Where the holder of a driving licence issued by a Member State in accordance with this Annex has his normal place of residence in another Member State, that Member State may enter in the licence such information as is essential for administering it, provided that it also enters this type of information in the licences which it issues and provided that there remains enough space for the purpose.

(b) After consulting the Commission, Member States may add colours or markings, such as bar codes and national symbols, without prejudice to the other provisions of this Annex.

In the context of mutual recognition of licences, the bar code may not contain information other than what can already be read on the driving licence or which is essential to the process of issuing the licence.

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COMMUNITY MODEL DRIVING LICENCE

Page 1 DRIVING LICENCE ... [MEMBER STATE]

PERMIS DE CONDUIRE		ÉTAT MEMBRE
1.		
2.		
3.		
4a.	4c.	
4b.	4d.	
5.		
7.		
(8.)		
9.		

Page 2 1. Name 2. First name 3. Date and place of birth 4a. Date of issue of driving licence 4b. Official date of expiry 4c. Issued by 5. Serial number of licence 8. Place of residence 9. ⁽¹⁾ Category 10. Date of issue, by category 11. Date of expiry, by category 12. Restrictions

13.	9.	10.	11.	12.
A1				
A				
B1				
B				
C1				
C				
D1				
D				
BE				
C1E				
CE				
D1E				
DE				

1. Nom 2. Prénom 3. Date et lieu de naissance 4a. Date de délivrance du permis de conduire 4b. Date d'expiration administrative 4c. Délivré par 5. Numéro de permis 8. Domicile 9. Catégorie 10. Date de délivrance par catégorie 11. Date d'expiration par catégorie 12. Restrictions



⁽¹⁾ Note: a pictogram and a line for category AM will be added.


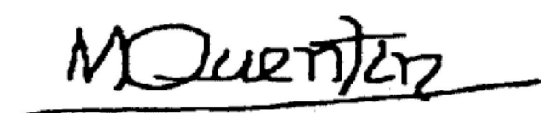
Note: the term 'A2' will be added to the section on motorcycle categories.

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SPECIMEN MODEL LICENCE

Belgian licence (for information)

	RIJBEWIJS	KONINKRIJK BELGIE
	<p>1. Steven 2. Anne-Marie M.E. 3. 01.04.73 D-53170 Bonn 4a. 01.07.96 4c. B-9000 Gent 4b. 30.06.06 5. DA 003 360 7. </p>	
6. FOTO	9. <input type="checkbox"/> A <input type="checkbox"/> B	

	PERMIS DE CONDUIRE ROYAUME DE BELGIQUE
	<p>1. Quentin 2. Maria N.E. 3. 01.04.73 B-7000 Mons 4a. 01.07.96 4c. B-1180 Uccle 4b. 30.06.06 5. DA 003 361 7. </p>
6. PHOTO	9. <input type="checkbox"/> A <input type="checkbox"/> B

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ANNEX II

I. MINIMUM REQUIREMENTS FOR DRIVING TESTS

Member States shall take the necessary measures to ensure that applicants for driving licences possess the knowledge and skills and exhibit the behaviour required for driving a motor vehicle. The tests introduced to this effect must consist of:

- a theory test, and then
- a test of skills and behaviour.

The conditions under which these tests shall be conducted are set out below.

A. THEORY TEST

1. Form

The form chosen shall be such as to make sure that the applicant has the required knowledge of the subjects listed on points 2, 3 and 4.

Any applicant for a licence in one category who has passed a theory test for a licence in a different category may be exempt from the common provisions of points 2, 3 and 4.

2. Content of the theory test concerning all vehicle categories

2.1. Questions must be asked on each of the points listed below, the content and form of the questions being left to the discretion of each Member State:

2.1.1. Road traffic regulations:

- in particular as regards road signs, markings and signals, rights of way and speed limits;

2.1.2. The driver:

- importance of alertness and of attitude to other road users,
- perception, judgement and decision-taking, especially reaction time, as well as changes in driving behaviour due to the influence of alcohol, drugs and medicinal products, state of mind and fatigue;

2.1.3. The road:

- the most important principles concerning the observance of a safe distance between vehicles, braking distances and road holding under various weather and road conditions,
- driving risk factors related to various road conditions, in particular as they change with the weather and the time of day or night,
- characteristics of various types of road and the related statutory requirements;

2.1.4. Other road users:

- specific risk factors related to the lack of experience of other road users and the most vulnerable categories of users such as children, pedestrians, cyclists and people whose mobility is reduced,
- risks involved in the movement and driving of various types of vehicles and of the different fields of view of their drivers;

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- 2.1.5. General rules and regulations and other matters:
- rules concerning the administrative documents required for the use of vehicles,
 - general rules specifying how the driver must behave in the event of an accident (setting warning devices and raising the alarm) and the measures which he can take to assist road accident victims where necessary,
 - safety factors relating to the vehicle, the load and persons carried;
- 2.1.6. Precautions necessary when alighting from the vehicle;
- 2.1.7. Mechanical aspects with a bearing on road safety; applicants must be able to detect the most common faults, in particular in the steering, suspension and braking systems, tyres, lights and direction indicators, reflectors, rear-view mirrors, windscreen and wipers, the exhaust system, seat-belts and the audible warning device;
- 2.1.8. Vehicle safety equipment and, in particular, the use of seat-belts, head restraints and child safety equipment;
- 2.1.9. Rules regarding vehicle use in relation to the environment (appropriate use of audible warning devices, moderate fuel consumption, limitation of pollutant emissions, etc.).
3. Specific provisions concerning categories A1, A2 and A
- 3.1. Compulsory check of general knowledge on:
- 3.1.1. Use of protective outfit such as gloves, boots, clothes and safety helmet;
- 3.1.2. Visibility of motorcycle riders for other road users;
- 3.1.3. Risk factors related to various road conditions as laid down above with additional attention to slippery parts such as drain covers, road markings such as lines and arrows, tram rails;
- 3.1.4. Mechanical aspects with a bearing on road safety as laid down above with additional attention to the emergency stop switch, the oil levels and the chain.
4. Specific provisions concerning categories C, CE, C1, C1E, D, DE, D1 and D1E
- 4.1. Compulsory check of general knowledge on:
- 4.1.1. Rules on driving hours and rest periods as defined by Council Regulation (EEC) No 3820/85 of 20 December 1985 on the harmonisation of certain social legislation relating to road transport ⁽¹⁾; use of the recording equipment as defined by Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport ⁽²⁾;
- 4.1.2. Rules concerning the type of transport concerned: goods or passengers;
- 4.1.3. Vehicle and transport documents required for the national and international carriage of goods and passengers;
- 4.1.4. How to behave in the event of an accident; knowledge of measures to be taken after an accident or similar occurrence, including emergency action such as evacuation of passengers and basic knowledge of first aid;
- 4.1.5. The precautions to be taken during the removal and replacement of wheels;
- 4.1.6. Rules on vehicle weights and dimensions; rules on speed limiters;
- 4.1.7. Obstruction of the field of view caused by the characteristics of their vehicles;

⁽¹⁾ OJ L 370, 31.12.1985, p. 1. Regulation as repealed by Regulation (EC) No 561/2006 of the European Parliament and of the Council (OJ L 102, 11.4.2006, p. 1).

⁽²⁾ OJ L 370, 31.12.1985, p. 8. Regulation as last amended by Regulation (EC) No 561/2006.

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- 4.1.8. Reading a road map, route planning, including the use of electronic navigation systems (optional);
- 4.1.9. Safety factors relating to vehicle loading: controlling the load (stowing and fastening), difficulties with different kinds of load (e.g. liquids, hanging loads, ...), loading and unloading goods and the use of loading equipment (categories C, CE, C1, C1E only);
- 4.1.10. The driver's responsibility in respect to the carriage of passengers; comfort and safety of passengers; transport of children; necessary checks before driving away; all sorts of buses should be part of the theory test (public service buses and coaches, buses with special dimensions, ...) (categories D, DE, D1, D1E only).
- 4.2. Compulsory check of general knowledge on the following additional provisions concerning categories C, CE, D and DE:
 - 4.2.1. The principles of the construction and functioning of: internal combustion engines, fluids (e.g. engine oil, coolant, washer fluid), the fuel system, the electrical system, the ignition system, the transmission system (clutch, gearbox, etc.);
 - 4.2.2. Lubrication and antifreeze protection;
 - 4.2.3. The principles of the construction, the fitting, correct use and care of tyres;
 - 4.2.4. The principles of the types, operation, main parts, connection, use and day-to-day maintenance of brake fittings and speed governors, and use of anti-lock brakes;
 - 4.2.5. The principles of the types, operation, main parts, connection, use and day-to-day maintenance of coupling systems (categories CE, DE only);
 - 4.2.6. Methods of locating causes of breakdowns;
 - 4.2.7. Preventive maintenance of vehicles and necessary running repairs;
 - 4.2.8. The driver's responsibility in respect of the receipt, carriage and delivery of goods in accordance with the agreed conditions (categories C, CE only).

B. TEST OF SKILLS AND BEHAVIOUR

5. The vehicle and its equipment

- 5.1. The driving of a vehicle with manual transmission shall be subject to the passing of a skills and behaviour test taken on a vehicle with manual transmission.

If an applicant takes the test of skills and behaviour on a vehicle with automatic transmission this shall be recorded on any licence issued on the basis of such a test. Licences with this indication shall be used only for driving vehicles with automatic transmission.

'Vehicle with automatic transmission' means a vehicle in which the gear ratio between the engine and the wheels can be varied by use only of the accelerator or the brakes.

- 5.2. The vehicles used in tests of skills and behaviour shall comply with the minimum criteria given below. Member States may make provisions for more stringent criteria or add others.

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Category A1:

Category A1 motorcycle without sidecar, with a cubic capacity of at least 120 cm³, and capable of a speed of at least 90 km/h;

Category A2:

Motorcycle without sidecar, with a cylinder capacity of at least 400 cm³, and an engine power of at least 25 kW;

Category A

Motorcycle without sidecar, with a cylinder capacity of at least 600 cm³, and an engine power of at least 40 kW;

Category B:

A four-wheeled category B vehicle capable of a speed of at least 100 km/h;

Category BE:

A combination, made up of a category B test vehicle and a trailer with a maximum authorised mass of at least 1 000 kg, capable of a speed of at least 100 km/h, which does not fall within category B; the cargo compartment of the trailer shall consist of a closed box body which is at least as wide and as high as the motor vehicle; the closed box body may also be slightly less wide than the motor vehicle provided that the view to the rear is only possible by use of the external rear-view mirrors of the motor vehicle; the trailer shall be presented with a minimum of 800 kg real total mass;

Category B1:

A motor-powered quadricycle capable of a speed of at least 60 km/h;

Category C:

A category C vehicle with a maximum authorised mass of at least 12 000 kg, a length of at least 8 m, a width of at least 2,40 m and capable of a speed of at least 80 km/h; fitted with anti-lock brakes, equipped with a gearbox having at least eight forward ratios and recording equipment as defined by Regulation (EEC) No 3821/85; the cargo compartment shall consist of a closed box body which is at least as wide and as high as the cab; the vehicle shall be presented with a minimum of 10 000 kg real total mass;

Category CE:

either an articulated vehicle or a combination of a category C test vehicle and a trailer of at least 7,5 m in length; both the articulated vehicle and the combination shall have a maximum authorised mass of at least 20 000 kg, a length of at least 14 m and a width of at least 2,40 m, shall be capable of a speed of at least 80 km/h, fitted with anti-lock brakes, equipped with a gearbox having at least eight forward ratios and with recording equipment as defined by Regulation (EEC) No 3821/85; the cargo compartment shall consist of a closed box body which is at least as wide and as high as the cab; both the articulated vehicle and the combination shall be presented with a minimum of 15 000 kg real total mass;

Category C1:

A subcategory C1 vehicle with a maximum authorised mass of at least 4 000 kg, with a length of at least 5 m and capable of a speed of at least 80 km/h; fitted with anti-lock brakes and equipped with recording equipment as defined by Regulation (EEC) No 3821/85; the cargo compartment shall consist of a closed box body which is at least as wide and as high as the cab;

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Category C1E:

A combination made up of a subcategory C1 test vehicle and a trailer with a maximum authorised mass of at least 1 250 kg; this combination shall be at least 8 m in length and capable of a speed of at least 80 km/h; the cargo compartment of the trailer shall consist of a closed box body which is at least as wide and as high as the cab; the closed box body may also be slightly less wide than the cab provided that the view to the rear is only possible by use of the external rear-view mirrors of the motor vehicle; the trailer shall be presented with a minimum of 800 kg real total mass;

Category D:

A category D vehicle with a length of at least 10 m, a width of at least 2,40 m and capable of a speed of at least 80 km/h; fitted with anti-lock brakes and equipped with recording equipment as defined by Regulation (EEC) No 3821/85;

Category DE:

A combination made up of a category D test vehicle and a trailer with a maximum authorised mass of at least 1 250 kg, a width of at least 2,40 m and capable of a speed of at least 80 km/h; the cargo compartment of the trailer shall consist of a closed box body which is at least 2 m wide and 2 m high; the trailer shall be presented with a minimum of 800 kg real total mass;

Category D1:

A subcategory D1 vehicle with a maximum authorised mass of at least 4 000 kg, with a length of at least 5 m and capable of a speed of at least 80 km/h; fitted with anti-lock brakes and equipped with recording equipment as defined by Regulation (EEC) No 3821/85;

Category D1E:

A combination made up of a subcategory D1 test vehicle and a trailer with a maximum authorised mass of at least 1 250 kg and capable of a speed of at least 80 km/h; the cargo compartment of the trailer shall consist of a closed box body which is at least 2 m wide and 2 m high; the trailer shall be presented with a minimum of 800 kg real total mass;

Testing vehicles for categories BE, C, CE, C1, C1E, D, DE, D1 and D1E which are not in conformity with the minimum criteria given above but which were in use on or before the moment of entry into force of this Directive, may still be used for a period not exceeding ten years after that date. The requirements related to the load to be carried by these vehicles, may be implemented by Member States up to ten years from the moment of entry into force of Commission Directive 2000/56/EC ⁽¹⁾.

6. Skills and behaviour to be tested concerning categories A1, A2 and A

6.1. Preparation and technical check of the vehicle with a bearing on road safety

Applicants must demonstrate that they are capable of preparing to ride safely by satisfying the following requirements:

6.1.1. Adjust the protective outfit, such as gloves, boots, clothes and safety helmet;

6.1.2. Perform a random check on the condition of the tyres, brakes, steering, emergency stop switch (if applicable), chain, oil levels, lights, reflectors, direction indicators and audible warning device.

⁽¹⁾ OJ L 237, 21.9.2000, p. 45.

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- 6.2. Special manoeuvres to be tested with a bearing on road safety
- 6.2.1. Putting the motorcycle on and off its stand and moving it, without the aid of the engine, by walking alongside the vehicle;
- 6.2.2. Parking the motorcycle on its stand;
- 6.2.3. At least two manoeuvres to be executed at slow speed, including a slalom; this should allow competence to be assessed in handling of the clutch in combination with the brake, balance, vision direction and position on the motorcycle and the position of the feet on the foot rests;
- 6.2.4. At least two manoeuvres to be executed at higher speed, of which one manoeuvre in second or third gear, at least 30 km/h and one manoeuvre avoiding an obstacle at a minimum speed of 50 km/h; this should allow competence to be assessed in the position on the motorcycle, vision direction, balance, steering technique and technique of changing gears;
- 6.2.5. Braking: at least two braking exercises shall be executed, including an emergency brake at a minimum speed of 50 km/h; this should allow competence to be assessed in handling of the front and rear brake, vision direction and the position on the motorcycle.

The special manoeuvres mentioned under points 6.2.3 to 6.2.5 have to be implemented at the latest five years after entry into force of Directive 2000/56/EC.

6.3. Behaviour in traffic

Applicants must perform all the following actions in normal traffic situations, in complete safety and taking all necessary precautions:

- 6.3.1. Riding away: after parking, after a stop in traffic; exiting a driveway;
- 6.3.2. Riding on straight roads; passing oncoming vehicles, including in confined spaces;
- 6.3.3. Riding round bends;
- 6.3.4. Crossroads: approaching and crossing of intersections and junctions;
- 6.3.5. Changing direction: left and right turns; changing lanes;
- 6.3.6. Approach/exit of motorways or similar (if available): joining from the acceleration lane; leaving on the deceleration lane;
- 6.3.7. Overtaking/passing: overtaking other traffic (if possible); riding alongside obstacles, e.g. parked cars; being overtaken by other traffic (if appropriate);
- 6.3.8. Special road features (if available): roundabouts; railway level crossings; tram/bus stops; pedestrian crossings; riding up-/downhill on long slopes;
- 6.3.9. Taking the necessary precautions when getting off the vehicle.

7. Skills and behaviour to be tested concerning categories B, B1 and BE

7.1. Preparation and technical check of the vehicle with a bearing on road safety

Applicants must demonstrate that they are capable of preparing to drive safely by satisfying the following requirements:

- 7.1.1. Adjusting the seat as necessary to obtain a correct seated position;
- 7.1.2. Adjusting rear-view mirrors, seat belts and head restraints if available;
- 7.1.3. Checking that the doors are closed;

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- 7.1.4. Performing a random check on the condition of the tyres, steering, brakes, fluids (e.g. engine oil, coolant, washer fluid), lights, reflectors, direction indicators and audible warning device;
 - 7.1.5. Checking the safety factors relating to vehicle loading: body, sheets, cargo doors, cabin locking, way of loading, securing load (category BE only);
 - 7.1.6. Checking the coupling mechanism and the brake and electrical connections (category BE only).
- 7.2. Categories B and B1: special manoeuvres to be tested with a bearing on road safety
- A selection of the following manoeuvres shall be tested (at least two manoeuvres for the four points, including one in reverse gear):
- 7.2.1. Reversing in a straight line or reversing right or left round a corner while keeping within the correct traffic lane;
 - 7.2.2. Turning the vehicle to face the opposite way, using forward and reverse gears;
 - 7.2.3. Parking the vehicle and leaving a parking space (parallel, oblique or right-angle, forwards or in reverse, on the flat, uphill or downhill);
 - 7.2.4. Braking accurately to a stop; however, performing an emergency stop is optional.
- 7.3. Category BE: special manoeuvres to be tested with a bearing on road safety
- 7.3.1. Coupling and uncoupling, or uncoupling and re-coupling a trailer from its motor vehicle; the manoeuvre must involve the towing vehicle being parked alongside the trailer (i.e. not in one line);
 - 7.3.2. Reversing along a curve, the line of which shall be left to the discretion of the Member States;
 - 7.3.3. Parking safely for loading/unloading.
- 7.4. Behaviour in traffic
- Applicants must perform all the following actions in normal traffic situations, in complete safety and taking all necessary precautions:
- 7.4.1. Driving away: after parking, after a stop in traffic; exiting a driveway;
 - 7.4.2. Driving on straight roads; passing oncoming vehicles, including in confined spaces;
 - 7.4.3. Driving round bends;
 - 7.4.4. Crossroads: approaching and crossing of intersections and junctions;
 - 7.4.5. Changing direction: left and right turns; changing lanes;
 - 7.4.6. Approach/exit of motorways or similar (if available): joining from the acceleration lane; leaving on the deceleration lane;
 - 7.4.7. Overtaking/passing: overtaking other traffic (if possible); driving alongside obstacles, e.g. parked cars; being overtaken by other traffic (if appropriate);
 - 7.4.8. Special road features (if available): roundabouts; railway level crossings; tram/bus stops; pedestrian crossings; driving up-/downhill on long slopes;
 - 7.4.9. Taking the necessary precautions when alighting from the vehicle.

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8. Skills and behaviour to be tested concerning categories C, CE, C1, C1E, D, DE, D1 and D1E
- 8.1. Preparation and technical check of the vehicle with a bearing on road safety

Applicants must demonstrate that they are capable of preparing to drive safely by satisfying the following requirements:

 - 8.1.1. Adjusting the seat as necessary to obtain a correct seated position;
 - 8.1.2. Adjusting rear-view mirrors, seat belts and head restraints if available;
 - 8.1.3. Random checks on the condition of the tyres, steering, brakes, lights, reflectors, direction indicators and audible warning device;
 - 8.1.4. Checking the power-assisted braking and steering systems; checking the condition of the wheels, wheelnuts, mudguards, windscreen, windows and wipers, fluids (e.g. engine oil, coolant, washer fluid); checking and using the instrument panel including the recording equipment as defined in Regulation (EEC) No 3821/85;
 - 8.1.5. Checking the air pressure, air tanks and the suspension;
 - 8.1.6. Checking the safety factors relating to vehicle loading: body, sheets, cargo doors, loading mechanism (if available), cabin locking (if available), way of loading, securing load (categories C, CE, C1, C1E only);
 - 8.1.7. Checking the coupling mechanism and the brake and electrical connections (categories CE, C1E, DE, D1E only);
 - 8.1.8. Being capable of taking special vehicle safety measures; controlling the body, service doors, emergency exits, first aid equipment, fire extinguishers and other safety equipment (categories D, DE, D1, D1E only);
 - 8.1.9. Reading a road map, route planning, including the use of electronic navigation systems (optional).
- 8.2. Special manoeuvres to be tested with a bearing on road safety
 - 8.2.1. Coupling and uncoupling, or uncoupling and re-coupling a trailer from its motor vehicle; the manoeuvre must involve the towing vehicle being parked alongside the trailer (i.e. not in one line) (categories CE, C1E, DE, D1E only);
 - 8.2.2. Reversing along a curve, the line of which shall be left to the discretion of the Member States;
 - 8.2.3. Parking safely for loading/unloading at a loading ramp/platform or similar installation (categories C, CE, C1, C1E only);
 - 8.2.4. Parking to let passengers on or off the bus safely (categories D, DE, D1, D1E only).
- 8.3. Behaviour in traffic

Applicants must perform all the following actions in normal traffic situations, in complete safety and taking all necessary precautions:

 - 8.3.1. Driving away: after parking, after a stop in traffic; exiting a driveway;
 - 8.3.2. Driving on straight roads; passing oncoming vehicles, including in confined spaces;
 - 8.3.3. Driving round bends;
 - 8.3.4. Crossroads: approaching and crossing of intersections and junctions;
 - 8.3.5. Changing direction: left and right turns; changing lanes;

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- 8.3.6. Approach/exit of motorways or similar (if available): joining from the acceleration lane; leaving on the deceleration lane;
- 8.3.7. Overtaking/passing: overtaking other traffic (if possible); driving alongside obstacles, e.g. parked cars; being overtaken by other traffic (if appropriate);
- 8.3.8. Special road features (if available): roundabouts; railway level crossings; tram/bus stops; pedestrian crossings; driving up-/downhill on long slopes;
- 8.3.9. Taking the necessary precautions when alighting from the vehicle.

9. Marking of the test of skills and behaviour

- 9.1. For each of the abovementioned driving situations, the assessment must reflect the degree of ease with which the applicant handles the vehicle controls and his demonstrated capacity to drive in traffic in complete safety. The examiner must feel safe throughout the test. Driving errors or dangerous conduct immediately endangering the safety of the test vehicle, its passengers or other road users shall be penalised by failing the test, whether or not the examiner or accompanying person has to intervene. Nonetheless, the examiner shall be free to decide whether or not the skills and behaviour test should be completed.

Driving examiners must be trained to assess correctly the applicants' ability to drive safely. The work of driving examiners must be monitored and supervised, by a body authorised by the Member State, to ensure correct and consistent application of fault assessment in accordance with the standards laid down in this Annex.

- 9.2. During their assessment, driving examiners shall pay special attention to whether an applicant is showing a defensive and social driving behaviour. This should reflect the overall style of driving and the driving examiner should take this into account in the overall picture of the applicant. It includes adapted and determined (safe) driving, taking into account road and weather conditions, taking into account other traffic, taking into account the interests of other road users (particularly the more vulnerable) and anticipation.
- 9.3. The driving examiner will furthermore assess whether the applicant is:
 - 9.3.1. Controlling the vehicle; taking into account: proper use of safety belts, rear-view mirrors, head restraints; seat; proper use of lights and other equipment; proper use of clutch, gearbox, accelerator, braking systems (including third braking system, if available), steering; controlling the vehicle under different circumstances, at different speeds; steadiness on the road; the weight and dimensions and characteristics of the vehicle; the weight and type of load (categories BE, C, CE, C1, C1E, DE, D1E only); the comfort of the passengers (categories D, DE, D1, D1E only) (no fast acceleration, smoothly driving and no hard braking);
 - 9.3.2. Driving economically and in an environmentally friendly way, taking into account the revolutions per minute, changing gears, braking and accelerating (categories BE, C, CE, C1, C1E, D, DE, D1, D1E only);
 - 9.3.3. Observation: all-round observation; proper use of mirrors; far, middle, near distance vision;
 - 9.3.4. Priority/giving way: priority at crossroads, intersections and junctions; giving way at other occasions (e.g. changing direction, changing lanes, special manoeuvres);
 - 9.3.5. Correct position on the road: proper position on the road, in lanes, on roundabouts, round bends, suitable for the type and the characteristics of the vehicle; pre-positioning;
 - 9.3.6. Keeping distance: keeping adequate distance to the front and the side; keeping adequate distance from other road users;

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- 9.3.7. Speed: not exceeding the maximum allowed speed; adapting speed to weather/traffic conditions and where appropriate up to national speed limits; driving at such a speed that stopping within distance of the visible and free road is possible; adapting speed to general speed of same kind of road users;
- 9.3.8. Traffic lights, road signs and other indications: acting correctly at traffic lights; obeying instructions from traffic controllers; acting correctly at road signs (prohibitions or commands); take appropriate action at road markings;
- 9.3.9. Signalling: give signals where necessary, correctly and properly timed; indicating directions correctly; taking appropriate action with regard to all signals made by other road users;
- 9.3.10. Braking and stopping: decelerating in time, braking or stopping according to circumstances; anticipation; using the various braking systems (only for categories C, CE, D, DE); using speed reduction systems other than the brakes (only for categories C, CE, D, DE).

10. Length of the test

The length of the test and the distance travelled must be sufficient to assess the skills and behaviour laid down in paragraph B of this Annex. In no circumstances should the time spent driving on the road be less than 25 minutes for categories A, A1, A2, B, B1 and BE and 45 minutes for the other categories. This does not include the reception of the applicant, the preparation of the vehicle, the technical check of the vehicle with a bearing on road safety, the special manoeuvres and the announcement of the outcome of the practical test.

11. Location of the test

The part of the test to assess the special manoeuvres may be conducted on a special testing ground. Wherever practicable, the part of the test to assess behaviour in traffic should be conducted on roads outside built-up areas, expressways and motorways (or similar), as well as on all kinds of urban streets (residential areas, 30 and 50 km/h areas, urban expressways) which should represent the various types of difficulty likely to be encountered by drivers. It is also desirable for the test to take place in various traffic density conditions. The time spent driving on the road should be used in an optimal way to assess the applicant in all the various traffic areas that can be encountered, with a special emphasis on changing between these areas.

II. KNOWLEDGE, SKILL AND BEHAVIOUR FOR DRIVING A POWER-DRIVEN VEHICLE

Drivers of all power-driven vehicles must at any moment have the knowledge, skills and behaviour described under points 1 to 9, with a view to be able to:

- Recognise traffic dangers and assess their seriousness,
- Have sufficient command of their vehicle not to create dangerous situations and to react appropriately should such situations occur,
- Comply with road traffic regulations, and in particular those intended to prevent road accidents and to maintain the flow of traffic,
- Detect any major technical faults in their vehicles, in particular those posing a safety hazard, and have them remedied in an appropriate fashion,
- Take account of all the factors affecting driving behaviour (e.g. alcohol, fatigue, poor eyesight, etc.) so as to retain full use of the faculties needed to drive safely,
- Help ensure the safety of all road users, and in particular of the weakest and most exposed by showing due respect for others.

Member States may implement the appropriate measures to ensure that drivers who have lost the knowledge, skills and behaviour as described under points 1 to 9 can recover this knowledge and these skills and will continue to exhibit such behaviour required for driving a motor vehicle.

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ANNEX III

MINIMUM STANDARDS OF PHYSICAL AND MENTAL FITNESS FOR DRIVING A POWER-DRIVEN VEHICLE

DEFINITIONS

1. For the purpose of this Annex, drivers are classified in two groups:
 - 1.1. Group 1:
drivers of vehicles of categories A, A1, A2, AM, B, B1 and BE.
 - 1.2. Group 2:
drivers of vehicles of categories C, CE, C1, C1E, D, DE, D1 and D1E.
 - 1.3. National legislation may provide for the provisions set out in this Annex for Group 2 drivers to apply to drivers of Category B vehicles using their driving licence for professional purposes (taxis, ambulances, etc.).
2. Similarly, applicants for a first driving licence or for the renewal of a driving licence are classified in the group to which they will belong once the licence has been issued or renewed.

MEDICAL EXAMINATIONS

3. Group 1:
Applicants shall be required to undergo a medical examination if it becomes apparent, when the necessary formalities are being completed or during the tests which they have to undergo prior to obtaining a driving licence, that they have one or more of the medical disabilities mentioned in this Annex.
4. Group 2:
Applicants shall undergo medical examinations before a driving licence is first issued to them and thereafter drivers shall be checked in accordance with the national system in place in the Member State of normal residence whenever their driving licence is renewed.
5. The standards set by Member States for the issue or any subsequent renewal of driving licences may be stricter than those set out in this Annex.

SIGHT

6. All applicants for a driving licence shall undergo an appropriate investigation to ensure that they have adequate visual acuity for driving power-driven vehicles. Where there is reason to doubt that the applicant's vision is adequate, he shall be examined by a competent medical authority. At this examination attention shall be paid the following in particular: visual acuity, field of vision, twilight vision and progressive eye diseases.

For the purpose of this Annex, intra-ocular lenses shall not be considered corrective lenses.

Group 1:

- 6.1. Applicants for a driving licence or for the renewal of such a licence shall have a binocular visual acuity, with corrective lenses if necessary, of at least 0,5 when using both eyes together. Driving licences shall not be issued or renewed if, during the medical examination, it is shown that the horizontal field of vision is less than 120°, apart from exceptional cases duly justified by a favourable medical opinion and a positive practical test, or that the person concerned suffers from any other eye condition that would compromise safe driving. When a progressive eye disease is detected or declared, driving licences may be issued or renewed subject to the applicant undergoing regular examination by a competent medical authority.

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- 6.2. Applicants for a driving licence, or for the renewal of such a licence, who have total functional loss of vision in one eye or who use only one eye (e.g. in the case of diplopia) must have a visual acuity of at least 0,6, with corrective lenses if necessary. The competent medical authority must certify that this condition of monocular vision has existed sufficiently long to allow adaptation and that the field of vision in this eye is normal.

Group 2:

- 6.3. Applicants for a driving licence or for the renewal of such a licence must have a visual acuity, with corrective lenses if necessary, of at least 0,8 in the better eye and at least 0,5 in the worse eye. If corrective lenses are used to attain the values of 0,8 and 0,5, the uncorrected acuity in each eye must reach 0,05, or else the minimum acuity (0,8 and 0,5) must be achieved either by correction by means of glasses with a power not exceeding plus or minus 8 dioptries or with the aid of contact lenses (uncorrected vision = 0,05). The correction must be well tolerated. Driving licences shall not be issued to or renewed for applications or drivers without a normal binocular field of vision or suffering from diplopia.

HEARING

7. Driving licences may be issued to or renewed for applicants or drivers in Group 2 subject to the opinion of the competent medical authorities; particular account will be taken in medical examinations of the scope for compensation.

PERSONS WITH A LOCOMOTOR DISABILITY

8. Driving licences shall not be issued to or renewed for applicants or drivers suffering from complaints or abnormalities of the locomotor system which make it dangerous to drive a power-driven vehicle.

Group 1:

- 8.1. Driving licences subject to certain restrictions, if necessary, may be issued to physically disabled applicants or drivers following the issuing of an opinion by a competent medical authority. This opinion must be based on a medical assessment of the complaint or abnormality in question and, where necessary, on a practical test. It must also indicate what type of modification to the vehicle is required and whether the driver needs to be fitted with an orthopaedic device, insofar as the test of skills and behaviour demonstrates that with such a device driving would not to be dangerous.
- 8.2. Driving licences may be issued to or renewed for any applicant suffering from a progressive complaint on condition that the disabled person is regularly examined to check that the person is still capable of driving the vehicle completely safely.

Where the disability is static, driving licences may be issued or renewed without the applicant being subject to regular medical examination.

Group 2:

- 8.3. The competent medical authority shall give due consideration to the additional risks and dangers involved in the driving of vehicles covered by the definition of this group.

CARDIOVASCULAR DISEASES

9. Any disease capable of exposing an applicant for a first licence or a driver applying for renewal to a sudden failure of the cardiovascular system such that there is a sudden impairment of the cerebral functions constitutes a danger to road safety.

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Group 1:

- 9.1. Driving licences will not be issued to, or renewed for, applicants or drivers with serious arrhythmia.
- 9.2. Driving licences may be issued to, or renewed for, applicants or drivers wearing a pacemaker subject to authorised medical opinion and regular medical check-ups.
- 9.3. The question of whether to issue or renew a licence for applicants or drivers suffering from abnormal arterial blood pressure shall be assessed with reference to the other results of the examination, any associated complications and the danger they might constitute for road safety.
- 9.4. Generally speaking, a driving licence shall not be issued to or renewed for applicants or drivers suffering from angina during rest or emotion. The issuing or renewal of a driving licence to any applicant or driver having suffered myocardial infarction shall be subject to authorised medical opinion and, if necessary, regular medical check-ups.

Group 2:

- 9.5. The competent medical authority shall give due consideration to the additional risks and dangers involved in the driving of vehicles covered by the definition of this group.

DIABETES MELLITUS

10. Driving licences may be issued to, or renewed for, applicants or drivers suffering from diabetes mellitus, subject to authorised medical opinion and regular medical check-ups appropriate to each case.

Group 2:

- 10.1. Only in very exceptional cases may driving licences be issued to, or renewed for, applicants or drivers in this group suffering from diabetes mellitus and requiring insulin treatment, and then only where duly justified by authorised medical opinion and subject to regular medical check-ups.

NEUROLOGICAL DISEASES

11. Driving licences shall not be issued to, or renewed for, applicants or drivers suffering from a serious neurological disease, unless the application is supported by authorised medical opinion.

Neurological disturbances associated with diseases or surgical intervention affecting the central or peripheral nervous system, which lead to sensory or motor deficiencies and affect balance and coordination, must accordingly be taken into account in relation to their functional effects and the risks of progression. In such cases, the issue or renewal of the licence may be subject to periodic assessment in the event of risk of deterioration.

12. Epileptic seizures or other sudden disturbances of the state of consciousness constitute a serious danger to road safety if they occur in a person driving a power-driven vehicle.

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Group 1:

- 12.1. A licence may be issued or renewed subject to an examination by a competent medical authority and to regular medical check-ups. The authority shall decide on the state of the epilepsy or other disturbances of consciousness, its clinical form and progress (no seizure in the last two years, for example), the treatment received and the results thereof.

Group 2:

- 12.2. Driving licences shall not be issued to or renewed for applicants or drivers suffering or liable to suffer from epileptic seizures or other sudden disturbances of the state of consciousness.

MENTAL DISORDERS

Group 1:

- 13.1. Driving licences shall not be issued to, or renewed for, applicants or drivers who suffer from:
- severe mental disturbance, whether congenital or due to disease, trauma or neurosurgical operations,
 - severe mental retardation,
 - severe behavioural problems due to ageing; or personality defects leading to seriously impaired judgment, behaviour or adaptability,
- unless their application is supported by authorised medical opinion and, if necessary, subject to regular medical check-ups.

Group 2:

- 13.2. The competent medical authority shall give due consideration to the additional risks and dangers involved in the driving of vehicles covered by the definition of this group.

ALCOHOL

14. Alcohol consumption constitutes a major danger to road safety. In view of the scale of the problem, the medical profession must be very vigilant.

Group 1:

- 14.1. Driving licences shall not be issued to, or renewed for, applicants or drivers who are dependent on alcohol or unable to refrain from drinking and driving.
- After a proven period of abstinence and subject to authorised medical opinion and regular medical check-ups, driving licences may be issued to, or renewed for, applicant or drivers who have in the past been dependent on alcohol.

Group 2:

- 14.2. The competent medical authority shall give due consideration to the additional risks and dangers involved in the driving of vehicles covered by the definition of this group.

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DRUGS AND MEDICINAL PRODUCTS

15. Abuse:

Driving licences shall not be issued to or renewed for applicants or drivers who are dependent on psychotropic substances or who are not dependent on such substances but regularly abuse them, whatever category of licence is requested.

Regular use:

Group 1:

- 15.1. Driving licences shall not be issued to, or renewed for, applicants or drivers who regularly use psychotropic substances, in whatever form, which can hamper the ability to drive safely where the quantities absorbed are such as to have an adverse effect on driving. This shall apply to all other medicinal products or combinations of medicinal products which affect the ability to drive.

Group 2:

- 15.2. The competent medical authority shall give due consideration to the additional risks and dangers involved in the driving of vehicles covered by the definitions of this group.

RENAL DISORDERS

Group 1:

- 16.1. Driving licences may be issued or renewed for applicants and drivers suffering from serious renal insufficiency subject to authorised medical opinion and regular medical check-ups.

Group 2:

- 16.2. Save in exceptional cases duly justified by authorised medical opinion, and subject to regular medical check-ups, driving licences shall not be issued to or renewed for applicants or drivers suffering from serious and irreversible renal deficiency.

MISCELLANEOUS PROVISIONS

Group 1:

- 17.1. Subject to authorised medical opinion and, if necessary, regular medical check-ups, driving licences may be issued to or renewed for applications or drivers who have had an organ transplant or an artificial implant which affects the ability to drive.

Group 2:

- 17.2. The competent medical authority shall give due consideration to the additional risks and dangers involved in the driving of vehicles covered by the definition of this group.
18. As a general rule, where applicants or drivers suffer from any disorder which is not mentioned in the preceding paragraph but is liable to be, or to result in, a functional incapacity affecting safety at the wheel, driving licences shall not be issued or renewed unless the application is supported by authorised medical opinion and, if necessary, subject to regular medical check-ups.
-

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ANNEX IV

MINIMUM STANDARDS FOR PERSONS WHO CONDUCT PRACTICAL DRIVING TESTS

1. Competences required by a driving examiner
 - 1.1. A person authorised to conduct practical assessments in a motor vehicle of the driving performance of a candidate must have knowledge, skills and understanding related to the topics listed in points 1.2 to 1.6.
 - 1.2. The competences of an examiner must be relevant to assessing the performance of a candidate seeking the category of driving licence entitlement for which the driving test is being undertaken.
 - 1.3. Knowledge and understanding of driving and assessment:
 - theory of driving behaviour,
 - hazard perception and accident avoidance,
 - the syllabus underpinning driving test standards,
 - the requirements of the driving test,
 - relevant road and traffic legislation, including relevant EU and national legislation and interpretative guidelines,
 - assessment theory and techniques,
 - defensive driving.
 - 1.4. Assessment skills:
 - ability to observe accurately, monitor, and evaluate overall candidate performance, in particular:
 - correct and comprehensive recognition of dangerous situations,
 - accurate determination of cause and likely effect of such situations,
 - achievement of competence and recognition of errors,
 - uniformity and consistency in assessment,
 - assimilate information quickly and extract key points,
 - look ahead, identify potential problems, and develop strategies to deal with them,
 - provide timely and constructive feedback.
 - 1.5. Personal driving skills:

A person authorised to conduct a practical test for a category of driving licence must be able to drive to a consistently high standard that type of motor vehicle.
 - 1.6. Quality of service:
 - establish and communicate what the candidate can expect during the test,
 - communicate clearly, choosing content, style and language to suit the audience and context and deal with enquiries from candidates,
 - provide clear feedback about the test result,
 - treat candidates with respect and indiscriminately.
 - 1.7. Knowledge about vehicle technique and physics:
 - knowledge about vehicle technique such as steering, tyres, brakes, lights, specially for motorcycles and heavy vehicles,
 - loading safety,
 - knowledge about vehicle physics such as speed, friction, dynamics, energy.
 - 1.8. Driving in a fuel efficient and environmentally friendly way.

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2. General conditions

2.1. A category B driving examiner:

- (a) must have held a category B licence for at least 3 years;
- (b) must be at least 23 years old;
- (c) must have successfully completed the initial qualification provided for in point 3 of this Annex and subsequently followed the quality assurance and the periodic training arrangements as provided for in point 4 of this Annex;
- (d) must have terminated a vocational education that leads at least to a completion of level 3 as defined by Council Decision 85/368/EEC of 16 July 1985 on the comparability of vocational training qualifications between the Member States of the European Community ⁽¹⁾;
- (e) may not be active as a commercial driving instructor in a driving school simultaneously.

2.2. A driving examiner for the other categories:

- (a) must hold a driving licence in the category concerned or possess equivalent knowledge through adequate professional qualification;
- (b) must have successfully completed the initial qualification provided for in point 3 of this Annex and subsequently followed the quality assurance and the periodic training arrangements as provided for in point 4 of this Annex;
- (c) must have been a qualified category B driving examiner for at least 3 years; this period may be waived provided that the examiner in question can provide evidence of:
 - at least 5 years of driving in the category concerned, or,
 - a theoretical and practical assessment of driving ability of a standard higher than that needed to obtain a driving licence thus making that requirement unnecessary,
- (d) must have completed a vocational education that leads at least to a termination of the level 3 as defined by Decision 85/368/EEC;
- (e) may not be active as a commercial driving instructor in a driving school simultaneously.

2.3. Equivalences

2.3.1. Member States may authorise an examiner to conduct driving tests for categories AM, A1, A2 and A upon passing the initial qualification prescribed in point 3 for one of these categories.

2.3.2. Member States may authorise an examiner to conduct driving tests for categories C1, C, D1 and D upon passing the initial qualification prescribed in point 3 for one of these categories.

2.3.3. Member States may authorise an examiner to conduct driving tests for categories BE, C1E, CE, D1E and DE upon passing the initial qualification prescribed in point 3 for one of these categories.

3. Initial qualification

3.1. Initial training

3.1.1. Before a person may be authorised to conduct driving tests, that person must satisfactorily complete such training programme as a Member State may specify in order to have the competences set out in point 1.

3.1.2. Member States must determine whether the content of any particular training programme will relate to authorisation to conduct driving tests for one driving licence category, or more than one.

⁽¹⁾ OJ L 199, 31.7.1985, p. 56.

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3.2. Examinations

- 3.2.1. Before a person may be authorised to conduct driving tests, that person must demonstrate a satisfactory standard of knowledge, understanding, skills and aptitude in respect of the subjects listed in point 1.
- 3.2.2. Member States shall operate an examination process that assesses, in a pedagogically appropriate manner, the competences of the person as defined under point 1, in particular point 1.4. The examination process must include both a theoretical element and a practical element. Computer-based assessment may be used where appropriate. The details concerning the nature and duration of any tests and assessments within the examination shall be at the discretion of the individual Member States.
- 3.2.3. Member States must determine whether the content of any particular examination will relate to authorisation to conduct driving tests for one driving licence category, or more than one.

4. Quality assurance and periodic training

4.1. Quality assurance

- 4.1.1. Member States shall have in place quality assurance arrangements to provide for the maintenance of standards of driving examiners.
- 4.1.2. Quality assurance arrangements should involve the supervision of examiners at work, their further training and re-accreditation, their continuing professional development, and by periodic review of the outcomes of the driving tests that they have conducted.
- 4.1.3. Member States must provide that each examiner is subject to yearly supervision making use of quality assurance arrangements listed in point 4.1.2. Moreover, the Member States must provide that each examiner is observed conducting tests once every 5 years, for a minimum period cumulatively of at least half a day, allowing the observation of several tests. When issues are identified corrective action should be put in place. The person undertaking the supervision must be a person authorised by the Member State for that purpose.
- 4.1.4. Member States may provide that where an examiner is authorised to conduct driving tests in more than one category, satisfying the supervision requirement in relation to tests for one category satisfies the requirement for more than one category.
- 4.1.5. The work of driving examination must be monitored and supervised by a body authorised by the Member State, to ensure correct and consistent application of assessment.

4.2. Periodic training.

- 4.2.1. Member States shall provide that, in order to remain authorised, driving examiners, irrespective of the number of categories for which they are accredited, undertake:
- a minimum regular periodic training of four days in total per period of two years in order to:
 - maintain and refresh the necessary knowledge and examining skills,
 - to develop new competences that have become essential for the exercise of their profession,
 - ensure that an examiner continues to conduct tests to a fair and uniform standard,
 - a minimum periodic training of at least five days in total per period of five years,
 - in order to develop and maintain the necessary practical driving skills.
- 4.2.2. Member States shall take the appropriate measures for ensuring that specific training is given promptly to those examiners that have found to be seriously malfunctioning by the quality assurance system in place.
- 4.2.3. The nature of periodic training may take the form of briefing, classroom training, conventional or electronic-based learning, and it may be undertaken on an individual or group basis. It may include such re-accreditation of standards as Member States consider appropriate.

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- 4.2.4. Member States may provide that where an examiner is authorised to conduct driving tests in more than one category, satisfying the periodic training requirement in relation to tests for one category satisfies the requirement for more than one category, provided the condition set out in point 4.2.5 is satisfied.
- 4.2.5. Where an examiner has not conducted tests for a category within a 24-month period, the examiner shall undertake a suitable reassessment before being allowed to carry out driving tests relating to that category. That re-assessment may be undertaken as part of the requirement set out in point 4.2.1.
5. Acquired rights
- 5.1. Member States may allow persons authorised to conduct driving tests immediately before these provisions come into force to continue to conduct driving tests, notwithstanding that they were not authorised in accordance with the general conditions in point 2 or the initial qualification process set out in point 3.
- 5.2. Such examiners are nonetheless subject to the regular supervision and quality assurance arrangements set out in point 4.

ANNEX V

MINIMUM REQUIREMENTS FOR DRIVER TRAINING AND TESTING FOR COMBINATIONS AS DEFINED IN THE SECOND SUBPARAGRAPH OF ARTICLE 4(4)(B)

1. Member States shall take the necessary measures to:
 - approve and supervise the training provided for in Article 7(1)(d) or,
 - organise the test of skills and behaviour provided for in Article 7(1)(d).
2. Duration of driver training
 - at least 7 hours.
3. Content of driver training

The driver training shall cover the knowledge, skills and behaviour as described in points 2 and 7 of Annex II. Particular attention shall be paid to:

 - vehicle movement dynamics, safety criteria, tractor vehicle and trailer (coupling mechanism), correct loading and safety fittings;

A practical component shall include the following exercises: acceleration, deceleration, reversing, braking, stopping distance, lane-changing, braking/evasive action, trailer swing, uncoupling from and re-coupling a trailer to its motor vehicle, parking;

 - Each training participant has to perform the practical component and shall demonstrate its skills and behaviour on public roads,
 - Vehicle combinations used for the training shall fall within the category of driving licence participants have applied for.
4. Duration and contents of the test of skills and behaviour

The length of the test and the distance travelled must be sufficient to assess the skills and behaviour laid down in point 3.

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ANNEX VI

**MINIMUM REQUIREMENTS FOR DRIVER TRAINING AND TESTING FOR MOTORCYCLES
WITHIN CATEGORY A (PROGRESSIVE ACCESS)**

1. Member States shall take the necessary measures to:
 - approve and supervise the training provided for in Article 7(1)(c) or,
 - organise the test of skills and behaviour provided for in Article 7(1)(c).
2. Duration of driver training
 - at least 7 hours.
3. Content of driver training
 - The driver training shall contain all aspects covered in point 6 of Annex II.
 - Each participant has to perform the practical components of the training and shall demonstrate its skills and behaviour on public roads.
 - Motorcycles used for the training shall fall within the category of driving licence participants have applied for.
4. Duration and contents of the test of skills and behaviour

The length of the test and the distance travelled must be sufficient to assess the skills and behaviour laid down in point 3 of this Annex.

ANNEX VII

Part A

**Repealed Directive as successively amended
(referred to in Article 17)**

Council Directive 91/439/EEC ⁽¹⁾	(OJ L 237, 24.8.1991, p. 1)
Council Directive 94/72/EC	(OJ L 337, 24.12.1994, p. 86)
Council Directive 96/47/EC	(OJ L 235, 17.9.1996, p. 1)
Council Directive 97/26/EC	(OJ L 150, 7.6.1997, p. 41)
Commission Directive 2000/56/EC	(OJ L 237, 21.9.2000, p. 45)
Directive 2003/59/EC of the European Parliament and of the Council, only Article 10, paragraph 2	(OJ L 226, 10.9.2003, p. 4)
Regulation (EC) No 1882/2003 of the European Parliament and of the Council, only Annex II, point 24	(OJ L 284, 31.10.2003, p. 1)

⁽¹⁾ Directive 91/439/EEC was also amended by the following act which has not been repealed: 1994 Act of accession.

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Part B

**Deadlines for transposition into national law and for application
(referred to in Article 17)**

Directive	Deadline for transposition	Date of application
Directive 91/439/EEC	1st July 1994	1st July 1996
Directive 94/72/EC	—	1st January 1995
Decision 96/427/EC	—	16 July 1996
Directive 96/47/EC	1st July 1996	1st July 1996
Directive 97/26/EC	1st January 1998	1st January 1998
Directive 2000/56/EC	30 September 2003	30 September 2003, 30 September 2008 (Annex II, point 6.2.5) and 30 September 2013 (Annex II point 5.2)
Directive 2003/59/EC	10 September 2006	10 September 2008 (passenger transport) and 10 September 2009 (goods transport)

ANNEX VIII

CORRELATION TABLE

Directive 91/439/EEC	This Directive
Article 1(1), 1st sentence	Article 1(1) 1st sentence
Article 1(1), 2nd sentence	
	Article 1(2)
Article 1(2)	Article 2(1)
—	Article 2(2)
Article 1(3)	—
Article 2(1)	Article 1(1), 2nd sentence
Article 2(2)	Article 3(1)
	Article 3(2)
	Article 3(3)
Article 2(3)	—
Article 2(4)	—
Article 3(1), 1st subparagraph, introductory words	Article 4(1), 1st sentence
—	Article 4(2), 1st indent
—	Article 4(2), 2nd indent
Article 3(1), 1st subparagraph, 1st indent	Article 4(3), 1st indent
Article 3(1), 1st subparagraph, 2nd indent	Article 4(4)(b), 1st subparagraph
Article 3(1), 1st subparagraph, 3rd indent	Article 4(4)(b), 2nd subparagraph
Article 3(1), 1st subparagraph, 4th indent	Article 4(4)(c)
Article 3(1), 1st subparagraph, 5th indent	Article 4(4)(f)
Article 3(1), 1st subparagraph, 6th indent	Article 4(4)(g)
Article 3(1), 1st subparagraph, 7th indent	Article 4(4)(j)
Article 3(1), 1st subparagraph, 8th indent	Article 4(4)(k)

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Directive 91/439/EEC	This Directive
Article 3(2), 1st subparagraph, introductory words	—
Article 3(2), 1st subparagraph, 1st indent	Article 4(3)(a)
Article 3(2), 1st subparagraph, 2nd indent	Article 4(4)(a)
Article 3(2), 1st subparagraph, 3rd indent	Article 4(4)(d)
Article 3(2), 1st subparagraph, 4th indent	Article 4(4)(e)
Article 3(2), 1st subparagraph, 5th indent	Article 4(4)(h)
Article 3(2), 1st subparagraph, 6th indent, introductory words	Article 4(4)(i)
Article 3(2), 1st subparagraph, 6th indent, 1st sub-indent	—
Article 3(2), 1st subparagraph, 6th indent, 2nd sub-indent	—
Article 3(3), introductory words	—
Article 3(3), 1st indent	Article 4(1), 3rd sentence
Article 3(3), 2nd indent, 1st subparagraph	Article 4(3), 2nd indent
Article 3(3), 2nd indent, 2nd subparagraph	—
Article 3(3), 3rd indent	Article 4(3), 1st indent
Article 3(3), 4th indent	Article 4(4), 1st indent
Article 3(3), 5th indent	Article 4(4), 2nd indent
—	Article 4(3)
Article 3(4)	—
Article 3(5)	—
Article 3(6)	Article 4(5), 1st sentence
—	Article 4(5), 2nd sentence
Article 4	Article 5
Article 5(1)	Article 6(1)
Article 5(1)(a)	Article 6(1)(a)
Article 5(1)(b)	Article 6(1)(b)
Article 5(2), introductory words	Article 6(2), introductory words
Article 5(2)(a)	Article 6(2)(a)
Article 5(2)(b)	Article 6(2)(b)
—	Article 6(2)(c)
—	Article 6(2)(d)
—	Article 6(2)(e)
—	Article 6(2)(f)
Article 5(3)	—
Article 5(4)	Article 6(4)
Article 6(1), introductory words	Article 4(1), 2nd sentence
Article 6(1)(a), 1st indent	Article 4(3)(a), 3rd indent
Article 6(1)(a), 2nd indent	Article 4(4)(a), 2nd indent
Article 6(1)(b), 1st indent	Article 4(3)(b), 2nd indent
—	Article 4(3)(c), 2nd indent
Article 6(1)(b), 2nd indent 1st alternative	Article 4(4)(b), 5th subparagraph
Article 6(1)(b), 2nd indent 2nd alternative	Article 4(4)(c), 2nd indent
Article 6(1)(b), 3rd indent 1st and 2nd alternative	Article 4(4)(g), 2nd indent

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Directive 91/439/EEC	This Directive
Article 6(1)(b), 3rd indent 3rd and 4th alternative	Article 4(4)(e), 3rd indent
Article 6(1)(c), 1st indent 1st and 2nd alternative	Article 4(4)(k), 2nd indent
Article 6(1)(c), 1st indent 3rd and 4th alternative	Article 4(4)(i), 2nd indent
Article 6(2)	Article 4(6), 1st subparagraph
—	Article 4(6), 2nd subparagraph
Article 6(3)	Article 4(6), 3rd and 4th subparagraphs
Article 7(1), introductory words	Article 7(1), introductory words
Article 7(1)(a)	Article 7(1)(a)
—	Article 7(1)(b)
—	Article 7(1)(c)
—	Article 7(1)(d)
Article 7(1)(b)	Article 7(1)(e)
Article 7(2)	—
Article 7(3)	—
—	Article 7(2)
—	Article 7(3)
Article 7(4)	Article 7(4)
Article 7(5)	Article 7(5)(a)
—	Article 7(5)(b)
—	Article 7(5)(c)
—	Article 7(5)(d)
Article 7 a(1)	—
Article 7 a(2)	Article 8
Article 7 b	Article 9
—	Article 10
Article 8	Article 11
Article 9	Article 12
Article 10	Article 13(1)
—	Article 13(2)
Article 11	Article 14
Article 12(1)	—
Article 12(2)	—
Article 12(3)	Article 15
—	Article 16
Article 13	Article 17, 1st subparagraph
—	Article 17, 2nd subparagraph
—	Article 18
Article 14	Article 19
Annex I	—
Annex Ia	Annex I
Annex II	Annex II
Annex III	Annex III
—	Annex IV
—	Annex V
—	Annex VI

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P6_TA(2006)0588**Amendment of Rule 81 of Parliament's Rules of Procedure, Implementing provisions****European Parliament decision on amendment of Rule 81 of Parliament's Rules of Procedure, Implementing provisions (2006/2211(REG))***The European Parliament,*

- having regard to its position of 6 July 2006 on the draft Council Decision amending Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission, and, in particular, paragraph 2 thereof ⁽¹⁾,
- having regard to the Council Decision 2006/512/EC of 17 July 2006 amending Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽²⁾,
- having regard to the letter of its President of 20 July 2006,
- having regard to Rules 201 and 202 of its Rules of Procedure,
- having regard to the report of the Committee on Constitutional Affairs (A6-0415/2006);

Whereas

- A. negotiations between the European Parliament, the Council and the Commission have led to the conclusion of an interinstitutional agreement taking the form of a joint statement welcoming the draft for a new procedure to be introduced into Decision 1999/468/EC,
- B. the new procedure, known as the 'regulatory procedure with scrutiny', entitles the European Parliament and the Council to scrutinise 'quasi-legislative' measures implementing an instrument adopted by codecision on an equal footing and to reject such measures,
- C. decision 2006/512/EC is accompanied by this joint statement, a statement by the Commission recorded in the minutes of the Council and statements by the Commission concerning the implementation and application of the new procedure,
- D. it is appropriate to modify Rule 81 of the Rules of Procedure so as to enable Parliament to make use of the rights under the new procedure under the best possible conditions,
 - 1. Decides to amend its Rules of Procedure as shown below;
 - 2. Decides that the amendment will enter into force on 1 January 2007;
 - 3. Instructs its President to ensure through arrangements with the other institutions at the administrative level, that drafts of measures are not transmitted to Parliament shortly before a recess of Parliament;
 - 4. Instructs its President to forward this decision to the Council and Commission, for information.

⁽¹⁾ P6_TA(2006)0310.⁽²⁾ OJ L 200, 22.7.2006, p. 11.

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PRESENT TEXT

AMENDMENTS

Amendments 1 and 2

Rule 81

Rule 81

Implementing provisions

1. When the Commission forwards a draft implementing **measure** to Parliament, the President shall refer **the document in question** to the committee responsible for the act from which the implementing **provisions** derive.

2. *On a proposal from the committee responsible, Parliament may, within one month — or three months for financial services measures — of the date of receipt of the draft implementing measure, adopt a resolution objecting to the draft measure, in particular if it exceeds the implementing powers provided for in the basic instrument. Where there is no part-session before the deadline expires, or in cases where urgent action is required, the right of response shall be deemed to have been delegated to the committee responsible. This shall take the form of a letter from the committee chairman to the Member of the Commission responsible, and shall be brought to the attention of all Members of Parliament. If Parliament objects to the measure, the President shall request the Commission to withdraw or amend the measure or submit a proposal under the appropriate legislative procedure.*

Rule 81

Implementing measures

1. When the Commission forwards a draft **of** implementing **measures** to Parliament, the President shall refer **the draft of measures** to the committee responsible for the act from which the implementing **measures** derive. **When enhanced cooperation between committees has taken place with regard to the basic act, the committee responsible shall invite the other committee to communicate its views orally or by letter.**

2. The chairman of the committee responsible shall set a deadline for Members to propose that the committee objects to the draft of measures. Where the committee considers it to be appropriate, it may decide to appoint a rapporteur from among its members or permanent substitutes. If the committee objects to the draft of measures, it shall table a motion for a resolution opposing the adoption of the draft of measures which may also indicate the changes that ought to be brought to the draft of measures.

If, within the applicable deadline from the date of receipt of the draft of measures, Parliament adopts such a resolution the President shall request the Commission to withdraw or amend the draft of measures or submit a proposal under the appropriate legislative procedure.

3. Where there is no part-session before the deadline expires, the right of response shall be deemed to have been delegated to the committee responsible. This response shall take the form of a letter from the committee chairman to the Member of the Commission responsible, and shall be brought to the attention of all Members of Parliament.

4. If the implementing measures envisaged by the Commission fall under the Regulatory Procedure with Scrutiny, paragraph 3 shall not apply and paragraphs 1 and 2 shall be supplemented as follows:

- (a) the time for scrutiny starts to run when the draft of measures has been submitted to Parliament in all official languages;
- (b) Parliament may oppose the adoption of the draft of measures, justifying its opposition by indicating that the draft of measures exceeds the implementing powers provided for in the basic instrument, is not compatible with the aim or the content of the basic instrument or does not respect the principles of subsidiarity or proportionality;
- (c) Parliament may oppose the adoption of the draft of measures acting by a majority of its component members.
- (d) If the draft of measures is based on paragraph 5 or 6 of Article 5a of Decision 1999/468/EC, which provides for curtailed time-limits for the opposition of Parliament, a motion for resolution opposing the adoption of the draft of measures may be tabled by the chairman of the committee responsible if the committee has not been able to meet in the time available.

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P6_TA(2006)0589**Amendment of the Rules of Procedure (Quaestors, committee bureaux)****European Parliament decision on amendment of Rules 15 and 182(1) of Parliament's Rules of Procedure — Election of Quaestors and committee bureaux (2006/2287(REG))***The European Parliament,*

- having regard to the proposal for amendment of its Rules of Procedure (B6-0628/2006),
 - having regard to Rules 201 and 202 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs (A6-0464/2006);
1. Decides to amend its Rules of Procedure as shown below;
 2. Decides that the amendments will enter into force on 1 January 2007;
 3. Instructs its President to forward this decision to the Council and Commission, for information.

PRESENT TEXT

AMENDMENTS

Amendment 1

*Rule 15, subparagraph 2 a (new)****For the period from January 2007 to July 2009 the Parliament shall elect six Quaestors.***

Amendment 2

*Rule 182, paragraph 1, subparagraph 1 a (new)****For the period from January 2007 to July 2009 the Committee bureaux shall include four Vice-Chairmen.*****P6_TA(2006)0590****External Borders Fund ***I**

European Parliament legislative resolution on the proposal for a decision of the European Parliament and of the Council establishing the External Borders Fund for the period 2007-2013 as part of the General programme 'Solidarity and Management of Migration Flows' (COM(2005)0123 — C6-0125/2005 — 2005/0047(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2005)0123) ⁽¹⁾,
- having regard to Article 251(2) and Article 62(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0125/2005),

⁽¹⁾ Not yet published in OJ.

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- 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 Foreign Affairs and the Committee on Budgets (A6-0427/2006);
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(2005)0047

Position of the European Parliament adopted at first reading on 14 December 2006 with a view to the adoption of Decision No .../2007/EC of the European Parliament and of the Council on establishing the External Borders Fund for the period 2007 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows'

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 62(2) thereof,

Having regard to the proposal from the Commission,

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

Having regard to the Opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾,

Whereas:

- (1) While each Member State contributes to a high and uniform level of control on persons and surveillance of the external borders of the Member States of the European Union within the framework of common rules, some Member States face a heavier burden than others.
- (2) The difference in the burden is explained by the differing situations prevailing in Member States as regards the geography of their external borders, the number of authorised and operative border crossing points, the level of migratory pressure, both legal and illegal, the risks and threats encountered and finally the workload of the national services regarding the examination of visas applications and the issuing of visas.
- (3) Burden-sharing between Member States and the European Union in the management of external borders is one of the five components of the common policy for the management of the external borders, as proposed by the Commission in its Communication of 7 May 2002 'Towards integrated management of the external borders of the Member States of the European Union' and endorsed by the Council in its 'Plan for the management of the external borders of the Member States of the European Union' of 14 June 2002.

⁽¹⁾ OJ C 88, 11.4.2006, p. 15.

⁽²⁾ OJ C 115, 16.5.2006, p. 47.

⁽³⁾ Position of the European Parliament of 14 December 2006.

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- (4) While Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union ⁽¹⁾ constitutes an important step towards the progressive development of the operational dimension of the European common-integrated-border management system, the implementation of effective and common standards for control and surveillance of the external borders calls for a Community financial solidarity mechanism in order to support the Member States who bear, for the benefit of the Community, a lasting and heavy financial burden.
- (5) The common corpus of legislation, as defined, in particular, by Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (the Schengen Borders Code) ⁽²⁾, provides for border checks to help combat illegal immigration and trafficking in human beings and to prevent any threat to the Member States' internal security while, at the same time, providing for border checks to be carried out in such a way as to fully respect human dignity.
- (6) The External Borders Fund (hereinafter referred to as 'the Fund') should express solidarity through financial assistance to those Member States that apply the Schengen provisions on external borders.
- (7) Such financial assistance should be structured in such a way as to form a bridge with past financial contributions from the European Union to Member States which at the time of entry into force of this Decision do not yet apply all provisions of the Schengen acquis, without, however, constituting a mere continuation of the actions funded previously from other sources covered by the general budget of the European Union. In such cases, the Fund should assist those Member States preparing for full participation as soon as possible, in accordance with the Hague Programme of 4 and 5 November 2004.
- (8) Moreover, the Fund should take into account specific situations, such as the transit by land of third-country nationals who must necessarily cross the territory of one or more Member States in order to travel between two parts of their own country which are not geographically contiguous, not only in the own interests of the Member State(s) concerned but also of all Member States which have abolished checks at their internal borders. In such cases, the actions to be financed should be exhaustively defined and the allocation of resources should be determined on the basis of a factual assessment of the needs in relation to those actions.
- (9) In order to ensure uniform and high-quality external border control and flexible cross-border traffic, the Fund should contribute to the development of a European common-integrated-border management system which includes all the measures relating to policy, legislation, systematic cooperation, the distribution of the burden, personnel, equipment and technology taken at different levels by the competent authorities of the Member States, acting in cooperation and, where necessary, together with other actors, utilising, inter alia, the four-tier border security model and integrated risk analysis of the European Union.
- (10) In accordance with Protocol No 5 to the 2003 Act of Accession ⁽³⁾ on the transit of persons by land between the region of Kaliningrad and other parts of the Russian Federation, the Fund should bear any additional cost incurred in implementing the specific provision of the acquis covering such transit.
- (11) As a complement to the operational cooperation developed under the aegis of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Regulation (EC) No 2007/2004 (hereinafter referred to as 'the Agency') and in addition to the allocation of funds to the Member States, the Fund should also introduce the possibility of a Community response to weaknesses at strategic border points by co-financing specific actions to address those weaknesses, on the basis of a specific amount set aside each year for such actions.

⁽¹⁾ OJ L 349, 25.11.2004, p. 1.

⁽²⁾ OJ L 105, 13.4.2006, p. 1.

⁽³⁾ OJ L 236, 23.9.2003, p. 946.

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- (12) The Fund should include support for national measures and cooperation between Member States in the area of visa policy and other pre-frontier activities that take place prior to external border controls. The efficient management of activities organised by the consular services of the Member States in third countries is in the interest of the common visa policy as part of a multi-layered system aimed at facilitating legitimate travel and tackling illegal immigration into the European Union, and constitutes an integral part of the European common-integrated-border management system.
- (13) In the light of the scope and the purpose of the Fund, it should not, in any event, support actions with respect to areas and centres for holding persons in third countries.
- (14) Objective criteria should be established to allocate the available annual resources to the Member States. These criteria should be broken down according to the type of border, taking into account the flow and the levels of threat at the external borders of the Member States.
- (15) The application of these criteria should be reviewed in 2010 to enable any new circumstances, including in particular those resulting from changes in the external borders themselves, to be taken into account.
- (16) In view of the mission of the Agency to assist Member States in implementing the operational aspects of external border management and in order to develop complementarity between its mission and the responsibilities of the Member States for the control and surveillance of external borders, the Agency should be consulted by the Commission on draft multiannual programmes submitted by the Member States and on the strategic guidelines prepared by the Commission.
- (17) Moreover, the Commission may request the Agency to provide input into the assessment by the Commission of the impact of the Fund on the development of policy and legislation on external border control, the synergies between the Fund and the tasks of the Agency, as well as the appropriateness of the criteria for allocating the funds between the Member States in the light of the objectives pursued by the European Union in this area.
- (18) This Decision is designed to form part of a coherent framework which also includes Decision No .../2007/EC of the European Parliament and of the Council of ... establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' ⁽¹⁾ (*), Decision No .../2007/EC of the European Parliament and of the Council of ... establishing the European Return Fund for the period 2008 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' ⁽²⁾ (*), and Council Decision No .../2007/EC of ... establishing the European Fund for the Integration of Third-country Nationals for the period 2007 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' ⁽³⁾ (*), which aims to address the issue of fairly sharing responsibilities between Member States as concerns the financial burden arising from the introduction of integrated management of the European Union's external borders and from the implementation of common policies on asylum and immigration, as developed in accordance with Title IV of Part Three of the Treaty.
- (19) Participation in this Fund by a Member State should not coincide with its participation in a future temporary instrument designed to help beneficiary Member States to finance actions at new external borders of the European Union for the implementation of the Schengen acquis and external border control.
- (20) The actions supported under this Fund should be in synergy with the actions supported by the Community instruments on external assistance and take place within the framework of the European Union's external relations policy, in particular the strategy for the external dimensions of the area of freedom, security and justice.

⁽¹⁾ OJ ...

^(*) OJ: please insert number, date and OJ reference of that Decision.

⁽²⁾ OJ ...

⁽³⁾ OJ ...

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- (21) The support provided by the Fund would be more efficient and better targeted if co-financing of eligible actions were based on strategic multiannual programming, drawn up by each Member State in dialogue with the Commission.
- (22) On the basis of strategic guidelines adopted by the Commission, each Member State should prepare a multiannual programming document taking into account its specific situation and needs and setting out its development strategy that should constitute the framework for preparing the implementation of the actions to be listed in annual programmes.
- (23) In accordance with the implementation methods referred to in Article 53(1)(b) of 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⁾ (hereinafter referred to as 'the Financial Regulation'), the conditions allowing the Commission to exercise its responsibilities for implementation of the general budget of the European Union should be specified and the obligations for the cooperation of the Member States clarified. Applying those conditions would enable the Commission to satisfy itself that Member States are using the Fund in a lawful and correct manner and in accordance with the principle of sound financial management within the meaning of Articles 27 and 48(2) of the Financial Regulation.
- (24) Member States should adopt adequate measures to guarantee the proper functioning of the management and control system and the quality of implementation. To this end, it is necessary to establish the general principles and necessary functions which all programmes should fulfil.
- (25) Since the Fund may support national measures of a Member State to implement provisions of the Schengen acquis ranging from external border control to visa policy at different levels and locations, more than one authority in any given Member State might be involved. Therefore, Member States should be allowed to designate several certifying and audit authorities or delegated authorities as long as there is a clear allocation of functions for each of these authorities.
- (26) In accordance with the principles of subsidiarity and proportionality, Member States should have the primary responsibility for the implementation and control of the interventions of the Fund.
- (27) The obligations on the Member States as regards management and control systems, the certification of expenditure, and the prevention, detection and correction of irregularities and infringements of Community law should be specified in order to guarantee the efficient and correct implementation of their multiannual and annual programmes. In particular, as far as management and control are concerned, it is necessary to establish the arrangements by which Member States ensure that the relevant systems are in place and function satisfactorily.
- (28) Without prejudice to the Commission's powers as regards financial control, cooperation between the Member States and the Commission in this field should be encouraged.
- (29) The effectiveness and impact of actions supported by the Fund also depend on their evaluation and the dissemination of their results. The responsibilities of the Member States and the Commission in this regard, and arrangements to ensure the reliability of evaluation and the quality of the related information, should be formalised.
- (30) Actions should be evaluated with a view to a mid-term review and impact assessment, and the evaluation process should be incorporated into project monitoring arrangements.
- (31) Bearing in mind the importance of visibility of Community funding, the Commission should provide guidance to facilitate the proper acknowledgement of the support received by any authority, non-governmental organisation, international organisation or other entity receiving a grant under this Fund, taking into account the practice with respect to other instruments under shared management, such as the Structural Funds.

⁽¹⁾ OJ L 248, 16.9.2002, p. 1. Regulation as amended by Regulation (EC, Euratom) No 1995/2006 (OJ L 390, 30.12.2006, p. 1).

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- (32) This Decision establishes a financial envelope for the entire duration of the programme, which constitutes the prime reference for the budgetary authority during the annual budgetary procedure, according to point 37 of the Interinstitutional agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾.
- (33) Since the objective of this Decision, namely to support the establishment of a European common-integrated-border management system, which covers, inter alia, the management of activities organised by consular and other services of the Member States in third countries as regards the flows of third-country nationals into the territory of the Member States, cannot be sufficiently achieved by the Member States and can therefore by reason of the scale and effects of the action 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 Decision does not go beyond what is necessary to achieve this objective.
- (34) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽²⁾.
- (35) Since the measure of this Decision relating to the adoption of strategic guidelines is of general scope and are designed to amend non-essential elements of this Decision, inter alia by deleting some of those elements or by supplementing this Decision by the addition of new non-essential elements, it should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC. On grounds of efficiency, the normal time-limits for the regulatory procedure with scrutiny should be curtailed for the adoption of the strategic guidelines.
- (36) In order to ensure the timely implementation of the Fund, certain provisions of this Decision should apply as from 1 January 2007.
- (37) As regards Iceland and Norway, this Decision constitutes a development of the Schengen acquis which falls within the areas referred to in Article 1, Points A and B of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis ⁽³⁾.
- (38) An arrangement should be made to allow representatives of Iceland and Norway to be associated with the work of committees assisting the Commission in the exercise of its implementing powers. Such an arrangement has been contemplated in the Agreement in the form of Exchanges of Letters between the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning committees which assist the European Commission in the exercise of its executive powers ⁽⁴⁾, annexed to the Agreement referred to in Recital 37.
- (39) As regards Switzerland, this Decision constitutes a development of provisions of the Schengen acquis within the meaning of the Agreement signed by the European Union, the European Community and the Swiss Confederation on the association of the Swiss Confederation with the implementation, application and development of the Schengen acquis which falls within the area referred to in Article 1(a) of Decision 1999/437/EC read in conjunction with Article 4(1) of Council Decision 2004/860/EC ⁽⁵⁾ on the signing, on behalf of the European Community, and on the provisional application of certain provisions of the Agreement.
- (40) An arrangement should be made to allow representatives of Switzerland to be associated with the work of committees assisting the Commission in the exercise of its implementing powers. Such an arrangement has been contemplated in the Exchange of Letters between the Council of the European Union and Switzerland, annexed to the Agreement referred to in Recital 39.

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

⁽³⁾ OJ L 176, 10.7.1999, p. 31.

⁽⁴⁾ OJ L 176, 10.7.1999, p. 53.

⁽⁵⁾ OJ L 370, 17.12.2004, p. 78.

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- (41) In order to determine the supplementary rules necessary for the implementation of this instrument, an agreement should be concluded between the Community and Iceland, Norway and Switzerland.
- (42) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and the Treaty establishing the European Community, Denmark does not take part in the adoption of this Decision and is not bound by it or subject to its application. Given that this Decision builds upon the Schengen acquis under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark shall, in accordance with Article 5 of the said Protocol, decide within a period of six months after the date of adoption of this Decision whether it will implement it in its national law.
- (43) This Decision constitutes a development of the provisions of the Schengen acquis in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis ⁽¹⁾ and subsequent Council Decision 2004/926/EC of 22 December 2004 on the putting into effect of parts of the Schengen acquis by the United Kingdom of Great Britain and Northern Ireland ⁽²⁾. The United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (44) This Decision constitutes a development of the provisions of the Schengen acquis in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis ⁽³⁾. Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (45) In accordance with the second indent of paragraph 2 of Article 67 of the Treaty, Council Decision 2004/927/EC of 22 December 2004 providing for certain areas covered by Title IV of Part Three of the Treaty establishing the European Community to be governed by the procedure laid down in Article 251 of that Treaty ⁽⁴⁾ rendered the procedure referred to in Article 251 of the Treaty applicable in the areas covered by Articles 62(1), (2)(a) and (3) and 63(2)(b) and (3)(b) of the Treaty,

HAVE ADOPTED THIS DECISION:

CHAPTER I

SUBJECT MATTER, OBJECTIVES AND ACTIONS

Article 1

Subject matter and scope

This Decision establishes for the period from 1 January 2007 to 31 December 2013 the External Borders Fund (hereinafter referred to as 'the Fund'), as part of a coherent framework which also includes Decision No .../2007/EC (*), Decision No .../2007/EC (**), and Decision No .../2007/EC (***), in order to contribute to the strengthening of the area of freedom, security and justice and the application of the principle of solidarity between the Member States.

This Decision defines the objectives to which the Fund contributes, its implementation, the available financial resources and the distribution criteria for the allocation of the available financial resources.

⁽¹⁾ OJ L 131, 1.6.2000, p. 43.

⁽²⁾ OJ L 395, 31.12.2004, p. 70.

⁽³⁾ OJ L 64, 7.3.2002, p. 20.

⁽⁴⁾ OJ L 396, 31.12.2004, p. 45.

(*) OJ: please insert the number of the first Decision referred to in recital 18 (European Refugee Fund).

(**) OJ: please insert the number of the second Decision referred to in recital 18 (European Return Fund).

(***) OJ: please insert the number of the third Decision referred to in recital 18 (European Fund for the Integration of third-country Nationals).

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It establishes the Fund's management rules, including financial rules, as well as monitoring and control mechanisms, based on the sharing of responsibilities between the Commission and the Member States.

Article 2

Definitions

For the purposes of this Decision:

- (1) 'external borders' means the Member States' land borders, including river and lake borders, sea borders and their airports, river ports, sea ports and lake ports to which the provisions of Community law on the crossing of external borders apply, whether these borders are temporary or not;
- (2) 'temporary external borders' means:
 - (a) the common border between a Member State fully implementing the Schengen acquis and a Member State bound to apply the Schengen acquis in full, in conformity with its Act of Accession, but for which the relevant Council Decision authorising it to fully apply that acquis has not entered into force;
 - (b) the common border between two Member States bound to apply the Schengen acquis in full, in conformity with their respective Acts of Accession, but for which the relevant Council Decision authorising them to fully apply that acquis has not yet entered into force;
- (3) 'border crossing point' means any crossing point authorised by the competent authorities for the crossing of external borders as notified in accordance with Article 34(2) of Regulation (EC) No 562/2006;
- (4) 'Agency' means the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union as established by Regulation (EC) No 2007/2004.

Article 3

General Objectives of the Fund

1. The Fund shall contribute to achieving the following objectives:
 - (a) efficient organisation of control, covering both checks and surveillance tasks relating to the external borders;
 - (b) efficient management by the Member States of the flows of persons at the external borders in order to ensure, on the one hand, a high level of protection at the external borders and, on the other, the smooth crossing of the external borders in conformity with the Schengen acquis and the principles of respectful treatment and dignity;
 - (c) uniform application by border guards of the provisions of Community law on the crossing of external borders, in particular Regulation (EC) No 562/2006;
 - (d) improvement of the management of activities organised by the consular and other services of the Member States in third countries as regards the flows of third-country nationals into the territory of the Member States and the cooperation between Member States in this regard.
2. The Fund shall contribute to the financing of technical assistance at the initiative of the Member States or the Commission.

Article 4

Specific objectives

1. As regards the objective laid down in Article 3(1)(a), the Fund shall support the following specific objectives:
 - (a) implementation of the recommendations, operational standards and best practices resulting from the operational cooperation between Member States in the field of border control;

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- (b) development and application of the measures necessary to improve surveillance systems between border crossing points;
- (c) introduction of measures or development of effective systems enabling a methodical gathering of relevant information with respect to the evolving situation on the ground close to at and immediately beyond the external borders;
- (d) ensuring adequate registration of the number of persons crossing at all types of external borders (land, air, sea);
- (e) introduction or upgrading a system of collection of statistical and administrative data with respect to the categories of travellers, the number and nature of checks and surveillance measures at the different types of external borders, based on registration and other sources for data collection;
- (f) setting up an effective, structural, strategic and operational coordination between all authorities operating at border crossing points;
- (g) improvement of the capacity and the qualifications of border guards in executing their surveillance, advisory and control tasks;
- (h) improvement of the information exchange at national level between the authorities responsible for external border management and between those authorities and other authorities responsible for migration, asylum and other related matters;
- (i) promotion of quality management standards.

2. As regards the objective laid down in Article 3(1)(b), the Fund shall support the following specific objectives:

- (a) except with regard to temporary external borders, the development of new working methods, logistical measures and state-of-the-art technology to strengthen systematic controls of persons on entry and exit at border crossing points;
- (b) promotion of the use of technology and specialised training for the staff responsible for its effective exploitation;
- (c) promotion of the exchange of information concerning, and improvement of training in respect of forged or false travel documents, including the development and distribution of common tools and practices for the detection of such documents;
- (d) promotion of efficient, real-time consultation of data at border crossing points through the use of large scale IT systems, such as the Schengen Information System (SIS) and the Visa Information System (VIS), and an effective exchange of information between all border crossing points along the external borders in real time;
- (e) ensuring the optimal implementation at operational and technical level of the results of the risk analyses.

3. As regards the objective laid down in Article 3(1)(c) the Fund shall support the following specific objectives:

- (a) gradual establishment in each Member State of uniform education, training and qualifications of border guards, particularly by implementing the common core curriculum for training as developed by the Agency and by supplementing in a coherent way the activities of the Agency in this field;
- (b) support to and increase of the exchange and secondment of border guards between Member States, complementary to the guidelines and activities of the Agency in this area;
- (c) promotion of the use of compatible state-of-the-art technology along the external borders, whenever this is indispensable for the correct, effective or uniform use of the rules;
- (d) promotion of the capacity of authorities to apply the same procedures and to take consistent, rapid and high quality decisions on the crossing of external borders, including on the issuance of visas;

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- (e) promotion of the use of the common Practical Handbook for Border Guards;
 - (f) building and upgrading of areas and centres for persons whose entry is refused and for persons who are intercepted after having crossed the border illegally or when approaching the external borders with a view to illegally entering the territory of the Member States;
 - (g) upgrading of the security at the premises of border crossing points to secure the safety of border guards and the protection of equipment, surveillance systems and means of transport.
4. As regards the objective laid down in Article 3(1)(d), the Fund shall support the following specific objectives:
- (a) reinforcement of the operational capacity of the network of the immigration liaison officers and promotion of a more effective cooperation through the network between the Member States' services;
 - (b) introduction of measures aimed at assisting Member States and carriers in carrying out the obligations imposed on them by virtue of Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data ⁽¹⁾ and of Article 26 of the Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985 between the governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders ('the Schengen Convention') ⁽²⁾ in order to prevent illegal arrivals at the external borders;
 - (c) promotion of a more effective cooperation with carriers in the airports of the countries of departure, including uniform training of the carriers' staff on the travel documents;
 - (d) promotion of quality management, and good services and facilities in terms of infrastructure in the visa application process;
 - (e) promotion of cooperation between Member States in enhancing the capacity of consular services to examine visa applications;
 - (f) promotion of common investigative practices, uniform administrative procedures and decisions on visas by the consular services of a Member State located in different third countries;
 - (g) promotion of progress towards a systematic and regular cooperation between the consular and other services of different Member States, in particular in connection with the VIS, including pooling of resources and means for visa issuance, exchange of information, surveys and investigations concerning visa applications and the development of common visa application centres;
 - (h) promotion of national initiatives aiming at common investigative practices, uniform administrative procedures and decisions on visas by the consular services of different Member States;
 - (i) development of common consular offices.

Article 5

Eligible actions in the Member States

1. The Fund shall support actions in the Member States relating to the specific objectives defined in Article 4 and in particular to the following:

- (a) border crossing infrastructures and related buildings, such as border stations, helicopter landing places or lanes or booths for the queuing of vehicles or persons at border crossing points;

⁽¹⁾ OJ L 261, 6.8.2004, p. 24.

⁽²⁾ OJ L 239, 22.9.2000, p. 19. Convention as last amended by Regulation (EC) No 1987/2006 of the European Parliament and of the Council (OJ L 381, 28.12.2006, p. 4).

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- (b) infrastructures, buildings and systems required for surveillance between border crossing points and protection against illegal crossing of the external borders;
- (c) operating equipment, such as sensors, video-surveillance, document examination instruments, detection tools and mobile or fixed terminals for consulting the SIS, the VIS, the European Image Archiving System (FADO) and other European and national systems;
- (d) means of transport for the control of external borders, such as vehicles, vessels, helicopters, and light aircrafts, specially equipped with electronic equipment for the surveillance of the border and the detection of persons in means of transport;
- (e) equipment for real time exchange of information between relevant authorities;
- (f) ICT systems;
- (g) programmes for the secondment and exchange of staff such as border guards, immigration officers and consular officers;
- (h) training and education of staff of relevant authorities, including language training;
- (i) investments in the development, testing and instalment of state-of-the-art technology;
- (j) studies and pilot projects implementing recommendations, operational standards and best practices, resulting from the operational cooperation between Member States in the field of border control;
- (k) studies and pilot projects designed to stimulate innovation, facilitate exchanges of experience and good practice and improve the quality of the management of activities organised by the consular and other services of the Member States in third countries as regards the flows of third-country nationals into the territory of the Member States and the cooperation between Member States in this regard.

2. The Fund shall not support actions with respect to temporary external borders when such actions amount to a structural investment incompatible with the objective of the lifting of controls on persons at these borders, in particular actions referred to in points (a) and (b) of paragraph 1.

Article 6

Special Transit Scheme

1. The Fund shall provide support to compensate for foregone fees from transit visas and additional costs incurred in implementing the Facilitated Transit Document (FTD) and the Facilitated Rail Transit Document (FRTD) scheme in accordance with Council Regulation (EC) No 693/2003 ⁽¹⁾ and Council Regulation (EC) No 694/2003 ⁽²⁾.

2. For the purpose of paragraph 1, additional costs means costs which result directly from the specific requirements of implementing the operation of the special transit scheme and which are not generated as a result of the issuing of transit or other visas.

The following types of additional cost shall be eligible for financing:

- (a) investment in infrastructures;
- (b) training of staff implementing the special transit scheme;
- (c) additional operational costs, including salaries of staff specifically implementing the special transit scheme.

3. The foregone fees referred to in paragraph 1 shall be calculated on the basis of the level of fees for transit visas established in Annex 12 to the Common Consular Instructions on visas, within the financial framework set out in Article 14(9).

⁽¹⁾ OJ L 99, 17.4.2003, p. 8.

⁽²⁾ OJ L 99, 17.4.2003, p. 15.

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Article 7

Community actions

1. At the Commission's initiative, up to 6 % of the Fund's available resources may be used to finance transnational actions or actions of interest to the Community as a whole (hereinafter referred to as 'Community actions') concerning the following objectives:
 - (a) contributing to the enhancement of the activities organised by the consular and other services of the Member States in third countries as regards the flow of third-country nationals into the territory of the Member States and the cooperation between Member States in this regard, including the activities of air liaison officers and immigration liaison officers;
 - (b) promoting the progressive inclusion of customs, veterinary and phyto-sanitary controls in integrated border management activities in line with policy evolution in this field;
 - (c) providing of support services to Member States in duly substantiated emergency situations requiring urgent action at external borders.
2. To be eligible for funding, Community actions listed under paragraph 1(a) and (b) shall in particular:
 - (a) further Community cooperation in implementing Community law and good practices;
 - (b) support the setting-up of transnational cooperation networks and pilot projects based on transnational partnerships between consular services from two or more Member States designed to stimulate innovation and facilitate the exchange of experience and good practice;
 - (c) support studies, dissemination and exchange of information on best practices and all other aspects of the general objective of contributing to enhancement of the activities organised by the consular services of the Member States in third countries and the cooperation between Member States in this field, including on the use of state-of-the-art technology;
 - (d) support projects and studies exploring the possibility of new forms of Community cooperation and Community law in this area, in particular common application centres;
 - (e) support the development and application by Member States of common statistical tools, methods and indicators for measuring policy developments in the field of visa policy and consular cooperation.
3. The annual work programme laying down the priorities for Community actions shall be adopted in accordance with the procedure referred to in Article 56(2).

CHAPTER II

PRINCIPLES OF ASSISTANCE

Article 8

Complementarity, consistency and compliance

1. The Fund shall provide assistance which complements national, regional and local actions, integrating into them the priorities of the Community.
2. The Commission and the Member States shall ensure that assistance from the Fund and the Member States is consistent with the activities, policies and priorities of the Community. This consistency shall be indicated in particular in the multiannual programme referred to in Article 21.
3. Operations financed by the Fund shall comply with the provisions of the Treaty and of acts adopted thereunder.

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*Article 9***Programming**

1. The objectives of the Fund shall be pursued within the framework of the multiannual programming period from 2007 to 2013, subject to a mid-term review in accordance with Article 24. The multiannual programming system shall include the priorities and a process for management, decision making, auditing and certification.
2. The multiannual programmes approved by the Commission shall be implemented by means of annual programmes.

*Article 10***Subsidiary and proportional intervention**

1. Implementation of multiannual and annual programmes referred to in Articles 21 and 23 shall be the responsibility of Member States at the appropriate territorial level, in accordance with the institutional system specific to each Member State. This responsibility shall be exercised in accordance with this Decision.
2. In relation to audit provisions, the means employed by the Commission and the Member States shall vary according to the size of the Community contribution. The same principle shall apply to provisions on evaluation and to the reports on multiannual and annual programmes.

*Article 11***Implementation methods**

1. The Community budget allocated to the Fund shall be implemented in accordance with Article 53(1)(b) of the Financial Regulation, with the exception of the Community actions referred to in Article 7 and the technical assistance referred to in Article 17 of this Decision.
2. The Commission shall exercise its responsibility for implementing the general budget of the European Union by:
 - (a) checking the existence and proper functioning of management and control systems in the Member States in accordance with the procedures described in Article 34;
 - (b) withholding or suspending payments, in full or in part, in accordance with the procedures described in Articles 43 and 44, if the national management and control systems fail, and applying any other financial correction required, in accordance with the procedures described in Articles 47 and 48.
3. Countries associated with the implementation, application and development of the Schengen acquis shall participate in the Fund in accordance with this Decision.
4. Arrangements shall be concluded to specify the supplementary rules necessary for such participation, including provisions ensuring the protection of the Community's financial interests and the power of audit of the Court of Auditors.

*Article 12***Partnership**

1. Each Member shall organise, in accordance with current national rules and practices, a partnership with the authorities and bodies which are involved in the implementation of the multiannual programme or which, according to the Member State concerned, are able to make a useful contribution to its development.

Such authorities and bodies may include the competent regional, local, urban and other public authorities, international organisations, in particular the United Nations High Commissioner for Refugees (UNHCR), and bodies representing civil society, such as non-governmental organisations or social partners.

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2. Such partnership shall be conducted in full compliance with the respective institutional, legal and financial jurisdiction of each partner category.

CHAPTER III

FINANCIAL FRAMEWORK

Article 13

Global resources

1. The financial envelope for the implementation of this Decision from 1 January 2007 to 31 December 2013 shall be 1 820 *euro* million.
2. The annual appropriations shall be authorised by the budgetary authority within the limits of the Financial Framework.
3. The Commission shall make indicative annual breakdowns by Member States in accordance with the criteria established in Article 14.

Article 14

Annual distribution of resources for eligible actions in the Member States

1. The available annual resources shall be broken down between the Member States as follows:
 - (a) 30 % for external land borders;
 - (b) 35 % for external maritime borders;
 - (c) 20 % for airports;
 - (d) 15 % for consular offices.
2. The resources available under paragraph 1(a) shall be broken down between Member States as follows:
 - (a) 70 % for the length of their external borders, which will be calculated, on the basis of weighting factors for each specific section, determined in accordance with Article 15(3)(a); and
 - (b) 30 % for the workload at their external land borders, as determined in accordance with paragraph 7(a).
3. The resources available under paragraph 1(b) shall be broken down between Member States as follows:
 - (a) 70 % for the length of their external borders, which will be calculated, on the basis of weighting factors for each specific section determined in accordance with Article 15(3)(b); and
 - (b) 30 % for the workload at their external maritime borders, as determined in accordance with paragraph 7(a).
4. The resources available under paragraph 1(c) shall be broken down between Member States according to the workload at their airports, as determined in accordance with paragraph 7(b).
5. The resources available under paragraph 1(d) shall be broken down between Member States as follows:
 - (a) 50 % for the number of consular offices of the Member States in the countries listed in Annex I of Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement ⁽¹⁾; and
 - (b) 50 % for the workload as regards the management of visa policy at consular offices of Member States in the countries listed in Annex I to Regulation (EC) No 539/2001, as determined in accordance with paragraph 7(c) of this Article.

⁽¹⁾ OJ L 81, 21.3.2001, p. 1. Regulation as last amended by Regulation (EC) No 851/2005 (OJ L 141, 4.6.2005, p. 3).

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6. For the purpose of the annual distribution of resources under paragraph 1 (a) and (b)
- (a) the line between the areas referred to in Article 1 of Council Regulation (EC) 866/2004 of 29 April 2004 on a regime under Article 2 of Protocol No 10 of the Act of Accession ⁽¹⁾, but not the maritime border north of that line, shall be taken into account even though it does not constitute an external land border for as long as the provisions of Article 1 of Protocol 10 of the 2003 Act of Accession remain applicable;
 - (b) 'external maritime borders' shall mean the outer limit of the territorial sea of the Member States as defined according to Articles 4 to 16 of the United Nations Convention on the Law of the Sea. However, in cases where long range operations on a regular basis are required in order to prevent illegal migration/entry, this shall be the outer limit of high threat areas. This shall be determined by taking into account the operational data over the past two years as provided by the Member States in question. This definition of 'external maritime borders' is used exclusively for the purpose of this Decision and all operations shall respect international law
7. The workload shall be based on average figures over the previous two years for the following factors:
- (a) at external land borders and external maritime borders:
 - (i) the number of persons crossing the external border at authorised border crossing points;
 - (ii) the number of third-country nationals refused entry at the external border;
 - (iii) the number of third-country nationals apprehended after having crossed the external border illegally, including the number of persons apprehended at sea;
 - (b) at airports:
 - (i) the number of persons crossing the external border at authorised border crossing points;
 - (ii) the number of third-country nationals refused entry at the external border;
 - (c) at consular offices:
 - the number of visa applications.

For 2007, the workload shall be based on the 2005 figures only.

8. The weighting as referred to in paragraphs 2 and 3 shall be determined by the Agency in accordance with Article 15.

9. With respect to the length of the external land borders as referred to in paragraph 2(a), the calculation of the annual distribution of resources shall not take into account temporary external borders. However, it shall take into account the temporary external borders between a Member State which acceded to the European Union by 1 May 2004 and a Member State which acceded after 1 May 2004.

10. The reference figures for the work-load referred to in paragraph 7 shall be the latest statistics produced by the Commission (Eurostat) on the basis of data provided by Member States in accordance with Community law.

Where Member States have not supplied the Commission (Eurostat) with the statistics concerned, they shall provide provisional data as soon as possible.

Before accepting these data as reference figures, the Commission (Eurostat) shall evaluate the quality, comparability and completeness of the statistical information in accordance with normal operational procedures. At the request of the Commission (Eurostat), Member States shall provide it with all the necessary information to do so.

11. Where the reference figures are not available as statistics produced by the Commission (Eurostat) in accordance with Community law, Member States shall provide provisional data to the Commission by 1 November of each year for the estimate of the amount to be allocated to them for the following year in accordance with Article 23(2).

⁽¹⁾ OJ L 161, 30.4.2004, p. 128. Corrected version in OJ L 206, 9.6.2004, p. 51. Regulation as last amended by Commission Regulation (EC) No 1283/2005 (OJ L 203, 4.8.2005, p. 8).

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Before the Commission accepts these data as reference figures, the Commission (Eurostat) may evaluate the quality, comparability and completeness of the statistical information in accordance with normal operational procedures. At the request of the Commission (Eurostat), Member States shall provide it with all the necessary information to do so.

12. The allocation of resources referred to in paragraph 1 shall not include the resources allocated for the purpose of Articles 6 and 19. The resources allocated for the purpose of Article 6 shall not exceed 108 million *euro* for the period 2007 to 2013.

Article 15

Risk Analysis carried out by the Agency for the purpose of the annual distribution of resources

1. For the determination of the weighting, as referred to in Article 14(8), the Agency shall provide the Commission, by 1 April of each year, with a specific report describing the difficulty in carrying out border surveillance and the situation at the external borders of the Member States, paying special attention to the particular proximity of the Member States to high risk areas of illegal immigration for the previous year taking also into account the number of persons having entered those Member States illegally and the size of those Member States.

2. The report shall, in accordance with the Common Integrated Risk Analysis Model referred to in Article 4 of Regulation (EC) No 2007/2004, analyse the threats that affected security at external borders of the Member States in the previous year, taking into account the political, economic and social developments in the third countries concerned, in particular in neighbouring third countries, and shall set out possible future trends on migratory flows and unlawful activities at the external borders.

This risk analysis shall be based primarily on the following information gathered by the Agency, provided by Member States or obtained from the Commission (Eurostat):

- (a) the number of third-country nationals refused entry at the external border;
- (b) the number of third-country nationals apprehended when crossing or attempting to cross the external border illegally;
- (c) the number of facilitators intercepted who have intentionally assisted the unauthorised entry of third-country nationals;
- (d) the number of forged or false travel documents and the number of travel documents and visas issued on false grounds which have been detected at border crossing points in accordance with the Schengen Borders Code.

Where the reference figures have not been provided as statistics produced by the Commission (Eurostat) but by Member States, the Agency may request from those Member States the necessary information to evaluate the quality, comparability and completeness of the statistical information. The Agency may request the help of the Commission (Eurostat) in such an evaluation.

3. Finally the report shall, in accordance with paragraphs 1 and 2, identify the current levels of threat at the external borders of each of the Member States and determine the following specific weighting-factors for each section of the external border of that particular Member State:

- (a) external land border:
 - (i) factor 1 for normal threat
 - (ii) factor 1,5 for medium threat
 - (iii) factor 3 for high threat;
- (b) external maritime border:
 - (i) factor 0 for minimum threat
 - (ii) factor 1 for normal threat
 - (iii) factor 3 for medium threat
 - (iv) factor 8 for high threat.

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*Article 16***Financing structure**

1. Financial contributions under the Fund shall take the form of grants.
2. Actions supported by the Fund shall be co-financed by public or private sources, shall be of a non-profit nature and shall not be eligible for funding from other sources covered by the general budget of the European Union.
3. Fund appropriations shall be complementary to public or equivalent expenditure allocated by Member States to the measures covered by this Decision.
4. The Community contribution to supported projects, as regards actions implemented in the Member States under Article 4 shall not exceed 50 % of the total cost of a specific action.

This may be increased to 75 % for projects addressing specific priorities identified in the strategic guidelines referred to in Article 20.

The Community contribution shall be increased to 75 % in the Member States covered by the Cohesion Fund.

5. Within the framework of the implementation of national programming as set out in Chapter IV, Member States shall select projects for financing on the basis of the following minimum criteria:

- (a) the situation and requirements in the Member State concerned;
 - (b) the cost-effectiveness of the expenditure, inter alia in view of the number of persons concerned by the project;
 - (c) the experience, expertise, reliability and financial contribution of the organisation applying for funding and any partner organisation;
 - (d) the extent to which the project complements other actions funded by the general budget of the European Union or as part of national programmes.
6. As a general rule, Community financial aid for actions supported by the Fund shall be granted for a period of no more than three years, subject to periodic progress reports.

*Article 17***Technical assistance at the initiative of the Commission**

1. At the initiative of and/or on behalf of the Commission, subject to a ceiling of 500 000 *euro* of the Fund's annual allocation, the Fund may finance preparatory measures, monitoring, administrative and technical support measures, as well as evaluation, audit and inspection measures necessary for implementing this Decision.

2. Those measures shall include:

- (a) studies, evaluations, expert reports and statistics, including those of a general nature concerning the operation of the Fund;
- (b) information measures for the Member States, the final beneficiaries and the general public, including awareness-raising campaigns and a common database of projects financed under the Fund;
- (c) the installation, operation and interconnection of computerised systems for management, monitoring, inspection and evaluation;
- (d) the design of a common framework for evaluation and monitoring as well as a systems of indicators, taking into account, where appropriate, national indicators;
- (e) improvements in evaluation methods and the exchange of information on practices in this field;

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- (f) information and training measures for the authorities designated by Member States in accordance with Article 27, complementary to the efforts of the Member States to provide guidance to their authorities in accordance with Article 33(2).

Article 18

Technical assistance at the initiative of Member States

1. At the initiative of a Member State for each annual programme, the Fund may finance preparatory measures, management, monitoring, evaluation, information and control measures, as well as measures for the reinforcement of the administrative capacity for the implementation of the Fund.
2. The amount set aside for technical assistance under each annual programme may not exceed:
 - (a) for the period 2007 to 2010, 7 % of the total annual amount of co-financing allocated to that Member State plus 30 000 *euro* and
 - b) for the period 2011 to 2013, 4 % of the total annual amount of co-financing allocated to that Member State plus 30 000 *euro*.

Article 19

Specific actions

1. The Commission shall establish each year a list of specific actions to be implemented by the Member States, where appropriate, in cooperation with the Agency, which contribute to the development of the European common-integrated-border management system by addressing weaknesses at strategic border points identified in the risk analysis referred to in Article 15.
2. The annual work programme referred to in Article 7(3), shall set out a framework for the financing of these actions, including objectives and evaluation criteria.
3. The list of selected actions shall be adopted according to the procedure referred to in Article 56(2).
4. Financial assistance from the Fund for specific actions shall be limited to a period of six months and shall not exceed 80 % of the cost of each action.
5. The available annual resources for these actions shall not exceed 10 million *euro*. The resources remaining available after the selection referred to in paragraph 3 may be used to finance actions as defined in Article 7.

CHAPTER IV

PROGRAMMING

Article 20

Adoption of strategic guidelines

1. The Commission shall adopt strategic guidelines setting out a framework for the intervention of the Fund, taking into account progress in the development and implementation of Community legislation in the area of external borders and visa policy as well as the indicative distribution of the financial resources of the Fund for the period of the multiannual programme.
2. For the general objectives referred to in Article 3(1)(a), (b) and (c), those guidelines shall, in particular, give effect to the priorities of the Community with a view to the further gradual establishment of the European common-integrated-border management system for external borders and the strengthening of controls at and surveillance of the external borders of the Union.
3. For the general objective referred to in Article 3(1)(d), those guidelines shall, in particular, give effect to the priorities of the Community with a view to the further development of the common visa policy as part of a multi-layered system aimed at facilitating legitimate travel and tackling illegal immigration through the enhancement of handling practices at local consular missions.

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4. The Commission shall adopt the strategic guidelines relating to the multiannual programming period by 31 July 2007 at the latest.

5. The strategic guidelines shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 56(3). The strategic guidelines, once adopted, shall be annexed this Decision.

Article 21

Preparation and approval of national multiannual programmes

1. Each Member State shall propose, on the basis of the strategic guidelines referred to in Article 20, a draft multiannual programme which shall consist of the following elements:

- (a) a description of the current situation in that Member State as regards the infrastructure, equipment, means of transport, ICT systems and arrangements for the training and education of staff at the service of the border authorities and of the consular authorities;
- (b) an analysis of requirements in the Member State in question as regards infrastructure, equipment, means of transport, ICT systems and arrangements for the training and education of staff at the service of the border authorities and of the consular authorities and an indication of the operational objectives designed to meet those requirements during the period covered by the multiannual programme;
- (c) the presentation of an appropriate strategy to achieve those objectives and the priorities attached to their attainment, and a description of the actions envisaged to implement those priorities;
- (d) an indication of whether that strategy is compatible with other regional, national and Community instruments;
- (e) information on the priorities and their specific targets. Those targets shall be quantified using a limited number of indicators, taking into account the proportionality principle. The indicators must make it possible to measure the progress in relation to the baseline situation and the effectiveness of the targets implementing the priorities;
- (f) a description of the approach chosen for the implementation of the partnership principle laid down in Article 12;
- (g) a draft financing plan which sets out, for each priority and each annual programme, the Fund's proposed financial contribution and the overall amount of public or private co-financing;
- (h) the provisions laid down to ensure that the multiannual programme is made public.

2. Member States shall submit their draft multiannual programme to the Commission no later than four months after the Commission has provided the strategic guidelines.

3. In order to approve the draft multiannual programme, the Commission shall examine:

- (a) the draft multiannual programme's consistency with the objectives of the Fund and the strategic guidelines referred to in Article 20;
- (b) the relevance of the actions envisaged in the draft multiannual programme in the light of the strategy which is proposed;
- (c) the compliance of the management and control arrangements set up by the Member State for the implementation of the Fund's interventions with the provisions of this Decision;
- (d) the draft multiannual programme's compliance with Community law and, in particular, with Community law aiming at ensuring the free movement of persons in conjunction with the directly related accompanying measures with respect to external border controls, asylum and immigration.

4. Where the Commission considers that a draft multiannual programme is inconsistent with the strategic guidelines and/or does not comply with the provisions of this Decision setting out management and control systems or with Community law, it shall invite the Member State concerned to provide all necessary additional information and, where appropriate, to revise the draft multiannual programme accordingly.

5. The Commission shall approve each multiannual programme within three months of its formal submission, in accordance with the procedure referred to in Article 56(2).

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Article 22

Revision of multiannual programmes

1. At the initiative of the Member State in question or the Commission, the multiannual programme shall be re-examined and, if necessary, revised for the rest of the programming period in order to take greater or different account of Community priorities. Multiannual programmes may be re-examined in the light of evaluations and/or following implementation difficulties.
2. The Commission shall adopt a decision approving the revision of the multiannual programme as soon as possible after the formal submission of a request to that effect by the Member State concerned. The revision of the multiannual programme shall be carried out in accordance with the procedure referred to in Article 56(2).

Article 23

Annual programmes

1. The multiannual programmes approved by the Commission shall be implemented by means of annual programmes.
2. The Commission shall provide the Member States, by 1 July of each year, with an estimate of the amounts to be allocated to them for the following year from the total appropriations allocated under the annual budgetary procedure, calculated as provided for by Article 14.
3. Member States shall submit to the Commission, by 1 November of each year, a draft annual programme for the following year, established in accordance with the multiannual programme and consisting of the following elements:
 - (a) the general rules for selection of projects to be financed under the annual programme;
 - (b) a description of the actions to be supported under the annual programme;
 - (c) the proposed financial breakdown of the Fund's contribution between the programme's various actions and an indication of the amount requested to cover technical assistance under Article 18 for the purpose of implementing the annual programme.
4. When examining the draft annual programme of a Member State, the Commission shall take account of the final amount of the appropriations allocated to the Fund under the budgetary procedure.

Within one month of the formal submission of the draft annual programme, the Commission shall inform the Member State concerned whether it can be approved. If the draft annual programme is inconsistent with the multiannual programme, the Commission shall invite that Member State to provide all necessary information and, where appropriate, to revise the draft annual programme accordingly.

The Commission shall adopt the financing decision approving the annual programme by 1 March of the year in question. The decision shall indicate the amount allocated to the Member State concerned and the period for which the expenditure is eligible.

5. To take into account duly substantiated emergency situations which were not foreseen at the time of the approval of the annual programme and which require urgent action, a Member State may revise up to 10 % of the financial breakdown of the contribution from the Fund between the various actions listed in the annual programme or allocate up to 10 % of the breakdown to other actions in accordance with this Decision. The Member State concerned shall inform the Commission of the revised annual programme.

Article 24

Mid-term review of the multiannual programme

1. The Commission shall review the strategic guidelines and, where necessary, adopt, by 31 March 2010, revised strategic guidelines for the period 2011 to 2013.
2. If such revised strategic guidelines are adopted, each Member State shall re-examine its multiannual programme and, where appropriate, revise it.

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3. The rules laid down in Article 21 on the preparation and approval of national multiannual programmes shall apply *mutatis mutandis* to the preparation and approval of these revised multiannual programmes.

4. The revised strategic guidelines shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 56(3).

CHAPTER V

MANAGEMENT AND CONTROL SYSTEMS

Article 25

Implementation

The Commission shall be responsible for implementing this Decision and shall adopt such implementing rules as may be necessary.

Article 26

General principles of management and control systems

The management and control systems of multiannual programmes set up by Member States shall provide for:

- (a) the definition of the functions of the bodies concerned in management and control and the allocation of functions within each body;
- (b) respect for the principle of separation of functions between and within such bodies;
- (c) adequate resources for each body to carry out the functions which have been allocated to it throughout the period of implementation of actions cofinanced by the Fund;
- (d) procedures for ensuring the correctness and regularity of the expenditure declared under the annual programmes;
- (e) reliable accounting, monitoring and financial reporting systems in computerised form;
- (f) a system of reporting and monitoring where the responsible body entrusts the performance of tasks to another body;
- (g) manuals of procedures in relation to the functions to be performed;
- (h) arrangements for auditing the functioning of the system;
- (i) systems and procedures to ensure an adequate audit trail;
- (j) procedures for reporting and monitoring irregularities and for the recovery of amounts unduly paid.

Article 27

Designation of authorities

1. For the implementation of its multiannual programme and annual programmes the Member State shall designate the following:

- (a) a responsible authority: a functional body of the Member State, national public authority or body designated by the Member State or a body which is governed by the private law of the Member State and which has a public service mission, which shall be responsible for the management of the multiannual programme and annual programmes supported by the Fund and shall handle all communication with the Commission;
- (b) a certifying authority: a national public authority or body, or individual acting as such a body or authority, designated by the Member State to certify declarations of expenditure before they are sent to the Commission;

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- (c) an audit authority: a national public authority or body, provided that it is functionally independent of the responsible authority and the certifying authority, designated by the Member State and responsible for verifying the effective functioning of the management and control system;
 - (d) where appropriate, a delegated authority.
2. The Member State shall lay down rules governing its relations with the authorities referred to in paragraph 1 and their relations with the Commission.
 3. Subject to Article 26(b), some or all of the authorities referred to in paragraph 1 of this Article may be located within the same body.
 4. The rules for implementing Articles 28 to 32 shall be adopted by the Commission in accordance with the procedure referred to in Article 56(2).

Article 28

Responsible authority

1. The responsible authority shall meet the following minimum conditions. It shall:
 - (a) have legal personality, except where it is a functional body of the Member State;
 - (b) have the infrastructure required for easy communication with a wide range of users and with the responsible bodies in the other Member States and the Commission;
 - (c) work in an administrative context allowing it to carry out its tasks correctly and avoiding any conflict of interest;
 - (d) be in a position to apply Community fund management rules;
 - (e) have financial and management capacities proportionate to the volume of Community funds which it will be called upon to manage;
 - (f) have at its disposal personnel with appropriate professional qualifications for administrative work in an international environment.
2. The Member State shall provide the responsible authority with adequate funding so that it can continue to carry out its tasks properly throughout the period 2007 to 2013.
3. The Commission may assist the Member States in the training of staff, in particular as regards the correct application of Chapters V to IX.

Article 29

Tasks of the responsible authority

1. The responsible authority shall be responsible for managing and implementing the multiannual programme in accordance with the principle of sound financial management.

It shall in particular:

 - (a) consult partners in accordance with Article 12;
 - (b) submit to the Commission proposals for multiannual and annual programmes to which Articles 21 and 23 refer;
 - (c) organise and advertise calls for tenders and proposals if appropriate;
 - (d) organise the selection of projects for co-financing under the Fund in accordance with the criteria set out in Article 16(5);
 - (e) receive payments made by the Commission, and make payments to the final beneficiaries;
 - (f) ensure consistency and complementarity between co-financing under the Fund and from other relevant national and Community financial instruments;

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- (g) monitor the delivery of the co-financed products and services and check that the expenditure declared for actions has actually been incurred and complies with Community and national rules;
 - (h) ensure that there is a system for recording and storing in computerised form accounting records of each action under the annual programmes and that the data on implementation necessary for financial management, monitoring, control and evaluation are collected;
 - (i) ensure that final beneficiaries and other bodies involved in the implementation of actions cofinanced by the Fund maintain either a separate accounting system or an adequate accounting code for all transactions relating to the action without prejudice to national accounting rules;
 - (j) ensure that the evaluations of the Fund referred to in Article 51 are carried out within the time limits laid down in Article 52(2) and meet the quality standards agreed between the Commission and the Member State;
 - (k) set up procedures to ensure that all documents regarding expenditure and audits required to ensure an adequate audit trail are held in accordance with the requirements referred to in Article 45;
 - (l) ensure that the audit authority receives, for the purposes of carrying out the audits defined in Article 2(1), all necessary information on the management procedures applied and the projects co-financed by the Fund;
 - (m) ensure that the certifying authority receives all necessary information on the procedures and verifications carried out in relation to expenditure for the purpose of certification;
 - (n) draw up and submit to the Commission progress and final reports on the implementation of the annual programmes, declarations of expenditure certified by the certifying authority and requests for payment or, where appropriate, statements of reimbursement;
 - (o) carry out information and advisory activities and disseminate results of supported actions;
 - (p) cooperate with the Commission and the responsible authorities in the other Member States;
 - (q) verify the implementation by the final beneficiaries of the guidelines referred to in Article 35(6).
2. The responsible authority's management activities for projects implemented in the Member States may be financed under the technical assistance arrangements referred to in Article 18.

Article 30

Delegation of tasks by the responsible authority

1. Where all or some of the responsible authority's tasks are delegated to a delegated authority, the responsible authority shall define the scope of the tasks delegated, and set out detailed procedures for the implementation of the delegated tasks, which shall comply with the conditions laid down in Article 28.
2. These procedures shall include supplying the responsible authority with regular information on the effective performance of the delegated tasks and a description of the means employed.

Article 31

Certifying Authority

1. The certifying authority shall:
 - (a) certify that:
 - (i) the declaration of expenditure is accurate, results from reliable accounting systems and is based on verifiable supporting documents;

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- (ii) the expenditure declared complies with applicable Community and national rules and has been incurred in respect of actions selected in accordance with the criteria applicable to the programme and complying with Community and national rules;
 - (b) ensure for the purposes of certification that it has received adequate information from the responsible authority on the procedures and verifications carried out in relation to expenditure included in declarations of expenditure;
 - (c) take account for the purposes of certification of the results of all audits carried out by or under the responsibility of the audit authority;
 - (d) maintain accounting records in computerised form of expenditure declared to the Commission;
 - (e) verify the recovery of any Community financing found to have been unduly paid as a result of irregularities detected, together with interest where appropriate;
 - (f) keep an account of amounts recoverable and amounts recovered under the general budget of the European Union, where possible by deducting them from the next declaration of expenditure.
2. The certifying authority's activities relating to projects implemented in the Member States may be financed under the technical assistance arrangements referred to in Article 18, provided that the prerogatives of this authority as described in Article 27 are respected.

Article 32

Audit Authority

1. The audit authority shall:
 - (a) ensure that audits are carried out to verify the effective functioning of the management and control system;
 - (b) ensure that audits are carried out on actions on the basis of an appropriate sample to verify expenditure declared; the sample shall represent at least 10% of the total eligible expenditure for each annual programme;
 - (c) present to the Commission within six months of the approval of the multiannual programme an audit strategy covering the bodies which will perform the audits referred to under points (a) and (b), ensuring that the main beneficiaries of cofinancing by the Fund are audited and that audits are spread evenly throughout the programming period.
2. Where the designated audit authority under this Decision is also the designated audit authority under Decisions No .../2007/EC, No .../2007/EC and No .../2007/EC (*), or where common systems apply to two or more of these Funds, a single combined audit strategy may be submitted under paragraph 1(c).
3. For each annual programme, the audit authority shall draft a report which shall comprise:
 - (a) an annual audit report setting out the findings of the audits carried out in accordance with the audit strategy in respect of the annual programme and reporting any shortcomings found in the systems for the management and control of the programme;
 - (b) an opinion, on the basis of the controls and audits that have been carried out under the responsibility of the audit authority, as to whether the functioning of the management and control system provides reasonable assurance that declarations of expenditure presented to the Commission are correct and that the underlying transactions are legal and regular;
 - (c) a declaration assessing the validity of the request for payment or statement of reimbursement of the final balance and the legality and regularity of the expenditure concerned.
4. The audit authority shall ensure that the audit work takes account of internationally accepted audit standards.

(*) OJ: please insert the numbers of the 3 Decisions referred to in recital 18.

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5. The audit relating to projects implemented in the Member States may be financed under the technical assistance arrangements referred to in Article 18 provided that the prerogatives of the audit authority as described in Article 27 are respected.

CHAPTER VI

RESPONSIBILITIES AND CONTROLS

Article 33

Responsibilities of the Member States

1. Member States shall be responsible for ensuring sound financial management of multiannual and annual programmes and the legality and regularity of underlying transactions.
2. Member States shall ensure that responsible authorities and any delegated authority, certifying authorities, audit authorities and any other bodies concerned receive adequate guidance on setting up the management and control systems referred to in Articles 26 to 32 to ensure that Community financing is used efficiently and correctly.
3. Member States shall prevent, detect and correct irregularities. They shall notify these to the Commission, and keep the Commission informed of the progress in the administrative and legal proceedings.

When amounts unduly paid to a final beneficiary cannot be recovered, the Member State concerned shall be responsible for reimbursing the amounts lost to the general budget of the European Union when it is established that the loss has been incurred as a result of its fault or negligence.

4. Member States shall be primarily responsible for the financial control of actions and shall ensure that management and control systems and audits are implemented in such a way as to guarantee that Community funds are used properly and effectively. They shall provide the Commission with a description of these systems.
5. The detailed rules for implementing paragraphs 1 to 4 shall be adopted in accordance with the procedure referred to in Article 56(2).

Article 34

Management and control systems

1. Before the Commission approves the multiannual programme, in accordance with the procedure referred to in Article 56(2) the Member States shall ensure that management and control systems have been set up in accordance with Articles 26 to 32. They shall be responsible for ensuring that the systems function effectively throughout the programming period.
2. Member States shall submit to the Commission, together with their draft multiannual programme, a description of the organisation and procedures of the responsible authorities, delegated authorities and certifying authorities, and the internal audit systems operating in those authorities and bodies, the audit authority, and any other bodies carrying out audits under its responsibility.
3. The Commission shall review the application of this provision in the context of the preparation of the report for the period 2007 to 2010 referred to in Article 52(3).

Article 35

Responsibilities of the Commission

1. The Commission shall satisfy itself in accordance with the procedure laid down in Article 34 that the Member States have set up management and control systems that comply with Articles 26 to 32, and on the basis of the annual audit reports and its own audits, that the systems function effectively during the programming period.

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2. Without prejudice to audits carried out by Member States, Commission officials or authorised Commission representatives may carry out on-the-spot checks to verify the effective functioning of the management and control systems, which may include audits of actions included in the annual programmes, with a minimum of three working days' notice. Officials or authorised representatives of the Member State concerned may take part in such audits.

3. The Commission may require a Member State to carry out on-the-spot checks to verify the correct functioning of the systems or the correctness of one or more transactions. Commission officials or authorised Commission representatives may take part in such checks.

4. The Commission shall, in cooperation with the Member States, ensure that appropriate information, publicity and follow-up are provided for actions supported by the Fund.

5. The Commission shall, in cooperation with the Member States, ensure that actions are consistent with, and complementary to, other relevant Community policies, instruments and initiatives.

6. The Commission shall lay down guidelines to ensure the visibility of the funding granted under this Decision.

Article 36

Cooperation with the audit authorities of the Member States

1. The Commission shall cooperate with the audit authorities to coordinate their respective audit plans and methods and shall immediately exchange the results of audits carried out of management and control systems in order to make the best possible use of control resources and to avoid unjustified duplication of work.

The Commission shall provide its comments on the audit strategy presented under Article 32 within not more than three months of its receipt.

2. In determining its own audit strategy, the Commission shall identify those annual programmes which it considers satisfactory on the basis of its existing knowledge of the management and control systems.

For those programmes, the Commission may conclude that it can rely principally on the audit evidence provided by the Member States and that it will carry out its own on the spot checks only if there is evidence to suggest shortcomings in the systems.

CHAPTER VII

FINANCIAL MANAGEMENT

Article 37

Eligibility — Declarations of expenditure

1. All declarations of expenditure shall include the amount of expenditure incurred by final beneficiaries in implementing the actions and the corresponding contribution from public or private funds.

2. Expenditure shall correspond to the payments effected by the final beneficiaries. It shall be justified by receipted invoices or accounting documents of equivalent evidential value.

3. Expenditure may be considered eligible for support from the Fund only if it is actually paid no earlier than 1 January of the year referred to in the financing decision approving the annual programme referred to in the third subparagraph of Article 23(4). The co-financed actions must not have been completed before the starting date for eligibility.

By way of exception, the period for which expenditure is eligible shall be fixed at three years for the expenditure implementing the actions supported under the 2007 annual programmes.

4. The rules governing eligibility of expenditure within the framework of implemented actions co-financed by the Fund in the Member States under Article 4 shall be adopted in accordance with the procedure referred to in Article 56(2).

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*Article 38***Completeness of payment to final beneficiaries**

Member States shall satisfy themselves that the responsible authority ensures that the final beneficiaries receive the total amount of the contribution from public funds as quickly as possible. No amounts shall be deducted or withheld, nor shall any further specific charge or other charge with equivalent effect be levied that would reduce these amounts for the final beneficiaries, provided that the final beneficiaries meet all the requirements regarding the eligibility of actions and expenses.

*Article 39***Use of the euro**

1. Amounts set out in the draft multiannual and annual programmes of the Member States referred to in Articles 21 and 23 respectively, certified declarations of expenditure, requests for payments referred to in Article 29(1)(n), expenditure mentioned in the progress report on the implementation of the annual programme referred to in Article 41(4) and the final report on the implementation of the annual programme referred to in Article 53 shall be denominated in euros.
2. Commission financing decisions approving the annual programmes of Member States referred to in the third subparagraph of Article 23(4), Commission commitments and Commission payments shall be denominated and carried out in euros.
3. Member States which have not adopted the euro as their currency on the date of the request for payment shall convert into euros the amounts of expenditure incurred in national currency. This amount shall be converted into euros using the monthly accounting exchange rate of the Commission for the month during which the expenditure was entered in the accounts of the responsible authority of the programme concerned. This rate shall be published electronically by the Commission each month.
4. When the euro becomes the currency of a Member State, the conversion procedure set out in paragraph 3 shall continue to apply to all expenditure recorded in the accounts by the certifying authority before the date of entry into force of the fixed conversion rate between the national currency and the euro.

*Article 40***Commitments**

Community budgetary commitments shall be made annually on the basis of the Commission financing decision approving the annual programme referred to in the third subparagraph of Article 23(4).

*Article 41***Payments — Prefinancing**

1. Payments by the Commission of the contribution from the Fund shall be made in accordance with the budget commitments.
2. Payments shall take the form of pre-financing and payment of the balance. They shall be made to the responsible authority designated by the Member State.
3. A first pre-financing payment representing 50 % of the amount allocated in the financing decision approving the annual programme shall be made to the Member State within sixty days following the adoption of that decision.
4. A second pre-financing payment shall be made no more than three months after the Commission has approved, within two months of the formal submission of a request for payment by a Member State, a progress report on the implementation of the annual programme and a certified declaration of expenditure drawn up in accordance with Article 31(1)(a), and Article 37 accounting for at least 60 % of the amount of the initial payment.

The amount of the second pre-financing payment made by the Commission shall not exceed 50 % of the total amount allocated by the financing decision approving the annual programme and, in any event, where a Member State has committed nationally an amount less than the amount indicated in the financing decision approving the annual programme, the balance of the amount of Community funds actually committed by the Member State for selected projects under the annual programme minus the first pre-financing payment.

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5. Any interest generated by pre-financing payments shall be posted to the annual programme concerned, being regarded as a resource for the Member State as national public contribution and shall be declared to the Commission at the time of the declaration of expenditure relating to the final report on the implementation of the annual programme concerned.

6. The amounts paid as pre-financing shall be cleared from the accounts when the annual programme is closed.

Article 42

Payment of balance

1. The Commission shall pay the balance provided it has received the following documents no later than nine months after the eligibility deadline for expenditure laid down in the financing decision approving the annual programme:

- (a) a certified declaration of expenditure, duly drawn up in accordance with Article 31(1)(a) and Article 37, and a request for payment of the balance or statement of reimbursement;
- (b) the final report on the implementation of the annual programme as set out in Article 53;
- (c) the annual audit report, opinion and declaration provided for in Article 32(3).

The payment of the balance shall be subject to the acceptance of the final report on the implementation of the annual programme and of the declaration assessing the validity of the request for payment of the balance.

2. If the responsible authority fails to provide the documents required in paragraph 1 by the due date and in an acceptable format, the Commission shall decommit any part of the budget commitment of the corresponding annual programme that has not been used for payment of the pre-financing.

3. The automatic cancellation procedure defined in paragraph 2 shall be suspended, for the amount of the projects concerned, where legal proceedings or administrative appeals having suspensive effects are under way at Member State level when the documents defined in paragraph 1 are submitted. The Member State shall, in the final report submitted, give detailed information on such projects, and send reports on progress made with regard to these projects every six months. Within three months of the conclusion of the legal proceedings or administrative appeal procedure, the Member State shall present the documents required in paragraph 1 for the projects concerned.

4. The nine-month period referred to in paragraph 1 shall cease to run if the Commission adopts a decision suspending payments of the co-financing for the relevant annual programme in accordance with Article 44. The period shall start to run again from the date when the Commission decision referred to in Article 44(3) has been notified to the Member State.

5. Without prejudice to Article 43, the Commission shall, within six months of receiving the documents referred to in paragraph 1 of this Article, inform the Member State of the amount of expenditure recognised by the Commission as chargeable to the Fund, and of any financial corrections deriving from the difference between declared expenditure and the expenditure recognised. The Member State shall have three months to present its comments.

6. Within three months of receiving the Member State's comments, the Commission shall decide on the amount of expenditure recognised as chargeable to the Fund, and recover the balance arising from the difference between final recognised expenditure and the sums already paid to that Member State.

7. Subject to available funding, the Commission shall pay the balance within no more than sixty days from the date on which it accepts the documents referred to in paragraph 1. The balance of the budgetary commitment shall be decommitted within six months following the payment.

Article 43

Withholding of payments

1. The payment shall be withheld by the authorising officer by delegation within the meaning of the Financial Regulation for a maximum period of six months if:

- (a) in a report of a national or Community audit body there is evidence to suggest a significant deficiency in the functioning of the management and control systems;

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- (b) that officer has to carry out additional verifications following information coming to his notice which alerted him that expenditure in a certified declaration of expenditure is linked to a serious irregularity which has not been corrected.
2. The Member State and the responsible authority shall be informed immediately of the reasons for the payment being withheld. The payment shall be withheld until the necessary measures are taken by the Member State.

Article 44

Suspension of payments

1. All or part of the pre-financing and payments of the balance may be suspended by the Commission when:
- (a) there is a serious deficiency in the management and control system of the programme which affects the reliability of the procedure for certification of payments and for which corrective measures have not been taken; or
 - (b) expenditure in a certified declaration of expenditure is linked to a serious irregularity which has not been corrected; or
 - (c) a Member State has not complied with its obligations under Articles 33 and 34.
2. The Commission may decide to suspend pre-financing and payments of the balance after having given the Member State the opportunity to present its observations within a period of three months.
3. The Commission shall end suspension of pre-financing and payments of the balance when it considers that the Member State has taken the necessary measures to enable the suspension to be lifted.
4. If the necessary measures are not taken by the Member State, the Commission may adopt a decision to cancel all or part of the net amount or cancel the Community contribution to the annual programme in accordance with Article 48.

Article 45

Conservation of documents

Without prejudice to the rules governing State aid under Article 87 of the Treaty, the responsible authority shall ensure that all the supporting documents regarding expenditure and audits on the programmes concerned are kept available for the Commission and the Court of Auditors for a period of five years following the closure of the programmes in accordance with Article 42(1).

This period shall be interrupted either in the case of legal proceedings or at the duly substantiated request of the Commission.

The documents shall be kept either in the form of the originals or in versions certified to be in conformity with the originals on commonly accepted data carriers.

CHAPTER VIII

FINANCIAL CORRECTIONS

Article 46

Financial corrections by Member States

1. Member States shall, in the first instance, bear the responsibility for investigating irregularities, acting upon evidence of any major change affecting the nature or the conditions for the implementation or control of programmes and making the required financial corrections.
2. Member States shall make the financial corrections required in connection with the individual or systemic irregularities detected in actions or annual programmes.

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Corrections made by Member States shall consist in cancelling, and if applicable, recovering all or part of the Community contribution. Where the amount is not repaid in the time allowed by the relevant Member State, default interest shall be due at the rate provided for in Article 49(2). Member States shall take into account the nature and gravity of the irregularities and the financial loss to the Fund.

3. In the event of systemic irregularities the relevant Member State shall extend its enquiries to cover all operations liable to be affected.

4. Member States shall include in the final report on the implementation of the annual programme referred to in Article 53 a list of cancellation procedures initiated for the annual programme concerned.

Article 47

Audit of accounts and financial corrections by the Commission

1. Without prejudice to the powers of the Court of Auditors or the checks carried out by the Member States in accordance with national laws, regulations and administrative provisions, Commission officials or authorised Commission representatives may carry out on-the-spot checks, including sample checks, on the actions financed by the Fund and on management and control systems with a minimum of three working days' notice. The Commission shall give notice to the Member State concerned with a view to obtaining all the assistance necessary. Officials or authorised representatives of the Member State concerned may take part in such checks.

The Commission may require the Member State concerned to carry out an on-the-spot check to verify the accuracy of one or more transactions. Commission officials or authorised Commission representatives may take part in such checks.

2. If, after completing the necessary verifications, the Commission concludes that a Member State is not complying with its obligations under Article 33, it shall suspend the pre-financing or payment of the balance in accordance with Article 44.

Article 48

Criteria for the corrections

1. The Commission may make financial corrections by cancelling all or part of the Community contribution to an annual programme where, after carrying out the necessary examination, it concludes that:

- (a) there is a serious deficiency in the management and control system of the programme which has put at risk the Community contribution already paid to the programme;
- (b) expenditure contained in a certified declaration of expenditure is irregular and has not been corrected by the Member State prior to the opening of the correction procedure under this paragraph;
- (c) a Member State has not complied with its obligations under Article 33 prior to the opening of the correction procedure under this paragraph.

The Commission shall decide after having taken into account any comments made by the Member State.

2. The Commission shall base its financial corrections on individual cases of irregularity identified, taking account of the systemic nature of the irregularity to determine whether a flat-rate or extrapolated correction should be applied. Where the irregularity relates to a declaration of expenditure for which a reasonable assurance had previously been given by the audit authority in accordance with Article 32(3)(b), there will be a presumption of a systemic problem giving rise to the application of a flat-rate or extrapolated correction, unless the Member State can provide proof within three months to rebut this presumption.

3. The Commission shall, when deciding the amount of a correction, take account of the importance of the irregularity and the extent and financial implications of the deficiencies found in the annual programme concerned.

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4. Where the Commission bases its position on the facts established by auditors other than those of its own services, it shall draw its own conclusions regarding the financial consequences, after examining the measures taken by the Member State concerned under Article 34, the reports of notified irregularities and any replies from the Member State.

Article 49

Repayment

1. Any repayment due to be made to the general budget of the European Union shall be effected before the due date indicated in the order for recovery drawn up in accordance with Article 72 of the Financial Regulation. This due date shall be the last day of the second month following the issuing of the order.

2. Any delay in effecting repayment shall give rise to interest on account of late payment, starting on the due date and ending on the date of actual payment. The rate of such interest shall be the rate applied by the European Central Bank to its principal refinancing operations, as published in the C series of the *Official Journal of the European Union*, in force on the first calendar day of the month in which the due date falls, increased by three and a half percentage points.

Article 50

Obligations of Member States

A financial correction by the Commission shall not prejudice the Member State's obligation to pursue recoveries under Article 46.

CHAPTER IX

MONITORING, EVALUATION AND REPORTS

Article 51

Monitoring and evaluation

1. The Commission shall carry out regular monitoring of the Fund in cooperation with the Member States.

2. The Fund shall be evaluated by the Commission in partnership with the Member States to assess the relevance, effectiveness and impact of actions in the light of the objectives referred to in Article 3 in the context of the preparation for the reports set out in Article 52(3).

3. The Commission shall also consider the complementarity between the actions implemented under the Fund and those pursued under other relevant Community policies, instruments and initiatives.

4. As a part of the report for the period 2007 to 2010 referred to in Article 52(3)(c), the Commission shall assess the impact of the Fund on the development of the policy and legislation on external border control, assess the synergies between the Fund and the tasks of the Agency as well as the appropriateness of the criteria established to allocate the funds between the Member States in light of the objectives pursued by the European Union in this area.

Article 52

Reporting obligations

1. In each Member State the responsible authority shall take the necessary measures to ensure project monitoring and evaluation.

To that end, the agreements and contracts it concludes with the organisations responsible for the implementation of the actions shall include clauses laying down an obligation to submit regular and detailed reports on the progress of implementation and completion of the assigned objectives, which shall be the basis for, respectively, the progress and final reports on the implementation of the annual programme.

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2. The Member States shall submit to the Commission:
 - (a) by 30 June 2010, an evaluation report on the implementation of actions co-financed by the Fund;
 - (b) by 30 June 2012 for the period 2007 to 2010 and by 30 June 2015 for the period 2011 to 2013 respectively, an evaluation report on the results and impact of actions co-financed by the Fund.
3. The Commission shall submit to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions:
 - (a) by 30 June 2010, a report to review Articles 14 and 15, together with proposals for amendments if deemed necessary;
 - (b) by 31 December 2010, an intermediate report on the results achieved and on qualitative and quantitative aspects of implementation of the Fund, together with a proposal on the Fund's future development;
 - (c) by 31 December 2012 for the period 2007 to 2010 and 31 December 2015 for the period 2011 to 2013 respectively, an ex-post evaluation report.

Article 53

Final report on the implementation of the annual programme

1. The final report on the implementation of the annual programme shall include the following information in order to obtain a clear view of the implementation of the programme:
 - (a) the financial and operational implementation of the annual programme;
 - (b) the progress made in implementing the multiannual programme and its priorities in relation to its specific, verifiable targets, with a quantification, wherever and whenever they lend themselves to quantification, of the indicators;
 - (c) the steps taken by the responsible authority to ensure the quality and effectiveness of implementation, in particular:
 - (i) monitoring and evaluation measures, including data collection arrangements;
 - (ii) a summary of any significant problems encountered in implementing the operational programme and any measures taken;
 - (iii) the use made of technical assistance;
 - (d) the measures taken to provide information on and make public the annual and multiannual programmes.
2. The report shall be judged acceptable where it contains all the information listed in paragraph 1. The Commission shall reach a decision on the content of the report submitted by the responsible authority within two months of having received all the information referred to in paragraph 1, which shall be acknowledged to the Member States. If the Commission does not respond within the time limit laid down, the report shall be deemed to be accepted.
3. The Commission shall communicate to the Agency the approved final reports on the implementation of the annual programme.

CHAPTER X

TRANSITIONAL PROVISIONS

Article 54

Preparation of the multiannual programme

1. By way of derogation from Article 20, Member States shall:
 - (a) as soon as possible after ... (*) but no later than ... (**), designate the national responsible authority referred to in Article 27(1)(a), as well as, where appropriate, the delegated authority;

(*) Date of entry into force of this Decision.

(**) 15 days after entry into force of this Decision.

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- (b) by 30 September 2007, submit a description of the management and control systems referred to in Article 34(2).
2. By 1 July 2007, the Commission shall provide Member States with:
- (a) an estimate of the amounts allocated to them for the financial year 2007;
- (b) estimates of the amounts to be allocated to them for the financial years 2008 to 2013, on the basis of an extrapolation of the calculation for the estimate for the financial year 2007, bearing in mind the proposed annual appropriations for the years 2007 to 2013 as set out in the Financial Framework.

*Article 55***The preparation of the 2007 and 2008 annual programmes**

1. By way of derogation from Article 23, the following time table shall apply for implementation in the financial year 2007 and 2008:
- (a) by 1 July 2007, the Commission shall provide Member States with an estimate of the amounts allocated to them for the financial year 2007;
- (b) by 1 December 2007, Member States shall present the draft annual programme for 2007 to the Commission;
- (c) by 1 March 2008, Member States shall present the draft annual programme for 2008 to the Commission.
2. As concerns the 2007 annual programme, expenditure actually disbursed between 1 January 2007 and the date on which the financing decision approving the annual programme of the Member State concerned is adopted may qualify for support from the Fund.
3. To allow for the adoption in 2008 of financing decisions approving the annual programme for 2007, the Commission shall make the Community budgetary commitment for 2007 on the basis of the estimate of the amount to be allocated to the Member States, calculated as provided by Articles 14 and 15.

CHAPTER XI

FINAL PROVISIONS*Article 56***Committee**

1. The Commission shall be assisted by the common Committee 'Solidarity and Management of Migration Flows', established by this Decision.
2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
3. Where reference is made to this paragraph, Article 5a(1) to (4) and 5(b) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The time-limits laid down in Article 5a(3)(c), (4)(b) and (4)(e) of Decision 1999/468/EC shall be set at six weeks.

*Article 57***Review**

The European Parliament and the Council shall review this Decision on the basis of a proposal from the Commission by 30 June 2013.

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Article 58

Entry into force and application

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

This Decision shall apply from ... (*), with the exception of Articles 14, 15, 20, 21, 23, 27, Article 33(2), Article 33(5), Article 34, Article 37(4) and Article 56 which shall apply from 1 January 2007.

Article 59

Addressees

This Decision is addressed to the Member States in accordance with the Treaty establishing the European Community.

Done at ..., ...

For the European Parliament
The President

For the Council
The President

(*) Date of entry into force of this Decision.

P6_TA(2006)0591

European Return Fund *I**

European Parliament legislative resolution on the proposal for a decision of the European Parliament and of the Council establishing the European Return Fund for the period 2008-2013 as part of the General programme 'Solidarity and Management of Migration Flows' (COM(2005)0123 — C6-0126/2005 — 2005/0049(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2005)0123) ⁽¹⁾,
- having regard to Article 251(2) and Article 63(3)(b) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0126/2005),
- having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
- 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 Foreign Affairs, the Committee on Development and the Committee on Budgets (A6-0425/2006);

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⁾ Not yet published in OJ.

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P6_TC1-COD(2005)0049**Position of the European Parliament adopted at first reading on 14 December 2006 with a view to the adoption of Decision No .../2007/EC of the European Parliament and of the Council on establishing the European Return Fund for the period 2008 to 2013 as part of the General Programme 'Solidarity and Management of Migration Flows'**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 63(2)(b) and 63(3)(b) thereof,

Having regard to the proposal from the Commission,

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

Having regard to the Opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾,

Whereas:

- (1) With a view to the progressive establishment of an area of freedom, security and justice, the Treaty provides both for the adoption of measures aimed at ensuring the free movement of persons, in conjunction with accompanying measures relating to external border controls, asylum and immigration, and for the adoption of measures relating to asylum, immigration and the safeguarding of the rights of third-country nationals.
- (2) The European Council, at its meeting in Tampere on 15 and 16 October 1999, reaffirmed its resolve to create an area of freedom, security and justice. For that purpose, a common European policy on asylum and migration should aim both at the fair treatment of third-country nationals and the better management of migration flows.
- (3) An effective Community return policy is a necessary complement to a credible legal immigration and asylum policy as well as an important component in the fight against illegal immigration. Considerable budgets are earmarked by Member States with a view to implementing return programmes and forced return operations. Common action of the European Union in this field, backed with appropriate financial means from the Community, could support Member States, underline the necessity of the return of illegal residents and contribute to enhanced solidarity among Member States.
- (4) On 28 February 2002, the Council adopted the Comprehensive Plan to combat illegal immigration and trafficking of human beings in the European Union ⁽⁴⁾ in which it stressed that re-admission and return policy constitutes an integral and vital component in the fight against illegal immigration and identified two elements on which a Community return policy should be based, namely common principles and common measures, within the framework of improving administrative cooperation between Member States.
- (5) The Council's Return Action Programme of 28 November 2002, based on the Commission's Communication of 14 October 2002 on a Community return policy on illegal residents, addresses the entire chain of action with respect to return management in Member States, covering both forced and voluntary return of third-country nationals as well as the central stages of return, including preparation and follow-up.
- (6) The European Council, at its meeting in Thessaloniki on 19 and 20 June 2003, called on the Commission to examine all aspects relating to a separate Community instrument on return in order to support, in particular the priorities as set out in the Return Action Programme.

⁽¹⁾ OJ C 88, 11.4.2006, p. 15.

⁽²⁾ OJ C 115, 16.5.2006, p. 47.

⁽³⁾ Position of the European Parliament of 14 December 2006.

⁽⁴⁾ OJ C 142, 14.6.2002, p. 23.

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- (7) The Council Conclusions on the priorities for the successful development of a common re-admission policy of 2 November 2004 emphasise that Community re-admission agreements make an important contribution to an effective joint migration management and play a valuable role in the fight against illegal immigration. They are an important element in the framework of the dialogue and cooperation between the European Union and the countries of origin, former residence and transit of illegal immigrants.
- (8) Following the Conclusions of 8 June 2004 in which the Council called on the budgetary authority to make preparatory actions available and invited the Commission to take into account its view on the development of integrated return plans in close cooperation with Member States, preparatory actions were initiated for the period 2005 and 2006.
- (9) The European Council, at its meeting in Brussels on 4 and 5 November 2004, called in 'The Hague Programme' for launching the preparatory phase of a European Return Fund (hereinafter referred to as 'the Fund') and the establishment of the Fund by 2007, taking into account the evaluation of the preparatory phase.
- (10) In November 2004 the Council took note of the Presidency's report on an analysis of reported best practices of return to specific countries. The report stated ample possibilities and a need for more practical cooperation between Member States in the practice of return. The report indicated possibilities for a more integrated approach, on both national and Community level, of return policy as well as general policies. Also, the report identified best practices by Member States regarding the voluntary or forced return of third-country nationals to their country of origin or transit, such as the promotion of Assisted Voluntary Return Programmes for sustainable return, return counselling, and the organisation of joint return operations, including charter flights.
- (11) It is necessary to endow the Community with an instrument designed to support and encourage the efforts made by the Member States to improve the management of return in all its dimensions, on the basis of the principle of integrated return management, and with a view to supporting a fair and effective implementation of common standards on return, as established under Community legislation on return.
- (12) No funding should be provided for in 2007 under this Decision, in order to be able to take into account the results of preparatory actions on return in 2005 and 2006, on the basis of a report by the Commission on the evaluation of the preparatory actions.
- (13) The common standards concerned are in particular Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third-country nationals ⁽¹⁾ and its corollary, Council Decision 2004/191/EC of 23 February 2004 setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on expulsion of third-country nationals ⁽²⁾, and Council Decision 2004/573/EC of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders ⁽³⁾.
- (14) This concerns also future Community instruments, such as an instrument on common standards on procedures in Member States for returning illegally staying third-country nationals, which should create a level playing field in the European Union on return procedures and would therefore define conditions for and the margin within which Member States take return measures.

⁽¹⁾ OJ L 149, 2.6.2001, p. 34.

⁽²⁾ OJ L 60, 27.2.2004, p. 55.

⁽³⁾ OJ L 261, 6.8.2004, p. 28.

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- (15) Member States should ensure that actions under the Fund respect the obligations derived from fundamental rights, laid down in particular in the European Convention for the Protection of Human Rights and Fundamental Freedoms (the European Convention on Human Rights), the Charter of Fundamental Rights of the European Union, the Geneva Convention relating to the Status of Refugees of 28 July 1951 as supplemented by the New York Protocol of 31 January 1967, and other relevant international instruments, such as the 1989 United Nations Convention on the Rights of the Child, where applicable.
- (16) Bearing in mind that collective expulsion is prohibited under Protocol 4 to the European Convention on Human Rights, only persons who are the subject of individual removal orders should be returned via joint return operations eligible for funding under this Decision.
- (17) In the light of the scope and the purpose of the Fund, it should not, in any event, support actions with respect to areas and centres for holding persons in third countries.
- (18) As stated in the Return Action Programme, approved by the Council on 28 November 2002, and constantly reaffirmed in the European Union instruments in this area, such as in particular the Council Conclusions on voluntary return of 2 November 2005, voluntary return is an important component of a balanced, effective and sustainable approach to the return.
- (19) Eligible actions within the scope of the integrated management of return should take account of the specific situation of vulnerable persons.
- (20) To enhance efficiency in return management at national level, the Fund should also cover actions relating to voluntary return of persons who are not under an obligation to leave the territory, such as applicants for asylum who have not yet received a negative decision, or persons enjoying a form of international protection within the meaning of Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted ⁽¹⁾, or persons enjoying temporary protection within the meaning of Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof ⁽²⁾.
- (21) A primary objective of this Decision should be the promotion of integrated return management at national level. Member States are encouraged to implement return operations in the light of integrated return action plans, which analyse the situation in the Member State with respect to the targeted population, set targets with respect to the operations envisaged and, in cooperation with relevant stakeholders, such as United Nations High Commissioner for Refugees (UNHCR) and the International Organisation for Migration (IOM), offer return schemes focusing on effective and sustainable returns through various measures. Where appropriate, integrated return plans should be regularly assessed and adjusted.
- (22) To promote the voluntary return of persons, in particular persons who are under no obligation to leave the territory, provision should be made for incentives for such returnees, such as preferential treatment by providing enhanced return assistance. This kind of voluntary return is both in the interests of a dignified return of returnees, as well as of the authorities in terms of cost-effectiveness. Member States should be encouraged to give preference to voluntary return.
- (23) However, from a policy point of view, voluntary and enforced return are interlinked and have a mutually reinforcing effect and Member States should be encouraged in their return management to reinforce the complementarity of the two forms. There is an obvious need to carry out forced returns in order to safeguard the integrity of the immigration and asylum policy of the European Union and the immigration and asylum systems of the Member States. Thus the possibility of forced return is a

⁽¹⁾ OJ L 304, 30.9.2004, p. 12.

⁽²⁾ OJ L 212, 7.8.2001, p. 12.

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prerequisite for ensuring that this policy is not undermined and for enforcing the rule of law, which itself is essential to the creation of an area of freedom, security and justice. This Decision should therefore support actions of Member States to facilitate enforced return.

- (24) Moreover, the major obstacles experienced by Member States in the field of return often occur in relation to forced returns. One important obstacle is uncertainty concerning the identity of the person concerned and/or his or her lack of the necessary travel documents. In order to overcome such problems, Member States should be encouraged to improve the cooperation with consular services of third countries and to increase the exchange of information and operational cooperation among themselves as regards the cooperation with such services.
- (25) It is also imperative for this Decision to support, in those Member States which consider it appropriate, specific measures for returnees in the country of return in order first to ensure effective return to their town or region of origin under good conditions and second to enhance their durable reintegration in their community. Such measures should not consist of assistance to the third country as such and should only be eligible for funding when and insofar as there is a necessary continuation with activities initiated and in the main carried out in the territory of the Member States under an integrated return plan.
- (26) Moreover, those measures should be in synergy with the actions supported by the Community instruments on external assistance, in particular the thematic programme on asylum and migration.
- (27) This Decision is designed to form part of a coherent framework which also includes Decision No .../2007/EC of the European Parliament and of the Council of ... establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' ⁽¹⁾ (*), Decision No .../2007/EC of the European Parliament and of the Council of ... establishing the External Borders Fund for the period 2007 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' ⁽²⁾ (*), and Council Decision No .../2007/EC of ... establishing the European Fund for the Integration of Third-country Nationals for the period 2007 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' ⁽³⁾ (*), which aims to address the issue of fairly sharing responsibilities between Member States as concerns the financial burden arising from the introduction of integrated management of the European Union's external borders and from the implementation of common policies on asylum and immigration, as developed in accordance with Title IV of Part 3 of the Treaty.
- (28) The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, established in accordance with Council Regulation (EC) No 2007/2004 ⁽⁴⁾ (hereinafter referred to as 'the Agency'), has as one of its tasks to provide the necessary assistance for organising joint return operations by Member States and identify best practices on the acquisition of travel documents and the removal of third-country nationals illegally present in the territories of the Member States. Accordingly, the Agency should ensure that the conditions for an effective coordinated return effort between Member States are met, whilst leaving the implementation and organisation of the joint return operations to the competent national services. Therefore, the Agency should be able to use resources made available by Community actions in this Decision.
- (29) The support provided by the Fund would be more efficient and better targeted if co-financing of eligible actions were based on strategic multiannual programming, drawn up by each Member State in dialogue with the Commission.
- (30) On the basis of strategic guidelines adopted by the Commission, each Member State should prepare a multiannual programming document taking into account its specific situation and needs and setting out its development strategy that should constitute the framework for the implementation of the actions to be listed in the annual programmes.

⁽¹⁾ OJ ...

^(*) OJ: please insert number, date and OJ reference of that Decision.

⁽²⁾ OJ ...

⁽³⁾ OJ ...

⁽⁴⁾ OJ L 349, 25.11.2004, p. 1.

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- (31) In the context of shared management as referred to in Article 53(1)(b) of 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⁾ (hereinafter referred to as 'the Financial Regulation'), the conditions allowing the Commission to exercise its responsibilities for implementation of the general budget of the European Union should be specified and the obligations for the cooperation of the Member States clarified. Applying those conditions would enable the Commission to satisfy itself that Member States are using the Fund in a lawful and correct manner and in accordance with the principle of sound financial management within the meaning of Articles 27 and 48(2) of the Financial Regulation.
- (32) The Commission should establish the indicative breakdown of available commitment appropriations using an objective and transparent method.
- (33) Member States should adopt adequate measures to guarantee the proper functioning of the management and control system and the quality of implementation. To this end, it is necessary to establish general principles and necessary functions which all programmes should fulfil.
- (34) In accordance with the principles of subsidiarity and proportionality, Member States should have the primary responsibility for the implementation and control of the interventions of the Fund.
- (35) The obligations on the Member States as regards management and control systems, the certification of expenditure, and the prevention, detection and correction of irregularities and infringements of Community law should be specified in order to guarantee the efficient and correct implementation of their multiannual and annual programmes. In particular, as far as management and control are concerned, it is necessary to establish the arrangements by which Member States ensure that the relevant systems are in place and function satisfactorily.
- (36) Without prejudice to the Commission's powers as regards financial control, cooperation between the Member States and the Commission in this field should be encouraged.
- (37) The effectiveness and impact of actions supported by the Fund also depend on their evaluation and the dissemination of their results. The responsibilities of the Member States and the Commission in this regard, and arrangements to ensure the reliability of evaluation and the quality of the related information, should be formalised.
- (38) Actions should be evaluated with a view to a mid-term review and impact assessment, and the evaluation process should be incorporated into project monitoring arrangements.
- (39) Bearing in mind the importance of visibility of Community funding, the Commission should provide guidance facilitating the proper acknowledgement of the support received by any authority, non-governmental organisation, international organisation or other entity receiving a grant under this Fund, taking into account the practice with respect to other instruments under shared management, such as the Structural Funds. (Old recital 38)
- (40) This Decision establishes a financial envelope for the entire duration of the programme, which constitutes the prime reference for the budgetary authority during the annual budgetary procedure, within the meaning of point 37 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽²⁾.
- (41) Since the objective of this Decision, namely to promote the return of illegally staying third-country nationals within the framework of common standards and the principle of integrated return management, cannot be sufficiently achieved by the Member States and can therefore by reason of the scale and effects of the action 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 Decision does not go beyond what is necessary in order to achieve this objective.

⁽¹⁾ OJ L 248, 16.9.2002, p. 1. Regulation as amended by Regulation (EC, Euratom) No 1995/2006 (OJ L 390, 30.12.2006, p. 1).

⁽²⁾ OJ C 139, 14.6.2006, p. 1.

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- (42) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾.
- (43) Since the measure of this Decision relating to the adoption of strategic guidelines is of general scope and is designed to amend non-essential elements of this Decision, inter alia by deleting some of those elements or by supplementing this Decision by the addition of new non-essential elements, it should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC. On grounds of efficiency, the normal time-limits for the regulatory procedure with scrutiny should be curtailed for the adoption of the strategic guidelines.
- (44) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and the Treaty establishing the European Community, Denmark does not take part in the adoption of this Decision and is not bound by it or subject to its application.
- (45) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Ireland has notified, by letter of 6 September 2005, its wish to take part in the adoption and application of this Decision.
- (46) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom has notified, by letter of 27 October 2005, its wish to take part in the adoption and application of this Decision.
- (47) In accordance with the second indent of paragraph 2 of Article 67 of the Treaty, Council Decision 2004/927/EC of 22 December 2004 providing for certain areas covered by Title IV of Part Three of the Treaty establishing the European Community to be governed by the procedure laid down in Article 251 of that Treaty ⁽²⁾ rendered the procedure referred to in Article 251 of the Treaty applicable in the areas covered by Article 62(1), (2)(a) and (3) and Articles 63(2)(b) and (3)(b) of the Treaty,

HAVE ADOPTED THIS DECISION:

CHAPTER I

SUBJECT MATTER, OBJECTIVES AND ACTIONS

Article 1

Subject matter and scope

This Decision establishes for the period from 1 January 2008 to 31 December 2013 the European Return Fund (hereinafter referred to as 'the Fund') as part of a coherent framework, which also includes Decision No .../2007/EC ^(*), Decision No .../2007/EC ^(**) and Decision No .../2007/EC ^(***), in order to contribute to the strengthening of the area of freedom, security and justice and the application of the principle of solidarity between the Member States.

This Decision defines the objectives to which the Fund contributes, its implementation, the available financial resources and the distribution criteria for the allocation of the available financial resources.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

⁽²⁾ OJ L 396, 31.12.2004, p. 45.

^(*) OJ: please insert the number of the first Decision referred to in recital 21 (European Refugee Fund).

^(**) OJ: please insert the number of the second Decision referred to in recital 21 (External Borders Fund).

^(***) OJ: please insert the number of the third Decision referred to in recital 21 (European Fund for the Integration of Third-country Nationals).

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It establishes the Fund's management rules, including financial rules, as well as monitoring and control mechanisms, based on the sharing of responsibilities between the Commission and the Member States.

Article 2

General objective of the Fund

1. The general objective of the Fund shall be to support the efforts made by the Member States to improve the management of return in all its dimensions through the use of the concept of integrated management and by providing for joint actions to be implemented by Member States or national actions that pursue Community objectives under the principle of solidarity, taking account of Community legislation in this field and in full compliance with fundamental rights.
2. The Fund shall contribute to the financing of technical assistance on the initiative of the Member States or the Commission.

Article 3

Specific objectives

1. The Fund shall contribute to achieving the following specific objectives:
 - (a) the introduction and improvement of the organisation and implementation of integrated return management by Member States;
 - (b) the enhancement of the cooperation between Member States within the framework of integrated return management and its implementation;
 - (c) the promotion of an effective and uniform application of common standards on return in line with policy developments in this field.
2. Integrated return management shall include, in particular, the development and implementation, by the competent authorities of the Member States, of integrated return plans which:
 - (a) are based on a comprehensive assessment of the situation in the Member State with respect to the targeted population or a targeted specific issue concerning return and the challenges with respect to the operations envisaged (such as those related to obtaining travel documents and other practical obstacles to return), taking into account, where appropriate, the relevant caseload. The comprehensive assessment shall be drawn up in cooperation with all relevant authorities and partners;
 - (b) aim to achieve a wide set of measures encouraging voluntary return schemes of third-country nationals, in particular for those who do not or no longer fulfil the conditions for entry and stay on its territories and, where necessary, implementing enforced return operations with respect to such persons, in full compliance with humanitarian principles and respect for their dignity;
 - (c) include a plan and/or time table and, where appropriate, provide for a periodic evaluation mechanism allowing for adjustment of the plan and assessment of the impact of the plan in practice; and
 - (d) include, where Member States consider it appropriate, measures to facilitate cooperation between the competent administrative, law enforcement and judicial bodies, where appropriate at different levels of government.
3. Integrated Return Plans shall focus in particular on effective and sustainable returns through such actions as efficient information at pre-departure stage, travel arrangements, transit in the country of return for both voluntary and enforced return. As far as possible, incentives for voluntary returnees, such as return assistance, may be provided for in order to promote voluntary return.

Where Member States consider it appropriate, they may include the provision of reception and reintegration support.

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Article 4

Eligible actions in the Member States

1. Actions relating to the objective laid down in Article 3(1)(a), and in particular the following, shall be eligible for support from the Fund:
 - (a) the establishment or improvement of an effective, stable and lasting operational cooperation of Member States' authorities with consular authorities and immigration services of third countries, with a view to obtaining travel documents for the return of third-country nationals and ensuring speedy and successful removals;
 - (b) the promotion of ways and means to provide information on return as early as possible in asylum and immigration procedures and to encourage individually third-country nationals to make use of the possibility of voluntary return;
 - (c) the facilitation of voluntary returns of third-country nationals, in particular through assisted voluntary return programmes, with a view to ensuring the effectiveness and sustainability of returns;
 - (d) developing modes of cooperation between different levels of national, regional, local, urban and other public authorities enabling officials to swiftly gain information on return experiences and practices elsewhere and, when possible, to pool resources;
 - (e) the simplification and implementation of enforced returns of third-country nationals who do not or no longer fulfil the conditions for entry and stay, with a view to enhancing the credibility and integrity of immigration policies and reducing the period of custody of persons waiting for forced removal.
2. Actions relating to the objective laid down in Article 3(1)(b), and in particular the following, shall be eligible for support from the Fund:
 - (a) cooperation in the gathering and provision to potential returnees of information on the country of origin, former residence or transit;
 - (b) cooperation in developing effective, stable and lasting operational working relationships between Member States' authorities and consular authorities and immigration services of third countries, to facilitate consular assistance in obtaining travel documents for the return of third-country nationals and ensuring speedy and successful removals;
 - (c) design of joint integrated return plans and their implementation, including joint voluntary return programmes on specific countries or regions of origin, former residence or transit;
 - (d) studies on the current situation and possibilities for enhancing administrative cooperation among Member States in the field of return as well as on the role of international and non-governmental organisations to be played in this context;
 - (e) exchange of information and best practices, support and advice in dealing with the return of particularly vulnerable groups;
 - (f) organisation of seminars for practitioners on best practices, focusing on specific third countries and/or regions;
 - (g) joint measures enabling the reception of readmitted persons in countries of origin, former residence or transit;
 - (h) joint development of actions to ensure sustainable return of persons to the country of origin or former residence.
3. Actions relating to the objective laid down in Article 3(1)(c), and in particular the following, shall be eligible for support from the Fund:
 - (a) enhancement of the capacity of competent authorities to take high quality return decisions as quickly as possible;

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- (b) enhancement of the capacity of competent administrative authorities to implement or enforce speedily removal decisions with full respect for human dignity and the relevant European security standards regarding such operations;
 - (c) enhancement of the capacity of judicial bodies to more quickly assess return decisions appealed;
 - (d) organisation of seminars and joint training for the staff of the competent national, regional, local, urban and other competent administrative, law enforcement and judicial bodies concerning legal and practical aspects of return operations;
 - (e) enhancement of the capacity of competent administrative authorities to effectively implement common arrangements on mutual recognition and joint return operations, including the recommendations, operational standards and best practices defined by the Agency in the area of return.
4. Actions provided for by paragraphs 1, 2 and 3 shall, in particular, promote the implementation of the provisions of the relevant Community legislation in the field of the common European immigration and return policy.

Article 5

Eligible measures in the Member States

Actions supported may include the following measures:

- (1) in all cases of return, information to third-country nationals on return in general, counselling to individuals on the possibilities for voluntary return, translation costs, procurement of indispensable travel documents, costs of necessary pre-return medical checks, costs of travel and food for returnees and escorts, including medical staff and interpreters, accommodation for escorts including medical staff and interpreters, costs of transport in the Member State and up to the country of return and cooperation with the authorities of the country of origin, former residence or transit;
- (2) in all cases of return, specific assistance for vulnerable persons such as children, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence;
- (3) additionally, in the case of forced return of third-country nationals who do not or no longer fulfil the conditions for entry and stay, costs for travel, food and temporary accommodation of returnees and their escorts from the participating Member State in the organising Member State prior the departure in case of joint return operations;
- (4) additionally, in the case of voluntary return of third-country nationals who do not or no longer fulfil the conditions for entry and stay, assistance to returnees in preparing the return, as well as essential expenses before return;
- (5) additionally, in the case of voluntary return of third-country nationals who are not under an obligation to leave the territory of the Member States and in other cases, where considered appropriate by Member States, limited financial contribution for initial expenses after return, transport of the returnee's personal belongings, adequate temporary accommodation for the first days after arrival in the country of return in a reception centre or a hotel if necessary, training and employment assistance and limited start-up support for economic activities where appropriate;
- (6) education and training of staff of the competent administrative, law enforcement and judicial bodies, secondments of these categories of staff from other Member States, in order to ensure an effective and uniform application of common standards on return and the respect of obligations under international instruments affecting the treatment of returnees, and enhance cooperation, as well as missions to assess the results of return policies in third countries;

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- (7) in the case of operational cooperation with consular authorities and immigration services of third countries with a view to obtaining travel documents and ensuring speedy removal procedures, cost of travel and accommodation in the Member States for the staff of the authorities and services responsible for the identification of third-country nationals and the verification of their travel documents;
- (8) in the case of reintegration measures for third-country nationals who are not under an obligation to leave the territory of a Member State, cash incentives and other short term measures necessary to launch the progress of reintegration for the returnee's personal development such as training, placement and employment assistance, start-up support for economic activities and post-return assistance and counselling;
- (9) in the case of reintegration measures for third-country nationals who do not or no longer fulfil the conditions for entry and stay, where Member States consider it appropriate, cash incentives and other short term measures necessary to launch the progress of reintegration for the returnee's personal development such as training, placement and employment assistance, start-up support for economic activities and post-return assistance and counselling, as well as measures enabling Member States to offer appropriate arrangements for welcoming returnees in third countries upon their arrival.

Article 6

Community actions

1. At the Commission's initiative, up to 7 % of the Fund's available resources may be used to finance transnational actions or actions of interest to the Community as a whole (hereinafter referred to as 'Community actions') concerning return policy and measures applicable to the target groups as referred to in Article 7.
2. To be eligible for funding, Community actions shall, in particular:
 - (a) further Community cooperation in implementing Community law and good practices;
 - (b) support the setting-up of transnational cooperation networks and pilot projects based on transnational partnerships between bodies located in two or more Member States designed to stimulate innovation, facilitate the exchange of experience and good practice and improve the quality of return policy;
 - (c) support transnational awareness-raising campaigns;
 - (d) support studies, dissemination and exchange of information on best practices and all other aspects of return policies, including on the use of state-of-the-art technology, in particular to encourage more comparative research relating to the impact of past and present return programmes;
 - (e) support pilot projects and studies exploring the possibility of new forms of Community cooperation and Community law in this area;
 - (f) support the development and application by Member States of common statistical tools, methods and indicators for measuring policy developments in the field of return, in particular with a view to the dissemination of statistics disaggregated according to voluntary and forced returns;
 - (g) support the development and regular updating, in cooperation with the Agency, of a common handbook on best practices in the field of return, including on escorts;
 - (h) provide Member States with support services in case of duly substantiated emergency situations requiring urgent action.
3. The annual work programme laying down the priorities for Community actions shall be adopted in accordance with the procedure referred to in Article 52(2).

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*Article 7***Target groups**

1. For the purposes of this Decision the target groups shall comprise:
 - (a) all third-country nationals who have not yet received a final negative decision in relation to their request for international protection in a Member State and who may choose to make use of voluntary return, provided they have not acquired a new nationality and have not left the territory of that Member State;
 - (b) all third-country nationals enjoying a form of international protection within the meaning of Directive 2004/83/EC, or temporary protection within the meaning of Directive 2001/55/EC in a Member State, and who choose to make use of voluntary return, provided they have not acquired a new nationality and have not left the territory of that Member State;
 - (c) all third-country nationals who do not or no longer fulfil the conditions for entry and/or stay in a Member State and who, in accordance with the obligation to leave the territory of that Member State, make use of voluntary return;
 - (d) all other third-country nationals who do not or no longer fulfil the conditions for entry and/or stay in a Member State.
2. Third-country national means any person who is not a citizen of the Union within the meaning of Article 17(1) of the Treaty.

CHAPTER II

PRINCIPLES OF ASSISTANCE*Article 8***Complementarity, consistency and compliance**

1. The Fund shall provide assistance which complements national, regional and local actions, integrating into them the priorities of the Community.
2. The Commission and the Member States shall ensure that assistance from the Fund and the Member States is consistent with the activities, policies and priorities of the Community. This consistency shall be indicated in particular in the multiannual programme referred to in Article 19.
3. Operations financed by the Fund shall comply with the provisions of the Treaty and of acts adopted thereunder.

*Article 9***Programming**

1. The objectives of the Fund shall be pursued within the framework of the multiannual programming period from 2008 to 2013, subject to a mid-term review in accordance with Article 22. The multiannual programming system shall include the priorities and a process for management, decision making, auditing and certification.
2. The multiannual programmes approved by the Commission shall be implemented by means of annual programmes.

*Article 10***Subsidiary and proportional intervention**

1. Implementation of multiannual and annual programmes referred to in Articles 19 and 21 shall be the responsibility of Member States at the appropriate territorial level, in accordance with the institutional system specific to each Member State. This responsibility shall be exercised in accordance with this Decision.
2. In relation to audit provisions, the means employed by the Commission and the Member States shall vary according to the size of the Community contribution. The same principle shall apply to provisions on evaluation and to the reports on multiannual and annual programmes.

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Article 11

Implementation methods

1. The Community budget allocated to the Fund shall be implemented in accordance with Article 53(1)(b) of the Financial Regulation, with the exception of the Community actions referred to in Article 6 and the technical assistance referred to in Article 16 of this Decision.
2. The Commission shall exercise its responsibility for implementing the general budget of the European Union by:
 - (a) checking the existence and proper functioning of management and control systems in the Member States in accordance with the procedures described in Article 32;
 - (b) withholding or suspending payments, in full or in part, in accordance with the procedures described in Articles 41 and 42, if the national management and control systems fail, and applying any other financial correction required, in accordance with the procedures described in Articles 45 and 46.

Article 12

Partnership

1. Each Member State shall organise, in accordance with current national rules and practices, a partnership with the authorities and bodies which are involved in the implementation of the multiannual programme or which, according to the Member State concerned, are able to make a useful contribution to its development.

Such authorities and bodies may include the competent regional, local, urban and other public authorities, international organisations, in particular UNHCR, and bodies representing civil society, such as non-governmental organisations or social partners.

2. Such partnership shall be conducted in full compliance with the respective institutional, legal and financial jurisdiction of each partner category.

CHAPTER III

FINANCIAL FRAMEWORK

Article 13

Global resources

1. The financial envelope for the implementation of this Decision from 1 January 2008 to 31 December 2013 shall be 676 million *euro*.
2. The annual appropriations for the Fund shall be authorised by the budgetary authority within the limits of the Financial Framework.
3. The Commission shall make indicative annual breakdowns by Member States in accordance with the criteria established in Article 14.

Article 14

Annual distribution of resources for eligible actions in the Member States

1. Each Member State shall receive a fixed amount of 300 000 *euro* from the Fund's annual allocation.

This amount shall be raised to 500 000 *euro* per annum for the period 2008 to 2013 for those Member States which acceded to the European Union on 1 May 2004.

This amount shall be raised to 500 000 *euro* per annum for those Member States which accede to the European Union during the period from 2007 to 2013 for the remaining part of the period 2008 to 2013 following the year of their accession.

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2. The remainder of the available annual resources shall be broken down between the Member States as follows:

- (a) 50 % in proportion to the total number of third-country nationals who do not or no longer fulfil the conditions for entry and stay in the territory of the Member State and who are subject to a return decision under national and/or Community law, i.e. an administrative or judicial decision or act, stating or declaring the illegality of stay and imposing an obligation to return, over the previous three years;
- (b) 50 % in proportion to the number of third-country nationals who have actually left the territory of the Member State following an administrative or judicial order to leave, whether undertaken voluntarily or under coercion over the previous three years.

3. The third-country nationals referred to in paragraph 2 shall not include:

- (a) third-country nationals who, being present in a transit zone of a Member State, were refused entry;
- (b) third-country nationals who are to be returned by a Member State to another Member State, in particular pursuant to Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third country national ⁽¹⁾.

4. The reference figures shall be the latest statistics produced by the Commission (Eurostat) on the basis of data provided by Member States in accordance with Community law.

Where Member States have not supplied the Commission (Eurostat) with the statistics concerned, they shall provide provisional data as soon as possible.

Before accepting these data as reference figures, the Commission (Eurostat) shall evaluate the quality, comparability and completeness of the statistical information in accordance with normal operational procedures. At the request of the Commission (Eurostat), Member States shall provide it with all the necessary information to do so.

Article 15

Financing structure

1. Financial contributions under the Fund shall take the form of grants.

2. Actions supported by the Fund shall be co-financed by public or private sources, shall be of a non-profit nature and shall not be eligible for funding from other sources covered by the general budget of the European Union.

3. Fund appropriations shall be complementary to public or equivalent expenditure allocated by Member States to the measures covered by this Decision.

4. The Community contribution to supported projects, as regards actions implemented in the Member States under Article 3 shall not exceed 50 % of the total cost of a specific action.

This may be increased to 75 % for projects addressing specific priorities identified in the strategic guidelines as referred to in Article 18.

The Community contribution shall be increased to 75 % in the Member States covered by the Cohesion Fund.

5. Within the framework of the implementation of national programming as set out in Chapter IV, Member States shall select projects for financing on the basis of the following minimum criteria:

- (a) the situation and requirements in the Member State concerned;
- (b) the cost-effectiveness of the expenditure, inter alia in view of the number of persons concerned by the project;
- (c) the experience, expertise, reliability and financial contribution of the organisation applying for funding and any partner organisation;

⁽¹⁾ OJ L 50, 25.2.2003, p. 1.

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- (d) the extent to which the project complements other actions funded by the general budget of the European Union or as part of national programmes.
- 6. As a general rule, Community financial aid for actions supported by the Fund shall be granted for a period of no more than three years, subject to periodic progress reports.

Article 16

Technical assistance at the initiative of the Commission

1. At the initiative of and/or on behalf of the Commission, subject to a ceiling of 500 000 *euro* of the Fund's annual allocation, the Fund may finance preparatory measures, monitoring, administrative and technical support measures, as well as evaluation, audit and inspection measures necessary for implementing this Decision.
2. Those measures shall include:
 - (a) studies, evaluations, expert reports and statistics, including those of a general nature concerning the operation of the Fund;
 - (b) information measures for the Member States, the final beneficiaries and the general public, including awareness-raising campaigns and a common database of projects financed under the Fund;
 - (c) the installation, operation and interconnection of computerised systems for management, monitoring, inspection and evaluation;
 - (d) the design of a common framework for evaluation and monitoring as well as a systems of indicators, taking into account, where appropriate, national indicators;
 - (e) improvements in evaluation methods and the exchange of information on practices in this field;
 - (f) information and training measures for the authorities designated by Member States in accordance with Article 25, complementary to the efforts of the Member States to provide guidance to their authorities in accordance with Article 31(2).

Article 17

Technical assistance at the initiative of Member States

1. At the initiative of a Member State, for each annual programme, the Fund may finance preparatory measures, management, monitoring, evaluation, information and control measures, as well as measures for the reinforcement of the administrative capacity for the implementation of the Fund.
2. The amount set aside for technical assistance under each annual programme may not exceed:
 - (a) for the period 2008 to 2010, 7 % of the total annual amount of cofinancing allocated to that Member State plus 30 000 *euro*; and
 - (b) for the period 2011 to 2013, 4 % of the total annual amount of cofinancing allocated to that Member State plus 30 000 *euro*.

CHAPTER IV

PROGRAMMING

Article 18

Adoption of strategic guidelines

1. The Commission shall adopt strategic guidelines setting out a framework for the intervention of the Fund, taking into account progress in the development and implementation of Community legislation in the area of return and measures taken by the Community in the area of illegal immigration as well as the indicative distribution of the financial resources of the Fund for the period of the multiannual programme.

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2. For the objectives of the Fund referred to in Article 3(1)(a) and (b), those guidelines shall, in particular, give effect to the priorities of the Community with a view to promoting:

- (a) the return of third-country nationals who are not in the possession of passports or other identity documents;
- (b) the return of third-country nationals not covered under Community re-admission agreements or national bilateral re-admission agreements, with a view to strengthening the obligation of a State under international law to re-admit its own nationals;
- (c) the return to a particular country of third-country nationals and stateless persons who have come from or have resided in that country but not as nationals of that country;
- (d) the return of persons who are under no obligation to leave the territory of the Member States, such as applicants for asylum who have not yet received a negative decision and persons enjoying a form of international protection within the meaning of Directive 2004/83/EC or temporary protection within the meaning of Directive 2001/55/EC;
- (e) the return of particularly vulnerable groups.

For the objective of the Fund referred to in Article 3(1)(c), those guidelines shall, in particular, give effect to the priorities of the Community to promote the knowledge of the common standards across the European Union and the integration of those standards into daily return management processes in the administrative authorities of the Member States.

3. The Commission shall adopt the strategic guidelines relating to the multiannual programming period by 31 July 2007 at the latest.

4. The strategic guidelines shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 52(3). These strategic guidelines, once adopted, shall be annexed to this Decision.

Article 19

Preparation and approval of national multiannual programmes

1. Each Member State shall propose, on the basis of the strategic guidelines referred to in Article 18, a draft multiannual programme which shall consist of the following elements:

- (a) a description of the current situation in the Member State as regards the principle of integrated return management, the cooperation with consular authorities and immigration services of third countries, the measures and policies relating to voluntary return and enforced return, with disaggregated data, insofar as they are available, between voluntary and forced returns, the approach towards reintegration measures and sustainability of return, capacity building of competent administrative and judicial authorities and the cooperation with other Member States in relation to the above;
- (b) an analysis of requirements in the Member State in question in terms of the cooperation with consular authorities and immigration services of third countries, the measures and policies relating to voluntary return and enforced return, the approach towards reintegration measures and sustainability of return, capacity building of competent administrative and judicial authorities and the cooperation with other Member States in relation to the above and an indication of the operational objectives designed to meet those requirements during the period covered by the multiannual programme;
- (c) the presentation of an appropriate strategy to achieve those objectives and the priorities attached to their attainment, and a description of the actions envisaged to implement those priorities;
- (d) an indication of whether that strategy is compatible with other regional, national and Community instruments;
- (e) information on the priorities and their specific targets. Those targets shall be quantified using a limited number of indicators for taking into account the proportionality principle. The indicators must make it possible to measure the progress in relation to the baseline situation and the effectiveness of the targets implementing the priorities;
- (f) a description of the approach chosen for the implementation of the partnership principle laid down in Article 12;

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- (g) a draft financing plan which sets out, for each priority and each annual programme, the Fund's proposed financial contribution and the overall amount of public or private cofinancing;
 - (h) the provisions laid down to ensure that the multiannual programme is made public.
2. Member States shall submit their draft multiannual programme to the Commission no later than four months after the Commission has provided the strategic guidelines.
3. In order to approve the draft multiannual programme, the Commission shall examine:
- (a) the draft multiannual programme's consistency with the objectives of the Fund and the strategic guidelines referred to in Article 18;
 - (b) the relevance of the actions envisaged in the draft multiannual programme in the light of the strategy which is proposed;
 - (c) the compliance of the management and control arrangements set up by the Member State for the implementation of the Fund's interventions with the provisions of this Decision;
 - (d) the draft multiannual programme's compliance with Community law and, in particular, with Community law aiming at ensuring the free movement of persons in conjunction with the directly related accompanying measures with respect to external border controls, asylum and immigration.
4. Where the Commission considers that a draft multiannual programme is inconsistent with the strategic guidelines and/or does not comply with the provisions of this Decision setting out management and control systems or with Community law, it shall invite the Member State concerned to provide all necessary additional information and, where appropriate, to revise the draft multiannual programme accordingly.
5. The Commission shall approve each multiannual programme within three months of its formal submission, in accordance with the procedure referred to in Article 52(2).

Article 20

Revision of multiannual programmes

1. At the initiative of the Member State in question or the Commission, the multiannual programme shall be re-examined and, if necessary, revised for the rest of the programming period in order to take greater or different account of Community priorities. Multiannual programmes may be re-examined in the light of evaluations and/or following implementation difficulties.
2. The Commission shall adopt a decision approving the revision of the multiannual programme as soon as possible after the formal submission of a request to that effect by the Member State concerned. The revision of the multiannual programme shall be carried out in accordance with the procedure referred to in Article 52(2).

Article 21

Annual programmes

1. The multiannual programme approved by the Commission shall be implemented by means of annual work programmes.
2. The Commission shall provide the Member States, by 1 July of each year, with an estimate of the amounts to be allocated to them for the following year from the total appropriations allocated under the annual budgetary procedure, calculated as provided for by Article 14.
3. Member States shall submit to the Commission by 1 November of each year, a draft annual programme for the following year, established in accordance with the multiannual programme and consisting of the following elements:
- (a) the general rules for selection of projects to be financed under the annual programme;
 - (b) a description of the actions to be supported under the annual programme;

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(c) the proposed financial breakdown of the Fund's contribution between the programme's various actions; and an indication of the amount requested to cover technical assistance under Article 17 for the purpose of implementing the annual programme.

4. By way of derogation from paragraph 3, Member States shall submit the draft annual programmes for 2008 to the Commission by 1 March 2008.

5. When examining the draft annual programme of a Member State, the Commission shall take account of the final amount of the appropriations allocated to the Fund under the budgetary procedure.

Within one month of the formal submission of the draft annual programme, the Commission shall inform the Member State concerned whether it can be approved. If the draft annual programme is inconsistent with the multiannual programme, the Commission shall invite that Member State to provide all necessary information and, where appropriate, to revise the draft annual programme accordingly.

The Commission shall adopt the financing decision approving the annual programme by 1 March of the year in question. The decision shall indicate the amount allocated to the Member State concerned and the period for which the expenditure is eligible.

6. To take into account duly substantiated emergency situations which were not foreseen at the time of the approval of the annual programme and which require urgent action, a Member State may revise up to 10 % of the financial breakdown of the contribution from the Fund between the various actions listed in the annual programme or allocate up to 10 % of the breakdown to other actions in accordance with this Decision. The Member State concerned shall inform the Commission of the revised annual programme.

Article 22

Mid-term review of the multiannual programme

1. The Commission shall review the strategic guidelines and, where necessary, adopt, by 31 March 2010, revised strategic guidelines for the period 2011 to 2013.

2. If such revised strategic guidelines are adopted, each Member State shall re-examine its multiannual programme and, where appropriate, revise it.

3. The rules laid down in Article 19 on the preparation and approval of national multiannual programmes shall apply *mutatis mutandis* to the preparation and approval of these revised multiannual programmes.

4. The revised strategic guidelines shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 52(3).

CHAPTER V

MANAGEMENT AND CONTROL SYSTEMS

Article 23

Implementation

The Commission shall be responsible for implementing this Decision and shall adopt such implementing rules as may be necessary.

Article 24

General principles of management and control systems

The management and control systems of multiannual programmes set up by Member States shall provide for:

- (a) the definition of the functions of the bodies concerned in management and control and the allocation of functions within each body;
- (b) respect for the principle of separation of functions between and within such bodies;

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- (c) adequate resources for each body to carry out the functions which have been allocated to it throughout the period of implementation of actions cofinanced by the Fund;
- (d) procedures for ensuring the correctness and regularity of the expenditure declared under the annual programmes;
- (e) reliable accounting, monitoring and financial reporting systems in computerised form;
- (f) a system of reporting and monitoring where the responsible body entrusts the performance of tasks to another body;
- (g) manuals of procedures in relation to the functions to be performed;
- (h) arrangements for auditing the functioning of the system;
- (i) systems and procedures to ensure an adequate audit trail;
- (j) procedures for reporting and monitoring irregularities and for the recovery of amounts unduly paid.

Article 25

Designation of authorities

1. For the implementation of its multiannual programme and annual programmes the Member State shall designate the following:
 - (a) a responsible authority: a functional body of the Member State, national public authority or body designated by the Member State or a body which is governed by the private law of the Member State and has a public service mission, which shall be responsible for the management of the multiannual programme and annual programmes supported by the Fund and shall handle all communication with the Commission;
 - (b) a certifying authority: a national public authority or body, or individual acting as such a body or authority, designated by the Member State to certify declarations of expenditure before they are sent to the Commission;
 - (c) an audit authority: a national public authority or body, provided that it is functionally independent of the responsible authority and the certifying authority, designated by the Member State and responsible for verifying the effective functioning of the management and control system;
 - (d) where appropriate, a delegated authority.
2. The Member State shall lay down rules governing its relations with the authorities referred to in paragraph 1 and their relations with the Commission.
3. Subject to Article 24 (b), some or all of the authorities referred to in paragraph 1 of this Article may be located within the same body.
4. The rules for implementing Articles 26 to 30 shall be adopted by the Commission in accordance with the procedure referred to in Article 52(2).

Article 26

Responsible authority

1. The responsible authority shall meet the following minimum conditions. It shall:
 - (a) have legal personality, except where it is a functional body of the Member State;
 - (b) have the infrastructure required for easy communication with a wide range of users and with the responsible bodies in the other Member States and the Commission;
 - (c) work in an administrative context allowing it to carry out its tasks correctly and avoiding any conflict of interest;

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- (d) be in a position to apply Community fund management rules;
 - (e) have financial and management capacities proportionate to the volume of Community funds which it will be called upon to manage;
 - (f) have at its disposal personnel with appropriate professional qualifications for administrative work in an international environment.
2. The Member State shall provide the responsible authority with adequate funding so that it can continue to carry out its tasks properly throughout the period 2008 to 2013.
3. The Commission may assist the Member States in the training of staff, in particular as regards the correct application of Chapters V to IX.

Article 27

Tasks of the responsible authority

1. The responsible authority shall be responsible for managing and implementing the multiannual programme in accordance with the principle of sound financial management.

It shall in particular:

- (a) consult partners in accordance with Article 12;
- (b) submit to the Commission proposals for multiannual and annual programmes to which Articles 19 and 21 refer;
- (c) organise and advertise calls for tenders and proposals if appropriate;
- (d) organise the selection of projects for cofinancing under the Fund in accordance with the criteria set out in Article 15(5);
- (e) receive payments made by the Commission, and make payments to the final beneficiaries;
- (f) ensure consistency and complementarity between cofinancing under the Fund and from other relevant national and Community financial instruments;
- (g) monitor the delivery of the co-financed products and services and check that the expenditure declared for actions has actually been incurred and complies with Community and national rules;
- (h) ensure that there is a system for recording and storing in computerised form accounting records of each action under the annual programmes and that the data on implementation necessary for financial management, monitoring, control and evaluation are collected;
- (i) ensure that final beneficiaries and other bodies involved in the implementation of actions co-financed by the Fund maintain either a separate accounting system or an adequate accounting code for all transactions relating to the action without prejudice to national accounting rules;
- (j) ensure that the evaluations of the Fund referred to in Article 49 are carried out within the time limits laid down Article 50(2) and meet the quality standards agreed between the Commission and the Member State;
- (k) set up procedures to ensure that all documents regarding expenditure and audits required to ensure an adequate audit trail are held in accordance with the requirements referred to in Article 43;
- (l) ensure that the audit authority receives for the purposes of carrying out the audits defined in Article 30(1) all necessary information on the management procedures applied and the projects co-financed by the Fund;
- (m) ensure that the certifying authority receives all necessary information on the procedures and verifications carried out in relation to expenditure for the purpose of certification;

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- (n) draw up and submit to the Commission progress and final reports on the implementation of the annual programmes, declarations of expenditure certified by the certifying authority and requests for payment or, where appropriate, statements of reimbursement;
 - (o) carry out information and advisory activities and disseminate results of supported actions;
 - (p) cooperate with the Commission and the responsible authorities in the other Member States;
 - (q) verify the implementation by the final beneficiaries of the guidelines referred to in Article 33(6).
2. The responsible authority's management activities for projects implemented in the Member States may be financed under the technical assistance arrangements referred to in Article 16.

Article 28

Delegation of tasks by the responsible authority

1. Where all or some of the responsible authority's tasks are delegated to a delegated authority, the responsible authority shall define the scope of the tasks delegated, and set out detailed procedures for the implementation of the delegated tasks, which shall comply with the conditions laid down in Article 26.
2. These procedures shall include supplying the responsible authority with regular information on the effective performance of the delegated tasks and a description of the means employed.

Article 29

Certifying authority

1. The certifying authority shall:
 - (a) certify that:
 - (i) the declaration of expenditure is accurate, results from reliable accounting systems and is based on verifiable supporting documents,
 - (ii) the expenditure declared complies with applicable Community and national rules and has been incurred in respect of actions selected in accordance with the criteria applicable to the programme and complying with Community and national rules;
 - (b) ensure for the purposes of certification that it has received adequate information from the responsible authority on the procedures and verifications carried out in relation to expenditure included in declarations of expenditure;
 - (c) take account for the purposes of certification of the results of all audits carried out by or under the responsibility of the audit authority;
 - (d) maintain accounting records in computerised form of expenditure declared to the Commission;
 - (e) verify the recovery of any Community financing found to have been unduly paid as a result of irregularities detected, together with interest where appropriate,
 - (f) keep an account of amounts recoverable and amounts recovered under the general budget of the European Union, where possible by deducting them from the next declaration of expenditure.
2. The certifying authority's activities relating to projects implemented in the Member States may be financed under the technical assistance arrangements referred to in Article 17, provided that the prerogatives of this authority as described in Article 25 are respected.

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*Article 30***Audit authority**

1. The audit authority shall:
 - (a) ensure that audits are carried out to verify the effective functioning of the management and control system;
 - (b) ensure that audits are carried out of actions on the basis of an appropriate sample to verify expenditure declared; the sample shall represent at least 10 % of the total eligible expenditure for each annual programme;
 - (c) present to the Commission within six months of the approval of the multiannual programme an audit strategy covering the bodies which will perform the audits referred to under points (a) and (b), ensuring that the main beneficiaries of cofinancing by the Fund are audited and that audits are spread evenly throughout the programming period.
2. Where the designated audit authority under this Decision is also the designated audit authority under Decisions No .../2007/EC, No .../2007/EC and No .../2007/EC (*), or where common systems apply to two or more of these Funds, a single combined audit strategy may be submitted under paragraph 1(c).
3. For each annual programme, the audit authority shall draft a report which shall comprise:
 - (a) an annual audit report setting out the findings of the audits carried out in accordance with the audit strategy in respect of the annual programme and reporting any shortcomings found in the systems for the management and control of the programme;
 - (b) an opinion, on the basis of the controls and audits that have been carried out under the responsibility of the audit authority, as to whether the functioning of the management and control system provides reasonable assurance that declarations of expenditure presented to the Commission are correct and that the underlying transactions are legal and regular;
 - (c) a declaration assessing the validity of the request for payment or statement of reimbursement of the final balance and the legality and regularity of the expenditure concerned.
4. The audit authority shall ensure that the audit work takes account of internationally accepted audit standards.
5. The audit relating to projects implemented in the Member States may be financed under the technical assistance arrangements referred to in Article 17, provided that the prerogatives of the audit authority as described in Article 24 are respected.

CHAPTER VI

RESPONSIBILITIES AND CONTROLS*Article 31***Responsibilities of the Member States**

1. Member States shall be responsible for ensuring sound financial management of multiannual and annual programmes and the legality and regularity of underlying transactions.
2. Member States shall ensure that responsible authorities and any delegated authority, certifying authorities, audit authorities and any other bodies concerned receive adequate guidance on setting up the management and control systems referred to in Articles 24 to 30 to ensure that Community financing is used efficiently and correctly.
3. Member States shall prevent, detect and correct irregularities. They shall notify these to the Commission, and keep the Commission informed of the progress in the administrative and legal proceedings.

(*) OJ : please insert the numbers of the 3 Decisions referred to in recital 21.

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When amounts unduly paid to a final beneficiary cannot be recovered, the Member State concerned shall be responsible for reimbursing the amounts lost to the general budget of the European Union when it is established that the loss has been incurred as a result of its fault or negligence.

4. Member States shall be primarily responsible for the financial control of actions and shall ensure that management and control systems and audits are implemented in such a way as to guarantee that Community funds are used properly and effectively. They shall provide the Commission with a description of these systems.

5. The detailed rules for implementing paragraphs 1 to 4 shall be adopted in accordance with the procedure referred to in Article 52(2).

Article 32

Management and control systems

1. Before the Commission approves the multiannual programme, in accordance with the procedure referred to in Article 52(2), the Member States shall ensure that management and control systems have been set up in accordance with Articles 24 to 30. They shall be responsible for ensuring that the systems function effectively throughout the programming period.

2. Member States shall submit to the Commission, together with their draft multiannual programme, a description of the organisation and procedures of the responsible authorities, delegated authorities and certifying authorities, and the internal audit systems operating in those authorities and bodies, the audit authority, and any other bodies carrying out audits under its responsibility.

3. The Commission shall review the application of this provision in the context of the preparation of the report for the period 2008 to 2010 referred to in Article 50(3).

Article 33

Responsibilities of the Commission

1. The Commission shall satisfy itself in accordance with the procedure laid down in Article 31 that Member States have set up management and control systems that comply with Articles 24 to 30, and on the basis of the annual audit reports and its own audits that the systems function effectively during the programming period.

2. Without prejudice to audits carried out by Member States, Commission officials or authorised Commission representatives may carry out on-the-spot checks to verify the effective functioning of the management and control systems, which may include audits of actions included in the annual programmes, with a minimum of three working days' notice. Officials or authorised representatives of the Member State concerned may take part in such audits.

3. The Commission may require a Member State to carry out on-the-spot checks to verify the correct functioning of the systems or the correctness of one or more transactions. Commission officials or authorised Commission representatives may take part in such checks.

4. The Commission shall, in cooperation with the Member States, ensure that appropriate information, publicity and follow-up are provided for actions supported by the Fund.

5. The Commission shall, in cooperation with the Member States, ensure that actions are consistent with, and complementary to, other relevant Community policies, instruments and initiatives.

6. The Commission shall lay down guidelines to ensure the visibility of the funding granted under this Decision.

Article 34

Cooperation with the audit authorities of the Member States

1. The Commission shall cooperate with the audit authorities to coordinate their respective audit plans and methods and shall immediately exchange the results of audits carried out of management and control systems in order to make the best possible use of control resources and to avoid unjustified duplication of work.

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The Commission shall provide its comments on the audit strategy presented under Article 30 within not more than three months of its receipt.

2. In determining its own audit strategy, the Commission shall identify those annual programmes which it considers satisfactory on the basis of its existing knowledge of the management and control systems.

For those programmes, the Commission may conclude that it can rely principally on the audit evidence provided by the Member States and that it will carry out its own on-the-spot checks only if there is evidence to suggest shortcomings in the systems.

CHAPTER VII

FINANCIAL MANAGEMENT

Article 35

Eligibility — Declarations of expenditure

1. All declarations of expenditure shall include the amount of expenditure incurred by final beneficiaries in implementing the actions and the corresponding contribution from public or private funds.
2. Expenditure shall correspond to the payments effected by the final beneficiaries. It shall be justified by receipted invoices or accounting documents of equivalent evidential value.
3. Expenditure may be considered eligible for support from the Fund only if it is actually paid no earlier than 1 January of the year referred to in the financing decision approving the annual programme referred to in the third subparagraph of Article 21(5). The co-financed actions must not have been completed before the starting date for eligibility.
4. The rules governing eligibility of expenditure within the framework of implemented actions co-financed by the Fund in the Member States under Article 3 shall be adopted in accordance with the procedure referred to in Article 52(2).

Article 36

Completeness of payment to final beneficiaries

Member States shall satisfy themselves that the responsible authority ensures that the final beneficiaries receive the total amount of the contribution from public funds as quickly as possible. No amounts shall be deducted or withheld, nor shall any further specific charge or other charge with equivalent effect be levied that would reduce these amounts for the final beneficiaries, provided that the final beneficiaries meet all the requirements regarding the eligibility of actions and expenses.

Article 37

Use of the euro

1. Amounts set out in the draft multiannual and annual programmes of the Member States referred to in Articles 19 and 21 respectively, certified declarations of expenditure, requests for payments referred to in Article 27(1)(n) and expenditure mentioned in the progress report on the implementation of the annual programme referred to in Article 39(4) and the final report on the implementation of the annual programme referred to in Article 51 shall be denominated in euros.
2. Commission financing decisions approving the annual programmes of Member States referred to in the third subparagraph of Article 21(5), Commission commitments and Commission payments shall be denominated and carried out in euros.
3. Member States which have not adopted the euro as their currency on the date of the request for payment shall convert into euros the amounts of expenditure incurred in national currency. This amount shall be converted into euros using the monthly accounting exchange rate of the Commission for the month during which the expenditure was entered in the accounts of the responsible authority of the programme concerned. This rate shall be published electronically by the Commission each month.

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4. When the euro becomes the currency of a Member State, the conversion procedure set out in paragraph 3 shall continue to apply to all expenditure recorded in the accounts by the certifying authority before the date of entry into force of the fixed conversion rate between the national currency and the euro.

Article 38

Commitments

Community budgetary commitments shall be made annually on the basis of the Commission financing decision approving the annual programme referred to in the third subparagraph of Article 21(5).

Article 39

Payments — Prefinancing

1. Payments by the Commission of the contribution from the Fund shall be made in accordance with the budget commitments.
2. Payments shall take the form of pre-financing and payment of the balance. They shall be made to the responsible authority designated by the Member State.
3. A first pre-financing payment representing 50 % of the amount allocated in the financing decision approving the annual programme shall be made to the Member State within sixty days following the adoption of that decision.
4. A second pre-financing payment shall be made no more than three months after the Commission has approved, within two months of the formal submission of a request for payment by a Member State, a progress report on the implementation of the annual programme and a certified declaration of expenditure drawn up in accordance with Article 29(1)(a), and Article 35 accounting for at least 60 % of the amount of the initial payment. The amount of the second pre-financing payment made by the Commission shall not exceed 50 % of the total amount allocated by the financing decision approving the annual programme and, in any event, where a Member State has committed nationally an amount less than the amount indicated in the financing decision approving the annual programme, the balance of the amount of Community funds actually committed by the Member State for selected projects under the annual programme minus the first pre-financing payment.
5. Any interest generated by pre-financing payments shall be posted to the annual programme concerned, being regarded as a resource for the Member State as national public contribution and shall be declared to the Commission at the time of the declaration of expenditure relating to the final report on the implementation of the annual programme concerned.
6. The amounts paid as pre-financing shall be cleared from the accounts when the annual programme is closed.

Article 40

Payment of balance

1. The Commission shall pay the balance provided it has received the following documents no later than nine months after the eligibility deadline for expenditure laid down in the financing decision approving the annual programme:
 - (a) a certified declaration of expenditure, duly drawn up in accordance with Article 29(1)(a) and Article 35, and a request for payment of the balance or statement of reimbursement;
 - (b) the final report on the implementation of the annual programme as set out in Article 51;
 - (c) the annual audit report, opinion and declaration provided for in Article 30(3).

The payment of the balance shall be subject to the acceptance of the final report on the implementation of the annual programme and of the declaration assessing the validity of the request for payment of the balance.

2. If the responsible authority fails to provide the documents required in paragraph 1 by the due date and in an acceptable format, the Commission shall decommit any part of the budget commitment of the corresponding annual programme that has not been used for payment of the pre-financing.

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3. The automatic cancellation procedure defined in paragraph 2 shall be suspended, for the amount of the projects concerned, where legal proceedings or administrative appeals having suspensive effects are under way at Member State level when the documents defined in paragraph 1 are submitted. The Member State shall, in the final report submitted, give detailed information on such projects, and send reports on progress made with regard to these projects every six months. Within three months of the conclusion of the legal proceedings or administrative appeal procedure, the Member State shall present the documents required in paragraph 1 for the projects concerned.

4. The nine-month period referred to in paragraph 1 shall cease to run if the Commission adopts a decision suspending payments of the co-financing for the relevant annual programme in accordance with Article 42. The period shall start to run again from the date when the Commission decision referred to in Article 40(3) has been notified to the Member State.

5. Without prejudice to Article 41, the Commission shall, within six months of receiving the documents referred to in paragraph 1 of this Article, inform the Member State of the amount of expenditure recognised by the Commission as chargeable to the Fund, and of any financial corrections deriving from the difference between declared expenditure and the expenditure recognised. The Member State shall have three months to present its comments.

6. Within three months of receiving the Member State's comments, the Commission shall decide on the amount of expenditure recognised as chargeable to the Fund, and recover the balance arising from the difference between final recognised expenditure and the sums already paid to that Member State.

7. Subject to available funding, the Commission shall pay the balance within no more than sixty days from the date on which it accepts the documents referred to in paragraph 1. The balance of the budgetary commitment shall be decommitted within six months following the payment.

Article 41

Withholding of payments

1. The payment shall be withheld by the authorising officer by delegation within the meaning of the Financial Regulation for a maximum period of six months if:

- (a) in a report of a national or Community audit body there is evidence to suggest a significant deficiency in the functioning of the management and control systems;
- (b) that officer has to carry out additional verifications following information coming to his notice which alerted him that expenditure in a certified declaration of expenditure is linked to a serious irregularity which has not been corrected.

2. The Member State and the responsible authority shall be informed immediately of the reasons for the payment being withheld. The payment shall be withheld until the necessary measures are taken by the Member State.

Article 42

Suspension of payments

1. All or part of the pre-financing and payments of the balance may be suspended by the Commission when:

- (a) there is a serious deficiency in the management and control system of the programme which affects the reliability of the procedure for certification of payments and for which corrective measures have not been taken; or
- (b) expenditure in a certified declaration of expenditure is linked to a serious irregularity which has not been corrected; or
- (c) a Member State has not complied with its obligations under Articles 31 and 32.

2. The Commission may decide to suspend pre-financing and payments of the balance after having given the Member State the opportunity to present its observations within a period of three months.

3. The Commission shall end suspension of pre-financing and payments of the balance when it considers that the Member State has taken the necessary measures to enable the suspension to be lifted.

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4. If the necessary measures are not taken by the Member State, the Commission may adopt a decision to cancel all or part of the Community contribution to the annual programme in accordance with Article 46.

Article 43

Conservation of documents

Without prejudice to the rules governing State aid under Article 87 of the Treaty, the responsible authority shall ensure that all the supporting documents regarding expenditure and audits on the programmes concerned are kept available for the Commission and the Court of Auditors for a period of five years following the closure of the programmes in accordance with Article 40(1).

This period shall be interrupted either in the case of legal proceedings or at the duly substantiated request of the Commission.

The documents shall be kept either in the form of the originals or in versions certified to be in conformity with the originals on commonly accepted data carriers.

CHAPTER VIII

FINANCIAL CORRECTIONS

Article 44

Financial corrections by Member States

1. Member States shall, in the first instance, bear the responsibility for investigating irregularities, acting upon evidence of any major change affecting the nature or the conditions for the implementation or control of programmes and making the required financial corrections.

2. Member States shall make the financial corrections required in connection with the individual or systemic irregularities detected in actions or annual programmes.

Corrections made by Member States shall consist in cancelling, and if applicable, recovering all or part of the Community contribution. Where the amount is not repaid in the time allowed by the relevant Member State, default interest shall be due at the rate provided for in Article 47(2). Member States shall take into account the nature and gravity of the irregularities and the financial loss to the Fund.

3. In the event of systemic irregularities the relevant Member State shall extend its enquiries to cover all operations liable to be affected.

4. Member States shall include in the final report on the implementation of the annual programme referred to in Article 51 a list of cancellation procedures initiated for the annual programme concerned.

Article 45

Audit of accounts and financial corrections by the Commission

1. Without prejudice to the powers of the Court of Auditors or the checks carried out by the Member States in accordance with national laws, regulations and administrative provisions, Commission officials or authorised Commission representatives may carry out on-the-spot checks, including sample checks, on the actions financed by the Fund and on management and control systems with a minimum of three working days' notice. The Commission shall give notice to the Member State concerned with a view to obtaining all the assistance necessary. Officials or authorised representatives of the Member State concerned may take part in such checks.

The Commission may require the Member State concerned to carry out an on-the-spot check to verify the accuracy of one or more transactions. Commission officials or authorised Commission representatives may take part in such checks.

2. If, after completing the necessary verifications, the Commission concludes that a Member State is not complying with its obligations under Article 31, it shall suspend the pre-financing or payment of the balance in accordance with Article 42.

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*Article 46***Criteria for the corrections**

1. The Commission may make financial corrections by cancelling all or part of the Community contribution to an annual programme where, after carrying out the necessary examination, it concludes that:

- (a) there is a serious deficiency in the management and control system of the programme which has put at risk the Community contribution already paid to the programme;
- (b) expenditure contained in a certified declaration of expenditure is irregular and has not been corrected by the Member State prior to the opening of the correction procedure under this paragraph;
- (c) a Member State has not complied with its obligations under Article 31 prior to the opening of the correction procedure under this paragraph.

The Commission shall decide after having taken into account any comments made by the Member State.

2. The Commission shall base its financial corrections on individual cases of irregularity identified, taking account of the systemic nature of the irregularity to determine whether a flat-rate or extrapolated correction should be applied. Where the irregularity relates to a declaration of expenditure for which a reasonable assurance had previously been given by the audit authority in accordance with Article 30(3)(b), there will be a presumption of a systemic problem giving rise to the application of a flat-rate or extrapolated correction, unless the Member State can provide proof within three months to rebut this presumption.

3. The Commission shall, when deciding the amount of a correction, take account of the importance of the irregularity and the extent and financial implications of the deficiencies found in the annual programme concerned.

4. Where the Commission bases its position on the facts established by auditors other than those of its own services, it shall draw its own conclusions regarding the financial consequences, after examining the measures taken by the Member State concerned under Article 32, the reports of notified irregularities and any replies from the Member State.

*Article 47***Repayment**

1. Any repayment due to be made to the general budget of the European Union shall be effected before the due date indicated in the order for recovery drawn up in accordance with Article 72 of the Financial Regulation. This due date shall be the last day of the second month following the issuing of the order.

2. Any delay in effecting repayment shall give rise to interest on account of late payment, starting on the due date and ending on the date of actual payment. The rate of such interest shall be the rate applied by the European Central Bank to its principal refinancing operations, as published in the C series of the *Official Journal of the European Union*, in force on the first calendar day of the month in which the due date falls, increased by three and a half percentage points.

*Article 48***Obligations of Member States**

A financial correction by the Commission shall not prejudice the Member State's obligation to pursue recoveries under Article 44.

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CHAPTER IX

MONITORING, EVALUATION AND REPORTS

Article 49

Monitoring and evaluation

1. The Commission shall carry out regular monitoring on the Fund in cooperation with the Member States.
2. The Fund shall be evaluated by the Commission in partnership with the Member States to assess the relevance, effectiveness and impact of actions in the light of the general objective referred to in Article 2 in the context of the preparation for the reports set out in Article 50(3).
3. The Commission shall also consider the complementarity between the actions implemented under the Fund and those pursued under other relevant Community policies, instruments and initiatives.

Article 50

Reporting obligations

1. In each Member State the responsible authority shall take the necessary measures to ensure project monitoring and evaluation.

To that end, the agreements and contracts it concludes with the organisations responsible for the implementation of the actions shall include clauses laying down an obligation to submit regular and detailed reports on the progress of implementation and completion of the assigned objectives, which shall be the basis for, respectively, the progress and final reports on the implementation of the annual programme.

2. The Member States shall submit to the Commission:
 - (a) by 30 June 2010, an evaluation report on the implementation of actions co-financed by the Fund;
 - (b) by 30 June 2012 for the period 2008 to 2010 and by 30 June 2015 for the period 2011 to 2013 respectively, an evaluation report on the results and impact of actions co-financed by the Fund.
3. The Commission shall submit to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions:
 - (a) by 30 June 2010, a report on the application of the criteria set out in Article 15 for the annual breakdown of resources between Member States; together with proposals for amendments if deemed necessary;
 - (b) by 31 December 2010, an intermediate report on the results achieved and on qualitative and quantitative aspects of implementation of the Fund, together with a proposal on the Fund's future development;
 - (c) by 31 December 2012 for the period 2008 to 2010 and by 31 December 2015 for the period 2011 to 2013 respectively, an ex-post evaluation report.

Article 51

Final report on the implementation of the annual programme

1. The final report on the implementation of the annual programme shall include the following information in order to obtain a clear view of the implementation of the programme:
 - (a) the financial and operational implementation of the annual programme;
 - (b) the progress made in implementing the multiannual programme and its priorities in relation to its specific, verifiable targets, with a quantification, wherever and whenever they lend themselves to quantification, of the indicators;

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- (c) the steps taken by the responsible authority to ensure the quality and effectiveness of implementation, in particular:
 - (i) monitoring and evaluation measures, including data collection arrangements,
 - (ii) a summary of any significant problems encountered in implementing the operational programme and any measures taken,
 - (iii) the use made of technical assistance;
- (d) the measures taken to provide information on and make public the annual and multiannual programmes.

2. The report shall be judged acceptable where it contains all the information listed in paragraph 1. The Commission shall reach a decision on the content of the report submitted by the responsible authority within two months of having received all the information referred to in paragraph 1, which shall be acknowledged to the Member States. If the Commission does not respond within the time limit laid down, the report shall be deemed to be accepted.

CHAPTER X

FINAL PROVISIONS

Article 52

Committee

1. The Commission shall be assisted by the common Committee 'Solidarity and Management of Migration flows', established by Decision No.../2007/EC (*).

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

3. Where reference is made to this paragraph, Article 5a(1) to (4) and 5(b) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The time-limits laid down in Article 5a(3)(c), (4)(b) and (4)(e) of Decision 1999/468/EC shall be set at six weeks.

Article 53

Review

The European Parliament and the Council shall review this Decision on the basis of a proposal from the Commission by 30 June 2013.

Article 54

Entry into force and application

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

This Decision shall apply from 1 January 2008, with the exception of Articles 14, 18, 19, 21, 22, 25, Article 31(2), Article 31(5), Article 32, Article 35(4) and Article 52, which shall apply from ... (**).

Article 55

Addressees

This Decision is addressed to the Member States in accordance with the Treaty establishing the European Community.

Done at ..., ...

For the European Parliament

The President

For the Council

The President

(*) OJ : please insert the number of the second Decision referred to in recital 27 (External Borders Fund).

(**) Date of entry into force of this Decision.

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P6_TA(2006)0592

Medicinal products for paediatric use *I**

European Parliament legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No .../2006 on medicinal products and amending Regulation (EEC) No 1768/92, Directive 2001/20/EC, Directive 2001/83/EC and Regulation (EC) No 726/2004 (COM(2006)0640 — C6-0356/2006 — 2006/0207(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2006)0640) ⁽¹⁾,
 - having regard to Article 251(2) and Article 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0356/2006),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A6-0396/2006);
1. Approves the Commission proposal as amended;
 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.

⁽¹⁾ Not yet published in OJ.

P6_TC1-COD(2006)0207

Position of the European Parliament adopted at first reading on 14 December 2006 with a view to the adoption of Regulation (EC) No .../2006 of the European Parliament and of the Council amending Regulation (EC) No ... (*)/2006 on medicinal products for paediatric use

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, in particular Article 95 thereof,

Having regard to the proposal from the Commission,

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

After consulting the Committee of the Regions,

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

(*) OJ: please insert number of the Regulation [PE-CONS 3623/06].

⁽¹⁾ Opinion delivered on 13 December 2006 (not yet published in the Official Journal).

⁽²⁾ Position of the European Parliament of 14 December 2006.

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Whereas:

- (1) The measures necessary for the implementation of Regulation (EC) No ... (*)/2006 ⁽¹⁾ should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽²⁾.
- (2) In particular, the Commission should be empowered to define further the grounds for granting a deferral for the initiation or completion of some or all of the measures in the paediatric investigation plan and to specify the maximum amounts as well as the conditions and methods for collection of the financial penalties for infringement of the provisions of Regulation (EC) No ... (*)/2006 or the implementing measures adopted pursuant to it. Since these measures are of general scope and are designed to supplement Regulation (EC) No ... (*)/2006 by the addition of new non-essential elements, these measures should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.
- (3) It is necessary to amend Regulation (EC) No ... (*)/2006 accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No ... (*)/2006 is hereby amended as follows:

- 1) in Article 20, paragraph 2 shall be replaced by the following:
‘2. On the basis of the experience acquired as a result of the operation of this Article, the Commission may adopt provisions, in accordance with the regulatory procedure with scrutiny referred to in Article 51(2), amending or supplementing non-essential elements of this Regulation to define further the grounds for granting a deferral.’
- 2) in Article 49, paragraph 3 shall be replaced by the following:
‘3. At the Agency’s request, the Commission may impose financial penalties for infringement of the provisions of this Regulation or the implementing measures adopted pursuant to it in relation to medicinal products authorised through the procedure laid down in Regulation (EC) No 726/2004. Measures amending or supplementing non-essential elements of this Regulation concerning the maximum amounts as well as the conditions and methods for collection of those penalties shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 51(2).’
- 3) in Article 51, paragraph 2 shall be replaced by the following:
‘2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.’

Article 2

This Regulation shall enter into force on the thirtieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation is 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

(*) OJ: please insert number of the Regulation [PE-CONS 3623/06].

⁽¹⁾ OJ L ...

⁽²⁾ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

Thursday, 14 December 2006

P6_TA(2006)0593

European Small Claims Procedure *I**

European Parliament legislative resolution on the proposal for a regulation of the European Parliament and of the Council establishing a European Small Claims Procedure (COM(2005)0087 — C6-0082/2005 — 2005/0020(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2005)0087) ⁽¹⁾,
- having regard to Article 251(2) and Article 61(c) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0082/2005),
- 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 the Committee on Civil Liberties, Justice and Home Affairs (A6-0387/2006);

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.

⁽¹⁾ Not yet published in the OJ.

P6_TC1-COD(2005)0020

Position of the European Parliament adopted at first reading on 14 December 2006 with a view to the adoption of Regulation (EC) No .../2007 of the European Parliament and of the Council establishing a European Small Claims Procedure

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 61(c) and Article 67 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 88, 11.4.2006, p. 61.

⁽²⁾ Position of the European Parliament of 14 December 2006.

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Whereas:

- (1) The Community has set itself the objective of maintaining and developing an area of freedom, security and justice in which the free movement of persons is ensured. For the gradual establishment of such an area, the Community is to adopt, *inter alia*, measures in the field of judicial cooperation in civil matters having cross-border implications and needed for the proper functioning of the internal market.
- (2) According to Article 65(c) of the Treaty, those measures are to include those eliminating obstacles to the good functioning of civil proceedings, if necessary by promoting the compatibility of the rules on civil procedure applicable in the Member States.
- (3) In this respect, the Community has, among other measures, already adopted Council Regulation (EC) No 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters ⁽¹⁾, Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ⁽²⁾, Council Decision 2001/470/EC of 28 May 2001 establishing a European Judicial Network in civil and commercial matters ⁽³⁾, Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims ⁽⁴⁾ and Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure ⁽⁵⁾.
- (4) The European Council meeting in Tampere on 15 and 16 October 1999 invited the Council and the Commission to establish common procedural rules for simplified and accelerated cross-border litigation on small consumer and commercial claims.
- (5) On 30 November 2000, the Council adopted a joint programme of the Commission and the Council of measures for the implementation of the principle of mutual recognition of decisions in civil and commercial matters ⁽⁶⁾. The programme refers to simplifying and speeding up the settlement of cross-border litigation on small claims. This was taken forward by the Hague Programme ⁽⁷⁾, adopted by the European Council on 5 November 2004, which called for work on small claims to be actively pursued.
- (6) On 20 December 2002, the Commission adopted a Green Paper on a European order for payment procedure and on measures to simplify and speed up small claims litigation. The Green Paper launched a consultation on measures concerning the simplification and the speeding up of small claims litigation.
- (7) Many Member States have introduced simplified civil procedures for small claims since costs, delays and complexities connected with litigation do not necessarily decrease proportionally with the value of the claim. The obstacles to obtaining a fast and inexpensive judgment are exacerbated in cross-border cases. It is therefore necessary to establish a European procedure for small claims ('European Small Claims Procedure'). The objective of such a procedure should be to facilitate access to justice. The distortion of competition within the internal market due to imbalances with regard to the functioning of the procedural means afforded to creditors in different Member States entails the need for Community legislation that guarantees a level playing-field for creditors and debtors throughout the European Union. It should be necessary to have regard to the principles of simplicity, speed and proportionality when setting the costs of dealing with a claim under the European Small Claims Procedure. It is appropriate that details of the costs to be charged be made public, and that the means of setting any such costs be transparent.

⁽¹⁾ OJ L 160, 30.6.2000, p. 37.

⁽²⁾ OJ L 12, 16.1.2001, p. 1. Regulation as amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽³⁾ OJ L 174, 27.6.2001, p. 25.

⁽⁴⁾ OJ L 143, 30.4.2004, p. 15. Regulation as amended by Commission Regulation (EC) No 1869/2005 (OJ L 300, 17.11.2005, p. 6).

⁽⁵⁾ OJ L 399, 30.12.2006, p. 1.

⁽⁶⁾ OJ C 12, 15.1.2001, p. 1.

⁽⁷⁾ OJ C 53, 3.3.2005, p. 1.

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- (8) The European Small Claims Procedure should simplify and speed up litigation concerning small claims in cross-border cases, whilst reducing costs, by offering an optional tool in addition to the possibilities existing under the laws of the Member States, which will remain unaffected. This Regulation should also make it simpler to obtain the recognition and enforcement of a judgment given in the European Small Claims Procedure in another Member State.
- (9) This Regulation seeks to promote fundamental rights and takes into account, in particular, the principles recognised by the Charter of Fundamental Rights of the European Union. The court or tribunal should respect the right to a fair trial and the principle of an adversarial process, in particular when deciding on the necessity of an oral hearing and on the means of taking evidence and the extent to which evidence is to be taken.
- (10) For the purposes of facilitating calculation of the value of a claim, all interest, expenses and disbursements should be disregarded. This should affect neither the power of the court or tribunal to award these in its judgment nor the national rules on the calculation of interest.
- (11) In order to facilitate the commencement of the European Small Claims Procedure, the claimant should make an application by filling in a standard claim form and lodging it with the court or tribunal. The claim form should be submitted only to a court or tribunal that has jurisdiction.
- (12) The claim form should be accompanied, where appropriate, by any relevant supporting documents. However, this does not prevent the claimant from submitting, where appropriate, further evidence during the procedure. The same principle should apply to the response by the defendant.
- (13) The concepts of 'clearly unfounded' in the context of the dismissal of a claim and of 'inadmissible' in the context of the dismissal of an application should be determined in accordance with national law.
- (14) The European Small Claims Procedure should be a written procedure, unless an oral hearing is considered necessary by the court or tribunal or a party so requests. The court or tribunal may refuse such a request. Such refusal may not be contested separately.
- (15) The parties should not be obliged to be represented by a lawyer or another legal professional.
- (16) The concept of 'counterclaim' should be interpreted within the meaning of Article 6(3) of Regulation (EC) No 44/2001 as arising from the same contract or facts on which the original claim was based. Articles 2 and 4 as well as Article 5(3), (4) and (5) should apply, *mutatis mutandis*, to counterclaims.
- (17) In cases where the defendant invokes a right of set-off during the proceedings, such claim should not constitute a counterclaim for the purposes of this Regulation. Therefore, the defendant should not be obliged to use standard Form A, as set out in Annex I, for invoking such a right.
- (18) The Member State addressed for the purposes of the application of Article 6 is the Member State where service is to be effected or to where the document is to be dispatched. In order to reduce costs and delays, documents should be served on the parties primarily by postal service attested by an acknowledgment of receipt, including the date of receipt.
- (19) A party may refuse to accept a document at the time of service or by returning the document within one week if it is not written in, or accompanied by a translation into, the official language of the Member State addressed (or, if there are several official languages in that Member State, the official language or one of the official languages of the place where service is to be effected or to where the document is to be dispatched) or a language which the addressee understands.
- (20) In the context of oral hearings and the taking of evidence, the Member States should encourage the use of modern communication technology subject to the national law of the Member State where the court or tribunal is situated. The court or tribunal should use the simplest and least costly method of taking evidence.

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- (21) The practical assistance to be made available to the parties should include technical information concerning the availability and the filling in of the forms.
- (22) The information about procedural questions can also be given by the court or tribunal staff in accordance with national law.
- (23) As the objective of this Regulation is to simplify and speed up litigation concerning small claims in cross-border cases, the court or tribunal should act as soon as possible even when this Regulation does not prescribe any time limit for a specific phase of the procedure.
- (24) For the purposes of calculating time limits as provided for in this Regulation, Regulation (EEC, Euratom) No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits ⁽¹⁾ should apply.
- (25) In order to speed up the recovery of small claims, the judgment should be enforceable notwithstanding any possible appeal and without the condition of the provision of a security except as provided for in this Regulation.
- (26) Any reference in this Regulation to an appeal should include any possible means of appeal available under national law.
- (27) The court or tribunal must include a person qualified to serve as a judge in accordance with national law.
- (28) Whenever the court or tribunal is required to set a time limit, the party concerned should be informed of the consequences of not complying with it.
- (29) The unsuccessful party should bear the costs of the proceedings. The costs of the proceedings should be determined in accordance with national law. Having regard to the objectives of simplicity and cost-effectiveness, the court or tribunal should order that an unsuccessful party be obliged to pay only the costs of the proceedings, including for example any costs resulting from the fact that the other party was represented by a lawyer or another legal professional, or any costs arising from the service or translation of documents, which are proportionate to the value of the claim or which were necessarily incurred.
- (30) In order to facilitate recognition and enforcement, a judgment given in a Member State in the European Small Claims Procedure should be recognised and enforceable in another Member State without the need for a declaration of enforceability and without any possibility of opposing its recognition.
- (31) There should be minimum standards for the review of a judgment in situations where the defendant was not able to contest the claim.
- (32) Having regard to the objectives of simplicity and cost-effectiveness, the party seeking enforcement shall not be required to have an authorised representative or a postal address in the Member State of enforcement, other than with agents having competence for the enforcement procedure in accordance with the national law of that Member State.
- (33) Chapter III of this Regulation should also apply to the determination of costs and expenses made by officers of the court or tribunal due to a judgment given pursuant to the procedure specified in this Regulation.
- (34) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽²⁾.
- (35) In particular, power should be conferred on the Commission to adopt measures necessary to update or make technical amendments to the forms set out in the Annexes. Since those measures are of general scope and are designed to amend non-essential elements of this Regulation and/or to supplement this Regulation by the addition of new non-essential elements, they should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

⁽¹⁾ OJ L 124, 8.6.1971, p. 1.

⁽²⁾ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

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- (36) Since the objectives of this Regulation, namely, the establishment of a procedure to simplify and speed up litigation concerning small claims in cross-border cases, and to reduce costs, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of this Regulation, 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 Regulation does not go beyond what is necessary to achieve those objectives.
- (37) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom and Ireland have given notice of their wish to take part in the adoption and application of this Regulation.
- (38) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not take part in the adoption of this Regulation and is not bound by it or subject to its application,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER AND SCOPE

Article 1

Subject matter

This Regulation establishes a European procedure for small claims (hereinafter referred to as the 'European Small Claims Procedure'), intended to simplify and speed up litigation concerning small claims in cross-border cases, and to reduce costs. The European Small Claims Procedure shall be available to litigants as an alternative to the procedures existing under the laws of the Member States.

This Regulation also eliminates the intermediate proceedings necessary to enable recognition and enforcement, in other Member States, of judgments given in one Member State in the European Small Claims Procedure.

Article 2

Scope

1. This Regulation shall apply, in cross-border cases, to civil and commercial matters, whatever the nature of the court or tribunal, where the value of a claim does not exceed 2 000 *euro* at the time when the claim form is received by the court or tribunal with jurisdiction, excluding all interest, expenses and disbursements. It shall not extend, in particular, to revenue, customs or administrative matters or to the liability of the State for acts and omissions in the exercise of State authority (*acta jure imperii*).
2. This Regulation shall not apply to matters concerning:
 - (a) the status or legal capacity of natural persons;
 - (b) rights in property arising out of a matrimonial relationship, maintenance obligations, wills and succession;
 - (c) bankruptcy, proceedings relating to the winding-up of insolvent companies or other legal persons, judicial arrangements, compositions and analogous proceedings;
 - (d) social security;
 - (e) arbitration;

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- (f) employment law;
 - (g) tenancies of immovable property, with the exception of actions on monetary claims; or
 - (h) violations of privacy and of rights relating to personality, including defamation.
3. In this Regulation, the term 'Member State' shall mean Member States with the exception of Denmark.

Article 3

Cross-border cases

1. For the purposes of this Regulation, a cross-border case is one in which at least one of the parties is domiciled or habitually resident in a Member State other than the Member State of the court or tribunal seised.
2. Domicile shall be determined in accordance with Articles 59 and 60 of Regulation (EC) No 44/2001.
3. The relevant moment for determining whether there is a cross-border case is the date on which the claim form is received by the court or tribunal with jurisdiction.

CHAPTER II

THE EUROPEAN SMALL CLAIMS PROCEDURE

Article 4

Commencement of the Procedure

1. The claimant shall commence the European Small Claims Procedure by filling in standard claim Form A, as set out in Annex I, and lodging it with the court or tribunal with jurisdiction directly, by post or by any other means of communication, such as fax or e-mail, acceptable to the Member State in which the procedure is commenced. The claim form shall include a description of evidence supporting the claim and be accompanied, where appropriate, by any relevant supporting documents.
2. Member States shall inform the Commission which means of communication are acceptable to them. The Commission shall make such information publicly available.
3. Where a claim is outside the scope of this Regulation, the court or tribunal shall inform the claimant to that effect. Unless the claimant withdraws the claim, the court or tribunal shall proceed with it in accordance with the relevant procedural law applicable in the Member State in which the procedure is conducted.
4. Where the court or tribunal considers the information provided by the claimant to be inadequate or insufficiently clear or if the claim form is not filled in properly, it shall, unless the claim appears to be clearly unfounded or the application inadmissible, give the claimant the opportunity to complete or rectify the claim form or to supply supplementary information or documents or to withdraw the claim, within such period as it specifies. The court or tribunal shall use standard Form B, as set out in Annex II, for this purpose.

Where the claim appears to be clearly unfounded or the application inadmissible or where the claimant fails to complete or rectify the claim form within the time specified, the application shall be dismissed.

5. Member States shall ensure that the claim form is available at all courts and tribunals at which the European Small Claims Procedure can be commenced.

Article 5

Conduct of the Procedure

1. The European Small Claims Procedure shall be a written procedure. The court or tribunal shall hold an oral hearing if it considers this to be necessary or if a party so requests. The court or tribunal may refuse such a request if it considers that with regard to the circumstances of the case, an oral hearing is obviously not necessary for the fair conduct of the proceedings. The reasons for refusal shall be given in writing. The refusal may not be contested separately.

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2. After receiving the properly filled in claim form, the court or tribunal shall fill in Part I of the standard answer Form C, as set out in Annex III.

A copy of the claim form, and, where applicable, of the supporting documents, together with the answer form thus filled in, shall be served on the defendant in accordance with Article 13. These documents shall be dispatched within 14 days of receiving the properly filled in claim form.

3. The defendant shall submit his response within 30 days of service of the claim form and answer form, by filling in Part II of standard answer Form C, accompanied, where appropriate, by any relevant supporting documents, and returning it to the court or tribunal, or in any other appropriate way not using the answer form.

4. Within 14 days of receipt of the response from the defendant, the court or tribunal shall dispatch a copy thereof, together with any relevant supporting documents to the claimant.

5. If, in his response, the defendant claims that the value of a non-monetary claim exceeds the limit set out in Article 2(1), the court or tribunal shall decide within 30 days of dispatching the response to the claimant, whether the claim is within the scope of this Regulation. Such decision may not be contested separately.

6. Any counterclaim, to be submitted using standard Form A, and any relevant supporting documents shall be served on the claimant in accordance with Article 13. Those documents shall be dispatched within 14 days of receipt.

The claimant shall have 30 days from service to respond to any counterclaim.

7. If the counterclaim exceeds the limit set out in Article 2(1), the claim and counterclaim shall not proceed in the European Small Claims Procedure but shall be dealt with in accordance with the relevant procedural law applicable in the Member State in which the procedure is conducted.

Articles 2 and 4 as well as paragraphs 3, 4 and 5 of this Article shall apply, *mutatis mutandis*, to counterclaims.

Article 6

Languages

1. The claim form, the response, any counterclaim, any response to a counterclaim and any description of relevant supporting documents shall be submitted in the language or one of the languages of the court or tribunal.

2. If any other document received by the court or tribunal is not in the language in which the proceedings are conducted, the court or tribunal may require a translation of that document only if the translation appears to be necessary for giving the judgment.

3. Where a party has refused to accept a document because it is not in either of the following languages:

(a) the official language of the Member State addressed, or, if there are several official languages in that Member State, the official language or one of the official languages of the place where service is to be effected or to where the document is to be dispatched; or

(b) a language which the addressee understands,

the court or tribunal shall so inform the other party with a view to that party providing a translation of the document.

Article 7

Conclusion of the Procedure

1. Within 30 days of receipt of the response from the defendant or the claimant within the time limits laid down in Article 5(3) or (6), the court or tribunal shall give a judgment, or:

(a) demand further details concerning the claim from the parties within a specified period of time, not exceeding 30 days;

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- (b) take evidence in accordance with Article 9; or
 - (c) summon the parties to an oral hearing to be held within 30 days of the summons.
2. The court or tribunal shall give the judgment either within 30 days of any oral hearing or after having received all information necessary for giving the judgment. The judgment shall be served on the parties in accordance with Article 13.
3. If the court or tribunal has not received an answer from the relevant party within the time limits laid down in Article 5(3) or (6), it shall give a judgment on the claim or counterclaim.

Article 8

Oral hearing

The court or tribunal may hold an oral hearing through video conference or other communication technology if the technical means are available.

Article 9

Taking of evidence

1. The court or tribunal shall determine the means of taking evidence and the extent of the evidence necessary for its judgment under the rules applicable to the admissibility of evidence. The court or tribunal may admit the taking of evidence through written statements of witnesses, experts or parties. It may also admit the taking of evidence through video conference or other communication technology if the technical means are available.
2. The court or tribunal may take expert evidence or oral testimony only if it is necessary for giving the judgment. In making its decision, the court or tribunal shall take costs into account.
3. The court or tribunal shall use the simplest and least burdensome method of taking evidence.

Article 10

Representation of parties

Representation by a lawyer or another legal professional shall not be mandatory.

Article 11

Assistance for the parties

The Member States shall ensure that the parties can receive practical assistance in filling in the forms.

Article 12

Remit of the court or tribunal

1. The court or tribunal shall not require the parties to make any legal assessment of the claim.
2. If necessary, the court or tribunal shall inform the parties about procedural questions.
3. Whenever appropriate, the court or tribunal shall seek to reach a settlement between the parties.

Article 13

Service of documents

1. Documents shall be served by postal service attested by an acknowledgement of receipt including the date of receipt.
2. If service in accordance with paragraph 1 is not possible, service may be effected by any of the methods provided for in Articles 13 or 14 of Regulation (EC) No 805/2004.

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Article 14

Time limits

1. Where the court or tribunal sets a time limit, the party concerned shall be informed of the consequences of not complying with it.
2. The court or tribunal may extend the time limits provided for in Article 4(4), Article 5(3) and (6) and Article 7(1), in exceptional circumstances, if necessary in order to safeguard the rights of the parties.
3. If, in exceptional circumstances, it is not possible for the court or tribunal to respect the time limits provided for in Article 5(2) to (6) and Article 7, it shall take the steps required by those provisions as soon as possible.

Article 15

Enforceability of the judgment

1. The judgment shall be enforceable notwithstanding any possible appeal. The provision of a security shall not be required.
2. Article 23 shall also apply in the event that the judgment is to be enforced in the Member State where the judgment was given.

Article 16

Costs

The unsuccessful party shall bear the costs of the proceedings. However, the court or tribunal shall not award costs to the successful party to the extent that they were unnecessarily incurred or are disproportionate to the claim.

Article 17

Appeal

1. Member States shall inform the Commission whether an appeal is available under their procedural law against a judgment given in the European Small Claims Procedure and within what time limit such appeal shall be lodged. The Commission shall make that information publicly available.
2. Article 16 shall apply to any appeal.

Article 18

Minimum standards for review of the judgment

1. The defendant shall be entitled to apply for a review of the judgment given in the European Small Claims Procedure before the court or tribunal with jurisdiction of the Member State where the judgment was given where:
 - (a) (i) the claim form or the summons to an oral hearing were served by a method without proof of receipt by him personally, as provided for in Article 14 of Regulation (EC) No 805/2004; and
 - (ii) service was not effected in sufficient time to enable him to arrange for his defence without any fault on his part, or
 - (b) the defendant was prevented from objecting to the claim by reason of *force majeure*, or due to extraordinary circumstances without any fault on his part,provided in either case that he acts promptly.
2. If the court or tribunal rejects the review on the basis that none of the grounds referred to in paragraph 1 apply, the judgment shall remain in force.

If the court or tribunal decides that the review is justified for one of the reasons laid down in paragraph 1, the judgment given in the European Small Claims Procedure shall be null and void.

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*Article 19***Applicable procedural law**

Subject to the provisions of this Regulation, the European Small Claims Procedure shall be governed by the procedural law of the Member State in which the procedure is conducted.

CHAPTER III

RECOGNITION AND ENFORCEMENT IN ANOTHER MEMBER STATE*Article 20***Recognition and enforcement**

1. A judgment given in a Member State in the European Small Claims Procedure shall be recognised and enforced in another Member State without the need for a declaration of enforceability and without any possibility of opposing its recognition.
2. At the request of one of the parties, the court or tribunal shall issue a certificate concerning a judgment in the European Small Claims Procedure using standard Form D, as set out in Annex IV, at no extra cost.

*Article 21***Enforcement procedure**

1. Without prejudice to the provisions of this Chapter, the enforcement procedures shall be governed by the law of the Member State of enforcement.

Any judgment given in the European Small Claims Procedure shall be enforced under the same conditions as a judgment given in the Member State of enforcement.

2. The party seeking enforcement shall produce:

- (a) a copy of the judgment which satisfies the conditions necessary to establish its authenticity; and
- (b) a copy of the certificate referred to in Article 20(2) and, where necessary, the translation thereof into the official language of the Member State of enforcement or, if there are several official languages in that Member State, the official language or one of the official languages of court or tribunal proceedings of the place where enforcement is sought in conformity with the law of that Member State, or into another language that the Member State of enforcement has indicated it can accept. Each Member State may indicate the official language or languages of the institutions of the European Union other than its own which it can accept for the European Small Claims Procedure. The content of Form D shall be translated by a person qualified to make translations in one of the Member States.

3. The party seeking the enforcement of a judgment given in the European Small Claims Procedure in another Member State shall not be required to have:

- (a) an authorised representative; or
- (b) a postal address

in the Member State of enforcement, other than with agents having competence for the enforcement procedure.

4. No security, bond or deposit, however described, shall be required of a party who in one Member State applies for enforcement of a judgment given in the European Small Claims Procedure in another Member State on the ground that he is a foreign national or that he is not domiciled or resident in the Member State of enforcement.

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Article 22

Refusal of enforcement

1. Enforcement shall, upon application by the person against whom enforcement is sought, be refused by the court or tribunal with jurisdiction in the Member State of enforcement if the judgment given in the European Small Claims Procedure is irreconcilable with an earlier judgment given in any Member State or in a third country, provided that:

- (a) the earlier judgment involved the same cause of action and was between the same parties;
- (b) the earlier judgment was given in the Member State of enforcement or fulfils the conditions necessary for its recognition in the Member State of enforcement; and
- (c) the irreconcilability was not and could not have been raised as an objection in the court or tribunal proceedings in the Member State where the judgment in the European Small Claims Procedure was given.

2. Under no circumstances may a judgment given in the European Small Claims Procedure be reviewed as to its substance in the Member State of enforcement.

Article 23

Stay or limitation of enforcement

Where a party has challenged a judgment given in the European Small Claims Procedure or where such a challenge is still possible, or where a party has made an application for review within the meaning of Article 18, the court or tribunal with jurisdiction or the competent authority in the Member State of enforcement may, upon application by the party against whom enforcement is sought:

- (a) limit the enforcement proceedings to protective measures;
- (b) make enforcement conditional on the provision of such security as it shall determine; or
- (c) under exceptional circumstances, stay the enforcement proceedings.

CHAPTER IV

FINAL PROVISIONS

Article 24

Information

The Member States shall cooperate to provide the general public and professional circles with information on the European Small Claims Procedure, including costs, in particular by way of the European Judicial Network in Civil and Commercial Matters established in accordance with Decision 2001/470/EC.

Article 25

Information relating to jurisdiction, means of communication and appeals

- 1. By 1 January 2008 the Member States shall communicate to the Commission:
 - (a) which courts or tribunals have jurisdiction to give a judgment in the European Small Claims Procedure;
 - (b) which means of communication are accepted for the purposes of the European Small Claims Procedure and available to the courts or tribunals in accordance with Article 4(1);
 - (c) whether an appeal is available under their procedural law in accordance with Article 17 and with which court or tribunal this may be lodged;

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- (d) which languages are accepted pursuant to Article 21(2)(b); and
- (e) which authorities have competence with respect to enforcement and which authorities have competence for the purposes of the application of Article 23.

Member States shall apprise the Commission of any subsequent changes to this information.

2. The Commission shall make the information notified in accordance with paragraph 1 publicly available through publication in the *Official Journal of the European Union* and through any other appropriate means.

Article 26

Implementing measures

The measures designed to amend non-essential elements of this Regulation, including by supplementing it, relating to updates or technical amendments to the forms in the Annexes shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 27(2).

Article 27

Committee

1. The Commission shall be assisted by a Committee.
2. Where reference is made to this paragraph, Article 5a(1) to (4), and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

Article 28

Review

By 1 January 2014, the Commission shall present to the European Parliament, the Council and the European Economic and Social Committee a detailed report reviewing the operation of the European Small Claims Procedure, including the limit of the value of the claim referred to in Article 2(1). That report shall contain an assessment of the procedure as it has operated and an extended impact assessment for each Member State.

To that end and in order to ensure that best practice in the European Union is duly taken into account and reflects the principles of better legislation, Member States shall provide the Commission with information relating to the cross-border operation of the European Small Claims Procedure. This information shall cover court fees, speed of the procedure, efficiency, ease of use and the internal small claims procedures of the Member States.

The Commission's report shall be accompanied, if appropriate, by proposals for adaptation.

Article 29

Entry into force

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

It shall apply from 1 January 2009, with the exception of Article 25, which shall apply from 1 January 2008.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Community.

Done at ..., ...

For the European Parliament
The President

For the Council
The President

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ANNEX I

EUROPEAN SMALL CLAIMS PROCEDURE

FORM A

CLAIM FORM

(Article 4(1) of Regulation (EC) No .../2007 of the European Parliament and of the Council establishing a European Small Claims Procedure)

Case number (*):

Received by the court/tribunal on: ____/____/____ (*)

(*) To be filled in by the court/tribunal.

IMPORTANT INFORMATION

PLEASE READ THE GUIDELINES AT THE BEGINNING OF EACH SECTION - THEY WILL HELP YOU TO FILL IN THIS FORM

Language

Fill in this form in the language of the court/tribunal to which you are sending your application. Please note that the form is available in all official languages of the institutions of the European Union on the website of the European Judicial Atlas at http://ec.europa.eu/justice_home/judicialatlascivil/html/index_en.htm. This may help you in filling in the form in the required language.

Supporting documents

Please note that the claim form should be accompanied, where appropriate, by any relevant supporting documents. However, this does not prevent you from submitting, where appropriate, further evidence during the procedure.

A copy of the claim form and, where appropriate, of the supporting documents, will be served on the defendant. The defendant will have an opportunity to submit a response.

1. Court/tribunal

In this field you should identify the court/tribunal before which you are making your claim. When deciding which court/tribunal to choose, you need to consider the grounds for the court's/tribunal's jurisdiction. A non-exhaustive list of possible grounds of jurisdiction is included in section 4.

1. Before which court/tribunal are you making your claim?

1.1. Name:

1.2. Street and number/PO box:

1.3. City and postal code:

1.4. Country:

2. Claimant

This field must identify you as the claimant and your representative, if any. Please note that it is not mandatory to be represented by a lawyer or another legal professional.

It may not be sufficient in some countries to give only a PO Box as the address and you should therefore include the street name and number with a postcode. Failure to do so may result in the document not being served.

'Other details' may contain information that helps to identify you, for example, your date of birth, occupation, position in the company, personal ID code and the company registry code in certain Member States.

Where there is more than one claimant, please use additional sheets.

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2. The claimant's details

- 2.1. Surname, first name/name of company or organisation:
- 2.2. Street and number/PO box:
- 2.3. City and postal code:
- 2.4. Country:
- 2.5. Telephone (*):
- 2.6. E-mail (*):
- 2.7. Claimant's representative, if any, and contact details (*):
- 2.8. Other details (*):

3. Defendant

In this field you should identify the defendant and, if known, his representative. Please note that it is not mandatory for the defendant to be represented by a lawyer or another legal professional.

It may not be sufficient in some countries to give only a PO Box as the address and therefore you should include the street name and number with a postcode. Failure to do so may result in the document not being served.

'Other details' may contain information that helps to identify the person, for example the date of birth, occupation, position in the company, personal ID code and company registry code in certain Member States. If there is more than one defendant, please use additional sheets.

3. The defendant's details

- 3.1. Surname, first name/name of company or organisation:
- 3.2. Street and number/PO box:
- 3.3. City and postal code:
- 3.4. Country:
- 3.5. Telephone (*):
- 3.6. E-mail (*):
- 3.7. Defendant's representative, if known, and contact details (*):
- 3.8. Other details (*):

4. Jurisdiction

Your application must be lodged with the court/tribunal that has jurisdiction to deal with it. The court/tribunal must have jurisdiction in accordance with the rules of Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

This section includes a non-exhaustive list of possible grounds for jurisdiction.

Information on the rules of jurisdiction can be found on the website of the European Judicial Atlas at http://ec.europa.eu/justice_home/judicialatlascivil/html/index_en.htm

You can also look at http://ec.europa.eu/civiljustice/glossary/glossary_en.htm for an explanation of some of the legal terms employed.

(*) Optional.

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4. On what ground do you consider the court/tribunal to have jurisdiction?

- 4.1. Domicile of the defendant ☐
- 4.2. Domicile of the consumer ☐
- 4.3. Domicile of the policyholder, the insured or the beneficiary in insurance matters ☐
- 4.4. Place of performance of the obligation in question ☐
- 4.5. Place of the harmful event ☐
- 4.6. Place where the immovable property is situated ☐
- 4.7. Choice of court/tribunal agreed by the parties ☐
- 4.8. Other (please specify) _____

5. Cross-border nature of the case

In order to make use of the European Small Claims Procedure, your case must be of a cross-border nature. A case is of a cross-border nature if at least one of the parties is domiciled or habitually resident in a Member State other than the Member State of the court/tribunal.

5. Cross-border nature of the case

- 5.1. Country of domicile or habitual residence of claimant: _____
- 5.2. Country of domicile or habitual residence of defendant: _____
- 5.3. Member State of the court/tribunal: _____

6. Bank details (optional)

In field 6.1. you may inform the court/tribunal by which means you intend to pay the application fee. Please note that not all methods are necessarily available at the court/tribunal to which you are sending your application. You should verify which methods of payment will be accepted by the court/tribunal. You can do this by contacting the court/tribunal concerned or by consulting the website of the European Judicial Network in Civil and Commercial Matters at <http://ec.europa.eu/civiljustice>.

If you choose to pay by credit card or to allow the court/tribunal to collect the fee from your bank account, you should give the necessary credit card or bank account details in the Appendix to this form. The Appendix will be for the information of the court/tribunal only and will not be forwarded to the defendant.

In field 6.2. you are given the possibility of indicating by which means you wish to receive payment from the defendant, for example if the defendant wishes to pay immediately even before the judgment is given. If you wish to be paid by bank transfer, please give the necessary bank details.

6. Bank details (*)

6.1. How will you pay the application fee?

- 6.1.1. By bank transfer ☐
- 6.1.2. By credit card ☐ (please fill in the Appendix)
- 6.1.3. Direct debit from your bank account ☐ (please fill in the Appendix)

6.1.4. Other (please specify):

6.2. To which account do you wish the defendant to pay any amount claimed or awarded?

- 6.2.1. Account holder:
- 6.2.2. Bank name, BIC or other relevant bank code:
- 6.2.3. Account number/IBAN:

(*) Optional.

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7. Claim

Scope: Please note that the European Small Claims Procedure has a limited scope. No claims of a value higher than EUR 2 000 or which are listed in Article 2 of Regulation (EC) No .../2007 of the European Parliament and of the Council establishing a European Small Claims Procedure can be dealt with under this procedure. If your claim does not relate to an action within the scope of that Regulation in accordance with Article 2, proceedings will continue before the courts/tribunals with jurisdiction in accordance with the rules of ordinary civil procedure. If you do not wish to continue proceedings in that event, you should withdraw your application.

Monetary or other claim: You should indicate whether you are claiming money and/or something else (non-monetary claim), for example, delivery of goods, and then fill in respectively either 7.1. and/or 7.2. If your claim is not for money, please indicate the estimated value of your claim. In the case of a non-monetary claim, you should indicate whether you have a secondary claim for compensation if it is not possible to satisfy the original claim.

If you wish to claim the costs of the proceedings (e.g. translation costs, lawyers' fees, costs relating to the service of documents etc.), then you should indicate this in 7.3. Please note that rules regarding the costs which courts/tribunals can award vary between different Member States. Details of categories of costs in the Member States can be found on the website of the European Judicial Network in Civil and Commercial Matters at <http://ec.europa.eu/civiljustice>.

If you wish to claim any contractual interest, for example on a loan, you should indicate the rate and from what date it runs. The court/tribunal may award statutory interest on your claim, if you are successful. If you wish to claim interest, please indicate this and the date from which the interest should run.

7. About your claim

☐ 7.1. Claim for money:

7.1.1. Amount of principal (excluding interest and costs): _____

7.1.2. Currency:

- | | | |
|---|---|---|
| <input type="checkbox"/> Euro (EUR) | <input type="checkbox"/> Bulgarian lev (BGN) | <input type="checkbox"/> Cypriot pound (CYP) |
| <input type="checkbox"/> Czech koruna (CZK) | <input type="checkbox"/> Estonian kroon (EEK) | <input type="checkbox"/> Pound Sterling (GBP) |
| <input type="checkbox"/> Hungarian forint (HUF) | <input type="checkbox"/> Latvian lats (LVL) | <input type="checkbox"/> Lithuanian litas (LTL) |
| <input type="checkbox"/> Maltese lira (MTL) | <input type="checkbox"/> Polish zloty (PLN) | <input type="checkbox"/> Romanian leu (RON) |
| <input type="checkbox"/> Swedish kronor (SEK) | <input type="checkbox"/> Slovak koruna (SKK) | |

☐ Other (please specify): _____☐ 7.2. Other claim:

7.2.1. Please specify what you are claiming: _____

7.2.2. Estimated value of the claim: _____

Currency:

- | | | |
|---|---|---|
| <input type="checkbox"/> Euro (EUR) | <input type="checkbox"/> Bulgarian lev (BGN) | <input type="checkbox"/> Cypriot pound (CYP) |
| <input type="checkbox"/> Czech koruna (CZK) | <input type="checkbox"/> Estonian kroon (EEK) | <input type="checkbox"/> Pound Sterling (GBP) |
| <input type="checkbox"/> Hungarian forint (HUF) | <input type="checkbox"/> Latvian lats (LVL) | <input type="checkbox"/> Lithuanian litas (LTL) |
| <input type="checkbox"/> Maltese lira (MTL) | <input type="checkbox"/> Polish zloty (PLN) | <input type="checkbox"/> Romanian leu (RON) |
| <input type="checkbox"/> Swedish kronor (SEK) | <input type="checkbox"/> Slovak koruna (SKK) | |

☐ Other (please specify): _____

7.3. Are you claiming the costs of proceedings?

7.3.1. Yes ☐7.3.2. No ☐

7.3.3. If yes, please specify which costs and indicate the amount claimed or incurred so far:

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7.4. Are you claiming interest?	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
If yes, is the interest:	
Contractual?	<input type="checkbox"/> If so, go to 7.4.1
Statutory?	<input type="checkbox"/> If so, go to 7.4.2
7.4.1. If contractual	
1) the rate is:	
<input type="checkbox"/>	_____ %
<input type="checkbox"/>	_____ % above the base rate of the ECB
<input type="checkbox"/>	other: _____
2) the interest should run from: ____/____/____(date)	
7.4.2. If statutory	
the interest should run from: ____/____/____(date)	

8. *Details of claim*

In 8.1. you should describe briefly the substance of your claim.

In 8.2. you should describe any relevant supporting evidence. This could, for example, be written evidence (e.g. contracts, receipts etc.) or oral or written statements from witnesses. For each piece of evidence, please indicate which aspect of your claim it is intended to support.

If space is insufficient, you can add additional sheets.

8. <i>Details of claim</i>	
8.1. Please give reasons for your claim, for example what happened, where and when.	
8.2. Please describe the evidence you wish to put forward to support your claim and state which points of the claim it supports. Where appropriate, you should add relevant supporting documents.	
8.2.1. Written evidence	<input type="checkbox"/> please specify below
8.2.2. Witnesses	<input type="checkbox"/> please specify below
8.2.3. Other	<input type="checkbox"/> please specify below

Oral hearing: Please note that the European Small Claims Procedure is a written procedure. However, you can request, in this form or at a later stage, that an oral hearing be held. The court/tribunal may decide to hold an oral hearing if it considers it necessary for the fair conduct of the proceedings or it may refuse it, having regard to all the circumstances of the case.

8.3. Do you want an oral hearing to be held?	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
If yes, please indicate reasons (*):	

(*) Optional.

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9. *Certificate*

A judgment given in a Member State in the European Small Claims Procedure can be recognised and enforced in another Member State. If you intend to ask for recognition and enforcement in a Member State other than that of the court/tribunal, you can request in this form that the court/tribunal, after having made a decision in your favour, issue a certificate concerning that judgment.

9. *Certificate*

I ask the court/tribunal to issue a certificate concerning the judgment

Yes

☐

No

☐10. *Date and signature*

Please make sure that you write your name clearly and sign and date your application at the end.

10. *Date and signature*

I hereby request that the court/tribunal give a judgment against the defendant on the basis of my claim.

I declare that the information provided is true to the best of my knowledge and is given in good faith.

Done at: _____

Date: ____/____/____

Name and signature:

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Appendix to the claim form (Form A)

Bank details (*) for the purposes of payment of the application fee

Account holder/credit card holder:

Bank name, BIC or other relevant bank code/credit card company:

Account number or IBAN/credit card number, expiry date and security number of the credit card:

(*) Optional.

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ANNEX II

EUROPEAN SMALL CLAIMS PROCEDURE

FORM B

REQUEST BY THE COURT OR TRIBUNAL TO COMPLETE AND/OR RECTIFY THE CLAIM FORM

(Article 4(4) of Regulation (EC) No .../2007 of the European Parliament and of the Council establishing a European Small Claims Procedure)

To be filled in by the court/tribunal

Case number:

Received by the court/tribunal on: ____/____/____.

1. *Court/tribunal*

1.1. Name:

1.2. Street and number/PO box:

1.3. City and postal code:

1.4. Country:

2. *Claimant*

2.1. Surname, first name/name of company or organisation:

2.2. Street and number/PO box:

2.3. City and postal code:

2.4. Country:

2.5. Telephone (*):

2.6. E-mail (*):

2.7. Claimant's representative, if any, and contact details (*):

2.8. Other details (*):

3. *Defendant*

3.1. Surname, first name/name of company or organisation:

3.2. Street and number/PO box:

3.3. City and postal code:

3.4. Country:

3.5. Telephone (*):

3.6. E-mail (*):

3.7. Defendant's representative, if any, and contact details (*):

3.8. Other details (*):

(*) Optional.

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The court/tribunal has examined your claim form and considers it to be inadequate or insufficiently clear or not properly filled in: please complete and/or rectify your form in the language of the court/tribunal as indicated below as soon as possible and at the latest by _____.

The court/tribunal shall dismiss your application under the conditions provided for in Regulation (EC) No .../2007 if you fail to complete and/or rectify it within the time limit set out above.

Your claim form has not been filled in in the correct language. Please fill it in in one of the following languages.

Bulgarian	<input type="checkbox"/>	Czech	<input type="checkbox"/>	German	<input type="checkbox"/>
Estonian	<input type="checkbox"/>	Spanish	<input type="checkbox"/>	Greek	<input type="checkbox"/>
French	<input type="checkbox"/>	Irish	<input type="checkbox"/>	Italian	<input type="checkbox"/>
Latvian	<input type="checkbox"/>	Lithuanian	<input type="checkbox"/>	Hungarian	<input type="checkbox"/>
Maltese	<input type="checkbox"/>	Dutch	<input type="checkbox"/>	Polish	<input type="checkbox"/>
Portuguese	<input type="checkbox"/>	Romanian	<input type="checkbox"/>	Slovak	<input type="checkbox"/>
Slovene	<input type="checkbox"/>	Finnish	<input type="checkbox"/>	Swedish	<input type="checkbox"/>
English	<input type="checkbox"/>	Other: (please specify) _____			

The following sections of the claim form must be completed and/or rectified as stated below:

—
—
—
—

Done at: _____

Date: ____/____/____

Signature and/or stamp:

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ANNEX III

EUROPEAN SMALL CLAIMS PROCEDURE

FORM C

ANSWER FORM

(Article 5(2) and 5(3) of Regulation (EC) No .../2007 of the European Parliament and of the Council establishing a European Small Claims Procedure)

IMPORTANT INFORMATION AND GUIDELINES FOR THE DEFENDANT

A claim as set out in the attached claim form has been submitted against you using the European Small Claims Procedure.

You can answer by filling in Part II of this form and returning it to the court/tribunal, or in any other appropriate way, within 30 days after the claim form has been served on you together with the answer form.

Please note that if you do not answer within 30 days, the court/tribunal shall give a judgment.

Please make sure that you write your name clearly and sign and date the answer form at the end.

You should also read the guidelines included in the claim form; these may help you to prepare your response.

Language: You should reply to the claim in the language of the court/tribunal which has sent you this form.

Please note that the form is available in all official languages of the institutions of the European Union on the website of the European Judicial Atlas at

http://ec.europa.eu/justice_home/judicialatlascivil/html/index_en.htm. This may help you in filling in the form in the required language.

Oral hearing: Please note that the European Small Claims Procedure is a written procedure. However, you can ask for an oral hearing to be held. Please be aware that having regard to the circumstances of the case, the court/tribunal can refuse this request.

Supporting documents: You can indicate possible means of evidence, and add, where appropriate, supporting documents.

Counterclaim: If you want to make a claim against the claimant (counterclaim), you should fill in and attach a separate Form A which you can find on the internet at http://ec.europa.eu/justice_home/judicialatlascivil/html/fillinginformation_en.htm or obtain from the court/tribunal which sent you this form. Please note that for the purposes of the counterclaim you are considered to be the claimant.

Correcting your details: You can also correct or supplement information about yourself (e.g. contact details, representative etc.) in section 6 "Other information".

Extra space: If space is insufficient, you can add additional sheets.

Part I (to be filled in by the court/tribunal)

Name of claimant:

Name of defendant:

Court/tribunal:

Claim:

Case number:

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Part II (to be filled in by the defendant)

1. Do you accept the claim?

Yes ☐No ☐Partially ☐

If you have answered 'no' or 'partially', please indicate reasons:

The claim is outside the scope of the European Small Claims Procedure ☐

please specify below

Other ☐

please specify below

2. If you do not accept the claim please describe the evidence you wish to put forward to contest it. Please state which points of your answer the evidence supports. Where appropriate, you should add relevant supporting documents.

2.1. Written evidence ☐ please specify below2.2. Witnesses ☐ please specify below2.3. Other ☐ please specify below

3. Do you want an oral hearing to be held?

Yes ☐No ☐

If yes, please indicate reasons (*):

4. Are you claiming the costs of proceedings?

4.1. Yes ☐4.2. No ☐

4.3. (*) If yes, please specify which costs and if possible, indicate the amount claimed or incurred so far:

5. Do you want to make a counterclaim?

5.1. Yes ☐5.2. No ☐

5.3. If yes, please fill in and attach a separate Form A

6. Other information (*)

7. Date and signature

I declare that the information provided is true to the best of my knowledge and is given in good faith.

Done at: _____

Date: ____/____/____

Name and signature:

(*) Optionnal.

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ANNEX IV

EUROPEAN SMALL CLAIMS PROCEDURE

FORM D

CERTIFICATE CONCERNING A JUDGMENT IN THE EUROPEAN SMALL CLAIMS PROCEDURE

(Article 20(2) of Regulation (EC) No .../2007 of the European Parliament and of the Council establishing a European Small Claims Procedure)

To be filled in by the court/tribunal

1. *Court/tribunal*
 - 1.1. Name:
 - 1.2. Street and number/PO box:
 - 1.3. City and postal code:
 - 1.4. Country:
2. *Claimant*
 - 2.1. Surname, first name/name of company or organisation:
 - 2.2. Street and number/PO box:
 - 2.3. City and postal code:
 - 2.4. Country:
 - 2.5. Telephone (*):
 - 2.6. E-mail (*):
 - 2.7. Claimant's representative, if any, and contact details (*):
 - 2.8. Other details (*):
3. *Defendant*
 - 3.1. Surname, first name/name of company or organisation:
 - 3.2. Street and number/PO box:
 - 3.3. City and postal code:
 - 3.4. Country:
 - 3.5. Telephone (*):
 - 3.6. E-mail (*):
 - 3.7. Defendant's representative, if any, and contact details (*):
 - 3.8. Other details (*):

(*) Optional.

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4.	<i>Judgment</i>
4.1.	Date:
4.2.	Case number:
4.3.	The substance of the judgment:
4.3.1.	The court/tribunal has ordered _____ to pay to _____
	(1) Principal:
	(2) Interest:
	(3) Costs:
4.3.2.	The court/tribunal has made an order against _____ to _____
(If the judgment was given by an appeal court or in the case of a review of a judgment.)	
This judgment supersedes the judgment given on ____/____/____, case number _____, and any certificate relative thereto.	
THE JUDGMENT WILL BE RECOGNISED AND ENFORCED IN ANOTHER MEMBER STATE WITHOUT THE NEED FOR A DECLARATION OF ENFORCEABILITY AND WITHOUT ANY POSSIBILITY OF OPPOSING ITS RECOGNITION.	
Done at: _____	
Date: ____/____/____	
Signature and/or stamp	

P6_TA(2006)0594

Fundamental rights and citizenship (2007-2013) *

European Parliament legislative resolution on the proposal for a Council decision establishing for the period 2007-2013 the specific programme 'Fundamental rights and citizenship' as part of the General programme 'Fundamental Rights and Justice' (COM(2005)0122 — C6-0236/2005 — 2005/0038(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2005)0122) ⁽¹⁾,
- having regard to Article 308 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0236/2005),
- 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 Budgets and the Committee on Culture and Education (A6-0465/2006);

⁽¹⁾ Not yet published in OJ.

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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. 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. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
6. Instructs its President to forward its position as annexed to this legislative resolution to the Council and Commission.

ANNEX

Amended Proposal for a Council Decision establishing for the period 2007-2013 the specific programme 'Fundamental rights and citizenship' as part of the General programme 'Fundamental Rights and Justice'

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

[...]

Whereas:

- (1) The European Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles which are common to the Member States.
- (2) The Charter of Fundamental Rights of the European Union ⁽³⁾ [...], bearing in mind its status and scope, and the accompanying explanations, reflects the rights as they result, in particular, from the constitutional traditions and international obligations common to the Member States, the Treaty on European Union, the Community Treaties, the European Convention for the Protection of Human Rights and Fundamental Freedoms ⁽⁴⁾, the social charters adopted by the Community and by the Council of Europe and the case law of the Court of Justice of the European Communities and of the European Court of Human Rights.
- (3) In November 2004 the European Council recognised the importance of communication to bring all persons close to the European project by encouraging an active citizenship.

⁽¹⁾ OJ C ...

⁽²⁾ OJ C ...

⁽³⁾ Proclaimed in Nice on 7 December 2000, OJ C 364, 18.12.2000, p. 1.

⁽⁴⁾ Signed in Rome on 4 November 1950.

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- (4) In its Communication to the Council and the European Parliament on Article 7 of the Treaty on European Union ⁽¹⁾, the Commission underlines the importance of the role that civil society plays both in protecting and promoting fundamental rights; the Commission therefore should establish an open, transparent and regular dialogue with civil society.
- (4a) According to the Hague Programme, strengthening mutual cooperation requires an explicit effort to improve mutual understanding among judicial authorities and different legal systems. European networks of national public authorities should deserve special attention and support in this respect.
- (4b) The Conference of the European Constitutional Courts and the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union contribute, in particular by maintaining relevant databases, to an exchange of views and experience on matters concerning the jurisprudence, organisation and functioning of their Members in the performance of their judicial and advisory functions with regard to Community law. It ought to be possible to co-finance the activities of the Conference and the Association to the extent that the expenditure is incurred in pursuing an objective of general European interest. However, such co-financing should not imply that a future program would cover such networks, nor should it prejudice other European networks from benefiting from support to their activities in accordance with the Decision.
- (5) It is appropriate to stress the importance of information and communication with respect to the rights that citizenship of the Union confers on its citizens to improve their awareness of their rights and to provide them with easy access to reliable information.
- (6) Fostering an interfaith and multicultural dialogue at the level of the European Union would contribute to preserving and strengthening peace and Fundamental Rights.
- (7) The objectives of this programme should be complementary to those of the European Union Agency for Fundamental Rights established by Council Regulation (EC) No .../2006 of ..., and should focus on those areas where European added-value can be engendered. Appropriate co-ordination should be undertaken to these ends.
- (8) With a view to achieving complementarity and guaranteeing the best possible use of resources, it should be ensured that any duplication between the actions supported by this programme and the activities of international organisations competent in the field of Fundamental Rights, such as the Council of Europe, is avoided, while permitting joint activities for the achievement of the objectives of this programme. Appropriate co-ordination should be undertaken to these ends.
- (8a) According to the principle of opening the Community programmes to the candidate countries and to the countries of the Western Balkans, as enshrined in the Thessaloniki Agenda, the Programme should be open to the participation of the acceding countries, candidate countries and the Western Balkan countries. Such participation should necessitate fulfilling the general conditions of bilateral agreement and contribution to the Programme budget. When it serves the objectives of the action concerned, also authorities, bodies or non-governmental organisations of countries not participating to the Programme may be associated to individual actions as partners, however without them being the main beneficiaries of the project.
- (9) Appropriate measures should also be taken to prevent irregularities and fraud and the necessary steps should be taken to recover funds lost, wrongly paid or incorrectly used in accordance with Council Regulations (EC Euratom) No 2988/95 of 18 December 1995 on the protection of the Communities' financial interests ⁽²⁾ (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission ⁽³⁾ and Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) ⁽⁴⁾.

⁽¹⁾ COM(2003)0609, 15.10.2003.

⁽²⁾ OJ L 312, 23.12.1995, p. 1.

⁽³⁾ OJ L 292, 15.11.1996, p. 2.

⁽⁴⁾ OJ L 136, 31.5.1999, p. 1.

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- (10) 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⁾, hereinafter 'the Financial Regulation', and Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 ⁽²⁾, which safeguard the Community's financial interests, have to be applied taking into account the principles of simplicity and consistency in the choice of budgetary instruments, a limitation on the number of cases where the Commission retains direct responsibility for their implementation and management, and the required proportionality between the amount of resources and the administrative burden related to their use.
- (11) The Financial Regulation requires a basic act to be provided to cover operating grants.
- (12) In accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽³⁾ measures for the implementation of this Decision should be adopted, with a distinction being made between those measures which are subject to the management committee procedure and those which are subject to the advisory committee procedure, the advisory committee being in certain cases, with a view to increased efficiency, the more appropriate.
- (13) The objectives of the programme, namely the support to civil society associations, the fight against racism, xenophobia and anti-Semitism, the protection of Fundamental Rights and the protection of the Rights of the Citizen, through an interfaith and multicultural dialogue cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or impact of the initiative, 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 Decision does not go beyond what is necessary to achieve those objectives.
- (14) The Treaty does not provide, for the adoption of this Decision, powers other than those under Article 308.
- (15) The Economic and Social Committee has delivered an opinion ⁽⁴⁾,

HAS DECIDED AS FOLLOWS:

*Article 1***Creation of the programme**

1. This Decision establishes the programme 'Fundamental Rights and Citizenship', hereinafter referred to as 'the programme' as part of the general programme 'Fundamental Rights and Justice'.
2. The programme shall cover the period from 1 January 2007 to 31 December 2013.
3. The Programme shall be implemented within the scope of application of Community law.

*Article 2***General objectives**

1. This programme shall have the following general objectives:
 - (a) To promote the development of a European society based on respect for Fundamental Rights as recognised in Article 6(2) of the Treaty on European Union [...], including rights derived from citizenship of the Union.

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.⁽²⁾ OJ L 357, 31.12.2002, p. 1.⁽³⁾ OJ L 184, 17.7.1999, p. 23.⁽⁴⁾ OJ C 69, 21.3.2006.

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- (b) To strengthen civil society and to encourage an open, transparent and regular dialogue with it in respect of fundamental rights.
 - (c) To fight against racism, xenophobia and anti-Semitism and to promote a better interfaith and intercultural understanding and improved tolerance throughout the European Union.
 - (d) To improve the contacts, exchange of information and networking between legal, judicial and administrative authorities and the legal professions, including by way of support of judicial training, with the aim of better mutual understanding among such authorities and professionals.
2. The general objectives of the programme are complementary to the objectives pursued by the European Union Agency for Fundamental Rights established by Council Regulation (EC) No .../2006.
3. The general objectives of the programme contribute to the development and implementation of the Community policies in full respect of Fundamental Rights.

Article 3

Specific objectives

The programme shall have the following specific objectives:

- (a) To promote the Fundamental Rights as recognised in Article 6(2) of the Treaty on European Union [...] and to inform all persons of their rights including those derived from the citizenship of the Union in order to encourage Union citizens to participate actively in the democratic life of the Union.
- (b) To examine, when necessary, the respect of specific fundamental rights in the European Union and its Member States when implementing, Community law, [...] and to obtain opinions on specific questions related to fundamental rights within this scope.
- (c) To support non-governmental organisations and other bodies from civil society to enhance their capability to participate actively in the promotion of fundamental rights, the rule of law and democracy.
- (d) To create relevant structures in order to foster an interfaith and multicultural dialogue at the level of European Union.

Article 4

Actions

With a view to pursuing the general and specific objectives set out in Articles 2 and 3, this programme will support the following types of actions:

- (a) specific actions taken by the Commission, such as, studies and research, opinion polls and surveys, formulation of indicators and common methodologies, collection, development and dissemination of data and statistics, seminars, conferences and expert meetings, organisation of public campaigns and events; development and maintenance of websites, preparation and dissemination of information material, support for and management of networks of national experts, analytical, monitoring and evaluation activities; or
- (b) specific trans-national projects of Community interest presented by an authority or any other body of a Member State, an international or non-governmental organisation, and involving in any case at least two Member States or at least one Member State and one other state which may either be an acceding or a candidate country, under the conditions set out in the annual work programmes; or
- (c) support to the activities of non-governmental organisations or other entities pursuing an aim of general European interest in accordance with the general objectives of the programme under the conditions set out in the annual work programmes;

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- (d) operating grants to co-finance expenditure associated with the permanent work programme of the Conference of the European Constitutional Courts and the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union, which maintains certain databases providing for a European-wide collection of national judgments relating to the implementation of Community law, insofar as the expenditure is incurred in pursuing an objective of general European interest by promoting exchanges of views and experience on matters concerning the jurisprudence, organisation and functioning of their members in the performance of their judicial and/or advisory functions with regard to Community law.

Article 5

Participation of third countries

1. The following countries, hereinafter referred to as 'participating countries' may participate in the actions of the programme: the acceding countries, candidate countries and the Western Balkan countries included in the stabilisation and association process, in accordance with the conditions laid down in the association agreements or their additional protocols relating to participation in Community programmes concluded or to be concluded with those countries.
2. Actions under Article 4 may associate authorities, bodies or non-governmental organisations of countries not participating in this programme pursuant to paragraph 1, where this would contribute to the preparation for accession of the countries referred to in paragraph 1 or serve the objectives of the actions concerned.

Article 6

Target Groups

The programme is targeted at European Union citizens, citizens of participating countries or third country nationals legally residing within the European Union territory and civil society associations, among other groups active in promoting the objectives of this programme.

Article 7

Access to the programme

1. Access to this programme shall be open, *inter alia*, to institutions and public or private organisations, universities, research institutes, non-governmental organisations, national, regional and local authorities, international organisations and other not-for-profit organisations established in the European Union or in one of the countries participating, pursuant to Article 5.
2. The programme shall permit joint activities with international organisations competent in the field of fundamental rights, such as the Council of Europe, on the basis of joint contributions and in accordance with the various rules prevailing in each institution or organisation, for the achievement of the objectives of this programme.

Article 8

Types of intervention

1. Community funding may take the following legal forms:
 - grants,
 - public procurement contracts.
2. Community grants shall be awarded further to calls for proposals, save in duly substantiated exceptional cases as foreseen in Financial Regulation applicable to the General budget of the European Communities and shall be provided through operating grants and grants to actions. The maximum rate of co-financing will be specified in the annual work programmes.
3. Furthermore, expenditure is foreseen for accompanying measures, through public procurement contracts, in which case Community funds will cover the purchase of services and goods. This will cover, *inter alia*, expenditure on information and communication, preparation, implementation, monitoring, checking and evaluation of projects, policies, programmes and legislation.

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Article 9

Implementing measures

1. The Commission shall implement the Community Assistance in accordance with the Financial Regulation applicable to the general budget of the European Communities.
2. To implement the programme, the Commission shall, within the limits of the general objectives set out in Article 2, adopt an annual work programme specifying its specific objectives, thematic priorities, a description of accompanying measures envisaged in Article 8 and if necessary a list of other actions.
3. The annual work programme will be adopted in accordance with the procedure set out in Article 10(3).
4. The evaluation and award procedures relating to grants to actions shall take into account, *inter alia*, the following criteria:
 - (a) conformity with the annual work programme, the general objectives as specified in Article 2 and measures taken in the different domains as specified in Articles 3 and 4;
 - (b) quality of the proposed action regarding its conception, organisation, presentation and expected results;
 - (c) amount requested for Community financing and its appropriateness as to expected results;
 - (d) impact of the expected results on the general objectives defined in Article 2 and on measures taken in the different domains as specified in Articles 3 and 4.
5. The applications for operating grants, referred to in Article 4(b) and (c), shall be assessed in the light of:
 - consistency with the programme objectives;
 - quality of the planned activities;
 - likely multiplier effect on the public of these activities;
 - geographic impact of the activities carried out;
 - citizen involvement in the organisation of the bodies concerned;
 - cost/benefit ratio of the activity proposed.
6. The Decisions related to actions submitted under Article 4(b) and (c) shall be taken by the Commission in accordance with the procedure set out in Article 10(2).
7. Pursuant to Article 113(2) of the Financial Regulation, the principle of gradual reduction shall not apply to the operating grant given to the Conference of the European Constitutional Courts and the Association of the Council of States and Supreme Administrative Jurisdictions of the European Union insofar as they pursue an objective of general European interest.

Article 10

Committee

1. The Commission shall be assisted by a Committee (hereinafter referred to as 'the Committee').
2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply.
3. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at 3 months.

4. The Committee shall adopt its Rules of Procedure.

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*Article 11***Complementarity**

1. Synergies and complementarity with other Community instruments shall be sought, particularly the Framework programmes 'Security and Safeguarding Liberties' and 'Solidarity and Management of Migration Flows', as well as the programme 'Progress'. Complementarity with the European Union Agency for Fundamental Rights, shall be secured. The statistical element of information on fundamental rights and citizenship shall be developed in collaboration with Member States, on the basis of available data using as necessary the Community Statistical Programme.
2. The programme may share resources with other Community instruments, in particular the general programmes 'Security and Safeguards Liberties' and 'Solidarity and Management of Migration Flows' in order to implement actions meeting the objectives of all programmes.
3. Operations financed under this Decision shall not receive assistance for the same purpose from other Community financial instruments. It shall be ensured that the beneficiaries of this Decision shall provide the Commission with information about funding received from the Community budget and from other sources, as well as information about ongoing applications for funding.

*Article 12***Budgetary Resources**

The budgetary resources allocated to the actions provided for in this programme shall be entered in the annual appropriations of the general budget of the European Union. The available annual appropriations shall be authorised by the budgetary authority within the limits of the financial framework.

*Article 13***Monitoring**

1. The Commission shall ensure that for any action financed by the programme, the beneficiary shall submit, technical and financial reports on the progress of work. A final report shall also be submitted within three months of the completion of the action. The Commission shall determine the form and content of the reports.
2. The Commission shall ensure that contracts and agreements resulting from the implementation of the programme will provide in particular for supervision and financial control by the Commission (or any representative authorized by it), if necessary by means of on-the-spot checks, including sample checks and audits by the Court of Auditors.
3. The Commission shall ensure that for a period of five years following the last payment in respect of any action, the beneficiary of financial assistance shall keep available for the Commission all the supporting documents regarding expenditure on the action.
4. On the basis of the results of the reports and sample checks referred to in paragraphs 1 and 2, the Commission shall ensure that, if necessary, the scale or the conditions of allocation of the financial assistance originally approved and also the timetable for payments will be adjusted.
5. The Commission shall ensure that every other step necessary to verify that the actions financed are carried out properly and in compliance with the provisions of this Decision and the Financial Regulation will be taken.

*Article 14***Protection of Community financial interests**

1. The Commission shall ensure that, when actions financed under the present Decision are implemented, the financial interests of the Community are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and by the recovery of the amounts unduly paid and, if irregularities are detected, by effective, proportional and dissuasive penalties, in accordance with Council Regulations (EC, Euratom) No 2988/95 and (Euratom, EC) No 2185/96, and with Regulation (EC) No 1073/1999 of the European Parliament and of the Council.

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2. For the Community actions financed under this programme, Regulation (EC, Euratom) No 2988/95 and Regulation (Euratom, EC) No 2185/96 shall apply to any infringement of a provision of Community law, including infringements of a contractual obligation stipulated on the basis of the programme, resulting from an act or omission by an economic operator, which has, or would have, the effect of prejudicing the general budget of the European Communities or budgets managed by them, by an unjustified item of expenditure.

3. The Commission shall ensure that the amount of financial assistance granted for an action will be reduced, suspended or recovered if it finds irregularities, including non-compliance with the provisions of this Decision or the individual decision or the contract or agreement granting the financial support in question, or if it transpires that, without Commission approval having been sought, the action has been subjected to a change which conflicts with the nature or implementing conditions of the project.

4. If the time limits have not been observed or if only part of the allocated financial assistance is justified by the progress made with implementing an action, the Commission shall ensure that the beneficiary will submit observations within a specified period. If the beneficiary does not give a satisfactory answer, the Commission shall ensure that the remaining financial assistance and demand repayment of sums already paid might be cancelled.

5. The Commission shall ensure that an undue payment shall be repaid to the Commission. Interest shall be added to any sums not repaid in good time under the conditions laid down by the Financial Regulation.

Article 15

Evaluation

1. The programme will be monitored regularly in order to follow the implementation of activities carried out there under.

2. The Commission shall ensure the regular, independent, external evaluation of the programme.

3. The Commission shall submit to the European Parliament and the Council:

- (a) an annual presentation on the implementation of the programme;
- (b) an interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of this programme, including on the work carried out by the beneficiaries of operating grants referred to in Article 4(d), no later than 31 March 2011;
- (c) a Communication on the continuation of this programme no later than 30 August 2012;
- (d) an ex post evaluation report no later than 31 December 2014.

Article 15a

Publication of actions

Each year the Commission shall publish the list of actions financed under this programme with a short description of each project.

Article 16

Entry into force

This Decision shall take effect on the twentieth day following that of its publication in the *Official Journal of the European Union*. It shall apply from 1 January 2007.

Done at Brussels,

For the Council

The President

Thursday, 14 December 2006

P6_TA(2006)0595

Criminal justice (2007-2013) *

European Parliament legislative resolution on the proposal for a Council decision establishing for the period 2007-2013 the specific programme 'Criminal justice' as part of the General programme 'Fundamental Rights and Justice' (COM(2005)0122 — C6-0237/2005 — 2005/0039(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal (COM(2005)0122) ⁽¹⁾,
- having regard to Articles 31 and 34(2)(c) of the EU Treaty,
- having regard to Article 39(1) of the EU Treaty, pursuant to which the Council consulted Parliament (C6-0237/2005),
- having regard to Rules 93 and 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 Budgets (A6-0453/2006);

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. Calls on the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
5. Instructs its President to forward its position as annexed to this legislative resolution to the Council and Commission.

⁽¹⁾ Not yet published in OJ.

ANNEX

Amended Proposal for a Council Decision establishing for the period 2007-2013 the specific programme on 'Criminal justice' as part of the General programme on 'Fundamental Rights and Justice'

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31 and Article 34(2)(c) thereof,

Having regard to the proposal of the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

⁽¹⁾ OJ C ...

⁽²⁾ OJ C ...

Thursday, 14 December 2006

Whereas:

- (1) Article 29 of the Treaty of the European Union states that the Union's objective is to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the field of judicial cooperation in criminal matters.
- (2) According to Article 31 of the Treaty of the European Union, common action in criminal matters shall include, in particular, cooperation between the competent authorities of the Member States.
- (3) Building on the conclusions of the Tampere European Council, The Hague Programme, adopted by the European Council in November 2004, reaffirms the priority of strengthening Freedom, Security and Justice in the European Union, in particular by enhancing judicial cooperation in criminal matters, based on the mutual recognition principle.
- (4) The framework programme on police and judicial cooperation in criminal matters (AGIS) established by Council Decision 2002/630/JHA of 22 July 2002 ⁽¹⁾ contributed considerably to strengthening cooperation between police and other law enforcement agencies and the judiciary in the Member States and to improving mutual understanding and mutual trust between their police, judicial, legal and administrative systems.
- (5) The ambitious objectives set by the Treaty and The Hague Programme should be realised through the establishment of a flexible and effective programme that will facilitate planning and implementation.
- (6) The programme should improve mutual confidence within the judiciary. Mutual confidence, according to the Hague Programme, should be strengthened by developing networks of judicial organisation and institutions, by improving training of judicial professions, by developing the evaluation of the implementation of EU policies in the field of justice, while fully respecting the independence of the judiciary by increasing research in the field of judicial cooperation, and by facilitating operational projects among Member States aiming at modernising justice.

It should also facilitate the implementation of the mutual recognition principle by improving mutual knowledge on previous convictions passed in the European Union, in particular through the creation of a computerised system of exchange of information on criminal records.

- (7) The European Judicial Training Network founded by institutions specifically responsible for the training of the professional judiciary of all Member States promotes a training programme for judges and public prosecutors with a genuine European dimension. This contributes to strengthening the mutual confidence and improves mutual understanding between judicial authorities and different legal systems.
- (8) Appropriate measures should also be taken to prevent irregularities and fraud and the necessary steps should be taken to recover funds lost, wrongly paid or incorrectly used.
- (9) (...)
- (10) Since the objectives of the Criminal Justice Programme cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the initiative, 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 on the European Community, made applicable to the Union by Article 2 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve those objectives.

⁽¹⁾ OJ L 203, 1.8.2002, p. 1.

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- (11) 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⁾, hereinafter 'the Financial Regulation', and Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 ⁽²⁾, which safeguard the Community's financial interests, applies taking into account the principles of simplicity and consistency in the choice of budgetary instruments, a limitation on the number of cases where the Commission retains direct responsibility for their implementation and management, and the required proportionality between the amount of resources and the administrative burden related to their use.
- (11a) Appropriate measures should also be taken to prevent irregularities and fraud and the necessary steps should be taken to recover funds lost, wrongly paid or incorrectly used in accordance with Council Regulations (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the Communities' financial interests ⁽³⁾, (EC, Euratom) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission ⁽⁴⁾ and Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) ⁽⁵⁾.
- (12) The Financial Regulation requires a basic act to be adopted to cover operating grants.
- (12a) Bearing in mind the importance of visibility of the Community funding, the Commission should provide guidance to facilitate that any authority, nongovernmental organisation, international organisation or other entity receiving a grant under this programme properly acknowledges the support received.
- (13) The measures required to implement this Decision should be adopted according to the procedures laid down in it, with the assistance of an advisory and management committees.
- (14) It is appropriate to replace the Council decision establishing framework programme on police and judicial cooperation in criminal matters (AGIS) by this programme from 1 January 2007 and by the new specific programme on the Prevention of and fight against crime from the general programme on Security and Safeguarding Liberties.

HAS DECIDED AS FOLLOWS:

Article 1

Creation of the programme

1. This Decision establishes the specific programme on criminal justice, hereinafter referred to as 'the programme' as part of the general programme on Fundamental Rights and Justice, in order to contribute to the strengthening of the area of Freedom, Security and Justice.
2. The programme shall cover the period from 1 January 2007 to 31 December 2013.

Article 2

General objectives

1. This programme shall have the following general objectives:
 - (a) To promote judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in criminal matters based on mutual recognition and mutual confidence.

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.

⁽²⁾ OJ L 357, 31.12.2002, p. 1.

⁽³⁾ OJ L 312, 23.12.1995, p. 1.

⁽⁴⁾ OJ L 292, 15.11.1996, p. 2.

⁽⁵⁾ OJ L 136, 31.5.1999, p. 1.

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- (b) To promote the compatibility in rules applicable in the Member States as may be necessary to improve judicial cooperation. To promote a reduction in existing legal obstacles to the good functioning of judicial cooperation with a view to strengthening the coordination of investigations and to increase compatibility of the existing judicial systems in the Member States to the European Union with a view to providing adequate follow-up to investigations of law enforcement authorities of the Member States.
 - (c) (...)
 - (d) To improve the contacts and exchange of information and best practice between legal, judicial and administrative authorities and the legal professions: lawyers and other professionals involved in the work of the judiciary, and to foster the training of the members of the judiciary, with a view to enhancing mutual trust.
 - (e) To further improve mutual trust with the view to ensuring protection of rights of victims and of defendants.
2. Without prejudice to the objectives and powers of the European Community, the general objectives of the programme contribute to the development of community policies, and more specifically to the creation of a judicial area.

Article 3

Specific objectives

The programme shall have the following specific objectives:

- (a) To foster judicial cooperation in criminal matters aiming at
 - promoting mutual recognition of judicial decisions and judgments;
 - eliminating obstacles created by disparities between the judicial systems of Member States and promoting the necessary approximation of substantive criminal law concerning serious crime, in particular (...) with cross border dimension;
 - further enhancing the establishment of minimum standards concerning aspects of procedural criminal law with the view to promoting the practical aspects of judicial cooperation;
 - guaranteeing a proper administration of justice by avoiding conflicts of jurisdiction;
 - improving the exchange of information, through the use of computerised systems, in particular information extracted from national criminal records;
 - promoting rights of defendants as well as social and legal assistance to victims;
 - encouraging Member States to step up cooperation with Eurojust in combating of cross-border organised and other serious crime;
 - promoting measures aiming at effective re-socialisation of offenders, in particular of juvenile offenders.
- (b) To improve mutual knowledge of Member States' legal and judicial systems in criminal matters and to promote and strengthen networking, mutual cooperation, exchange and dissemination of information, experience and best practices.
- (c) To ensure the sound implementation, the correct and concrete application and the evaluation of Union instruments in the areas of judicial cooperation in criminal matters.
- (d) To improve information on legal systems in the Member States and access to justice.
- (e) To promote training in Union and Community law for the judiciary, lawyers and other professionals involved in the work of the judiciary.
- (f) To evaluate the general conditions necessary to develop mutual confidence by improving mutual understanding between judicial authorities and different legal systems, in particular regarding the implementation of EU policies in the field of justice.
- (g) To develop and implement a computerised system of exchange of information on criminal records and to support studies to develop other types of exchange of information.

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Article 4

Actions

With a view to pursuing the general and specific objectives set out in Articles 2 and 3, this programme will support under the conditions set out in the annual work programme the following types of actions:

- (a) specific actions taken by the Commission, such as studies and research, creation and implementation of specific projects like the creation of a computerised system of exchange of information on criminal records, opinion polls and surveys, formulation of indicators and common methodologies, collection, development and dissemination of data and statistics, seminars, conferences and experts meetings, organisation of public campaigns and events, development and maintenance of websites, preparation and dissemination of information materials, support for and development of networks of national experts, analytical, monitoring and evaluation activities; or
- (b) specific transnational projects of Union interest presented by at least two Member States or by at least one Member State and one other state which may either be an acceding or a candidate country under the conditions set out in the annual work programmes; or
- (c) support for the activities of non-governmental organisations or other entities pursuing an aim of general European interest in accordance with the general objectives of the programme under the conditions set out in the annual work programmes; or
- (d) an operating grant to co-finance expenditure associated with the permanent work programme of the European Judicial Training Network which pursues an aim of general European interest in the field of training of the judiciary.
- (e) National projects within Member States, which
 - prepare transnational projects and/or Union actions ('starter measures'),
 - complement transnational projects and/or Union ('complementary measures'),
 - contribute to developing innovative methods and/or technologies with a potential for transferability to actions at Union level, or develop such methods or technologies with a view to transferring them to other Member States and/or other state which may either be an acceding or a candidate country.

Article 5

Target Groups

The programme is destined for *inter alia*, legal practitioners, representatives of victims' assistance services, and other professionals involved in the work of the judiciary, the national authorities and the citizens of the Union in general.

Article 6

Access to the programme

1. Access to this programme shall be open to institutions and public or private organisations, including professional organisations, universities, research institutes and legal and judicial training/further training institutes for legal practitioners, non-governmental organisations of the Member States. Bodies and organisations which are profit oriented will have access to the programme only in conjunction with non profit oriented or state organisations.

'Legal practitioners' means, *inter alia*, judges, prosecutors, advocates, solicitors, ministry officials, court officers, bailiffs, court interpreters and other professionals involved in the work of the judiciary in the area of criminal law.

2. Transnational projects may not be presented by third countries or by international organisations but they may participate as partners.

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Article 7

Types of intervention

1. Community funding may take the following legal forms:
 - (a) grants,
 - (b) public procurement contracts.
2. Community grants shall normally be awarded further to calls for proposals, save in duly substantiated exceptional cases of urgency or where the characteristics of the beneficiary leave no other choice for a given action, and shall be provided through operating grants and grants for actions.

The maximum rate of co-financing of the costs of the projects will be specified in the annual work programmes.

3. Furthermore, provision is made for expenditure for accompanying measures, through public procurement contracts, in which case Community funds will cover the purchase of services and goods. This will cover, *inter alia*, expenditure on information and communication, preparation, implementation, monitoring, checking and evaluation of projects, policies, programmes and legislation.

Article 8

Implementing measures

1. The Commission shall implement the Community assistance in accordance with the Financial Regulation applicable to the general budget of the European Communities.
2. To implement the programme, the Commission shall, within the limits of the general objectives set out in Article 2, adopt an annual work programme, by the end of September specifying its specific objectives, thematic priorities, a description of accompanying measures envisaged in Article 7(3) and if necessary a list of other actions.

The annual work programme for 2007 shall be adopted three months after the entry into force (...) of this instrument.

3. The annual work programme shall be adopted in accordance with the procedure referred to in Article 10 bis.
4. The evaluation and award procedures relating to grants for actions shall take into account, *inter alia*, the following criteria:
 - (a) conformity with the annual work programme, the general objectives as specified in Article 2 and measures taken in the different domains as specified in Articles 3 and 4;
 - (b) quality of the proposed action regarding its conception, organisation, presentation and expected results;
 - (c) amount requested for community financing and its appropriateness as to expected results;
 - (d) impact of the expected results on the general objectives defined in Article 2 and on measures taken in the different domains as specified in Articles 3 and 4.
5. The applications for operating grants, referred to in Article 4(c) and (d), shall be assessed in the light of:
 1. consistency with the programme objectives;
 2. quality of the planned activities;
 3. likely multiplier effect on the public of these activities;
 4. geographic impact of the activities carried out;
 5. citizen involvement in the organisation of the bodies concerned;
 6. cost/benefit ratio of the activity proposed.

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5a. Decisions related to actions submitted under Article 4(1)(a) shall be adopted by the Commission in accordance with the management procedure referred to in Article 10 bis. Decisions related to actions submitted under 4(1)(b), (c), (d), (e) shall be adopted by the Commission in accordance with the advisory procedure referred to in Article 10.

Decisions on applications for grants involving (...) profit-oriented bodies or organisations shall be adopted by the Commission in accordance with the management procedure referred to in Article 10 bis.

6. Pursuant to Article 113(2) of the Financial Regulation, the principle of gradual reduction shall not apply to the operating grant given to the European Judicial Training Network since it pursues an objective of general European interest.

Article 9

Committee

1. The Commission shall be assisted by a committee, composed of representatives of the Member States and chaired by the representative of the Commission, hereinafter referred to as the 'Committee'.
2. The committee shall adopt its Rules of Procedure.
3. The Commission may invite representatives from the applicant countries to information meetings after the Committee's meetings.

Article 10

Advisory procedure

1. Where reference is made to this Article, the representative of the Commission shall submit to the committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the chair may lay down according to the urgency of the matter, if necessary by taking a vote.
2. The opinion shall be recorded in the minutes; each Member State may request that its position be recorded in the minutes.
3. The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which the opinion has been taken into account.

Article 10 bis

Management procedure

1. Where reference is made to this Article, the representative of the Commission shall submit to the committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the chair may lay down according to the urgency of the matter. In the case of decisions which the Council is required to adopt on a proposal from the Commission, the opinion shall be delivered by the majority laid down in Article 205(2) of the Treaty establishing the European Community. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chair shall not vote.
2. The Commission shall adopt measures which shall apply immediately. However, if the measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith. In that event, the Commission may defer application of the measures which it has decided on for a period of three months from the date of such communication.
3. The Council, acting by qualified majority, may take a different decision within the period provided for by paragraph 2.

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Article 11

Complementarity

1. Synergies and complementarity with other Community instruments will be sought, particularly the specific programme on civil justice under the general programme on Fundamental Rights and Justice, and the general programmes on Security and Safeguarding Liberties and Solidarity and Management of Migration Flows. The statistical element of information on criminal justice will be developed in collaboration with Member States, using as necessary the Community Statistical Programme.
2. The programme may share resources with other Community instruments, in particular the specific programme on civil justice under the general programme on Fundamental rights and Justice in order to implement actions meeting the objectives of both programmes.
3. Operations financed under this Decision shall not receive assistance for the same purpose from other Community financial instruments. It shall be ensured that the beneficiaries of this Decision shall provide the Commission with information about funding received from the Community budget and from other sources, as well as information about ongoing applications for funding.

Article 12

Budgetary Resources

The budgetary resources allocated to the actions provided for in this programme shall be entered in the annual appropriations of the general budget of the European Union. The available annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspectives.

Article 13

Monitoring

1. The Commission shall ensure that for any action financed by the programme, the beneficiary shall submit technical and financial reports on the progress of work and that a final report shall be submitted within three months of the completion of the action. The Commission shall determine the form and structure of the reports.
2. (...)
3. The Commission shall ensure that the contracts and agreements resulting from the implementation of the programme will provide in particular for supervision and financial control by the Commission (or any representative authorized by it), if necessary by means of on-the-spot checks, including sample checks, and audits by the Court of Auditors.
4. The Commission shall ensure that for a period of five years following the last payment in respect of any action, the beneficiary of financial assistance shall keep available for the Commission all the supporting documents regarding expenditure on the action.
5. On the basis of the results of the reports and sample checks referred to in paragraphs 1 and 2, the Commission shall ensure that, if necessary, the scale or the conditions of allocation of the financial assistance originally approved and also the timetable for payments will be adjusted.
6. The Commission shall ensure that every other step necessary to verify that the actions financed are carried out properly and in compliance with the provisions of this Decision and the Financial Regulation will be taken.

Article 14

Protection of Community financial interests

1. The Commission shall ensure that, when actions financed under the present Decision are implemented, the financial interests of the Community are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and by the recovery of the amounts unduly paid and, if irregularities are detected, by effective, proportional and dissuasive penalties, in accordance with Council Regulations (EC, Euratom) No 2988/95 and (EC, Euratom) No 2185/96, and with Regulation (EC) No 1073/1999 of the European Parliament and of the Council.

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2. For the Community actions financed under this programme, Regulation (EC, Euratom) No 2988/95 and Regulation (EC, Euratom) No 2185/96 shall apply to any infringement of a provision of Community law, including infringements of a contractual obligation stipulated on the basis of the programme, resulting from an act or omission by an economic operator, which has, or would have, the effect of prejudicing the general budget of the European Communities or budgets managed by them by an unjustified item of expenditure.

3. The Commission shall ensure that the amount of financial assistance granted for an action will be reduced, suspended or recovered, if it finds irregularities, including non-compliance with the provisions of this Decision or the individual decision or the contract or agreement granting the financial support in question, or if it transpires that, without Commission approval having been sought, the action has been subjected to a change which conflicts with the nature or implementing conditions of the project.

4. If the time limits have not been observed or if only part of the allocated financial assistance is justified by the progress made with implementing an action, the Commission shall ensure that the beneficiary will be requested to submit observations within a specified period. If the beneficiary does not give a satisfactory answer, the Commission shall ensure that the remaining financial assistance might be cancelled and repayment of sums already paid demanded.

5. The Commission shall ensure that any undue payment shall be repaid to the Commission. Interest shall be added to any sums not repaid in good time under the conditions laid down by the Financial Regulation.

Article 15

Evaluation

1. The programme will be monitored regularly in order to follow the implementation of activities carried out under this programme.
2. The Commission shall ensure the regular, independent, external evaluation of the programme.
3. The Commission shall submit to the European Parliament and the Council:
 - (-a) an annual presentation on the implementation of the programme;
 - (a) an interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of this programme no later than 31 March 2011;
 - (b) a Communication on the continuation of this programme no later than 30 August 2012;
 - (c) an ex post evaluation report no later than 31 December 2014.

Article 15a

Publication of actions

Each year the Commission shall publish the list of actions financed under this programme with a short description of each project.

Article 15b

Visibility

The Commission shall lay down guidelines to ensure the visibility of the funding granted under this Decision.

Article 16

Transitional measures

This Decision shall, from 1 January 2007, replace the corresponding provisions of the Council Decision of 22 July 2002 establishing a framework programme on police and judicial cooperation in criminal matters (AGIS).

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Actions started before 31 December 2006 pursuant to that Decision shall continue to be governed, until their completion, by that Decision. The committee provided for in Article 7 thereof shall be replaced by the one provided for in Article 10 of the present Decision.

Article 17

Entry into force

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*. It shall apply from 1 January 2007, with the exception of Articles 8(2)(3) and 10 bis that shall apply at the date when the present Decision shall take effect.

Done at Brussels,

For the Council

The President

P6_TA(2006)0596

Prevention of and Fight against Crime (Programme on Security and Safeguarding Liberties) *

European Parliament legislative resolution on the proposal for a Council decision establishing the Specific Programme 'Prevention of and Fight against Crime' for the period 2007-2013, General Programme 'Security and Safeguarding Liberties' (COM(2005)0124 — C6-0242/2005 — 2005/0035(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal (COM(2005)0124) ⁽¹⁾,
- having regard to Article 34(2)(c) of the EU Treaty,
- having regard to Article 39(1) of the EU Treaty, pursuant to which the Council consulted Parliament (C6-0242/2005),
- having regard to Rules 93 and 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 Budgets (A6-0389/2006);

1. Approves the proposal as amended;
2. Considers that the indicative financial reference amount indicated in the legislative proposal must be compatible with the ceiling of heading 3 A of the new multi-annual Financial Framework and points out that the annual amount will be decided within the annual budgetary procedure in accordance with the provisions of point 38 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management of 17 May 2006 ⁽²⁾;

⁽¹⁾ Not yet published in OJ.

⁽²⁾ OJ C 139, 14.6.2006, p. 1.

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3. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
4. Calls on the Council to notify Parliament again if it intends to depart from the text approved by Parliament;
5. Calls on the Council to consult Parliament if it intends to amend the Commission proposal substantially;
6. Instructs its President to forward its position to the Council and Commission.

TEXT PROPOSED
BY THE COMMISSION

AMENDMENTS
BY PARLIAMENT

Amendment 1

Recital 1

(1) The Union's objective of providing citizens with a high level of safety within an area of freedom, security and justice shall be achieved, as provided for in the fourth indent of Article 2, and in Article 29 of the Treaty on European Union, by preventing and combating crime, organised or otherwise.

(1) The Union's **priority** objective of providing citizens with a high level of safety within an area of freedom, security and justice shall be achieved, as provided for in the fourth indent of Article 2, and in Article 29 of the Treaty on European Union, by preventing and combating crime, organised or otherwise.

Amendment 2

Recital 2

(2) To protect the freedom and security of our citizens and society from criminal activities, the Union must take the necessary measures to prevent, detect, investigate, and prosecute all forms of crime efficiently and effectively, most particularly in cases **with a trans-border element**.

(2) To protect the freedom and security of our citizens and society from criminal activities, the Union must take the necessary measures to prevent, detect, investigate, and prosecute all forms of crime efficiently and effectively, most particularly in cases **of organised crime**.

Amendment 3

Recital 5

(5) It is necessary and appropriate to extend the possibilities for funding of measures aiming at the prevention of and the fight against crime, **and to** review the modalities in the interest of efficacy, cost-efficiency and transparency.

(5) It is necessary and appropriate to extend the possibilities for funding of measures aiming at the prevention of and the fight against crime. **Efforts will be made in particular to make the best possible use of the relevant agencies by means of a capacity-building approach focusing on directly operational aspects. The provisions of this programme should, furthermore, enable a review to be made of** the modalities in the interest of efficacy, cost-efficiency and transparency.

Amendment 4

Recital 9

(9) Since the objectives of the action to be taken, particularly the prevention of and the fight against organised and trans-border crime, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or impact of the initiative, **be better achieved** at the Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set up in Article 5 of the Treaty establishing the European Community. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary to achieve those objectives.

(9) Since the objectives of the action to be taken, particularly the prevention of and the fight against organised and trans-border crime, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or impact of the initiative, **require action** at the Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set up in Article 5 of the Treaty establishing the European Community. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary to achieve those objectives.

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TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 5

Recital 11

(11) The expenditure of the programme should be compatible with the ceiling under *Heading 3* of the financial perspective. It is necessary to foresee flexibility in the definition of the programme to allow for eventual adjustments in any envisaged actions, in order to respond to the evolution of needs in the course of the period 2007-2013. ***The decision should, therefore, be limited to the generic definition of envisaged actions and their respective administrative and financial arrangements.***

(11) The expenditure of the programme should be compatible with the ceiling under *Heading 3 A* of the financial framework. It is necessary to foresee flexibility in the definition of the programme to allow for eventual adjustments in any envisaged actions, in order to respond to the evolution of needs in the course of the period 2007-2013.

Amendment 6

Article 3, paragraph 1, points a and b

- (a) ***law enforcement***
- (b) ***crime prevention and criminology***

- (a) ***crime prevention and criminology***
- (b) ***law enforcement aimed at countering criminal activity and preventing criminals from enjoying the proceeds of their criminal activities***

Amendments 7 and 8

Article 3, paragraph 2, point a

- (a) to promote and develop coordination, cooperation and mutual understanding among law enforcement agencies, other national authorities and related Union bodies;

- (a) to promote and develop coordination, cooperation and mutual understanding among law enforcement agencies, other national, ***regional and local*** authorities, and related Union bodies, ***inter alia, by rationalising their work, enhancing their interoperability, fostering an increase in the number of Joint Investigation Teams coordinated by Europol and of counter-terrorism training and awareness-raising exercises based on cooperation between Cefpol and Europol;***

Amendment 9

Article 3, paragraph 2, point b

- (b) to stimulate, promote and develop horizontal methods and tools necessary for strategically preventing and fighting crime, such as public-private partnerships, best practices in crime prevention, comparable statistics and applied criminology, and

- (b) to stimulate, promote and develop horizontal methods and tools ***and the standardisation of the procedures*** necessary for strategically preventing and fighting crime, such as public-private partnerships ***(in strict compliance with current and future provisions in areas as sensitive as data retention and protection)***, best practices in crime prevention, comparable statistics and applied criminology, ***inter alia through the development of an independent benchmarking tool,*** and

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TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 10

Article 3, paragraph 2, point c

(c) to promote and develop best practices for the protection of crime victims and witnesses.

(c) to promote and develop best practices for the protection of crime victims and witnesses, *inter alia by laying the foundations for a permanent compensation fund over and above the various national systems, to provide a guaranteed common minimum level of protection and compensation;*

Amendment 11

Article 3, paragraph 2, point c a (new)

(ca) to promote, within suitable projects, the concept of 'citizens' involvement' and to foster initiatives based on the active involvement of civil society and its actors in improving overall security.

Amendment 12

Article 3, paragraph 3

3. The programme does not deal with judicial cooperation. However, it may cover actions aiming at cooperation among judicial authorities and law enforcement authorities.

3. The programme does not deal with judicial cooperation. However, it may cover actions aiming at cooperation among judicial authorities and law enforcement authorities *and involving, inter alia, the establishment under the cooperation arrangements between Europol and Eurojust of a permanent emergency legal assistance unit responsible for determining, on the basis of the situation leading to the referral, which legal basis may be used to extend police and/or security service operations in full compliance with the law.*

Amendment 26

Article 5, paragraph 1

1. The programme is destined for law enforcement agencies, other public and/or private bodies, actors and institutions, including local, regional and national authorities, social partners, universities, statistical offices, media, non-governmental organisations, *public-private partnerships and* relevant international bodies.

1. The programme is destined for law enforcement agencies, other public and/or private bodies, actors and institutions, including local, regional and national authorities, social partners, universities, statistical offices, media, non-governmental organisations, relevant international bodies *and public-private partnerships, provided that the latter are restricted to the context of the thematic areas referred to in Article 3, paragraph 1, points (b) and (c), and are subject to strict control from the point of view of respect for fundamental rights, including the right to personal data protection.*

Amendment 13

Article 6, paragraph 1

1. Union financial support may take the following legal forms:

- (a) Grants,
- (b) Public procurement contracts.

1. Union financial support may take the following legal forms *within the meaning of Articles 108 and 88 of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002, (hereafter 'the Financial Regulation')*:

- (a) Grants,
- (b) Public procurement contracts.

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TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 14

Article 6, paragraph 2 a (new)

2a. Access to funding shall be facilitated by the application of the principle of proportionality as regards the documents to be supplied and by the creation of a database for the submission of applications.

Amendment 15

Article 3, paragraph 3 a (new)

3a. The Commission shall, as far as possible, simplify procedures and ensure that calls for proposals provided for in this programme do not entail a bureaucratic burden for promoters of the projects proposed. Calls for proposals may, where appropriate, be organised in two stages, the first of which would only require information that was strictly necessary for a proper assessment of the project to be sent.

Amendment 16

Article 7, paragraph 5, point d

(d) geographic impact of the activities carried out;

(d) geographic **and social** impact of the activities carried out;

Amendment 17

Article 9

1. Where reference is made to this Article, the representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the Chair may lay down according to the urgency of the matter, if necessary by taking a vote.

2. The opinion shall be recorded in the minutes; each Member State may request that its position be recorded in the minutes.

3. The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which the opinion has been taken into account.

Where reference is made to this Article, **Articles 3 and 7 of Council Decision 1999/468/EC.**

Amendment 18

Article 14, paragraph 1 a (new)

1a. The Commission shall ensure that the actions provided for under this Decision are subject to ex ante evaluation, monitoring and ex post evaluation. It shall ensure that the programme is accessible and is implemented in a transparent manner.

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TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 19

Article 14, paragraph 2

2. The Commission shall ensure regular, independent and external evaluation of the programme.

2. The Commission shall ensure regular, independent and external evaluation of the programme. **It shall also hold regular exchanges of views with programme beneficiaries on the design, implementation and follow-up of the programme.**

Amendments 20 and 21

Article 14, paragraph 3

3. The Commission shall submit to the European Parliament **and** the Council:

- (a) an interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of this programme **no later than 31 March 2010**;
- (b) a Communication on the continuation of the programme **no later than 31 December 2010**;
- (c) **an** ex-post evaluation report **no later than 31 March 2015**.

3. The Commission shall submit to the European Parliament, the Council, **the European Economic and Social Committee, the Committee of the Regions and the national parliaments**:

- (-a) **succinct yearly reports including such information as is necessary to measure the programme's success in quantitative terms**;
- (a) **three years after adoption of this Decision**, an interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of this programme;
- (b) **four years after adoption of this Decision**, a Communication on the continuation of the programme;
- (c) **no later than 31 March 2015, a detailed** ex-post evaluation report **on the implementation and outcome of the programme after its completion**.

Amendment 22

Article 14 a (new)

Article 14a

Equal treatment

Organisations in receipt of an operating grant by virtue of this programme may take part in calls for proposals for other programmes, without however being entitled to preferential treatment vis-à-vis other organisations financed from budgets other than that of the EU.

Amendment 23

Article 14 b (new)

Article 14b

Acknowledgement of funding

All institutions, association or activities in receipt of a grant under this programme have the obligation to acknowledge the support granted by the European Union. To this end the Commission shall lay down detailed visibility guidelines.

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TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 24

Article 14 c (new)

Article 14c**Dissemination of results**

With a view to fostering the dissemination of results, the tools generated by the projects funded under this programme and relating in particular to crime statistics and data shall be made available to the public free of charge by electronic means.

Amendment 25

Article 14 d (new)

Article 14d**Publication of projects**

Each year, the Commission, together with the Member States, shall publish a list of the projects financed under this programme, with a short description of each project.

P6_TA(2006)0597

Development of the second generation Schengen Information System (SIS II) (regulation) *

European Parliament legislative resolution on the proposal for a Council Regulation amending Regulation (EC) No 2424/2001 on the development of the second generation Schengen Information System (SIS II) (COM(2006)0383 — C6-0296/2006 — 2006/0125(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2006)0383) ⁽¹⁾,
- having regard to Article 66 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0296/2006),
- 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 (A6-0410/2006);

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.

⁽¹⁾ Not yet published in OJ.

Thursday, 14 December 2006

P6_TA(2006)0598**Development of the second generation Schengen Information System (SIS II) (decision) ***

European Parliament legislative resolution on the proposal for a Council decision amending Decision 2001/886/JHA on the development of the second generation Schengen Information System (SIS II) (COM(2006)0383 — C6-0297/2006 — 2006/0126(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal (COM(2006)0383) ⁽¹⁾,
- having regard to Article 30(1)(a) and (b), Article 31(1)(a) and (b) and Article 34(2)(c) of the EU Treaty,
- having regard to Article 39(1) of the EU Treaty, pursuant to which the Council consulted Parliament (C6-0297/2006),
- having regard to Rules 93 and 51 of its Rules of Procedure,
- having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0413/2006);

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. Calls on 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.

⁽¹⁾ Not yet published in OJ.

P6_TA(2006)0599**Nuclear Safety and Security Assistance ***

European Parliament legislative resolution on the draft Council regulation establishing an Instrument for Nuclear Safety and Security Assistance (9037/2006 — C6-0153/2006 — 2006/0802(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the text of the Council (9037/2006),
- having regard to the Commission proposal to the Council (COM(2004)0630) ⁽¹⁾,
- having regard to Article 177 of the Treaty establishing the European Atomic Energy Community and Article 203 thereof, pursuant to which the Council consulted Parliament (C6-0153/2006),

⁽¹⁾ Not yet published in OJ.

Thursday, 14 December 2006

- having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Industry, Research and Energy and the opinions of the Committee on Foreign Affairs, the Committee on the Environment, Public Health and Food Safety and the Committee on Budgets (A6-0397/2006);
1. Approves the Council text as amended;
 2. Considers that the indicative reference amount indicated in the legislative text must be compatible with the ceiling of heading 4 of the new multiannual financial framework and points out that the annual amount will be decided within the annual budgetary procedure in accordance with the provisions of point 38 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management of 17 May 2006 ⁽¹⁾;
 3. Calls on the Commission to alter its proposal accordingly, pursuant to Article 119, second paragraph, of the Euratom Treaty;
 4. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 5. Asks the Council to consult Parliament again if it intends to amend the text submitted for consultation substantially;
 6. Instructs its President to forward its position to the Council and the Commission.

TEXT PROPOSED
BY THE COUNCIL

AMENDMENTS
BY PARLIAMENT

Amendment 1

Recital 1

(1) The European Community is a major provider of economic, financial, technical, humanitarian and macro-economic assistance to third countries. In order to make the European Community's external aid more effective, a new framework has been devised for the planning and provision of assistance. Regulation (EC) No ... of the Council of ... will set up a Pre-Accession Instrument to cover Community assistance for candidate countries and potential candidate countries. Regulation (EC) No ... of the European Parliament and of the Council of ... will introduce a European Neighbourhood and Partnership Instrument. Regulation (EC) No ... of the European Parliament and of the Council of ... is aimed at development cooperation **and** economic cooperation with the other third countries. Regulation (EC) No ... of the European Parliament and of the Council of ... will set up an Instrument for Stability. The present Regulation is a complementary instrument aimed at supporting efforts to enhance nuclear safety and the application of efficient and effective safeguards of nuclear materials in third countries.

(1) The European Community is a major provider of economic, financial, technical, humanitarian and macro-economic assistance to third countries. In order to make the European Community's external aid more effective, a new framework has been devised for the planning and provision of assistance. Regulation (EC) No ... of the Council of ... will set up a Pre-Accession Instrument to cover Community assistance for candidate countries and potential candidate countries. Regulation (EC) No ... of the European Parliament and of the Council of ... will introduce a European Neighbourhood and Partnership Instrument. Regulation (EC) No ... of the European Parliament and of the Council of ... is aimed at development cooperation **with third countries** ⁽²⁾. **Council Regulation (EC) No ... of ... promotes** economic cooperation with the other third countries. Regulation (EC) No ... of the European Parliament and of the Council of ... will set up an Instrument for Stability. **Regulation (EC) No ... of the European Parliament and of the Council of ... establishes a financing instrument for the promotion of democracy and human rights worldwide (EIDHR)** ⁽³⁾. The present Regulation is a complementary instrument aimed at supporting efforts to enhance nuclear safety and the application of efficient and effective safeguards of nuclear materials in third countries.

⁽²⁾ OJ L [...], [...], p. [...].

⁽³⁾ OJ L [...], [...], p. [...].

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

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TEXT PROPOSED
BY THE COUNCILAMENDMENTS
BY PARLIAMENT

Amendment 3

Recital 2 a (new)

(2a) The growing availability of nuclear material increases the risk of nuclear weaponry proliferation and therefore has clear nuclear safety implications which should be addressed by the present instrument.

Amendment 4

Recital 3 a (new)

(3a) It is of fundamental importance that the confidentiality of information on nuclear and radiological safety, which must be precise and corroborated, be guaranteed, particularly as regards information which could be of major interest to terrorists.

Amendment 5

Recital 4

(4) The Community already pursues a close cooperation, in accordance with Chapter X of the Treaty, with the International Atomic Energy Agency, both in relation to nuclear safeguards (in furtherance of the objectives of Chapter VII of Part Two of the Treaty), and in relation to nuclear safety.

(4) The Community already pursues close cooperation, in accordance with Chapter 10 of Title II of the Treaty, with the International Atomic Energy Agency, both in relation to nuclear safeguards (in furtherance of the objectives of Chapter 7 of Title II of the Treaty), and in relation to nuclear safety. **In this context, the Community is actively supporting the drafting of a code of conduct for an international nuclear incident warning system under the aegis of the International Atomic Energy Agency.**

Amendment 6

Recital 7

(7) Besides international Conventions and Treaties some Member States have concluded bilateral agreements on the provision of technical assistance.

(7) Besides international Conventions and Treaties some Member States have concluded bilateral agreements on the provision of technical assistance. **The coordination of actions under such agreements with Community actions is desirable.**

Amendment 7

Recital 9

(9) It is understood that, when giving assistance to the nuclear installation concerned, it is with the aim that maximum impact *could* be obtained by the assistance, without, however, deviating from the principle that *the responsibility* for the safety of the installation should rest with the operator and the State having *the* jurisdiction over the installation.

(9) It is understood that, when giving assistance to the nuclear installation concerned, it is with the aim that maximum impact *might* be obtained by the assistance, without, however, deviating from the '**polluter pays**' principle, **and that liability** for the safety of the installation, **its decommissioning and the waste it has generated** should rest with the operator and the State having jurisdiction over the installation. **Furthermore, priority should be given to assisting nuclear installations and activities which are likely to have significant effects on the Member States.**

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TEXT PROPOSED
BY THE COUNCILAMENDMENTS
BY PARLIAMENT

Amendment 8

Recital 13

(13) This Regulation, providing for financial assistance in support of the objectives of the Treaty, is without prejudice to the respective competences of the Community and Member States in the fields concerned, in particular in nuclear safeguards.

(13) This Regulation, providing for financial assistance in support of the objectives of the Treaty, is without prejudice to the **exclusive powers of the Member States to make their own energy choices and the** respective competences of the Community and Member States in the fields concerned, in particular in nuclear safeguards.

Amendment 9

Recital 13 a (new)

(13a) A financial reference amount, within the meaning of point 38 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management of 17 May 2006 ⁽¹⁾, should be included in this regulation with respect to the entire duration of the instrument, without thereby affecting the powers of the budgetary authority as defined by the Treaty.

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

Amendment 10

Article 1

The Community **shall** finance measures to support **the promotion of a high level of nuclear safety**, radiation protection and the application of efficient and effective safeguards of nuclear material in third countries in line with the provisions of this Regulation.

The Community **might** finance measures to support **efficient implementation in cases which result in a nuclear safety level corresponding to the technological, regulatory and operational state of the art in the Union, taking into consideration the latest scientific and technological developments**, radiation protection and the application of efficient and effective safeguards of nuclear material in third countries in line with the provisions of this Regulation, **without prejudice to the 'polluter pays' principle.**

Amendment 11

Article 2, paragraph 1, point a, introductory part

a) the promotion of **an** effective nuclear safety **culture** at all levels, in particular through:

a) the promotion of effective nuclear safety **measures** at all levels, in particular through:

Amendment 13

Article 2, paragraph 1, point a, indent 3

— improving the safety aspects of the **design**, operation and maintenance of existing nuclear power plants or other existing nuclear installations so that **high** safety levels can be achieved,

— improving the safety aspects of the operation, **modernisation** and maintenance of existing nuclear power plants or other existing nuclear installations, **taking into account experience of their operation**, so that **the highest possible** safety levels can be achieved,

Thursday, 14 December 2006

TEXT PROPOSED
BY THE COUNCILAMENDMENTS
BY PARLIAMENT

Amendment 14

Article 2, paragraph 1, point a, indent 4

— support **to** the safe transport, treatment and disposal of nuclear fuel and radioactive waste,

— support **for the development of proper methods and technologies for** the safe transport, treatment and disposal of **spent** nuclear fuel and radioactive waste, **and**

Amendment 15

Article 2, paragraph 1, point a, indent 5

— **and** the development and implementation of strategies for decommissioning existing installations and the remediation of former nuclear sites;

— the development and implementation of strategies for decommissioning existing installations for the remediation of former nuclear sites **which can attain a high level of safety at a reasonable cost and within a reasonable time frame;**

Amendment 16

Article 2, paragraph 1, point b

(b) the promotion of effective regulatory frameworks, procedures and systems to ensure adequate protection against ionising radiations from radioactive materials, in particular from high activity radioactive sources, and **their safe disposal;**

(b) the promotion of effective regulatory frameworks, procedures and systems to ensure adequate protection against ionising radiations from radioactive materials, in particular from high activity radioactive sources, and **the safe disposal of such materials, the financial liability for which must continue to be borne solely by the operator;**

Amendment 17

Article 2, paragraph 1, point d

d) the establishment of effective arrangements for, **emergency-planning**, preparedness and response, civil protection and rehabilitation measures;

d) the establishment of effective arrangements for **accident prevention**, **emergency planning**, preparedness and response, civil protection, **the mitigation of consequences** and rehabilitation measures;

Amendment 18

Article 2, paragraph 1, point e

e) measures to promote international cooperation (including in the framework of relevant international organisations, notably IAEA) in the above fields, including the implementation and monitoring of international Conventions and Treaties, exchange of information **and** training and research;

e) measures to promote international cooperation (including in the framework of relevant international organisations, notably IAEA) in the above fields, including the implementation and monitoring of international Conventions and Treaties, exchange of information, training, **education** and research.

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TEXT PROPOSED
BY THE COUNCILAMENDMENTS
BY PARLIAMENT

Amendment 19

Article 5, paragraph 2

2. These action programmes shall specify the objectives pursued, the fields of intervention, the measures envisaged, the expected results, the management procedures and total amount of financing planned. They shall contain a summary description of the operations to be financed, an indication of the amounts allocated for each operation and an indicative implementation timetable. Where **relevant**, they **may** include the results of any lessons learned from previous assistance.

2. These action programmes shall specify the objectives pursued, the fields of intervention, the measures envisaged, the expected results, the management procedures and total amount of financing planned. They shall contain a summary description of the operations to be financed, an indication of the amounts allocated for each operation and an indicative implementation timetable. Where **applicable**, they **shall** include the results of any lessons learned from previous assistance.

Amendment 20

Article 5, paragraph 3

3. Action programmes, and any revisions or extensions thereof, shall be adopted in accordance with the procedure referred to in Article 20(2), following, where appropriate, consultation with the partner country, or partner countries in the region, concerned.

3. Action programmes, and any revisions or extensions thereof, shall be adopted in accordance with the procedure referred to in Article 20(2) **and with account being taken of Article 18**, following, where appropriate, consultation with the partner country, or partner countries in the region, concerned.

Amendment 21

Article 7, paragraph 1, indent 5

— European Union agencies;

— **the Community's Joint Research Centre and** European Union agencies;

Amendment 22

Article 8, paragraph 1, indent 6

— debt-relief programmes;

— debt-relief programmes, **in exceptional cases and pursuant to an internationally agreed debt relief programme;**

Amendment 23

Article 8, paragraph 2 a (new)

2a. Community financing shall in principle not be used for paying taxes, customs duties or other fiscal charges in beneficiary countries.

Amendment 24

Article 18

The Commission shall regularly evaluate the results of policies and programmes and the effectiveness of programming in order to ascertain whether the objectives have been met and enable it to formulate recommendations with a view to improving future operations. The Commission shall send significant evaluation reports to the Committee established in accordance with Article 20.

The Commission, **with the help of independent experts**, shall regularly evaluate, **on an individual project basis**, the results of policies and programmes and the effectiveness of programming in order to ascertain whether the objectives have been met and enable it to formulate recommendations with a view to improving future operations. The Commission shall send significant evaluation reports to **the European Parliament, the Council and** the Committee established in accordance with Article 20.

Thursday, 14 December 2006

TEXT PROPOSED
BY THE COUNCILAMENDMENTS
BY PARLIAMENT

Amendment 25

Article 20 a (new)

Article 20a**Financial reference amount**

The financial reference amount for implementation of this Regulation for the period 2007-2013 shall be 524 million euro.

Annual appropriations shall be authorised by the budgetary authority within the limits of the financial framework.

Amendment 26

Article 21

Not later than 31 December 2010, the Commission shall submit to the European Parliament and the Council a report evaluating the implementation of the regulation in the first three years together, if appropriate, with a legislative proposal introducing the necessary modifications to the instrument.

Not later than 31 December 2010, the Commission shall submit to the European Parliament and the Council a report evaluating the implementation of the Regulation in the first three years, **and thereafter shall submit a report every two years**, together, if appropriate, with a legislative proposal introducing the necessary modifications to the instrument.

P6_TA(2006)0600

Visas for crossing Member States' external borders *

European Parliament legislative resolution on the proposal for a Council regulation amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from that requirement (COM(2006)0084 — C6-0256/2006 — 2006/0022(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal (COM(2006)0084) ⁽¹⁾,
- having regard to Article 62(2)(b)(i) of the EC Treaty,
- having regard to Article 67 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0256/2006),
- 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 (A6-0431/2006);

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. Calls on 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.

⁽¹⁾ Not yet published in OJ.

Thursday, 14 December 2006

TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 1

Recital 3

(3) Antigua and Barbuda, the Bahamas, Barbados, Mauritius, Saint Kitts and Nevis, and the Seychelles must be transferred to Annex II. Exemption from the visa requirement for nationals of those countries should not come into force before a bilateral agreement on exemption from the visa requirement between the European Community and the country in question has been concluded.

(3) Antigua and Barbuda, the Bahamas, Barbados, Mauritius, Saint Kitts and Nevis, and the Seychelles must be transferred to Annex II. Exemption from the visa requirement for nationals of those countries should not come into force before a bilateral agreement on exemption from the visa requirement between the European Community and the country in question has been concluded. **When Regulation (EC) No 539/2001 is next reviewed, the case of other small island states should be examined.**

Amendment 2

Recital 6

(6) The Member States may exempt from the visa requirement recognised refugees **and** stateless persons **residing in a third country listed in Annex II** and school pupils travelling on school excursions who reside **in one of those countries**. A full exemption from the visa requirement **should be introduced** for these **two** categories of **person if they reside in a Member States**.

(6) The Member States may exempt from the visa requirement recognised refugees, **all** stateless persons, **both those falling within the scope of the 1954 Convention relating to the Status of Stateless Persons and those falling outside its scope**, and school pupils travelling on school excursions who reside in **a third country listed in Annex II**. A full exemption from the visa requirement **already exists** for these **three** categories of **persons residing within the Schengen area when they re-enter that area**. **A general exemption should be introduced for persons in those categories residing in a Member State which has not or not yet joined the Schengen area, as far as their re-entry into the territory of any other Member State bound by the Schengen acquis is concerned.**

Amendment 3

Article 1, point 1, point b

Article 1, paragraph 2, subparagraph 1 a, indent 3 (Regulation (EC) No 539/2001)

— recognised refugees **and** stateless persons who reside in a Member State and are holders of **a** travel document issued by that Member State.

— recognised refugees, stateless persons **and other persons who are nationals of no country** who reside in a Member State and are holders of **an alien's passport, a non-citizen's passport or another** travel document issued by that Member State;

— third-country nationals who hold a long-term residence permit in accordance with Article 8 of Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents ⁽¹⁾.

⁽¹⁾ OJ L 16, 23.1.2004, p. 44.

Amendment 4

Article 1, point 2, point a

Article 4, paragraph 1, point a (Regulation (EC) No 539/2001)

(a) holders of diplomatic passports, service/official passports **or special passports** in accordance with one of the procedures laid down in Articles 1(1) and 2(1) of Regulation (EC) No 789/2001;

(a) holders of diplomatic passports **or** service/official passports in accordance with one of the procedures laid down in Articles 1(1) and 2(1) of Regulation (EC) No 789/2001;

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TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

Amendment 5

Article 1, point 3, point c

Annex I, point 3 (Regulation (EC) No 539/2001)

- 3) BRITISH CITIZENS WHO ARE NOT NATIONALS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FOR THE PURPOSES OF COMMUNITY LAW:

British Overseas Territories Citizens

British Overseas Citizens

British Subjects

British Protected Persons;

- 3) BRITISH CITIZENS WHO ARE NOT NATIONALS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FOR THE PURPOSES OF COMMUNITY LAW:

British Overseas Territories Citizens **who do not have the right of abode in the United Kingdom**

British Overseas Citizens

British Subjects **who do not have the right of abode in the United Kingdom**

British Protected Persons;

P6_TA(2006)0601

Follow-up to the Sakharov Prize

European Parliament resolution on the follow-up to the Sakharov Prize

The European Parliament,

— having regard to Rule 103(4) of its Rules of Procedure,

- A. whereas the Sakharov Prize for Freedom of Thought was established in 1988 and whereas this prize is one of the many ways in which the European Parliament supports human rights and the cause of democracy and is a means of acknowledging the contribution of those who fight oppression, intolerance and injustice in the world,
- B. whereas the prize has been won by the following personalities and organisations: Anatoli Marchenko (1988), Aung San Suu Kyi (1990), Adem Demaçi (1991), Las Madres de la Plaza de Mayo (1992), Oslobodjenje (1993), Taslima Nasreen (1994), Leyla Zana (1995), Wei Jingsheng (1996), Salima Ghezali (1997), Ibrahim Rugova (1998), Xanana Gusmão (1999), !Basta Ya! (2000), Nurit Peled-Elhanan, Izzat Ghazzawi and Dom Zacarias Kamwenho (2001), Oswaldo José Payá Sardiñas (2002), Kofi Annan and the United Nations (2003), the Belarus Association of Journalists (2004), Damas de Blanco (Cuba), Reporters Without Borders and Hauwa Ibrahim (joint winners) (2005) and Aliaksandr Milinkevitch (2006),
- C. whereas the 1990 prize winner (the Burmese dissident Aung San Suu Kyi, who is under house arrest) and the 2005 prize winner (the Cuban collective Damas de Blanco) have not yet been authorised to come to receive the prize,
- D. whereas the Conference of Presidents decided to dispatch two delegations to Cuba and Burma to establish contact with the prize winners in order to check on their personal situation,
- E. whereas the winner of the 1996 Sakharov Prize — Wei Jingsheng, who was still imprisoned at the time — has not yet had the opportunity to address the Plenary and receive the reward linked to the prize,

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1. Deplores the fact that some prize winners have still not been authorised to receive their prize in person, which represents a violation of one of the fundamental rights of each human being, namely the freedom to enter and leave one's own country without hindrance, a right which is specifically recognised by the Universal Declaration of Human Rights;
2. Demands that, following the Conference of Presidents' decision to dispatch two delegations, one to Burma and the other to Cuba, the authorities of those countries facilitate the delegations' journeys;
3. Welcomes the decision taken by the Conference of Presidents on 16 November 2006 to establish a follow-up mechanism for winners of the Sakharov Prize and systematically to dispatch a European Parliament delegation to meet those prize winners who have not been authorised by the authorities of their countries to attend the prize-giving ceremony;
4. Reiterates its demand that all winners of the Sakharov Prize (and in particular Aung San Suu Kyi, Oswaldo José Payá Sardiñas and the Cuban collective Damas de Blanco) be given access to the European institutions;
5. Calls upon its President to take all the necessary steps in order to enable these decisions to be implemented;
6. Calls upon the Conference of Presidents to enter on the agenda for its next meeting the organisation of a ceremony to award the Sakharov Prize to Wei Jingsheng;
7. Instructs its President to forward this resolution to the Council, the Commission and the Burmese, Chinese and Cuban Governments, the Chinese Parliament, the Burmese Parliament, the National Assembly of People's Power of the Republic of Cuba and the United Nations Human Rights Council.

P6_TA(2006)0602

Data protection within the framework of police and judicial cooperation in criminal matters

European Parliament recommendation to the Council on the progress of the negotiations on the framework decision on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters (2006/2286(INI))

The European Parliament,

- having regard to the proposal for a recommendation to the Council by Martine Roure on behalf of the PSE Group on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters (B6-0618/2006),
- having regard to its position of 27 September 2006 on the proposal for a Council framework decision on the protection of personal data processed in the framework of police and judicial co-operation in criminal matters ⁽¹⁾ ('the proposal for a framework decision'),
- having regard to the opinions of the European Data Protection Supervisor in this regard, dated 19 December 2005 ⁽²⁾ and 29 November 2006 ⁽³⁾,
- having regard to Council of Europe Convention No 108 for the protection of individuals with regard to automatic processing of personal data,

⁽¹⁾ *Texts Adopted*, P6_TA(2006)0370.

⁽²⁾ OJ C 47, 25.2.2006, p. 27.

⁽³⁾ Not yet published in the OJ.

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- having regard to the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders ⁽¹⁾,
 - having regard to Rule 114(3) and Rule 94 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0456/2006),
- A. whereas the Council has fulfilled an undertaking made before Parliament on 27 September 2006 by stepping up the pace of discussions on the proposal for a framework decision, and whereas it is apparently close to reaching an agreement on that text,
- B. whereas, despite the undertaking given by the Council in that regard before Parliament on 27 September 2006, it does not appear that Parliament's aforesaid position — unanimously adopted — has been taken into account in the negotiations taking place in the Council,
- C. whereas the European Parliament and the national parliaments have not been kept informed of the progress of negotiations in the Council,
- D. having regard to the reserved opinion expressed by the Conference of European Data Protection Authorities on 24 January 2006 and to the declaration on high data protection standards in the third pillar, adopted by them in London on 2 November 2006, in which they called for the establishment of a coherent framework for protecting data exchanged within Member States, between Member States or with third countries,
- E. whereas the opinions of the European Data Protection Supervisor and of the Conference of European Data Protection Authorities do not appear to have been taken into account in the negotiations in the Council,
- F. extremely concerned at the direction being taken by the debate in the Council, with Member States appearing to be moving towards a data protection agreement based on the lowest common denominator; fearing, moreover, that the level of data protection will be lower than that provided by Directive 95/46/EC of the European Parliament and of the Council 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 ⁽²⁾ and by Council of Europe Convention No 108 and that implementation of such an agreement might have a negative impact on the general principle of data protection in each Member State without establishing a satisfactory level of protection at European level,
- G. whereas the framework decision currently being discussed in the Council would establish different data protection rules, i.e. those applied by the Schengen states and those applied by the non-Schengen states, and whereas these differences would result in inconsistent data protection standards within the European Union,
- H. whereas the proposed framework decision is closely linked to the establishment of the availability principle, which is a priority of the Hague Programme,
- I. recalling that the proposed framework decision should in due course replace the aforesaid Council of Europe Convention No 108 by giving the EU its own instrument for data protection in the framework of police and judicial cooperation,
1. Addresses the following recommendations to the Council:

General principles

- (a) ensure a high level of protection of European citizens' fundamental rights by establishing a legal framework to protect personal data in the areas covered by Title VI of the EU Treaty;

⁽¹⁾ OJ L 239, 22.9.2000, p. 19.

⁽²⁾ OJ L 281, 23.11.1995, p. 31.

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- (b) help to enhance European police and judicial cooperation and mutual trust between the competent authorities of the Member States by ensuring a minimum harmonised level of data protection;
- (c) ensure that the future framework decision will bring European added value by guaranteeing a high level of data protection in all Member States;
- (d) lay down general data protection principles for the third pillar, taking over the principles already enshrined in the Community directives in this area while laying down additional rules on data protection which take due account of the specific nature of police and judicial work;
- (e) ensure observance of the purpose-specification and proportionality principles under which any interference in the private lives of individuals must be necessary and justified and any further processing of data must be in keeping with the purpose for which they were initially collected, in accordance with European Court of Human Rights case-law;
- (f) give the future framework decision a broad scope, including data protection in the context of national processing, the objective of which is the same as that of Directive 95/46/EC, i.e. to provide citizens with a high degree of protection within an area of freedom, security and justice and to abolish disparities between levels of protection of individuals' rights and levels of security of files and data systems which hinder the transmission and exchange of data between Member States;

Minimum data protection standards in the specific context of police and judicial cooperation

- (g) not weaken existing data protection standards by adopting a text that falls short of Directive 95/46/EC and Council of Europe Convention No 108, which is legally binding on Member States, and in particular:
 - maintain data subjects' rights of information and access to data and right of appeal in accordance with Articles 5(a) and 8 of Convention No 108;
 - maintain a high level of protection for sensitive data, in keeping with existing first-pillar standards, and ensure that the principle of a ban on the use of particular categories of data, with limited exceptions, applies; ensure a very high level of data protection in connection with the processing of biometric and DNA-related data;
 - maintain the distinction between different types of data (data on victims, suspects, witnesses, etc.), so as to allow different and specific processing of and guarantees for different types of data, particularly as regards non-suspects;
- (h) recognise that an excessive disparity in data protection levels between the first and third pillars would have a negative impact not only on citizens' right to data protection but also on mutual trust between Member States and on the effectiveness of police work;
- (i) guarantee data quality: only data presumed to be accurate should be transmitted in response to a duly substantiated prior request from the competent authority;
- (j) ensure the implementation of European data confidentiality standards;

Further processing and transfer of data

- (k) establish limits and specific guarantees for the further processing of data and the transfer of data to authorities other than the competent authorities, while ensuring that the purpose-specification principle is observed;

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- (l) ensure that the exchange of data with the competent authorities of third countries is included in the scope of the future framework decision with a view to ensuring, if necessary by negotiating appropriate international agreements, an adequate level of data protection; also ensure that the quality of data received from third countries is assessed, including from the standpoint of the protection of fundamental rights;
- (m) establish specific guarantees regarding the transfer and use of data collected by private parties and processed by public authorities; provide for sanctions, including criminal penalties, for any misuse of data processed in this context;

Specific observations

- (n) consider that, in a relationship as sensitive and unequal as that existing between the public authorities and the citizen, an individual's consent may, on its own, be regarded as a sufficient legal basis to justify the further processing of his or her data for security purposes only in exceptional and specific cases that have been defined and regulated by national law, bearing in mind that Directive 95/46/EC continues to apply to any further processing based on the first pillar;
 - (o) consider that there is a need for compulsory consultation of national data protection authorities (pursuant to Directive 95/46/EC) and of their EU institutional network, the 'Article 29 Working Party', during the preparation of any regulatory or administrative measures dealing with data protection;
 - (p) fully involve the European Parliament and the national parliaments in the discussions in progress in the Council and take into consideration the aforesaid position unanimously adopted by the European Parliament;
 - (q) adopt as soon as possible the proposal for a framework decision on data protection, taking due account of the aforesaid position unanimously adopted by the European Parliament, regarding it as highly desirable for an appropriate framework decision on data protection under the third pillar to be adopted prior to adoption of the proposal for a Council decision concerning access for consultation of the Visa Information System (VIS) (COM(2005)0600) and of the proposal for a regulation of the European Parliament and of the Council concerning the Visa Information System (VIS) (COM(2004)0835);
 - (r) maintain, in the future framework decision, detailed rules on data security, comparable with the rules laid down in the Europol Convention;
 - (s) rapidly adopt the proposal for a framework decision, whilst taking care to ensure that the speed with which the decisions are taken does not result in a lowering of the level of data protection and that problematic articles are not simply deleted or over-simplified;
2. Reserves the option of discussing with national parliaments its forthcoming position on the proposal for a framework decision once the Council has set out its point of view on the matter;

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3. Instructs its President to forward this recommendation to the Council and, for information, to the Commission, the Parliaments and Governments of the Member States and the Council of Europe.
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P6_TA(2006)0603

A European Strategy for Sustainable, Competitive and Secure Energy

European Parliament resolution on a European Strategy for Sustainable, Competitive and Secure Energy — Green Paper (2006/2113(INI))

The European Parliament,

- having regard to the Commission Green Paper — A European Strategy for Sustainable, Competitive and Secure Energy (COM(2006)0105),
- having regard to the joint paper by the Commission and the High Representative on the external aspects of energy policy, submitted to the European Council of 15-16 June 2006,
- having regard to its position adopted at second reading on 8 March 2005 with a view to the adoption of a European Parliament and Council Regulation on conditions for access to the natural gas transmission networks ⁽¹⁾,
- having regard to its position adopted at first reading on 26 October 2005 on the proposal for a regulation of the European Parliament and of the Council determining the general rules for the granting of Community financial aid in the field of the trans-European transport networks and energy ⁽²⁾,
- having regard to its position adopted at second reading on 13 December 2005 with a view to the adoption of a directive of the European Parliament and of the Council on energy end-use efficiency and energy services ⁽³⁾,
- having regard to its position adopted at second reading on 4 April 2006 with a view to the adoption of a decision of the European Parliament and of the Council laying down guidelines for trans-European energy networks ⁽⁴⁾,
- having regard to its position of 18 May 2006 on the proposal for a Council decision on the conclusion by the European Community of the Energy Community Treaty ⁽⁵⁾,
- having regard to its position of 16 November 2005 on the proposal for a Council regulation on the implementation of Protocol No 9 on the Bohunice V1 nuclear power plant in Slovakia, as annexed to the Act concerning the conditions of accession to the European Union of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia ⁽⁶⁾,
- having regard to its resolution of 16 November 2005 on the use of financial resources earmarked for the decommissioning of nuclear power plants ⁽⁷⁾,
- having regard to its resolution of 16 November 2005 on 'Winning the Battle against Global Change' ⁽⁸⁾,
- having regard to its position of 14 December 2004 on the proposal for a Council directive imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products (Codified version) ⁽⁹⁾,
- having regard to its position adopted at first reading on 5 July 2005 on the proposal for a directive of the European Parliament and of the Council concerning measures to safeguard security of electricity supply and infrastructure investment ⁽¹⁰⁾,

⁽¹⁾ OJ C 320 E, 15.12.2005, p. 36.

⁽²⁾ OJ C 272 E, 9.11.2006, p. 404.

⁽³⁾ OJ C 286 E, 23.11.2006, p. 172.

⁽⁴⁾ *Texts Adopted*, P6_TA(2006)0118.

⁽⁵⁾ *Texts Adopted*, P6_TA(2006)0219.

⁽⁶⁾ OJ C 280 E, 18.11.2006, p. 108.

⁽⁷⁾ OJ C 280 E, 18.11.2006, p. 117.

⁽⁸⁾ OJ C 280 E, 18.11.2006, p. 120.

⁽⁹⁾ OJ C 226 E, 15.9.2005, p. 44.

⁽¹⁰⁾ OJ C 157 E, 6.7.2006, p. 61.

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- having regard to its position of 5 July 2006 on the proposal for a Council directive on the supervision and control of shipments of radioactive waste and nuclear spent fuel ⁽¹⁾,
- having regard to its resolution of 14 February 2006 with recommendations to the Commission on heating and cooling from renewable sources of energy ⁽²⁾,
- having regard to its resolution of 29 September 2005 on the share of renewable energy sources in the European Union and proposals for concrete actions ⁽³⁾,
- having regard to its resolution of 23 March 2006 on security of energy supply in the European Union ⁽⁴⁾,
- having regard to its resolution of 1 June 2006 on Energy efficiency or doing more with less: Green Paper ⁽⁵⁾,
- having regard to the Presidency Conclusions of the European Councils of 23-24 March 2006, concerning the European Council's endorsement of the Green Paper on an Energy Policy for Europe, and of 15-16 June 2006 concerning the Joint Paper by the Commission and High Representative on the External Aspects of Energy Security,
- having regard to deliberations of the Public Hearing organised by its Committee on Industry, Research and Energy on the subject on 12 September 2006,
- having regard to the Treaty establishing a Constitution for Europe under which energy is a field in which there is shared competence with the Member States,
- 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 opinions of the Committee on Foreign Affairs, the Committee on Development, the Committee on International Trade, the Committee on Economic and Monetary Affairs, the Committee on the Environment, Public Health and Food Safety, the Committee on Transport and Tourism and the Committee on Regional Development (A6-0426/2006);

1. Welcomes the Commission's green paper on a European strategy for sustainable, competitive and secure energy, but emphasises the need to acknowledge the ever changing conditions in the broader global energy market and highlights the importance of extending the producer perspective to a systematic approach that takes account of production, distribution and consumption in order to develop a European energy policy securing affordable energy as far as possible from low-carbon sources in the short term and carbon free sources in the medium term and indigenous resources, respecting market mechanisms, whilst protecting the environment, combating climate change and promoting energy efficiency;

2. Stresses that the Commission stated in its green paper that 1 trillion *euro* needs to be invested in the European energy market in order to secure energy supplies in Europe in the long term; also notes that it cannot be assumed that these resources can be funded from the public purse and that it is therefore important to involve energy industry operators in the European Union in the further development of the consensus on energy policy;

3. Urges the 2007 Spring European Council to adopt an action plan, which should at least contain the following elements: for consumers to be placed at the centre of energy policy, a radical reform of the EU Emissions Trading Scheme (ETS) to guide the market into investment in a low carbon economy which should be driven by a set target for EU carbon emissions by 2020 including a target of 25 % of energy from renewable sources by 2020 and a binding target for car emissions, a step change in energy efficiency, reinforced efforts to implement unbundling in letter and spirit, including full ownership unbundling of energy networks in the event that other measures do not prove effective, minimum binding guidelines set out for regulators, including a procedure for the nomination of regulators, independence, transparency and accountability, an ambitious R&D strategy on clean energy technologies, a common foreign energy policy strategy and full implementation of all current EU energy legislation;

⁽¹⁾ *Texts Adopted*, P6_TA(2006)0300.

⁽²⁾ *Texts Adopted*, P6_TA(2006)0058.

⁽³⁾ OJ C 227 E, 21.9.2006, p. 599.

⁽⁴⁾ *Texts Adopted*, P6_TA(2006)0110.

⁽⁵⁾ *Texts Adopted*, P6_TA(2006)0243.

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Sustainability

Climate Change

4. Recognises that climate change is causing serious environmental problems requiring immediate EU and international action; believes that by 2050 the overwhelming proportion of EU energy needs must come from carbon free sources or be produced with technologies which withhold greenhouse gas emissions, with a focus on energy saving, efficiency and renewable energies and that there is therefore a need to set out a clear roadmap for attaining this objective; urges EU leaders to agree by the end of next year on a binding 2020 CO₂ target and an indicative 2050 CO₂ target and further believes that:

- a) the Commission should propose a revision of the ETS including economically acceptable management of ETS credits such as a progressive move towards auctioning or benchmarking based on output; the ETS scheme should be based on a careful evaluation of economic and environmental impacts, a comprehensive assessment of the allocation methodologies, a review of the penalty scheme,
- b) during the second ETS financing period (2008-2012), financial resources should be allocated in a way that leads to action being taken to reduce CO₂ emissions and energy consumption,
- c) a cap and trade emissions regime should be extended internationally and should run for a longer period than at present,
- d) the ETS should include additional large emitting sectors including all modes of freight transport; a strategy to cut emissions from ships should be developed, following an impact assessment, and a separate system for aviation should be set up as soon as possible,
- e) given the volatility of prices for emission certificates, the Commission should consider mitigation option; such options should include the promotion of confidence in the market by increasing market transparency, e.g. through the timely and uniform publication of emissions data throughout the EU, as well as extended use of the flexible mechanisms of the Kyoto Protocol (Joint Implementation and Clean Development) to increase market liquidity,
- f) the Commission should examine by 2007 in which way national allocation methods should be further harmonised and how the ETS methodology may be simplified and rendered transparent, in line with stock market rules,
- g) the Commission should produce a report on the possible need for regulation of the carbon offsetting market;

Research, Development and Innovation

5. Calls for the 2007 Spring European Council to ensure that the future energy policy of Europe is backed up by an ambitious R & D strategy in the field of energy including more adequate public funding and strong incentives for increased private R & D funding, fulfilling corporate social responsibility obligations; encourages Member States to set out a strategy for increasing the budget for energy research, especially when there is a mid-term review of the budget for the Seventh Framework Programme for research, technological development and demonstration activities (FP7) and for the Intelligent Energy — Europe Programme; calls for a European strategic energy technology plan and hopes that its content will cover research fields focusing on new energy technologies in the medium and long term, including in particular energy storage;

6. Calls on the Commission to ensure that the contribution of hydrogen and fuel cells applications to accelerating the transition from fossil fuels to an efficient and CO₂ lean energy and transport system is reflected in EU's short term energy and transport policy actions and by supporting bodies;

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7. Recalls that the EU must remain a key player in initiatives such as the International Partnership for the Hydrogen Economy (IPHE) ⁽¹⁾ or the International Thermonuclear Experimental Reactor (ITER) ⁽²⁾;
8. Calls on the Commission and the Member States to create a road map for climate-friendly and environmentally-friendly innovation based not only on technological innovation but also on developing strategies to increase the market penetration of the best available technologies and organisational improvements, e.g. in the logistic sector;
9. Calls on the Commission to carry out an energy audit on existing technology platforms in order to improve coordination and the exchange of expertise;
10. Notes that research in the field of energy technologies is an important step to opening up export markets; therefore calls on the Commission to continue supporting research into all sources of energy (conventional, nuclear and renewable) so that Europe, as well as exploiting such research for its own purposes in the Member States, may also open up export markets;

Investments

11. Recalls the need for significant investment in electricity and gas infrastructure in order to secure energy supply in Europe; requests the Commission to:
 - a) contribute to the creation of a favourable investment climate,
 - b) ensure that markets are allowed to send the right investment signals to investors;
12. As electricity networks will have to adapt to the growing share of renewable energies and decentralised generation, calls upon the Commission and the Member States to further promote research into the necessary information and communication technologies;
13. Encourages the involvement of regional stakeholders in energy issues, as many problems find their solution through investment at regional and urban level, especially solutions favouring the use of diverse and renewable energy sources; emphasises the potential for SME entrepreneurship in energy investments and the role that sustainable energy investments (i.e. in biomass, biofuels and district heating) can play in regional and urban development; therefore asks Member States and the Commission to involve regional and local authorities in these issues so as to commit even more strongly to the promotion of renewable energy sources within the overall energy mix;
14. Draws attention to the problems that border regions encounter because of the differences in national energy policies, the lack of information-exchange between Member State energy providers and the lack of a harmonised EU energy policy;
15. Stresses the positive impact that the promotion and development of renewable energy technology has on the creation of new, long-term and highly-skilled jobs;

Security of Supply

Energy Efficiency and Energy-Saving

16. Calls on the Council and Commission to adopt measures to make the EU the most energy efficient economy in the world by 2020 and to set energy efficiency measures as a horizontal priority for all policy sectors in the EU; calls on the Commission to ensure timely implementation of EC directives in the field and urges the Council to adopt the proposals in the energy efficiency action plan and Member States to use best practice as a basis for their national energy efficiency action plans, to be submitted by June 2007; urges the Commission to make available enough staff at all levels to transform the measures proposed in the action plan into concrete actions; recalls that if Member States were to fully implement existing EU legislation, 50 % of the EU target to save 20 % of energy by 2020 would already be met; calls on the President of the Commission to promote a global energy efficiency agreement;

⁽¹⁾ www.iphe.net

⁽²⁾ www.iter.org

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17. Points to the fact that there are very promising technologies available for use in combined heat and power and cooling processes and that district heating also offers an infrastructure for future renewable energy sources; urges therefore national governments to fully implement the existing directive on combined heat and power and to put in place the necessary legal and financial conditions to fully use the potential for combined heat and power, as identified in the national potential studies;

18. Recalls that 40 % of all EU energy is used in buildings and that there is a huge potential to reduce this consumption when planning new buildings and modernising existing buildings; urges the Commission to revise the existing buildings directive in order to include buildings below the 1 000 m² threshold; calls on the Commission to ensure that all EU institution buildings set an example by achieving carbon neutral status by 2012; believes that Member States should commit to ensuring that this is achieved also in all national government buildings and that this goal should be extended to local authority and regional buildings by 2015; urges the Commission to implement a programme aimed at the large scale deployment of passive and net positive energy houses and buildings in the EU;

19. Calls on the President of the Commission to host a meeting of representatives of the Member States' biggest cities for the purpose of exchanging their experience of local energy-reduction projects in an endeavour to reduce and make more efficient urban energy consumption; believes that serious efforts should be made to increase the power derived from combined heat and power and cooling production and district heating; adds that these technologies are very promising for increasing the use of biomass and biofuels and emphasises that district heating offers an infrastructure also for future renewable energy sources; believes that the Commission should work closely with the Committee of the Regions on this matter;

20. Calls on the Commission, by spring 2007 at the latest, to submit implementing measures regarding energy-efficient products under Directive 2005/32/EC of the European Parliament and of the Council of 6 July 2005 establishing a framework for the setting of eco-design requirements for energy-using products ⁽¹⁾ (EUP Directive);

21. Requests the Commission to help industry to develop and roll out smart metering and charging systems, possibly via intelligent metering system managed by remote mechanisms; calls upon the Commission to carry out a thorough cost-benefit analysis of these measures, taking on board changes in the behaviour of consumers;

22. Considers that taxation plays a prominent role in enhancing energy efficiency; believes that efforts should be made so that Member States' national tax systems discriminate in favour of energy efficient practices;

23. Draws the Commission's attention to the need for EU structural funds to be used, particularly in the new Member States, in the large-scale modernisation of the thermal insulation of housing, which will bring significant reductions in energy consumption and CO₂ emissions;

24. Calls for a comprehensive EU strategy in the transport sector, aiming at the phasing out of fossil fuel use, a reduction of EU dependency on oil and a gradual shift to clean energies for transportation; favours a shift towards the most energy efficient and clean transport modes, to be achieved notably through new legislation, including legislation relating to the automotive industry, and improving the market penetration of plug-in hybrid cars and fully electric vehicles;

25. Regrets that the Commission has enormous problems linking transport with the energy question; recalls that the transport sector is the cause of Europe's biggest security of supply problem and intense oil dependency, and that climate changing emissions from the transport sector are rising steeply, notably from aviation;

26. Stresses that many outlying and outermost regions have considerable potential in terms of renewable energies, linked to their geographical or climate-related characteristics (sunshine, wind, biomass, wave energy); hopes that more use will be made of this outstanding opportunity, particularly in order to make an active contribution to achieving the Kyoto objectives;

⁽¹⁾ OJ L 191, 22.7.2005, p. 29.

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27. Calls on the Commission and the Member States to adopt practical measures to improve the energy efficiency of small and medium-sized businesses, including, in particular, measures to increase awareness and action to ensure easier access to funding, including funding from the structural funds, the EBRD and the EIB, to enable such businesses to invest in reducing energy consumption;

28. Hopes that greater energy efficiency will be encouraged in third countries and endorses the Commission's proposal to work towards the adoption of an international energy efficiency agreement;

29. Takes the view that the benchmark system agreed in Directive 2006/32/EC of the European Parliament and of the Council of 5 April 2006 on energy end-use efficiency and energy services ⁽¹⁾ in order to achieve final energy efficiency is an economically rational, unbureaucratic and effective means of increasing energy efficiency and proposes that this system be used to a greater extent in other energy sector; asks the Commission to make efforts to accelerate the setting of common EU-wide benchmarks in all the relevant areas based on sectoral energy efficiency indicators in accordance with Article 16 of that directive;

Energy Mix

30. Believes that the diversification of energy sources along with increased use of indigenous sources and decentralised energy production will improve security of supply, but acknowledges the fact that decisions on energy mix in one Member State can affect security of supply in other Member States; regards the EU's dependency on a limited number of energy producers and supply routes as a serious risk to its stability and prosperity; welcomes the introduction of a mechanism able to ensure solidarity and rapid assistance to Member States facing difficulties following damage to their infrastructure;

31. Considers it vital that the European energy strategy be based on maximum subsidiarity and that decisions concerning the energy mix should remain the prerogative of the Member States;

32. Welcomes the high efficiency and high renewables scenario from July 2006 presented by DG TREN of the Commission and the study commissioned by Parliament's Committee on Industry, Trade, Research and Energy on security of supply presented to that committee on 9 October 2006; urges therefore the Commission to take both scenarios as a basis for the energy review scheduled for January 2007;

33. Asks the Commission and the Member States, without neglecting short and medium-term costs, to give priority to those forms of energy which reduce import dependency, especially imports of fossil fuels, that support the environment, are sustainable and reduce risks of continuous supply, not least because of the decentralisation of production;

34. Calls on the President of the Commission to carry out the plan to publish monthly figures on European stocks, imports, and exports of oil and petroleum products, broken down by product type (crude, petrol, diesel oil, heating oil, and others); believes that figures of this kind (which would be in the public domain, as they are in the United States) would give a clearer idea of the pressures being brought to bear on the world market and a clear picture of European consumption, as well reducing the obsession which operators have with American stocks and consequently helping to make oil prices less volatile;

35. Calls on the Commission to conduct a transparent and objective debate on the future energy mix, taking into account the advantages and drawbacks of all forms of energy, including economic and environmental costs and consequences;

36. Urges the Commission to finalise by the end of 2008 at the latest a new energy and transport modelling tool for the EU; believes that such a bottom-up model should be developed in close collaboration between the Commission services, the IEA and national governments and aim at streamlining all statistical energy and transport data in Europe, that the model would then replace the multitude of models existing today within the different Commission services and also harmonise energy statistics all over Europe; further believes that the model should be in the public domain and could, as it is the case today in the US, be used on demand by the different stakeholders to develop different scenarios for the EU energy future;

⁽¹⁾ OJ L 114, 27.4.2006, p. 64.

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37. Proposes, in order to boost the diversification of energy sources, that the EU set a long-term stable policy framework in order to create the necessary investment climate; believes that such a framework should contain an EU target for energy efficiency improvements of at least 20 % by 2020, and asks the Commission to propose a framework for options of harmonised support schemes for renewable energies as part of the renewable energy roadmap and, furthermore, set binding sectoral targets for renewables in order to achieve 25 % of renewables in primary energy by 2020 and a road map at Council and Commission level for reaching a target for renewables of 50 % by 2040, an EU 30 % reduction of the CO₂ target for 2020 and a 60-80 % reduction for 2050;

38. Stresses that the need to change the current energy production mix is not a burden but an opportunity; the use of solar, wind, biomass, hydro or geothermal energy and more energy efficiency technologies will help to fulfil the commitments made in Kyoto and under the UN Framework Climate Change Convention and also strengthen innovation, job creation and competitiveness in Europe;

39. Believes that the proposed Strategic Energy Review (SER) should integrate the work of the proposed Energy Supply Observatory (which should not be an independent body) and that it should analyse security of supply on a regular basis; considers that the SER's remit should involve strategic analysis of the problems confronting the EU in the energy sector, including the external aspects; encourages the Commission to use the SER to develop a formula that enables Member States to analyse the trade-offs between different policy options with regard to the environment, security of supply, competitiveness and job creation and that thus helps to minimise risks; welcomes the Commission's effort to undertake a detailed study of the subsidies and costs of all energy sources, including the internalisation of externalities within the SER, applying the life-cycle and well-to-wheel approach; requests the publication of such a study in order to raise public awareness; proposes that a Europe-wide forward study of supply and demand in the medium and long-term be conducted in order to identify investment needs, especially on the production side, and raise the profile of operators; proposes that a cost-benefit analysis should focus on the contribution of each energy source to the EU's three objectives in the energy field, namely security of supply, competitiveness, and environmental sustainability;

40. Believes that the SER should also cover trade issues, meaning that it should analyse the impact of international cooperation and long-term contracts already signed or to be signed and assess consistency between policies pursued by business and national and EU policies;

41. Recalls that oil is still the most important primary energy source in the EU, for which the EU depends almost completely on imports; regrets the lack of attention paid in the Commission's green paper to the fact; calls upon the Commission and Member States to take into account the need for diminishing the use of oil, decreasing import dependency and contributing to reducing CO₂ emissions;

42. Insists that Member States develop a systematic approach, including economic, ecological and technological aspects of the production, distribution, consumption and market penetration of liquid and gaseous biofuels, in particular those used in transport, in order to improve access to and promote trade in biofuels; insists on the full implementation of existing binding legislation; urges the Commission to remove technical and administrative barriers to blending levels and to ensure consistency between different policy areas, e.g. transport, agriculture, trade, and that recognition is given to both liquid and gaseous biofuels as an option for the transport sector and not just as a fuel for generating electricity; encourages Member States to take into account a mandatory and comprehensive certification scheme to be introduced by the Commission allowing the sustainable production of biofuels at all stages, as well as for the overall life-cycle greenhouse gas balance for biofuels produced within and imported into the EU;

43. Calls on the Commission to present a proposal for a directive on heating and cooling from renewable energy sources as soon as possible and recalls its resolution of 14 February 2006 with recommendations to the Commission and Council on heating and cooling from renewable sources of energy;

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44. Calls on the Commission to recognise in the medium term the important role of fossil fuels and the possibility of undertaking further studies to reduce their carbon intensity in line with the 2° C degree target for CO₂ reduction; considers that this should include continuous modernisation and improvement of their efficiency, development of a new generation of installations based on gasification and parallel electricity and chemical production, the further development of an economical method of carbon capture and storage in relation to coal and gas and oil, in accordance with the decisions taken by the European Technology Platform for Zero Emission Fossil Fuel Power Plant, and the removal of barriers posed by EU legislation;

45. Calls on the Commission and the Member States to recognise the socio-economic importance of local and indigenous sources of energy in the EU and to encourage their development as a means of contributing to the security of energy supply in Europe;

46. Calls on the Commission to implement the trans-European energy networks and establish a priority interconnection plan, in view of the recently amended decision laying down the guidelines for trans European energy transmission networks, without neglecting the liquefied natural gas reception regasification infrastructure and storage facilities; in addition, believes that all energy sources including renewables should be given fair and non-discriminatory access to the power grids so as to further the integration of markets and ensure security of supply; considers that offshore wind power installations should be integrated first into a regional grid and ultimately into the trans-European energy network;

47. Asks the Commission to give special consideration to developing marine-based renewable energies (offshore wind, wave power, tidal) in particular in the North Sea, the Baltic Sea, the Irish Sea and the Mediterranean, and solar, in particular in the Mediterranean region, so as to ensure that these resources are included in the 2007 road map on renewable energy sources and are fully and rapidly developed;

48. Calls for a review of existing EU legislation that prevents the development of the energy policy priorities set out in this resolution, including the future development of large scale tidal projects;

49. Believes that nuclear energy is a part of the European political debate on the energy mix; recognises the role that nuclear energy currently plays in some Member States in maintaining security of electricity supply, as part of the energy mix and as a way of avoiding CO₂ emissions; considers that decisions on whether nuclear energy production should continue to play a role in some Member States can only be taken at Member State level, in accordance with the principle of subsidiarity;

50. Urges the Commission to investigate the development of nuclear energy in Member States, taking account of both the benefits of that technology (low volatility of production costs and no CO₂ emissions) and the risks linked to the existence of nuclear power stations (failures and waste disposal);

51. Draws attention to the fact that, in view of the high level of EU dependence on imports, it is particularly important to increase the diversity of countries of origin and transit routes;

52. Recognises that decisions about the make-up of the energy mix must take account of specific national and regional circumstances; considers, therefore, that the promotion of renewables must be geared to relevant geographical, climatic and economic conditions;

Infrastructure and investments for security of supply

53. Calls on the Member States to implement their political commitments regarding the development of the missing energy interconnections, paying special attention to the isolated and border regions of the EU, such as the Baltic States; recalls the necessity of investments to achieve this goal, and requests the Commission to propose measures to establish a favourable investment climate in order to ensure that markets send the right signals to investors; calls on the Member States and the Commission to thoroughly consider the environmental aspects before approving further major infrastructure investments, such as the planned North European Pipe line — North Stream;

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54. Takes the view that, in addition to environmental benefits, economic efficiency should also be a determining factor in the promotion of renewables, so that the financial burden on the end user can be minimised;

External aspects

55. Believes that development of a common stance in the EU in the dialogue with third countries will increase the EU's ability to negotiate with energy producing and consuming countries and that the Commissioner responsible for energy should follow a well-defined mandate which sets out a long-term European energy planning vision;

56. Urges Member States, mindful of improving cooperation with EU institutions, to set down a list of priority areas where they have reached agreement in terms of external energy policy, including:

- a) climate change targets, energy efficiency and savings targets, the development of renewable technologies,
- b) human rights and social dialogue, in an endeavour to set standards for Corporate Social Responsibility in the field, both at EU and at UN level,
- c) the inclusion, in all new EU trade and international agreements, of an energy section, in recognition of the principle of reciprocity, transparency and the rule of law,
- d) the establishment at EU level of an exchange of information on substantive gas contracts and the sale of energy infrastructure to third countries,
- e) the diversification of supplies and transit routes for oil and gas, in recognition of the EU's Neighbourhood Policy;

57. Calls on the Commission and the Member States to support investment in the European Union, and the acquisition of market share here, by firms from energy-producing countries only on the condition of reciprocity, i.e. security of investment in those countries, and with a strategy that combines the transfer of best available technologies with the creation of an international ruled-based, stable framework for investment that draws on WTO and bilateral economic agreements;

58. Regards it as vital for the EU to continue to lead the global fight against climate change and to strive for achievement of the Kyoto protocol targets; considers it necessary to integrate the EU's endeavours in the development of renewable and clean energy resources and technologies for energy saving and efficiency into all external relations, in line with the global sustainable development agenda agreed in Johannesburg in 2002;

59. Stresses the need to create a common energy policy with regard to internal market regulations as well as external aspects that takes into account the political and economic interests of all the Member States;

60. Emphasises the importance of developing of a pan-European Energy Community Treaty;

61. Welcomes, in the context of the green paper, the Commission's recent initiative to undertake a study 'addressing the interlinkages between natural resource management and conflict in the Commission's external relations', and stresses in particular the links between energy security and climate security;

62. Asks the Commission to formulate, as the supreme aim of the EU's external energy policy, a reduction in the dependence on fossil fuels from a few big suppliers and to diversify the sources of energy, and, for this purpose, believes that a long-term plan with indicative dates should be presented to Parliament and Council;

63. Stresses the fact that a new form of political dialogue and cooperation among consumer countries has become indispensable, especially with the US, China, India and Japan; notes that a similar dialogue between key consumer and producer countries has also become necessary in order to develop a global approach to energy; believes that these new forms of global energy dialogue should aim at making global energy markets stable, secure and transparent, and at the same time provide a continued boost in favour of clean energy sources and energy efficiency;

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64. Calls on the Commission and the Council to develop a strategic energy partnership with countries such as China, India, South Africa, Brazil and Mexico to technically assist them in developing sustainable energy strategies and thereby secure their participation in climate change mitigation efforts;

65. Calls on the Commission, as a matter of urgency, to focus not only on closer cooperation with Russia, but also to step up cooperation with other energy exporters, the CIS and particularly the OPEC countries; welcomes the planned development of an EU-wide energy community;

66. Urges the Commission and the Member States to take very seriously the real danger of a deficit in gas supplies from Russia after 2010 due among other things to a lack of investment, excessive leakage and energy waste in the Russian domestic market; insists that Member States make plain that the kind of investment necessary is more likely to be forthcoming if there is a higher degree of security for investments since these will not be made without long term contracts; insists that the Member States and the Union, in its energy-related discussions with Russia, demand the ratification of the Transit Protocol and the Energy Charter Treaty, something which is instrumental to ensuring future much-needed foreign investment in Russia's energy infrastructure and ensuring an adequate gas supply to the EU in the future;

67. Notes that the informal European Council meeting in Lahti agreed that the principles of the Energy Charter and the G8 conclusions should be incorporated in the forthcoming agreement between the EU and Russia, which should, inter alia, include:

- a) a mechanism, like those in the WTO, to decide disputes concerning the EU and Russia and/or individual investors,
- b) a provision for mutual access to infrastructure,
- c) competition rules limiting the power of quasi-monopolistic companies which have not been unbundled having access to their respective energy markets,
- d) and agreement to address the issue of technical failures in the third countries affecting cross-border supplies to the EU Member State;

68. Stresses that a precarious energy and climate security situation is frequently the trigger for international crises and conflicts, which have consequences for democracy, human rights and poverty;

69. States that last winter's failure in the gas energy market of several Member States has already resulted in the relocation of enterprises in energy intensive industries; considers it necessary in this context to examine opportunities for promoting solidarity between Member States and considering how to deal with this issue as a priority in order to ensure the proper operation of both existing and future interconnectors;

70. Calls on the EU to seek to include provisions governing energy trade in WTO regulations, enabling that organisation to become an international mediator able to resolve disputes concerning the delivery and distribution of energy;

71. Believes that the EU has a responsibility to develop with the countries concerned decentralised energy solutions adapted to rural areas;

72. Calls upon the Commission to analyse and address the issue of technical failures in third countries that affect cross-border supplies to the Member States, such as the disruption of the oil supply from the Druzhba pipeline;

73. Stresses the need to increase diversity in the EU's gas market by seeking ways of securing greater energy supplies directly from producers in Central Asia, i.e. Kazakhstan, Azerbaijan, Turkmenistan and Uzbekistan;

74. Calls for steps to be taken to ensure that the Pan European Energy Community (PEEC) is developed, extending the Energy Community Treaty to include Turkey, and examining the possibility of the Mashreq and the Maghreb joining the PEEC;

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Single market in energy and competitiveness

75. Calls upon the Member States to recognise that the EU energy market is still not fully liberalised and that full implementation is imperative; is of the opinion that a clear and stable political framework and a competitive and fair energy market is needed to establish a high degree of energy independence, long-term stability, efficiency, environmental sensitivity and security of supply; thus calls upon the Commission and the Member States to carefully assess the need for regulatory intervention against this background;

76. Notes that Member States have been encouraging energy market liberalisation policies in different ways and that differences can also be seen in their regulatory frameworks;

77. Calls for the 2007 Spring European Council to provide a broader vision of the common European interest in the energy field, in order to place the completion of the internal market in a clear political framework, something that is currently lacking;

78. Calls on the Commission to use its powers under Article 86(3) of the EC Treaty to increase its efforts to unbundle gas infrastructure in order to promote competition in the gas transit network sector and incentivise operators to open markets to operators other than the traditional gas suppliers;

79. Congratulates the Commission on the energy sector inquiry; calls on the Commission to pursue enforcement action including fines against companies which breach competition rules; encourages the Commission to pursue Member States which unduly protect national energy champions, and attempt to re-regulate end prices at a level below the market price, or attempt to block mergers and acquisitions as such behaviour would impede the development of the internal market; requests the Commission to provide guidance on the appropriate form of long term supply contracts and conditions under which arrangements are acceptable;

80. Considers that Member States and regions should ensure that small and medium-sized energy producers and large producers are treated equally on the market, with a view to protecting energy consumers against the effects of market monopolies;

81. Urges the Commission in its appraisal of National Allocation Plans (NAPs) to reject the market distortions arising from NAPs and insists on the harmonisation of NAPs, many of which currently undermine the 'polluter pays' principle;

82. Calls on the Commission to put an end to regulated energy prices because these undermine the very essence of open energy markets; calls on the Commission above all to address regulated energy price systems for energy intensive industries because these undermine not only the EU energy market but also the internal market in other commodities; accepts that special measures might be necessary for EU energy intensive industries which are exposed to global competition, but that these measures must be taken in an coordinated way across the EU; urges therefore DG Competition to propose a clear set of criteria to define what are energy intensive industries exposed to global competition and to use these criteria to assess the validity of special national energy regimes for energy intensive industries;

83. Urges the Commission to take further steps to address concentrations in the energy market in case of abuse of market dominance;

84. Proposes significant increases in the powers of Member State regulators, who should be fully independent of government and industry, and the harmonisation of their powers which could be achieved via the establishment of common rules on transparency, disclosure and accountability, which should be monitored by the Commission and annually by the European Parliament, and the setting of minimum binding guidelines on the procedure for the appointment of regulators; believes that national energy regulators should be given the role of advising competition authorities in the Member States and of ensuring that energy companies have a statutory obligation to give energy saving advice to customers;

85. Calls on the Commission to prepare a review of the power and independence of national regulators and only afterwards to prepare a recommendation on the harmonised development of regulation in the internal market;

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86. Calls on the Member States to grant powers to national regulators, agreed at EU level, to deliver on cross-border electricity and gas transmission, including non-discriminatory grid access, transmission tariffs, capacity allocation, congestion management procurement and network operating, and a clear timetable for bids in the energy market; considers that national regulators should also insist on the need for network operators to act in the interests of European consumers; considers that, before a European regulator is established, the areas of responsibility of Member State regulators should be harmonised in order to ensure greater consistency of action aimed at improving the way the market works;

87. Urges the Commission and Member States to promote improved cooperation by Transmission System Operators (TSOs), especially in areas such as cross-border capacity allocation, transparency, intra-day markets, planning of grids and investments relevant to development of regional markets; asks the Commission to prepare, together with the TSOs, a European grid code;

88. Calls on the Commission to provide a solution to the problems relating to independence/conflicts of interests and transparency with regard to TSOs and to put forward proposals that enable TSOs to acquit themselves of their responsibility as market facilitators and to harmonise the international regulations for TSOs so as to improve cross-border transport;

89. Calls on the Commission to ensure that there is strict compliance by the Member States with the conditions set out in Article 7(6) of Directive 2001/77/EC, namely that the transmission charges applied by operators for the transport of electricity through the grid do not discriminate in one form or another against electricity from renewable energy sources produced in peripheral regions, such as island regions and regions of low population density; urges the Commission to take further steps to end existing discrimination within Member States;

90. Calls upon the Commission and the Member States to carefully assess whether new institutions like a European Centre for Energy Networks are needed to create a level-playing field, given the already significant number of existing institutions which could be built upon;

91. Urges the Commission to provide greater support to interconnectors across the Member States and particularly within the Member States, thereby giving island and remote energy suppliers better access to the mainland grid;

92. Calls on the Commission to analyse precisely the existing problems in granting planning permission at borders and to submit a report to the European Parliament; calls on the Member States to grant planning permission at borders within a period of four years from presentation of an application; adds that one possible way to achieve this might be the introduction of legislation, where necessary;

93. Takes the view that the establishment of regional energy markets should help to speed up the integration of EU energy markets and that, under no circumstances, should further barriers to the integration of all energy markets be raised;

94. Calls on the Commission to ensure that greater use is made of market-based allocation systems where cross-border transmission capacity is limited;

95. Calls on the Commission to make the establishment of well functioning harmonised regional electricity markets by 2009 a priority, with a view to integrating the markets with the biggest potential for development at European level by 2012 and to advancing the establishment of a single European energy market and grid;

96. Notes that cross-border interconnections will require special measures, e.g. the preferential treatment of funding or tax exemptions; urges the EU to rapidly advance with its trans-European energy network (TEN) projects; notes that completing the missing links in TEN will improve security of supply as well as contribute to the completion of the internal market;

97. Considers it appropriate that the possible expansion of the regulatory framework must be deferred and that, instead, the implementation of existing EC rules in the Member States must be accelerated; considers that additional regulatory measures such as full ownership unbundling should be considered only if the mechanisms envisaged in the existing legislation relating to the internal market prove ineffective in practice; emphasises the importance of improving the effectiveness of regulation and of ensuring proper, coherent implementation of the provisions relating to the separation of activities laid down in existing directives;

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98. Urges the Commission to fully consider the recent reports by UCTE and ERGEG on the November 2006 electricity blackout caused in Germany when establishing its position on the future management and ownership of power grids and the need for new legislative initiatives to better regulate the EU power sector;

99. Believes that transmission systems in the energy sector should undergo full ownership unbundling immediately the Commission analyses that existing legislation is ineffective since this would prevent conflicts of interests from arising between competing energy companies;

100. Believes that the Commission should come forward with a comprehensive gas strategy that examines the need to reduce gas consumption, the assurance of third party access providing for the economical and efficient use of gas, the diversification of supplies and transit routes and improved gas infrastructure (e.g. gas storage, LNG facilities and missing gas hubs) — thus also preparing for the introduction of biogas — and the need in some Member States to reverse the direction of the flow of gas and, furthermore, that deals with the question of storage and stocks after conducting a thorough cost/benefit analysis taking into account the physical and economic constraints of the gas sector;

101. Calls on the Commission to produce proposals for a directive on natural gas directive to balance those for biofuels and hydrogen;

102. Requests the Commission to propose a definition of what constitutes a high energy user; requests the Commission to give special consideration to high energy users in the EU competing in the global economy;

103. Urges the Commission to use its powers in competition matters to address the existence of market splitting clauses in supply contracts between gas producers and national energy providers in the EU, which prohibit national energy providers in the EU from on-selling the spare gas of gas producers into other EU markets and also to investigate the legality of those long term supply contracts which foreclose the market to other suppliers;

Energy Poverty and Consumer Rights

104. Believes that consumers must be placed at the centre of all future energy policies and that energy poverty should feature more clearly in the Commission's proposals; recalls that consumers, particularly public authorities, which must set an example in this area, also have obligations in terms of energy economy; recognises the central role that smart metering and billing can play in increasing consumer awareness of how and why energy is being used and therefore in changing consumer behaviour; calls on the Council and the Commission to propose measures which help low income households to achieve energy savings in their homes, thereby reducing their energy bills and their exposure to future price increases;

105. Insists on the need to campaign for education and behavioural change in favour of the more sustainable mobility of European citizens;

106. Demands that integrated and continuous support be given to local and regional authorities in relation to energy efficiency and sustainability measures under all European funding schemes, in particular the Structural Funds, FP7, Intelligent Energy Europe, and, in general, all regional policy and financial engineering measures encompassed within cohesion policy for the period from 2007 to 2013, as well as in relation to the activities of the EIB;

107. Calls on the Commission to show interest in both renewable energy sources and energy saving by emphasising these policies in all initiatives financed by the Structural Funds and the Cohesion Fund (mainstreaming) and, in particular, by European Regional Development Fund initiatives for all regions of the Union, over the programming period 2007-2013, and to draw up a proposal on how to remove the limitation of the energy saving progress caused by the 3 % limit on energy efficiency spending from these funds and to consider the removal of the threshold after 2013;

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108. Reaffirms its view that supplying people with energy to meet basic needs is indispensable and that such supplies must be assured; therefore requests energy regulators in the Member States to ensure that universal service obligations are honoured and that vulnerable and poor consumers are adequately protected;

109. Endorses the inclusion of energy policy aims in the formulation of criteria for awarding public contracts where it is feasible for the awarding authority, reasonable for the respective tender and does not represent unfair intervention in competition;

110. Stresses the importance of consumers having easy access to price and choice information, an easy method of switching energy provider and the right to be heard by the regulators in each Member State;

Development

111. Requests the Commission and Council to recognise that there are 2 billion people in the world without access to basic energy services and that the EU should set out a policy direction alleviating this position and meeting the Millennium Development Goals;

112. Welcomes the Global Energy Efficiency and Renewable Energy Fund initiative as part of a global policy responsibility to promote development;

113. Emphasises that the EU and the Member States must use their diplomatic, aid and trade relations with energy supplying countries to promote fiscal transparency; urges the Commission to formally endorse and promote the Extractive Industry Transparency Initiative (EITI) and develop a strategy to mainstream the principles of the EITI and the Corporate Social Responsibility Scheme into all agreements with third countries; considers that specific provisions in these agreements should support the role of civil society as an independent watchdog of energy revenue management;

114. Considers that the impact of EU measures would be greatly enhanced by a strong foreign policy seeking to persuade all industrialised countries to participate in the struggle to combat climate change and by incorporating in EU development policy a greater number of programmes seeking to promote clean and efficient energy;

115. Furthermore, believes that the EU, together with the most 'advanced' developing countries, should explore ways of playing a greater part in the worldwide effort to combat and adapt to global warming, and that the EU should also consider what steps could be taken to strengthen world solidarity in the face of the effects of climate changes, especially on the poorest countries;

116. Stresses that economic development is a right for all developing countries; emphasises, however, that developing countries do not have to repeat the polluting practices of the industrialised countries, and calls therefore for increased attention to be paid to technology cooperation and capacity building in the field of sustainable energy and to global efficiency standards for energy-using products;

117. Calls for greater support to be given, for example through knowledge and technology transfer, to the use of sustainable, locally available forms of energy and decentralised energy networks in particular in developing countries, in order to ensure access to energy, save resources, create jobs, reduce dependency and assist the development of properly functioning market economies;

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118. Instructs its President to forward this resolution to the Council and Commission.

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Biomass and biofuels

European Parliament resolution on a strategy for biomass und biofuels (2006/2082(INI))

The European Parliament,

- having regard to the Commission communication entitled 'Biomass action plan' (COM(2005)0628),
 - having regard to the Commission communication entitled 'An EU Strategy for Biofuels' (COM(2006)0034),
 - having regard to Directive 2001/77/EC of the European Parliament and of the Council of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market ⁽¹⁾,
 - having regard to Directive 2003/30/EC of the European Parliament and of the Council of 8 May 2003 on the promotion of the use of biofuels or other renewable fuels for transport ⁽²⁾,
 - having regard to its resolution of 14 February 2006 with recommendations to the Commission on heating and cooling from renewable sources of energy ⁽³⁾,
 - having regard to the mandate given to the European Commission for the WTO negotiations in the field of agriculture, as laid down in the EC's proposal for the modalities in the WTO Agriculture Negotiations (ref 625/02, January 2003),
 - 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 opinions of the Committee on Agriculture and Rural Development, the Committee on the Environment, Public Health and Food Safety, the Committee on International Trade and the Committee on Transport and Tourism (A6-0347/2006),
- A. whereas greater use should be made, inter alia, of biomass in the long term as an energy source and its energy use should be exploited to the fullest extent possible, above all in forestry, agriculture and waste,
- B. whereas sustainable solutions to the energy challenge are to be achieved through remarkable, indispensable improvements in energy efficiency, through energy savings and, at the same time, through the expansion of renewable energy sources,
- C. whereas the primary potential uses of biomass lie in electricity generation, heating and cooling, hydrogen and methane production, fuel manufacture and the chemical, food, paper and woodworking industries,
- D. whereas biomass is the only carbon carrier among the renewable energies and both energy use and the manufacture of carbonaceous products therefore merit attention,
- E. E whereas increased use of biomass can make a contribution to the three main objectives of energy policy, namely security of supply, competitiveness and environmental sustainability, by reducing greenhouse gas emissions,
- F. whereas the type of bio-energy use and the choice of crop and the characteristics of the agricultural system in which the crop is grown will determine whether the use of bio-energy will reduce the production of greenhouse gases,

⁽¹⁾ OJ L 283, 27.10.2001, p. 33.

⁽²⁾ OJ L 123, 17.5.2003, p. 42.

⁽³⁾ OJ C 290 E, 29.11.2006, p. 115.

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- G. whereas the transport sector is responsible for more than 20 % of greenhouse gas emissions although this sector is not included in the emissions trading mechanism; whereas these emissions are expected to continue to increase in future years and biofuels are one way of improving the sector's environmental performance,
- H. whereas biomass could be a means of reducing dependence on external energy sources and of unlocking new economic development and employment opportunities in rural areas,
- I. whereas some Member States are not complying with Directive 2003/30/EC concerning biofuels for transport, and are setting very low targets,
- J. whereas, today, there are still logistical and technical barriers to the use of biomass that are attributable to comparatively low energy content, decentralised availability, the variety of substances employed and fuel synthesis,
- K. whereas second-generation biofuels ('Biomass-to-Liquid (BTL)' fuels) have a much higher energy use potential than first-generation biofuels (vegetable oils, biodiesel, ethanol),
- L. whereas Community legislation on petrol quality prohibits the use of mixtures with more than 5 % bioethanol,
- M. whereas the technology is available for the production of second-generation biofuels, demand is increasing for higher-quality fuels and infrastructure and drive systems are in place as well,
- N. whereas, worldwide, the switch to the production of carbonaceous products using synthetic fuels is economically feasible, as demonstrated by examples in South Africa and Trinidad; nevertheless, this production of second-generation biofuels must not impede the production of first-generation fuel initiated by Member States in accordance with Directive 2003/30/EC,
- O. whereas the framing of an EU-wide policy for the promotion of biomass requires an integrated approach that opens up competition to all types of use,
- P. whereas, in keeping with the subsidiarity principle, the biomass action plan must allow Member States the necessary discretion and flexibility to decide for themselves their own goals and political measures as well as the instruments for promoting bioenergy, provided that those policies do not distort competition between Member States,
- Q. whereas cost effectiveness and sustainability are important guiding principles for the ecologically rational promotion of bio-energy combining a high level of environmental safety with an economically viable long-term funding base,
- R. whereas to fulfil the objectives of environmental sustainability and a reduction in greenhouse gases it is necessary to ensure that the overall life cycle of biofuel from field to fuel tank, including all transportation, results in significantly lower carbon emissions than are produced by fossil fuel,
- S. whereas the issue of the domestic generation and import of biomass must be viewed from the angle that the development of an autonomous biomass sector in the European Union is worth promoting, in view also of the additional income potentially available to agriculture,
- T. whereas the emergence of a European biofuels sector offers opportunities for biofuel technology transfer to developing countries crippled by rising oil prices,
- U. whereas the lack of clear environmental standards and safeguards, especially in the case of biofuels, could have significant negative effects, such as an increase in tropical deforestation, while failing to reduce greenhouse gas emissions significantly,
- V. whereas existing legislation in the European Union should be reviewed with a view to better utilisation of biomass,

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- W. whereas a balanced mix must be found between goods production and energy use and energy use is only one of several potential uses of biomass,
- X. whereas the chemical utilisation of products derived from animal fats and vegetable oils is a competitive economic sector, the existence of which must not be jeopardised,
- Y. whereas the industrial use of wood and woody by-products as materials is a competitive sector that creates jobs and value, the existence of which should not be jeopardised,
- Z. whereas other, non-European countries have taken significant steps to promote biofuels and have already succeeded in achieving a high level of penetration of the fuel market,
1. Welcomes the two Commission communications on the biomass action plan and on an EU strategy for biofuels;
 2. Shares the Commission's assessment of the current state of biomass use and of the barriers to its further spread throughout the energy sector;
 3. Is convinced that the European Union strategy for promoting biofuels, particularly against the background of the Lisbon Strategy, must be guided by efficiency and sustainability and that measures must not be allowed to generate a disproportionately high level of administrative expenditure;
 4. Believes that there is a need to create at regional, national and European level transparent and open markets for biomass and biofuels which meet sustainable production standards and that these markets should be integrated into the system of the World Trade Organisation (WTO) and be compatible with a single, transparent and competitive energy market;
 5. Takes the view that the producers of biofuels need a consistent investment and pricing policy for the medium term at Member State level and European Union level that will make it possible to recover investments made within a reasonable period;
 6. Urges the Commission to work towards a European market for biomass and calls on the Member States to eliminate barriers at Member State level and between Member States;
 7. Assumes that the biomass action plan and the communication on a strategy for biofuels are the basis for specific and effective measures;
 8. Urges the Commission to re-examine the goals set in the biomass action plan for heat production, electricity generation and biofuels production with reference to the competitiveness, efficiency and energy output of each sector;
 9. Considers that the Commission should reconsider all action plans and directives with a view to permitting the rational production and use of bioenergy and biofuels and that this should be done principally in the fields of plant production, forestry and waste management;
 10. Agrees with the Commission that the use of biomass in stationary applications such as power, heating and cooling can contribute optimally to the achievement of the EU's stated objective of reducing greenhouse gas generation; urges support for the cost-effective and sustainable production and use of biomass in the areas of electricity generation, methane production, transport and heating and cooling if necessary by means of appropriate measures consistent with achieving the Kyoto targets and the longer-term 2 °C climate objective; calls in this connection for special attention to be given to converting district heating networks;
 11. Considers that aid and assistance in connection with biomass-based renewable energies should not distort competition on raw material markets in the long term;
 12. Assumes that more rapid development and increased use of biomass and biofuels can also be brought about by means of voluntary agreements and calls on the Member States and the Commission to encourage the use of biomass for energy generation, including by applying environmental requirements to emissions rather than to the choice of fuel;

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13. Believes that wood biomass is particularly suitable, given the size of the market and the potential uses available, for developing markets operating on a Europe-wide basis, although existing market shortages and rising prices must be borne in mind; therefore endorses the Commission's intention to put forward as soon as possible an action plan for forestry;
14. Considers however that the use of forest biomass must not lead to increased pressure on natural forests, halt the recovery of historically over-exploited forests or lead to expansion in monocultures or exotic species plantations and must always be promoted in ways that are compatible with improving the ecological quality of forests;
15. Calls on the Member States to make financial support for biomass conditional not on the size but on the efficiency of the installation in question, on there being a significantly positive greenhouse gases balance as well as on noticeable benefits for the environment and security of supply, in accordance with the principle of additionality, having regard to the type and amount of support necessary to achieve market penetration for a given type of biomass;
16. Calls on the Commission to develop a tool which can assess the sustainability of production and use of (bio) fuels; believes that a common methodology should be developed to objectively measure the environmental, social and economic-sustainability aspects of mineral fuels and bio fuels, which could also serve as a reference point in policy incentives in favour of the most sustainable (bio) fuels;
17. Calls on the Member States as a matter of priority to provide incentives for energy production achieved pursuant to supply chain contracts between farmers and companies which use biomass for energy purposes;
18. Expects Member States to come up with investment incentives for the production and use of biomass and biofuels that are the most efficient from a climatic point of view and compatible with structural and agricultural policy rules, taking particular account of environmentally-compatible, regionally-adapted and traditional varieties; believes that such incentive schemes must under no circumstances lead to the replacement of sustainable local food production;
19. Expects Member States to develop national biomass action plans, to combine them in due course with their own structural and agricultural policy measures and to update such national action plans at specified intervals; furthermore expects them do everything possible to attain the objectives of Directive 2003/30/EC;
20. Calls on the Commission to examine, on the basis of scientific well-to-wheel comparisons of various types of imported and EU-produced biomass, the sustainability of biomass and biofuels in all applications, to publish a review of compatibility with the Community *acquis* and to forward a report to Parliament and the Council by the end of 2007;
21. Calls on the Commission and the Member States, in connection with increased use of biomass for energy purposes, to ensure respect for nature conservation, landscape management, rural management and forest management interests and constraints;
22. Expects the Commission, following a strategic environmental assessment, to put forward proposals for promoting the cost-effective and sustainable use of biomass for heating and cooling purposes in both the public and private sectors;
23. Considers that, given the conflicting demands on biomass from waste, it is important that bio-energy should not be used as an excuse to promote waste incineration over more resource-saving options such as reuse, recycling or composting;
24. Expects the use as fuel of waste that cannot subsequently be recycled as matter, including by-products of agricultural food production, except for those originating in areas affected by desertification, to be facilitated, account being taken of energy efficiency, in connection with the review of the legal framework for waste; notes, however, that this should be subject to the condition that it does not present an obstacle to the reuse of recyclable materials;

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25. Calls on the Commission to eliminate any obstacles based on European legislation so as to render possible and to promote the fermentation of manure or organic waste to produce biogas;
26. Urges the opening up of gas networks to receive biogas and transport it on a non-discriminatory basis where it is technically possible to inject it into and transport it safely in the natural gas system;
27. Expects the administrative procedures for bioenergy production and use to be simplified and extended to all Member States;
28. Stresses that support for the promotion of energy crops was introduced as part of the reform of the common agricultural policy;
29. Emphasises that, in the interests of sustainability, when exploiting biomass, encouragement should be provided for exploitation as close as possible to the location where the agricultural raw material originates, thus eliminating energy waste caused by transport; calls on the Commission and the Member States, therefore, to use rural development funding for the purpose of converting rural public institutions to the use of bioenergy as a heat source;
30. Urges the recognition and promotion of whole-crop incineration, for example, the incineration of cereals;
31. Welcomes the Commission's emphasis on the importance of using up Community stocks of intervention cereals to produce bioenergy; highlights the fact that this will make it possible to reduce the quantity of intervention cereals going for export, and thus make it easier for the EU to fulfil the obligations it has undertaken in the WTO; calls, therefore, on the Commission to devise appropriate incentives with a view to ensuring that as large a quantity as possible of intervention cereals is used up in this way;
32. Welcomes the objective underlying the Commission communication of continuing to promote the use of renewable energies, including biofuels, including their use in the transport sector, without prejudice to the freedom of the Member States to choose other renewable technologies as well as the sector and application in which biomass achieves the highest greenhouse and energy benefits;
33. Calls on the Member States to promote the use of biofuels through the taxation and excise system so as to make the production and use of biofuels more attractive; calls on the Member States to increase their support for a coordinated policy in this field; supports therefore the Commission in its aim to propose biofuel obligations as outlined in the EU strategy for biofuels (COM(2006)0034); calls on the Commission to set new, more ambitious, long-term targets until 2020, in order to create investment security;
34. Calls on the Commission, through dialogue with the oil and gas companies and vehicle manufacturers, to improve access to environmentally-friendly vehicles, and the distribution of and consumer access to biofuel;
35. Calls on the Commission to remove any unjustified barriers to the market of biomass and biofuels without compromising the environmental and health considerations on which such measures were based;
36. Endorses the Commission's intention to provide ongoing support for research and development, particularly in the field of second-generation biofuels, and to facilitate their large-scale implementation;
37. Is of the opinion that second-generation biofuels (BTL fuels) have a much higher energy use potential than first-generation biofuels;
38. Believes that there is an urgent need to lay down as soon as possible the technical standards for biofuels and to review Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and its relationship to biofuels use, without compromising the environmental and health considerations on which this measure was based; stresses that the existing standards should only be adjusted, or Directive 98/70/EC should only be amended, once the Commission has finalised its assessment of the impact on air quality of the use of higher biofuels blends in petrol and diesel;

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39. Urges, in particular, an overhaul of the existing standard EN 14214 in order to include additional types of biomass;
40. Calls for the definition of different types of second generation biofuels in order to distinguish, given the impacts on the environment, between silviculture products and products derived from lignocellulosic waste materials, landfill organic waste and raw materials of animal and vegetable origin;
41. Supports the establishment of a biofuel technology platform jointly with all technology providers involved in the development, production, processing and final use of energy crops;
42. Expects the Commission to take appropriate account in its support for research of the aim of increasing the use of biomass in connection with distance cooling and heating systems — in accordance with the position adopted by Parliament at first reading on the Seventh Framework Programme for research ⁽¹⁾;
43. Strongly urges the Member States to indicate as soon as possible their national target for bio-energy, which should be in line with their national Kyoto target as well as the EU agreed long-term target of 2 °C;
44. Asks the Commission to introduce a mandatory and comprehensive certification scheme allowing the sustainable production of biofuels at all stages, including standards for the cultivation and processing phases as well as for the overall life-cycle greenhouse gas balance, applicable to biofuels both produced within, and imported into, the European Union;
45. Calls on the Commission to support the development and use of the Global Monitoring for Environment and Security (GMES) system to monitor land use in the production of bio-ethanol so as to prevent the destruction of rainforests and other negative impacts on the environment;
46. Recognises that further increasing palm oil production may affect natural forests and traditional food production, causing bio-diversity loss, land disputes and significant releases of greenhouse gases; calls therefore on the Commission to subject the importation of palm oil-based products into the EU to compliance with sustainable production criteria, defined within a comprehensive certification scheme;
47. Expects any Europe-wide biomass target to be set in line with the agreed EU target of 25 % renewables by 2020;
48. Advocates policies and measures as well as alternative technologies in the transport sector that are consistent with EU climate-change targets;
49. Calls on the Commission to take action with a view to reaching a compromise on biofuels between the motor vehicle and petroleum industries at the earliest opportunity, in line with the principle 'biofuels for cars, not cars for biofuels';
50. Calls for the eighth recommendation of the CARS 21 Group, according to which second generation biofuels are a particularly promising technology for reducing carbon dioxide emissions in the transport sector, to be translated into action;
51. Recommends that the possible use of biofuels in all modes of transport be considered in the context of product and technology promotion;
52. Believes that it makes sense, where biofuels are used in selected sectors such as agriculture and forestry, shipping and local public transport, to encourage their use by means of longer-term fiscal incentives for pure fuels based on compliance with an appropriate certification scheme;
53. Calls on the Commission to encourage the addition of biofuels to traditional fuels in every Member State by amending Community provisions on excise duty;
54. Stresses the importance of the use of fiscal measures, such as tax exemptions, but calls on the Commission to be on the alert for distortions of the market;

⁽¹⁾ OJ C 300 E, 9.12.2006, p. 401.

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55. Supports the Commission in its intention to create, in the context of the WTO negotiations, clear rules allowing the development of a European biofuel sector, in particular by establishing an appropriate and coherent commercial and customs framework;
56. Calls on the Commission to increase the priority given to the recognition of non-trade concerns as part of a future WTO agreement; notes that this would enable the EU to ensure that imported biofuels meet certain sustainability criteria, predominantly in the environmental field;
57. Notes that biofuels are now being traded on the world market and that the EU is not yet self-sufficient in this area; considers, however, that the promotion of domestic production should be an absolute priority;
58. Considers that an acceptable rate of penetration of bioethanol imports into the EU should be established for a given period, to fit in with the gradual development of Community production in conformity with the European strategy in favour of sustainable development, in particular in the energy sector;
59. Believes that it is essential for a report to be submitted by the Commission by the end of 2007 on the production and export conditions for biofuels in the principal producer countries;
60. Calls on the Commission to promote in the biomass action plan further study and research on biomass-based plastics so as to attain a better understanding of their contribution throughout their life cycle to savings of fossil fuels, to the reduction of greenhouse gas emissions and to savings of energy in recovery operations other than composting; calls on the Commission to investigate the possibility of making use of certain bio-plastics obligatory in the event that they prove to be a good alternative to current plastics;
61. Calls on the Commission to consider, as a pilot project, the establishment of renewable energies parks, where energy needs would be met by a combination of various renewable energy sources, such as biomass, wind energy and solar energy;
62. Is convinced that public support for biofuels is essential and notes the widespread public anxiety about green genetic engineering; believes that the development of energy-intensive biomass must be environmentally safe and must not create a real or perceived threat to non-GM food production; is convinced that Marked Assisted Selection (MAS), which allows the improvement of crops, through 'smart breeding', i.e. the crossing of plants of similar families rather than their genetic modification through the integration of alien genes, must provide a major contribution to the development of energy-intensive and at the same time environmentally safe biomass;
63. Urges all Member States to create appropriate incentives for the sustainable cultivation of energy crops without jeopardising food production, facilitating sustainable access and mobilising additional biomass deriving from agriculture and forests;
64. Calls on the Commission to devote extra attention to small-scale biofuel projects within the primary agricultural sector, such as mobile distillation and fermentation, which could have a major impact on the future processing of primary by-products;
65. Believes that funding from the budget allocated under Heading 2, Pillar 1 of the Common Agricultural Policy (§60) and from the European Agricultural Fund for Rural Development should also be earmarked for the energy use of biomass;
66. Considers that the promotion of biomass in rural areas should be achieved through prioritising research, development and demonstration relating to those biomass applications which have been shown to deliver the greatest and most cost-effective greenhouse gas reduction and energy savings performance and through the creation of a dedicated market in order to improve profitability by means of information campaigns; suggests that particular attention be given to the development and promotion of win-win solutions where biomass production can be combined with habitat restoration, low input agriculture and environmentally-friendly land management;

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67. Urges a substantial increase in the guaranteed maximum area fixed at 1,5 million hectares under the subsidy scheme for energy crops and that no crop be excluded from the subsidy scheme for energy crops, although particular emphasis should be given to those offering high energy efficiency;
68. Urges the Commission to abolish the set-aside scheme and devise new incentives for energy crops;
69. Notes that the cultivation of renewable raw materials must also be carried out in accordance with best practices and that the cross-compliance rules apply to such cultivation;
70. Urges the Commission to extend the list of crops eligible for cultivation for the production of biofuels in the support systems, to ensure that the most suitable energy crops are selected at local and regional level and to encourage the fermentation of manure;
71. Calls upon the Commission to remove the barriers to the development of energy crops in the new Member States, which apply a simplified single area payment scheme;
72. Urges the adoption of a standard framework at European level ensuring that priority is given to the provision of biomass for energy purposes even in those countries where bioenergy does not yet play a part;
73. Is convinced that the sustainable production and use of biomass, which should extend to small scale cultivation and be integrated into rural development policies, offer considerable advantages for developing countries and that technology transfer with these third countries and the export of bioenergy technologies should be supported by the European Union; takes the view, nevertheless, that this policy should be balanced and that these efforts should focus on countries meeting their own energy needs rather than solely developing their export capacity;
74. Calls on the Commission to devise a specific initiative designed to inform, train and increase awareness of the use of biomass and biofuels aimed at the farming world, citizens and local administrators;
75. Considers that the production of biomass and biofuels could contribute significantly to the attainment of Europe's climate control objectives;
76. Calls on the Commission to present a proposal for a directive on heating and cooling from renewable energy sources as part of the energy package in 2007 and recalls its resolution of 14 February 2006 with recommendations to the Commission on heating and cooling from renewable sources of energy;
77. Stresses the need for an EU-wide information policy on biomass and biofuels;
78. Calls on the Commission to include peat, with regard to the life-cycle aspect, as a longterm renewable energy source for biomass and bioenergy production;
79. Calls for reliable general conditions to be laid down for investors and manufacturers in the interests of a long-term strategy to promote a competitive market for biofuels in the European Union, particularly in terms of tax incentives;
80. Calls for greater political and economic attention to be paid to cooperation and integration among the biofuels markets in the EU and its neighbouring European states, particularly in the framework of the specific partnership agreements;
81. Believes that the Intelligent Energy for Europe programme will help to support local projects relating to energy saving and the appropriate use of natural resources;
82. Calls on the Commission not to offer in biregional or bilateral negotiations more than will have been conceded at the WTO in terms of requests for preferential access to the Community market in bioethanol, and when applying the Generalised System of Preferences (GSP) and GSP+ to implement the provisions enabling reduction or withdrawal of the preferences granted to some countries for bioethanol where these are no longer justified;
83. Encourages the Commission and the Member States to watch for attempted fraud and avoidance of customs duties in respect of bioethanol, while also ensuring, in particular, compliance with the rules of origin and tariff classification and preventing abuses of some suspensive customs procedures;
84. Instructs its President to forward this resolution to the Council and Commission.
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P6_TA(2006)0605

Fiji

European Parliament resolution on the situation in Fiji

The European Parliament,

- having regard to its previous resolution of 8 September 2000 on the situation in Fiji ⁽¹⁾,
 - having regard to the EU Presidency statement of 5 December 2006 on the military coup in Fiji,
 - having regard to the statement of 5 December 2006 by the UN Secretary-General on the military's seizure of power in Fiji,
 - having regard to the declaration by the UN High Commissioner for Human Rights of 6 December 2006,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas Commodore Bainimarama overthrew the democratically elected government of Fiji with the coup d'état of 5 December 2006, showing contempt for the Fijian constitution and the rule of law, for the people of Fiji and Fiji's traditional institutions,
- B. whereas two military coups d'état took place in May and September 1987 led by Lieutenant Colonel Sitiveni Rabuka and indigenous Fijians,
- C. whereas on 19 May 2000 an armed group took the first ethnic Indian Prime Minister, Mahendra Chaudhry and several Members of Parliament hostage for several weeks,
- D. whereas the crisis is crippling Fiji's economy — delaying sugar production, dramatically reducing activities in the tourist sector and putting thousands out of work,
- E. whereas development aid to the Fiji Islands under the 9th European Development Fund, equivalent to 23 million *euros*, was restored by the EU in 2004, with the aim of providing equal access to education and training for all ethnic groups,
- F. whereas respect for human rights, democratic principles and the rule of law constitutes an essential element of the Cotonou Partnership Agreement, which governs relations between the ACP States and the European Union,
- G. whereas development cooperation between Fiji and the EU dates back to 1975,
- H. whereas the Commonwealth has decided to suspend Fiji's membership of its decision-making councils,
1. Strongly condemns the take-over of power from the democratically elected government of Fiji by the Fijian military forces and reiterates its strongest possible opposition to actions that undermine the democratic process in Fiji;
 2. Demands that the military forces stand back and return power to the democratically elected government;
 3. Believes that a lasting resolution of the current political crisis can only be achieved through peaceful means, respecting the concerns and interests of all communities;
 4. Stresses that peaceful opposition to the military regime is taking shape following the ousted Prime Minister's call for peaceful resistance and with both the Great Council of Chiefs and influential church groups already denouncing the coup;

⁽¹⁾ OJ C 135, 7.5.2001, p. 302.

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5. Recalls that Fiji held general elections in May 2006, which were deemed credible by international observers, notably including a substantial EU Election Observation Mission;
 6. Recalls that the coalition government formed by Prime Minister Qarase following the elections has full democratic legitimacy as well as a very large majority in Parliament;
 7. Stresses that the future of Fiji's multiethnic society depends on the credibility and legitimacy of democratic institutions as supported by all communities;
 8. Suggests that a 'truth and reconciliation commission' be set up in Fiji as a contribution to peaceful coexistence between the country's two main communities;
 9. Calls on the Commission and Member States to suspend immediately all non-humanitarian aid to Fiji, as specified in Article 96 of the Cotonou Partnership Agreement;
 10. Calls on the EU to put in place an immediate travel ban to prevent members of the military forces, their families or any person linked to the coup d'état in Fiji from entering the Member States;
 11. Calls on all Members of the Pacific Islands Forum and other regional and international actors to exert pressure to resolve the situation and to achieve long-lasting political, economic and social stability in Fiji;
 12. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States, the Secretary-General of the United Nations, the Secretary-General of the Commonwealth, the governments of the Pacific Islands Forum countries, including Australia and New Zealand, and the governments of the Post-Forum Dialogue Partner Countries, including the United States.
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P6_TA(2006)0606

Implication of UN forces in sexual abuses in Liberia and in Haiti

European Parliament resolution on the involvement of UN forces in sexual abuse in Liberia and Haiti

The European Parliament,

- having regard to the UN High-Level Conference on Eliminating Sexual Exploitation and Abuse by UN and Non-Governmental-Organisation Personnel held in New York on 4 December 2006 and the Secretary-General's remarks to that conference,
- having regard to the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949) and the additional protocols which stipulate that women shall be protected against rape and all other forms of sexual violence,
- having regard to the UN Declaration of 20 December 1993 on the Elimination of Violence against Women and the United Nations Convention of 20 November 1989 on the Rights of the Child,
- having regard to UN Security Council Resolution 1325 (2000) of 31 October 2000 on Women, Peace and Security,

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- having regard to UN Security Council Resolution 1265 (1999) of 17 September 1999 on the Protection of Civilians in Armed Conflict, and particularly paragraph 14 thereof, whereby UN personnel involved in peacemaking, peacekeeping and peace-building activities must have appropriate training, particularly in human rights, including gender-related provisions,
 - having regard to the Rome Statute of the International Criminal Court, and particularly Articles 7 and 8 thereof, which lists rape, sexual slavery, enforced prostitution, forced pregnancy and forced sterilisation or any form of sexual violence of comparable gravity as crimes against humanity and war crimes and equates them with a form of torture and a serious war crime, whether these acts are systematically perpetrated or not during international or internal conflicts,
 - having regard to UN Security Council Resolution 1712 (2006) of 29 September 2006 on Liberia,
 - having regard to the report by Prince Ra'ad Zeid Al-Hussein, Advisor to the Secretary-General on sexual exploitation and abuse by UN peacekeeping personnel, entitled 'A comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations Peacekeeping Operations' of 4 April 2005,
 - having regard to the Office of Internal Oversight Services' report of 5 January 2005, on the investigation into allegations of sexual exploitation and abuse in the UN Organisation Mission in the Democratic Republic of the Congo,
 - having regard to its resolution of 1 June 2006 on women in armed conflicts and their role in post-conflict reconstruction ⁽¹⁾,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas the recent claims concerning children in Haiti and Liberia being subjected to rape and prostitution by UN peacekeepers make this the latest in a sad series of similar scandals, including acts of paedophilia by UN personnel in the Democratic Republic of Congo and trafficking in human beings in Kosovo,
- B. whereas there are nearly 100 000 UN peacekeepers in the world, the vast majority of whom serve loyally and honourably, but whose contributions to peace and security are undermined by the serious instances of sexual abuse committed by a small number of individual UN personnel,
- C. whereas the UN has investigated 319 members of peacekeeping personnel suspected of committing sexual abuse since 2004 and disciplined 179 individuals including soldiers, civilians and police officers,
- D. whereas UN personnel expelled from the organisation for sexual exploitation are rarely prosecuted in their countries of origin,
- E. whereas the whole purpose of peacekeeping missions is to help countries ravaged by civil or international conflict restore stability, guarantee public security and install the rule of law,
1. Expresses its profound shock at the odious crimes attributed to UN personnel, including the trading of sex for food;
 2. Condemns the acts of UN peacekeepers in Haiti and Liberia that have subjected children to rape and prostitution;
 3. Condemns all acts of sexual abuse and exploitation as well as other criminal acts committed by UN personnel in violation of human rights as well as flagrantly inconsistent with, and in betrayal of, the peacekeeping and humanitarian mission of the organisation itself;
 4. Emphasises the particularly heinous nature of these acts of preying on extremely vulnerable and weak local populations that should be protected, not abused, by UN personnel;

⁽¹⁾ Text Adopted, P6_TA(2006)0245.

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5. Calls on all Member States of the UN sending personnel on peacekeeping missions to follow up all claims of sexual abuse and exploitation, particularly those which concern minors, and to bring those individuals who have committed sexual abuse to court as quickly as possible;
 6. Calls on the UN Secretary-General to carry out further investigations into UN peacekeepers' and humanitarian aid workers' role in the sexual exploitation and abuse of children and vulnerable people in order to put in place an effective monitoring system and enforce the UN's policy of zero tolerance;
 7. Welcomes the recent UN High-Level Conference of 4 December 2006 that addressed the issue of preventing sexual misconduct by field personnel and the Secretary-General's announcement about a forthcoming strategy to assist victims of sexual exploitation and abuse as well as the use of DNA sampling to prevent further instances of abuse;
 8. Expresses serious concern over reports of a 'culture of silence' in some UN missions, stemming from the fear of punishment and retaliation; calls on the UN to take all necessary steps to create a working environment that allows staff to report instances of abuse without fear of retaliation;
 9. Emphasises that, despite current measures and the United Nations' long-standing 'zero tolerance' approach, allegations of sexual misconduct persist, that, unless the United Nations can urgently put a stop to this behaviour, it will have a detrimental impact on the credibility and moral authority of the institution as a whole and that, ultimately, some Member States may reduce the number of their troops at a time when there is a strong need for peace-keeping missions;
 10. Stresses the difficulty faced by the United Nations with respect to disciplining troops guilty of sexual misconduct because of the fact that ultimate responsibility for training and disciplining troops remains the preserve of Member States; urges the countries concerned, therefore, to implement disciplinary procedures wherever possible;
 11. Welcomes the ambition to create a binding UN treaty on the prosecution of peacekeepers who commit sexual abuse;
 12. Stresses that such a treaty should also include policies preventing UN personnel charged with such abuse from being rehired, the setting up of a fund to assist victims of abuse, and measures to improve the training of UN personnel in respecting human rights;
 13. Calls on the United Nations to take steps to ensure the protection of vulnerable people, particularly women, children, and refugees, in areas where its troops are operating; calls, further, on the United Nations and the European Union to support measures to empower women in conflict and post-conflict situations so that they are less vulnerable to sexual exploitation;
 14. Welcomes the national campaign to combat Sexual Exploitation and Abuse launched by the Government of Liberia on 4 December 2006, in conjunction with the UN and civil society organisations, and President Ellen Johnson-Sirleaf's call to the international community 'not to misuse [its] wealth and power to sexually exploit children and women';
 15. Recognises the work of the UN peacekeeping missions in the promotion of peace and security all over the world;
 16. Instructs its President to forward this resolution to the Council, the Commission, the Secretary-General of the UN and the governments of the Member States of the UN.
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Burma

European Parliament resolution on the situation in Burma

The European Parliament,

- having regard to the report of UN Special Rapporteur Pinheiro on the situation of human rights in Myanmar, of 21 September 2006,
 - having regard to the UN Security Council's decision of 15 September 2006 to place Myanmar on its formal agenda, the visit to Burma of UN Under-Secretary-General for Political Affairs Gambari from 9 to 12 November 2006 and his subsequent briefing of the Security Council,
 - having regard to its previous resolutions on Burma, in particular that of 17 November 2005 ⁽¹⁾,
 - having regard to Council Regulation (EC) No 817/2006 of 29 May 2006 renewing the restrictive measures in respect of Burma/Myanmar ⁽²⁾,
 - having regard to the Chairman's Statement of the Sixth Asia-Europe Meeting (ASEM) held in Helsinki on 10-11 September 2006,
 - having regard to Rule 115(5) of the Rules of Procedure,
- A. whereas the State Peace and Development Council (SPDC) continues to subject the people of Burma to appalling human rights abuses, such as forced labour, persecution of dissidents, conscription of child soldiers and forced relocation,
- B. whereas the National Convention, first convened in 1993 to draft a constitution and which has been suspended many times since then, resumed on 10 October 2006, but still lacks any credibility due to the absence of democratically elected representatives, most notably the National League for Democracy (NLD), as well as ethnic groups,
- C. whereas the NLD leader, Nobel Peace Prize Laureate and Sakharov Prize winner Aung San Suu Kyi has spent 10 out of the last 16 years under house arrest, an illegal measure which the military junta extends every year,
- D. whereas Burma's neighbours need to take a more robust stance against the abuses of the military regime in that country, and demand that Burma improves its human rights record and embraces democracy,
- E. whereas more than 30 % of children under five suffer from malnutrition, mortality rates for malaria and tuberculosis remain very high, the HIV/AIDS epidemic has spread across the general population and nearly half of school-age children never enrol,
- F. Whereas the Government of Burma recently ordered the International Committee of the Red Cross (ICRC) to close its five field offices in the country, effectively making it impossible for the organisation to carry out most of its assistance and protection work benefiting civilians who live in difficult conditions in border areas,
- G. whereas, according to the International Narcotics Control Strategy Report for 2006, Burma is the world's second largest producer of illicit opium, accounting for more than ninety per cent of South East Asian heroin,
1. Condemns the SPDC for its relentless suppression of the Burmese people over 40 years and its total failure to make any significant move towards democracy;

⁽¹⁾ OJ C 280 E, 18.11.2006, p. 473.

⁽²⁾ OJ L 148, 2.6.2006, p. 1.

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2. Refuses to recognise the legitimacy of any constitutional proposals produced by the National Convention so long as it does not include the NLD and other political parties; urges the National Convention to present a road map to democracy that genuinely reflects the wishes of the Burmese people instead of consolidating the military's stranglehold on power;
 3. Demands the immediate and unconditional release of Aung San Suu Kyi and all other political prisoners — estimated to number over 1 100 — held by the SPDC;
 4. Deplores the Government of Burma's recent closure of five ICRC field offices (in Mandalay, Mawlamyine, Hpa-an, Taunggyi and Kyaing Tong), effectively making it impossible for the organisation to carry out its humanitarian work, and other measures designed to intimidate non-governmental organisations (NGOs) for humanitarian relief; calls on the Government of Burma to allow these organisations to operate without interference or restrictions;
 5. Strongly condemns the regime's brutal crackdown on several large ethnic groups, including the Karen of Eastern Burma, which has led to large-scale suffering and internal displacement, with some 82 000 people forced to leave their homes in Eastern Burma in 2006, bringing the number of internally displaced people within Burma to at least 500 000;
 6. Welcomes the 2006 fact-finding mission to Burma by the Malaysian Foreign Minister, Syed Hamid Albar, as a result of the position taken last year by the eleventh summit of the Association of Southeast Asian Nations (ASEAN), and trusts that it will result in tougher measures by ASEAN nations against the military junta in Burma;
 7. Welcomes the International Labour Organization's decision to take its concerns about the SPDC's abhorrent use of forced labour before the UN Security Council and the International Court of Justice, and hopes that this tougher course of action will prompt the SPDC to end this practice;
 8. Recognises that the EU's targeted sanctions have not focused on economic areas that earn the regime significant revenues and, as a result, have so far failed to achieve the desired impact on those directly responsible for the suffering of the Burmese people; calls on the Council to ensure that all Member States rigorously apply existing restrictive measures;
 9. Calls on the Council to expand the scope of the sanctions and to enlarge the list of those targeted, so that it includes all SPDC ministers, deputies, members, supporters and workers, in addition to their family members, and businessmen and other prominent individuals associated with the regime;
 10. Urges China, India and other countries that continue to supply weaponry and other support to the military junta to cease to do so and to join the international community in its efforts to bring about change for the better in Burma;
 11. Welcomes the decision by South Korean prosecutors to indict 14 people, working for seven South Korean companies, for allegedly providing technology and equipment to help the Burmese regime build a weapons factory in Pyay, central Burma;
 12. Welcomes the UN's recent opening of the first of seven legal assistance centres, located at Ban Mae Nai Soi camp in north-western Thailand, for Burmese refugees living in neighbouring Thailand, and expects additional robust UN measures against the SPDC to be forthcoming;
 13. Insists that all aid destined for Burma must be delivered through genuine NGOs and must reach the people for whom it is intended, with the least possible involvement of the SPDC;
 14. Calls on the UN Security Council to pass a binding resolution requiring the restoration of democracy in Burma and the release of all political prisoners, including Aung San Suu Kyi;
 15. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States, the governments of the ASEAN nations, the National League for Democracy, the State Peace and Development Council and the Secretary-General of the United Nations.
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P6_TA(2006)0608

Hague Convention on securities

European Parliament resolution on the implications of signing the Hague Securities Convention

The European Parliament,

- having regard to the Hague Convention on the law applicable to certain rights in respect of securities held with an intermediary (hereinafter the 'Hague Securities Convention'), and its Explanatory Report,
 - having regard to the proposal for a Council decision (COM(2003)0783) concerning the signature of the Hague Securities Convention,
 - having regard to the Commission working document on a legal assessment of certain aspects of the Hague Securities Convention,
 - having regard to Directive 2002/47/EC of the European Parliament and of the Council of 6 June 2002 on financial collateral arrangements ⁽¹⁾, and in particular Article 9 thereof,
 - having regard to Directive 98/26/EC of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems ⁽²⁾, and in particular Article 9(2) thereof,
 - having regard to Directive 2001/24/EC of the European Parliament and of the Council of 4 April 2001 on the reorganisation and winding up of credit institutions ⁽³⁾, and in particular Article 24 and Article 31, third indent, thereof,
 - having regard to the opinion of the European Central Bank of 17 March 2005 ⁽⁴⁾ on the signature of Hague Securities Convention,
 - having regard to its resolution of 7 September 2006 on the involvement of the European Parliament in the work of the Hague Conference following the accession of the Community ⁽⁵⁾,
 - having regard to its resolution of 15 January 2003 on the communication from the Commission to the Council and the European Parliament entitled 'Clearing and settlement in the European Union: main policy issues and future challenges' ⁽⁶⁾,
 - having regard to Articles 300(2), first subparagraph, and 300(3), second subparagraph, of the EC Treaty,
 - having regard to Rule 108(5) of its Rules of Procedure,
- A. whereas the Hague Securities Convention is incompatible with Directives 2002/47/EC, 98/26/EC and 2001/24/EC,
- B. whereas the Commission is therefore proposing to revise these three Directives, which were adopted by Parliament by means of the co-decision procedure,
- C. whereas these Directives laid down a principle known as 'PRIMA' ('Place of the Relevant Intermediary Approach') seeking to guarantee the legal certainty of payments and effective supervision of financial intermediaries,
- D. whereas, in the absence of harmonisation of material rights on property matters, voting rights and the rights and obligations of central depositories in respect of account holders, particularly the distinction between the assets held on own account and those held on behalf of a client, it is necessary, before abandoning the PRIMA principle, effectively to consult Parliament on the basis of a prior in-depth examination by all its committees concerned,

⁽¹⁾ OJ L 168, 27.6.2002, p. 43.

⁽²⁾ OJ L 166, 11.6.1998, p. 45.

⁽³⁾ OJ L 125, 5.5.2001, p. 15.

⁽⁴⁾ OJ C 81, 2.4.2005, p. 10.

⁽⁵⁾ Texts adopted, P6_TA(2006)0353.

⁽⁶⁾ OJ C 38 E, 12.2.2004, p. 265.

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E. whereas Parliament's assent is required for the ratification of the Hague Securities Convention,

1. Reiterates the need for democratic checks on the negotiations carried on in the context of the Hague Conference on Private International Law;
 2. Stresses the need for upstream consultation of Parliament prior to ratification, particularly on draft mandates for negotiation and the need for disconnection clauses;
 3. Reiterates its commitment to the PRIMA principle, to defining a common framework for clearing and settlement activities, to effectively combating money laundering and to respect for shareholders' voting intentions;
 4. Considers it crucial to guarantee *ex-ante* legal certainty as regards the law applicable to certain matters relating to the holding, perfection and disposition of securities credited to an account and held with intermediaries and the collateralisation of such securities, in an international context, and to reduce the systemic risks which might result from uncertainties in this respect;
 5. Expresses its extreme concern at the reservations repeatedly expressed by the European Central Bank regarding systemic risk and the risk of an exponential growth in litigation on the enforcement of securities, in which courts will have to apply a foreign law with a view, in particular, to determining the priority of the security;
 6. Considers that the property aspects of all securities credited to the accounts of participants in the clearing and settlements system should be governed by a single legal system, and, similarly, that a single legal system should govern the contractual aspects of the relationship between the clearing and settlement system and each of its participants, in order to protect the finality of transactions and the security and transparency of the clearing and settlement system;
 7. Considers that ensuring the security of intra-European transactions must take precedence over the facilitation of transactions between the European Union and the rest of the world;
 8. Regrets the highly inadequate nature of the reality test (Article 4(1) of the Hague Securities Convention) and the exemptions with regard to public policy rules (Article 11(3) of the Hague Securities Convention), which risk encouraging the choice of the least restrictive law and creating distortions in the internal market in financial services;
 9. Calls on the Commission to submit to Parliament a comprehensive impact study on the implications of accession to the Hague Securities Convention for the law and economy of the European Union; requests that this study specify in particular the fiscal consequences of acceding to the Convention, the implications of the transfer of risks between entities (central depositaries, banks, depositors) resulting from the abandonment of the PRIMA principle, the implications for the exercise of voting rights attached to securities, the effects on the remuneration of the ultimate owner of securities, on combating market abuses, on combating money-laundering and on the funding of terrorism, the effectiveness of clearing and settlement systems and the identification of risks of the insolvency of credit institutions;
 10. Calls for this impact study to be adopted by the College of Commissioners before the Hague Securities Convention is signed on behalf of the Community;
 11. Instructs its President to forward this resolution to the Council and Commission.
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