I Resolutions, recommendations and opinions

RESOLUTIONS

European Parliament

2012-2013 SESSION
Sittings of 18 to 20 April 2012
The Minutes of this session have been published in OJ C 183 E, 23.6.2012.

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Wednesday 18 April 2012

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(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

The role of cohesion policy in the outermost regions of the European Union in the context of EU 2020

P7_TA(2012)0125

European Parliament resolution of 18 April 2012 on the role of Cohesion Policy in the outermost regions of the European Union in the context of EU 2020 (2011/2195(INI))

(2013/C 258 E/01)

The European Parliament,

— having regard to the combined provisions of Articles 355 and 349 of the Treaty on the Functioning of the European Union (TFEU), which confers a special status on the outermost regions, and Article 107(3)(a) of the TFEU on rules governing State aid to these regions,

— having regard to Articles 174 et seqq. of the TFEU, which establish the objective of economic, social and territorial cohesion and define the structural financial instruments to achieve this,

— having regard to the Commission communication of 26 May 2004 entitled ‘A stronger partnership for the outermost regions’ (COM(2004)0343),

— having regard to its resolution of 28 September 2005 on a stronger partnership for the outermost regions (1),


— having regard to its resolution of 20 May 2008 on the strategy for the outermost regions: achievements and future prospects (2),

— having regard to the Commission communication of 17 October 2008 entitled ‘The Outermost Regions: an asset for Europe’ (COM(2008)0642),

— having regard to Joint Memorandum of the Outermost Regions of 14 October 2009 on ‘The Outermost Regions in 2020’,


— having regard to the Memorandum of Spain, France, Portugal and the Outermost Regions of 7 May 2010 entitled ‘A Renewed Vision of the European Strategy for the Outermost Regions’,

— having regard to the conclusions of the 3022nd General Affairs Council meeting of 14 June 2010 (1),

— having regard to the first report from the Commission to the European Parliament and to the Council of 24 September 2010, on the impact of the POSEI reform of 2006 (COM(2010)0501),

— having regard to the proposal for a regulation of the European Parliament and of the Council of 24 September 2010 laying down specific measures for agriculture in the outermost regions of the Union (COM(2010)0498),


— having regard to the report entitled ‘Europe’s outermost regions and the Single Market: The EU’s influence in the world’, of 12 October 2011, presented to Commissioner Michael Barnier by Pedro Solbes Mira,

— having regard to the Commission’s communication to the European Council of 18 October 2010 entitled ‘Commission opinion pursuant to Article 355(6) of the Treaty on the Functioning of the European Union on the initiative of the French Government to amend the status of Saint-Barthélemy with regard to the Union’ (COM(2010)0559), and to Decision 2010/718/EU of 29 October 2010 of the European Council amending the status with regard to the European Union of the island of Saint-Barthélemy (2),

— having regard to the Final Declaration of the 17th Conference of Presidents of the Outermost Regions of the European Union, of 3 and 4 November 2011,


— having regard to the joint contribution of the outermost regions of 28 January 2011 on the Fifth Report on Economic, Social and Territorial Cohesion,

— having regard to the contribution of the outermost regions of the EU of 28 February 2011 to the Commission communication of 27 October 2010 entitled ‘Towards a Single Market Act’ (COM(2010)0608),

— having regard to the common platform of 6 July 2010, presented to the President of the Commission, José Manuel Durão Barroso, by the Conference of Members of the European Parliament from the outermost regions,

— having regard to Rule 48 of its Rules of Procedure,

— having regard to the report of the Committee on Regional development and the opinions of the Committee on Budgets and the Commission on Industry, Research and Energy (A7-0084/2012),

A. whereas the Treaty provides, in Article 349, for a specific legal basis, based on primary law, under which a specific legal status and common policies have been consolidated in the interest of the outermost regions;

B. whereas the Cohesion Policy should be aligned with, and incorporate the features of, the Europe 2020 Strategy, which is aimed at organising policy initiatives around smart, sustainable and inclusive growth, promoting an economy with a high level of employment that is socially and territorially cohesive, and should take due account of the situation of ORs; whereas the starting conditions in the ORs to achieve these objectives are more severe than in some regions and the ORs are prepared to cooperate in the implementation of the five goals with regard to employment, innovation, education, social inclusion, climate and energy to be achieved by 2020 and whereas the need to direct the objectives of the Europe 2020 strategy towards exploiting their potential and the growth of sectors of excellence does not mean that the structural obstacles facing these regions and the basic development role played by traditional sectors can be ignored;

C. whereas Cohesion Policy must remain one of the main instruments of European action to reduce disparities in the European regions in general, and in the ORs in particular, with a view to enabling them to integrate into the internal market and assert themselves in their respective geographical areas, promoting the economic development and convergence of these regions with the EU mainland and pursuing the EU 2020 targets, since European Funds are key instruments; but whereas this European policy cannot by itself resolve all of the difficulties facing the ORs;

D. whereas the major challenge for the economies of the ORs is to transform their constraints into growth potential and opportunities, with instruments that reduce disparities with regard to the free movement of people, goods, capital and services and whereas challenges such as globalisation, climate change, energy supply and the development of renewable energy, the sustainable management of natural, marine and agricultural resources, the preservation of biodiversity, social inclusion and combating poverty, and demographic pressures, require the coordination of all EU policies and instruments;

E. whereas the deteriorating economic situation resulting from the economic, social and financial crisis has hit ORs particularly hard, highlighting the structural weaknesses of their economies and their dependence on the outside world;

F. whereas European investments in the ORs not only involve a policy of making up delays and compensating for disadvantages, but are also investments carried out for the benefit and to the advantage of the whole of the European Union;

Differentiated and holistic treatment for the outermost regions

1. Stresses that, under the terms of the TFEU, the ORs are entitled to differentiated and holistic treatment, enabling them to benefit from the maximum level of support, irrespective of their level of development, so that their specific features are sufficiently considered and protected;

2. Emphasises the need, in accordance with the conclusions of the Fifth Report on Economic, Social and Territorial Cohesion, to increase the flexibility of Cohesion Policy instruments, in such a way as to allow investments capable of ensuring a level of growth and development in line with EU 2020 Strategy objectives, even under particular geographic and demographic conditions;

3. Supports the advisability of ORs pursuing the main objectives defined in the Europe 2020 strategy, but emphasises the need to modulate these in accordance with their own situations, taking into account their regional diversity, their structural conditions and the potential benefits, while stressing that Article 349 of the TFEU, which stipulates the adoption of specific measures aimed at lessening the impact of OR characteristics, should be used more often than it is, and should be given the legal, institutional and political effect needed to ensure fair integration and economic and social development for the ORs within the internal market and, on a wider scale, within the European Union, and to ensure they can fully participate, on an equal footing with other regions, in all relevant EU programmes;
4. Believes that some flexibility needs to be shown for the ORs as regards concentration on the three main thematic objectives laid down in the new proposals for regulations from 2014, so as to avoid excessively restricting the possibility of diversifying and developing existing potential and of exploiting their comparative and competitive advantages;

5. Considers that other criteria should be used to determine the eligibility of ORs for the allocation of structural funds, given that the per capita GDP criterion does not provide an accurate reflection of their specific situations and is contrary to the spirit on which ‘outermost region status’ is based and to the Treaty itself; calls therefore for the implementation of a specific criterion whereby ORs are classified among the least developed regions regardless of their GDP, this being the most appropriate approach to their specific situation; stresses, moreover, that the co-financing rates in respect of the ORs should be 85 % for all instruments providing aid for those regions; calls for an extension of the period of implementation of these funds in the ORs with a view to more effective implementation;

6. Deplores the proposal, within the additional ERDF funding, to reduce drastically the amounts to be allocated to the ORs and regions with a low population density for the financial period from 2014 to 2020 and is concerned that this allocation, initially designed to compensate for the effects of the structural disadvantages of the outermost regions and regions with a low population density, has been reduced to 50 % by earmarking for different objectives; calls for this allocation to be increased to a co-financing rate of 85 %, as for ERDF mainstream; calls therefore for the financial arrangements for the implementation of EU 2020 should provide for access to EU funding that is at least equal in real terms to that available for the current financial framework in order to implement the Europe 2020 strategy in a coherent and effective manner;

7. Regrets that cuts in other cohesion areas have been made, and more specifically that the Commission proposes an overall cut to economic, social and territorial cohesion financing of 5,1 % in constant 2011 prices for the next programming period, including a cut of 20,2 % in the financing for convergence regions (excluding transition regions), a 5,6 % drop in the financing for competitiveness regions and a 2,9 % decrease in the Cohesion Fund allocations;

8. Welcomes the Commission’s plan to include a budget line for ‘Outermost regions and regions with a very low population density’ in MFF 2014-2020, as this will create a clearer link between the funds allocated for those regions and their objectives;

9. Draws attention to the fact that in the proposal for a Regulation on the next ESF, the situation of ORs will not be referred to, considering not only the structural characteristics listed in Article 349 of the TFEU but also their specific economic situation which puts them among the regions with the highest unemployment rates in the EU;

10. Emphasises that European taxation and customs policies should be adjusted in order to enhance the competitiveness of the outermost regions’ economies and that the existence of appropriate tax and customs frameworks is of paramount importance to the diversification of economic activity and the creation of sustainable jobs in the ORs;

11. Stresses the need for OR citizens to benefit from the advantages of the internal market on an equal footing with other EU citizens and calls for the adoption of measures in accordance with the recommendations of the Solbes report; Calls for the possibility of developing a specific framework on state aid to ORs to be examined, and favours retaining the current levels of aid for investment in large, medium and small enterprises and the possibility of granting operational aid which is not degressive or limited in time, within a flexible regulatory framework, given that this aid has proven that it does not harm competition and that it assists the ORs in achieving their Europe 2020 strategy objectives, particularly those on innovation, research and the environment; stresses in this connection the importance of public services for economic, social and territorial cohesion in ORs, particularly in the transport, aviation and maritime, postal, energy and communications sectors;

12. Stresses the importance of supporting small and medium-sized enterprises through the allocation of Union funds, with the aim of developing the productive fabric of the ORs and as a means of promoting workers’ skills, thus enhancing region-specific products and the local economy;
13. Considers that EU intervention should aim to play a key role and boost initiative by developing, in the ORs, centres of excellence based on sectors which exploit their advantages and their know-how, such as waste management, renewable energy, energy self-sufficiency, biodiversity, student mobility, climate research and crisis management. Considers that while measures taken at European mainland level and on the basis of the general characteristics of the European mainland are not always effective in the outermost regions, experimental schemes approved under Article 349 of the Treaty which have had real success can be extended to the rest of the EU: encourages the Commission to maximise these schemes within these regions with a view to achieving innovative, solidarity-based and sustainable growth;

**A specific framework for European policies in the outermost regions**

14. Calls for agricultural support measures under the POSEI scheme to be strengthened in order to compete with producers who benefit from lower production costs, and calls for the specific arrangements made for the ORs within the CAP to be maintained;

15. Advocates the need for prior assessment of the impact of European regulation projects on the economies of the Outermost Regions;

16. Highlights the need to maintain measures for the sustainable management and protection of marine resources, to gradually restrict access to marine areas identified as biogeographically sensitive so that eventually only local fleets are allowed there, to use environmentally friendly fishing equipment, to promote aquaculture, and to reintroduce the possibility of granting fleet renewal and modernisation aid so as to improve health and safety conditions, and to implement good practices, and calls for an increase in the compensation for additional costs in the POSEI fisheries programme; emphasises the need to take an approach that is better adapted to the realities of each region, on the basis of development models for the sector drawn up by local stakeholders;

17. Regrets that the proposal for the reform of the Common Fisheries Policy does not take sufficient account of the situation of the ORs; draws attention to the marine dimension of the ORs and the importance of the fishing sector in regional development policy and jobs for local populations in view of their Exclusive Economic Zone, the potential of which should be reflected in concrete and coherent measures for a genuine marine economy and duly taken into account in the integrated European maritime policy programme; recalls the growing economic interest in the immense biogenetic and mineral wealth of the ocean depths in the outermost regions, which must be included in the 'Renewed Strategy for the ORs' with the aim of developing a knowledge economy based on the sea; considers in this connection that the ORs must be at the heart of EU maritime policy, emphasising the role they could play in the sustainable use of the sea and coastal regions as well as in international maritime governance, and that the Atlantic ORs should be able to participate in the Atlantic Strategy currently being developed;

18. Draws attention to the importance of the tourism sector and calls on the Commission to speed up the implementation of the European Action Plan and ensure more effective coordination of the existing funding lines, giving specific attention to the ORs;

19. Emphasises that the ORs wish to focus on a research and innovation strategy and on the growth of their business structure, particularly by promoting an entrepreneurial spirit among young people, so as to allow the development of SMEs and avoid youth unemployment; argues for the creation of technological infrastructures and Europe-wide innovation hubs, the development of projects and partnerships with Scientific and Technological System organisations and the exchange of ideas and good practices through European innovation support networks and smart specialisation such as the S3 platform, and long-term investments in the ORs, in the framework of Cohesion Funding and to ensure active participation in the flagship projects of the EU 2020 strategy; calls for the efforts made to date concerning the ORs to be pursued in order both to step up the establishment of local research facilities that are equal to their potential and to encourage and help the development of attractive, successful universities, with genuine resources and with standards equal to those of universities in other parts of the Union’s territory;
20. Emphasises the need to facilitate synergy between Cohesion Policy funds and the Framework Programme for Research and Development in order to increase the development of the outermost regions and curb the under-utilisation of research funds;

21. Notes that a single European transport area should contribute towards ensuring the inclusive growth of the ORs, reduce their access gap and combat climate change; calls for the establishment of a specific framework to provide transport subsidies in the ORs particularly for public transport and to develop maritime transport between the islands; calls also for the establishment of logistical platforms and supports the implementation of projects such as Motorways of the Sea; highlights the possibilities of the Marco Polo programme for the ORs; calls on the Commission to increase the programme's flexibility and extend it after 2013 and calls for the Connecting Europe Facility to include specific references to the ORs; urges that ORs be included in TEN-T networks and the new instrument aimed at facilitating European interconnections;

22. Points out that the ORs' dependence on imported fossil fuels results in substantial additional costs; notes also the relatively low level of regional policy investments in ORs to combat climate change; proposes strengthening the renewable energy sector and energy efficiency through initiatives such as the 'Pact of Islands', aimed at developing local action plans for renewable energy and projects suitable for financing, in order to achieve a reduction in CO₂ emissions of at least 20% by 2020 by setting up a dedicated programme for research projects in the fields of renewable energy and diversification of the regional energy base, specifically with regard to geothermal, wave and hydrogen energy, and setting up a specific programme in the field of energy to reduce the costs due to remoteness, infrastructure and provision of services, in order to promote the ambitious policies the ORs have committed to on the development of renewable energy;

23. Notes with concern the effects of climate change in the ORs, most notably rising water levels; calls on the Union to address these issues in its climate change prevention and response strategy; recommends the appropriate use of energy resources and the development of the potential of renewable energies;

24. Urges the Commission to establish a specific programme in the field of energy, transport and information and communications technology, based on the POSEI schemes with the best possible synergies with other EU strands of action in these fields;

25. Considers it necessary to help Member States ensure that the inhabitants of these regions have full access to the sources of the information and communication media provided by new technologies, e.g. broadband technology and wireless technologies, including satellite, and, in particular, access to broadband infrastructure so as to promote economic growth and better administration through the digitisation of services; calls on the Commission and the Member States to ensure that all inhabitants of the ORs have access to broadband internet by 2013;

26. Recognises, in view of the fact that the digital economy is without doubt a driver of economic development in the EU, the effects of the growing problem of digital exclusion, which can become a serious barrier to development;

27. Considers that the innovative financing methods of cohesion policy could partially resolve the chronic lack of investment in very small enterprises/SMEs in the ORs and stresses the need to improve access to funding for businesses in ORs in particular by setting up a dialogue with the EIB Group and by supporting the creation of local investment funds in each OR as well as the development of regional capital investment markets in accordance with the proposal in the above-mentioned Pedro Solbes Mira report on Europe's outermost regions and the Single Market; calls on the Commission to make a legislative proposal to Parliament and to the Council to this end.

28. Calls for experimental schemes for public procurement, in a limited number of sectors, to be set up in these regions, such that the award procedures are weighted by taking into account the location of the bidders;
BETTER GOVERNANCE AND INTEGRATION OF THE OUTERMOST REGIONS IN THE EU AND IN THEIR GEOGRAPHICAL ENVIRONMENTS

29. Advocates greater involvement of the regional authorities of the ORs in preparing and implementing European programmes and policies, respecting the principles of flexibility, adaptability and modulation, within a framework of subsidiarity and a multi-level and partnership-based form of governance, in partnership with the private sector and civil society, in order to ensure that their specific needs are taken into account at all levels of the decision-making process and to ensure greater visibility of these regions in the EU institutions;

30. Considers that one of the main weaknesses of the ORs is resource management; believes it is necessary to equip them with sufficient rudiments to allow them to manage their investments, especially in infrastructure – not only transport infrastructure but also that for water, energy and waste management;

31. Recalls that the above-mentioned recent report by Pedro Solbes Mira on Europe’s outermost regions in the single market revealed that the economies of the ORs are constrained in almost every respect by additional costs; draws the attention of the Commission to the monopolies, abuse of dominant positions and cartel offences which have the unfair consequence of exacerbating high living costs; calls on the Commission to carry out an in-depth study on pricing in the ORs in order to determine the correct instruments to make the common market more efficient in these regions;

32. Points to the role of the ORs as EU borders with the rest of the world and advocates an approach, particularly through pursuing the debate the Commission has said it will hold in partnership with the ORs, that recognises their closeness to EU third countries, including the countries with which they have special cultural and historical ties; draws attention to their integration problems in their respective geographical areas, and to the need to find specific innovative schemes which encourage real regional integration through shared programmes and projects between the ORs and neighbouring third countries and to help establish good connections between their respective geographical areas; stresses the significant impact that the external aspects of some EU policies have on ORs and highlights the need to carry out studies to measure the impact of international trade and fisheries agreements and their effects on the ORs and their local production, while also establishing compensatory measures to mitigate any damage resulting from such agreements;

33. Regrets the initial reluctance shown by DG Trade to take into account the specific characteristics of the outermost regions when negotiating Economic Partnership Agreements (EPAs) and urges the Commission to continue to seek compromises that respect the interests of the ORs concerned, when it comes to reaching final agreements with the ACP countries;

34. Recalls again the need for better synergy between cohesion policy funds and the European Development Fund in order to enhance projects of general interest and the regional integration of ORs; recalls in this connection Parliament’s reiterated position in favour of including the EDF in the budget;

35. Stresses the importance of regional cooperation for ORs and of the continuation of territorial cooperation programmes in the ORs; in this context, advocates more relaxed regulations aimed at using more effectively the available funding and completing cooperation projects as well as raising the ERDF co-financing rates to 85 %, giving greater priority to transnational cooperation and removing, in the case of the ORs, the 150km criterion for sea borders in cross-border cooperation; also recalls that the special geographical location of the ORs, and the importance of their geostrategic role, represent a considerable added value for the European Union in its relations with African and Central American countries and the United States of America;

36. Considers that the development of crossborder e-government services will contribute to the integration of the ORs into the internal market of the Union;

37. Points out that the Danish, French and Dutch overseas territories referred to in paragraphs 1 and 2 of Article 355 of the TFEU can choose to become ORs, opting for whichever status is most appropriate to their situation, and draws attention to the current ORs and to the decisive role they can play in promoting and consolidating their status;
38. Draws attention to the imminent accession of Mayotte to OR status and calls on the Commission to increase its essential support for the proper absorption of funds; points out in this respect the available budget for the preparatory action to assist Mayotte and the need to provide specific schemes to aid this region, or any other territory potentially affected in the next multi-annual financial framework, with its switchover to outermost region status, so as to support these territories in their process of transformation into ORs;

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39. Instructs its President to forward this resolution to the Council, the Commission, and the Member States.

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**Human rights in the world and the European Union’s policy on the matter including implications for the EU’s strategic human rights policy**

P7_TA(2012)0126


(2013/C 258 E/02)

The European Parliament,

— having regard to the EU Annual Report on Human Rights and Democracy in the World in 2010 (11501/2/2011) published by the European External Action Service on 26 September 2011,


— having regard to the Council Conclusions on intolerance, discrimination and violence on the basis of religion or belief, as adopted at the 3069th Foreign Affairs Council meeting in Brussels on 21 February 2011,

— having regard to its resolution of 14 February 2006 on the human rights and democracy clause in European Union agreements (1),

— having regard to its resolution of 25 February 2010 on the 13th session of the United Nations Human Rights Council (2),

— having regard to its resolution of 19 May 2010 on the Review Conference on the Rome Statute of the International Criminal Court, in Kampala, Uganda (3), the resolutions and declarations adopted by the Review Conference in Kampala, Uganda, 31 May – 11 June 2011, and the pledges signed up to by the EU,

— having regard to its resolution of 17 November 2011 on EU support for the ICC: facing challenges and overcoming difficulties (4),

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(3) OJ C 161 E, 31.5.2011, p. 78.
(4) Texts adopted, P7_TA(2011)0507.
— having regard to Council Decision 2011/168/CFSP of 21 March 2011 on the International Criminal Court (\(^{(1)}\)), and the revised action plan,

— having regard to the UN Declaration on Human Rights Defenders, the activities of the Special Representative of the UN Secretary-General on the situation of human rights defenders, the EU Guidelines on Human Rights Defenders, and its resolution of 17 June 2010 on EU policies in favour of human rights defenders (\(^{(2)}\)),

— having regard to its resolution of 5 April 2011 on priorities and outline of a new EU policy framework to fight violence against women (\(^{(3)}\)),

— having regard to the EU Guidelines for the Promotion and Protection of the Rights of the Child and the EU Guidelines on Children and Armed Conflict, as well as the many previous Parliament resolutions touching on these issues,

— having regard to its resolution of 25 November 2010 on corporate social responsibility in international trade agreements (\(^{(4)}\)),

— having regard to its resolution of 8 June 2011 on the external dimension of social policy, promoting labour and social standards and European corporate social responsibility (\(^{(5)}\)),

— having regard to its resolution of 7 July 2011 on EU external policies in favour of democratisation (\(^{(6)}\)),

— having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000, and its latter revisions in February 2005 and June 2010,

— having regard to all its resolutions on urgent cases of breaches of human rights, democracy and the rule of law,

— having regard to the 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion and Belief,

— having regard to United Nations General Assembly resolution 66/167 on combating intolerance, negative stereotyping and stigmatisation of, and discrimination, incitement to violence and violence against, persons based on religion or belief,

— having regard to the Foreign Affairs Council Conclusions on the European Neighbourhood Policy, adopted on 20 June 2011 at its 3101st meeting,

— having regard to its resolution of 27 October 2011 on Tibet, in particular self-immolation by nuns and monks (\(^{(7)}\)),

— having regard to its resolution of 5 May 2010 on the power of legislative delegation (\(^{(8)}\)),

(\(^{(1)}\) OJ L 76, 22.3.2011, p. 56.
(\(^{(2)}\) OJ C 236 E, 12.8.2011, p. 69.
(\(^{(3)}\) Texts adopted, P7_TA(2011)0127.
(\(^{(5)}\) Texts adopted, P7_TA(2011)0260.
(\(^{(6)}\) Texts adopted, P7_TA(2011)0334.
(\(^{(7)}\) Texts adopted, P7_TA(2011)0474.
(\(^{(8)}\) OL C 81 E, 15.3.2011, p. 6.
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— having regard to the Foreign Affairs Council Conclusions on the European Endowment for Democracy, adopted on 1 December 2011 at its 3130th meeting, and the Declaration on the establishment of a European Endowment for Democracy, agreed to by COREPER on 15 December 2011,

— having regard to Articles 3 and 21 of the Treaty on European Union,

— having regard to Article 207 of the Treaty on the Functioning of the European Union,

— having regard to the European Union's Guidelines on Human Rights,

— having regard to its resolution of 17 June 2010 on implementation of Council Regulation (EC) No 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment (2),

— having regard to its resolution of 7 October 2010 on the World Day against the death penalty (3),


— having regard to the adoption by the Committee of Ministers of the Council of Europe on 7 April 2011 of the Convention on preventing and combating violence against women and domestic violence,

— having regard to UN General Assembly resolution 65/208 of 21 December 2010 on extrajudicial, summary or arbitrary executions,

— having regard to the UN General Assembly resolutions 46/121, 47/134 and 49/179 on human rights and extreme poverty, 47/196 on the observance of an international day for the eradication of poverty, and 50/107, on the observance of the International Year for the Eradication of Poverty and proclamation of the first United Nations Decade for the Eradication of Poverty,


— having regard to the Report by the UN Special Rapporteur on extreme poverty and human rights (A/66/265) examining the laws, regulations and practices that restrict behaviours in public spaces by persons living in poverty,

— having regard to UN Human Rights Council Resolution 17(13) of 17 June 2011 on extreme poverty and human rights, and all other relevant Human Rights Council resolutions,

— having regard to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 13 October 2011 on increasing the impact of EU Development Policy: an Agenda for Change (COM(2011)0637).

— having regard to United Nations Security Council resolutions 1325, 1820, 1888, 1889 and 1960 on women, peace and security,

— having regard to United Nations General Assembly resolution 65/276 of 3 May 2011 on Participation of the European Union in the work of the United Nations,

— having regard to the Commission proposal for a regulation of the European Parliament and of the Council of 7 December 2011 establishing common rules and procedures for the implementation of the Union’s instruments for external action (COM(2011)0842),

— having regard to the Commission proposal for a regulation of the European Parliament and of the Council of 7 December 2011 establishing a financing instrument for the promotion of democracy and human rights worldwide (COM(2011)0844),

— having regard to its resolution of 14 December 2011 on the review of the European Neighbourhood Policy ( 1 ),

— having regard to the Joint Communication by the High Representative of the Union for Foreign Affairs and Security Policy and the Commission to the European Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions of 8 March 2011 on A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean (COM(2011)0200),

— having regard to the Joint Communication of the High Representative of the Union for Foreign Affairs and Security Policy and the Commission of 25 May 2011 on A new response to a changing Neighbourhood (COM(2011)0303),

— having regard to the Commission Communication of 25 October 2011 ‘A renewed EU strategy 2011-2014 for Corporate Social Responsibility’ (COM(2011)0681) and the Study of the Legal Framework on Human Rights and the Environment Applicable to European Enterprises Operating Outside the European Union’ carried out by the University of Edinburgh in October 2010,

— having regard to its resolution of 25 November 2010 on human rights and social and environmental standards in international trade agreements ( 2 ),

— having regard to its recommendation to the Council of 2 February 2012 on a consistent policy towards regimes against which the EU applies restrictive measures, when their leaders exercise their personal and commercial interests within EU borders ( 3 ),

— having regard to the 16 May 2011 Report of the UN Special Rapporteur (A/HRC/17/27) on the promotion and protection of the right to freedom of opinion and expression, which underlines the applicability of international human rights norms and standards on the right to freedom of opinion and expression to the internet as a communication medium,

— having regard to the Annual Report of the UN Special Representative of the Secretary-General on Violence against Children, of 13 January 2012, which reaffirms the human rights normative foundation of children’s freedom from violence and calls for the universal ratification of the Optional Protocols to the Convention on the Rights of the Child and for the enactment of national legislation banning all forms of violence against children,

— having regard to its resolution of 11 May 2011 on the development of the common security and defence policy following the entry into force of the Lisbon Treaty ( 4 ),

( 1 ) Texts adopted, P7_TA(2011)0576.
( 2 ) OJ C 99 E, 3.4.2012, p. 31.
having regard to the Universal Declaration of Human Rights and to all relevant international human rights instruments,

— having regard to the United Nations Charter,

— having regard to all United Nations human rights conventions and optional protocols thereto (1),

— having regard to the UN Declaration on the Rights of Indigenous Peoples,

— having regard to the European Convention on Human Rights and the ongoing negotiations on the EU’s accession to the Convention,

— having regard to the Charter of Fundamental Rights of the European Union,

— having regard to Rules 48 and 119(2) of its Rules of Procedure,

— having regard to the report of the Committee on Foreign Affairs and the opinions of the Committee on Development and the Committee on Women’s Rights and Gender Equality (A7-0086/2012),

A. whereas the founding Treaties commit the Union to having its external actions guided by the principles of democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity and the rights of minorities, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law;

B. whereas justice and the rule of law are pillars of sustainable peace, guaranteeing human rights and fundamental freedoms; whereas the Rome Statute of the ICC makes a decisive contribution to the upholding of human rights, to international law and to the fight against impunity;

C. whereas democracy, the rule of law, justice and accountability are the best safeguards of human rights, fundamental freedoms, tolerance and equality;

D. whereas freedom of thought, conscience and religion is at the core of the European Union, and this should be reflected relentlessly in its external action;

E. whereas there is a link between human rights and development; whereas human rights are essential to achieving and sustaining the MDGs;

F. whereas freedom of conscience, religion, opinion and expression without the risk of state punishment are core universal rights;

G. whereas human rights defenders are crucial actors when it comes to the protection and promotion of human rights and the consolidation of democracy;

H. whereas non-governmental organisations are essential to the development and success of democratic societies and the promotion of mutual understanding and tolerance;

I. whereas freedom of religion or belief continues to be under growing threat in many parts of the world from governmental and societal restrictions alike, resulting in discrimination, intolerance and violence against individuals and religious communities, including religious minority representatives;

(1) UN Convention against Torture; UN Convention on the Rights of the Child; UN Convention on the elimination of all forms of discrimination against women; UN Convention on the Rights of Persons with Disabilities; International Convention for the Protection of All Persons from Enforced Disappearance.
J. whereas lessons must be learned from the European Union's past failures in re-shaping its external action while enshrining human rights and democracy at the heart of its policies and promoting transition in countries with authoritarian regimes and de facto support for those regimes, in particular where stability and security concerns have compromised a principled policy of promoting democracy and human rights; whereas these failures have shown the need to redefine current EU instruments on the matter and establish new tools, such as the European Endowment for Democracy – an expert, proactive, lightly structured and thus cost-, decision- and response-effective tool at arm's length from the EU, capable of utilising in-depth knowledge and insights on the local situation in the countries of impact, through direct cooperation with local partners and twinnings between European and local partners, and also utilising, directly or through re-granting, resources from the EU, Member States and other sources to support civil society capacity for democratic opposition and political actors striving for democratic change in non-democratic countries and countries in transition, in a mutually safe and, where necessary, deniable manner;

K. whereas free and fair elections only represent the first step towards democracy, which is a long-term process based on respect for human rights, the rule of law and good governance;

L. whereas the enforcement of human rights clauses and human rights conditionality in partnership agreements between the EU and third countries entailing EU development aid remains unsatisfactory;

M. whereas 2010 marked the tenth anniversary of UN Security Council resolution 1325 (2000) on women, peace and security; whereas, however, additional efforts are needed for its implementation in the EU and around the world;

N. whereas different Member States have unique experiences to offer in terms of overcoming authoritarian regimes in their own past, and whereas this transition experience should be better utilised in the Union's relations with partner countries in strengthening democracy and human rights;

O. whereas the EU Annual Report on Human Rights and Democracy in the World in 2010 provides a general overview of EU policy on the matter;

P. whereas this resolution sets out to examine, evaluate and, where appropriate, offer constructive criticism of the human rights activities of the Commission, the Council, the High Representative and the European External Action Service and the overall activities of the Parliament, with a view to scrutinising EU action and to delivering an input to the review of the Union's policy on the matter;

**General Points**

1. Stresses that, for the European Union (EU) to be a credible actor in external relations, it must act consistently, in accordance with Treaty and acquis obligations and avoid double standards between its human rights policy and other external policies, between internal and external policies, and in the conduct of its relations with third countries, combining this approach with the challenge of developing the human rights Country Strategy Papers and implementing action plans, which must also cover democratisation, reflecting the specificity of each country as regards impact, and making full use of the EU's relevant instruments;
2. Stresses that appropriate measures must be taken to ensure that civil rights and fundamental freedoms are not compromised or diminished in times of economic crisis;

3. Stresses, too, that the Union’s policies should also be consistent and exemplary within the EU, as well as coherent and in line with fundamental values and principles in order to maximise the EU’s credibility globally and the effectiveness of human rights policies; insists that a clear indication that the recommendations made in the 2007 Fava report on the transportation and illegal detention of prisoners be implemented, and welcomes the initiative of drawing up a follow-up report of Parliament; considers it regrettable that, despite the explicit call made by Parliament in the abovementioned report, a number of Member States have failed to address fully and openly their complicity in the worldwide violation of human rights that took place in the context of the US rendition and secret detention programme, and in the accompanying domestic human rights violations; believes this situation to be a grave and serious impediment to the EU’s promotion of human rights in the world and to its claims to moral authority; calls on the EU institutions to maintain pressure on Member States for full and open investigations; stresses the importance of continuing work on accountability in relation to secret detention in the context of countering terrorism;

4. Recalls that economic and social rights have been an integral part of human rights since the adoption of the Universal Declaration of Human Rights in 1948; believes, therefore, that the EU must help to implement these rights in less advanced and developing countries with which it signs international agreements, including trade agreements;

5. Believes that the recast of the asylum directives should put an end to continuing concerns about human rights breaches, as well as allegations of double standards by Member States in this area; maintains that the Member States should provide correlation tables for the pertinent provisions of the directives, in order to allow for proper scrutiny of their implementation; stresses that the difficult exercise of developing a common policy presents an opportunity to build on best practice; underlines the role to be played by the European Asylum Support Office (EASO); insists that the Member States have a role to play in the resettlement of refugees and renews its demands for the creation of a true Joint EU Programme for the Resettlement of Refugees;

6. Calls on the United States to honour its pledge to close the detention facility at Guantánamo Bay; urges Member States to step up efforts to resettle non-European detainees released from Guantánamo who cannot be repatriated to their home states as they are under threat of death, torture or cruel and inhumane treatment;

7. Calls for the EU, the Member States and the Commission immediately to take the measures needed to ensure the rescue at sea of migrants trying to enter the EU and to ensure coordination and cooperation between the Member States and the competent authorities in order to avoid the drowning and death of hundreds of women, children and men at sea;

8. Encourages the negotiations on the EU’s accession to the European Convention on Human Rights;

9. Welcomes the development of Country Strategy Papers on human rights and stresses that these should also cover democratisation; calls for their prompt implementation through action plans to complement these strategies, based on broad consultation processes with local and international civil society organisations, analyses of the situation and needs in each country and making full use of the EU’s relevant instruments; insists on the need to use these Country Strategy Papers as reference documents to be mainstreamed in all policies and relevant external financial instruments; reiterates its call for the Country Strategy Papers to be made available to Parliament; stresses the need for consistency and avoidance of double standards;
10. Emphasises the crucial role played by civil society in the protection and promotion of democracy and human rights; calls for the designation of contact persons for civil society and human rights defenders in EU Delegations to be completed; stresses that EU contacts with civil society should be built on a genuine partnership, including systematic, timely and regular dialogue on an equal footing, which must guarantee the active participation of civil society actors in the process of good governance; stresses that the information collected in this context must be put to good use, but also protected by EU policies, particularly through democracy and human rights clauses; stresses the need to improve information sharing between the different actors involved in the defence of human rights across the world, in order to enable them to gain a better understanding of the activities and actions carried out, particularly with regard to specific cases, as well as the difficulties encountered; stresses, in this regard, that a civil society monitoring mechanism should be set up to ensure that civil society is systematically involved in the implementation of agreements and programmes; welcomes, at the same time, initiatives such as the Eastern Partnership Civil Society Forum, and encourages EU institutions to take up more of the recommendations and declarations developed in the course of the EP-CSF in Brussels in 2009, in Berlin in 2010, and in Poznań in 2011;

11. Regrets the fact that some EU partner countries are initiating politicised and falsified trials against persons, thus violating human rights and fundamental norms of the rule of law; is deeply concerned, that despite international calls, no measures are being taken in those third countries to guarantee and respect the rights of those convicted in politically motivated cases;

12. Stresses that facilitating citizens’ direct participation in public life through their direct participation in political parties at national and European level is an essential right to express one’s view and a democratic right;

13. Urges the EU to undertake additional efforts, mainstream more effectively human rights and democracy across development cooperation and ensure that EU development programmes contribute to the fulfilment by partner countries of their international human rights obligations; calls also for human rights and democracy to be integrated into programmes linking relief, rehabilitation and development (LRRD), because of their vital importance in the process of transition from humanitarian emergency to development;

14. Welcomes the special relevance assigned to human rights, democracy and the rule of law in the Communication on Increasing the Impact of EU Development Policy: an Agenda for Change (COM(2011)0637), and stresses that democracy, respect for human rights and fundamental freedoms, good governance, peace and security are prerequisites for – and have a synergetic and mutually reinforcing relationship to – development, the reduction of poverty and the achievement of the Millennium Development Goals; reaffirms the importance of a human rights-oriented development policy and calls on the EU to set specific, measurable, achievable and time-bound objectives for human rights and democracy in its development programmes; calls on the EU to focus its development assistance on strengthening institution-building and civil society development of recipient countries, as those elements are crucial for good governance, as well as for ensuring accountability and ownership of development processes; calls for a strengthening of the human rights and conditionality clauses in EU supported programmes; calls on the European External Action Service and the Commission to seek new ways to ensure better linkages between dialogues on human rights with partner countries and development cooperation;

15. Stresses that the EU should ensure that its actions in the field of development policy, peace-building, conflict prevention and international security are mutually reinforcing; underlines, in this context, the necessity of devising appropriate strategies for countries in situations of fragility;
16. Emphasises the interdependence between extreme poverty and the lack of human rights, and highlights the need to develop a set of principles on the application of standards and criteria relating to human rights in the fight against extreme poverty;

17. Reiterates that 70% of the world's poor live in rural areas and depend directly on natural resources for their survival and well-being, and that the urban poor also rely on these resources; calls for the EU to defend access for populations to the natural and vital resources of their countries, access to land and food security as a fundamental right; deplores the fact that a significant number of people do not have basic commodities such as water; draws attention to the rights set out in the UN Social Responsibility Pact, such as the rights to appropriate nutrition, minimum social standards, education, health care, just and favourable working conditions and participation in cultural life, which should all be treated equally;

The 2010 EU Annual Report

18. Stresses the importance of the EU Annual Report on Human Rights and Democracy in the analysis and evaluation of the EU's policy on the matter; notes with regret that, for the first time since the presentation of Annual Reports on Human Rights in the World, the VP/HR and/or the European External Action Service (EEAS) did not present the report to the plenary at all this year and very strongly encourages the VP/HR to present future such reports to Parliament and in timely fashion;

19. Regrets the largely descriptive nature of the Annual Report and the excessive focus on one-off actions; reiterates its request that a more systematic approach be provided, including the use of indices and benchmarks for individual countries, and that performance against these targets be analysed in the Annual Report, in order to facilitate a substantiated assessment of performance;

20. Welcomes the comprehensive section on violence against women and on the rights of the child in this year's Annual Report; draws attention, in this context, to scourges such as forced and sex-selective abortion, forced sterilisation and female genital mutilation; recognises the priority given to supporting efforts towards the worldwide abolition of the death penalty and to judicial reform issues; endorses the VP/HR's practical focus on EU action in international forums;

21. Notes that the Annual Report does not include a specific section on development; stresses, especially after the entry into force of the Lisbon Treaty and given the current integrated strategy on human rights, that a thematic section in the Annual Report should be devoted to 'human rights and development';

22. Urges the VP/HR in her drafting of future Annual Reports to consult actively, systematically and in a transparent fashion with Parliament, in a timely way and comprehensively with human rights NGOs, publicly inviting all interested organisations to provide their input, enhancing the use of social networks and media to consult as many organisations as possible; calls on the VP/HR also systematically to consult with the Parliament and to report on the way that Parliament's resolutions have been taken into account; asks the VP/HR more regularly to provide information on the stage of preparation of future Annual Reports whenever requested to do so by Parliament;

Mainstreaming

23. Notes the VP/HR's statement to Parliament on 13 December 2011 following up on Parliament's long-standing call for the creation of an EU Special Representative on Human Rights; requests that, if this function is established, the EU Special Representative should have cross-sectoral skills enabling the implementation of a cohesion policy aimed at integrating human rights in all EU policies; warns, however, against any attempt to isolate human rights policy from the overall external policy strategies through the creation of such a Special Representative;
24. Considers it vital that international agreements, in particular on trade, energy, readmission, security and technical cooperation, do not contradict the EU's founding principles enshrined in Article 21 of the TEU; proposes that human rights impact assessments with benchmarks be undertaken prior to the launching of the negotiations of such agreements as well as during the negotiation stage, to be followed up by regular progress reports comprising the assessments made by the EU institutions and services responsible for implementation and evaluations provided by local and international civil society organisations as part of institutionalised civil society monitoring mechanisms; insists on the full use, in this regard, of Article 218 of the TEU, according to which the Commission has the obligation to inform Parliament and the Council at all stages of the negotiations on international agreements with third countries; considers it highly important, in this respect, to provide EU institutions with highly qualified and independent expertise on individual countries' human rights and democracy situations;

25. Recommends that, to move beyond general ideas of human rights mainstreaming, a set of practical measures be drawn up which must be binding on all EU officials working externally, as well as on all staff in Member States taking part in the operational actions of EU agencies, including FRONTEX, and on experts working on behalf of the EU and financed by the EU, who should comply with international norms and standards; stresses that training on human rights must be compulsory across the EEAS and relevant parts of the Commission; recommends that tasks pertaining to mainstreaming be incorporated into officials' job descriptions as part of the yearly staff evaluation;

26. Recommends also that, whenever a gross breach of human rights is committed by a partner country with which an international agreement, such as a partnership and cooperation agreement, has been concluded, the EU take bolder steps in carrying out the appropriate sanctions as stipulated in the human rights clauses of the agreement, including possible temporary suspension of the agreement;

27. Highlights the importance of drawing up adequate follow-up programmes to the EU Election Observation Mission Reports in close cooperation with the European Parliament, ensuring that these follow-up programmes are also linked to any development programmes;

28. Stresses that the mainstreaming of international justice must include systematically taking account of the fight against impunity and the principle of complementarity in the broader context of trade, development and rule-of-law assistance; stresses that rehabilitation and reintegration of victims in society and affected communities must be the central concern, with a special focus on vulnerable groups, including women, children, young people and people with disabilities; highlights the importance of establishing constitutional structures, including an efficient legal system, the separation of powers and a recognised and independent judiciary in order to strengthen the promotion of human rights in any country; recommends that the Rome Statute of the ICC be added to the package of international treaties on good governance and the rule of law to be ratified by third countries admitted to the System of Generalised Preferences Plus (GSP+); recommends the consistent inclusion of ICC clauses in the human rights and democracy clauses of EU agreements with third countries, taking account of the fact that such clauses are to be considered as essential elements of the agreements, with the focus on strategic partnerships and the countries covered by the European Neighbourhood Policy;

**EU action in the context of the United Nations**

29. Welcomes the adoption by the UN General Assembly of resolution 65/276 on the participation of the EU in the work of the UN as a modest start to a greater endeavour to upgrade the EU role in the organisation; stresses that speaking with one voice should not come at the expense of human rights concerns and, on the contrary, considers that the EU must now vigorously insist on exercising its rights and put its enhanced status to work in order to pursue an ambitious human rights and democracy promotion strategy;

30. Reiterates its call on the Council to authorise the VP/HR to draft guidelines for regular consultations between the ambassadors of the Member States and the EU’s ambassadors, especially between those working at multilateral level in places like Geneva and New York, so that the EU can successfully pursue its UN agenda and act for the promotion and defence of human rights;
31. Welcomes the constructive role played by the EU in the reform of the Human Rights Council (HRC), in particular its total support for the independence of the Office of the High Commissioner for Human Rights, its defence of the role of Special Procedures, country mandates and the indivisibility of all human rights; recommends that the EU and its Member States state their clear opposition to the practice of regional groups putting forward ‘clean slates’ for elections to the HRC; welcomes the first complete cycle of the Universal Periodic Review (UPR), and recommends that EU Member States lead by example, building on from the first round input following consultations at national level; endorses the inclusion of follow-up to the UPR on the agenda of EU human rights dialogues with third countries and in Country Strategy Papers;

32. Stresses the fact that in order to attract a consensus on more of its proposals at the HRC, the EU's capacity for outreach must be improved as a matter of urgency, including through enlisting the support of the VP/HR to lobby capitals in third countries in support of EU positions; welcomes the more strategic, medium-term approach to the preparation of HRC sessions being taken within the Human Rights Working Group of the Council (COHOM);

**EU policy on the International Criminal Court (ICC) and the fight against impunity**

33. Welcomes the updating of the EU's policy on the ICC of 12 July 2011; notes that the Rome Statute of the ICC establishes a mechanism of 'last resort' to bring to justice the individuals responsible for crimes against humanity, genocide, war crimes and the crime of aggression, as provided by the principle of complementarity enshrined in the Rome Statute; recognises the Commission's efforts to establish an 'EU Complementarity Toolkit' aimed at supporting the development of national capacities and generating political will for the investigation and prosecution of alleged international crimes, and stresses the importance of thorough consultations with Member States, Parliament and civil society organisations in order to finalise the toolkit; welcomes the efforts of civil society in Member States to support complementarity efforts in countries where crimes under international law and massive human rights violations have occurred, and encourages the continuation of such efforts; encourages the EU and its Member States to adopt a set of internal guidelines outlining a code of conduct for contacts with persons wanted by the ICC; calls on all Member States (notably the Republic of Cyprus, the Czech Republic, Hungary, Italy, Luxembourg and Portugal) to enact national legislation on cooperation with the ICC and conclude framework agreements with the ICC in order to facilitate cooperation, in particular to ensure the execution of arrest warrants and other Court requests;

34. Welcomes the adoption at the Kampala Review Conference of amendments to the Rome Statute related to the crime of aggression and certain war crimes, and calls on all Member States promptly to ratify these substantive amendments and to implement them as part of their domestic penal systems; in this context, calls on the Council and the Commission to use their international authority in the interests of securing and strengthening the universality of the Rome Statute for an internationally agreed definition of acts of aggression in breach of international law; welcomes the EU’s pledges, in particular on the fight against impunity as a core value to be shared with our partners when entering into agreements, and calls for their consistent implementation;

35. Recommends that the EU systematically include ICC clauses in agreements with third countries and promote respect for, cooperation with and assistance to the ICC within the framework of the Cotonou Agreement and of dialogues between the EU and regional organisations such as the African Union, the Arab League, the Organisation of American States and the OSCE, and third countries;

36. Welcomes the EU’s and Member States' financial and logistical support for the ICC, and recommends that it be maintained; expresses its deep concern over the outcome of the budget discussions at the December 2011 session of the Assembly of State Parties, which threatens to leave the Court underfunded and thus undermines its ability to deliver justice and to respond to new situations; calls on the EU and its Member States to show adequate support for the functioning of the Court, including taking a proactive role in the surrender of indictees;
EU policies to support democratisation

37. Insists that the goals of development, democracy, human rights, good governance and security are intertwined; reiterates its conviction that all EU external actions must combine a political dimension which supports pluralism, democracy and respect for human rights, fundamental freedoms and the rule of law, and a development dimension which focuses on socio-economic progress, including eradication of poverty, the fight against inequality, and the basic need for food, based on sustainable development; adds in this context that EU development aid programmes should include concrete and substantial reforms to ensure respect for human rights, transparency, gender equality and the fight against corruption in beneficiary countries; notes, furthermore, that stricter conditionality and suspension of aid should be applied in beneficiary countries which manifestly disregard basic human rights and freedoms and which fail to enact legislation that fulfils international obligations;

38. Considers that the performance-driven 'more for more' approach should drive the relations of the EU with all third countries, that the EU should only grant partner countries advanced status if clear human rights and democracy requirements are met, and that it should not hesitate to freeze this status should these requirements no longer be fulfilled; considers that serious consideration should be given to this in further negotiations with Russia on the new advanced Partnership Agreement;

39. Calls for systematic support for new, freely and fairly elected parliaments, especially in countries in transition and those to which the EU has sent election observation missions; considers that such support should be financed by the European Instrument for Democracy and Human Rights (EIDHR) and geographic instruments;

40. Welcomes the plans to establish a European Endowment for Democracy (EED), as set out in the Joint Communication of the VP/HR and the Commission, the Council Conclusions of the 3101st and 3130th meetings, leading to the Declaration on the Establishment of a European Endowment For Democracy agreed to by COREPER on 15 December 2011, together with the efforts undertaken by a European Endowment for Democracy Working Group established under the auspices of the EEAS in cooperation with Member States and EU institutions; underlines the Endowment’s potential function, under Parliament’s oversight, as a flexible and expert tool to support actors striving for democratic change in non-democratic countries and countries in transition; urges the Council to ensure that, among its other actions, any such tool complements the activities of existing instruments, in particular the EIDHR, without creating unnecessary bureaucratic structures; stresses that the EU’s contribution to the EED budget must be genuinely additional and must be delivered in full conformity with financial rules, respecting the right of the budgetary authority to monitor and scrutinise;

Election support

41. Stresses the importance of a political support process not simply focused on the period immediately before and after elections, but based on continuity; welcomes the VP/HR’s attention to ‘deep democracy’, which links democratic processes with human rights, freedom of expression and association, freedom of religion and belief, the rule of law and good governance; underlines that in this context the right to religious freedom should also be assigned a duly prominent role; points out that this right is in fact generally recognised as one of the most fundamental of all human rights;

42. Stresses again the importance of choosing priority countries for election observation missions on the basis of a mission’s potential for impact on the promotion of genuine long-term democratisation;
43. Calls on the Council, the Commission and the EEAS to develop a political strategy in relation to each EU election observation mission, followed up by an assessment of democratic progress two years after the mission, to be submitted during Parliament's annual human rights debate with the VP/HR; welcomes the commitment of the VP/HR to focus in election observation on the participation of women and national minorities, as well as persons with disabilities, both as candidates and voters (1);

44. Stresses the importance, at the end of each election observation mission, of drawing up realistic and achievable recommendations in cooperation with other international actors, where applicable, with the dissemination and monitoring of these recommendations to be carried out by EU Delegations; considers that Parliament's standing delegations and the joint parliamentary assemblies should play an enhanced role in following up these recommendations and analysing progress with regard to human rights and democracy; supports, therefore, the promotion of a sustainable and regular dialogue with these third country parliaments; underlines the need to improve the working methodology of European Parliament election observation delegations and to take care to enhance the skills of the participating MEPs and personnel;

Human rights dialogues and consultations with third countries

45. Stresses that participation in a structured human rights dialogue, while welcomed, is too often used as a pretext to avoid discussion of these issues at higher political levels including partner summits; calls on all EU institutions, the Member States and their embassies to make greater efforts to integrate these dialogues in all in-country EU external actions; stresses the need for transparency and genuine prior consultation of civil society organisations, as well as debriefing after the dialogues, in order to report on the results;

46. Expresses, therefore, its disappointment at the lack of progress achieved in a number of human rights dialogues (which now number over forty) and takes note of the view expressed in some quarters that, in certain cases, EU human rights consultations are being instrumentalised and have become a process rather than a means to achieve measurable, tangible results;

47. Regrets that the post-dialogue/consultation assessments undertaken have not led to the development of clear performance indicators or benchmarks; urges that objectives be set in advance of, and evaluated immediately after, each dialogue or consultation, in a transparent manner and involving the widest possible stakeholders; stresses that the conclusions of these assessments must be fed into summit meetings and other contacts between the EU and its partners, and must inform the EU and its Member States’ actions in other bi- and multilateral settings; considers that particular consideration must be given to these indicators to ensure the effectiveness of democracy and human rights clauses in all EU agreements, whatever their nature;

48. Stresses the importance and urgency of improving the modalities and substance of these dialogues in consultation with civil society; reiterates that dialogues can be constructive and can have a real impact on the ground only if followed up with concrete steps taking account of the EU’s objectives and the EU Guidelines on Human Rights Dialogues with third countries, as well as if corrective measures are put in place;

49. Recalls that the EU should use these dialogues as an instrument to raise individual cases of human rights violations in third countries, such as cases of political prisoners and detainees, e.g. in Vietnam and China, imprisoned for the peaceful exercise of basic rights, such as freedom of expression, assembly, association and religion; calls on the EU, furthermore, to make regular use of this opportunity and follow up responses to individual cases it has raised, monitor these cases, and closely coordinate with the human rights organisations involved and other countries which have human rights dialogues with the country in question;

(1) Human Rights and Democracy at the Heart of EU External Action - Towards a more effective Approach, Joint Communication, 12 December 2011
50. Is disappointed to note that only a limited number of assessments have been carried out and on an irregular basis despite the Guidelines stipulation that the dialogues 'must preferably be assessed every other year'; strongly regrets that there has been no systematic involvement of the European Parliament in the assessments to date, including for Russia and China; calls for a formalisation of access for the European Parliament to these assessments and a guarantee that this will be carried out in the most open and transparent way possible; recalls that the Guidelines state that 'civil society will be involved in this assessment exercise', and considers that the implementation of this commitment requires the establishment of a concrete mechanism to that effect;

51. Is particularly concerned at the situation in Mali since the coup d'état of 22 March 2012 and by the fact that the country is facing its 'worst humanitarian crisis in the last 20 years' as a result of the food insecurity affecting some three million people and the displacements caused by the clashes in the north of the country; calls on the European Union to make additional humanitarian aid available to address this situation; regards it as essential, further, that the European Union and its Member States should work to bring about a peaceful resolution of the conflict, based on protection of the population groups affected, which does not involve outside interference in the country's political affairs;

52. Reiterates that women's rights should be an important part of the human rights dialogues conducted by the EU and of the EU's political dialogue with third countries with which cooperation or association agreements have been signed, in line with the human rights clauses in these agreements, and that women's participation in peaceful transitions – both at the negotiating table and in active roles – should be expanded; calls on the Commission and the Council to take all appropriate measures in the event of any violation of these provisions;

53. Regrets that, despite all the calls from Parliament and other international institutions, Mikhail Khodorkovsky was sentenced in his second politicised and administratively motivated trial in Russia, which did not comply with the principles of a fair and independent judicial system, thus strongly violating human rights;

**Human rights and democracy clauses**

54. Calls for all contractual relationships with third countries, both industrialised and developing, and including sectoral agreements, trade and technical or financial aid agreements, to include clearly worded binding clauses on human rights and democracy, without exception; calls on the Commission to ensure a stricter enforcement of these clauses; reiterates the need to develop a single catalogue of human rights and democracy benchmarks for descriptive and evaluation purposes, recognised by all EU institutions; suggests that the implementation of the European Convention on Human Rights and other core international human rights conventions could constitute a viable element of such a human rights and democracy EU benchmark;

55. Asks the Commission not to be reluctant to use the suspension mechanism for standing agreements whenever the standard human rights clauses are repeatedly violated;

56. Stresses that the application of the clause as it currently stands in Free Trade Agreements (FTAs) due to come before Parliament in the near future provides an opportunity for Parliament itself to explore the potential for setting human rights benchmarks in advance of ratification, in order to achieve concrete and verifiable progress in respect for human rights; reiterates its call on the Commission to draft a new ‘model clause' referring to the parties' international obligations, comprising a procedure for consultation and specifying political and legal mechanisms to be used in the event of a request for cooperation to be suspended on the grounds of repeated or systemic human rights violations in breach of international law; takes the view that the enforcement mechanism of the human rights and democracy clause, as requested by Parliament, is the only way to ensure the genuine implementation of such clauses and should be considered as a preventive and alerting mechanism, setting up a dialogue between the EU and the partner country, and to be followed up with a monitoring mechanism; recommends that a clear and gradual system of sanctions be developed, without prejudice to possible final suspension; insists strongly on the need for Parliament to be a joint decision-maker with the Commission and the Council in this respect;
57. Emphasises the need to ensure effective monitoring of the implementation of commitments made as regards respect for and promotion of human rights and democratic principles; calls for the use of impact studies on human rights and democracy, in addition to the existing ones on sustainable development, and for the assessments and conclusions contained therein to be taken into account in negotiations and reflected in the final agreements;

58. Proposes the use of objective indicators and criteria in human rights impact studies and the assessment thereof;

Trade and human rights

59. Expects a comprehensive human rights chapter, in addition to social and environmental chapters, in all future Free Trade Agreements and, in the context of negotiations currently underway, regrets the objections to this principle expressed by some of the partners, such as India and Canada; calls for the chapter on sustainable development in agreements to be strengthened through the inclusion of a complaints procedure open to the social partners and civil society, the establishment of an independent body to settle pertinent disputes and the possibility of recourse to a dispute settlement mechanism with provision for fines and the suspension of trade benefits in the event of an aggravated breach of the environmental and labour standards concerned, equivalent to mechanisms for market access provisions; stresses that the monitoring and enforcement mechanisms of the GSP+ scheme should be further strengthened; demands that the objectives of Corporate Social Responsibility (CSR) should be binding on European companies operating in countries with institutional weaknesses;

European Neighbourhood Policy (ENP)

60. Considers that the ‘Arab Spring’ has served to demonstrate the inadequacy of the EU’s policies hitherto to effectively support people’s strong desire for democracy, respect for fundamental freedoms, justice and accountable and representative government in countries where this is denied; welcomes, therefore, the Joint Communications by the Commission and the VP/HR on ‘A new response to a changing Neighbourhood’, expressing, among other points, the need for the establishment of the European Endowment for Democracy, and ‘A partnership for democracy and shared prosperity with the Southern Mediterranean’, and the approach taken of shared commitments and mutual accountability as regards the universal values of human rights, democracy and the rule of law, stronger incentive-based conditionality, differentiation of policies, the advancing of multilateral and sub-regional cooperation and the principle of further involving civil society; stresses that the ‘Arab Spring’ would become a paradox if it were to develop in a direction that denies the fundamental human rights of women, human rights defenders, religious minorities and other societal groups in the Arab Spring countries;

61. Considers that since the ‘Arab Spring’ began, in-country NGOs and organised citizens have been playing a critical role in mobilising people and promoting their participation in public life, with the aim of informing people of their rights and empowering them to understand and embrace democracy; stresses that political priorities for future reforms will need to stem from participatory consultations with in-country NGOs and civil rights advocates;

62. Stresses the need to support democratic movements in the Eastern Neighbourhood, and welcomes the new approach to the ENP aimed at providing greater support for partners engaged in building deep and sustainable democracy and support for inclusive economic development, as well as strengthening the two regional dimensions of the European Neighbourhood Policy;

63. Supports a performance-based ‘more for more’ approach in line with the new vision of the ENP; insists that differentiation should be based on clearly defined criteria and regularly monitored benchmarks and proposes that the benchmarks laid down in the Communications be considered as objectives, to be complemented by more specific, measurable, achievable, time-bound benchmarks; calls on the EEAS and the
Commission to provide a clear and adequate methodology to assess the record of the ENP countries concerning respect for and promotion of democracy and human rights, to deliver regular reports to form the basis for the allocation of funds under the ‘more for more’ approach, and to include these evaluations in the annual progress reports; stresses that the funds that are not able to be allocated or transferred due to a negative evaluation should be redistributed to other projects undertaken in European Neighbourhood partner countries, in both Southern and Eastern dimensions;

64. Emphasises the crucial importance of active civil society participation in and contribution to processes of governance and societal transformation, recognising the need to include representatives of women’s and minority groups in such processes; strongly supports greater engagement with civil society in these processes, both in terms of ever-greater outreach and a stronger emphasis on including the views of civil society in policy-making; welcomes in this respect all the EU programmes that aim at training young professionals and simplifying student exchange programmes for third country nationals as these contribute effectively to the development of civil society; underlines the need for an independent structural and financial support for civil society; considers that, as in the case of the UPR process within the UNHRC, local and international civil society actors should be involved in the Commission’s ENP progress reports by delivering separately their own assessment to be added to these reports; welcomes moves towards the establishment of the Civil Society Facility (CSF) and the European Endowment for Democracy, and calls for substantial funding for these in the forthcoming Multi-annual Financial Framework; and insists that, in future, civil society must be engaged so as to contribute directly through an institutionalised civil society monitoring mechanism;

65. Is deeply concerned that four European Neighbourhood partner countries have not signed the Optional Protocol to the UN Convention against Torture, 11 countries have not ratified it, and a further 14 have not designated the national preventive measures required; calls for urgent EU action to address this shortfall;

66. Believes that the promotion and support of non-violence reflects an international value that is an appropriate way of defending and promoting human rights from within, particularly considering that the non-violent methodology offers an effective outcome in terms of the prevention of conflict and support for democracy, rule of law and civil society around the world; proposes giving non-violence a role of relevance and political weight in the internal and external policies of the European Union with support for those initiatives that can sustain and develop non-violent and peaceful activism around the world with the dissemination of practical assistance to support non-violent activists and human rights defenders;

67. Reiterates its call on the VP/HR and the Member States to work towards a strong EU common position on the follow-up to the fact-finding mission on the Gaza conflict, publicly demanding the implementation of its recommendations and accountability for all violations of international law, regardless of the alleged perpetrator, through the conduct of independent, impartial, transparent and effective investigations; takes the view that there can be no effective Middle East peace process without accountability and justice;

External financial instruments, in particular the EIDHR

68. Notes that, while there have been strong EU policy statements in favour of human rights, a dilution has been observed downstream in the programming cycle whereby human rights pledges disappear from specific instruments and country sectoral allocations; observes that unfortunately human rights and democracy have sometimes been ‘ghettoised’ into the EIDHR to the detriment of mainstreaming throughout all instruments;
69. Welcomes the Commission's Communication on an Agenda for Change and its emphasis on the intertwined nature of the objectives of development, democracy, human rights, good governance and security; welcomes the enhanced focus on partner countries' commitments in determining the mix of instruments and modalities at country level; simultaneously stresses the need to eliminate current and avoid future double standards; welcomes the translation of this policy into the Commission's Communication on The Future Approach to Budget Support to Third Countries, which states that general budget support will only be provided when partner countries commit to meeting international human rights and democracy standards; calls on the Commission and the EEAS to translate this policy framework into concrete, operational, time-bound and measurable activities, mainstreamed throughout the different areas of cooperation and accompanied by the necessary strengthening of institutional frameworks and administrative capacities;

70. Strongly recommends that within the future development instruments a special focus be put on thematic programmes, as they especially address human rights issues in order to promote mutually reinforcing bridges between development and human rights;

71. Notes that, in order to maximise coherence and effectiveness, a strategic approach is needed to combining different geographic and thematic instruments to protect and promote human rights, based on a solid analysis of the local context, eliminating current and avoiding future double standards; welcomes, in this respect, the commitment given in the 12 December 2011 Joint Communication on Human Rights and Democracy at the Heart of EU External Action: Towards a More Effective Approach to take the human rights country strategies into account in the programming and implementing cycles of the EU's assistance, and invites the VP/HR to draw up a more detailed methodology to implement this commitment;

72. Welcomes the Commission's proposals on the instruments for external action post-2014, in particular the focus on the need to introduce simplified and flexible decision-making procedures that will allow for a swifter adoption of implementing annual action programmes and thus of delivery of assistance; values the extensive consultations being undertaken within civil society and trusts that the final documents will reflect the concerns raised by all stakeholders;

73. Welcomes the clearer definition of the objectives of the EIDHR and its updated scope which reflects the stronger focus on economic, social and cultural rights, on freedom of thought, conscience and religion or belief and on democracy support; appreciates the new possibility to directly award grants to finance actions in the most difficult conditions or situations, or to enhance support for human rights defenders and non-registered organisations;

74. Underlines the fact that Parliament's prerogatives must be respected in the programming of the EIDHR and of the other instruments, with special emphasis on human rights and democracy; accordingly, firmly maintains that the Strategy Papers for these instruments cannot be regarded as implementing acts and must be adopted in accordance with the procedure set out in Article 290 TFEU on delegated acts;

**Death penalty**

75. Welcomes the successful result of UN General Assembly resolution 65/206 of 21 December 2010 on a moratorium on the use of the death penalty, which indicates a strengthening of global support for abolition and a growing awareness among activists, judges, politicians and people in general; welcomes also the important role played by the EU in securing this victory; looks forward to a strong partnership with Member States and the EEAS on the 2012 General Assembly resolution;
76. Reiterates that the EU is opposed to the death penalty in all circumstances, and calls on the EU to continue using cooperation and diplomacy towards the abolition of the death penalty in all possible forums worldwide, in line with the EU Guidelines on the Death Penalty, and also to ensure that the right to a fair trial is fully respected for each and every person facing execution, without the use of torture and other ill-treatment used to extract confessions; in the countries where, despite the efforts of the EU and others, the death penalty is still used, calls for respect for the basic human rights of condemned people, including full access to information on their situation, at least for family and close relatives, respect for the body and the right to a proper funeral; condemning the recent executions in Belarus of Dzmitry Kanawalau and Uładzislau Kavaliou, stresses that these basic rights were not respected, as the executions were carried out in secret, without the families' knowledge and without the possibility of retrieving the bodies in order to bury them in a respectful manner; recalls that the EU is the lead donor to civil society organisations which fight against the death penalty; asks the Commission to keep this cruel and inhuman punishment as a thematic priority under the EIDHR;

77. Stresses the importance for the EU to continue monitoring the conditions under which executions are carried out in those countries that still retain the death penalty, and to support legal and constitutional reform towards full and total abolition;

78. Calls on the VP/HR, the EEAS and the Commission to provide guidance on a comprehensive policy with regard to EU citizens facing execution in third countries, including strong mechanisms regarding identification, delivery of legal assistance and EU legal intervention;

79. Welcomes the Commission's decision of 20 December 2011 to amend Regulation (EC) No 1236/2005 and thereby tighten export controls on certain drugs that can be used for executions and equipment that can be used for torture; calls on the Commission to tackle the remaining loopholes in the regulation by introducing an end-use catch-all clause that would prohibit the export of any drug that could be used for torture or executions;

Arms Control

80. Notes that 60 % of all individual cases of human rights violations and abuses both within and outside of armed conflict documented by Amnesty International have directly involved the use of small arms and light weapons; recognizes the particularly serious impact of small arms and light weapons on the enjoyment of children's rights and children's protection from violence; commends the global leadership shown by the EU in adopting a legally binding common position on arms exports in 2008, but notes the need for further monitoring its implementation at EU level; urges the EU to show leadership in the process to achieve an international Arms Trade Treaty at this year's UN Conference and to ensure that a robust, legally binding treaty is agreed;

81. Expresses deep concerns about the use of children as soldiers; calls for immediate steps to be taken by the EU for their disarmament, rehabilitation and reintegration as a core element in the EU policies that aim at strengthening human rights, child protection and the replacement of violence with political conflict resolution mechanisms;

Torture and other cruel, inhuman and degrading treatment or punishment

82. Calls on all Member States which have not yet done so to ratify the Optional Protocol to the UN Convention against Torture, so as to enhance the consistency of internal and external policies;

83. Calls on all Member States, the VP/HR and the EEAS to actively intervene on the issue of the human rights of detainees and to address the overpopulation of prisons in and outside the EU;
84. Underlines the importance of recognising gender-specific forms of torture and degrading forms of treatment (including female genital mutilation (FGM) and rape) and insists that the EU’s coordinated efforts to counter torture adequately address the gender dimension;

85. Calls again on the Commission to insert into Council Regulation (EC) No 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment, a ‘torture end-use’ clause, enabling Member States, on the basis of prior information, to license and thus refuse the export of any items which pose a substantial risk of being used to these ends by their destined end-users;

86. Recalls the tragic case of Sergey Magnitsky, who was fighting against high-ranking corruption and was tortured to death by officials; regrets that the case is still not solved and that those responsible for Sergey Magnitsky’s death have not been punished; urges the Russian judicial authorities to resume the investigation and to name and punish the guilty;

87. Welcomes the EU’s political commitment to supporting human rights defenders, as a long-established component of the EU’s human rights external relations policy, and the many positive examples of demarches, trial observations, prison visits, and other concrete actions undertaken by EU missions and delegations, such as regular, institutionalised meetings with human rights defenders, but remains concerned at the lack of implementation of the EU Guidelines on Human Rights Defenders in some third countries; considers that the VP/HR should make recommendations for enhanced action to those missions where implementation has been noticeably weak;

88. Urges the EU and its Member States to encourage EU missions and delegations to show their support and solidarity for the work undertaken by human rights defenders and their organisations, by regularly meeting and proactively engaging with them and incorporating their contributions into the development of the specific country strategies on human rights and democracy, and regularly engaging with Parliament;

89. Reiterates its call on the EU to systematically raise individual cases of human rights defenders in the ongoing human rights dialogues it has with those third countries where human rights defenders continue to suffer harassment and attacks;

90. Stresses the importance of systematic follow up to contacts with independent civil society, as well as more direct and easier access for human rights defenders to EU Delegations in third countries; welcomes the appointment of liaison officers, in the Delegations and/or in Member State embassies, for human rights defenders, and stresses that these should be experienced and appropriately trained officials whose functions are well-publicised both internally and externally; very much welcomes the fact that the VP/HR has indicated that she will always meet with human rights defenders in the course of her visits to third countries and calls for this practice to be followed by all Commissioners with responsibilities in the external relations field, and for reports on these contacts to be made available to Parliament;

91. Recalls its resolution of 25 November 2010 on the situation in Western Sahara; condemns the ongoing repression of Sahrawi people in the occupied territories and calls for their fundamental rights, including freedom of association, freedom of expression and the right to demonstrate, to be respected; calls for the release of the 80 Sahrawi political prisoners and, as a matter of priority, of the 23 who have been held without trial in Salé prison following the dismantling of the Gdeim Izik camp; reiterates its call for the establishment of an international mechanism to monitor human rights in the Western Sahara and for a fair and lasting settlement of the conflict on the basis of the right to self-determination of the Sahrawi people, in accordance with the relevant United Nations resolutions;
92. Reiterates its call for greater inter-institutional cooperation on human rights defenders; considers that the EU's response capacity and the coherence between the actions of the different institutions on urgent crises for human rights defenders would be well served by a shared alert system based on focal points, and encourages the EEAS and the Commission to explore this avenue further with the European Parliament;

93. Welcomes the commitment made by the European Parliament to enhance the role of the Sakharov Prize and to strengthen the Sakharov Network, and stresses the important role of this network in, among other things, animating inter-institutional co-operation in support of human rights defenders worldwide; calls on all EU institutions to exercise greater involvement and co-operation and, in this context, welcomes the reference to the Sakharov Prize in the Annual Report on Human Rights; repeats, however, its call on the Council and Commission to maintain contact with the Sakharov Prize candidates and laureates to ensure a continuing dialogue and monitoring of the human rights situation in their respective countries, to offer protection to those being actively persecuted, and to report back on this to the European Parliament;

94. Undertakes to include women's rights more systematically in its own human rights debates and resolutions and to use the Sakharov Prize network, and especially female winners of the Prize, to advocate women's rights in the world;

**Women and human rights**

95. Highlights the distinctive roles, experiences and contributions of women in the context of peace and security; condemns the use of sexual violence in countries such as the Democratic Republic of Congo (DRC), and calls for zero tolerance for its perpetrators, particularly among military and police forces in EU-mandated missions and operations; and stresses the importance of ensuring victims access to multi-disciplinary holistic rehabilitation services that include any necessary combination of medical and psychological care as well as legal, social, communal, vocational, educational services, and interim economic support;

96. Welcomes the fact that the EU is a front-runner in the implementation of UNSCR 1325 and accompanying resolutions; urges the Council, the Commission and the EEAS to step up efforts to bridge the gap between policy and practice, and urges Member States which have not yet adopted National Action Plans to do so as a matter of urgency;

97. Welcomes the creation of UN Women, and calls on the EU to work closely with the institution at international, regional and national level to enforce women's rights; calls on the Commission and the Council to ensure that women in conflict situations have fair access to public healthcare systems and adequate gynaecological and obstetric care as defined by the World Health Organisation; stresses in particular the need to promote health education and appropriate programmes for sexual and reproductive health, which are a prominent part of the EU's development and human rights policy towards third countries;

98. Welcomes the Commission's Women's Charter, which promotes gender equality at both EU and international level, and the EU Plan of Action on Gender Equality and Women's Empowerment in Development for the period 2010-2015, and calls for efforts to achieve the MDG on gender equality and maternal health to be stepped up;

99. Is concerned that, in Egypt, the Supreme Council of the Armed Forces (SCAF) has failed to conduct an investigation into reports of sexual assault of female protesters, including the so-called 'virginity checks' and death threats against female protesters;

100. Welcomes the emphasis put on women's empowerment by the VP/HR and calls on her to institutionalise the EU Inter-institutional Informal Task Force on Women, Peace and Security (WPS) by providing it with a full-time chair, who will also act as the gender focal point in the EEAS, as part of allocating adequate human and financial resources to its task;
101. Calls on the VP/HR to promote equal geographically and gender-balanced opportunities in the EEAS, as set out in the Staff Regulations; urges the VP/HR and the Member States to propose high-level women candidates for leadership functions in the EEAS and Common Security and Defence Policy (CSDP) missions; welcomes the progress made in the context of CSDP missions in the appointment of Gender Advisors in almost all missions and in providing in-mission training; calls on the Council to include a reference to UNSCR 1325 in Council decisions establishing mission mandates; recommends that Member States provide all military and seconded civilian staff with standardised gender training modules prior to the missions;

102. Welcomes the adoption of the landmark Convention by the Council of Europe on preventing and combating violence against women and domestic violence, creating a comprehensive framework to prevent violence, protect victims and end impunity, and calls on all Member States and the EU to quickly sign and ratify this Convention;

103. Strongly condemns female genital mutilation (FGM) as an anachronistic practice and a barbarian breach of the physical bodily integrity of women and girls, which must be combated with legislation banning the practice; firmly rejects any reference to cultural, traditional or religious practice as a mitigating factor; urges the Commission to pay specific attention to such traditional harmful practices in its strategy to combat violence against women; and calls on the EEAS to develop a specific toolkit on this issue as part of its implementation strategy of the EU Guidelines on children's rights and violence against women; congratulates African Heads of State for adopting, at the African Union Summit in July 2011, a Decision in support of a UNGA resolution banning FGM worldwide; also condemns and calls for specific measures to counter cruel, inhuman and degrading treatment such as forced abortion and forced sterilisation;

104. Strongly condemns forced marriage, a violation of human rights as set out in Article 16 of the Universal Declaration of Human Rights; calls on the Council to include the issues of ‘forced marriages’ and of “gender-selected” abortion in the EU guidelines on violence against women and girls; encourages the Commission and the Council to develop data-gathering methods and indicators on these phenomena, and encourages the EEAS to include these issues in the development and implementation of the human rights country strategies; on the issue of ‘forced marriages’, requests that Member States adopt and enforce legislation banning forced marriage and develop a common definition, the establishment of national action plans, and the exchange of good practices;

105. Recalls that the UN Human Rights Council resolution on preventable maternal mortality and morbidity and human rights and the Millennium Development Goals reaffirm that access to information, to education and to health care are basic human rights; stresses that the EU should therefore play an important role in ensuring that women do not die in pregnancy; calls for the Cairo Programme of Action to be implemented in its human rights and development policy aspects, to promote gender equality and women's and children's rights, including sexual and reproductive health and rights;

Human rights, freedom of religion, and the persecution of Christians in the world

106. Condemns severely any persecution based on religion or belief; remains committed to the realisation of freedom of religion in all parts of the world as part of enhanced EU efforts in its bilateral and multilateral action; restates its concern regarding full and effective respect for the right to freedom of religion for all religious minorities in a number of third countries; reiterates its call on the Council and Commission to urgently develop a toolkit on the advancement of the right to freedom of religion or belief in the EU’s external policy; including mechanisms to identify infringements and actions that the EU should undertake in these cases, and to involve Parliament, civil society organisations, and academics in its preparation; welcomes the EU’s action in various UN forums against intolerance and discrimination based on religion or belief and its unwavering and principled stance against the resolutions on combating defamation of religions; maintains that freedom of assembly is a vital aspect of the right to freedom of religion or belief, and stresses that registration of religious groups should not be a prerequisite
for practising one’s faith; calls on the EU Fundamental Rights Agency to provide Parliament with accurate and reliable data on infringements of freedom of religion or belief in the European Union, and to advise as to how these could be tackled;

107. Stresses in particular the importance of engaging in a constructive dialogue with the Organisation of the Islamic Conference (OIC) on this issue; calls on the Council and the Commission to pay special attention to implementing the right to freedom of religion or belief in candidate and ENP countries, especially in the light of the Arab Spring; expresses its profound concern about the increasing number of acts of religious intolerance and discrimination in various countries; strongly condemns all acts of violence against Christian, Jewish, Muslim and other religious communities, as well as all forms of discrimination and intolerance based on religion and belief against religious people, apostates and non-believers; stresses once again that the right to freedom of thought, conscience and religion is a fundamental human right (1); recognises the growing need in a number of countries for conflict transformation and reconciliation efforts, including inter-faith dialogue at various levels, and urges the EU and VP/HR Ashton to address discriminatory and inflammatory content, e.g. in the media, and the issue of obstacles to the free profession of faith in its/her dialogues with third countries in the context of EU initiatives on human rights; considers that in third countries where religious minorities are faced with violations of their rights, such problems cannot be solved by protecting and isolating them ‘from’ the surrounding societies and thus creating ‘parallel societies’; urges the EEAS and the EU Member States, in the light of recent events in countries such as Nigeria, Egypt and Indonesia, to put in place concrete actions to help prevent the emergence of a cycle of violence;

108. Urges the EEAS to develop a permanent capacity within the Global and Multilateral Directorate-General to mainstream the issue of freedom of religion or belief across the geographical directorates and units, as well as linking the issue into general human rights promotion within the same DG and advancing the issue in international and multilateral organisations; encourages the EEAS to report on an annual basis on progress on freedom of religion or belief in the world;

109. Invites the EEAS and other EU institutions to combat unacceptable practices such as forced conversions and the criminalisation/punishment for cases of so-called ‘apostasy’, applying pressure on third countries, such as Pakistan, Iran and Saudi Arabia that still carry out such practices, so that the practices are eliminated; calls for an equally firm stance against the instrumentalisation of blasphemy laws for the purpose of persecuting members of religious minorities;

110. Calls on the competent institutions to closely cooperate with the US Commission on International Religious Freedom in bilateral and multilateral fora, e.g. the UN Human Rights Council;

**Discrimination**

111. Condemns all forms of human rights violations committed against people discriminated against on the basis of work and descent, and the limited access to justice for victims; calls on the EU and its Member States to endorse the draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent;

112. Welcomes the conclusion by the EU of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), and the adoption of the European Disability Strategy 2010-2020, in particular area of action 8; condemns all forms of discrimination based on disability, and calls for all states to ratify and implement the UNCRPD; points out that the EU also needs to monitor the implementation of the UNCRPD on its own territory; regrets the EU’s inaction on human rights for persons with disabilities in the context of the EU-Africa Strategy;

113. Commends the Council, the EEAS, the VP/HR, the Commission and the Member States on their engagement in favour of LGBT people’s human rights in bilateral relations with third countries, in multilateral forums, and through the EIDHR; welcomes the re-introduction by the UN General Assembly of sexual orientation as grounds for protection from extrajudicial, summary or arbitrary execution, and welcomes the EU’s efforts to this end; calls on the Commission to advocate the withdrawal of gender identity from the list of mental and behavioural disorders in the negotiations on the 11th version of the International Classification of Diseases (ICD-11) and to seek a non-pathologising reclassification; reasserts that the principle of non-discrimination, also embracing grounds of sex and sexual orientation, must not be compromised in the ACP-EU partnership; reiterates its request that the Commission produce a comprehensive roadmap against homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity, also addressing human rights violations on these grounds in the world; calls on the Member States to grant asylum to people fleeing persecution in countries where LGBT people are criminalised, taking into consideration applicants’ well-founded fears of persecution, and relying on their self-identification as lesbian, gay, bisexual or transgender;

114. Welcomes the ‘toolkit’ adopted by the Council’s working party on human rights in 2010 with the aim of helping the EU institutions, the Member States, the delegations and other bodies to react swiftly when the human rights of LGBT people are violated; calls on the Commission to address the structural causes of such violations, and on the Council to work towards binding guidelines in this area;

115. Emphasises that traditional national minority communities have specific needs, which are different from other minority groups, and that there is a need to safeguard equal treatment of these minorities with regard to education, healthcare, social services and other public services; points also to the need to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority;

116. Calls on the EU to encourage the governments of developing countries to commit to land reform in order to secure the land titles of indigenous people, nomadic populations and small and medium-scale farmers, especially women, and to prevent land-grabbing practices by corporations; urges the EU to assert the right of access to natural resources, in particular for native and indigenous peoples, in the negotiation of trade agreements; encourages all Member States to follow the example of Denmark, the Netherlands and Spain and ratify ILO Convention 169 on Indigenous and Tribal peoples, in order to show their determination to provide them with tangible protection; supports current and ongoing campaigns for the ratification and implementation of ILO Convention 169 by non-signatory states, as a means of demonstrating, among other things, the EU’s commitment to multilateralism and the United Nations;

117. Recommends initiatives for EU legislation to ensure that attention is paid in EU human rights policy and cooperation instruments to eliminating caste discrimination, and action in caste-affected countries, including Nepal, India, Bangladesh, Pakistan, Sri Lanka and Yemen;

118. Believes that new and existing funding lines for support to civil society and human rights defenders, particularly from indigenous communities, should have their budget increased; considers that they should also both demonstrate their ability to respond flexibly and speedily to crisis events and ongoing situations wherever they may be and optimise their value for money and impact; welcomes the fact that EU has been very supportive of capacity-building activities for indigenous peoples at the UN; stresses that enhancing indigenous representatives’ efficiency during UN events is essential, by supporting adequate logistics, documentation and information; calls on the EU to continue its support;
Children’s rights

119. Recalls the UN Convention on the Rights of the Child and the need to ensure the fullest protection of the rights enshrined therein and to prevent these rights from being eroded; welcomes the UNGA’s adoption, on 19 December 2011, of the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, and calls on the Council and the Commission to accelerate efforts to achieve universal ratification of the Convention on the Rights of the Child and its Optional Protocols and to promote their effective implementation; calls, too, for decisive efforts to advance implementation of the EU Guidelines on the Promotion and Protection of the Rights of the Child and the EU’s Strategy to combat All Forms of Violence against Children; calls on the VP/HR and the European External Action Service to include in EU Annual Reports on Human Rights a section on children’s rights;

120. Draws attention to the serious problem that exists in several countries in sub-Saharan Africa of children being accused of witchcraft, resulting in grave consequences ranging from social exclusion to infanticide, and to the ritual murder of children as sacrifices; notes that the State has a responsibility to protect children from all forms of violence and abuse and, consequently, urges the EEAS to pay particular attention to the protection of children from all forms of violence and to the fate of these children in the human rights dialogues with the governments of the countries concerned and in the programming of the external financial instruments;

Freedom of expression and (social) media

121. Stresses that freedom of expression and media independence and pluralism are essential elements of a sustainable democracy, maximising the involvement of civil society and empowering citizens; calls therefore for increased support in the areas of promoting the freedom of media, protecting independent journalists, reducing the digital divide and facilitating internet access;

122. Urges the Council and the Commission to include, in accession negotiations, human rights dialogues and, in any contact regarding human rights, a call to end any hate speech in the media;

123. Notes that the internet, together with the social media, both offline and online, have become some of the most important vehicles through which individuals exercise their right to freedom of opinion and expression, and that they have played a crucial role in promoting human rights, democratic participation, accountability, transparency and economic development and new forms of public access; stresses at the same time, bearing in mind that not all parts of society, in particular the elderly and rural populations, have access to the internet, that human dignity must not come under attack, and condemns any other form of discrimination occurring in the social media; supports specific EU regulations and agreements with third countries that restrict access to communication and information through censorship, the shutting down of networks or the subordination of freedom of information to commercial interests; welcomes the potential shown by the internet and social networking in the Arab Spring developments; calls for increased support in the areas of promoting the freedom of media, protecting independent journalists and bloggers, reducing the digital divide and facilitating unrestricted access to information and communication and uncensored access to the internet (digital freedom);

124. Notes the potential shown by the internet in promoting and supporting the revolutions of the ‘Arab Spring’; notes, however, that ICTs can also be misused to violate human rights and fundamental freedoms and calls, therefore, for increased monitoring of the use of the internet and new technologies in autocratic regimes that seek to limit them; welcomes the Commission initiative on the ‘No Disconnection Strategy’; invites the Commission to submit, during the course of 2013 at the latest, smart regulatory proposals, including increased transparency and accountability for EU-based companies, in order to improve the monitoring of the export of products and services aimed at blocking websites, mass surveillance, monitoring all internet traffic and (mobile) communications, breaking into private conversations and transcribing them, filtering search results, and intimidating internet users including human rights defenders; believes telecommunications and internet service providers must learn the lessons of past mistakes, such as Vodafone’s decision to give in to demands from the Egyptian authorities in the last weeks of the Mubarak regime
to suspend services, to disseminate pro-government propaganda and to monitor opponents and the population in general as well as the societies of other Member States who have sold telecommunications technologies and information to other third countries such as Libya, Tunisia etc; believes telecommunications and internet service providers and software developers must learn the lessons of past mistakes, and should engage with policymakers, NGOs and activists in an open dialogue in order to set common minimum standards for human rights impact assessments and increased transparency;

125. Welcomes the inclusion of a ban on the export of technologies and services in the EU’s restrictive measures against the governing authorities in Syria; notes that this ban should become a precedent for future restrictive measures against other repressive regimes, in particular vis-à-vis Iran; notes, however, that EU policies should be precise in order to be effective and not to hurt human rights defenders;

126. Notes that new technologies also allow witnesses and human rights defenders to collect information and share documentation of human rights abuses which may later be used to secure justice for victims; welcomes multi-stakeholder initiatives and codes of conduct such as the Global Network Initiative; notes however that democratic oversight and the defence and promotion of fundamental rights are core tasks of government; calls on the Commission to support the development and dissemination of digital security technologies to empower human rights defenders through secure collection, encryption and storage mechanisms for such sensitive records and the use of ‘cloud’ technology to ensure such material cannot be discovered and deleted;

**Business and human rights**

127. Recalls that the EU has set itself the objective of promoting Corporate Social Responsibility (CSR) in its external policies and welcomes the call to better align European and global approaches to CSR;

128. Calls on the Commission and the Member States to check that companies which come under national or European law do not disregard the human rights and social, health and environmental standards they are subject to when moving to or carrying out their activities in a third country;

129. Recalls, furthermore, that support for human rights and democracy is closely linked with the promotion of transparency and good governance; takes the view, in this regard, that tax havens and offshore jurisdictions play a detrimental role in the fight against corruption and political accountability in developing countries; demands that the EU foster the ratification and implementation of the UN Convention Against Corruption in the EU and worldwide in the context of EU support for good governance programmes in third countries;

130. Commends the EU for its support for the development of UN Guiding Principles on Business and Human Rights and their unanimous adoption in the Human Rights Council; welcomes the inaugural meeting of the Working Group on Business and Human Rights held on 16 – 20 January 2012, and calls for the EU to further support and contribute to the mandate of this body; stresses the crucial role of the national human rights institutions and the cooperation of those bodies in the EU and Neighbourhood Countries in taking forward the implementation of the UN Guiding Principles on Business and Human Rights as recognised in, among other places, UN Human Rights Council Resolution 17/4; welcomes initiatives aimed at transferring good practice, coordinating and animating cooperation between the EU and Neighbourhood national human rights institutions, such as the programme for cooperation between Ombudsmen from Eastern Partnership countries 2009-2013 that was jointly set up by the Polish and
French Ombudsmen with a view to enhancing the capacity of Ombudsmen’s offices, government bodies and non-governmental organisations in Eastern Partnership countries to protect individual rights and build democratic states based on the rule of law; stresses the need for such action to be coordinated within the EU and for the EU institutions to draw on the experience gained in connection therewith;

131. Welcomes the EU commitment to work with enterprises and stakeholders in 2012 to develop human rights guidance for industrial sectors and SMEs, based on the UN Guiding Principles; calls on the Commission to bring forward its commitment to publish, by the end of 2012, a report on EU priorities in the implementation of the Principles, and thereafter to issue periodic progress reports; insists that all European enterprises should meet the corporate responsibility to respect human rights, as defined in the UN Guiding Principles; calls on EU Member States to develop, by the end of 2012, national plans for their implementation;

132. Believes that disclosure by large companies of social and environmental information, including human rights impacts, is vital to transparency and to these companies’ effectiveness; welcomes the aim of the International Integrated Reporting Council (IIRC) to develop a globally accepted integrated reporting framework;

133. Welcomes the ‘Edinburgh’ study commissioned by DG Enterprise on governance gaps in the EU on business and human rights, and calls on the Commission to bring forward legislative proposals in response; calls in particular on the EU to ensure that victims of corporate abuses in third countries by EU companies have access to grievance and justice mechanisms in EU Member States, such as in the recent Trafigura case;

134. Takes note of the fact that transnational corporations increasingly rely on private military and security companies (PMSCs), which on occasion has given rise to human rights violations perpetrated by PMSC employees; considers that the adoption of EU regulatory measures, including a comprehensive normative system for the establishment, registration, licensing, monitoring and reporting by such companies, is necessary; calls on the Commission to propose a Recommendation paving the way for a directive aimed at harmonising national measures regulating PMSC services, including service providers and the procurement of services, and the drafting of a Code of Conduct paving the way for a Decision regulating the export of PMSC services to third states; calls for detailed information to be provided by the VP/HR to Parliament on the hiring of PMSCs on CSDP and CFSP missions, specifying professional requirements and corporate standards demanded of contractors, applicable regulations, legal responsibilities and obligations imposed upon them and monitoring mechanisms;

135. Supports the increasing promotion of women onto executive boards at national, European and international levels;

Enhancing the European Parliament’s actions on human rights

136. Reiterates its appeal to the Council and the Commission to systematically take up Parliament’s resolutions and other communications, responding in a substantive manner; proposes that Parliament consider establishing a systematic mechanism to ensure a more effective and tangible follow-up to its decisions;

137. Recognises the need for human rights concerns to be mainstreamed through the work of all parliamentary committees and delegations dealing with external relations, including applying the recommendations made in reports prepared by ad hoc Working Groups of the European Parliament; recommends that Members of the European Parliament systematically meet with human rights defenders during official missions to third countries, including with imprisoned activists wherever possible, to provide the latter with greater visibility; welcomes the decision to augment the resources available to the Subcommittee on Human Rights in the light of the changes arising from the Treaty of Lisbon;
138. Welcomes the decision taken by its Bureau on 12 December 2011 to set up a Directorate for Democracy Support within the DG for External Policies to streamline and give coherence to Parliament’s work on democracy promotion;

The European Union’s strategic human rights policy

General

139. Warmly welcomes the review of the EU’s human rights and democratisation policy, outlined in the Joint Communication of 12 December 2011, as a positive overview of EU potential; calls on EU Member States to fully engage in the process and apply its outcome in their national actions as well as at European level;

140. Supports the fact that the Communication is anchored in the concepts of the universality and indivisibility of human rights and that the Communication centres EU action on promoting adherence to third countries’ existing commitments and obligations under international human rights and humanitarian law and seeks to strengthen the system of international justice;

141. Acknowledges, in the wake of the Arab Spring, the focus on ‘bottom up’ tailor-made approaches and the need to move respect for human rights to the centre of EU foreign policy; therefore stresses that the EU needs to support and involve the governments, parliaments and civil society in the process of respecting and monitoring human rights; considers that the EU must learn from past mistakes epitomised by the fact that right up to the outbreak of civil war in Libya, negotiations were underway on a framework agreement and a readmission agreement with Libya, about which the European Parliament was not adequately informed, despite evidence of the murder of 1 200 prisoners over a decade before and a litany of torture, enforced disappearances and extrajudicial executions; at the same time reiterates the fact that the EU’s partnership in democratisation processes and economic prosperity in the South needs to run in parallel with its engagements in the Eastern neighbourhood; stresses that the funds that could not be allocated or transferred to the European Neighbourhood countries due to a negative evaluation, should be redistributed to other projects taking place in European Neighbourhood partner countries both in Southern and Eastern dimension;

Process

142. Calls now for swift, transparent and inclusive progress to be made towards an ambitious final EU common strategy with clear actions, timetables and responsibilities and developed with full stakeholder input to put the ‘silver thread’ into action; commits to contribute positively along with the Council to this inter-institutional process, initially through this resolution and then through a later parliamentary resolution; considers that this process should conclude with the institutions coming together to adopt a common strategy which clearly delineates each institution’s role and responsibilities and which continuously evaluates implementation, including in relation to the guidelines;

143. Considers that certain actions raised within the Communication should be advanced in parallel to the progress towards an overarching strategy, namely the appointment of an EU Special Representative on Human Rights with a high public profile and international experience in the promotion of international human rights; the establishment of a permanent Brussels-based COHOM which should routinely agree conclusions on the human rights situation in specific countries following Human Rights Dialogues; and the setting of a timetable for the completion of EU Delegation human rights focal points and for the identification of human rights defender liaison officers in all third countries;

Content

144. Welcomes the importance given to Human Rights Country Strategies in the Communication; believes there should be a common initial template to ensure a level of consistency and that consultation be required in all cases; stresses that the potential value of the strategies will only be fulfilled if their importance is recognised across the spectrum of bilateral relations with the individual countries and if they are flexible enough to react consistently to evolving human rights situations;
145. Supports the VP/HR's personal proposal for three themes for specific collective action by institutions over the coming three years; seeks clear criteria for the current and future process by which such themes are chosen; seeks clarification on how these campaigns would enable progress in specific areas without prejudicing the EU's comprehensive commitment to all human rights obligations;

146. Stresses the importance given within the review to civil society as a genuine partner in the implementation of the EU's human rights strategy and not simply in delivering projects; recognises the particular importance of human rights defenders in this process; calls on the EU to recognise the full potential of the range of local actors to bring about human rights changes within a country and to provide a broad base of support for their work;

147. Is more specifically concerned by the deterioration of the situation in Turkey and the increasing repression faced by human rights defenders and government opponents, including elected representatives, trade unionists, journalists, artists and, in particular, against the Kurdish community;

148. Supports the EU concept of 'sleep democracy' developed by the High Representative; regrets that non-discrimination and gender equality criteria are not included within this concept; urges the EEAS to fully integrate anti-discrimination measures and benchmarks to ensure there is a clear focus on the issue of the rights of women and minorities, equal citizenship and equal political participation;

149. Points out that major challenges persist with regard to the inadequacy of existing Human Rights Dialogues and to the monitoring and implementation of human rights clauses; reaffirms that these clauses must also be included in all trade and sectoral agreements;

150. Shares the view that 'digital diplomacy' is a new and vibrant tool; calls on the EEAS to develop clear guidelines for its delegations on how best to utilise social media, and for the development of a regularly updated social media directory for EU actors;

151. Notes that just under half of the world's 100 largest economic actors today are private companies; congratulates the Commission on its ambitious and forward-looking 2011 Communication on CSR and its clear support for the development of the UN Guiding Principles on Business and Human Rights, both of which must be at the core of the new strategy;

152. Recognises that the Communication accepts the need for all counter-terrorism activities to be carried out in full compliance with international human rights, humanitarian and refugee law; stresses that this principle must form part of discussions on all new counter-terrorism measures within the EU and with partners in third countries; believes that the EU must consistently raise with strategic partners all examples of non-compliant counter-terrorism measures and seek accountability for violations both within and outside the EU; reaffirms that the EU counter-terrorism policy should specifically reference the absolute prohibition of torture in the context of counter-terrorism, as recognised in the Council conclusions of 29 April 2008;

153. Applauds the recognition of the need to address human rights violations within Member States and to ensure the EU's compliance with its international obligations to cement EU credibility; calls on the Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons (FREMP) to be given a full mandate to examine where there are violations and to seek remedies;

154. Considers the fight against impunity to be an area for priority EU action; considers the updating of the EU's instruments on the ICC in 2011 to be a considerable advancement which must be reflected in a forward-looking EU human rights strategy;
155. Considers it part of building a real culture of human rights and democracy, particularly through education for democratic citizenship and human rights, that there also be a clear review of the role played by geographical desk officers and Council working groups and what this strategy means for their day-to-day work;

156. Calls for a dramatically increased role for the European Parliament itself in promoting transparency and accountability for implementation of the EU human rights strategy; reiterates that the Annual Report produced by the Council does not in itself amount to an accountability mechanism; reiterates the recommendations on mainstreaming made by Parliament in its previous Annual Reports, and in the Political and Security Committee (PSC) paper of 1 June 2006 on mainstreaming human rights across CFSP and other EU policies, which have still not been fully implemented;

* * *

157. Instructs its President to forward this resolution to the Council, the Commission, the European External Action Service, the governments and parliaments of the Member States and the candidate countries, the United Nations, the Council of Europe and the governments of the countries and territories referred to in this resolution.

Negotiations of the EU-Azerbaijan Association Agreement

P7_TA(2012)0127

European Parliament resolution of 18 April 2012 containing the European Parliament’s recommendations to the Council, the Commission and the European External Action Service on the negotiations of the EU-Azerbaijan Association Agreement (2011/2316(INI))

(2013/C 258 E/03)

The European Parliament,

— having regard to the ongoing negotiations between the EU and Azerbaijan on the Association Agreement,

— having regard to the Council Conclusions of 10 May 2010 on Azerbaijan, which adopted the negotiating directives,

— having regard to the Partnership and Cooperation Agreement (PCA) between Azerbaijan and the European Union, which entered into force on 1 July 1999,

— having regard to the European Neighbourhood Policy (ENP) Action Plan adopted on 14 November 2006,

— having regard to the Declaration signed by the Presidents of Armenia, Azerbaijan and the Russian Federation on 2 November 2008 in Moscow,

— having regard to the joint Declaration signed by the Presidents of Armenia, Azerbaijan and the Russian Federation on 23 January 2012 in Sochi,

— having regard to the Joint Declaration issued by the Eastern Partnership Summit held in Prague on 7 May 2009,

— having regard to the Foreign Affairs Council conclusions of 25 October 2010 on the Eastern Partnership,

— having regard to the Joint Declaration on the Southern Gas Corridor signed by the President of Azerbaijan and the President of the Commission on 13 January 2011,
— having regard to the Joint Declaration issued by the Eastern Partnership Summit held in Warsaw on 29-30 September 2011,

— having regard to the Constituent Act of the EU-Neighbourhood East Parliamentary Assembly (EURONEST) of 3 May 2011,

— having regard to the statements by High Representative Catherine Ashton on the human rights situation in Azerbaijan of 20 May, 27 May and 12 October 2011,

— having regard to its resolutions on Azerbaijan, in particular that of 12 May 2011 (1),

— having regard to the OSCE/ODIHR final report on the parliamentary elections of 7 November 2010,

— having regard to the opinion on the compatibility with human rights standards of the legislation on non-governmental organisations of the Republic of Azerbaijan adopted by the Venice Commission of the Council of Europe on 14-15 October 2011,

— having regard to the opinion on the draft law on amendments to the law on political parties of the Republic of Azerbaijan adopted by the Venice Commission of the Council of Europe on 16-17 December 2011,

— having regard to its resolution of 20 May 2010 on the need for an EU Strategy for the South Caucasus (2),

— having regard to its resolutions of 20 January 2011 on an EU Strategy for the Black Sea (3) and of 17 January 2008 on a Black Sea Regional Policy Approach (4),

— having regard to the Joint Communication on ‘A new response to a changing Neighbourhood’ of 25 May 2011,

— having regard to its resolutions on the review of the European Neighbourhood Policy adopted on 7 April 2011 (5) (Eastern Dimension) and 14 December 2011 (6),

— having regard to the Commission Progress Report on Azerbaijan adopted on 25 May 2011,

— having regard to Council Decision 2011/518/CFSP of 25 August 2011 appointing the European Union Special Representative for the South Caucasus and the crisis in Georgia (7),

— having regard to Special Report No 13/2010 of the European Court of Auditors concerning the results of the European Neighbourhood and Partnership Instrument (ENPI) in the Southern Caucasus,

— having regard to a new National Action Programme on increasing the effectiveness of the protection of human rights and freedoms in the Republic of Azerbaijan approved by the President of the country on 27 December 2011,

— having regard to the Pardon Decree signed by the President of Azerbaijan on 26 December 2011,

— having regard to Rules 90(4) and 48 of its Rules of Procedure,

— having regard to the report of the Committee on Foreign Affairs (A7-0071/2012),

(1) Texts adopted, P7_TA(2011)0243.
(2) OJ C 161 E, 31.5.2011, p. 136.
(3) Texts adopted, P7_TA(2011)0025.
(4) OJ C 41 E, 19.2.2009, p. 64.
A. whereas Azerbaijan plays an important role in the context of the European Union's Eastern Partnership, and whereas the level of economic growth which Azerbaijan has experienced in the last few years has been noteworthy;

B. whereas the Eastern Partnership strengthens the multilateral relations between the countries involved, contributes to the exchange of information and experience on the issues of transformation, reform and modernisation, and provides the European Union with additional instruments to support these processes;

C. whereas the Eastern Partnership provides the political framework for strengthening bilateral relations by means of new association agreements, taking into account the specific situation, mutual benefits and the ambitions of the EU and partner country and the EU's strategic interest in the stability and democratic development of the region;

D. whereas parliamentary cooperation, within the framework of the European Eastern Partnership and bilaterally, is a key element in developing advanced political cooperation between the EU and Azerbaijan;

E. whereas Azerbaijan has become an important energy supplier for the EU as well as an important transit country for energy resources from Central Asia in particular, and whereas the EU is a major energy market for Azerbaijan; whereas there has been good progress in the field of energy cooperation, which includes Azerbaijan's support to the Southern Gas Corridor;

F. whereas Azerbaijan plays a positive role in the framework of the ENP and contributes to the solution of the EU's energy security problems;

G. whereas association agreements constitute the appropriate framework to deepen relations, by enhancing political association, economic integration and legal approximation with the EU and developing cultural relations, thus having an important impact on the democratisation process;

H. whereas, in this respect, the multilateral dimension of the Eastern Partnership is complementary and inseparable from its bilateral dimension and should develop simultaneously with the ongoing negotiation of association agreements in order to pave the way for their full implementation and lay down the basis for genuine regional cooperation as provided for by the principles underlying the European Neighbourhood Policy;

I. whereas the Association Agreement should bring tangible benefits and opportunities to the people of Azerbaijan and the European Union;

J. whereas the European Union has made human rights, democracy and the rule of law a central aspect of the ENP;

K. whereas Azerbaijan's active commitment to shared values and principles, including democracy, the rule of law, good governance and respect for human rights, is essential to take the process forward and to make the negotiation and subsequent implementation of Association Agreement meaningful, but whereas currently there are concerns about the respect for the rule of law and freedom of expression for political opponents of the current administration;

L. whereas Azerbaijan has progressed rapidly in the field of ICT, in particular with regard to e-governance, which increases the transparency of public administration and helps to combat corruption, increases ease of access to public services and information and provides an additional impetus to the democratisation of Azerbaijan;
M. whereas the Euronest Parliamentary Assembly will hold its second Plenary Session in Baku in April 2012, providing a meaningful forum for discussing questions of democracy, politics, energy, security and social affairs;

N. whereas in its relations with Armenia and Azerbaijan, the EU respects the principles of sovereignty and territorial integrity and in its approach to resolving regional conflicts supports the basic principles of the Helsinki Final Act; whereas the unresolved Nagorno-Karabakh conflict is undermining the stability and development of the South Caucasus region and hampering the full development of the European Neighbourhood Policy; whereas in its Joint Communication on ‘A new response to a changing neighbourhood’, the EU stated its ambition to engage more pro-actively in conflict resolution in the South Caucasus and enhance its support for confidence-building and its readiness to step up its involvement in formats where it is not yet represented, e.g. the OSCE Minsk Group;

O. whereas the EUSR for the South Caucasus has an important role in contributing to peaceful conflict settlement in the region;

P. whereas Azerbaijan shows strong commitment to multilateral parliamentary cooperation within the Euronest Parliamentary Assembly and is the first Eastern Partnership country to host a plenary session of the Assembly (in Baku on 2-4 April 2012);

Q. whereas the election of Azerbaijan to the United Nations Security Council for the period 2012-2013 offers a good opportunity for further consultation and alignment of the country’s policies with the EU’s Common Foreign Security Policy (CFSP) declarations with the aim of fostering further international peace and stability;

1. Addresses the following recommendations to the Council, the Commission and the European External Action Service: they should

(a) ensure that the Association Agreement is a comprehensive and forward-looking framework for the future development of relations with Azerbaijan, one which enhances political association, economic convergence and legal approximation and reflects the relationship that both the European Union and Azerbaijan have decided to develop;

(b) ensure that the negotiations on the EU-Azerbaijan and EU-Armenia Association Agreements, in line with the demands made in Parliament’s Resolution on the need for an EU strategy for the South Caucasus of 20 May 2010 and with all the OSCE Minsk Group Basic Principles enshrined in the ‘Aquila’ joint statement of 10 July 2009, are linked to credible commitments to making substantial progress towards the resolution of the Nagorno-Karabakh conflict, including, for example, confidence-building measures such as general demilitarisation, the withdrawal of snipers from the line of contact, the withdrawal of Armenian forces from occupied territories surrounding Nagorno-Karabakh, and their return to Azerbaijani control, and a mechanism for active incident-prevention and the investigation of cease-fire violations along the line of contact, the right of all internally-displaced persons and refugees to return to their home settlements and properties and international security guarantees that would include a genuine multinational peacekeeping operation in order to create suitable agreed conditions for the future legally-binding free expression of will concerning the final status of Nagorno-Karabakh;

(c) incorporate in the Association Agreement clauses and benchmarks on the protection and promotion of human rights, especially with regard to freedom of the media and the right to freedom of expression, association and assembly, which reflect the principles and rights enshrined in the Constitution of Azerbaijan and the highest international and European standards, drawing to the fullest possible extent on the Council of Europe and OSCE frameworks to which Azerbaijan has committed itself; call on the government of Azerbaijan to implement these commitments; and ensure that the negotiations take full account of the need to safeguard the rights and livelihoods of internally-displaced persons and refugees;
(d) consider the presence of the EU in the OSCE Minsk Group as increasing the EU's involvement in the resolution of the conflict between Armenia and Azerbaijan;

(e) emphasise in the Association Agreement the importance of guaranteeing citizens' fundamental rights and freedoms, including the right of assembly and association, and private property rights, the development of civil society, the rule of law, the continued fight against corruption, political pluralism and the independence of the media and the judiciary;

(f) underline in the Association Agreement the importance of the Republic of Azerbaijan fully complying with the judgments of the European Court of Human Rights;

(g) emphasise in the Association Agreement the crucial importance of freedom of expression for political opponents and stress that deeper relations with the EU are dependent on the Azerbaijani authorities adhering to the rule of law, ensuring fair trials for all prisoners and the unconditional release of all those imprisoned on politically-motivated charges;

(h) assist Azerbaijan's parliament both technically and financially in fully developing its constitutional functions, bodies and services, including enhanced interaction with civil society;

(i) support development aid programmes aimed at improving the living conditions of refugees and displaced persons in Azerbaijan;

(j) incorporate in the agreement clauses on the protection of human rights defenders, in line with the EU Guidelines on Human Rights Defenders;

(k) call on the Azerbaijani authorities to guarantee that the ongoing construction of new buildings in Baku, which is considered to be partly linked to the upcoming Eurovision Song Contest, is in line with the relevant legislation and that resettlements of people are implemented with transparent legal procedures; express concern at the increasing government criticism of human rights activists who are using this cultural event to improve the democratic and human rights record of the country;

(l) grant a visa to the PACE Special Rapporteur on Political Prisoners in order to allow him to undertake a visit to the country, in line with his mandate;

(m) express concern about the increasing number of arrests of human rights and youth activists, the difficulties encountered with regard to the registration of NGOs and political parties as well as intimidation and restrictions of the freedom of expression and assembly and Internet freedom, and set benchmarks in these areas, with suspension of the agreement if these benchmarks are not met;

(n) urge the Azerbaijani authorities to adopt an anti-discrimination legislation that prohibits discrimination on the basis of sexual orientation and gender identity in any area;

(o) bring the objectives of the Association Agreement into line with the Joint Communication on a Renewed Response to a Changing Neighbourhood, thereby enabling civil society organisations in Azerbaijan to carry out internal monitoring of, and ensuring that the government is held more accountable for, its reforms and commitments;

(p) ensure the coherence of the Association Agreement with the principles of international law – in particular, those defined in the UN Charter, the Helsinki Final Act and in the OSCE framework, namely the non-use of force, territorial integrity and the right to self determination, – and that the Agreement, once concluded, applies to the whole territory of Azerbaijan;
(q) strengthen the European Union’s conflict-resolution and mediation capacity and adopt a more active and effective role with regard to increasing trust between the parties in conflict, including by assisting them through EU-funded confidence-building projects aimed at increasing popular support for mutual concessions and peaceful settlement; underline the need for unconditional access for representatives of the EU to Nagorno-Karabakh and the surrounding occupied regions; insist that the EU should play a stronger role in settling the conflict in Nagorno-Karabakh by supporting the implementation of confidence-building measures which will bring together the Armenian and Azerbaijani communities and spread the ideas of peace, reconciliation and trust through all the sides involved;

(r) welcome the work done by the OSCE Minsk Group Co-Chairs and the parties in making progress towards agreement on the Basic Principles and call for continued support for its work; stress that both Azerbaijan and Armenia should take the appropriate measures to ensure that any decisions taken under the Minsk Group format towards establishing and consolidating a peaceful resolution of the Nagorno-Karabakh conflict are carried out fully and in a timely fashion; consider direct and more active participation of the EU in the Minsk Group;

(s) call on the leaders of Armenia and Azerbaijan to act responsibly, tone down statements and avoid inflammatory declarations in order to pave the way for a genuine dialogue at all levels of society so that the public will accept and fully understand the benefits of a comprehensive settlement, thereby paving the way for effective confidence-building measures;

(t) express concern about the military build-up in the region and in particular about Azerbaijan’s high military expenditure and call in this respect on the Member States to stop supplying weapons and munitions to both Azerbaijan and Armenia, in compliance with the OSCE request of February 1992, as long as a comprehensive settlement has not been agreed and signed by the two parties;

(u) stress the need to continue to do everything possible within the framework of the Eastern Partnership to bring about political and economic rapprochement between Armenia and Azerbaijan and to firmly establish regional conflict resolution as an integral component of this;

(v) stress that hundreds of thousands of refugees and internally-displaced persons who fled their homes during or in connection with the Nagorno-Karabakh war remain displaced and denied their rights, including the right to return, property rights and the right to personal security – those rights should be unconditionally respected and provided without any delay; call on the Commission and the Member States to continue and extend the EU’s assistance and financial support to Azerbaijan in dealing with the situation of displaced persons;

(w) emphasise the need to use the Association Agreement as a platform to promote regional synergies and cooperation, emphasise the mutually-reinforcing links between democratic pluralistic development and conflict resolution, and ensure that the Association Agreement contains provisions to encourage visa facilities for all people from the South Caucasus countries;

(x) clarify how the substantial degree of complementarity between the various EU initiatives in the region, namely the Eastern Partnership and the Black Sea Synergy, is to be exploited;

(y) call on Turkey to play a constructive role in the resolution of the Nagorno-Karabakh conflict and in fulfilling its responsibility in that region;

(z) ensure that the trade component of the Association Agreement can be upgraded to a Deep and Comprehensive Free Trade Area as soon as Azerbaijan meets all the necessary conditions, including joining the WTO and fulfilling its commitments with respect to human rights, and with that aim in mind, provide the necessary technical assistance to prepare Azerbaijan for the negotiations and to encourage the adoption of the reforms required;
(aa) urge Azerbaijan to sign and ratify the Rome Statute of the International Criminal Court;

(ab) urge the Azerbaijani authorities to sign and ratify the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction and the Convention on Cluster Munitions;

(ac) ensure speedy negotiations on visa facilitation and readmission agreements in order to promote people-to-people contacts and treat youth and academic mobility as a priority; contribute to the fight against illegal immigration, and ensure that the provisions on asylum are fully in line with international obligations and commitments and EU standards, especially in the field of human rights;

(ad) underline the importance of building and developing a strong youth sector and welcome in this regard the various state programmes offering scholarships for studying abroad;

(ae) urge Azerbaijan not to hamper visa issues for third-country nationals of Armenian origin wishing to enter Azerbaijan, and to lift the ban on international phone calls to Armenia;

(af) encourage broad sectoral cooperation between the EU and Azerbaijan, and in particular, explain the benefits of and promote regulatory convergence and provide the necessary technical assistance to this end;

(ag) urge the Azerbaijan authorities to step up implementation of the Core Conventions of the International Labour Organisation (ILO);

(ah) enhance transparency in the management of public finances and improve public procurement legislation in order to contribute significantly to good governance and transparent decision-making; welcome, in this respect, the participation of Azerbaijan in the Extractive Energy Transparency Initiative aimed at increasing openness on oil and gas revenues, and monitor the government of Azerbaijan's compliance with its obligation to release information about public finances under the legislation on the right to access information;

(ai) take the necessary action to incorporate in the Association Agreement provisions enabling Azerbaijan to participate in Community programmes and agencies, as a tool to promote European integration at all levels;

(aj) welcome the reforms made by Azerbaijani authorities in the judiciary, with a view to ensuring greater independence of judges, improving selection and appointment procedures and eliminating judicial corruption and susceptibility to the influence of the executive; acknowledge that the relevant laws, including the law on the Bar, have been adopted; encourage the authorities in charge to continue implementing legislation to combat corruption and focus on high-level corruption cases as well as to improve significantly the transparency of public expenditure and political party funding; emphasise the need to improve the independence, efficiency and resources of the judiciary; reiterate the importance of the court system functioning free from political interference; stress the need to establish a convincing track record of recruiting and appointing judges and state prosecutors based on the application of uniform, transparent, objective and nationally-applicable criteria and to build up an enforcement record of prosecutions and convictions against which progress can be measured; call for the unification of jurisprudence in order to ensure a predictable judicial system and public trust;

(ak) set up twinning programmes with EU regions and local communities with national minorities experiencing a high degree of autonomy;
(a) emphasise the need for a sustainable economy, including by enhancing its diversification; promote greater openness and transparency in the energy sector and ensure that its development is carried out in accordance with international environmental standards; support the development of the renewable energy market; underline the need for corresponding environmental legislation;

(amin) emphasise the importance of EU-Azerbaijan energy cooperation in the diversification of energy supplies and routes of their delivery to Europe; recall in this regard the Joint Declaration on gas delivery signed on 13 January 2011 in Baku by the President of the European Commission José Manuel Barroso and the President of Azerbaijan Ilham Aliyev as an important step in the realisation of the Southern Gas Corridor, and commend the efforts of Azerbaijan in promoting such pioneering projects as the Baku-Tbilisi-Ceyhan and the Baku-Tbilisi-Erzurum pipelines as the fulfilment of the AGRI Project;

(an) stress the importance of Azerbaijan’s unique geographic location for enabling a direct and unimpeded transit link between the EU and the countries of Central Asia; welcome efforts to develop trans-Caspian transit cooperation with Kazakhstan and explore ways of establishing such cooperation with Turkmenistan; welcome the Council mandate, signed on 12 September 2011, to conclude a legally-binding agreement between the EU, Azerbaijan and Turkmenistan on the Trans-Caspian pipeline;

(ao) ensure the continued focused attention of the EU on the development of energy cooperation with Azerbaijan and sustainable support by the EU; provide technical assistance to the Azerbaijani State Agency for Alternative and Renewable Energy Sources in order to help Azerbaijan to diversify its energy resources, promote energy efficiency and bring the country in line with the EU climate change targets;

(ap) find ways to encourage dialogue and regional cooperation by supporting organisations like the Regional Environmental Centre (REC) through joint cross-border projects that involve NGOs, local communities and stake-holders of Armenia, Azerbaijan and Georgia;

(aq) incorporate in the Association Agreement a strong parliamentary dimension which provides for the full involvement of the Milli Mejlis and the European Parliament and enhances the work of the Euronest Parliamentary Assembly;

(ar) fully involve the European Parliament in the implementation and monitoring of the Association Agreement; establish clear benchmarks for the implementation of the Association Agreement and provide for monitoring mechanisms, including the submission of regular reports to the European Parliament;

(as) provide better-targeted technical assistance to Azerbaijan to ensure that it can meet the commitments stemming from the negotiations on the Association Agreement and its full implementation, by continuing to offer comprehensive institution-building programmes;

(at) encourage the EU negotiating team to continue to cooperate with the European Parliament, providing continuous feedback, supported by documentation, on the progress made, in accordance with Article 218(10) TFEU, which states that Parliament must be immediately and fully informed at all stages of the procedure;

(au) further encourage a profound level of cooperation with and within the Eastern Partnership as well as regularly inform the European Parliament on its progress;

2. Instructs its President to forward this resolution containing the European Parliament’s recommendations to the Council, the Commission, the European External Action Service and Azerbaijan.
Negotiations of the EU-Armenia Association Agreement

P7_TA(2012)0128

European Parliament resolution of 18 April 2012 containing the European Parliament’s recommendations to the Council, the Commission and the European External Action Service on the negotiations of the EU-Armenia Association Agreement (2011/2315(INI))

(2013/C 258 E/04)

The European Parliament,

— having regard to the ongoing negotiations between the EU and Armenia on the Association Agreement,

— having regard to the Council Conclusions of 10 May 2010 on Armenia which adopted the negotiating directives,

— having regard to the Partnership and Cooperation Agreement (PCA) between Armenia and the European Union, which entered into force on 1 July 1999,

— having regard to the Joint Declaration on a Mobility Partnership between the EU and Armenia of 27 October 2011,


— having regard to the Joint Declaration issued by the Eastern Partnership Summit held in Prague on 7 May 2009,

— having regard to the Joint Declaration on a Mobility Partnership between the EU and Armenia of 27 October 2010,

— having regard to the Joint Declaration issued by the Eastern Partnership Summit held in Warsaw on 29-30 September 2011,

— having regard to the Constituent Act of the EU Neighbourhood East Parliamentary Assembly (Euronest) of 3 May 2011,

— having regard to the Foreign Affairs Council conclusions on the South Caucasus of 27 February 2012,

— having regard to its resolution of 13 March 2008 on Armenia (1),

— having regard to its resolution of 20 May 2010 on the need for an EU strategy for the South Caucasus (2),

— having regard to its resolutions of 20 January 2011 on an EU strategy for the Black Sea (3), and of 17 January 2008 on a Black Sea regional policy approach (4),

— having regard to its resolutions of 7 April 2011 on the review of the European Neighbourhood Policy - Eastern Dimension (5) and of 14 December 2011 on the review of the European Neighbourhood Policy (6),

— having regard to Council Decision 2011/518/CFSP of 25 August 2011 appointing the European Union Special Representative for the South Caucasus and the crisis in Georgia (7),

(2) OJ C 161 E, 31.5.2011, p. 136.
(3) Texts adopted, P7_TA(2011)0025.
(4) OJ C 41 E, 19.2.2009, p. 64.
— having regard to the Commission Progress Report on Armenia adopted on 25 May 2011,

— having regard to the third round of the EU-Armenia Human Rights Dialogue held on 6 December 2011,

— having regard to the general amnesty adopted by the Armenian Parliament on 26 May 2011 on a proposal from President Sargsyan,

— having regard to the declaration signed by the Presidents of Armenia, Azerbaijan and the Russian Federation on 2 November 2008 in Moscow,

— having regard to the joint declaration signed by the Presidents of Armenia, Azerbaijan and the Russian Federation on 23 January 2012 in Sochi,

— having regard to Rules 90(4) and 48 of its Rules of Procedure,

— having regard to the report of the Committee on Foreign Affairs (A7-0079/2012),

A. whereas the Eastern Partnership provides the political framework for strengthening bilateral relations by means of new Association Agreements, taking into account the specific situation and ambitions of the partner country and the EU’s strategic interest in the stability and democratic development of the region;

B. whereas Association Agreements constitute the appropriate framework for deepening relations, by enhancing political association, socio-economic integration and legal approximation with the EU, and developing cultural relations;

C. whereas, in this respect, the multilateral dimension of the Eastern Partnership is complementary and inseparable from the bilateral one and should develop simultaneously with the ongoing negotiations of Association Agreements in order to pave the way for their full implementation and lay down the basis for genuine regional cooperation as provided for by the principles underlying the European Neighbourhood Policy;

D. whereas Armenia’s active commitment to shared values and principles, including democracy, the rule of law, good governance and respect for human rights, is essential to take the process forward and to make the negotiation and subsequent implementation of the Association Agreement a success;

E. whereas the Armenian authorities have repeatedly stated their willingness to adhere to these values and invoked Armenia’s European ambitions; whereas the rhetoric has not always matched reality in terms of the pace of reforms; whereas Armenia’s active participation in multilateral parliamentary cooperation in the framework of Euronest, covering the four thematic platforms of the Eastern Partnership, provides a good example of commitment to European values and principles, the importance of which is acknowledged by a wide public consensus in Armenian society;

F. whereas the unresolved Nagorno-Karabakh conflict is undermining the stability and development of Armenia and the South Caucasus region; whereas in its Joint Communication on ‘A new response to a changing neighbourhood’ the EU stated its ambition to engage more proactively in conflict resolution in the South Caucasus and to step up its involvement by both supporting the existing negotiation formats and proposing new initiatives; whereas the EU Special Representative for the South Caucasus has an important role to play in contributing to a peaceful conflict settlement in the region;

G. whereas the occupation of territories belonging to a third country is a violation of international law and is contrary to the founding principles of the European Neighbourhood Policy, thereby jeopardising the whole Eastern Partnership project;
H. whereas deeply concerning reports exist of illegal activities exercised by Armenian troops on the occupied Azerbaijani territories, namely regular military manoeuvres, renewal of military hardware and personnel and the deepening of defensive echelons;

I. whereas the proper conduct, in accordance with international and European standards, of the forthcoming parliamentary elections due to take place on 6 May 2012 will be of the utmost importance for the development of EU-Armenia relations, and whereas the elections are to be conducted in accordance with the new Electoral Code of Armenia;

J. whereas the negotiations on the EU-Armenia Association Agreement have been progressing at a good pace and providing impetus for internal reform;

1. Addresses the following recommendations to the Council, the Commission and the European External Action Service: they should

(a) ensure that the Association Agreement is a comprehensive and forward-looking framework for the future development of relations with Armenia, one which enhances political association, economic convergence and legal approximation;

(b) ensure that the negotiations on the EU-Azerbaijan and EU-Armenia Association Agreements, in line with the demands made in Parliament's Resolution on the need for an EU strategy for the South Caucasus of 20 May 2010 and with all the OSCE Minsk Group Basic Principles enshrined in the 'Aquila' joint statement of 10 July 2009, are linked to credible commitments to making substantial progress towards the resolution of the Nagorno-Karabakh conflict, including, for example, confidence-building measures such as general demilitarisation, the withdrawal of snipers from the line of contact, the withdrawal of Armenian forces from occupied territories surrounding Nagorno-Karabakh and their return to Azerbaijani control, and a mechanism for active incident-prevention and the investigation of cease-fire violations along the line of contact, the right of all internally displaced persons and refugees to return to their home settlements and properties and international security guarantees that would include a genuine multinational peacekeeping operation in order to create suitable agreed conditions for the future legally-binding free expression of will concerning the final status of Nagorno-Karabakh;

(c) stress the utmost importance of democratic, transparent, free and fair competitive elections, which should not only manifest themselves in the orderly conduct of the May 2012 elections on election day but also provide plurality, freedom of political discourse, freedom of speech and equal access of all political forces to mainstream broadcast media, and freedom of assembly and movement during the whole pre- and post-electoral process; stresses that the EU Delegation in Armenia should be provided with the necessary resources to enhance the EU's contribution to the quality of electoral processes; commend the adoption of the new Electoral Code of Armenia, which is consistent with international obligations and recommendations;

(d) stress that it is essential to complete a transparent, independent and impartial investigation of the events of 1 March 2008, including an independent investigation of the police intervention during the dispersal of the demonstration;

(e) recognise Armenia's European aspirations and consider them as a valuable lever and a necessary catalyst for implementation of reforms and public support for these reforms aimed at strengthening Armenia's commitment to shared values and the principles of the rule of law, respect for human rights and good governance;

(f) incorporate into the Association Agreement clauses and benchmarks on the protection and promotion of human rights which reflect the highest international and European standards, drawing to the fullest possible extent on Council of Europe and OSCE frameworks and the ongoing EU-Armenia Human Rights Dialogue;
(g) emphasise in the Association Agreement the importance of guaranteeing the enjoyment of fundamental freedoms, including the freedom of assembly and association, the development of civil society, the rule of law, the continued fight against corruption, ensuring market competitiveness, and the independence of the media;

(h) urge the Armenian authorities to adopt anti-discrimination legislation that prohibits discrimination on grounds of sexual orientation and gender identity in any area;

(i) encourage the Armenian authorities to continue with renewed efforts legislative reform in the country;

(j) encourage the Armenian authorities to continue to develop the office of Human Rights Defender, in particular by providing him with additional financial and human resources and supporting the newly established regional offices; ensure that support to institutions such as the Human Rights Defender is balanced proportionately with support to civil society organisations;

(k) stress in particular the importance of the independence of the judiciary, transparent procurement procedures, the separation of politics from business and the need to dismantle oligarchic structures within the economy, reliable court procedures that guarantee fair trial and access to justice for all citizens, a safe environment for investigative journalism, access to information and independent social media and the prevention of any forms of torture and ill-treatment in detention centres; encourage the Armenian Government to make every possible effort to continue complying with EU best practices and recommendations in these areas;

(l) emphasise the importance which the European Union attaches to the prevention of and fight against corruption in the Eastern Partnership countries, especially in light of the Council Conclusions on cooperation in the area of Justice and Home Affairs within the Eastern Partnership at its 3135th meeting on 13 and 14 December 2011;

(m) underline the relationship between the reform of law enforcement authorities in the partner countries and measures to combat financial crime, corruption, money laundering, and the financing of terrorism;

(n) emphasise the need to fight impunity for law enforcement officials and the police, inter alia by ensuring that torture and violations of rights in custody and in closed institutions are fully investigated;

(o) ensure that civil society and non-governmental organisations in Armenia are regularly and systematically consulted throughout the Association Agreement negotiation process, and ensure that their recommendations are noted and taken into account wherever appropriate;

(p) ensure that the Association Agreement is consistent with the principles of international law, in particular with regard to those defined in the UN Charter, in the Helsinki Final Act and in the OSCE framework, namely the non-use of force, territorial integrity and right to self determination;

(q) remind all parties that there can be no alternative to the peaceful resolution of the Nagorno-Karabakh conflict; emphasise that any threat to use force undermines the joint efforts of the international community;
(e) call on Armenia and Azerbaijan to undertake confidence-building measures along the front lines, including withdrawal of snipers from the line of contact (in accordance with OSCE recommendations), the pullback and cessation of use of any artillery and a significant increase in the number of OSCE monitors, as an interim measure until a UN-mandated multinational peacekeeping force is deployed as part of the implementation of a peace agreement; call on Armenia to stop sending regular army conscripts to serve in Nagorno-Karabakh;

(s) strengthen the European Union’s conflict-resolution and mediation capacity, inter alia by stepping up its support for the Minsk Group’s efforts, offering to play a more active and stronger role in supporting the implementation of confidence-building measures and increasing trust between the conflict parties, including by promoting a more intensive negotiation process and assisting them through EU-funded projects aimed at increasing popular support for mutual concessions and a peaceful settlement, and providing support for humanitarian programmes in the conflict-affected areas, in particular landmine clearance activities;

(t) play a more prominent role in seeking a settlement of the conflict in Nagorno-Karabakh by supporting the implementation of confidence-building measures which will bring together Armenian and Azerbaijani communities and spread the ideas of peace, reconciliation and trust among all sides; stress that both Armenia and Azerbaijan should take the appropriate measures to ensure that any decisions taken under the Minsk Group format towards consolidating a peaceful resolution of the Nagorno-Karabakh conflict are carried out fully and in a timely fashion; underline the need for unconditional access for representatives of the EU to Nagorno-Karabakh and surrounding occupied regions;

(u) consider the presence of the EU in the OSCE Minsk group as increasing the EU’s involvement in the resolution of the conflict between Armenia and Azerbaijan;

(v) strengthen the European Union’s conflict-resolution capacity in the South Caucasus, inter alia by supporting the efforts of the Minsk Group and clearing the way for the implementation of confidence-building measures, as the Presidents of both Azerbaijan and Armenia have agreed; emphasise the need for the earliest peaceful settlement of the conflict between Armenia and Azerbaijan on the basis of the principles of international law and the decisions and documents approved in this framework;

(w) call on all external actors to the conflict to show goodwill and contribute in a positive way to its prompt and peaceful resolution;

(x) call on the leaders of Armenia and Azerbaijan to act responsibly, tone down statements and refrain from inflammatory declarations in order to pave the way for a genuine dialogue at all levels of society and lay the ground for effective confidence-building measures;

(y) express concern about the military build-up in the region and, in particular, about Armenian high military expenditure that drains away resources from more urgent issues such as poverty reduction, social security and economic development, and call, in this connection, on Member States to stop supplying weapons and munitions to both Azerbaijan and Armenia, in compliance with the OSCE request of February 1992, as long as a comprehensive settlement has not been agreed and signed by the two parties;

(z) note in this regard the need to investigate concerning reports of a settlement-building policy implemented by the Armenian authorities to increase the Armenian population in the occupied territories of Nagorno-Karabakh;

(aa) stress the importance of ratifying the protocols signed between Armenia and Turkey in Zurich in 2009 and step up efforts to facilitate the normalisation of relations, with the subsequent opening of the frontier without any preconditions; welcome the decision to open negotiations on the Deep and Comprehensive Free Trade Area (DCFTA), in this respect emphasise that it is unacceptable to have a continuously closed border between countries which aspire to membership of or association with the EU, and urge that this situation be brought to an end;
(ab) urge Armenia to make efforts to align its policy towards Iran with the EU approach to this country;

(ac) emphasise the need to use the Association Agreement as a platform to promote regional synergies and cooperation; emphasise the mutually reinforcing links between democratic pluralistic development and conflict resolution; particularly stress the importance of creating synergies in the areas of transport and energy; call on all parties to fully engage in the multilateral cooperation track of the Eastern Partnership without linking it to the conflicts;

(ad) find ways to encourage dialogue and regional cooperation by supporting organisations like the Regional Environmental Centre (REC) through joint cross-border projects that involve NGOs, local communities and stakeholders in Armenia, Azerbaijan and Georgia;

(ae) urge Armenia to ratify the Rome Statute of the International Criminal Court without further delay as a vital step towards bringing national legislation into line with international judicial agreements which have been embraced by the countries of the European Union;

(af) urge the Armenian authorities to sign and ratify the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction and the Convention on Cluster Munitions;

(ag) emphasise the importance of mobility in promoting European integration; treat youth and academic mobility as a priority during the negotiations on visa facilitation and readmission agreements; call on Armenia to improve its national higher education laws, with a special emphasis on synchronisation procedures for scientific degrees and legal regulation of student internships in the light of the Bologna process; ensure that the provisions on asylum are fully in line with international obligations and commitments and EU standards;

(ah) ensure the transparent management of public finances and the improvement of public procurement legislation, for the purpose of ensuring good governance and a transparent decision-making process;

(ai) encourage broad sectoral cooperation between the EU and Armenia; in particular, explain the benefits of and promote regulatory convergence in this area and, to this end, provide the necessary financial and technical assistance;

(aj) welcome the incorporation of EU best practices and recommendations in Armenia during the preparation of national work plans in the field of justice, freedom and security; note, in particular, the tangible results achieved in the migration sector by the signing of the Joint Declaration on Mobility Partnership;

(ak) take the necessary action to incorporate in the Association Agreement provisions enabling Armenia to participate in Community programmes and agencies, as a fundamental tool to promote European integration at all levels;

(al) emphasise the need for a sustainable economy, including through the promotion of renewable energy sources and energy efficiency in line with the EU targets on climate change; ensure that the development of the energy sector is carried out in accordance with the EU’s environmental standards and the UN Convention on Environmental Impact Assessment in a Transboundary Context (ESPOO Convention);
(am) reiterate the request to shut down the Medzamor nuclear power plant before 2016 since it cannot be upgraded to meet current agreed internationally recognised standards;

(an) continue to provide the necessary technical support to allow the prompt launch of negotiations on all aspects of the Association Agreement, and ensure that the recently opened negotiations on the DCFTA are continued at a steady pace;

(ao) incorporate in the Association Agreement a strong parliamentary dimension which provides for the full involvement of the National Assembly of Armenia and the European Parliament in the implementation and monitoring of the Agreement; assist Armenia’s parliament both technically and financially in fully developing its constitutional functions, bodies and services, including the establishment of full-fledged standing committees and enhanced interaction with civil society; provide the European Parliament with regular information on the state of play of the negotiation process;

(ap) incorporate in the Association Agreement clear benchmarks for its implementation and provide for monitoring mechanisms, including the submission of regular reports to the European Parliament;

(aq) provide better-targeted financial and technical assistance to Armenia to ensure that it can meet the commitments stemming from the negotiations on the Association Agreement and its full implementation, by continuing to offer Comprehensive Institution-Building programmes, including in such areas as civil service and justice reform;

(ar) encourage the Armenian authorities to make full use of the expertise of the High-Level EU Advisory Group in the negotiation and implementation process and to keep the EU advisers fully informed also of the activities of the Eastern Partnership IBM Flagship Initiative Panel; consider providing such assistance to all the Eastern Partners;

(as) recognise Armenia’s ambitious reform agenda under the Eastern Partnership and provide adequate assistance in accordance with the ‘more for more’ principle, according to the pace of reforms and measured against democracy and human rights indicators;

(at) increase, in line with the Joint Communication on ‘A renewed response to a changing Neighbourhood’, EU assistance for civil society organisations in Armenia, so that they can carry out internal monitoring of reforms and commitments and ensure that the government is held more accountable therefor;

(au) encourage the EU negotiating team to continue the good cooperation with the European Parliament, providing continuous feedback, supported by documentation, on the progress made, in accordance with Article 218(10) TFEU, which states that Parliament must be immediately and fully informed at all stages of the procedure;

2. Instructs its President to forward this resolution containing the European Parliament’s recommendations to the Council, the Commission, the European External Action Service and Armenia.
Fish as a common good

P7_TA(2012)0129

Declaration of the European Parliament of 18 April 2012 on fish as a common good

(2013/C 258 E/05)

The European Parliament,

— having regard to Article 117 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), which provides that ‘All States have the duty to take, or to cooperate with other States in taking (…) measures (…) necessary for the conservation of the living resources of the high seas’,

— having regard to the 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas, and the 1995 FAO Code of Conduct for Responsible Fisheries,

— having regard to Rule 123 of its Rules of Procedure,

A. whereas average global fish consumption has reached a record of 17 kg per person per year, and whereas fish provides over 15 % of the protein intake of more than 3 billion people;

B. whereas the global sustainability of fisheries is a prerequisite for the conservation of fish stocks and for the access of future generations to this invaluable marine resource, and whereas the concentration of fisheries’ ownership in private hands entails severe negative effects;

C. whereas there is a need for global action to protect this resource and ensure that it is regarded as a common good, while also ensuring equitable distribution of the related collective benefits;

1. Invites the Commission to promote legislative action, at EU and Member State level, on the importance of fish as a global common good, to implement the necessary measures to protect marine resources, to ensure access to and sustainable use of these resources – through international coordination – and to conduct an information campaign for EU citizens;

2. Instructs its President to forward this declaration, together with the names of the signatories (1), to the Council, the Commission and the governments and parliaments of the Member States.

(1) The list of signatories is published in Annex 1 to the Minutes of 18 April 2012 (P7_PV(2012)04-18(ANN1)).

Children with Down syndrome

P7_TA(2012)0130

Declaration of the European Parliament of 18 April 2012 on children with Down syndrome

(2013/C 258 E/06)

The European Parliament,

— having regard to Rule 123 of its Rules of Procedure,
A. whereas it is estimated that the chances of a child being born with Down syndrome are between 600 and 1 000 to 1;

B. whereas Down syndrome is one of the commonest genetic causes of learning disabilities;

C. whereas congenital anomalies are one of the main causes of infant mortality and long-term disability, and children with Down syndrome can suffer from numerous congenital disturbances, the most frequent being heart disease;

D. whereas Article 26 of the Charter of Fundamental Rights of the European Union states: 'The Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community';

E. whereas the EU has ratified the UN Convention on the Rights of Persons with Disabilities, which lays down universal minimum standards protecting and guaranteeing a whole range of civil, political, social and economic rights;

1. Calls on the Commission, the Council and the Member States to:
   — contribute to the social inclusion of children with Down syndrome by means of awareness-raising campaigns at national and European level;
   — promote pan-European research into the treatment of this condition;
   — draw up a Europe-wide strategy for protecting the rights of children with Down syndrome in the EU;

2. Instructs its President to forward this declaration, together with the names of the signatories (1), to the Commission, the Council and the national authorities concerned.

(1) The list of signatories is published in Annex 2 to the Minutes of 18 April 2012 (P7_PV(2012)04-18(ANN2)).
Call for concrete ways to combat tax fraud and tax evasion

P7_TA(2012)0137

European Parliament resolution of 19 April 2012 on the call for concrete ways to combat tax fraud and tax evasion (2012/2599(RSP))

(2013/C 258 E/07)

The European Parliament,

— having regard to the European Council’s conclusions of 1 and 2 March 2012,

— having regard to Question for oral answer B7-0635/2011 to the Commission of 4 October 2011 on compatibility of the German and British tax agreements with Switzerland with the EU Savings Tax Directive,

— having regard to the OECD study of March 2012 entitled ‘Hybrid mismatch arrangements: Tax policy and compliance issues’,

— having regard to the report on the proposal for a Council directive on a Common Consolidated Corporate Tax Base, as adopted by its Committee on Economic and Monetary Affairs on 21 March 2012 (A7-0080/2012),

— having regard to its resolution of 2 February 2012 on the Annual Tax Report (1),

— having regard to Rule 110(2) of its Rules of Procedure,

A. whereas estimates indicate that tax evasion and tax avoidance cost the governments of the EU Member States a significant amount of uncollected revenues;

B. whereas the loss of revenues raises the deficit and debt levels of the Member States, and reduces the funds available to foster public investment, growth and employment;

C. whereas the scale of tax evasion and avoidance undermines citizens’ trust and confidence in the fairness and legitimacy of tax collection;

D. whereas major improvements are needed in the publicly available information on tax avoidance and evasion in each Member State;

E. whereas Member States should generally avoid engaging in bilateral negotiations with non-EU countries and should, if they nevertheless consider it necessary to conclude any such bilateral agreements, inform the Commission immediately in order to avoid any infringement of EU legislation;

F. whereas countries under assistance programmes have, after stepping up tax collection and eliminating privileges in line with Troika proposals, seen many of their larger companies leave in order to benefit from tax privileges offered by other countries;

G. whereas clear EU rules are needed to prevent such forms of tax competition, which undermine the recovery strategies of the countries concerned;

1. Welcomes the conclusions of the European Council meeting of 1 and 2 March 2012 calling on Member States, where appropriate, to review their tax systems with the aim of making them more effective and efficient, removing unjustified exemptions, broadening the tax base, shifting taxes away from labour, improving the efficiency of tax collection and tackling tax evasion, to rapidly intensify the fight against tax fraud and tax evasion, including in relation to third countries, and to report by June 2012;

2. Calls on the Commission rapidly to address the issues raised by the review of the EU Savings Taxation Directive and to find a swift agreement with Switzerland and the Member States concerned;

3. Highlights the need to generalise automatic information exchange and to extend the scope of the Savings Taxation Directive in order to effectively end banking secrecy;

4. Reiterates the need to keep the focus on the key role that the Common Consolidated Corporate Tax Base can play against tax fraud;

5. Considers that strengthening the regulation of and transparency as regards, company registries and registers of trust is a prerequisite for dealing with tax avoidance;

6. Welcomes the proposals made by the Commission on country-by-country reporting within the Accounting and Transparency Directives; recalls that country-by-country reporting requirements for cross-border companies are essential for detecting corporate tax avoidance;

7. Calls for a review of the Parent-Subsidiary Directive and the Interests and Royalties Directive in order to eliminate evasion via hybrid financial instruments in the EU;

8. Calls on the Commission to identify areas in which improvements to both EU legislation and administrative cooperation between Member States can be implemented in order to reduce tax fraud;

9. Calls on the Member States to ensure smooth cooperation and coordination between their tax systems in order to avoid unintended non-taxation and tax avoidance and fraud;

10. Calls on the Member States to allocate adequate resources to the national services that are empowered to combat tax fraud;

11. Calls on the Member States, in accordance with Article 65 of the TFEU, in close cooperation with the Commission and in liaison with the ECB, to take measures to prevent infringements of national law and regulations, in particular in the field of taxation; notes that this is of particular importance as regards Member States experiencing, or threatened with, serious difficulties with respect to their financial stability in the euro area;

12. Stresses the importance of implementing new and innovative strategies for combating VAT fraud across the EU;

13. Calls on the Member States to review bilateral agreements currently in force between Member States and bilateral agreements between Member States and third countries, insofar as they contribute to tax avoidance and complicate effective source taxation in certain Member States;

14. Calls on the Commission to report on the possibility of EU coordination in changing bilateral agreements between Member States with a view to bringing them into line with the objectives of the European Council, thus making tax avoidance more difficult;

15. Recalls its request for increased transparency and tighter control to prevent the use of tax havens, which are foreign non-cooperative jurisdictions characterised in particular by no or nominal taxes, a lack of effective exchange of information with foreign tax authorities and a lack of transparency in legislative, legal or administrative provisions, or identified as such by the Organisation for Economic Cooperation and Development or the Financial Action Task Force;

16. Instructs its President to forward this resolution to the Council and the Commission.
Modernising Europe’s higher education systems

P7_TA(2012)0139

European Parliament resolution of 20 April 2012 on modernising Europe’s higher education systems (2011/2294(INI))

(2013/C 258 E/08)

The European Parliament,

— having regard to Article 165 of the Treaty on the Functioning of the European Union,

— having regard to Articles 2 and 3 of the Treaty on European Union,

— having regard to the Commission Communication of 20 September 2011 entitled ‘Supporting growth and jobs – an agenda for the modernisation of Europe’s higher education systems’ (COM(2011)0567) and the accompanying staff working document on recent developments in European high education systems (SEC(2011)1063),

— having regard to the Commission Communication of 29 June 2011 entitled ‘A Budget for Europe 2020’ (COM(2011)0500),


— having regard to the Commission Communication of 15 September 2010 entitled ‘Youth on the Move – An initiative to unleash the potential of young people to achieve smart, sustainable and inclusive growth in the European Union’ (COM(2010)0477),


— having regard to the Council conclusions of 28 November 2011 on the modernisation of higher education (1),

— having regard to the Council Recommendation of 28 June 2011 on promoting the learning mobility of young people (2),

— having regard to the Council conclusions of 14 February 2011 on the role of education and training in the implementation of the Europe 2020 strategy (3),

— having regard to the Council conclusions of 11 May 2010 on the social dimension of education and training (4),

— having regard to the Council conclusions of 11 May 2010 on the internationalisation of higher education (5),

(3) OJ C 70, 4.3.2011, p. 1.
— having regard to the Council conclusions of 12 May 2009 on a strategic framework for European cooperation in education and training (ET 2020) (1),

— having regard to the conclusions of the European Council of 17 June 2010, in particular the part entitled ‘A new European strategy for jobs and growth’ (2),

— having regard to its resolution of 26 October 2011 on the agenda for new skills and jobs (3),

— having regard to its resolution of 12 May 2011 on ‘Youth on the Move: - a framework for improving Europe’s education and training systems’ (4),

— having regard to its resolution of 18 May 2010 on ‘An EU Strategy for Youth – Investing and Empowering’ (5),

— having regard to its resolution of 25 October 2011 on mobility and inclusion of people with disabilities and the European Disability Strategy 2010-2020 (6),

— having regard to its resolution of 9 March 2011 on the EU strategy on Roma inclusion (7),

— having regard to its resolution of 20 May 2010 on university-business dialogue: a new partnership for the modernisation of Europe’s universities (8),

— having regard to its resolution of 23 September 2008 on the Bologna Process and student mobility (9),

— having regard to its resolution of 13 March 2012 on the contribution of the European institutions to the consolidation and progress of the Bologna process (10)

— having regard to Rule 48 of its Rules of Procedure,

— having regard to the report of the Committee on Culture and Education and the opinion of the Committee on Women’s Rights and Gender Equality (A7-0057/2012),

A. whereas the economic crisis – and its consequences in terms of the imposition of austerity measures and budget cutbacks –, demographic changes, rapid technological change and the resulting demand for new skills pose serious challenges to, and call for far-reaching reforms in, Europe’s higher education systems, which must not have a detrimental effect on the quality of education;

B. whereas, in a knowledge-based society, the future hinges on education, research and innovation;

C. whereas individuals must be supported in re-thinking their careers and need to widen as well as update their skills and knowledge at an ever faster rate in order to meet the challenges of the labour market, bearing in mind that there is a difference between vocational study programmes, where European harmonisation is feasible and desirable, and humanities courses, where there should continue to be substantial freedom and autonomy in study and research programmes with regard both to the historical and cultural differences among the Member States of the European Union and to the diversity of higher education institutions in terms of teaching and of their specific missions;

(3) Texts adopted, P7_TA(2011)0466.
(8) OJ C 161 E, 31.5.2011, p. 95.
D. whereas the Europe 2020 Strategy states that, by 2020, 40% of 30-34-year-olds in Europe should complete higher education or equivalent studies, given the estimate that 35% of all jobs in the EU will require such qualifications; notes, however, that in 2010 only 26% of the workforce in the EU had attained this qualification level;

E. whereas more than 21% of young people in the EU are unemployed;

F. whereas in the EU in 2010, 16.5% of young people were not in education or the labour market;

G. whereas in the EU in 2010, unemployment of tertiary education graduates stood at 5.4% compared with more than 15% among those with only lower secondary education; whereas, on the other hand, it is taking longer and longer for the majority of those graduates to find secure employment;

H. whereas over 60% of university graduates are women, but the majority of senior positions in universities (e.g. postdoctoral positions and professorships) are still held by men;

I. whereas only 13% of institutions in the higher education sector are headed by women and only 9% of universities have a female head of staff, and whereas women therefore have considerably less influence with regard to research decision-making;

J. whereas 75 of the top 200 universities worldwide are to be found in the EU Member States;

K. whereas only 200 of Europe's 4,000 higher education institutions rank among the top 500 in the world;

L. whereas universities have been an important resource in Europe for almost a millennium, whereas the importance of their role in the progress of society should not be reduced to their contribution to the economy, and whereas their development should not depend solely on their ability to adapt to the economic needs of the current economic model;

M. whereas equal access for all young people to higher education and training should be encouraged;

N. whereas universities encourage individual autonomy and creativity and play a very important role in the promotion of knowledge, and whereas the Member States should therefore make every effort to ensure that higher education is widely accessible without discrimination, particularly on social, economic, cultural, racial or political grounds;

O. whereas education, especially higher and tertiary education, is responsible for shaping the attitudes and values that underlie civil society;

P. whereas the national legislation of the respective Member States considers higher education to be a fundamental tool for determining the future of EU citizens;

Q. whereas education is the responsibility of the Member States, and whereas it is important to ensure that higher education institutions receive financial support, first and foremost through the provision of adequate public funding;

R. whereas the creation of a European Higher Education Area (EHEA) is a significant development that could contribute to European integration while respecting the diversity of education in the various EU Member States and the goals of higher education in relation to society;
The changing role of higher education institutions

1. Calls on higher education institutions to integrate lifelong learning into their curricula, with the help of economic assistance and different study programmes, and to adapt to a student base that includes adults, elderly people, non-traditional learners, full-time students who have to work while studying and people with disabilities, and therefore calls on higher education institutions to implement programmes aimed at removing existing obstacles and barriers;

2. Invites higher education institutions to take into account the needs of professionals who need, as lifelong learners, to update and broaden their skills at regular intervals, including through the organisation and fine-tuning of update courses which are accessible to all social groups, close cooperation with employers and the development of courses which meet the needs of the labour market and which could facilitate a return to education for unemployed workers;

3. Calls on higher education institutions to uphold the spirit of autonomy in teaching and research while providing specific study programmes with the aim of meeting the needs of professionals who wish to update their skills;

4. Reiterates that higher education has the potential to promote social inclusion, social advancement and upward social mobility; calls, with respect for the principle of subsidiarity, on Member States, regional and local governments and higher education institutions to strengthen – inter alia through the development of adequate financial support schemes – their efforts to widen equitable access to studies for all, from early childhood to higher education, irrespective of sex, ethnicity, language, religion, disability or social background, and to fight all forms of discrimination, recognising multiculturalism and multilingualism, including sign languages, as fundamental values of the EU that need to be fostered;

5. Calls on the Member States to pay increased attention to, and to support higher education institutions serving traditional national, ethnic or linguistic minorities, with a special focus on endangered cultures and languages;

6. Invites higher education institutions to encourage student participation in sports;

7. Underlines the complementary role of state, private and religious forms of higher education across Europe;

8. Emphasises the importance of promoting democratic values, while stressing the need to acquire a sound knowledge of European integration and ensuring that Europe’s former totalitarian regimes are understood as part of its common history;

9. Also emphasises the need to continue traditional education in an academic spirit and not to permit the education system to be totally subordinated to the labour market, in view of the need to shape ethical and moral values among students at the same time as caring about academic progress;

10. Calls on the Member States and higher education institutions to establish a general framework – covering rules, responsibilities, political and educational objectives and the quality of, and priority given to, training and research – in which to promote best practices and respond to the challenges of the communication society;

11. Emphasises that academic staff and students, as well as their organisations and associations, need to be involved in the modernisation of higher education institutions; stresses that both excellence in research, in the broad sense of the term, and excellence in teaching and scientific achievement need to be rewarded, without thereby penalising those higher education institutions – for example humanities faculties – that do not fit into evaluation and performance criteria linked solely to the skills demanded by the market economy;
Information about higher education institutions

12. Stresses that the quality and relevance of higher education are a core condition for taking full advantage of Europe's intellectual capital;

13. Proposes the introduction of clear and uniform criteria for the creation of pan-European rankings of higher education institutions, thereby allowing prospective students to make an informed choice of university and providing comprehensive information about the respective universities;

14. Encourages the Commission’s initiative to launch, in cooperation with all the institutions, students and other stakeholders involved, a multi-dimensional tool for the differentiated classification and ranking of higher education institutions based on characteristics such as a long tradition of providing higher education in Europe, the quality of teaching, student support (i.e. scholarships, counselling, housing), physical and information communication accessibility, regional engagement and knowledge transfer; opposes, on the other hand, the establishment of a classification of higher education institutions on the basis of non-homogeneous performance indicators which do not take into account the diversity of educational pathways, programmes and linguistic diversity in European universities;

15. Also emphasises that this tool should not solely involve compiling conventional ranking tables and that specific characteristics of the relevant institutions should be afforded due attention in the results;

16. Suggests that consideration be given to instituting a unified mechanism for the monitoring and evaluation of compliance with academic standards by higher education institutions, both public and private;

Funding higher education systems

17. Stresses that higher education is a public good that fosters culture, diversity, democratic values and personal development and prepares students to become active citizens who will support European cohesion;

18. Insists once again that Member States should reach the target of investing 2% of GDP in education;

19. Points out that mainly public and also private funding is of primary importance for the modernisation of higher education systems; emphasises that investment in higher education in Europe is crucial to overcoming the current economic crisis; calls on the Member States and higher education institutions to expand scholarship and funding programmes for those institutions and to develop innovative methods of funding mechanisms which can contribute to more efficient functioning of higher education institutions, complement public funding without increasing the pressure on households and make higher education accessible to all; expresses regret at the significant cutbacks to education budgets in several Member States, as well as the constant increase in education fees, which is leading to a significant increase in the number of vulnerable students;

20. Calls for the EU budget for 2014-2020 under the European Regional Development Fund and the European Social Fund to include spending on higher education related to investments in university infrastructure and academic staff;

The transition from higher education to the labour market

21. Calls on higher education institutions to adapt to new challenges by creating new fields of study that reflect the needs of the labour market, taking into account the development of science and technology by maintaining an appropriate balance between theoretical knowledge and practical skills;
22. Calls for the promotion of best practices that help higher education institutions to strengthen teaching and research in all subject areas through the inclusion of students and to provide additional key qualifications for the labour market, in order to facilitate young people’s transition from higher education to the labour market;

23. Calls for higher education institutions to be opened up both to offer continuing vocational training and to create appropriate courses for workers who have not attained an upper secondary educational qualification, so as to tap into additional potential to achieve the quota of graduates;

24. Urges the Commission to present its proposal for a quality framework for traineeships, and emphasises the success of the ‘Erasmus placements’ that give students the opportunity to gain work experience abroad, and insists that this action be continued under the new programme and strengthened by means of suitable funding;

25. Calls on higher education institutions and institutions responsible for the education sector at regional, national and European level to monitor trends in labour market requirements in order to reflect more accurately future needs in terms of learning opportunities;

26. Highlights the need to track graduates’ employment outcomes to measure how well higher education responds to labour market demands; welcomes, therefore, the Commission’s commitment to improving the availability of such data, with the principal aim of providing students with the necessary information to guide their study choices, while at the same time giving higher education and research institutions the necessary information to identify and, subsequently, develop programmes of study covering both general knowledge and specific professional skills through lifelong learning, in ongoing dialogue with those involved in the production of knowledge but also with society as a whole and with the state;

27. Urges Member States to collect and publish statistical data regarding the correlation between different higher education degrees and employment opportunities;

28. Calls for the development of an international databank, similar to AlmaLaurea, which helps graduates to identify suitable job, training, study and research opportunities, removing economic obstacles through bursaries and student loans in order to ensure real equality among students, and thereby encouraging mobility and the matching of skills and jobs; reiterates the importance of proper communication in ensuring that this information is easily accessible to students, recent graduates, the unemployed, jobseekers and employers;

29. Considers youth guarantee schemes to be a valuable tool facilitating the transition from higher education to jobs, and calls on the Member States to incorporate such schemes into their national transition strategies;

30. Recalls the important role that the structural funds can play in this regard; welcomes the commitment made in the ‘Youth Opportunities Initiative’ communication (COM(2011)0933) to the full deployment of the resources available, and calls on higher education institutions and local authorities to use this opportunity in order to increase the provision of support and guidance for students entering the labour market;

**Gender balance in higher education**

31. Notes that there are still gender disparities in European education systems even though almost all countries have now implemented policies to combat them, and that such disparities influence both performance at school and study and career choices, and have a negative effect on economic growth and on the welfare state;

32. Highlights the fact that many female students attending vocational or secondary schools still choose careers which reflect traditional gender roles; notes, therefore, that better vocational guidance is needed in order to combat persistent stereotypes;
33. Points out that, because their higher education qualifications are not marketable enough, women are more often overqualified and underpaid for their jobs and often end up unemployed or in casual jobs, a situation which further disadvantages them on the labour market at the start of their careers, fuelling the cycle of pay inequality;

34. Recalls that, across the Member States, there are still very few initiatives in place to provide information about gender equality and promote gender equality in education; suggests that teachers should receive specific training on equality between men and women;

35. Points out that the sharing of domestic and family responsibilities between women and men is a sine qua non for the advancement and achievement of equality between women and men; calls on universities and higher education institutions to recognise that women learners may have specific additional responsibilities outside of learning, such as caring for young children or elderly relatives; stresses the need for universities to supply parents – especially women – with a sufficient quantity of high-quality, affordable and accessible childcare, including community centres, so as to facilitate their equal participation in studies and research; also encourages the introduction of a greater variety of study modes, such as part-time and distance learning, and, in this connection, reminds the Member States and the EU institutions to increase the level of financial support for lifelong learning in order to enable women to continue their studies, to re-enter the workforce and to balance their professional and personal responsibilities;

**Engaged higher education institutions**

36. Encourages higher education institutions to engage more intensively with their regions and establish dynamic collaborative actions with regional governments, local councils, public bodies, non-governmental organisations and small and medium-sized enterprises to enhance regional development; points out that this should also strengthen interaction between higher education institutions and employers;

37. Calls on the Member States and their central and regional authorities to include and support higher education institutions in cross-border cooperation;

38. Encourages the Member States to intensify the interaction between the sides of the knowledge triangle (education, research, innovation) as a key element for growth and job creation;

39. Points out that the development of higher education curricula and research programmes should remain a task for universities, taking into account the needs of the labour market as regards employability;

40. Welcomes the Commission’s support for ‘Knowledge Alliances’ and ‘Sector Skills Alliances’ in which higher education institutions exchange information with businesses while developing curricula to address skills shortages; calls upon businesses and entrepreneurs, including small and medium-sized enterprises, actively to develop partnerships with higher education institutions by providing high-quality internships for students and lecturers and capitalising on lecturers’ general transferable skills; reiterates, however, that higher education institutions produce cultural content which translates not only into vocational skills but also into general knowledge, in terms of intellectual experience of reality and of the common values by which people live;

41. Calls for a commitment to more flexible and innovative learning approaches and to delivery methods which are always centred on students’ needs;
42. Notes the need for cross-border higher education institutions and enterprises to cooperate in practical programmes and in shaping students’ future careers by identifying the specific development pathways, expectations and challenges that will await them in the labour market;

43. Emphasises the usefulness of developing mechanisms and management strategies that facilitate the transfer of innovative ideas and research results into society and business and allow society and businesses to provide input to higher education regarding current and expected needs for skills and innovations, taking into account best practices from all over the world; points out that such a connection is likely to favour financially only those research and higher education institutions that specialise in innovation and technology at the expense of education linked purely to the humanities;

44. Reaffirms the value of democratic governance as a fundamental way to ensure academic freedom and promote active participation by all actors in the life of a higher education institution;

45. Emphasises that transparency, equal distribution of rights and obligations between the relevant cooperation partners and higher education institutions, and a balanced principle of representation must be observed in the context of cooperation, so as to ensure that higher education institutions are enabled to organise and develop themselves independently as public amenities in accordance with academic principles;

46. Also emphasises that the principle of democracy and self-governance among higher education institutions and their staff and students should be respected and maintained in all collaborative projects;

47. Demands, therefore, that higher education institutions and their various bodies be required to disclose cooperative agreements with third parties;

48. Emphasises the importance of cooperation between higher education institutions and NGOs and the European voluntary sector, in order to promote active citizenship and involve students in active participation through working for the NGO sector;

49. Underlines the importance of sport in the education process; calls on Member States to support and encourage sport among students and to increase support for grassroots sport programmes;

50. Points out that the extent and intensity of collaboration between higher education institutions and their partners in business and society vary strongly across Member States, institutions and academic disciplines;

51. Stresses that continuous investment in the link between education, culture, research and innovation is necessary; stresses the importance of further supporting and developing the European Institute for Innovation and Technology with its knowledge and innovation communities;

52. Emphasises the importance of culture in higher education and calls for the inclusion of special criteria for the humanities in both innovation and research;

53. Emphasises the need to engage higher education institutions and provide support for student initiatives, as well as assisting in the coordination of such activities among other higher education institutions, enterprises and local authorities from various Member States;

54. Acknowledges the richness inherent in the wide variety of higher education institutions in Europe; calls on the Member States and these institutions to develop clear, integrated pathways that allow learners to progress from other types of education into higher education and to change between different tracks and types of institutions;
55. Emphasises, however, the need to maintain the diversity of educational pathways and programmes, teaching methods and university systems in the EU; takes the view that it is consequently necessary to develop a national qualification framework, while at the same time promoting the mutual recognition of degrees and qualifications across all Member States;

56. Urges all EU countries to implement the national qualification frameworks linked to the EHEA Qualifications Framework and to develop, and provide financial support for, mutual recognition;

57. Points out that student mobility, and above all study at other universities under the Erasmus Programme, contributes to the exchange of good practice and thus to the modernisation of higher education; notes, therefore, the need for the home university to recognise qualifications acquired while studying at other universities;

58. Supports the Commission’s proposal to improve recognition of study undertaken abroad, by consolidating the European Credit Transfer and Accumulation System (ECTS); calls for additional efforts on the part of the EU and its Member States to ensure more effective recognition and greater harmonisation of academic qualifications as well;

Enhancing mobility in the EHEA and beyond

59. Reiterates that higher education is a common European public good and that Member States, regional governments, local authorities and the EU share a common responsibility in developing and strengthening the EHEA, the European Research Area (ERA) and the Bologna Process;

60. Stresses that greater coordination among Member States in the field of higher education – including through strong financial and political support for agreements on common core curricula and well-defined learning outcomes – is a prerequisite for achieving the goals of employability and growth in Europe; calls on the Member States to step up cooperation between their relevant ministries in order to update existing curricula to meet the needs of the labour market;

61. Points out the need for collaboration between the EHEA and the ERA as a means to support university research programmes in both science and the humanities;

62. Demands that the attractiveness of the EHEA and the ERA for students and researchers from all over the world be promoted and that collaboration with non-EU countries in educational matters and issues relating to mobility at staff and student level be strengthened, in particular with the countries which are covered by the European Neighbourhood Policy (ENP) or which directly border the EU, in order to turn the EHEA into a magnet for training and knowledge that is both macroregional and global, particularly in relation to exchange and professional training programmes;

63. Asks the Commission to propose the creation of Euro-Mediterranean Erasmus and Leonardo da Vinci programmes, aimed at promoting transnational mobility among students from both sides of the Mediterranean;

64. Calls for the opening of mobility, exchange, research and work experience programmes to students from countries affiliated to the Eastern Partnership;

65. Recalls the importance of mobility among both students and teachers and, in this connection, invites the Commission to make progress on the EU Visa Code;

66. Recalls the target whereby 20% of Europe’s graduates should be mobile by 2020, and emphasises the importance of language skills as a prerequisite for increased mobility within the EHEA and employability;
67. Supports the reinforcement of language and sign language teaching – and of the teaching and development of local and regional languages – within the EHEA as a prerequisite for the development of true European citizenship based on multiculturalism and linguistic pluralism;

68. Emphasises the need for the higher education system in each Member State to provide higher-quality teaching so that increased mobility opportunities for students do not go hand in hand with a worsening of the ‘brain drain’, which is now a genuine social problem in some Member States;

69. Points out that the persistent disparities between western and central-eastern European higher education systems must be addressed through real integration measures, with a view to encouraging and supporting cross-border collaboration between higher education institutions; calls on the Commission, therefore, to develop a strategy and draw up a professional financial action plan for reducing these significant regional disparities;

70. Calls on the Member States, the EU and European higher education systems to evaluate the possibility of promoting, within the study cycle, a compulsory training period at a university in a Member State other than the one to which the student is affiliated;

71. Reiterates the principle that loan schemes cannot substitute the grant systems put in place to support access to education for all students regardless of their social background;

72. Asks the Commission for further clarification of the proposal to create a financial instrument to help students secure funding for a Masters degree outside their home Member State, regardless of their social background and financial situation; demands fair and transparent access to the scheme throughout the Member States;

73. Endorses the Commission’s proposal to increase the EU budget available for education, training, research and youth in the next multiannual financial framework, thereby complementing the action taken by the Member States, given that investment in education, training and research is key to attaining the Europe 2020 targets and achieving smart, sustainable and inclusive growth in Europe;

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

A competitive digital single market - eGovernment as a spearhead

P7_TA(2012)0140

European Parliament resolution of 20 April 2012 on a competitive digital single market – eGovernment as a spearhead (2011/2178(INI))

(2013/C 258 E/09)

The European Parliament,

— having regard to the Community acquis in the field of the internal market and the information society,

— having regard to the Commission communication entitled ‘A Digital Agenda for Europe’ (COM(2010)0245),

— having regard to its resolution of 5 May 2010 on a new Digital Agenda for Europe: 2015.eu (1),

— having regard to its resolution of 21 September 2010 on completing the internal market for e-commerce (2),

— having regard to the European Council conclusions of 31 May 2010 on a Digital Agenda for Europe,

— having regard to the European Council conclusions of 17 June 2010 on the Europe 2020 strategy, including the Digital Agenda (point 7),

— having regard to the Guide for the procurement of standards-based ICT – Elements of Good Practice, published by the Commission on 23 December 2011,

— having regard to the Commission communication entitled ‘Reaping the benefits of electronic invoicing for Europe’ (COM(2010)0712),


— having regard to the Commission communication entitled ‘Towards interoperability for European public services – European Interoperability Strategy (EIS) for European public services (Annex 1) and European Interoperability Framework (EIF) for European public services (Annex 2)’ (COM(2010)0744),


— having regard to the Commission communication entitled ‘Single Market Act – Twelve levers to boost growth and strengthen confidence: Working together to create new growth’ (COM(2011)0206),

— having regard to the Commission communication of 31 March 2011 on ‘Critical Information Infrastructure Protection – Achievements and next steps: towards global cyber-security’ (COM(2011)0163),

— having regard to the Commission communication of 30 March 2009 on ‘Critical Information Infrastructure Protection – Protecting Europe from large-scale cyber-attacks and disruptions: enhancing preparedness, security and resilience’ (COM(2009)0149),

— having regard to the study regarding the economic impact of public sector information conducted by the Commission in 2011 (Vickery study),


— having regard to the Commission communication entitled ‘A coherent framework for building trust in the Digital Single Market for e-commerce and online services’ (COM(2011)0942),

— having regard to the Commission communication entitled ‘Green Paper – towards an integrated European market for card, Internet and mobile payment’ (COM(2011)0941),

— having regard to the Digital Agenda for Europe Annual Progress Report 2011, published on 22 December 2011,


— having regard to its resolution of 6 July 2011 on European Broadband: investing in digitally driven growth (1),

— having regard to the Study on the Social Impact of ICT – SMART 2007/0068, published on 30 April 2010,


— having regard to the report prepared for the Commission entitled ‘i2010 eGovernment Action Plan – Progress Study (SMART 2008/0042)’, published in November 2009,

— having regard to the Swedish Presidency’s conclusions of 10 November 2009 from the Visby conference on creating impact for an eUnion 2015,


— having regard to the Commission report ‘Cloud Computing: Public Consultation Report’, published on 5 December 2011,

— having regard to the Commission communication entitled ‘Action Plan on e-signatures and e-identification to facilitate the provision of cross-border public services in the Single Market’ (COM(2008)0798),

— having regard to Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (2),

— having regard to Rule 48 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 the Internal Market and Consumer Protection, the Committee on Culture and Education and the Committee on Legal Affairs (A7-0083/2012),

(1) Texts adopted, P7_TA(2011)0322.
A. whereas information and communications technology (ICT) has a profound direct and indirect impact on the political, economic, social, cultural and everyday life of EU citizens; whereas a competitive digital single market that would eliminate all barriers for cross-border e-services and be free of distortions of competition would benefit EU citizens considerably;

B. whereas eGovernment brings all technology and use relating to online information, guidance and administrative procedures under one umbrella;

C. whereas the ICT sector is directly responsible for 5% of EU GDP, with a market value of EUR 660 billion annually, but contributes far more to overall productivity growth (20% directly from the ICT sector and 30% from ICT investment);

D. whereas there are no uniform rules on electronic invoicing, and for the most part its benefits remain untapped;

E. whereas ICT can make a significant contribution to the EU 2020 Strategy, particularly with regard to employment, sustainable economic and productivity growth, citizen empowerment, R&D, energy, innovation and the environment, and to tackling the grand societal challenges;

F. whereas SMEs play a particularly important role in the digital market;

G. whereas cloud computing is an economic and ecological tool that improves the IT performance of public and private concerns, cuts processing costs and limits storage costs, all of which are clearly benefits, but the connection between user and server is insufficiently secure and the user experiences a certain loss of control;

H. whereas the Digital Agenda Scoreboard 2011 shows progress, but 26% of EU citizens have never used the internet and only 48% of people belonging to disadvantaged groups use it;

I. whereas the digital divide, whether seen as an internet access divide or an e-skills/digital literacy divide, directly affects eGovernment adoption and is detrimental to citizens’ participation in public life and democracy;

J. whereas a competitive digital single market needs to ensure the successful deployment of ultrafast broadband and telecommunications networks across all EU regions and eliminate disparities between levels of infrastructure development in and between Member States, in order to ensure the demographic sustainability of sparsely populated regions;

1. Is aware of the major contribution made by the ICT sector to the EU’s industrial policy, innovation, growth, competitiveness and the trade balance;

2. Underlines that users are the key for the digital strategy and that there is a pressing need in the EU to strengthen users’ awareness, role, involvement, perspective and trust in relation to security, safety and privacy in the information society, and to develop ICT-related human capital;

3. Reaffirms that eGovernment empowers European citizens and helps reform and modernise public administration, by making it more transparent and accountable and reducing the costs of public services;
4. Stresses that the barriers to eGovernment adoption are not necessarily only technological, but also organisational, political, legal and cultural, and that successful solutions and practices are usually highly dependent on local conditions;

5. Underlines that the creation of a European eGovernment Area has the potential to be an essential part of the Horizon 2020 agenda, boosting the promotion of economic and social growth, stimulating innovation and human capital development, and helping meet the societal and political challenges faced by the EU;

6. Stresses the need to take account of and combat the digital divide;

7. Notes that cloud computing enables access to a shared hub of IT resources that can be quickly relayed with a minimum of management effort and service provider interaction, and that the cloud's effectiveness lies in its flexibility, the productivity gains it brings and its role in protecting the environment, but that first and foremost it needs to be technically reliable and robust;

**eGovernment Action Plan**

8. Welcomes the adoption of the European eGovernment Action Plan 2011-2015, the European Interoperability Strategy (EIS) and the European Interoperability Framework (EIF) for European public services (EPS); calls on the Member States to take rapid action to align their national strategies to these overarching policies;

9. Supports the overall targets for increased use of eGovernment services in 2015, i.e. 50 % of citizens (up from 41 %) and 80 % of businesses (up from 75 %), but calls on the Commission and Member States to consider these targets as minimum thresholds;

10. Calls for special programmes and eGovernment platforms to be developed with the aim of protecting and promoting local, regional, ethnic and linguistic diversity;

11. Regrets the fact that, according to the Digital Agenda Scoreboard 2011, only 50 % of eGovernment users filled in forms online;

12. Notes the correlation between GDP and availability of eGovernment services, and calls for appropriate funding for the development of eGovernment, both at national and European level;

13. Underlines that the internet is increasingly used on mobile devices by both citizens and enterprises, and calls for action to ensure that eGovernment services are accessible and adapted to multiple channels of delivery, including call centres and the mobile internet (m-government);

14. Points out that successful eGovernment calls for comprehensive integration and optimisation of administrative processes, taking account of the right to local self-government at and across all levels;

15. Highlights that eGovernment is particularly beneficial for EU citizens and entrepreneurs, particularly SMEs, who now often face insurmountable barriers when operating cross-border within the EU, as it brings reduced administrative costs and burdens, increased productivity, efficiency, competitiveness, transparency, openness, policy effectiveness, accessibility and streamlining of procedures, and as it should facilitate the building of synergies and sharing of resources and capabilities between firms and allow a more collaborative professional environment for SMEs;

16. Calls on the Member States and the Commission to publish publicly funded data in machine-readable form (and in real time) under open licences, in order to allow the innovative reuse of public-sector information by both academia, including students, and the general public, and for research and business development, thus also enhancing transparency;
17. Points out that there is still no clear definition of the term ‘public administrative data’ and that, with a view to clarifying its precise meaning, a common understanding must be reached by means of public discussion;

18. Calls on the Commission to do everything possible to ensure that educational institutions and cultural establishments remain outside the scope of Directive 2003/98/EC;

19. Notes that the main barriers to crossborder access to e-services of public administrations are related to the use of eIdentification and eSignatures, and that there is a lack of interoperability at EU level;

20. Considers that in order to ensure effective EU-wide crossborder eGovernment services providing two-way and/or automated interaction between administrations and citizens and/or businesses, there needs to be a clear and coherent EU legal framework for the mutual recognition of eAuthentication, eIdentification and eSignatures;

21. Calls on the Commission and the Member States to continuously inform citizens about the existing EU portals, such as SOLVIT and Your Europe, as the current lack of information is delaying further development of the business environment and consumer protection arrangements, especially in crossborder areas;

22. Calls on the Commission to keep track of all existing online problem-solving tools and information portals provided by itself and the Member States, and to interlink or consolidate them where possible; recommends that new online portals be developed only when integration into existing solutions is not feasible;

23. Welcomes the adoption and contribution of the Action Plan on eSignatures and eIdentification as well as of the STORK pilot project, in terms of interoperability of crossborder public services; calls on the Commission to revise the eSignature Directive, and calls for a decision that will ensure the mutual recognition of eIdentification and eAuthentication;

24. Emphasises that wherever data processing procedures are employed in educational institutions and cultural establishments, personal data must be covered by individual access rights in order to protect them against unauthorised use;

25. Considers that eSignature interoperability from the eGovernment perspective has legal aspects (eSignature use in the public sector – Article 3.7 of the eSignature Directive; the relationship signature/authentication; the supervision/accreditation dilemma; the national perspective; security levels; signature qualifications) as well as technical aspects (identifiers in certificates; signature type; signature format; signature validation); is of the opinion that for the evolution of applications with a view to a fully interoperable European eSignature service for signature validation purposes, the most significant recommendation should be to set up a Federation of Validation Authorities (FVA) to coordinate Member States’ National Validation Authorities (NVAs) (1);

26. Notes that the Commission has mandated CEN, CENELEC and ETSI to update and rationalise the European eSignature standardisation framework; calls on the Commission to submit a yearly progress report to Parliament, based on the reports submitted twice a year by the European standardisation bodies;

27. Calls on the Member States to develop open educational software at European educational institutions, to exchange best practice, and to develop online platforms for collaboration on educational materials and resources that are free for students and take due account of data protection and copyright rules;

28. Underlines that eGovernment applications should be reviewed and, if necessary, modified to ensure they are also open to non-resident users; stresses that interoperability is needed at local, regional and national level and at EU level;

29. Considers that the interoperability of eGovernment applications requires the interoperability of national Private Key Infrastructures (PKI) through a European Validation Service (European Bridge);

30. Welcomes the public consultation launched on the subject of draft guidelines on links between ICT standardisation and public procurement, and calls for a proposal on the matter;

31. Invites the Member States to develop national eGovernment strategies, in line with the objectives and targets of the eGovernment Action Plan and the Digital Agenda, as a means towards developing the European digital single market and the European eGovernance Area;

32. Points out that, as the European eGovernment Action Plan and infrastructure and services develop, security requirements must be met at all levels and that the best achievable protection of privacy and personal and financial data must be ensured in order to prevent unauthorised monitoring of the latter in any form;

33. Calls on the Member States to make use of ICT tools to improve transparency, accountability and citizen involvement, increase efficiency and competitiveness, reduce administrative burdens, time and costs, improve administrative processes, reduce carbon emissions, save public resources, and contribute to a more participatory democracy while building up trust and confidence;

34. Encourages the Member States to oblige public entities to make data available by maintaining repositories and catalogues of public data and ensuring that rules for disclosure and reuse are established, taking due account of copyright law and the law on the protection of databases;

35. Calls on the Member States to implement 'one-stop shops' and make use of intermediary actors, with a view to providing a seamless, integrated and easily accessible system of contact points for users, for both domestic and crossborder eGovernment services;

36. Underlines that eGovernment can enhance the quality of our democracy and can play an important role in increasing the active participation of citizens - especially the young generations – and businesses alike in public and political life and democratic processes; notes that in this regard, pilot consultations or referendums, particularly at local level, should be encouraged;

37. Welcomes the launch of OCS (Online Collection Software), developed on the Commission’s initiative within the framework of the ISA programme and intended to allow signatories to submit, from 1 April 2012, their support for a proposed citizens' initiative by online means, as well as to be used by the organisers of a petition for managing the collection, storing and submission of signatures; therefore wishes to see the e-government strategies implemented as soon as possible;

38. Underlines that interoperable crossborder eGovernment services should benefit from innovative architecture and technologies (public cloud services, Service-Oriented Architecture), and calls for the upgrading of IPv6-relevant eGovernment infrastructure and online services of public interest;

39. Recognises the major potential of cloud computing, for businesses and private citizens alike; however, stresses that with the increased use of cloud services, supervision of the relocation of IT resources and strict control of access to servers and data are required, inter alia in order to prevent unauthorised commercial use by other parties, and that as a consequence these issues should be dealt with in the reform of the EU data protection rules as proposed by the Commission (COM(2012)0011), COM(2012)0010).
40. Stresses that a secure crossborder eGovernment system is an integral part of the European Critical Infrastructure Protection programme; calls for adequate measures to be put in place to ensure data and privacy protection and minimise vulnerability to cyber-attacks; recognises the important role of ENISA in assisting the EU and the Member States in their efforts to provide secure and robust eGovernment services; calls for the introduction of truly democratic forms of monitoring of data use and of the methods employed;

41. Welcomes the contribution of the IDA, IDABCD and ISA programmes and CIP large-scale pilots, as well as of the ePractice forum in designing and implementing crossborder interoperable solutions; calls on the Commission and the Member States to ensure the long-term sustainability of these actions;

42. Welcomes and supports the ‘Connecting Europe Facility’ (CEF) proposal, which allocates almost EUR 9,2 billion to support investment in fast and ultrafast broadband networks and pan-European digital services; CEF will provide grants for building the infrastructure needed to roll out e-ID, e-identification, eGovernment, e-procurement, e-health, e-justice and customs-related services, and will serve to ensure interoperability and meet the costs of running the infrastructure at European level, linking up Member States’ infrastructures;

43. Considers that the Europe 2020 Project Bond Initiative will mobilise private financing for targeted investment in the future key EU infrastructures, such as roads, railways, energy grids and pipelines and broadband networks;

44. Reiterates the importance of future high-speed services that will help deliver the EU’s energy efficiency and safety objectives and other communications capabilities (e.g. efficient and intelligent transport systems, person-to-machine communication systems);

45. Welcomes the adoption of the Open Data Package, and calls on the Member States to support the reuse of public sector information in innovative ways (non-personal information); calls for the better involvement of local and regional authorities as regards access to public-sector information in order to improve the provision of information to the public, business and institutions, and to facilitate the creation of new jobs while boosting development at local and regional level;

46. Underlines the importance of measurement methodologies (qualitative and quantitative), focused on efficiency and effectiveness in terms of eGovernment and democracy and using SMART (1) targets, which should be in active use across governments;

47. Regrets that the list of all key crossborder public services to be made available online by 2015 has not yet been agreed by the Member States; calls on the Commission to step up its efforts towards achieving this goal;

48. Calls on the Commission and the Member States to develop and put in place specific ICT tools to facilitate eParticipation - such as common ePetitioning schemes - with the aim of giving EU citizens and representative associations the practical means of exercising their rights under the citizens’ initiative provisions laid down in Article 11 TEU;

49. Recalls the key commitment to reduce both digital literacy gaps and competence gaps by half by 2015, and, in this sense, welcomes the proposals to enhance digital literacy, skills and eInclusion, and especially the proposal to make digital literacy and related components a priority for the European Social Fund regulation (2014-2020); reiterates the need for a ‘no citizen left behind - inclusion by design’ approach, and stresses the need for a user- and citizen-centred design of eGovernment services;

(1) SMART: Specific, Measurable, Achievable, Realistic and Timed.
50. Calls on the Commission and the Member States to launch digital training programmes to promote the full use of eGovernment services, reinforce digital literacy and overcome the e-barriers affecting SMEs and disadvantaged sectors of the population such as older people, persons with disabilities, minorities, immigrants, the unemployed and those living in remote areas of the Union; to this extent, e-learning should be incorporated into national education and training policies, including the definition of programmes, the assessment of training outcomes and the professional development of teachers and trainers;

51. Regrets the delay affecting the legislative proposal aiming to ensure that public-sector websites are fully accessible by 2015; welcomes the Roadmap for digital inclusion, and calls for implementation of the Web Accessibility Initiative (WAI), including Web Content Accessibility Guidelines (WCAG) for eGovernment portals, as well as available and affordable customised terminals tailored to the needs of disabled persons;

52. Recommends, with a view to ensuring quality in the provision of these services, that they be brought into line with the international standards, norms and guidelines concerning good practice, such as ISO 27001 on information security or ISO 20000 on quality in IT service management processes;

**eProcurement**

53. Stresses that eProcurement enables EU public procurement and maximum choice for public authorities, resulting in the efficient spending of money, transparency, accountability, public trust, and the strengthening of the internal market and competition;

54. Emphasises that in the EU-27 public expenditure represents 16 % of GDP, and urges the use of eProcurement for all public procurement by 2015; calls for the use of eProcurement also for concessions;

55. Regrets the fact that in 2010 only 13 % of EU enterprises used the internet to submit a proposal to public authorities through a public electronic tender system; calls on the Member States to encourage the participation of SMEs in eProcurement;

56. Stresses that eProcurement consists of two phases: pre-awarding (1) and post-awarding (2); calls on the Member States to fully implement and integrate both phases on their eProcurement portals by 2015;

57. Calls on the Commission and the Member States to promote the qualitative level of ICT projects in public administrations, so as to ensure that administrations’ strategic objectives for innovation are pursued and that general standards are raised as regards the quality, duration and cost of tenders;

58. Urges the Commission and the Member States to promote, in central and local public administrations, the pre-commercial procurement (PCP) model, which enables public procurers to share with suppliers the risks and benefits of designing, prototyping and testing new products and services, pool the efforts of several procurers, create the optimum conditions for wide commercialisation and take-up of R&D results, and help keep such projects within the operating budget assigned to them;

59. Underlines the successful activities of the PEPPOL and e-CERTIS eProcurement large-scale pilot projects;

60. Stresses that national eProcurement systems need to become more advanced, in order to facilitate crossborder services and fully implement the Services Directive;

61. Urges the Commission to submit the White Paper on interconnecting eProcurement capacity in the EU – ‘A strategy for eProcurement’;

62. Calls on the Commission to introduce an implementation monitoring mechanism to review progress, barriers, corrective action, etc, in the context of the introduction of eProcurement in the Member States;

63. Considers that the Commission, as a leader, should set an example to all by implementing the eProcurement system in all its organs;

**eInvoicing**

64. Welcomes the eInvoicing Initiative, which aims to make eInvoicing the predominant method of invoicing in the EU by 2020, and the Commission decision setting up the European Multi-Stakeholder Forum on eInvoicing (EMSFEI);

65. Underlines the substantial benefits offered by eInvoicing as a tool for the more efficient and less burdensome management of all customer-supplier relationships, in both public and private spheres, by means of shorter payment times, fewer errors, better collection of VAT, reduced printing and postage costs and business process integration; notes also that such a tool allows greater transparency of the information flows and exchanges involved in issuing invoices;

66. Is aware of market fragmentation due to national rules on eInvoicing; regrets that only 22 % of SMEs receive or send eInvoices;

67. Welcomes the new VAT rules (1) as regards eInvoicing, which introduce equal treatment as between paper and eInvoices;

68. Underlines the importance of ‘one-stop-shops’ for VAT in order to facilitate crossborder e-commerce for SMEs and promote e-invoicing;

69. Stresses the importance of legal certainty, a clear technical environment and open and interoperable eInvoicing solutions, based on common legal requirements, business processes and technical standards in order to facilitate mass adoption;

70. Invites industry and the European standardisation organisations to continue their efforts to promote convergence towards a common eInvoice data model;

71. Appreciates the initiatives of Denmark, Finland, Italy, Spain and Sweden to make eInvoicing mandatory for public authorities, and calls for eInvoicing to be made mandatory for all public procurement by 2016;

72. Notes that eSignature crossborder interoperability problems are slowing down the adoption of crossborder eInvoicing solutions;

(1) Directive 2010/45/EU.
73. Invites the Commission to use the EMSFEI to look into the legal aspects and to coordinate national initiatives; calls on the Commission to report on a yearly basis, and to invite MEPs to participate in the meetings of the EMSFEI;

74. Encourages Member States to set up National Forums on eInvoicing, with a balanced representation of stakeholders;

75. Considers that consumers with limited access to the internet or none at all should not be left behind, and that consumers should always be allowed to receive paper invoices;

General remarks

76. Recognises the added value represented by the 132 projects within the CIP-ICT-PSP strategic priorities, and underlines the importance of R&D and innovation in developing and improving crossborder services; calls for support for 'light and fast' access to EU R&D funds for ICT, as well as for an increase in the financial allocations for crossborder eGovernment services and infrastructure for 2014-2020;

77. Recognises the contribution and overarching role of the ISA programme in defining, promoting and supporting the implementation of interoperability solutions and frameworks for European public administrations, achieving synergies and promoting the reuse of infrastructure, digital services and software solutions, as well as translating public administrations' interoperability requirements into specifications and standards for digital services, and calls for an increase in the financial allocations for interoperability solutions between EU public administrations (ISA programme) for 2014-2020;

78. Stresses that the European eGovernment Action Plan 2011-2015 represents a unique opportunity to modernise and reduce the costs of European and national public administrations, enabling them to fully exploit the potential of further European integration and foster growth, innovation and mobility for citizens and professional opportunities for businesses, especially SMEs, as well as public participation in policy-making; underlines the importance of public-private partnerships and the role of the private sector in providing innovative solutions, applications and services for the development of interoperable eGovernment infrastructure in the EU and in leveraging the available resources;

79. Calls on the Commission to undertake an annual assessment of the goals of the Digital Agenda, especially those related to the eGovernment Action Plan, and to report to Parliament on a yearly basis;

80. Welcomes the priority given by the Swedish, Spanish, Polish and Danish Council presidencies to eGovernment and digital market issues, and underlines the positive contribution of the Malmo, Poznan and Madrid eGovernment conferences; considers that 2012-2013 is a crucial period for the crossborder interoperability of eGovernment services, and therefore looks forward with interest to the proceedings and conclusions of the Copenhagen eGovernment Conference, to be held in March 2012;

*     *

81. Instructs its President to forward this resolution to the Council and the Commission.
Situation in Mali

European Parliament resolution of 20 April 2012 on the situation in Mali (2012/2603(RSP))

(2013/C 258 E/10)

The European Parliament,

— having regard to the Strategy for Security and Development in the Sahel, adopted in March 2011,

— having regard to the UN Security Council statements on Mali of 22 March (1), 26 March (2), 4 April (3) and 9 April (4) 2012,

— having regard to the statements by the Vice-President/High Representative of the Union for Foreign and Security Policy of 22 March, 26 March and 7 April 2012 regarding the situation in Mali,

— having regard to the Framework Agreement signed on 6 April 2012 between the military junta and ECOWAS,

— having regard to the Council conclusions of 22 and 23 March 2012 on the Sahel region,

— having regard to the Algiers Agreements of 2006 on development and peace in northern Mali,

— having regard to the statement made on 12 April 2012 by the UN High Commissioner for Human Rights, Navi Pillay (5),

— having regard to the statement by the Commission’s humanitarian aid department on preventing a humanitarian crisis in Mali,

— having regard to the call by the various UN agencies – UNICEF, UNHCR and the WHO – of 10 April 2012 for additional funding for the millions of people affected by food insecurity in the Sahel region,

— having regard to UNICEF’s appeal for USD 26 million for Mali to enable it to meet the health and nutritional needs of children until the end of the year,

— having regard to the call by the United Nations Refugee Agency of 23 February 2012 for USD 35.6 million to tackle the growing humanitarian crisis in Mali,

— having regard to its previous resolutions on West Africa,

— having regard to Rule 110(2) and (4) of its Rules of Procedure,

A. whereas during the night of 21-22 March 2012 the President of Mali, Amadou Toumani Touré, was overthrown in a coup which put an end to a long democratic process which had begun more than two decades previously;

(1) SC/10590.
(2) SC/10592.
(3) SC/10600.
(4) SC/10603.
(5) http://www.unhcr.org/refworld/docid/4e9bd7382.html
B. whereas in the days following the coup international pressure and mediation efforts, especially on the part of the Economic Community of West African States (ECOWAS), led to the conclusion of a framework agreement on 6 April 2012 between the Comité national pour le redressement et la démocratie (CNRDE) and ECOWAS, enabling Dioncounda Traore to be installed as interim president and instructed to organise national elections within 40 days;

C. whereas, in accordance with the 1992 Constitution, the President of the National Assembly has been appointed Interim President;

D. having regard to the wave of arrests on 16 and 17 April 2012, without any judicial procedure being followed, of political leaders, including two candidates in the presidential elections, and of senior military officers who are being held prisoner in the military camp of those responsible for the coup;

E. whereas the country is also dealing with renewed fighting in the north between government forces and rebels, which has displaced more than 200,000 people since January; whereas the estimated number of internally displaced persons exceeds 100,000, and whereas around 136,000 refugees have fled to neighbouring countries (Algeria, Mauritania, Niger and Burkina Faso), where the severe drought has already caused significant food shortages in recent years;

F. whereas Tuareg rebels, belonging mainly to the National Movement for the Liberation of Azawad (MNLA), swept through northern Mali after the military coup, pushed government forces out of the three northern regions of Mali (Kidal, Gao and Timbuktu) and unilaterally proclaimed the independence of the new ‘Azawad’ state on 6 April 2012;

G. whereas an Islamist group called Ansar Dine, which has close links with al-Qaeda in the Islamic Maghreb (ACMI), claims to have control of Timbuktu and is seeking to impose Sharia law in Mali;

H. whereas the proliferation of arms emanating from Libya, drug trafficking, high unemployment and poverty are contributing to the destabilisation of the region as a whole;

I. whereas avowed links exist between terrorist groups in the Sahel and Sahara region and traffickers in drugs, arms, cigarettes and human beings, particularly involving the taking of hostages for ransom;

J. whereas various other extremist movements also exist in northern Mali, such as AQMI (al-Qaeda in the Islamic Maghreb), the Movement for Unity and Jihad in West Africa (MUJAO) and Boko Haram, based in Nigeria;

K. whereas there were several uprisings of Tuaregs in Mali, in 1963, 1990 and 2006, in an attempt to secure an improvement in their living conditions, and whereas certain unfulfilled promises made to the Tuaregs, particularly at the time of the ‘National Pact’ of 1992, have helped to create a sense of frustration;

L. whereas the enormous size and sparse population of Mali’s territory and its long, ill-defined borders necessitate good regional coordination of information and action;

M. whereas the EU has a vital interest in the security, stability and development of the whole Sahel region, particularly at a time of serious food shortages which are affecting millions of people there; whereas the recent violence will further exacerbate the food emergency both in northern Mali and in neighbouring countries, where refugees are moving into areas suffering from acute food insecurity; whereas there is an EU Strategy for Security and Development in the Sahel; whereas the Sahel is facing its worst humanitarian crisis in the past 20 years;

N. whereas terrorism in the Sahel needs to be fought partly by means of an active policy to promote development, social justice, the rule of law and integration; whereas it is necessary to hold out to local population groups economic prospects which provide an alternative to the criminal economy;
O. whereas on 16 April 2012 the UN Special Representative of the Secretary-General for Children and Armed Conflict, Radhika Coomaraswamy, expressed her grave concern over reports of recruitment of child soldiers;

P. whereas there are reports of serious violations of the human rights of the population of Mali, especially in rebel-held northern areas;

Q. whereas many Malians are trapped in the northern regions and have limited access to food and other basic necessities, while aid operations remain largely suspended on account of the lack of security and the fact that in many cases aid agencies have had their equipment, vehicles and supplies stolen;

R. whereas displaced persons are living in conditions of extreme poverty such that their basic human needs are not being met and social tensions are increasing; whereas more than 50 % of those displaced are women deprived of any form of protection, who constitute a particularly vulnerable group;

S. whereas, because of the looting of their facilities and stores, most humanitarian organisations have left the northern region;

T. whereas the EU has released an additional EUR 9 million in financial aid for the 1.4 million Malians estimated to be in need of food aid;

U. whereas between 175 000 and 220 000 children will suffer from serious malnutrition this year and whereas access to northern Mali and to the areas where refugees are living beyond the borders is increasingly problematic;

1. Condemns the military coup in Mali and the suspension of its republican institutions;

2. Welcomes the signing of the framework agreement providing for a series of steps aimed at restoring constitutional order; urges all the Malian stakeholders concerned to implement this agreement immediately;

3. Commends the actions taken by ECOWAS, the African Union, the United Nations and neighbouring countries with a view to facilitating Mali’s rapid return to constitutional order and initiating concrete measures designed to protect its sovereignty, unity and territorial integrity; takes note of the outcome of the conference held in Ouagadougou on 14 and 15 April 2012 under the auspices of Burkina Faso’s President Blaise Compaoré, the mediator appointed by ECOWAS, and hopes that the timetable and detailed arrangements for the transition will swiftly be clarified further;

4. Reaffirms the need to uphold and respect the sovereignty, unity and territorial integrity of Mali; calls on the Malian authorities and the Tuareg liberation movement to reach a peaceful and lasting solution through constructive dialogue;

5. Calls on all parties to maintain restraint with a view to restoring the authority of the elected representatives and to cooperate to ensure the early holding of elections under international supervision, together with a quick return to democracy;

6. Takes the view that there is no military solution to the conflict in the north and that a solution must be found by means of negotiation;

7. Calls on the EU and its Member States actively to support the next steps in the transition process, including by sending an election observation mission to monitor the elections; urges the Vice-President/High Representative to speed up the implementation of the various components of the EU Strategy for Security and Development in the Sahel;
8. Calls for the immediate release of the people being arbitrarily detained by the military personnel responsible for the coup;

9. Calls for the immediate release of all abductees and the immediate cessation of all violence, and renews its call for all parties in Mali to seek a peaceful solution through appropriate political dialogue;

10. Expresses deep concern at the increased terrorist threat in the north of Mali owing to the presence among the rebels of members of al-Qaeda in the Islamic Maghreb and of extremist elements; condemns, in this regard, all violence and looting, including against humanitarian workers, and the abduction in Gao of Algerian diplomatic personnel;

11. Condemns the acts of violence perpetrated by armed groups;

12. Condemns in particular the atrocities committed against the civilian population, which have been directed against women more than other victims, and particularly condemns the use of abduction and rape as weapons of war; calls for an inquiry into the atrocities committed in Mali in recent months;

13. Calls on the EU and its Member States to pay particular attention to the situation of women and girls in the Sahel region and to take all the necessary measures to ensure their protection from every type of violence and from violations of their human rights;

14. Calls on the Malian authorities to combat all Mafia-style trafficking vigorously;

15. Condemns looting and despoiling of the cultural heritage;

16. Calls on the European Union and its Member States to support regional coordination in the efforts that they make;

17. Calls on the European Union and its Member States to support efforts to increase the capacities of the States in the region and to mobilise all available resources to protect the people and promote security and development in the region in cooperation with the States in the region and the inter-State organisations ECOWAS and WAEMU;

18. Calls for consideration of the possibility of a European ESDP mission with a mandate from the UN Security Council to provide logistic support to the Malian Army if the Government of Mali requests it and for a possible ECOWAS force or a joint ECOWAS/African Union/United Nations force to secure the areas of Mali not occupied by illegal armed groups;

19. Hopes that the ESDP mission will help the countries in the subregion to control their borders more effectively and particularly to combat trafficking in arms, drugs and human beings;

20. Also condemns the abduction on 24-25 November 2011 of two French nationals, a Swede, a Dutchman and a South African holding a British passport, along with the killing of a German citizen who resisted the kidnappers; notes that this brings the number of EU hostages in the Sahel area to 12, with al-Qaeda in the Islamic Maghreb still holding two Spanish nationals and an Italian national abducted in western Algeria in October 2011 and four French nationals abducted in Niger in September 2010; and, on 15 April 2012, a Swiss Christian missionary abducted in Timbuktu;

21. Reiterates its serious concern over the rapidly deteriorating humanitarian and food crisis and calls on the Commission and the Member States to increase and speed up the delivery of humanitarian supplies to the populations in need; notes that the Commission is giving an additional EUR 9 million in response to the new humanitarian needs in northern Mali; points out that urgent efforts are needed in order to open up the humanitarian space and allow food and medical supplies to reach northern Mali; is concerned that, unless such measures are taken rapidly, a major humanitarian crisis may develop which could also have a negative impact on neighbouring countries;
22. Calls for the opening of a humanitarian corridor in order to help tens of thousands of people displaced by the fighting in Mali, many of whom have sought refuge in neighbouring countries such as Niger, Mauritania and Burkina Faso; also calls for a comprehensive and rapid response to the Sahel humanitarian crisis as a whole;

23. Points out that the current crisis in Mali originates from the country’s economic and social problems and that the needs of the people with regard to access to employment, health, housing and public services urgently need to be met, in which connection everybody must be treated equally, guaranteeing basic human rights, including minority rights;

24. Calls on the European Union to step up its action to assist the people of the region by helping to give them better access to water and public education and health services, as well as better infrastructure in order to improve access to the region;

25. Calls for a detailed assessment of the European Union’s support to the region;

26. Is convinced that a lasting solution in the region should aim to strengthen state institutions, promote active public participation in decision-making and lay the ground for sustainable and equitable economic development;

27. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the institutions of ECOWAS and the African Union, the Interim President of Mali and the UN Security Council.

Situation in Burma/Myanmar

P7_TA(2012)0142

European Parliament resolution of 20 April 2012 on the situation in Burma/Myanmar (2012/2604(RSP))

(2013)C 258 E/11

The European Parliament,

— having regard to Articles 18 to 21 of the Universal Declaration of Human Rights (UDHR) of 1948,

— having regard to Article 25 of the International Covenant on Civil and Political Rights (ICCPR) of 1966,

— having regard to the EU Presidency statement of 23 February 2009 calling for all-inclusive dialogue between the authorities and the democratic forces in Burma/Myanmar,

— having regard to its previous resolutions on Burma/Myanmar, in particular those of 25 November 2010 (¹) and 20 May 2010 (²),


— having regard to the Council conclusions of 12 April 2011 on lifting the suspension of high-level meetings and suspending the visa ban for civilian members of the government (Council Decision 2011/239/CFSP),

¹) OJ C 99 E, 3.4.2012, p. 120.
having regard to the declaration by the High Representative of 28 April 2011,

— having regard to the report of the UN Special Rapporteur on the situation of human rights in Burma/Myanmar of 12 March 2012,

— having regard to the UN Secretary-General's statement of 2 April 2012 on the elections in Burma/Myanmar,

— having regard to the decision taken at the ASEAN Summit in November 2011 to confer the ASEAN Presidency on Burma/Myanmar in 2014,

— having regard to the statement made by the President of the European Council on 30 January 2012 on the path of reform in Burma/Myanmar,

— having regard to the High Representative's declarations of 28 April 2011 and 14 October 2011 on the alignment of certain third countries with Council Decisions 2011/239/CFSP and 2011/504/CFSP on restrictive measures against Burma/Myanmar,

— having regard to the EU Foreign Affairs Council conclusions of 23 January 2012 on Burma/Myanmar,

— having regard to Commissioner for Development Andris Piebalgs' visit to Burma/Myanmar on 12-14 February 2012,

— having regard to the results of the First EU-Burma/Myanmar Inter-Parliamentary Meeting of 26 February-2 March 2012,

— having regard to the statements by the High Representative, in particular those of 13 November 2010 on the release of Aung San Suu Kyi, of 13 January 2011 and 12 October 2011 on the release of political prisoners, and of 2 April 2012 on the conduct of by-elections,

— having regard to the ASEAN Summit statement of 3 April 2012 concerning the outcome of the 1 April 2012 by-elections and calling for sanctions to be lifted,

— having regard to the various meetings between President U Thein Sein of Burma/Myanmar and Daw Aung San Suu Kyi since August 2011,

— having regard to the State of the Union speech given by President Thein Sein on the occasion of the first anniversary of his government on 1 March 2012, in which he acknowledged that, despite the efforts made, there is still 'much more to do',

— having regard to Rule 110(2) and (4) of its Rules of Procedure,

A. whereas, on 1 April 2012, Burma held by-elections for over 40 seats in its lower house of parliament (Pyithu Hluttaw), in which Aung San Suu Kyi's National League for Democracy Party (NLD) was able to fully participate; whereas these by-elections, which were broadly deemed to be free and fair by the international community, are an indication that Burma/Myanmar is on the path to democratic change;

B. whereas, during its first year in office, the government of President Thein Sein has made more progress towards democracy and peace than was made in the last decades;

C. whereas the opposition currently holds only 6,6 % of seats in the parliament (42 out of 659) while a large majority of seats is controlled by the ruling Union Solidarity and Development Party (USDP), including the 25 % of seats reserved for military officers;
D. whereas the next general elections, scheduled for 2015, when 75% of seats will be contested, will be the real test of the Burmese authorities’ will to democratise the country;

E. whereas the conduct of the 1 April 2012 by-elections and the invitation to, and presence of, foreign observers and journalists, including a European Parliament representative, is proof of the willingness of the Government of Burma/Myanmar to continue its process of reforms, which should be sustainable and irreversible;

F. whereas these ongoing changes create important opportunities for developing a much improved relationship between the European Union and Burma/Myanmar;

G. whereas there is a need for caution, bearing in mind that, according to the report of the UN Special Rapporteur on Human Rights in Burma/Myanmar, serious human rights concerns remain, hundreds of political prisoners are still in prison and many of those who are no longer detained have only been released conditionally;

H. whereas the government is addressing the legacy of decades of civil war and armed unrest, resulting in a series of ceasefire arrangements with the majority of armed ethnic groups, the Kachin situation being the exception, while humanitarian aid to tens of thousands of displaced civilians is blocked and the policy of discrimination against the Rohingya minority continues unabated;

I. whereas the government has indicated that it is pursuing a three-step process of peace building: firstly a ceasefire, secondly socio-economic, cultural and political processes and finally an all-encompassing agreement – involving changes to the constitution – on ethnic issues, including demobilisation and integration of ex-combatants, resource sharing and greater autonomy;

J. whereas there is a gap between the political decisions at the highest level and the limited institutional and technical capacities on the ground, and whereas changes are slow to impact on the life of the majority of Burmese citizens, who continue to face great poverty, high levels of indebtedness, lack of employment and an absence of social services;

K. whereas in the past many sectors of economic activity in Burma/Myanmar, such as mining, timber, oil, gas and dam construction, have been directly linked to serious human rights abuses and environmental destruction and have, at the same time, been the military’s main source of government revenue;

L. whereas the government has taken steps to expand civil liberties in the country, with greater freedom of information and expression, the lifting of the ban against many sites and publications, freedom of assembly, the establishment of a National Human Rights Commission and the planned abolition of the censorship board before the end of 2012;

M. whereas Baroness Ashton, High Representative for Foreign Affairs and Security Policy, will visit Burma/Myanmar shortly after the Council meeting on 23 April 2012;

N. whereas an independent and impartial judiciary is essential if there is to be respect for the rule of law and justice in Burma/Myanmar; calls on the Government of Burma/Myanmar also to initiate legal reforms in order to ensure a truly independent and impartial judiciary;

O. whereas the government is at last taking note of people’s concerns regarding projects that may be environmentally and socially disruptive;
P. whereas the EU restrictive measures against Burma /Myanmar will come up for revision at the next General Council meeting on 23 April 2012;

1. Welcomes the transparent and credible conduct of the by-elections of 1 April 2012, deemed to be free by international observers, while noting the reported irregularities in the run-up to the poll; trusts that the newly elected parliamentarians will take up their duties as soon as possible; supports the authorities in their efforts to guarantee that the reform process is sustainable and irreversible;

2. Expresses its great respect for the long struggle over decades of opposition leader and Sakharov Prize winner Aung San Suu Kyi, congratulates her on her party's victory in the April by-elections and applauds her courage and tenacity as an example of selfless courage and struggle for freedom and democracy in the face of tyranny;

3. Recognises the steps taken by President Thein Sein and other reformers in the Burmese regime to implement democratic reforms over the past year, and encourages them to continue this process as a matter of urgency, so that change becomes irreversible;

4. Warmly welcomes the efforts by the government, the parliament and the leadership of the armed forces to seek an end to internal armed conflicts waged over decades, and urges the rapid finalisation of peace negotiations with the Kachins;

5. Urges the Burmese Government to introduce amendments to the 2008 constitution, prior to the 2015 elections, that would remove the military's role in civilian politics, notably its seats in both houses of parliament;

6. Welcomes the mutual rapprochement between President U Thein Sein and Daw Aung San Suu Kyi, and the dialogue between the government and opposition;

7. Welcomes the high-level international efforts to encourage democratic change in Burma/Myanmar, notes the visit by British Prime Minister David Cameron, following the April by-elections, and welcomes the fruitful discussions he held with Burma's President Thein Sein and with Aung San Suu Kyi;

8. Welcomes the release of significant numbers of political detainees and the much improved media and internet freedom, while expressing concern at continuing censorship and restrictions; welcomes the new legislation on freedom of assembly and the reported progress on changes in law and practice to eliminate the use of forced labour;

9. Calls on the Government of Burma/Myanmar to release all remaining political prisoners without delay and conditions, allowing free access for the ICRC and international human rights bodies to Myanmar's prisons; calls also on the National Human Rights Commission to intensify its work of promoting and safeguarding the fundamental rights of citizens;

10. Calls for changes to the 1982 law on citizenship to ensure due recognition of the right to citizenship of the Rohingya ethnic minority;

11. Calls on the Burma/Myanmar authorities to guarantee free and independent media and ensure that the new media law allows for unrestricted access to communication and information technology;

12. Calls on the Government of Burma/Myanmar to initiate legal reforms in order to ensure a truly independent and impartial judiciary and to establish a process of justice and accountability for past human rights abuses;
13. Welcomes the outcome of the 19th Session of the UN Human Rights Council, which extended the mandate of the Special Rapporteur on the situation of human rights in Burma/Myanmar for another year;

14. Calls on President Thein Sein to investigate allegations of sexual violence by the Burmese army and to prosecute those soldiers who have engaged in such acts; urges the Government of Burma/Myanmar to put an immediate end to the recruitment and use of child soldiers, to intensify measures to ensure the protection of children from armed conflict and to pursue its collaboration with the UN Secretary-General's Special Representative for Children and Armed Conflict;

15. Calls on President Thein Sein to consult the local communities affected by the planned dam projects and to carry out independent environmental impact assessments;

16. Welcomes the EU's positive gestures in support of the beginning of the political transition in the country, including the pledging of EUR 150 million for humanitarian assistance, aimed in particular at developing the country's health and education facilities and assisting the displaced persons;

17. Welcomes the measures taken by the Burmese authorities with regard to the Burmese currency's exchange rate;

18. Calls on the Council to suspend the restrictive measures currently in place, with the exception of the arms embargo, for an initial period of one year, and closely to monitor the situation in the country;

19. Calls on the Commission and the Council to set clear timelines and benchmarks regarding the evaluation of the ongoing political and economic reform process in Burma/Myanmar;

20. Acknowledges that responsible and sustainable trade and investment – including with and from the European Union – will support Burma/Myanmar's efforts to fight poverty and to ensure that measures benefit broader sections of the population, and calls on the Council and the Commission to consider allowing Burma/Myanmar to have privileged market access to the European Union;

21. Welcomes the EU's commitment to increasing aid to conflict-afflicted populations and calls on the Government of Burma/Myanmar to allow aid agencies and the United Nations access to ethnic states, or to ensure that local community-based and cross-border aid is provided in order to reach these vulnerable populations;

22. Welcomes the forthcoming official visit by Baroness Ashton, High Representative for Foreign Affairs and Security Policy, and her decision to establish a diplomatic presence in the country and to inaugurate the EU Office in Yangon on that occasion;

23. Recalls the invitation to the Sakharov Prize winner, Daw Aung San Suu Kyi, to visit the European Parliament in order to be officially presented with the Sakharov Prize which she was awarded in 1991 for all she has done to promote democracy and freedom in Burma/Myanmar;

24. Instructs its President to forward this resolution to the Council, the Commission, the High Representative for Foreign Affairs and Security Policy, the parliaments and governments of the Member States, the Secretary-General of the United Nations, the Secretary-General of ASEAN and the Parliament and Government of Burma/Myanmar.
Legal security of European investments outside the European Union

P7_TA(2012)0143

European Parliament resolution of 20 April 2012 on the legal security of European investments outside the European Union (2012/2619(RSP))

(2013/C 258 E/12)

The European Parliament,

— having regard to Article 207 of the Treaty on the Functioning of the European Union (TFEU),

— having regard to its resolution of 6 April 2011 on the future European international investment policy (1),

— having regard to its resolution of 21 October 2010 on the European Union’s trade relations with Latin America (2),

— having regard to its resolution of 13 December 2011 on trade and investment barriers (3),

— having regard to the Commission’s proposal for a regulation establishing transitional arrangements for bilateral investment agreements between Member States and third countries (grandfathering regulation) (COM(2010)0344),

— having regard to the Commission communication of 7 July 2010 entitled ‘Towards a comprehensive European international investment policy’ (COM(2010)0343),

— having regard to the Eurolat resolution of 19 May 2011 on the prospects for trade relations between the European Union and Latin America (4),

— having regard to the WTO Joint Statement of 30 March 2012 on Argentina’s Import Restricting Policies and Practices (5),

— having regard to the G20 declarations at Washington (15 November 2008), London (2 April 2009), Pittsburgh (25 September 2009), Toronto (26 June 2010), Seoul (12 November 2010) and Cannes (4 November 2011), which include commitments to fight protectionism,

— having regard to the Agreements on the Reciprocal Promotion and Protection of Investments signed between Argentina and Spain and a number of other EU Member States,

— having regard to the negotiations on an inter-regional Association Agreement between the EU and Mercosur, and in particular the Free Trade Agreement (FTA),

— having regard to its resolution of 5 May 2010 on the EU strategy for relations with Latin America (6),

— having regard to Rule 110(2) and (4) of its Rules of Procedure,

(2) OJ C 70 E, 8.3.2012, p. 79.
(3) Texts adopted, P7_TA(2011)0565.
(6) OJ C 81 E, 15.3.2011, p. 54.
A. whereas Article 207 of the TFEU establishes that European investments in third countries are a fundamental element of the Common Trade Policy of the European Union and are consequently an intrinsic part of its external action policy and whereas under the Treaty of Lisbon foreign direct investment (FDI) is an exclusive EU competence, as enshrined in Articles 3(1)(e), 206 and 207 of the Treaty on the Functioning of the European Union (TFEU);

B. whereas the Union has begun to exercise this competence with ongoing negotiations for investment agreements with India, Singapore and Canada, and proposals for negotiating mandates with Morocco, Tunisia, Jordan and Egypt;

C. whereas investment will be the central theme of the next EU-LAC summit to be held in Santiago de Chile in January 2013;

D. whereas EU investments in Argentina are protected by Member State bilateral investment agreements, where they exist, and whereas 18 Member States currently have agreements in force with Argentina;

E. whereas the government of the Argentine Republic announced its decision to send a draft law to its Congress in order to validate the expropriation of 51% of the shares of the YPF hydrocarbons corporation, which is majority-owned by a European company, and the majority of whose shares are specifically the object of the proposed expropriation;

F. whereas the abovementioned announcement was accompanied by the immediate takeover of the company’s main offices by the Argentine federal government authorities, evicting the legitimate management and designated personnel of the abovementioned enterprise from the premises;

G. whereas over the last few months, the company has been the target of a public harassment campaign that, together with many decisions taken by the administrative authorities, has resulted in the loss in value of its shares with repercussions for all its shareholders and companies associated with it;

H. whereas, prior to this announcement, the Spanish Government and YPF-Repsol had tried to find a negotiated solution, but this was not pursued by the Argentine Government;

I. whereas other European companies may be affected by similar actions or by political interference in the free market by the Argentine authorities;

J. whereas the Republic of Argentina, as a full member of Mercosur, is currently negotiating an Association Agreement with the EU;

K. whereas, in spite of these negotiations, the Commission has noted in its Trade and Investment Barrier Reports that Argentina has adopted a number of protectionist measures which have caused deterioration in the business climate for EU investors in Argentina;

L. whereas the European Commission has expressed its concern on many occasions to the WTO with regard to the nature and application of the restrictive measures applied to imports by the Argentine Government which have affected an ever-increasing number of countries that are part of the World Trade Organisation;

M. whereas the Republic of Argentina has traditionally benefited from the generalised system of preferences (GSP) unilaterally granted by the EU;

N. whereas Argentina, as a member of the G20, has committed itself at each G20 summit to fighting protectionism and keeping markets open to trade and investment;
1. Deplores the decision taken by the Argentine Government, disregarding a negotiated solution, to proceed with the expropriation of the majority of shares of a European company; maintains that this represents a unilateral and arbitrary decision which entails an attack on the exercise of free enterprise and the principle of legal certainty, thus causing the investment environment for EU businesses in Argentina to deteriorate;

2. Notes that this decision affects only one undertaking in the sector and only part of its shares, which could be considered discriminatory;

3. Expresses its deep concerns regarding the situation as it represents the non-fulfilment of obligations under international agreements; warns about the negative effects that such measures might have, such as international disinvestment and adverse consequences for Argentina in the international community;

4. Recalls that the objective of the ongoing negotiations on the Association Agreement between the EU and Mercosur is to introduce a framework for economic integration and political dialogue between the two blocks in order to achieve the highest degree of progress and prosperity for both regions, and believes that for such negotiations to be successful both sides have to approach the talks in a spirit of openness and mutual trust; points out also that decisions such as that taken by the Argentine authorities can put a strain on the climate of understanding and friendship needed to reach such an agreement;

5. Regrets that Argentina has not respected this principle and has introduced several restrictive trade and investment measures, such as non-tariff barriers, which have hampered EU businesses and global trade with Argentina;

6. Calls on the Commission to respond to these restrictions using all the appropriate dispute settlement tools available at the World Trade Organisation and the G20 to cooperate with other countries facing similar discriminatory barriers to trade and investment;

7. Calls on the President of the European Council, the President of the European Commission and the High Representative for CFSP to make every effort with the Argentine authorities to defend the Community interest and to safeguard the principle of legal certainty which guarantees Europe’s presence and investment in this South American country, by returning to the path of dialogue;

8. Urges the European Commission and the Council to explore and adopt any measures required to safeguard European interests in order to avoid such situations arising again, including the possible partial suspension of the unilateral tariff preferences under the GSP scheme;

9. Recalls the deep friendship between the EU and the Republic of Argentina, with which the EU shares common values and principles, and urges the Argentine authorities to return to the path of dialogue and negotiation as the most appropriate means of resolving possible differences between trading partners and countries that are traditionally friends;

10. Welcomes the statement by High Representative Ashton condemning the action of the Argentine Government and the cancellation of the meeting of the EU-Argentina Joint Cooperation Committee; urges Commissioner De Gucht and High Representative Ashton to use all diplomatic avenues available to solve this situation with their Argentine counterparts; calls on the Commission and the Member States to work closely with their colleagues in international fora such as the G20 and the WTO to achieve a consensus opposing the actions of the Argentine Government;

11. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States, the Government and Parliament of the Argentine Republic and the members of the Mercosur Council.
Devolution of the Commission's management of external assistance from its headquarters to its delegations

P7_TA(2012)0144

European Parliament resolution of 20 April 2012 on the impact of devolution of the Commission's management of external assistance from its headquarters to its delegations on aid delivery

(2011/2192(INI))

(2013/C 258 E/13)

The European Parliament,

— having regard to Article 208 of the Treaty on the Functioning of the European Union, which stipulates that 'Union development cooperation policy shall have as its primary objective the reduction and, in the long term, the eradication of poverty. The Union shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries',

— having regard to the 2000 UN Millennium Declaration, with particular reference to the eighth Millennium Development Goal,


— having regard to the Commission communication entitled 'Increasing the impact of the EU Development Policy: an Agenda for Change' (COM(2011)0637),

— having regard to the Council conclusions of 30 June 2005 on devolution (1),

— having regard to the Council conclusions of 28 June 2011 on Special Report No 1/2011: Has the devolution of the Commission's management of external assistance from its headquarters to its delegations led to improved aid delivery? (2),

— having regard to the Council conclusions on the EU Common Position for the Fourth High Level Forum on Aid Effectiveness (HLF-4, Busan, 29 November – 1 December 2011),

— having regard to the European Court of Auditors (ECA) Special Report No1/2011 entitled 'Has the devolution of the Commission's management of external assistance from its headquarters to its delegations led to improved aid delivery?','

— having regard to paragraphs 122 and 123 of the European Consensus for Development, on the progress of reforms relating to the management of EU external aid,

— having regard to the EU Code of Conduct on Complementarity and Division of Labour in Development Policies,

— having regard to the 2005 Paris Declaration on Aid Effectiveness, the 2008 Accra Agenda for Action and the 2011 Busan Partnership for Effective Development Cooperation,

— having regard to the 2007 OECD Development Assistance Committee (OECD-DAC) European Community Peer Review,

— having regard to the 2008 OECD/DAC report entitled 'Effective Aid Management: Twelve lessons from DAC Peer Reviews',

(2) Doc. 12255/2011.
— having regard to Rule 48 of its Rules of Procedure,

— having regard to the report of the Committee on Development and the opinions of the Committee on Foreign Affairs and the Committee on Budgetary Control (A7-0056/2012),

A. whereas a decentralised approach to aid delivery brings decision-making closer to delivery realities and to where more operationally efficient donor coordination and harmonisation take place, while taking due account of the need for local ownership;

B. whereas the ultimate objective of devolution and the wider reform of external assistance managed by the Commission is to enhance speed, thoroughness of financial management procedures and the quality of aid in partner countries;

C. whereas the ECA report’s overall conclusion is that devolution has contributed to better aid delivery and that speed of aid delivery has improved, as has the thoroughness of financial procedures, but there is still considerable room for improvement;

D. whereas with three years remaining until the MDG deadline, a substantial increase in EU capacity to deliver aid as well as in recipient countries’ take-up capacity will be required;

E. whereas 74 % of EU external assistance from the EU budget and the European Development Fund (EDF) is managed directly through 136 EU delegations;

F. whereas the Agenda for Change acknowledged the need to enhance coordination among the EU, Member States and partner countries, as well as to coordinate and harmonise development activities and increase their efficiency and effectiveness;

G. whereas the recent reorganisation within the Commission and the creation of the EEAS following the entry into force of the Lisbon Treaty have not yet generated the expected increase in the overall efficiency and coherence of EU development assistance;

H. whereas, with the creation of the EEAS, delegations have been forced to take on additional competencies such as diplomacy, information/communication and freedom, security and justice policies, while still having to deal with the existing challenges of coordination, coherence and resource shortages;

I. whereas the aid managed by individual delegations continues to cover a wide range of areas, which puts further pressure on the resources located at delegation level;

J. whereas cumbersome regulations and procedures can undermine the use of country systems and joint programming, and whereas the use of multiannual programming frameworks would be advisable in international development cooperation;

K. whereas general and sectoral budget support is the aid modality best suited to reducing transaction costs for partner countries, since it places the focus more firmly on the quality of the aid, the nature of partnerships, and the partner countries’ needs;

L. whereas the process of devolution should be coupled with a mechanism at Member State level to provide all relevant information on where agencies are planning to spend their budgets, therefore making aid more targeted and allowing resource gaps and funding opportunities in individual countries to be identified;

M. whereas the reform of EU external aid should be used to showcase how the impact of aid is improving the lives of poor people, both in response to the European public’s growing support for official development aid as a means of eradicating poverty and achieving the MDGs and in light of the facts, which refute scepticism about the effectiveness of aid;
N. whereas peer review field visits by the OECD/DAC regularly show that local staff can feel underutilised or not fully integrated into the local donor team;

1. Welcomes the general conclusions of the ECA's report and calls on the Commission to continue its efforts to increase the effectiveness of aid delivery;

2. Welcomes the very comprehensive and analytical report prepared by the European Court of Auditors, as well as the excellent timing of the assessment of the results of the devolution process;

3. Calls on the Commission to ensure that its headquarters have sufficient capacity and human resources to provide adequate support to delegations through the Quality Operations Directorate;

4. Notes that, according to the Court's report, further efforts are necessary on the part of the Commission in order improve the manner in which it evaluates the quality and the results of its interventions; takes the view that this will result in better accountability for the EU's financial interventions and will ensure increased visibility for its actions;

5. Encourages the Commission to complement the criteria and strengthen the procedures for assessing the quality of the projects financed, in order to increase the quality of aid and further to decrease the number of non-performing projects; notes that the impact of aid expenditure is of paramount importance for Parliament;

6. Is concerned that over the period 2005 to 2008 the composition of delegation staffing shifted towards more political and trade-oriented functions, and calls on the Commission to strike an appropriate balance in delegations' staffing between aid management and other functions;

7. Considers the high turnover rate of staff in delegations to be unacceptable (40 % of Commission staff are contract agents), as this weakens the institutional memory and negatively affects the efficiency of operations;

8. Notes that 6 % of the commitments under the budget available for 2006 were not contracted by 2009 and were therefore lost under the D+3 rule; calls for this percentage to be brought down, and would like to be informed of the relevant percentages and amounts for 2010 and 2011;

9. Calls on the Commission and the EEAS to address specifically the areas identified by the audit, in particular the workload within delegations, the adequacy of staffing levels among delegations and the balance of delegations' staffing between aid management and other functions;

10. Calls on the Commission to consider promoting local consultation, where possible, when deciding on aid projects and monitoring their progress;

11. Believes that, in order to make EU development policy more coherent and more effective, the Commission services within the EU delegations should contribute to development aid policy-making and be in the lead for its implementation; repeats its call on the Commission to appoint Policy Coherence for Development (PCD) focal points in each delegation to monitor the impact of EU policy at partner-country level;

12. Points out that consideration should be given to using local expertise and that the existing staff of the EU delegations should strive towards greater involvement in the local societies, in order to bridge the knowledge gap and to ensure an accurate understanding of the local environment in which they operate;

13. Calls on the Commission to offer and provide in a more systematic manner legal and financial training for local staff, with a view to optimising the management of EU aid and ensuring good governance in the medium term at local authority level;
14. Believes that both the mandate and the competences of the EEAS in development cooperation are still unclear, and calls on the Council and the Commission to take the necessary steps to resolve this situation; notes with concern, in this connection, that the separation between the EEAS’s political and administrative tasks and the Commission’s aid management tasks might be a source of possible inconsistencies in the implementation of the principles of the Paris Declaration;

15. Emphasises, in line with the decision establishing the EEAS, that all of the staff working in a delegation come under the authority of the head of delegation, since this is the only way to ensure the coherence of EU external action in a given country in line with the Lisbon Treaty;

16. Calls on the Commission and the Council to continue to advocate a reduction in the number of areas of intervention, in line with the EU Code of Conduct on Complementarity and Division of Labour and the Agenda for Change;

17. Believes that the relevant EU financial instruments and the European Development Fund (EDF) need to be more poverty-focused and more flexible with regard to their approach and operation, and that more accountability and transparency and better value for money in terms of achieving clear results should also be encouraged;

18. Expects the Commission to take all the necessary measures to overcome the weaknesses of the supervisory and control systems, notably at delegation level, as indicated by the Court; asks the Commission to inform Parliament’s competent committees by the end of 2012 at the latest as to the measures it has taken;

19. Notes the Court of Auditors’ criticism (1) of the working relationship between the Commission’s headquarters and its delegations for the management of external aid; calls for the processes in question to be reviewed and simplified with a view to reducing internal bureaucracy, and for a report on the action taken to be submitted to Parliament;

20. Encourages the Commission to require the delegations systematically to carry out technical and financial monitoring visits to projects and to focus the internal reporting system more on the results achieved by the aid interventions;

21. Calls on the Commission, with the active participation of the delegations, to analyse and identify possibilities for leveraging the aid programmes in the partner countries with the involvement of the EIB and of European national and international institutions that finance development;

22. Calls on the Commission to show how further devolution of financial and human-resource responsibilities from Commission headquarters to delegations would add value by improving dialogue and the coordination and programming of EU aid on the ground;

23. Stresses that neither the Commission nor the Member States should use the current economic and financial crisis to justify a ‘doing more with less’ approach involving containing or reducing staffing levels in bilateral aid agencies;

24. Stresses the importance of ensuring the highest professional standards amongst staff working on development cooperation, both at the Commission and at the EU delegations and the bilateral aid agencies;

25. Believes that, in the interests of smooth implementation of the EU budget, heads of delegation should be able to delegate the management of a delegation’s administrative expenditure to their deputies, and that the Financial Regulation should if necessary be revised accordingly;

(1) See ECA Special Report No 1/2011, Figure 1.
26. Calls on the Commission and Member States to make greater efforts to improve links between EU delegations and bilateral agencies and partner governments and other development groups such as think tanks, universities, foundations, NGOs and sub-national authorities, since closer ties will maximise the comparative advantages of the devolution process and of the different actors within the national context, while avoiding unnecessary duplication of effort;

27. Calls for it to be ensured, during the process of devolving the management of EU external aid from centralised services to delegations, that Parliament keeps its powers of oversight and scrutiny;

28. Welcomes the Court of Auditors’ remark that the role of the EEAS in the area of consular protection should be further explored;

29. Instructs its President to forward this resolution to the Council, the Commission and the EEAS.

Women and climate change

P7_TA(2012)0145

European Parliament resolution of 20 April 2012 on women and climate change (2011/2197(INI))

(2013/C 258 E/14)

The European Parliament,

— having regard to Articles 2 and 3(3), second subparagraph, of the Treaty on European Union (TEU) and Article 157 of the Treaty on the Functioning of the European Union (TFEU),

— having regard to the Commission communication of 8 March 2011 entitled ‘A Roadmap for moving to a competitive low carbon economy in 2050’ (COM(2011)0112),

— having regard to the Fourth World Conference on Women held in Beijing in September 1995, the Declaration and the Platform for Action adopted in Beijing and the subsequent outcome documents adopted at the United Nations Beijing +5, +10 and +15 Special Sessions on further actions and initiatives to implement the Beijing Declaration and the Platform for Action adopted respectively on 9 June 2000, 11 March 2005 and 2 March 2010,

— having regard to Article 23 of the Charter of Fundamental Rights of the European Union,

— having regard to the UNFCCC Decision 36/CP.7 on Improving the participation of women in the representation of Parties in bodies established under the United Nations Framework Convention on Climate Change and the Kyoto Protocol of 9 November 2001,

— having regard to the United Nations Millennium Declaration of 18 September 2000,

— having regard to the United Nations Convention of 18 December 1979 on the Elimination of All Forms of Discrimination against Women (CEDAW),

— having regard to its resolution of 17 November 2011 on gender mainstreaming in the work of the European Parliament (1),

— having regard to its resolution of 16 November 2011 on the climate change conference in Durban (COP 17) (1),

— having regard to its resolution of 29 September 2011 on developing a common EU position ahead of the United Nations Conference on Sustainable Development (Rio+20) (2),

— having regard to its resolution of 4 February 2009 on ‘2050: The future begins today – Recommendations for the EU’s future integrated policy on climate change’ (3),

— having regard to its resolution of 13 March 2008 on Gender Equality and Women’s Empowerment in Development Cooperation (4),

— having regard to Rule 48 of its Rules of Procedure,

— having regard to the report of the Committee on Women’s Rights and Gender Equality and the opinion of the Committee on the Environment, Public Health and Food Safety (A7-0049/2012),

A. whereas climate change is not gender-neutral and does have gender-differentiated effects;

B. whereas consumption and lifestyle patterns have a significant impact on climate change;

C. whereas women represent approximately 50 % of the world’s population and whereas they still have relatively more responsibility for everyday consumption choices, childcare and household activities; whereas consumption patterns differ between women and men, as women consume more sustainably than men and show greater willingness to act to preserve the environment by making sustainable consumption choices;

D. whereas due to gendered roles, women’s impact on the environment is not the same as men’s, and their access to resources and ways to cope and adapt is severely affected by discrimination in terms of income, access to resources, political power, education and household responsibility;

E. whereas climate change will amplify inequalities and there is a risk that climate change policies will also have a negative impact on gender balance and women’s rights if they do not take gender discrimination into account from the very start;

F. whereas there will not be any climate justice without true gender equality, and whereas the elimination of inequalities and the fight against climate change should not be seen as contradictory;

G. whereas democracy, respect for human rights and equality of opportunity between men and women contribute to sustainable development and environmental protection;

H. whereas sources of discrimination and vulnerability other than gender (such as poverty, geography, traditional and institutional discrimination, race, etc.) all combine to obstruct access to resources and to means to cope with dramatic changes such as climate change;

(1) Texts adopted, P7_TA(2011)0504.
(2) Texts adopted, P7_TA(2011)0430.
(3) OJ C 67 E, 18.3.2010, p. 44.
I. whereas in some regions, almost 70% of all employed women work in agriculture (1) and produce up to 90% of some crops (2), yet they are virtually absent from budget deliberations and climate change activities;

J. whereas, while 70% of poor people living on less than USD 1 per day are women, women own less than 1% of the world’s property; whereas, compared with men, women in developing countries reinvest considerably more of their income in their families;

K. whereas family planning can significantly improve maternity health and control over family size and ultimately increase the independence and reduce the workload of women who are still seen as primarily responsible for childcare, increasing the resilience of women and their families to climate change impacts, as indicated in the 20-year plan adopted by the International Conference on Population and Development;

L. whereas environmental problems – caused and exacerbated by climate change – are currently responsible for the growth of forced migration, and whereas there is therefore an increasing link between asylum-seekers and areas of environmental decline; whereas there is a need for better protection and resettlement of ‘climate refugees’, and for special attention to be given to women who are most vulnerable;

M. whereas between 75 and 80% of the world’s 27 million refugees are women and children (3); whereas migrations induced by climate change will affect men and women differently and women often more severely; whereas special provisions regarding health, security and independence are necessary to reduce the vulnerability of women in these cases of forced or voluntary migration;

N. whereas the proportion of women in political decision-making and especially in climate change negotiations is still unsatisfactory and little to no progress has been made; whereas women account for only 12 to 15% of heads of delegation and around 30% of the delegates;

O. whereas two thirds of the world’s illiterate persons are women (4) and access to information and training via appropriate communication channels is therefore critical to ensuring their independence and inclusion, in particular in cases of emergency such as natural disasters;

P. whereas natural disasters have a major medium- and long-term effect on education, health, structural poverty and population displacement, and whereas children make up a group particularly vulnerable to the effects of natural disasters; whereas there is a clear link between the occurrence of disasters and reductions in the level of school attendance, and whereas disasters exacerbate considerably the gender gap at school level;

Q. whereas droughts and water shortages resulting from climate change force women to work more in order to provide water, food and energy, and whereas young people frequently abandon school to help their mothers in these tasks;

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R. whereas women are also powerful agents of change and are globally more active in civil society activities, and their full participation in every aspect of the fight against climate change would ensure fairer and more comprehensive and effective policies to tackle climate change, with regard to both adaptation and mitigation aspects;

S. whereas, on account of their responsibilities when it comes to managing scarce natural resources, women acquire important knowledge regarding the need for a more sustainable environment, giving them a potential role to play – which should not be disregarded – in improving adaptation and attenuation strategies for climate change;

T. whereas mechanisms or financing for disaster prevention, adaptation and mitigation will remain insufficient unless they incorporate women’s full participation in design processes, decision making and implementation; whereas good practices from, for example, Tunisia, Nicaragua, El Salvador and Honduras have demonstrated that women’s knowledge and participation save lives through disaster management, boost biodiversity, improve water management, enhance food security, prevent desertification, protect forests and support public health;

General provisions

1. Recognising that climate change exacerbates gender discrimination in addition to its other catastrophic effects, emphasises that averting dangerous climate change must be the highest priority of the EU both in domestic and external policy;

2. Calls on the Commission and the Council, in order to ensure that climate action does not increase gender inequalities but results in co-benefits to the situation of women, to mainstream and integrate gender in every step of climate policies, from conception to financing, implementation and evaluation;

3. Calls on the Commission and the Member States to include – at all levels of decision-making – gender equality and gender justice objectives in policies, action plans and other measures relating to sustainable development, disaster risk and climate change, by carrying out systematic gender analyses, establishing gender-sensitive indicators and benchmarks and developing practical tools; underlines that the climate change negotiation process must take into account the principles of gender equality at all stages, from research and analysis to design and implementation and the development of mitigation and adaptation strategies;

4. Recalls that, in its 4th Assessment Report of 2007, the Intergovernmental Panel on Climate Change (IPCC) confirmed that the impact of climate change varies according to gender, age and class, with the poor being most likely to suffer the most; takes the view that achieving gender equality is key to human development and is a fundamental objective in the fight against poverty; demands that a gender-based approach be applied across the board in the drawing-up of development, human rights and climate change policies; calls for steps to be taken to ensure that the United Nations Framework Convention on Climate Change (UNFCCC) acts in accordance with human rights frameworks and with national and international agreements on gender equality and equity, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);

5. Highlights the fact that climate change and its negative impacts should also be regarded as a development issue with gender implications that is relevant to all sectors (social, cultural, economic and political), from the local to the global level, and that concerted efforts are required by all stakeholders to ensure that climate change and disaster risk reduction measures are gender-responsive, sensitive to indigenous people and respectful of human rights;
6. Welcomes the growing awareness of the gender aspect of climate change in the high-level climate talks, and interventions by high-level actors; stresses however the need to see concrete action to include more women, in EU climate diplomacy, at all levels of decision-making and especially in climate change negotiations, by means of measures such as introducing 40%+ quotas in the delegations;

7. Reminds the Commission and the Member States of its resolution on the climate change conference in Durban (COP 17), and urges them to act on its commitment to ‘strive for female representation of at least 40% in all relevant bodies’ for climate financing; underlines the need to apply this principle to technology transfer and adaptation bodies as well;

8. Calls on the Commission and the Member States to collect country-specific and gender-disaggregated data when planning, implementing and evaluating climate change policies, programmes and projects, in order effectively to assess and address the differing effects of climate change on each gender and to produce a guide on adapting to climate change, outlining policies that can protect women and empower them to cope with the effects of climate change;

9. Calls on the Commission and the Member States to mainstream gender-sensitive statistics in all environment-related policy areas, in order to improve the measurement of the general situation of women and men with regard to climate change;

10. Recalls that the inclusion in EU foreign policy of issues relating to the promotion of gender equality and the elimination of discrimination should continue to contribute to women playing a central role in decision-making, policy formation, the management, conservation and monitoring of natural resources and of the environment, and efforts to combat climate change;

11. Calls for a ‘climate-friendly’ indicator (as an alternative to GNP) to monitor how growth, consumption and lifestyle patterns influence climate change;

12. Calls on the EU and the Member States to assess to what extent climate-related policies take account of women's needs, and urges them to apply a gender-based perspective when formulating gender-sensitive sustainable development policy;

**Adaptation**

13. Calls on the Commission and the Member States to set up easy-to-use tools for gender impact assessments of projects throughout project life-cycles, such as the tools used for development projects;

14. Calls for inclusive local solutions and projects, including built-in awareness of existing vulnerabilities and capacities to cope, such as the traditional experiences and knowledge of indigenous people, and in particular women;

15. Points out that women are globally very active at civil society level, and therefore calls on the Commission to facilitate and support the networking of women's organisations and civil-society actors;

16. Calls on the Commission to envisage programmes whereby the transfer of modern technologies and know-how can help developing communities and regions adapt to climate change;
17. Points out that women play a crucial role in water abstraction and management in developing countries, as they are often the ones collecting, using and distributing water, not just in the home but also in farming; calls on the Commission to provide development aid for accessible programmes to sink wells using renewable energy sources and simple, easy-to-maintain water treatment systems;

18. Calls for the integration of gender-aware capacity-building and training into adaptation solutions, which must be compatible with the special needs of women and take into account the specific obstacles, but also capabilities and experiences, of women;

19. Highlights the importance of relying on the knowledge of women and encouraging local solutions that have very concrete influence on people's daily lives, such as the project 'Girls in Risk Reduction Leadership' in South Africa, or several projects to help women's groups install drinking water facilities and toilets in Indian slums;

20. Calls on the Commission and the Member States to integrate the gender issue into strategies for preventing and managing the risks associated with natural disasters, and to promote women's empowerment and awareness through capacity-building before, during and after climate-related disasters, along with their active involvement in disaster anticipation, early warning systems and risk prevention as part of their role in resilience-building;

21. Notes that in many communities around the world, women's responsibilities in the family make them more vulnerable to environmental change, which is exacerbated by the impact of climate change; points out that they are being affected in their multiple roles as food producers and providers, caregivers and economic actors;

22. Calls for an increase in transparency and inclusiveness of existing mechanisms and planning processes, such as National Adaptation Programmes of Action (NAPAs) and future National Adaptation Plans, and for these principles to be promoted in future climate-related treaties, mechanisms and bilateral cooperation efforts;

23. Emphasises that there is strong evidence that the impact on health of climate-sensitive conditions, such as malnutrition, and the incidence of infectious diseases, such as malaria, varies according to gender; notes with concern the high female mortality rate in disaster situations; takes the view that more gender-specific research into the impact of climate change on women's health would help to achieve a more targeted response; calls on all governments to make more efforts to ensure better prevention, treatment and access to medicine and drugs – especially for women, as they are a vulnerable group, particularly in their capacity as care providers –, to commit to a series of actions aimed at addressing the health risks associated with climate change, and to provide a framework for gender-based health risk assessments and adaptation/mitigation measures in relation to climate change;

24. Underlines that 70% of the world's poorest are women, who carry out two-thirds of all work done but own less than 1% of all goods; notes that they are denied equal access to and control over resources, technology, services, land rights, credit and insurance systems and decision-making powers and are thus disproportionately vulnerable to, and affected by, climate change and have fewer opportunities to adapt; underlines that 85% of people who die as a result of climate-induced natural disasters are women, that 75% of environmental refugees are women, and that women are also more likely to be the unseen victims of resource wars and violence resulting from climate change;

25. Calls on the EU and its Member States to develop a principle of 'climate justice'; insists that the greatest injustice of our failure to tackle climate change effectively would be the detrimental effects on poor countries and populations, and on women in particular;
Mitigation

26. Calls on the Commission and the upcoming Presidencies of the Council of the European Union to launch a study focusing specifically on the gender dimension of mitigation policies;

27. Emphasises that targeted policies are needed to avoid gender-segregation and discrimination in the green economy, where new technology and science jobs are already almost exclusively male-dominated; stresses, in this connection, the importance of entrepreneurship in terms of opening up the green economy to both women and men;

28. Calls on the Commission and the Member States to encourage women to pursue technical and scientific training and careers in the environmental and energy technology sectors, since the need for expertise in this area will guarantee women secure jobs with a stable future and ensure greater awareness of women's needs when it comes to defining climate change policies;

29. Calls on the Commission to support a reform of existing mechanisms and funds to make them more transparent, inclusive and reflective of the contributions to emissions reductions by local communities and particularly women and to promote these principles in future climate-related treaties, mechanisms and bilateral cooperation efforts, with a view to developing better ways to ensure the economic empowerment of women;

30. Recognises that population growth has a climate impact, and highlights the need to respond adequately where the contraceptive needs of women and men in any society remain unmet;

31. Recalls that avoiding dangerous climate change and limiting the increase in average temperatures to 2°C, or 1.5°C if possible, compared with pre-industrial levels, is necessary and absolutely critical in order to avoid dramatic negative consequences for women and other vulnerable groups;

32. Calls on the Commission to set up a toolkit to encourage inclusive decision-making, as was done in the transport and energy sectors in Malmö (Sweden) and in the Vollsmose area (Denmark) (1);

33. Calls on the Commission and the Member States to develop indicators to evaluate the gender impact of projects and programmes and to promote gender budgeting in climate-related policies, whether these policies are conducted at international, national, regional or local levels;

34. Calls on the Commission and the Member States to develop tools and guidance for the gender analysis of mitigation policies and programmes, and related research programmes and activities;

35. Stresses the important role played by women in implementing mitigation measures in daily life, e.g. through energy- and water-saving practices, recycling measures and the use of eco-friendly and organic products, as they are still seen as the primary managers of these resources in the home; calls on the Commission to launch awareness-raising campaigns at the grassroots level, focusing on everyday consumption choices related to household and childcare activities;

(1) Gender mainstreaming in the public transportation policy in Malmö: http://www.nikk.no/A+gender+equal+and+sustainable+public+transport+system.b7C_wljSYQ.ips; and the project to train ethnic minority women to be environmental ambassadors in Vollsmose: http://www.nikk.no/Women+are+everyday+climate+experts.b7C_wljQ1c.ips.
36. Acknowledges, therefore, the significant contribution women can make to successful innovation through their capacity to educate others, both in business and in household management;

37. Underlines, in this connection, the importance of strengthening the active participation of women in innovation for sustainable development as a means of tackling the serious challenges posed by climate change;

38. Points out that climate change will inevitably lead to migration from regions affected by calamities such as droughts or floods, and that the EU must keep in mind the need to protect women in any camps set up for internally displaced persons and refugees;

39. Notes that the impact of environmental change on migration and displacement will increase in the future and that, according to the United Nations High Commissioner for Refugees (UNHCR), 80% of the world’s refugees are women and children; reiterates the importance of identifying gender-sensitive strategies for responding to the environmental and humanitarian crises caused by climate change; takes the view, therefore, that urgent research is required on how to manage environmental migration in a gender-sensitive manner – this includes recognising and responding to gender roles and responsibilities in the area of natural resources and may include ensuring that scarce resources are available to communities in need and that water is provided for refugees;

**Financing**

40. Calls on the EU delegations to respect the principle set out in its aforementioned resolution on the climate change conference in Durban (COP 17), to ensure that gender balance in all climate finance decision-making bodies is guaranteed, including the Green Climate Fund Board and possible sub-boards for individual funding windows;

41. Calls on the Commission and the Member States to develop climate change mitigation and adaptation programmes and strategies that use gender analysis to improve the welfare of women and girls and take into account gender inequalities in access to credit, information, technology, land, natural resources, sustainable energy and reproductive health information and services; calls for such programmes and strategies to include innovative financing solutions such as micro-credit schemes, in particular in emergency cases such as those of climate refugees;

42. Stresses the need for financing mechanisms to reflect women’s priorities and needs, and for the active involvement of organisations that promote gender equality in the development of funding criteria and the allocation of resources for climate change initiatives, particularly at local level and in the activities of the Green Climate Fund;

43. Calls for the integration of gender equality as a cross-cutting issue in all climate funds and instruments; stresses that this integration requires gender expertise and should extend to the mission, governance and operational modalities of such financing mechanisms, and that operational modalities and monitoring and evaluation mechanisms should ensure that women and local communities benefit from adequate funding;

44. Calls on the Commission and the EU delegations to support scaled-up, new and additional funding particularly for adaptation actions which directly benefit women, who are often disproportionately vulnerable to climate change impacts; calls for the provision of such adaptation funding to be exclusively in the form of grants;
45. Calls on the Commission and the Member States to support the development of renewable energy sources in developing countries, through transfers of technology and knowledge which involve the balanced participation of women, with a view to contributing simultaneously to both equal opportunities and climate change mitigation;

46. Points out with concern the negative impact climate change may have on the achievement of the UN Millennium Development Goals, in particular those linked to the condition and protection of women;

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

Our life insurance, our natural capital: an EU biodiversity strategy to 2020

P7_TA(2012)0146

European Parliament resolution of 20 April 2012 on our life insurance, our natural capital: an EU biodiversity strategy to 2020 (2011/2307(INI))

(2013/C 258 E/15)

The European Parliament,

— having regard to the communication from the Commission entitled ‘Our life insurance, our natural capital: an EU biodiversity strategy to 2020’ (COM(2011)0244),

— having regard to the 2050 vision and the 2020 headline target adopted by the EU Heads of State and Government in March 2010,

— having regard to the Environment Council conclusions of 21 June and 19 December 2011 on the ‘EU Biodiversity Strategy to 2020’,

— having particular regard to the outcome of the 10th Conference of the Parties (COP 10) to the UN Convention on Biological Diversity (CBD), in particular the Strategic Plan for Biodiversity 2011-2020 and the Aichi targets, the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation, and the strategy to mobilise resources for global biodiversity,

— having regard to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Convention on Migratory Species (CMS),

— having regard to the communication from the Commission entitled ‘The CAP towards 2020: Meeting the food, natural resources and territorial challenges of the future’ (COM(2010)0672), and to the Commission’s proposals for CAP reform after 2013,

— having regard to the communication from the Commission to Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled ‘A Budget for Europe 2020’ (COM(2011)0500), together with the supporting documents,

— having regard to the Strategic Financial Framework 2014-2020,

— having regard to its resolution of 21 September 2010 on the implementation of EU legislation aiming at the conservation of biodiversity (1),

— having regard to its resolution of 8 July 2010 on the future of the Common Agricultural Policy after 2013 (2) and its resolution of 23 June 2011 on ‘the CAP towards 2020: meeting the food, natural resources and territorial challenges of the future’ (3),

— having regard to the Commission staff working paper entitled Financing Natura 2000 – Investing in Natura 2000: Delivering benefits for nature and people’ (SEC(2011)1573),

— having regard to the study entitled ‘The Economics of Ecosystems and Biodiversity (TEEB)’ (4),

— having regard to Rule 48 of its Rules of Procedure,

— having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Industry, Research and Energy, the Committee on Regional Development, the Committee on Agriculture and Rural Development and the Committee on Fisheries (A7-0101/2012),

A. whereas the EU failed to achieve its 2010 biodiversity target;

B. whereas the United Nations has declared 2010-2020 the Decade on Biodiversity;

C. whereas biodiversity is essential to the existence of human life and the well-being of societies, both directly and indirectly through the ecosystem services it provides – for example, the benefits generated by the European Union’s Natura 2000 network of protected areas alone are estimated to be worth EUR 200-300 billion, with a total of about 4.5 to 8 million full-time equivalent jobs being supported directly from visitor expenditure in and around these sites;

D. whereas biodiversity loss is currently reducing global GDP by 3 % each year;

E. whereas nearly 65 % of the habitat types and 52 % of the species listed in the Annexes to the Habitats Directive have an unfavourable conservation status;

F. whereas 88 % of fish stocks have been fished beyond their maximum sustainable yield;

G. whereas the EU’s borders have already been breached by more than 11 000 alien species, at least 15 % of which are invasive and detrimental to biodiversity;

H. whereas farmers play a vital role in achieving the EU’s biodiversity objectives; whereas in 1992 initial impetus was given to incorporating biodiversity protection into the common agricultural policy (CAP), and whereas the 2003 reform subsequently introduced measures such as cross-compliance, the single farm payment (decoupling) and rural development, which have benefits for biodiversity;

(2) OJ C 351 E, 2.12.2011, p. 103.
(3) Texts adopted, P7_TA(2011)0297.
(4) http://www.teebweb.org
I. whereas payment for ecosystem services (PES) is a promising, innovative financial tool for biodiversity conservation;

J. whereas habitats and species are threatened by climate change; whereas nature conservation and biodiversity are crucial to the mitigation of, and adaptation to, climate change;

**General remarks**

1. Deplores the fact that the EU failed to meet its 2010 biodiversity target;

2. Welcomes and supports the EU Biodiversity Strategy to 2020, including all its targets and actions; takes the view, nevertheless, that some actions may have to be strengthened and specified more clearly, and that more concrete measures should be deployed in order to ensure effective implementation of the strategy;

3. Stresses the urgent need for action, and the need to give higher political priority to biodiversity in order to meet the EU’s 2020 headline target for biodiversity and global biodiversity commitments; emphasises that, with adequate financial resources and political will, the tools exist to halt the loss of biodiversity; emphasises that the preservation of biodiversity is a collective challenge that should be addressed with the commitment and participation of numerous interested parties:

4. Welcomes the Commission communication on Biodiversity 2020, and Notes that climate change, biodiversity loss, threats from invasive species and overconsumption of natural resources are transnational and transregional challenges which affect every EU citizen, whether living in an urban or a rural area, and that urgent action is needed at every level of government – local, regional and national – in order to mitigate these effects;

5. Invites the Member States, therefore, to integrate the strategy into their plans, programmes and/or national strategies;

6. Takes the view that the biodiversity safeguards contained in existing EU law must not be weakened;

7. Stresses that the new strategy must not fail as well; calls on the Commission, therefore, to provide Parliament with two-yearly progress reports in which the Council and Commission elaborate on the state of play;

8. Emphasises that the real test of the EU’s commitment to achieving the biodiversity target – and the real key to this issue – is not the new strategy, but rather the forthcoming reforms of the common agricultural and fisheries policies and the Multiannual Financial Framework; points out, further, that the inadequate degree to which biodiversity protection was integrated into other EU policies caused the failure of the first strategy;

9. Takes the view that the difficulties encountered in meeting the target set for 2010 call for an in-depth review of the methods applied to date; maintains that strategic studies covering all the factors that may affect protected areas must be carried out, and that these studies should be incorporated into urban planning and be accompanied by educational and information campaigns on the importance of local natural resources and their conservation;

10. Stresses that biodiversity loss refers not only to species and habitats but also to genetic diversity; calls on the Commission to develop a strategy for the conservation of genetic diversity;
11. Notes that our natural heritage is a major ecological asset which is fundamental to human well-being; takes the view that all Member States should cooperate and coordinate their efforts in order to ensure more effective use of natural resources and avoid net losses in terms of biodiversity and ecosystem services in both rural and urbanised areas;

**Targets – mainstreaming biodiversity in all EU policies**

12. Highlights the importance of mainstreaming biodiversity protection and conservation in the development, implementation and funding of all other EU policies – including those on agriculture, forestry, fisheries, regional development and cohesion, energy, industry, transport, tourism, development cooperation, research and innovation – in order to make the EU’s sectoral and budgetary policies more coherent and ensure that it honours its binding commitments on biodiversity protection;

13. Underlines that the EU Biodiversity Strategy should be fully integrated into the strategies for the mitigation of, and adaption to, climate change;

14. Recalls that the precautionary principle constitutes a legal basis to be applied in all legislation and decisions affecting biodiversity;

15. Stresses that protecting, valuing, mapping and restoring biodiversity and ecosystem services is essential in order to meet the goals of the Roadmap to a Resource-Efficient Europe, and calls on the Commission and the Member States to consider, as part of specific measures, presenting a timetable for mapping and assessing ecosystem services in the EU which will enable targeted and efficient measures to be taken to halt the degradation of biodiversity and ecosystem services;

16. Emphasises that the loss of biodiversity has devastating economic costs for society which until now have not been integrated sufficiently into economic and other policies; urges the Commission and the Member States, therefore, to value ecosystem services and to integrate these values into accounting systems as a basis for more sustainable policies; takes the view that any economic model that disregards the proper preservation of biodiversity is not viable; also stresses that actions to restore ecosystems and biodiversity have significant potential to create new skills, jobs and business opportunities;

17. Stresses the need to carry out a thorough assessment of the negative impact on biodiversity of different sectors of the economy;

18. Emphasises that the biodiversity strategy is part of the Resource-Efficient Europe flagship initiative, and recalls that regional policy plays an essential role in ensuring sustainable growth through the actions it supports to tackle climate, energy and environmental issues;

19. Maintains that a significant number of emerging infectious diseases are zoonotic (transmissible among wildlife, domestic animals and humans), and recognises that trade in wildlife and changes in land use and management may lead to new or modified interfaces among humans, domestic animals and wildlife that could favour disease transmission and loss of biodiversity; stresses that integrating biodiversity strategies into animal health, animal welfare and trade policies is paramount;

20. Takes the view, however, that thorough environmental, economic and social impact assessments may be needed in cases where data are lacking;
Conserving and restoring nature

21. Emphasises the need to halt the deterioration in the status of all species and habitats covered by EU nature conservation legislation and achieve a significant and measurable improvement in their status at EU level; stresses that this should take the form of an improvement in at least one of the parameters for conservation status defined in Article 1 of the Habitats Directive, without any deterioration in the other parameters;

22. Calls on the Commission and the Member States to undertake to adopt integrated strategies in order to identify each geographical area’s natural values and the features of its cultural heritage, as well as the conditions necessary for maintaining them;

23. Emphasises that biodiversity objectives need to be implemented through concrete action in order to be effective; regrets that, in spite of the action taken to combat biodiversity loss, in the EU only 17 % of habitats and species and 11 % of key ecosystems protected under EU legislation are in a favourable state; calls on the Commission to analyse, as a matter of urgency, why current efforts have not yet succeeded and to consider whether other, potentially more effective instruments are available;

24. Stresses that, in order to establish a clear pathway to achieving the 2050 vision, at least 40 % of all habitats and species must have a favourable conservation status by 2020; recalls that, by 2050, 100 % (or almost 100 %) of habitats and species must have a favourable conservation status;

25. Expresses concern at the increasing deterioration of essential habitats, such as wetlands, which should be treated as a priority and addressed by means of urgent measures that actually correspond to the special protection status granted to them by the EU;

26. Recognises that infrastructure-building, urbanisation, industrialisation and physical intervention in the landscape in general are among the most significant drivers of the fragmentation of ecosystems and habitats; calls on local, regional and national governments, in the context of their planning regulations and implementation measures and within the framework of their competences, to consider these factors – which pose a threat to ecosystems and habitats – in their planning and development projects on both a large and a small scale; recognises the pressures and need at local and regional level to provide substantial economic development, and recommends that local and regional authorities be mindful of striking a balance between development and the need to protect biodiversity and natural habitats; supports further reform and use of regional and local development policies in order to deliver biodiversity benefits and halt further loss of habitats, especially in times of economic and financial crisis;

27. Supports stepping up the use of environmental impact assessments (EIAs), sustainability impact assessments (SIAs), strategic environmental assessments (SEAs) and other instruments in order to take account of biodiversity loss and the effects of climate change in regional and local decision-making; points out that all regions will benefit from projects that promote climate change mitigation and the protection of biodiversity loss, including less developed regions;

28. Urges the Member States to ensure that the process of designating Natura 2000 sites is finalised by 2012 in line with Aichi Target 11; deplores greatly the delay in designating marine sites; is concerned about the reintroduction of hunting in the Danube Delta and its possible negative impact on biodiversity; calls on the Commission to verify that Member States are implementing Article 7 of the Birds Directive (2009/147/EC (1)), particularly with respect to hunting;

29. Highlights the urgent need to step up efforts to protect oceans and marine environments, both through EU action and by improving international governance of oceans and areas beyond national jurisdiction;

30. Urges the Member States to meet the legal deadline for the development of management plans or equivalent instruments for all Natura 2000 sites, as stipulated in Articles 4 and 6 of the Habitats Directive (92/43/EEC (1));

31. Believes that better cross-border cooperation could have significant benefits when it comes to meeting the Natura 2000 objectives; highlights the need for closer cooperation between European, national, regional and local authorities with regard to protecting biodiversity and natural resources; underlines, in this connection, the opportunities offered by cross-border, interregional and transnational cooperation with a view to tackling biodiversity loss, and believes that making better use of the potential of territorial cooperation and of exchanges of information, experience and good practice would contribute significantly to achieving that aim; points out that the inclusion of biodiversity-related priorities in regional macrostrategies is an important step towards restoring and preserving biodiversity;

32. Calls on the Commission and the Member States to ensure proper conservation of the Natura 2000 network through adequate funding for those sites; calls, in particular, on the Member States to develop binding national instruments in cooperation with the different stakeholders, through which they define priority conservation measures and state the relevant planned source of financing (whether from EU funds or Member States' own budgets);

33. Takes the view that the enforcement of EU legislation, in particular on the environment, must be improved;

34. Invites the Commission, in view of the vast differences between Member States with regard to the implementation of the Natura 2000 legislation, to provide further clarification or guidance where necessary, based on best practices; also asks the Commission to provide guidance or share best practices for the management of areas adjoining Natura 2000 sites;

35. Calls on the Commission to increase its capacity to process and investigate effectively complaints and infringements connected with the proper implementation of the Birds and Habitats Directives, and to develop adequate guidance for the Member States with regard to monitoring on-the-ground implementation of those directives; calls on the Commission, furthermore, to incorporate measures to enhance the implementation and joint enforcement of the Birds and Habitats Directives into its current work on improving the implementation and inspection of environmental legislation; considers it essential, in the light of its resolution of 20 November 2008 on the review of Recommendation 2001/331/EC providing for minimum criteria for environmental inspections in the Member States (2), to strengthen the EU Network for the Implementation and Enforcement of Environmental Law (IMPEL), and urges the Commission to report on possible ways of doing so, including the feasibility of establishing an EU environmental inspection force, and to present a proposal for a directive on environmental inspections;

36. Supports the Commission initiative regarding training programmes for judges and prosecutors; stresses, however, that the Commission and the Member States should ensure that such training programmes are also available to professionals dealing with Natura 2000 sites, e.g. regional and local authorities responsible for law enforcement and other administrative bodies responsible for implementation of the Birds and Habitats Directives;

37. Considers it necessary to have digitised, accessible maps containing accurate information about the principal natural resources, protected areas, land uses, water bodies and areas at risk, in order to facilitate compliance by regional and local authorities with environmental legislation, especially that relating to biodiversity;

(2) OJ C 16 E, 22.1.2010, p. 67.
38. Notes the limited public awareness in the EU of the importance of biodiversity conservation and the severe environmental and socio-economic costs associated with its loss; stresses the need for a more comprehensive communication strategy in line with Aichi Target 1;

39. Welcomes the intention of the Commission and the Member States to launch a major communication campaign for Natura 2000 by 2013, to improve the application of EU environmental protection provisions and to foster the coexistence of environmental protection, sustainable economic growth and social development as equal, non-contradictory principles; calls, to this end, for the promotion of successful projects and the dissemination of information to the public on the feasibility of environmentally benign economic development in important natural and cultural heritage areas such as those belonging to the Natura 2000 network;

40. Stresses the need to organise biodiversity awareness and information campaigns for all ages and social categories, on the understanding that awareness campaigns for children and adolescents who are deeply concerned about this topic should be organised first and foremost in the school setting; takes the view that education and professional training, particularly in farming, forestry and related sectors, should concentrate more on the role of biodiversity;

41. Recognises that NGOs have an important role to play in biodiversity protection by contributing to the decision-making process, taking action on the ground and raising public awareness;

42. Recommends extending governance to the mobilisation of citizens, and also to non-profit organisations and economic actors, with the emphasis, in the case of the latter, being on integrating biodiversity into company strategies; recognises the value and knowledge of, and the work done by, the voluntary and community sector in protecting biodiversity, and asks regional and local governments to involve such groups in planning and consultation for projects, by establishing partnerships between authorities, the private sector and non-governmental organisations;

43. Recognises the great importance of maintaining a close relationship with local actors and the direct managers of the land in question, and therefore encourages the Commission to make greater efforts in this regard, paying attention to the experience and special knowledge that these actors can contribute when drafting legislation, with a view to ensuring the good condition of the habitats that are home to the biodiversity we wish to preserve in the EU;

44. Maintains that one reason we have failed to reverse the continuing trend of biodiversity loss and ecosystem degradation globally is our incomplete understanding of the complexity of biodiversity and the interactions of its components with one another and with the living environment, including the value of biodiversity for current and future human generations; reiterates that biodiversity science is the necessary backbone for any kind of policy implementation;

45. Stresses, therefore, the need to invest more in research on biodiversity, including in relation to one or more of the relevant ‘societal challenges’ addressed by Horizon 2020, so as to avoid fragmentation of research policy; takes the view that such an increase in funds for biodiversity research could be achieved within the overall existing means, given the low take-up; believes, on the one hand, that research could give us a better understanding of biodiversity and its importance for all aspects of human activities, and, on the other, that it will contribute, through innovative concepts, to new and improved policies and management and development strategies;

46. Stresses the need for a multidisciplinary and transboundary research approach when it comes to biodiversity, which is inherently connected to fields such as ecology, genetics, epidemiology, climate science, economics, social anthropology and theoretical modelling; emphasises the need for science-based policies in the sustainable management of ecosystems and natural resources, especially in the economically and socially vital sectors of agriculture, fisheries and forestry;
47. Considers it essential that available scientific data on biodiversity, examples of best practices for halting biodiversity loss and restoring biodiversity, and information on nature-based innovation and development potential be more widely known and shared among policy-makers and key stakeholders, and that the relevant ICTs play a crucial role in delivering new opportunities and tools; welcomes, therefore, the fact that the Commission has set up the EU Business and Biodiversity Platform, and encourages it to develop the Platform further and promote greater cooperation between administrations and businesses in the EU, including SMEs;

48. Calls for the Biodiversity Information System for Europe (BISE) web portal to be made available in all the official EU languages, so as to contribute to data and information sharing:

Maintain and restore ecosystems and their services

49. Notes the requirement under the CBD to restore 15 % of degraded ecosystems by 2020; regards this as a minimum, however, and wishes the EU to set a considerably higher restoration target reflecting its own more ambitious headline target and its 2050 vision, taking into account country-specific natural conditions; urges the Commission to define clearly what is meant by ‘degraded ecosystems' and to set a baseline against which progress can be measured;

50. Urges the Commission to adopt a specific Green Infrastructure Strategy by 2012 at the latest, with biodiversity protection as a primary objective; underlines that this strategy should address objectives relating to urban as well as rural areas, inter alia in order better to fulfil the provisions of Article 10 of the Habitats Directive;

51. Deplores the fact that the development of the Commission’s Green Infrastructure Strategy is planned only for 2012, while energy and transport corridors have already been identified in the European Infrastructure Package proposal; calls on the Commission, therefore, to accelerate work on the Green Infrastructure Strategy and to ensure that the proposed Target No 2 is achieved; agrees that synergies between energy, transport and ICT projects should be maximised in order to limit the negative impact on biodiversity, and that only actions which comply with EU law and are in line with the relevant Union policies should receive EU funding;

52. Emphasises that the creation of natural environments should not be limited to designated areas alone, but should also be encouraged in different places – for instance in cities, along highways and railroads and at industrial sites – in order to develop a truly green infrastructure;

53. Urges the Commission to develop an effective regulatory framework based on the ‘No Net Loss' initiative, taking into account the past experience of the Member States while also utilising the standards applied by the Business and Biodiversity Offsets Programme; notes, in this connection, the importance of applying such an approach to all EU habitats and species not covered by EU legislation;

54. Calls on the Commission to devote particular attention to species and habitats whose ‘functions' are of priceless economic value, since efforts to preserve biodiversity in the future will be directed at those areas that will produce economic benefits over a short period of time, or be expected to do so;

55. Recognises that biodiversity and ecosystem services provide significant non-monetised benefits to industries and other economic actors; invites organisations representing the private sector to put forward proposals on how best to preserve and restore biodiversity on a meaningful scale;
56. Recognises the need to promote green infrastructure, eco-innovation and the adoption of innovative technologies in order to create a greener economy, and calls on the Commission to draw up good practice guides in this area; urges the Commission, the Member States and local and regional authorities to take account of the recommendations made in the TEEB study, which is intended as a useful advisory tool for local and regional policy-makers, administrators and managers; underlines the need to expand and intensify training for beneficiaries of the Structural and Cohesion Funds, and for local, regional and national governments, in dealing with the complex European and national legislation aimed at protecting nature and increasing awareness of the importance of biodiversity loss; invites the Commission to put in place technical assistance mechanisms designed to promote knowledge at regional and local level with regard to implementation-related problems;

**Agriculture**

57. Recalls that over half of the EU’s territory is managed by farmers, that farmland delivers important ecosystem services and has considerable socio-economic value, and that funding for the CAP represents a significant part of the EU budget; stresses that the CAP is not confined to the aim of food provision and rural development, but is a crucial tool for biodiversity, conservation, mitigation of climate change, and maintenance of ecosystem services; notes that the CAP already includes measures aimed at environmental protection, such as decoupling, cross-compliance and agri-environment measures; considers it regrettable, however, that these measures have so far failed to halt the overall decline in biodiversity in the EU and that farmland biodiversity is in continued decline; calls, therefore, for a reorientation of the CAP towards the provision of compensation to farmers for the delivery of public goods, since the market is currently failing to integrate the economic value of the important public goods agriculture can deliver;

58. Emphasises the connection between water management and biodiversity as an essential component for sustaining life and for sustainable development;

59. Stresses the need to move from a means-based approach to a results-based approach in order to assess the effectiveness of the instruments applied;

60. Calls for the greening of Pillar I of the CAP in order to ensure the conservation of biodiversity in the wider farmed landscape, improve connectivity and adapt to the effects of climate change; welcomes the Commission’s CAP reform proposal, which provides for a ‘greening’ of the CAP through the allocation of Pillar I payments to a package of basic good practices applied at farm level, including crop rotation and diversification, permanent pasture and a minimum ‘ecological focus area’; underlines that such greening measures need to be workable and must not create unnecessary bureaucracy; reiterates its call for area-based support for the Natura 2000 network under the direct payment scheme; believes that resource-efficient, environment- and climate-friendly agricultural practices will ensure both the sustainability of agricultural businesses and long-term food security, and recognises that the CAP should play a significant role in achieving this;

61. Calls for ‘greening’ practices to be geared to agricultural diversity in the various Member States, taking into account, for example, the specific situation of Mediterranean countries, which is not addressed by the proposed thresholds in relation to the diversification of crops and land of ecological importance; notes that assembled crops, permanent crops (olive groves, vineyards, apple orchards) and rice crops are some examples of practices that should be compatible with ‘greening’, given the high ecological and conservation value of some of these agricultural systems;

62. Maintains that assistance to public and private actors working to protect forest biodiversity in terms of species, habitats and ecosystem services must be increased under the new CAP, and eligibility extended to areas connecting Natura 2000 sites;
63. Calls for all CAP payments, including those made from 2014, to be underpinned by robust cross-compliance rules which help to preserve biodiversity and ecosystem services, covering the Birds and Habitats Directives (without watering down the current standards applicable from 2007 to 2013), pesticides and biocides legislation and the Water Framework Directive (1); calls for simple and transparent rules for those affected;

64. Calls for a strengthening of Pillar II and for drastic improvements in all Member States to the environmental focus of that pillar and to the effectiveness of its agri-environmental measures, including through minimum mandatory spending on environmental measures – such as agri-environmental measures, Natura 2000 and forest environment measures – and support for High Nature Value and organic farming; underlines that the environmental measures under the two pillars should be mutually reinforcing;

65. Acknowledges the critical report of the European Court of Auditors on agri-environment schemes; notes that very limited environmental objectives have been met with the EUR 22.2 billion available for 2007-2013; urges the Commission to ensure that future agri-environmental subsidies are approved only under strict environmental criteria;

66. Draws attention to the fact that the increase in demand for agricultural fuels and the consequent intensification of pressure for their production in developing countries are threatening biodiversity, particularly in developing countries, owing to the degradation and conversion of habitats and ecosystems such as wetlands and forests, among others;

67. Takes the view that the inspection of agricultural practices should be strengthened in order to prevent biodiversity loss; maintains, in particular, that discharges of slurry should be controlled and even prohibited in the most sensitive areas in order to preserve ecosystems;

68. Encourages the Commission and the Member States to explore the phenomenon of land abandonment in some parts of Europe, supporting the targeted maintenance of biodiversity and avoiding desertification whilst providing new socio-economic opportunities for rural development; stresses, however, the need to respect existing land ownership; also underlines that European farmers play an important role as ‘guardians’ of the landscape;

69. Warns that various species and habitats which are highly valued from a conservation perspective, including those protected by EU legislation, are dependent on agri-environmental systems in which the presence of human beings is a key factor; highlights, in this connection, the importance of halting and reversing land abandonment; advocates increased support for small and medium-scale farming, family-based farming and extensive farming, which promote proper conservation of natural resources;

70. Calls on the Commission, in the context of the new CAP reform, to step up its efforts in support of agricultural sectors which make a proven contribution to preserving biodiversity, and in particular the beekeeping sector; points out that wild and domesticated insects such as bees account for 80 % of the pollination of flowering plants, and that the decline with which they are threatened represents an enormous challenge for our societies, whose agricultural production, and therefore food, depends in large part on the pollination of flowering plants; stresses, therefore, that particular attention should be paid to apiculture in the measures to be taken to protect biodiversity;

71. Emphasises the importance of halting and reversing the reduction in species diversity and crop varieties, which leads to an erosion of the genetic basis on which human and animal nutrition depends; advocates the need to promote the use of traditional agricultural varieties specific to certain regions; calls for appropriate legislation and incentives for the maintenance and further development of diversity in farm genetic resources, e.g. locally adapted breeds and varieties;

72. Stresses the need for more effective cooperation at European level in the field of scientific and applied research regarding the diversity of animal and plant genetic resources in order to ensure their conservation, improve their ability to adapt to climate change, and promote their effective take-up in genetic improvement programmes;

Forestry

73. Calls for specific action with a view to achieving Aichi Target 5, whereby the rate of loss of all natural habitats, including forests, should be at least halved by 2020 and where feasible brought close to zero, and degradation and fragmentation significantly reduced;

74. Calls on the Commission, once the study on the impact of European consumption on deforestation has been completed, to follow up its findings with new policy initiatives addressing the types of impact identified;

75. Calls on the Member States to adopt and implement forest management plans taking account of appropriate public consultation, including effective measures for the conservation and recovery of protected species and habitats and related ecosystem services;

76. Urges the Member States and the Commission to encourage the adoption of forest management plans, inter alia through rural development measures and the LIFE+ programme; stresses the need for forest management plans to include special biodiversity measures, notably specific measures for the conservation of protected species and natural habitats in order to improve their status, both within and beyond Natura 2000 areas;

77. Urges the Member States to design their forestry policies in such a way as to take full account of the importance of forests in protecting biodiversity, in preventing soil erosion, in carbon sequestration and air purification and in maintaining the water cycle;

78. Urges the Member States to ensure that forest fire prevention schemes in their forest management plans include ecosystem-based measures designed to make forests more resilient to fires;

Fisheries

79. Welcomes the Commission’s proposals for the reform of the CFP, which should guarantee the implementation of the ecosystem approach and the application of updated scientific information serving as the basis for long-term management plans for all commercially exploited fish species; emphasises that only by securing the long-term sustainability of fish stocks can we ensure the economic and social viability of the European fisheries sector;

80. Stresses that no one country can deal with the problem of biodiversity loss, particularly in marine ecosystems, and that the Member State governments must cooperate and coordinate their efforts more effectively in order to address this global issue; emphasises that strong implementation of biodiversity policy benefits both society and the economy;

81. Calls on the Commission and the Member States to implement marine protected areas in which economic activities, including fishing, are subject to strengthened ecosystem-based management, making it possible to reconcile preservation of the environment with the practice of sustainable fishing;

82. Stresses that there are still large gaps in knowledge regarding the state of marine ecosystems and fisheries resources, and calls for increased EU efforts in the area of marine research;
83. Requests the Commission and the Member States to consolidate their efforts in collecting scientific data on fish populations, where these are deficient, with the aim of offering more reliable scientific advice;

84. Calls on the Commission and the Member States to cooperate with a view to establishing a 'European coastguard' in order to boost common monitoring and inspection capacity and ensure enforcement;

85. Calls on the Commission and the Member States to step up their efforts to ensure that catches fall below Maximum Sustainable Yield (MSY) levels by 2015, and to take ecological considerations into account when defining MSYS; stresses, therefore, that a lack of adequate scientific data should not be used as an excuse for inaction, and that in such circumstances fishing mortality rates should be decreased on a precautionary basis; recalls the legal obligation – as set out in the Marine Framework Strategy Directive (MFSD) (1) – to ensure that all commercially exploited fish stocks are within safe biological limits by 2020;

86. Points out that the commitment to maintain or restore fish stocks, by 2015, to levels above those able to produce the MSY, as provided for in the CFP reform package proposed by the Commission, was endorsed by heads of state and government at the Johannesburg World Summit on Sustainable Development in 2002;

87. Underlines that fisheries management should contribute to achieving favourable conservation status pursuant to the Birds and Habitats Directives and achieving the objective of Good Environmental Status (GES) under the MFSD; stresses that long-term management plans should be based on multiple species rather than single species, taking account of all aspects of fish populations – in particular size, age and reproductive status – in order better to reflect an ecosystem-based approach, and that strict timelines for their development should be set;

88. Stresses that the new CFP and all subsequent measures adopted by Member States must be in full compliance with Directives 92/43/EEC, 2009/147/EC and 2008/56/EC;

89. Stresses that the aim of eliminating discards of less valuable target species and by-catches of protected non-target species, including cetaceans, sea turtles and sea birds, should be incorporated into the CFP and implemented as a matter of urgency; stresses, moreover, that the new CFP should include a clear obligation to release non-target species with a high chance of survival;

90. Points out that measures aimed at eliminating discards of juvenile and under-sized fish or catches beyond quota should be designed in such a way as to avoid providing any perverse incentives for the landing and commercialisation of discards;

91. Underlines that targets and timelines should be set for the reduction of overcapacity so that a net reduction in fleet capacity can be pursued;

92. Notes that the biodiversity of the marine environment is being seriously jeopardised by illegal, unreported and unregulated fishing (IUU fishing) and stresses that cooperation between the Member States and third countries should be strengthened in order to combat such IUU fishing;

93. Notes that the establishment of fisheries reserves (areas in which fishing activities may be banned or restricted) is a particularly effective and cost-efficient measure with a view to achieving the long-term conservation of fish stocks; calls on the Member States and the Council, in this connection, to designate fisheries reserves and stipulate the management rules to be established therein, with a particular focus on nursery grounds or spawning grounds for fish stocks;

94. Calls on the Commission to develop reliable indicators of environmental sustainability, including marine and coastal sustainability, in order to assess the degree of progress towards the overall goal of protecting biodiversity;

Invasive alien species

95. Calls on the Commission and the Member States to ensure that measures are taken to prevent both the entry of new invasive alien species into the EU and the spread of currently established invasive alien species to new areas; calls, in particular, for clear guidelines under the CAP Rural Development Regulation in order to ensure that afforestation does not harm biodiversity and to prevent the provision of financial support for the planting of invasive alien species; underlines the need for ambitious strategies and up-to-date inventories both at the EU level and in the Member States; takes the view that these strategies should not focus solely on those species considered to be a ‘priority’, as suggested in Target 5 of the Biodiversity Strategy; encourages the Commission, with a view to enhancing the knowledge base, to support similar activities to those supported under the DAISIE (Delivering Alien Invasive Species Inventories for Europe) project;

96. Urges the Commission to come forward in 2012 with a legislative proposal which takes a holistic approach to the problem of invasive alien plant and animal species in order to establish a common EU policy on the prevention, monitoring, eradication and management of these species and on rapid alert systems in this area;

97. Recognises that prevention is more cost-effective and environmentally desirable than measures taken once an invasive alien species has already been introduced and become established; calls, therefore, on the Commission and the Member States to give priority to preventing the introduction of invasive alien species, as supported by the hierarchical approach to such species adopted in the CBD;

98. Underlines the need to ensure that trade in threatened species – included in the Red List drawn up by the International Union for the Conservation of Nature – is subject to increased restrictions and, in particular, strict regulation; calls, furthermore, on the Commission and the Member States to monitor and report regularly on imports of exotic and non-native species and to ensure full implementation of the Zoos Directive (1); requests the Commission to assess and make proposals for a ban on wild-caught animals for the pet trade;

99. Calls on the Commission to take note of existing national strategies and action plans and ensure that island habitats receive proportionate consideration in the upcoming Invasive Alien Species Regulation;

Climate change

100. Recalls the inter-linkages between biodiversity and the climate system; is mindful of the significant negative impact of climate change on biodiversity, and underlines the fact that biodiversity loss inherently exacerbates climate change on account of the degradation of the carbon sink provided by the natural environment; emphasises the urgency of biodiversity protection, inter alia as a means of mitigating climate change and preserving natural carbon sinks;

International dimension

101. Urges the Commission to propose legislation to implement the Nagoya Protocol so that the Union can ratify the Protocol as soon as possible;

102. Underlines that, given the global nature of biodiversity and ecosystem services and their crucial role in meeting global sustainable development objectives, the EU strategy must also step up EU efforts to avert biodiversity loss and thereby contribute more effectively to achieving the Millennium Development Goals by 2015;

103. Takes the view that marine biodiversity conservation needs to be addressed at the highest level at the Rio+20 summit to be held in Rio de Janeiro in June 2012;

104. Welcomes the UN General Assembly resolution of 6 December 2011 aimed at ensuring the sustainability of the world’s fisheries, which stresses that urgent efforts are needed to achieve sustainable use of the world’s oceans and seas;

105. Welcomes the plan – presented in November 2011 – developed by four UN agencies (UNESCO, FAO, UNDP and IMO) to encourage countries to renew their commitment to limiting the degradation of the oceans and dealing with threats such as overexploitation of fisheries, pollution and biodiversity decline;

106. Encourages the Commission and the Member States to continue promoting a common approach to nature conservation throughout the EU, welcomes the Commission’s acceptance that it needs to cooperate with the Member States to ensure the effective protection of biodiversity in the EU’s outermost regions and overseas countries and territories, which host more endemic species than the entire European continent; wishes to see the strengthening of the specific instruments for safeguarding and protecting biodiversity there, particularly the BEST (Voluntary scheme for Biodiversity and Ecosystem Services in Territories of the EU Outermost Regions and Overseas Countries and Territories) preparatory action supported by Parliament since 2011 and providing proper financing for the protection of biodiversity and ecosystem services in the EU’s outermost regions and overseas countries and territories;

107. Calls on the Commission and the Member States strictly to implement and enforce multilateral environmental agreements, including (but not limited to) the CITES Convention and the CMS;

108. Calls on the Commission and the Member States effectively to mainstream environmental sustainability in their relations with third countries and as part of global processes such as the Millennium Development Goals;

109. Urges the Commission to enhance the contribution of EU trade policy to conserving biodiversity, and therefore supports its proposal to include a chapter on sustainable development in all new trade agreements which lays down substantial environmental provisions relevant to the trade context, including biodiversity goals;

110. Recognises the increase in illegal international trafficking of species covered by the CITES Convention; calls, therefore, on the Commission and the Member States to work to increase the capacity of Interpol in this respect and to prioritise the issue of illegal wildlife trade in bilateral discussions with third countries;

111. Recognises that the EU is a top importer of wildlife and that it influences biodiversity conservation in other parts of the world through its policies and commercial activities; calls on the EU to take measures to reduce the negative impact of EU consumption patterns on biodiversity by incorporating initiatives relating to sustainable agriculture and wildlife trade in all trade agreements;

112. Calls on the Rio+20 Earth Summit to make concrete progress on innovative and independent sources of finance for biodiversity protection in developing countries, and insists that the EU and its Member States be proactive in achieving results in this regard;

113. Calls on the Commission and the Member States to ‘biodiversity proof’ EU development cooperation in order to prevent biodiversity loss, taking into account the fact that people on the lowest incomes are the most dependent on ecosystem services;

(*) A/RES/66/68.
114. Acknowledges that it is necessary to achieve an economy based on sustainable energy sources in a cost-effective way without compromising biodiversity objectives, and that such an economy could contribute towards achieving these objectives; deems it necessary, in this context, to introduce further safeguards regarding the sources, efficiency and quantity of biomass used for energy; calls on the Commission, also in this context, to clarify as soon as possible what effect biofuels have on biodiversity, including the impact of indirect land use, and calls for the establishment of effective sustainability criteria for the production and use of all biofuels, including solid biomass;

**Financing**

115. Calls on the Commission and the Member States to identify all existing environmentally harmful subsidies, according to objective criteria, and calls on the Commission to publish, by the end of 2012, an action plan (including a timetable) on how to phase such subsidies out by 2020 in line with the Nagoya commitments;

116. Emphasises the importance of mobilising both EU and national financial support from all possible sources, including the creation of a specific instrument to finance biodiversity, and of developing innovative financial mechanisms – in particular habitat banking in conjunction with offsetting – in order to reach the targets set in the area of biodiversity;

117. Stresses the need to increase the budget for research focusing on the environment and biodiversity under the next Research Framework Programme, in a manner proportionate to the huge needs and challenges associated with tackling both biodiversity loss and climate change, in order to help close identified knowledge gaps and support policy;

118. Calls on the Commission to review whether the current regulatory regime adequately incentivises strategies to enhance biodiversity, and to propose cost-effective solutions to shift spending on biodiversity from bureaucracy towards protection and enhancement;

119. Agrees that well-designed, market-based instruments aimed at internalising the external costs of consumption and production activities to the environment can contribute to achieving the objective of halting biodiversity loss if combined with incentives for green investment within the sectors concerned;

120. Welcomes the Commission’s launch of the Business and Biodiversity Platform with a view to engaging the private sector in the biodiversity agenda;

121. Urges the Commission to report to Parliament and the Council on options for the introduction of payments for ecosystem services, taking into account the role of biodiversity conservation;

122. Calls on the Commission and the Member States fully to implement and fund the new Strategy for Biodiversity to 2020 by ensuring that every EU funding measure is consistent with biodiversity and water protection laws;

123. Stresses the imperative need to ensure that the next Multiannual Financial Framework (2014-2020) supports efforts to achieve the six targets set out in the Biodiversity Strategy, and that funding for the LIFE programme is stepped up; emphasises the need to focus on corporate social responsibility projects which promote biodiversity;

124. Notes, furthermore, that the enormous economic value of biodiversity offers a worthwhile return on the investment in its conservation; calls, therefore, for an increase in funding for nature conservation measures;
125. Calls on the Commission and the Member States, with a view to ensuring adequate financing of the Natura 2000 network, to ensure that at least EUR 5.8 billion per year is provided through EU and Member State funding; calls, furthermore, on the Commission and the Member States to ensure that adequate funding is made available through various EU funds (for example the CAP funds, the European Maritime and Fisheries Fund, the cohesion funds and a strengthened LIFE+ fund), with better coordination and coherence between these funds, inter alia through the concept of integrated projects, thereby improving transparency for the different regions in receipt of EU funding; calls for the EIB to be involved in developing innovative financial instruments and technical and advisory services for co-financing projects relating to biodiversity;

126. Expresses its disappointment with the proposed allocation for the new LIFE programme, which, despite its remarkable success over two decades, continues to receive an insignificant share of the EU budget; takes the view that the challenges addressed in the biodiversity and nature conservation plan call for a substantial increase in the funds allocated to the LIFE programme;

127. Notes with concern that the number of projects financed under the LIFE+ programme each year is below the indicative allocation in various Member States; invites the Commission to assess the reasons for this under-implementation and where necessary to propose changes to the rules governing the programme, particularly as regards co-financing levels;

128. Recognises the importance of green public procurement, and believes that more attention should be focused on its use, especially by public authorities in receipt of EU funding; recommends that the authorities responsible for the management and control systems created in the Member States to manage structural and cohesion funding should support projects which provide for such procedures;

129. Welcomes the Commission’s proposal to invest in the protection and restoration of biodiversity under the Cohesion Fund in the 2014-2020 funding period; also recommends considering the potential of Natura 2000 for local economies and labour markets;

130. Recognises that the ‘green economy’ is a means of generating skills and employment, and calls for it to be supported with funding which will help build capacity at a local level and build on local and traditional knowledge in the fight to protect biodiversity; highlights the fact that approximately 30 % of the total allocations for cohesion policy for 2007-2013 are available for activities with a particular impact on sustainable growth; encourages the Member States, and especially local and regional authorities, in the context of halting biodiversity loss, to be more active and step up their efforts to invest in natural capital, and to use regional policy funding for natural risk prevention as an element in the preservation of natural resources and in adaptation to climate change, particularly with a view to the 2014-2020 programming period;

131. Encourages the Member States to make full use of the possibility of realigning current operational programmes to the Europe 2020 sustainable growth objectives by reconsidering investment priorities for projects, and urges them to deploy the available resources more effectively;

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132. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.
Review of the 6th Environment Action Programme and the setting of priorities for the 7th Environment Action Programme

P7_TA(2012)0147


(2013/C 258 E/16)

The European Parliament,

— having regard to the communication from the Commission entitled ‘The sixth Community Environment Action Programme – Final assessment’ (COM(2011)0531),

— having regard to Articles 191 and 192 of the Treaty on the Functioning of the European Union, relating to preserving, protecting and improving the quality of human health and the environment,

— having regard to the Environment Council conclusions of 10 October 2011 on the Assessment of the sixth community environment action programme and the way forward: Towards a 7th EU environment action programme,

— having regard to the EEA report ‘The European Environment – State and Outlook 2010’ (SOER2010),

— having regard to EEA Technical report No 15/2011 ‘Revealing the costs of air pollution from industrial facilities in Europe’

— having regard to the communication from the Commission ‘Europe 2020 – A strategy for smart, sustainable and inclusive growth’ (COM(2010)2020),

— having regard to the communication from the Commission ‘Our life insurance, our natural capital: an EU biodiversity strategy to 2020’ (COM(2011)0244),

— having regard to the communication from the Commission ‘A Roadmap for moving to a competitive low carbon economy in 2050’ (COM(2011)0112),

— having regard to the communication from the Commission ‘Roadmap to a Resource Efficient Europe’ (COM(2011)0571),

— having regard to the Commission White Paper ‘Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system’ (COM(2011)0144),

— having regard to the Commission proposal for the next multiannual financial framework 2014-2020 (COM(2011)0398),

— having regard to the Commission proposals on the reform of the Common Agricultural Policy (CAP), of the Common Fisheries Policy (CFP) and of the Cohesion Policy,

— having regard to Rule 48 of its Rules of Procedure,

— having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Industry, Research and Energy and the Committee on Regional Development (A7-0048/2012),

A. whereas the current 6th EAP will expire on 22 July 2012;
B. whereas for a decade the 6th EAP has provided an overarching framework for environment policy, during which time environmental legislation has been consolidated and substantially completed, and whereas its adoption by codecision has increased its legitimacy and has helped create a sense of ownership; whereas, however, Member States and the Commission have not always acted in accordance with this programme, and whereas it had some shortcomings which have to be addressed;

C. whereas progress towards the objectives set out in the 6th EAP has been variable, with some objectives having been achieved (climate change, waste) and others not having been achieved (air, urban environment, natural resources), while the attainment of others depends on future implementation efforts (chemicals, pesticides, water), and whereas a number of challenges remain and additional efforts are required;

D. whereas the 6th EAP has been compromised by a lack of implementation of the environmental acquis in the areas of air pollution control, water and waste water treatment, waste and nature conservation;

E. whereas the goal of halting the decline of biodiversity by 2010 has not been reached due to a lack of political and financial commitments;

F. whereas 'The European Environment – State and Outlook 2010’ (SOER 2010) points out that major environmental challenges remain which will have significant consequences if left unaddressed;

G. whereas certain aspects of environmental legislation should be reviewed, in particular by strengthening the independence of environmental impact assessments in the Environmental Impact Assessment Directive;

H. whereas environmental degradation – air pollution, noise, chemicals, poor water quality and ecosystem degradation – is an important factor in the rise of chronic diseases; whereas an ambitious EU environmental protection agenda is therefore a key component for effective prevention of disease and ill-health;

I. whereas major differences remain between Member States as regards environmental quality and public health;

1. Underlines the urgency of adopting as soon as possible a 7th EAP, in order to address the environmental challenges lying ahead; calls therefore on the Commission to present a proposal for a 7th EAP without delay;

2. Considers that the new 7th EAP needs to describe in an unambivalent manner the environmental challenges the EU is faced with, including accelerating climate change, deterioration of our ecosystem and increasing overuse of natural resources;

3. Emphasises, in light of the current sustainability challenges that face the EU, that the Environmental Action Programmes, as overarching instruments, contribute to ensuring the necessary coordination among the various Community policies; considers, specifically, that in the coming decade, it will be even more crucial to address environmental issues with a more coherent and integrated approach that takes into account the links between them and that fills the remaining gaps, as otherwise irreversible damage may be caused;

4. Considers that the 7th EAP should provide a positive narrative on the benefits of stringent environmental policy to strengthen public support and political will to act;

5. Takes the view that the 7th EAP should set concrete targets for 2020 as well as setting out a clear ambitious vision for the environment in 2050 aimed at providing a high quality of life and well-being for all within safe environmental limits;
6. Considers that the timeline for the 7th EAP should be aligned with the post-2013 Multiannual Financial Framework (MFF) and the Europe 2020 strategy; stresses, however, that key decisions in other policy areas with a strong impact on the environment are likely to be taken before the adoption of the 7th EAP.

7. Stresses that the 7th EAP should provide the right framework to ensure adequate funding, including for innovation, research and development and that financing environmental objectives, in synergy with LIFE, and fully integrating protection of the environment should be an important part of the next Multiannual Financial Framework, of the reform of the Common Agricultural Policy (CAP), of the Common Fisheries Policy (CFP), of the Cohesion Policy and of Horizon 2020; considers, in particular, that the EU should allow new sources of financing to be created for the EAP, for instance through the mobilisation of market instruments and payments for ecosystem services.

8. Considers that the 7th EAP should be an overarching framework that makes it possible to deal with both persistent and emerging environmental and sustainability challenges, with due regard for existing and planned measures.

9. Considers that, for the coming decade, the 7th EAP should ensure that the EU's environmental choices are sufficiently clear and predictable for national and local administrations, citizens, businesses and investors; is of the opinion that this overarching EU programme should send a strong political signal to the rest of the world and contribute to establishing international environmental governance;

10. Invites the Commission to base its future proposal for the 7th EAP on the following 3 'i's priorities:

   — Implementation and strengthening

   — Integration

   — International dimension;

11. Believes that many of the goals contained in the 6th Environment Action Programme are well formulated, but is also aware that many are far from having been met; would therefore like to see more of these objectives being transferred to the 7th Environment Action Programme;

12. Wishes to emphasise the importance of allowing the precautionary principle to govern the EU's environment policy;

**Implementation and strengthening**

13. Notes with concern that implementation of the environmental acquis is still insufficient; considers that full implementation and enforcement at all levels, and further strengthening, of key environmental and related policy priorities – climate change, biodiversity, resources, environment and health, as well as social and employment policies, energy, sustainable transport, sustainable agriculture and rural development – are crucial; emphasises, therefore, the need for clear, consistent environmental legislation, based on public policy evaluations and feedback;

14. Highlights the fact that full compliance with EU environmental law is a genuine Treaty obligation and a criterion for the use of EU funds in Member States;

15. Underscores the fundamental importance of informing citizens about our environmental policies in order to involve them in the success of such policies; requests, therefore, that a greater effort in this respect be made in the future Action Programme, bearing in mind that a better environment for a better life cannot be created unilaterally from within the Institutions without the support of society itself;
Climate change

16. Takes the view that the 7th EAP should ensure full implementation of the climate and energy package and provide for a strengthening of it;

17. Considers that the 7th EAP should reflect the need for binding targets for energy efficiency and/or energy savings as this will contribute to combating climate change and to environmental protection; stresses the importance of a flexible Community framework, in order to ensure that the proposed energy efficiency measures take due account of the specificities in each Member State;

18. Takes the view that the 7th EAP should also take the debate beyond 2020 and consider mid-term targets for emissions reductions, energy efficiency and renewables for 2030;

19. Considers that the 7th EAP should also address maritime and non-CO₂ emissions;

20. Considers that adaptation to climate change should be properly addressed by the 7th EAP, taking into account the different necessities of the regions, on the basis of the upcoming EU Adaptation Strategy; invites the Commission to put forward an ambitious proposal for reforming EU plant health legislation in order to effectively combat the proliferation of invasive species and pests, some of which are the result of climate change;

21. Acknowledges the additional benefits of a growing renewable energy production in terms of pollution reduction and health impacts, provided that it effectively reduces non-renewable energy production;

22. Recommends increasing support for regional low-carbon, climate-resilient strategies and small-scale climate projects by SMEs, NGOs and local authorities under the Climate Action sub-programme included in the new LIFE programme proposed by the Commission;

Efficient and Sustainable Use of Resources

23. Recalls that an absolute reduction of resource use is urgently needed; asks the Commission to interpret the term ‘resource efficiency’ broadly so that all resources are covered; points out that these include, for example, natural energy and non-energy resources, such as water, ecosystems and biological diversity; asks the Commission also to integrate sustainable materials management and sustainability in production and consumption into the area of resource efficiency;

24. Considers that the 7th EAP should be instrumental in achieving a long-term target, namely reducing the Ecological Footprint by 50 % within the next 20 years; points out that the EU’s excessive ecological footprint is undermining regional and global prospects for natural ecosystems that can sufficiently support humankind;

25. Considers that the objectives of the Roadmap towards a resource-efficient Europe should be fully included in the 7th EAP;

26. Invites the Commission to already use – and improve – existing resource efficiency indicators where available and set targets without any delay in close cooperation with the Member States and all other interested parties, and to develop as soon as possible new indicators and targets where needed, as requested in the Roadmap; calls on the Commission, in view of the limitations of the flagship indicator on resource productivity, to define an indicator for material consumption, using a lifecycle-based approach that integrates hidden flows, i.e. the potential for environmental pressures to be transferred outside the EU, and movements of shortfalls and dependencies, without delay;
27. Takes the view that the 7th EAP should provide for the development of a legislative framework for mainstreaming into relevant policies, especially that of sustainable production, the notion of cascading use of resources, ensuring that our scarce raw materials are used to their full potential;

28. Takes the view that the 7th EAP should include objectives on how to deal with the urban environment, where the majority of European citizens live, where more than two thirds of CO₂ emissions are produced, and which has a considerable impact on the environment, and that it should provide guidance on how to promote integrated environmental planning, sustainable mobility, quality of life and human health in cities, taking into account the principle of subsidiarity;

29. Calls on the Commission and the Member States, with a view to implementing pollution reduction strategies in the urban environment, to examine the possibility of creating a European support framework for the progressive implementation of urban mobility plans in European cities, establishing procedures and financial support mechanisms at European level for preparing urban mobility audits as well as urban mobility plans, and setting up a European Urban Mobility Scoreboard;

30. Considers that the 7th EAP should provide for full attainment of the goals for sustainable and ecological consumption and production set out in the Roadmap, for example as regards Green and Sustainable Public Procurement in compliance with the principles of transparency and fair competition; calls for the development of product policy, addressing the whole product lifecycle and including animal welfare friendly methods of production; calls on the Commission, once the harmonised European method for calculating a product's environmental footprint has been finalised, to ensure that additional information for consumers about the environmental impact of products, beyond existing schemes (eco-label, energy label, organic certification, etc.), is included; calls on the Commission to extend the scope of the Ecodesign Directive and review the implementation thereof;

31. Considers that the 7th EAP should encourage the creation of incentive schemes to promote demand for recycled materials, particularly when incorporated in finished products;

32. Takes the view that the 7th EAP should provide for full implementation of waste legislation, including compliance with the waste treatment hierarchy while ensuring coherence with other EU policies; considers that it should set more ambitious prevention, re-use and recycling targets, including a net decrease in waste generation, no incineration of waste that is suitable for recycling or composting with respect to the hierarchy of the Waste Framework Directive, and a strict ban on the dumping of selectively collected waste in landfills as well as sectoral objectives for resource efficiency and process efficiency benchmarks; recalls that waste is also a resource and can often also be reutilised, in which case we can ensure the efficient use of resources; invites the Commission to investigate how to make collecting waste from consumer products more efficient both by extending the principle of extended producer responsibility and through guidelines on managing recovery, collection and recycling systems; emphasises the need to invest in the recycling of raw materials and rare earths, since mining, refining and recycling rare earths can have serious consequences for the environment unless managed appropriately;

33. Believes that targets that have already been set in several directives regarding the collection and separation of waste should be further elaborated and set for the highest and most qualitative recovery of materials in each of the phases of recycling, namely collection, dismantling, pre-processing and recycling/refinery;

34. Considers that the 7th EAP should take into account the provisions of the forthcoming Blueprint on EU Water Policy and stresses the value of a better coordinated approach to water pricing; calls on the Commission, therefore, to facilitate access to solutions to water shortages, water recovery and developing alternative irrigation techniques and to encourage the optimisation of the successive uses of water extracted from the water cycle, including recycling water used for agricultural and industrial purposes where appropriate, and recovering the nutrients and energy contained in waste water;
35. Calls on Member States to ensure the full and effective implementation of water legislation and takes the view that, to ensure compliance with the Water Framework Directive and the Directive on the assessment and management of flood risks, measures must be developed to recover the natural banks of rivers and reforest the adjacent areas;

36. Urges the Commission to involve all relevant stakeholders in the formulation of targets which should ensure sustainability of land use in the 7th EAP; calls on the Commission to define critical land-use issues such as the loss of semi-natural habitats and the displacement of high-value land uses by bioenergy crops; emphasises, in this connection, the need for sustainability criteria for biomass and biofuels which also address the issue of indirect land-use change;

37. Considers that the 7th EAP needs to address the impacts of European policies outside the EU, and asks the Commission, therefore, to take forward the issue of reducing the EU’s land footprint in third countries, in particular by addressing indirect land use change due to biofuels and biomass for energy, and to include the objective that no land of high environmental value will be converted to new uses in order to produce crops for the EU;

Biodiversity and Forestry

38. Underlines the importance of acting now, in order to set the EU on the right track to fully meet its own biodiversity 2020 headline target, as well as its global commitments on protecting biodiversity, as we cannot afford to fail again, and of planning sufficient resources for the conservation of the Natura 2000 Network; considers that the difficulties encountered in meeting the target set for 2010 indicate the need for an in-depth review of the methods applied to date; believes that integrated strategic studies, including studies of the elements that could influence protected areas, must be carried out; considers that these studies should be incorporated into urban planning and be accompanied by educational and information campaigns about the importance of local resources and their conservation;

39. Considers that the objectives of the EU 2020 Biodiversity Strategy, including its targets and actions, should be fully included in the 7th EAP as a means to ensure its full implementation; considers that certain actions need to be reinforced in the short term so that biodiversity is more clearly addressed in all policy areas, and that additional actions are necessary (e.g. action to restore degraded eco-systems) to effectively achieve the 2020 target; stresses that the 7th EAP will provide a powerful framework to support the adoption of the necessary legal and financial instruments, starting with guaranteed funding for Natura 2000;

40. Emphasises the importance of mobilising both EU and national financial support from all possible sources, as well as developing innovative financial mechanisms, to ensure an adequate level of support for biodiversity;

41. Invites the Commission to publish a communication on the new European Forestry Strategy by the end of 2012, to propose effective measures to improve cooperation between Member States on forestry issues and to encourage a rational use of forestry resources and sustainable forest management;

42. Recommends including a stronger focus on forests in the new Common Agricultural Policy by promoting agroforestry and a rural development policy based on sustainable landscapes;

43. Calls for the introduction of a new Community regulation on preventing fires or, at the very least, proposes to strengthen cooperation between Member States in this area;
Environmental quality and health

44. Takes the view, given that poor environmental conditions have a substantial impact on health, involving high costs, that the 7th EAP should notably:

— continue to include the 6th EAP’s objective that by 2020 chemicals will only be produced and used in ways that do not have a significant negative impact on health and the environment;

— address air quality – including indoor air quality – and its impact on health;

— address noise and its impact on health;

— provide for the development of specific measures relating to emerging human and animal health threats, currently not sufficiently addressed, to examine the effects of new developments on human and animal health, such as nanomaterials, endocrine disruptors and the combination effects of chemicals, on the basis of scientific studies and commonly accepted definitions, where available;

— include action to protect children’s health from environmental pollution, on the basis of the WHO Europe Parma Declaration on Environment and Health, of March 2010;

— tie in with the second Environmental Health Action Plan;

45. Underlines that the 7th EAP should set specific goals to ensure that by 2020 the health of European citizens is no longer undermined by pollution and hazardous substances;

46. Considers that full regard should be paid to the methods used for the risk assessment of chemicals, prioritising alternatives to animal tests; considers also that the 7th EAP should provide for the adoption of an EU-wide strategy to reduce the number of animals used in safety testing, while guaranteeing a high quality of life for humans and animals in the EU;

47. Believes that there is a need for a holistic approach to health and the environment, which focuses on precaution and the prevention of risks, and in particular takes account of vulnerable groups such as foetuses, children and young people;

48. Considers that efforts should be made to focus on prevention, precaution and promotion of environment-friendly activities at EU level, in the field of research, innovation and development, with the goal of reducing the environmental burden of disease;

49. Considers that the 7th EAP should address the transport issue by promoting more investment in environment-friendly transport systems and proposing solutions to tackle congestion, CO₂ emissions and micro-particles;

50. Considers it important that the 7th Environment Action Programme pay special attention to the continued phasing out of mercury, both within and outside the EU;

Enforcement

51. Calls on the Member States to see to the full and proper implementation of EU environmental legislation and adopted policies and strategies, and to ensure adequate capacity and finances for full implementation, including in times of austerity, as non-implementation or incomplete implementation of EU environmental legislation is not only unlawful, but also far more costly to society in the long run;
52. Considers it essential to strengthen the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) and urges the Commission to report on possible ways of doing so;

53. Calls on the Commission to systematically apply ex-ante controls of compliance with all relevant Community laws, particularly in the area of Cohesion Policy, before granting any funding;

54. Considers it important to view the 7th EAP as a means of communication with European citizens, so that it can mobilise these citizens, not least for the purposes of enforcing agreed policies on the ground;

55. Calls on the Commission to step up its role as the ‘guardian of the Treaties’ in order to ensure correct transposition, implementation and enforcement of environmental legislation by all Member States; recommends greater local authority participation throughout the process of defining environmental policy so as to improve implementation of the legislation across the board, including setting up teams to transpose environmental law at regional and local level; calls on the Commission, therefore, to explore what role the European Environment Agency could play in relation to transposition and implementation;

Integration

56. Takes the view that environmental considerations are gaining increasing importance in other sectoral policies and that, accordingly, environment policy should be further integrated into other policy areas;

57. Invites the Commission to develop indicators in order to be able to measure improvement of integration;

58. Takes the view that the objectives of Roadmap 2050 can only be achieved if complementary strategies are implemented, including assessment of agriculture, reforestation and the introduction of policy incentives for innovation and rapid implementation of solar, geothermal and marine energy;

59. Urges the Commission to include in its 7th EAP proposal an aggregated list of all the existing environment-related targets for the different policy areas, notably climate change, biodiversity, transport, energy, agriculture, fisheries and cohesion policy, and examine them in conjunction with each other, so as to allow for an appropriate comparison and to ensure that objectives are coherent;

60. Urges the Commission, when reviewing the Environmental Impact Assessment Directive and Directive 2001/42/EC, to ensure that they contribute to a sustainable use of land as a critical resource in the EU and also to extend the scope of environmental impact assessments to cover not only large projects, while tightening and expanding the criteria of such assessments but also to include the notion of cascading use of resources and full life-cycle analysis;

61. Calls on the Commission to propose a procedure ensuring the impartiality and independence of environmental impact assessments, first of all by eliminating the direct relationship between project developers and the assessors;
62. Recommends that an equitable balance be found between the need to combat climate change and to halt or mitigate biodiversity loss and the Seventh Environment Action Programme, so that the European Union can achieve the EU 2020 targets and avoid unnecessary costs resulting from climate change and biodiversity loss; stresses in this context the importance of cohesion policy post-2013; also emphasises, with prevention policy in mind, the need to see costs as investments for the future and for new jobs and to launch information, awareness and other campaigns so as to allow best practice to be exchanged at all levels; underlines the need for better use of technical assistance at national, regional and local levels in order to increase administrative capacity where needed; considers it necessary to efficiently match research and innovation objectives with local and regional development needs;

63. Takes the view that the objectives of Roadmap 2050 can only be achieved if complementary strategies are implemented, including assessment of agriculture, reforestation and the introduction of policy incentives for innovation and rapid implementation of solar, geothermal and marine energy;

64. Takes the view that the 7th EAP should include a strict and detailed plan both at European and national level for the phasing-out of all environmentally harmful subsidies by 2020, for example those affecting biodiversity, in order to respect the Nagoya commitments;

65. Considers that the 7th EAP should provide for the inclusion of environmental considerations beyond the current climate change and energy headline indicators in the European Semester; calls on the Commission, in particular, to integrate resource efficiency policies as set out in the Resource Efficiency Roadmap, and to monitor through the European Semester Member States' follow-up to country-specific recommendations accordingly;

66. Underlines the important role of regional and local authorities, non-governmental organisations, academia as well as civil society and the private sector, in the promotion and implementation of effective environment policy across the EU;

67. Considers that, in order to achieve meaningful results, implementation of the programmes at regional and local level must be ensured, and the process must be inclusive of all interested parties; calls for attention to be paid to the situation of regions and territories with special geographical features, such as islands, mountain regions and sparsely populated regions; welcomes the Commission's proposal to strengthen the use of Environmental Impact Assessments and Strategic Environmental Impact Assessments in local and regional decision-making;

68. Underlines that the 7th EAP should provide for the full implementation of the Aarhus Convention, in particular regarding access to justice; stresses, in this connection, the urgent need to adopt the directive on access to justice; calls on the Council to respect its obligations resulting from the Aarhus Convention and to adopt a common position on the corresponding Commission proposal before the end of 2012;

69. Takes the view that the 7th EAP should aim at supporting the development of alternative models to measure growth and welfare 'beyond GDP';

70. Calls on the Commission and the Member States to promote the 'green economy' globally, integrating environmental, social and economic aspects such as poverty reduction;
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71. Underlines the importance of demonstrating to EU citizens, especially in the current economic climate, that environmental protection is not contradictory to sustainable economic and social development; advocates, to this end, the promotion of successful projects and the dissemination of information to the public on the feasibility of environmentally benign economic development in important natural and cultural heritage areas like the Natura 2000 network;

72. Recalls that the 7th EAP should provide for the right framework to ensure adequate funding, including funding for innovation, research and development;

73. Takes the view that the LIFE+ programme should be managed by the Commission, with the emphasis being placed on projects of innovation and excellence, promoting SMEs and R&D institutions and prioritising the maintenance of biodiversity with a systematic and integral approach and agricultural technologies compatible with the preservation of the soil and the food chain of animals' ecosystems; believes that the EU’s LIFE+ programme should be more widely promoted in all regions of Europe in order to encourage innovative practices at local level and enhance the impact and awareness of the ‘Environmental Policy and Management’ section of this programme;

74. Calls on the Commission and the Member States to develop within the next Research Framework Programme a research and innovation programme targeting new materials and resources which could in the future replace existing raw materials that are in short supply;

**International dimension**

75. Considers that the 7th EAP should have as a goal to integrate environmental considerations into all EU external relations, in particular into development aid and trade agreements, in order to promote environmental protection in third countries; urges the EU to promote joint programming of environmental research activities with its neighbours;

76. Invites the Commission to include in its proposal a goal for the EU to fully support the work on environmental accounting done by the UN, the World Bank and European Environment Agency, in order to equip the world with a harmonised environmental accounting system; welcomes the commitments made in the EU Biodiversity Strategy to improving knowledge of ecosystems and their services in the EU (as in the case of forests); encourages Member States to share information about their experiences and to compare notes on methodologies relating to ecosystem accounting;

77. Considers that the 7th EAP should provide for timely implementation of EU international commitments, in particular in the framework of the UNFCCC and the CBD;

78. Urges the Commission to integrate in the 7th EAP the outcome of the Rio+20 conference on the Green Economy and on strengthening International Environment Governance;

* * *

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

(Preparatory acts)

EUROPEAN PARLIAMENT

Coordination of social security systems ***I

P7_TA(2012)0121


(2013/C 258 E/17)

(Ordinary legislative procedure: first reading)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2010)0794),

— having regard to Article 294(2) and Article 48 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0005/2011),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the undertaking given by the Council representative by letter of 7 March 2012 to approve Parliament’s position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

— having regard to Rule 55 of its Rules of Procedure,

— having regard to the report of the Committee on Employment and Social Affairs (A7-0043/2012),

1. Adopts its position at first reading hereinafter set out;

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, the Commission and the national parliaments.

(As an agreement was reached between Parliament and Council, Parliament’s position corresponds to the final legislative act, Regulation (EU) No 465/2012.)

Accession of the European Union to the Treaty of Amity and Cooperation in Southeast Asia ***

European Parliament legislative resolution of 18 April 2012 on the draft Council decision on the accession of the European Union to the Treaty of Amity and Cooperation in Southeast Asia

(07434/2012 – C7-0085/2012 – 2012/0028(NLE))

(Consent)

The European Parliament,

— having regard to the draft Council decision (07434/2012),

— having regard to the Treaty of Amity and Cooperation in Southeast Asia and the draft Third Protocol thereto,

— having regard to the request for consent submitted by the Council in accordance with Articles 209 and 212 and Article 218(6), second subparagraph, point (a), and Article 218(8), second subparagraph, of the Treaty on the Functioning of the European Union (C7-0085/2012),

— having regard to Rules 81 and 90(7) of its Rules of Procedure,

— having regard to the recommendation of the Committee on Foreign Affairs (A7-0139/2012),

1. Consents to the accession of the Union to the Treaty;

2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the States signatories of the Treaty of Amity and Cooperation in Southeast Asia.
Draft Protocol on the concerns of the Irish people on the Treaty of Lisbon (consent) ***

P7_TA(2012)0123


(Consent)

The European Parliament,

— having regard to the decision of 19 June 2009 of the Heads of State or Government of the 27 Member States, meeting within the European Council, on the concerns of the Irish people on the Treaty of Lisbon (Annex 1 to the Presidency Conclusions),

— having regard to the letter from the Irish Government to the Council of 20 July 2011, sent in accordance with Article 48(2) of the Treaty on European Union, on a proposal for the addition of a draft protocol on the concerns of the Irish people on the Treaty of Lisbon (the draft protocol) to the Treaty on European Union and the Treaty on the Functioning of the European Union,

— having regard to the submission of that proposal on 11 October 2011 by the Council to the European Council, in accordance with Article 48(2) of the Treaty on European Union,

— having regard to the letter from the President of the European Council to the President of the European Parliament of 25 October 2011, concerning the draft protocol,

— having regard to the request for consent not to convene a Convention submitted by the European Council in accordance with the second subparagraph of Article 48(3) of the Treaty on European Union (C7-0388/2011),

— having regard to Rules 74a and 81(1) of its Rules of Procedure,

— having regard to the recommendation of the Committee on Constitutional Affairs (A7-0065/2012),

A. whereas at the European Council on 19 June 2009 the Heads of State or Government agreed to take a decision in order to provide reassurance and to respond to the concerns of the Irish people on the Treaty of Lisbon in relation to the right to life, family and education, taxation, and security and defence;

B. whereas the Heads of State or Government also declared that the decision was legally binding and would take effect on the date of entry into force of the Treaty of Lisbon;

C. whereas they also declared that, at the time of the conclusion of the next accession treaty and in accordance with their respective constitutional requirements, they would set out the provisions of the decision in a protocol to be attached to the Treaty on European Union and the Treaty on the Functioning of the European Union;

D. whereas, as a matter of fact, the Heads of State or Government at the European Council on 19 June 2009 had already agreed on the substance of the provisions proposed in the draft protocol, so that the issue has already been politically settled and does not seem to justify convening a Convention;

1. Consents to the European Council’s proposal not to convene a Convention;

2. Instructs its President to forward this decision to the European Council, the Council and the Commission.
Draft Protocol on the concerns of the Irish people on the Treaty of Lisbon *

P7_TA(2012)0124


(2013/C 258 E/20)

The European Parliament,

— having regard to the decision of 19 June 2009 of the Heads of State or Government of the 27 Member States, meeting within the European Council, on the concerns of the Irish people on the Treaty of Lisbon (Annex 1 to the Presidency Conclusions),

— having regard to the letter from the Irish Government to the Council of 20 July 2011, sent in accordance with Article 48(2) of the Treaty on European Union, on a proposal for the addition of a draft protocol on the concerns of the Irish people on the Treaty of Lisbon (‘the draft protocol’) to the Treaty on European Union and the Treaty on the Functioning of the European Union,

— having regard to the submission of that proposal on 11 October 2011 by the Council to the European Council, in accordance with Article 48(2) of the Treaty on European Union,

— having regard to the first subparagraph of Article 48(3) of the Treaty on European Union, pursuant to which the European Council consulted Parliament (C7-0387/2011),

— having regard to Rule 74a of its Rules of Procedure,

— having regard to the report of the Committee on Constitutional Affairs (A7-0064/2012),

A. whereas in 2008 the Irish Government decided to hold a referendum on ratification of the Treaty of Lisbon;

B. whereas, because of the negative result of the referendum of 12 June 2008, Ireland was not in a position to ratify the Treaty of Lisbon;

C. whereas the European Council, at its meeting on 11 to 12 December 2008, upon request of the Irish Government agreed that a decision would be taken to the effect that the Commission will continue to include one national of each Member State after 2014;

D. whereas, because of the requirement of unanimity for the entry into force of the Treaty of Lisbon, the Irish Government was expected to find a solution to the situation that was brought about by the decision to hold a referendum and its subsequent rejection;

E. whereas at the European Council on 19 June 2009 the Heads of State or Government agreed to take a decision in order to provide ‘necessary legal guarantees’ responding to the concerns of the Irish people in relation to the right to life, family and education, taxation, security and defence, and agreed that they would, at the time of the conclusion of the next accession treaty and in accordance with their respective constitutional requirements, set out the provisions of the decision in a protocol to be attached to the Treaty on European Union and the Treaty on the Functioning of the European Union as clarifications of the provisions of the Treaty of Lisbon with respect to the Irish concerns;
F. whereas Article 1 of the draft protocol, when stipulating that nothing in the Treaty of Lisbon affects the scope and applicability of the protection of the right of life, the protection of the family and the protection of the rights in respect of education provided by the Constitution of Ireland, refers to matters which do not constitute areas of Union competence under Articles 4 and 5 of the Treaty on European Union and Articles 2 to 6 of the Treaty on the Functioning of the European Union, or for which the Union has only a complementary role (Article 6 of the Treaty on the Functioning of the European Union);

G. whereas Article 2 of the draft protocol, in relation to taxation, states that 'nothing in the Treaty of Lisbon makes any change of any kind, for any Member State, to the extent or operation of the competence of the European Union' and does not prevent further progress towards enhanced economic coordination in the Union;

H. whereas Article 3 of the draft protocol seeks to explain the provisions of the Treaty of Lisbon on security and defence (Articles 42 to 46 of the Treaty on European Union), making it clear that the Union's common security and defence policy does not prejudice the security and the defence policy of the Irish State or its obligations, and that it includes an obligation to aid and assist and to act jointly in a spirit of solidarity if a Member State is the victim of armed aggression on its territory, within the meaning of Article 42(7) of the Treaty on European Union and Article 222 of the Treaty on the Functioning of the European Union respectively;

I. whereas it is necessary to respect the previous political understandings between governments, and whereas the content of the draft protocol refers only to the situation of Ireland;

1. Agrees with a European Council decision in favour of examining the proposed amendments to the Treaties;

2. Instructs its President to forward this resolution to the European Council, the Council, the Commission and the national parliaments.
(Consent)

The European Parliament,

— having regard to the draft Council decision (14034/2011),

— having regard to the draft Voluntary Partnership Agreement between the European Union and the Central African Republic on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT) (14036/2011),

— having regard to the request for consent submitted by the Council in accordance with Article 207(3) and (4) and Article 218(6), second subparagraph, point (a)(v), and Article 218(7) of the Treaty on the Functioning of the European Union (C7-0046/2012),

— having regard to Rules 81 and 90(7) of its Rules of Procedure,

— having regard to the recommendation of the Committee on International Trade and the opinion of the Committee on Development (A7-0082/2012),

1. Consents to conclusion of the Agreement;

2. Calls on the Commission to regularly report to Parliament on progress in the implementation of existing Voluntary Partnership Agreements (VPAs) and in negotiating and implementing new VPAs;

3. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Central African Republic.

Voluntary Partnership Agreement between the EU and Liberia on forest law enforcement, governance and trade in timber products to the European Union ***
P7_TA(2012)0132


(2013/C 258 E/22)

(Consent)

The European Parliament,
— having regard to the draft Council decision (11104/2011),

— having regard to the draft Voluntary Partnership Agreement between the European Union and the Republic of Liberia on forest law enforcement, governance and trade in timber products to the European Union (11101/2011),

— having regard to the request for consent submitted by the Council in accordance with Article 207(3) and (4) and Article 218(6), second subparagraph, point (a)(v), and Article 218(7) of the Treaty on the Functioning of the European Union (C7-0241/2011),

— having regard to Rules 81 and 90(7) of its Rules of Procedure,

— having regard to the recommendation of the Committee on International Trade and the opinion of the Committee on Development (A7-0081/2012),

1. Consents to conclusion of the Agreement;

2. Calls on the Commission to regularly report to Parliament on progress in the implementation of existing Voluntary Partnership Agreements (VPAs) and in negotiating and implementing new VPAs;

3. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Republic of Liberia.

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**Risk sharing instruments for Member States experiencing or threatened with serious difficulties with respect to their financial stability***

P7_TA(2012)0133


(2013/C 258 E/23)

(Ordinary legislative procedure: first reading)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2011)0655),

— having regard to Article 294(2) and Article 177 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0350/2011),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Economic and Social Committee of 8 December 2011 (1),

— after consulting the Committee of the Regions,

Thursday 19 April 2012

— having regard to the undertaking given by the Council representative by letter of 28 March 2012 to approve Parliament’s position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

— having regard to Rule 55 of its Rules of Procedure,

— having regard to the report of the Committee on Regional Development and the opinions of the Committee on Budgetary Control and the Committee on Economic and Monetary Affairs (A7-0067/2012),

1. Adopts its position at first reading hereinafter set out;

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, the Commission and the national parliaments.

P7_TC1-COD(2011)0283


(As an agreement was reached between Parliament and Council, Parliament’s position corresponds to the final legislative act, Regulation (EU) No 423/2012.)

P7_TA(2012)0134


(2013/C 258 E/24)

(Consent)

The European Parliament,

— having regard to the draft Council decision (17433/2011),

— having regard to the draft Agreement between the United States of America and the European Union on the use and transfer of Passenger Name Records to the United States Department of Homeland Security, annexed to that draft Council decision (17434/2011),
having regard to the request for consent submitted by the Council in accordance with Article 218(6), second subparagraph, point (a), in conjunction with Article 82(1), second subparagraph, point (d), and Article 87(2), point (a), of the Treaty on the Functioning of the European Union (C7-0511/2011),

— having regard to the Communication from the Commission on the global approach to transfers of Passenger Name Record (PNR) data to third countries (COM(2010)0492),

— having regard to its resolutions of 14 February 2007 on SWIFT, the PNR agreement and the transatlantic dialogue on these issues (1), of 12 July 2007 on the PNR agreement with the United States of America (2), of 5 May 2010 on the launch of negotiations for Passenger Name Record (PNR) agreements with the United States, Australia and Canada (3), and of 11 November 2010 on the global approach to transfers of passenger name record (PNR) data to third countries, and on the recommendations from the Commission to the Council to authorise the opening of negotiations between the European Union and Australia, Canada and the United States (4),

— having regard to the opinions of the European Data Protection Supervisor of 19 October 2010 on the Communication from the Commission on the global approach to transfers of Passenger Name Record (PNR) data to third countries (5) and of 9 December 2011 on the proposal for a Council Decision on the conclusion of the Agreement between the United States of America and the European Union on the use and transfer of Passenger Name Records to the United States Department of Homeland Security (6),

— having regard to Opinion 7/2010 of 12 November 2010 on the European Commission’s Communication on the global approach to transfers of Passenger Name Record (PNR) data to third countries adopted by the Article 29 Data Protection Working Party, and to its letter of 6 January 2012 on the Agreement between the United States of America and the European Union on the use and transfer of Passenger Name Records to the United States Department of Homeland Security,

— having regard to Article 16 of the Treaty on the Functioning of the European Union and Articles 7 and 8 of the Charter of Fundamental Rights of the European Union,

— having regard to Rules 81 and 90(7) of its Rules of Procedure,

— having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee of Foreign Affairs (A7-0099/2012),

1. Consents to the conclusion of the Agreement;

2. Considers that procedure 2009/0187(NLE) has lapsed as a result of the 2007 PNR Agreement between the European Union and the United States being replaced by the new PNR Agreement;

3. Instructs its President to forward its position to the Council, the Commission, the governments and parliaments of the Member States and the government of the United States of America.

(1) OJ C 287 E, 29.11.2007, p. 349.
(2) OJ C 175 E, 10.7.2008, p. 564.
(3) OJ C 81 E, 15.3.2011, p. 70.

(Special legislative procedure – consultation)

The European Parliament,
— having regard to the Commission proposal to the Council (COM(2011)0121),
— having regard to Article 115 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0092/2011),
— having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
— having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Bulgarian Parliament, the Irish House of Representatives, the Maltese Parliament, the Netherlands House of Representatives, the Polish Diet, the Romanian Chamber of Deputies, the Slovak Parliament, the Swedish Parliament and the House of Commons of the United Kingdom, asserting that the draft legislative act does not comply with the principle of subsidiarity,
— having regard to Rule 55 and 37 of its Rules of Procedure,
— having regard to the report of the Committee on Economic and Monetary Affairs and the opinion of the Committee on the Internal Market and Consumer Protection (A7-0080/2012),

1. Approves the Commission proposal as amended;
2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;
3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

TEXT PROPOSED BY THE COMMISSION

Amendment 1
Proposal for a directive
Recital 1

(1) Companies which seek to do business across frontiers within the Union encounter serious obstacles and market distortions owing to the existence of 27 diverse corporate tax systems. These obstacles and distortions impede the proper functioning of the internal market. They create disincentives for investment in the Union and run counter to the priorities set in the Communication adopted by the Commission on 3 March 2010 entitled Europe 2020 – A strategy for smart, sustainable and inclusive growth. They also conflict with the requirements of a highly competitive social market economy.
Amendment 2
Proposal for a directive
Recital 1 a (new)

(1a) More cooperation among tax authorities can lead to a significant decrease in costs and administrative burdens for businesses engaged in cross-border activities within the Union.

Amendment 3
Proposal for a directive
Recital 2

(2) Tax obstacles to cross-border business are particularly severe for small and medium enterprises, which commonly lack the resources to resolve market inefficiencies.

Amendment 4
Proposal for a directive
Recital 2 a (new)

(2a) Fair competition in relation to tax rates should be encouraged at Member State level and also at regional level for regions with fiscal and legislative powers.

Amendment 5
Proposal for a directive
Recital 3 a (new)

(3a) Improving the internal market is the key factor for encouraging growth and job creation. The introduction of a common consolidated corporate tax base (CCCTB) should improve growth and lead to more jobs in the Union by reducing the administrative costs and red tape for companies, particularly for small businesses engaged in cross-border activities.

Amendment 6
Proposal for a directive
Recital 4 a (new)

(4a) As the internal market encompasses all Member States, the CCCTB should be introduced in all Member States. However, if the Council fails to adopt a unanimous decision on the proposal to establish a CCCTB, it is appropriate to initiate, without delay, the procedure for a Council decision authorising enhanced cooperation in the area of the CCCTB. Such enhanced cooperation should be initiated by the Member States whose currency is the euro but should be open at any time to other Member States in accordance with the Treaty on the Functioning of the European Union.
Amendment 7
Proposal for a directive
Recital 4 b (new)

(4b) Certain pronounced forms of tax competition, tax optimisation and tax arbitrage could erode some Member States’ revenues and create distortions concerning taxation between capital, which is mobile, and labour, which is less mobile. The reinforced Stability and Growth Pact and the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union require Member States, in particular those whose currency is the euro, to comply with strict fiscal discipline, simultaneously applying spending controls and generating sufficient tax revenues. For these reasons, and because the Euro Plus Pact, agreed by the Heads of State or government of the Member States whose currency is the euro, provides that the development of a CCCTB "could be a revenue-neutral way forward to ensure consistency among national tax systems while respecting national tax strategies, and to contribute to fiscal sustainability and the competitiveness of European businesses", it is of vital importance that Member States whose currency is the euro are able to meet their budgetary commitments, in order to safeguard the stability of the euro area as a whole, and it is desirable that the CCCTB is applied as soon as possible to as many companies as possible.

Amendment 8
Proposal for a directive
Recital 4 c (new)

(4c) In light of the vital role that SMEs play in the internal market, the Commission should develop and make available to SMEs engaged in cross-border activities, a tool that mitigates the administrative burden and costs and that thus enables them to voluntary opt into the CCCTB system.

Amendment 9
Proposal for a directive
Recital 5

(5) Since differences in rates of taxation do not give rise to the same obstacles, the system (the Common Consolidated Corporate Tax Base (CCCTB)) need not affect the discretion of Member States regarding their national rate(s) of company taxation.

(5) Since differences in rates of taxation do not give rise to the same obstacles, the CCCTB need not affect the discretion of Member States regarding their national rate(s) of company taxation. The Member States therefore also should retain the power to adopt certain incentives for businesses, particularly in the form of tax credit.
(5a) This Directive does not aim to harmonise Member States’ corporate tax rates. If, however, it becomes apparent that the economic efficiency, effectiveness and equitability of corporate taxation would benefit from an introduction of minimum rates, the Commission should consider whether such harmonisation is appropriate when reviewing the application of this Directive. This is all the more important as the evolution of corporate tax rates in the Member States clarifies that tax competition within the internal market has an impact. It is therefore useful, in the spirit of the report entitled "A New Strategy for the Single Market" of 9 May 2010, to determine whether the impact of such competition is beneficial or harmful to a tax culture that is appropriate for the internal market of the 21st century. In particular, attention should be paid to whether the removal of the underlying tension between market integration and tax sovereignty is one of the ways to reconcile the market and the social dimension of the internal market.

(6) Consolidation is an essential element of such a system, since the major tax obstacles faced by companies in the Union can be tackled only in that way. It eliminates transfer pricing formalities and intra-group double taxation. Moreover, losses incurred by taxpayers are automatically offset against profits generated by other members of the same group.

(6a) The broad tax base, the consolidation and the discretionary powers of the Member States with regard to their national corporate taxation rates make the CCCTB a tax-neutral operation.

(6b) In so far as the use of the CCCTB would affect the tax revenue of regional or local authorities, Member States are able to take measures to remedy this in accordance with their constitutional systems and in a manner compatible with this Directive.
Amendment 14
Proposal for a directive
Recital 8

(8) Since such a system is primarily designed to serve the needs of companies that operate across borders, it should be an optional scheme, accompanying the existing national corporate tax systems.

(8) Since this Directive is primarily designed for the benefit of companies that operate across borders, without however excluding other companies, it is set up as an optional system, allowing all eligible companies to opt in. However, European Companies and European Cooperative Societies, which are, by definition, transnational, are considered to have opted to apply this Directive from two years after its date of application. All other companies that qualify under this Directive, except for micro, small and medium-sized enterprises, as defined in Commission Recommendation 2003/361/EC (1), should also apply this Directive not later than five years after its date of application. When evaluating the impact of the CCCTB, the Commission should examine whether it should also be made mandatory for such micro, small and medium-sized enterprises.


Amendment 15
Proposal for a directive
Recital 20

(20) The system should include a general anti-abuse rule, supplemented by measures designed to curb specific types of abusive practices. These measures should include limitations on the deductibility of interest paid to associated enterprises resident for tax purposes in a low-tax country outside the Union which does not exchange information with the Member State of the payer based on an agreement comparable to Council Directive 2011/16/EU concerning mutual assistance by the competent authorities of the Member States in the field of direct taxation and taxation of insurance premiums and rules on controlled foreign companies.

(20) The system should include an effective general anti-abuse rule, supplemented by measures designed to curb specific types of abusive practices. These measures should include limitations on the deductibility of interest paid to associated enterprises resident for tax purposes in a low-tax country outside the Union which does not exchange information with the Member State of the payer based on an agreement comparable to Council Directive 2011/16/EU concerning mutual assistance by the competent authorities of the Member States in the field of direct taxation and taxation of insurance premiums and rules on controlled foreign companies. Member States should not be prevented from introducing and coordinating additional measures among each other in order to reduce the negative effects of low-tax countries outside the Union, which do not exchange necessary tax information.

Amendment 16
Proposal for a directive
Recital 21

(21) The formula for apportioning the consolidated tax base should comprise three equally weighted factors (labour, assets and sales). The labour factor should be computed on the basis of payroll and the number of employees (each item counting for half). The asset factor should consist of all fixed tangible assets. Intangibles and financial assets should be excluded from the formula due to their mobile nature and the risks of circumventing the system. The use of these factors gives appropriate weight to the interests of the Member State of origin. Finally, sales should be taken into account in order to ensure

(21) The formula for apportioning the consolidated tax base should comprise three factors (labour, assets and sales). While the labour and asset factors should have a weight of 45% each, the sales factor should have a weight of 10%. The labour factor should be computed on the basis of payroll and the number of employees (each item counting for half). The asset factor should consist of all fixed tangible assets. Intangibles and financial assets should be excluded from the formula due to their mobile nature and the risks of circumventing the system. The use of these factors gives appropriate weight to the interests
fair participation of the Member State of destination. Those factors and weightings should ensure that profits are taxed where they are earned. As an exception to the general principle, where the outcome of the apportionment does not fairly represent the extent of business activity, a safeguard clause provides for an alternative method.

Amendment 17
Proposal for a directive
Recital 21 a (new)

(21a) The common rules on the calculation of the CCCTB should not give rise to disproportionate administrative costs for companies, in order to avoid damaging their competitiveness.

Amendment 18
Proposal for a directive
Recital 23

Groups of companies should be able to deal with a single tax administration (‘principal tax authority’), which should be that of the Member State in which the parent company of the group (‘principal taxpayer’) is resident for tax purposes. This Directive should also lay down procedural rules for the administration of the system. It should also provide for an advance ruling mechanism. Audits should be initiated and coordinated by the principal tax authority but the authorities of any Member State in which a group member is subject to tax may request the initiation of an audit. The competent authority of the Member State in which a group member is resident or established may challenge a decision of the principal tax authority concerning the notice to opt or an amended assessment before the courts of the Member State of the principal tax authority. Disputes between taxpayers and tax authorities should be dealt with by an administrative body which is competent to hear appeals at first instance according to the law of the Member State of the principal tax authority.

Amendment 19
Proposal for a directive
Recital 23 a (new)

The Commission should establish a new CCCTB forum, similar to the Joint Transfer Pricing Forum, to which companies and Member States can refer questions and disputes relating to the CCCTB. That forum should be able to give guidance to companies and Member States.
Amendment 20
Proposal for a directive
Recital 27 a (new)

(27a) This Directive contains a radical new approach to an essential component of corporate taxation. The Commission should therefore conduct a thorough analysis and an independent assessment as soon as this can be done in a meaningful way. Because of the cycle that is inherent in the application and implementation of corporate taxation, no such analysis and assessment should be made before the end of five years after entry into force of this Directive. The Commission’s analysis and assessment should include an examination of the following: the optional character of the CCCTB, the restriction of harmonisation of the tax base, the apportionment formula, consideration of the practicality of the regime for SMEs and the impact on the tax revenues of the Member States.

Amendment 21
Proposal for a directive
Article 6 a (new)

Article 6a
European Companies and European Cooperative Societies

From ... (*), eligible European Companies and European Cooperative Societies, as referred to in points (a) and (b) of Annex I, shall be considered to be companies that have opted to apply this Directive.

(*) First day of the month following two years after the date of application of this Directive.

Amendment 22
Proposal for a directive
Article 6 b (new)

Article 6b
Application to other eligible companies

From ... (*), eligible companies other than micro, small and medium-sized enterprises as defined in Recommendation 2003/361/EC, shall apply this Directive.

(*) First day of the month following five years after the date of application of this Directive.

Amendment 23
Proposal for a directive
Article 12 – paragraph 1

Deductible expenses shall include all costs of sales and expenses net of deductible value added tax incurred by the taxpayer with a view to obtaining or securing income, including costs of research and development and costs incurred in raising equity or debt for the purposes of the business. Recurring costs relating to environmental protection and reduction of carbon emissions shall also be regarded as deductible expenses.
Amendment 24
Proposal for a directive
Article 14 – paragraph 1 – point j

(j) taxes listed in Annex III, with the exception of excise duties imposed on energy products, alcohol and alcoholic beverages, and manufactured tobacco.

Amendment 25
Proposal for a directive
Article 30 – point c

(c) the technical provisions of insurance undertakings established in compliance with Directive 91/674/EEC shall be deductible, with the exception of equalisation provisions. A Member State may provide for the deduction of equalisation provisions. In the case of a group, any such deduction of equalisation provisions shall be applied to the apportioned share of the group members resident or situated in that Member State. Amounts deducted shall be reviewed and adjusted at the end of every tax year. In calculating the tax base in future years account shall be taken of amounts already deducted.

Amendment 26
Proposal for a directive
Article 48

Where a taxpayer incurred losses before opting into the system provided for by this Directive which could be carried forward under the applicable national law but had not yet been set off against taxable profits, those losses may be deducted from the tax base to the extent provided for under that national law.

Amendment 27
Proposal for a directive
Article 73 – paragraph 1 – point a

(a) a tax on profits, under the general regime in that third country, at a statutory corporate tax rate lower than 40% of the average statutory corporate tax rate applicable in the Member States;

Amendment 28
Proposal for a directive
Article 80 – paragraph 1

Artificial transactions carried out for the sole purpose of avoiding taxation shall be ignored for the purposes of calculating the tax base.
(b) under the general regime in the third country, profits are taxable at a statutory corporate tax rate lower than 40% of the average statutory corporate tax rate applicable in the Member States, or the entity is subject to a special regime that allows for a substantially lower level of taxation than that of the general regime;

(b) under the general regime in the third country, profits are taxable at a statutory corporate tax rate lower than 70% of the average statutory corporate tax rate applicable in the Member States, or the entity is subject to a special regime that allows for a substantially lower level of taxation than that of the general regime;

1. The consolidated tax base shall be shared between the group members in each tax year on the basis of a formula for apportionment. In determining the apportioned share of a group member A, the formula shall take the following form, giving equal weight to the factors of sales, labour and assets:

1. The consolidated tax base shall be shared between the group members in each tax year on the basis of a formula for apportionment. In determining the apportioned share of a group member A, the formula shall take the following form, covering the factors of sales, labour and assets:

\[
\text{Share } A = \left( \frac{1}{3} \times \text{Sales}_A \right) + \left( \frac{1}{3} \times \text{Payroll}_A \right) + \left( \frac{1}{3} \times \text{Assets}_A \right) \times \text{Con'd Tax Base}
\]

\[
\text{Share } A = \left( \frac{1}{10} \times \text{Sales}_A \right) + \left( \frac{9}{20} \times \text{Payroll}_A \right) + \left( \frac{1}{2} \times \text{No of employees}_A \right) + \left( \frac{2}{20} \times \text{Assets}_A \right) \times \text{Con'd Tax Base}
\]

Amendment 33
Proposal for a directive
Article 122 – paragraph 1 – subparagraph 1

1. The principal tax authority may initiate and coordinate audits of group members. An audit may also be initiated on the request of a competent authority.

1. The principal tax authority may initiate and coordinate audits of group members. An audit may also be initiated on the request of a competent authority in the Member State where the group member is established.

Amendment 34
Proposal for a directive
Article 123 a (new)

Article 123a
CCCTB forum

The Commission shall establish a CCCTB forum to which companies and Member States may refer questions and disputes relating to the CCCTB. That forum shall provide guidance to companies and Member States.
Amendment 35
Proposal for a directive
Article 130

The European Parliament shall be informed of the adoption of delegated acts by the Commission of any objection formulated to them, or the revocation of the delegation of powers by the Council. Any future assessment of the instrument should be communicated to the members of the competent committee of the European Parliament.

Amendment 36
Proposal for a directive
Article 132 a (new)

Article 132a
Cross-border SMEs

By … (*), the Commission shall provide a tool enabling SMEs engaged in cross-border activities to opt into the CCCTB scheme on a voluntary basis.

(*) First day of the month following two years after the entry into force of this Directive.

Amendment 37
Proposal for a directive
Article 133

The Commission shall, five years after the entry into force of this Directive, review its application and report to the Council on the operation of this Directive. The report shall in particular include an analysis of the impact of the mechanism set up in Chapter XVI of this Directive on the distribution of the tax bases between the Member States.

The Commission shall, by … (*), review the application of this Directive and report to the European Parliament and to the Council on its operation. The report shall, inter alia, include an analysis, based on an independent assessment, of:

(a) the impact of the mechanism set up in Chapter XVI on the distribution of the tax bases between the Member States and the impact on their tax revenues;

(b) the use by and practicability of this Directive for SMEs;

(c) the advantages and disadvantages of making the system mandatory for SMEs;

(d) the socio-economic implications of this Directive, including the impact on the global operations of companies and on the competitiveness of eligible and non-eligible companies;

(e) the impact on a fair and just tax collection in the Member States;

(f) the advantages and disadvantages of introducing minimum tax rates.
Where appropriate, the Commission shall make a proposal for amending this Directive at the latest by 2020. By … (**), the Commission shall present a report to the European Parliament and the Council on the potential consequences of this Directive on the internal market with particular regard to possible distortions of competition between companies subject to the arrangements laid down in this directive and those not fulfilling the consolidation criteria.

(*) First day of the month following five years after the entry into force of this Directive.
(**) First day of the month following two years after the entry into force of this Directive.

Amendment 38
Proposal for a directive
Annex 3 – title 5 – item 4

Versicherungsteuer deleted

Taxation of energy products and electricity *

P7_TA(2012)0136


(2013/C 258 E/26)

(Special legislative procedure – consultation)

The European Parliament,

— having regard to the Commission proposal to the Council (COM(2011)0169),

— having regard to Article 113 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0105/2011),

— having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Bulgarian Parliament, the Spanish Congress of Deputies and the Spanish Senate, asserting that the draft legislative act does not comply with the principle of subsidiarity,

— having regard to Rule 55 of its Rules of Procedure,

— having regard to the report of the Committee on Economic and Monetary Affairs and the opinions of the Committee on Budgets, the Committee on the Environment, Public Health and Food Safety, the Committee on Industry, Research and Energy, the Committee on Transport and Tourism and the Committee on Agriculture and Rural Development (A7-0052/2012),

1. Approves the Commission proposal as amended;
2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;

3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;

4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;

5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

TEXT PROPOSED BY THE COMMISSION

Amendment 1
Proposal for a directive
Recital 1

(1) Council Directive 2003/96/EC was adopted in order to ensure the proper functioning of the internal market as regards the taxation of energy products and electricity. In accordance with Article 6 of the Treaty, environmental protection requirements have been integrated into the terms of that Directive, in the light, in particular, of the Kyoto protocol.

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

(1a) In addressing an issue as wide-ranging and crucial as energy taxation in the Union, consideration of climate and environmental policy imperatives, however necessary, is not sufficient. Energy policy and industrial policy aims constitute equally critical challenges for the Union. Furthermore, in order for the internal market to function in an adequate and efficient way in the area of energy, all Union initiatives and legislation relating to this area need to be continuously and carefully coordinated. Not only should amendments to Directive 2003/96/EC be compatible with other energy-related policies, but those policies should also be appropriately adapted to the energy taxation framework. In particular, the existing problems relating to the Union’s emission trading scheme under Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community (1) should be dealt with resolutely so that it can function effectively. Any lack of coherence would be detrimental to the fulfilment of the long-term Union objectives of building smart, sustainable and inclusive growth.

(2) It is necessary to ensure that the internal market continues to function properly in a context of new requirements relating to the limitation of climate change, to the use of renewable energy sources and to energy savings, as endorsed by the Presidency Conclusions of the European Council of 8-9 March 2007 and of 11-12 December 2008.

(2a) Taxation of energy products should be undertaken in a technologically neutral manner in order to allow new technologies to develop.

(3) Taxation related to CO₂ emissions can be a cost-effective means for Member States to achieve the reductions of greenhouse gases necessary according to Decision 406/2009/EC of the European Parliament and the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Union's greenhouse gas emission reduction commitments up to 2020 as regards sources not covered by the Union scheme under Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC. In view of the potential role of CO₂-related taxation, the proper functioning of the internal market requires common rules on that taxation.

(4a) Energy taxation should not be levied on energy recovery from waste and, in particular, the use of waste as an alternative fuel, since the aim of Directive 2008/98/EC of the European Parliament and the Council of 19 November 2008 on waste (¹) is that waste producers and waste holders dispose of waste in the most energy-efficient and resource-friendly manner possible and gives priority to energy recovery over disposal.

(¹) OJ L 312, 22.11.2008, p. 3.
(4b) Member States should also retain the right to apply a level of general energy consumption taxation down to zero on the consumption of energy products and electricity used for agricultural, horticultural and piscicultural works, and in forestry.

(5) Therefore, provision should be made for energy taxation to consist of two components, CO₂-related taxation and general energy consumption taxation. In order for energy taxation to adapt to the operation of the Union scheme under Directive 2003/87/EC Member States should be required to explicitly distinguish between those two components. This would also allow distinct treatment of fuels that are biomass or made from biomass in view of the advantages they offer as a source of renewable energy that is cheap and almost greenhouse-gas neutral, provided that they meet the sustainability criteria laid down in Article 17 of Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources (1). The Commission should submit a report to the European Parliament and the Council examining whether, in addition to CO₂ emissions, emissions of other harmful gases should be taken into account with the aim of protecting public health.

(6) Each of those components should be calculated on the basis of objective criteria, allowing for equal treatment of different energy sources. For the purposes of CO₂-related taxation, reference should be made to CO₂-emissions caused by the use of each energy product concerned, using the reference CO₂ emission factors set out in Commission Decision 2007/589/EC of 18 July 2007 establishing guidelines for the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council. For the purposes of general energy consumption taxation, reference should be made to the energy content of the various energy products and of electricity as referred to 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 and repealing Council Directive 93/76/EEC. In this context, account should be taken of the environmental advantages of biomass or products made of biomass. These products should be taxed on the basis of the CO₂ emission factors specified in Decision 2007/589/EC for biomass or products made of biomass and of their energy content as specified in Annex III to Directive 2009/28/EC. Biofuels and bioliquids defined in Article 2(h) and (i) of Directive 2009/28/EC are by far the most important

bioliquids defined in Article 2(h) and (i) of Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources are by far the most important category concerned. Since the environmental advantages of these products vary, depending on whether they comply with the sustainability criteria laid down in Article 17 of that Directive, the specific reference values for biomass and products made of biomass should only apply where these criteria are met.

As soon as sustainability criteria for biomass products other than biofuels and bioliquids are laid down pursuant to Directive 2009/28/EC, those specific reference values should be applied to biomass products other than biofuels and bioliquids only if they comply with the new sustainability criteria.

Amendment 10
Proposal for a directive
Recital 7

(7) CO₂-related taxation should be adapted to the operation of Directive 2003/87/EC so as to complement it effectively. That taxation should apply to all uses, including those for purposes other than heating, of energy products causing CO₂ emissions in installations within the meaning of that Directive, provided that the installation concerned is not subject to the emission trading scheme under that Directive. However, since the cumulative application of both instruments would not allow emission reductions beyond those attained, overall, through the emission trading scheme alone, but would merely increase the total cost of these reductions, CO₂ related taxation should not apply to consumption in installations subject to the Union scheme.

Amendment 51
Proposal for a directive
Recital 8

(8) In the interest of fiscal neutrality, the same minimum levels of taxation should apply for each component of energy taxation, to all energy products put to a given use. Where equal minimum levels of taxation are thus prescribed, Member States should, also for reason of fiscal neutrality, ensure equal levels of national taxation on all products concerned. Where needed, transitional periods for the purposes of equalising those levels should be foreseen.

(7) CO₂-related taxation should be adapted to the operation of Directive 2003/87/EC so as to complement it effectively. That taxation should apply to all uses, including those for purposes other than heating, of energy products causing CO₂ emissions in installations within the meaning of that Directive, provided that the installation concerned is not subject to the emission trading scheme under that Directive. However, since the cumulative application of both instruments would not allow emission reductions beyond those attained, overall, through the emission trading scheme alone, but would merely increase the total cost of these reductions, CO₂ related taxation must not apply to direct or indirect consumption in installations subject to the Union scheme. A double burden in the form of double taxation and double regulation would lead to distortions of competition and must be ruled out.
(11) It should be ensured that the minimum levels of taxation preserve their intended effects. Since CO$_2$-related taxation complements the operation of Directive 2003/87/EC, the market price of the emission allowances should be closely monitored in the periodic review of the Directive, incumbent on the Commission. The minimum levels of general energy consumption taxation should at regular intervals be automatically aligned to take into account the evolution of their real value in order to preserve the current level of rate harmonisation; to reduce the volatility stemming from energy and food prices, this alignment should be made on the basis of the changes in the Union-wide harmonised index of consumer prices excluding energy and unprocessed food as published by Eurostat.

(11a) Given the complex nature of the requirements which the two components of the new system, namely energy taxation and CO$_2$-related taxation, are intended to meet, clear rules, which, in the interests of all consumers, are transparent and readily understandable, should be laid down at all levels in order to guarantee that the system can be properly administered.

(12) In the field of motor fuels, the more favourable minimum level of taxation applicable to gas oil, a product originally put to business use for the most part and thus traditionally taxed at a lower level, creates a distortive effect with regard to petrol, its main competing fuel. Article 7 of Directive 2003/96/EC therefore provides for the first steps of a gradual alignment to the minimum level of taxation applicable to petrol. It is necessary to complete this alignment and gradually move to a situation where gas oil and petrol are taxed at an equal level.

(12a) Implementing the new tax structure will involve increasing the rate of taxation of gas oil to bring it into line with that for petrol. This may call into question both the decision taken by the Union automobile industry to focus on clean, energy-efficient conventional combustion engines and the achievement of the Union’s CO$_2$ emissions reduction targets, since the CO$_2$ limit values set can be achieved only if a sufficient number of vehicles on the road are powered by gas oil. Appropriate flexible measures should be taken in order to ensure that the competitiveness...
of the automobile sector and the success of the CO₂ emissions reduction strategy in that sector are not endangered. Sales taxes, registration taxes and annual road use taxes should be harmonised and, as a matter of principle, set solely on the basis of a vehicle’s CO₂ emissions.

Amendment 17
Proposal for a directive
Recital 14

(14) There is a need to limit the potential cost impact of CO₂-related taxation on the sectors or sub-sectors deemed to be exposed to a significant risk of carbon leakage in the meaning of Article 10a(13) of Directive 2003/87/EC. Accordingly, it is appropriate to provide for corresponding transitional measures which, however, should also preserve the environmental effectiveness of CO₂-related taxation.

Amendment 18
Proposal for a directive
Recital 14 a (new)

(14a) Any restructuring of energy taxation should ensure that sectors not subject to the emission trading scheme under Directive 2003/87/EC are not penalised in relation to sectors that are covered by that scheme.

Amendment 19
Proposal for a directive
Recital 15

(15) Article 5 of Directive 2003/96/EC permits the application of differentiated rates of taxation in certain cases. However, in order to ensure the consistency of the CO₂ price signal, the possibility for Member States to differentiate national rates should be restricted to general energy consumption taxation. Moreover, the possibility to apply a lower level of taxation to motor fuel used by taxis is no longer compatible with the objective of policies promoting alternative fuels and energy carriers and the use of cleaner vehicles in urban transport and should thus be removed.

Amendment 20
Proposal for a directive
Recital 16 a (new)

(16a) Since the introduction of electric and hybrid vehicles is key to easing dependence on non-renewable fuels in the transport sector, Member States should be able, for a limited period of time, to apply an exemption or reduction in the level of taxation to electricity utilised to charge such vehicles.
(17) Exemption or reductions to the benefit of households and charitable organisations may form part of social measures defined by Member States. The possibility to apply such exemptions or reductions should, for reasons of equal treatment between energy sources, be extended to all energy products used as heating fuel and electricity. In order to ensure that their impact on the internal market remains limited, such exemptions and reductions should be applied only to non-business activities.

(18) In the case of liquefied petroleum gas (LPG) and natural gas used as propellants, advantages in the form of lower minimum levels of general energy consumption taxation or the possibility to exempt those energy products from taxation are no longer justified, in particular in the light of the need to increase the market share of renewable energy sources and should therefore be removed in the medium term.

(20) Article 15(3) of Directive 2003/96/EC allows Member States to apply to agricultural, horticultural and piscicultural works as well as to forestry not only the provisions generally applicable to business uses but also a level of taxation down to zero. An examination of that option has revealed that as far as general energy consumption taxation is concerned its maintenance would be contrary to the Union’s wider policy objectives unless it is linked to a counterpart ensuring advances in the field of energy efficiency. As regards CO$_2$-related taxation the treatment of the sectors concerned should be aligned to the rules applying to industrial sectors.
should be exempted. It is essential that in regions subject to an exceptional capacity to produce energy from renewable sources, energy independence of their agricultural and breeding livestock activities are encouraged.

Amendment 25
Proposal for a directive
Recital 21

(21) The general rules introduced by this Directive take account of the specificities of fuels that are biomass or made of biomass complying with the sustainability criteria laid down in Article 17 of Directive 2009/28/EC with regard both to their contribution to the CO$_2$-balance and to their lower energy content per quantitative unit, as compared to some of the competing fossil fuels. Consequently, the provisions in Directive 2003/96/EC authorising reductions or exemptions for those fuels should be removed in the medium term. For the interim period, it should be ensured that the application of these provisions is made consistent with the general rules introduced by this Directive. Biofuels and bioliquids defined in Article 2(h) and (i) of Directive 2009/28/EC should therefore only benefit from additional tax advantages applied by Member States if they fulfil the sustainability criteria laid down in Article 17 of this Directive.

Amendment 26
Proposal for a directive
Recital 28

(28) Every five years and for the first time by the end of 2015, the Commission should report to the Council on the application of this Directive, examining in particular the minimum level of CO$_2$-related taxation in the light of the evolution of the market price in the EU of the emission allowances, the impact of innovation and technological developments and the justification for the tax exemptions and reductions laid down in this Directive, including for fuel used for the purpose of air and maritime navigation. The list of sectors or
sub-sectors deemed to be exposed to a significant risk of carbon leakage shall be the subject of regular review, in particular taking into account the availability of emerging evidence.

potentially harmful emissions other than CO₂, the justification for the tax exemptions and reductions laid down in this Directive, including for fuel used for the purpose of air and maritime navigation, as well as developments in the use of biogas, natural gas and LGP in road transport. That report should include an overview of existing taxation provisions contained in bilateral air service agreements. The report should also examine the impact on the setting of industrial policy priorities in the European car industry. A list of sectors or sub-sectors deemed to be exposed to a significant risk of carbon leakage shall be drawn up and regularly reviewed, in particular taking into account the availability of emerging evidence.

Amendment 27
Proposal for a directive
Article 1 – point 1
Directive 2003/96/EC
Article 1 – paragraph 2 – subparagraph 2

CO₂-related taxation shall be calculated in EUR/t of CO₂ emissions, on the basis of the reference CO₂ emission factors set out in point 11 of Annex I to Commission Decision 2007/589/EC of 18 July 2007 establishing guidelines for the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council. The CO₂ emission factors specified in this Decision for biomass or products made of biomass shall in the case of biofuels and bioliquids defined in Article 2(h) and (i) of Directive 2009/28/EC only apply where the product concerned complies with the sustainability criteria laid down in Article 17 of Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources. Where biofuels and bioliquids do not comply with those criteria, Member States shall apply the reference CO₂ emission factor for the equivalent heating fuel or motor fuel for which minimum levels of taxation are specified in this Directive.

Amendment 28
Proposal for a directive
Article 1 – point 1
Directive 2003/96/EC
Article 1 – paragraph 4

4. Unless otherwise specified, the provisions of this Directive shall apply both to CO₂-related taxation and to general energy consumption taxation. When sustainability criteria for biomass products other than biofuels and bioliquids are laid down pursuant to Directive 2009/28/EC, the reference CO₂ emission factors set out in point (11) of Annex I to Commission Decision 2007/589/EC and the net calorific reference values set out in Annex III to Directive 2009/28/EC shall be applied to such biomass products only if they
amendments.compliance with those sustainability criteria. Where such biomass products do not comply with those sustainability criteria, Member States shall apply the reference CO₂ emission factor and net calorific reference value for the equivalent heating or motor fuel for which minimum levels of taxation are specified in this Directive.

Amendment 29
Proposal for a directive
Article 1 – point 2 – point b
Directive 2003/96/EC
Article 2 – paragraph 4 a (new)

4a. Member States shall ensure that neither the direct nor the indirect use of energy products in an installation within the meaning of Directive 2003/87/EC and neither the direct nor the indirect use of energy products in installations taxed through national CO₂-reduction measures are subject to double taxation or double regulation.

Amendment 30
Proposal for a directive
Article 1 – point 3
Directive 2003/96/EC
Article 3 – paragraph 1 – point a a (new)

(aa) electricity used to pump water for irrigation;

Amendment 31
Proposal for a directive
Article 1 – point 3
Directive 2003/96/EC
Article 3 – paragraph 1 – point b – second indent

— dual use of energy products
— energy-intensive industry and dual use of energy products

Amendment 32
Proposal for a directive
Article 1 – point 3
Directive 2003/96/EC
Article 3 – paragraph 1 – point b – indent 2 a (new)

— waste used as alternative fuel or waste that is thermally recovered within the meaning of Article 3(15) and Annex II, R1 of Directive 2008/98/EC.
3. Without prejudice to the exemptions, differentiations and reductions provided for in this Directive, Member States shall ensure that where equal minimum levels of taxation are laid down in Annex I in relation to a given use, equal levels of taxation are fixed for products put to that use. Without prejudice to Article 15(1)(i), for motor fuels referred to in Annex I Table A, this shall apply as from 1 January 2023.

For the purposes of the first subparagraph, each use for which a minimum level of taxation is identified, respectively, in Tables A, B and C in Annex I shall be considered to be a single use.

Amendment 34
Proposal for a directive
Article 1 – point 4 – point b
Directive 2003/96/EC
Article 4 – paragraph 3 – subparagraph 2 a (new)

In the case of natural gas and biomethane used as motor fuel, higher minimum levels of general energy consumption taxation shall apply only after an assessment, to be carried out by the Commission by 2023, of the implementation of the provisions of this Directive relating to the level of taxation applicable to natural gas in road transport. That assessment shall, inter alia, examine the progress in the availability of natural gas and biomethane, the growth of the refilling stations network in Union, the market share of natural gas vehicles in the Union, the innovation and technological developments in biomethane used as transport fuel and the real value of the minimum level of taxation.

Amendment 35
Proposal for a directive
Article 1 – point 4 – point b
Directive 2003/96/EC
Article 4 – paragraph 4 – subparagraph 1

4. The minimum levels of general energy consumption taxation laid down in this Directive shall be reviewed every three years starting from 1 July 2016 in order to ensure that they retain their intended effects, in accordance with Article 29. If deemed necessary, the Commission shall make proposals for those minimum levels to be changed.
The minimum levels shall be adapted automatically, by increasing or decreasing the base amount in euro by the percentage change in that index over the three preceding calendar years. If the percentage change since the last adaptation is less than 0.5%, no adaptation shall take place.

The minimum levels of CO₂-related taxation laid down in this Directive shall, every three years from 1 July 2016, be aligned with the average market price of emission allowances in the emission trading scheme under Directive 2003/87/EC over the preceding 18-months. The Commission shall adopt a delegated act in accordance with Article 27 establishing the formula on the basis of which that alignment is to be calculated.

— for the following uses: local public passenger transport (excluding taxis), waste collection, armed forces and public administrations, disabled people, ambulances;

— for the following uses: local public passenger transport (excluding taxis), waste collection, armed forces and public administrations, disabled people, ambulances, fire engines and police vehicles:

1. As from 1 January 2013, from 1 January 2015 and from 1 January 2018, the minimum levels of taxation applicable to motor fuels shall be fixed as set out in Annex I, Table A.

2. Member States may differentiate between commercial and non-commercial gas oil.

'Commercial gas oil used as propellant' means gas oil used as propellant for the following purposes:

(a) the carriage of goods for hire or reward, or on own account, by motor vehicles or articulated vehicle combinations intended exclusively for the carriage of goods by road […];

(b) the carriage of passengers, whether by regular or occasional service, by a motor vehicle […].

3. Member States shall lay down the option for commercial transporters to apply a different tax account system.
Amendment 39
Proposal for a directive
Article 1 – point 11 – point a – point i
Directive 2003/96/EC
Article 14 – paragraph 1 – introductory part

In addition to the general provisions set out in Council Directive 2008/118/EC of 16 December 2008 concerning the general arrangements for excise duty and repealing Directive 92/12/EEC on exempt uses of taxable products, and without prejudice to other Union provisions, Member States shall exempt the following from taxation under conditions which they shall lay down for the purpose of ensuring the correct and straightforward application of such exemptions and of preventing any evasion, avoidance or abuse:

Amendment 41
Proposal for a directive
Article 1 – point 11 – point a – point iii
Directive 2003/96/EC
Article 14 – paragraph 1 – point e

(e) until 31 December 2020, electricity directly provided to vessels berthed in ports.

(e) until 31 December 2025, electricity directly provided to vessels berthed in sea and inland ports.

Amendment 42
Proposal for a directive
Article 1 – point 12
Directive 2003/96/EC
Article 14a – paragraph 1

1. Until 31 December 2020, Member States shall provide a credit concerning CO₂-related taxation with respect to the use of energy products by installations belonging to sectors or sub-sectors deemed to be exposed to a significant risk of carbon leakage.

1. Until 31 December 2025, Member States shall provide a credit concerning CO₂-related taxation with respect to the use of energy products by installations belonging to sectors or sub-sectors deemed to be exposed to a significant risk of carbon leakage.

Amendment 43
Proposal for a directive
Article 1 – point 13 – point a – point -i (new)
Directive 2003/96/EC
Article 15 – paragraph 1 – point b a (new)

(-i) the following point is inserted:

(ba) until 1 January 2023, electricity used to charge electric and hybrid vehicles for road transport;
### Amendment 44

**Proposal for a directive**

**Article 1 – point 13 – point a – point i**

**Directive 2003/96/EC**

**Article 15 – paragraph 1 – point h**

(h) 

- energy products used as heating fuel and electricity if used by households and/or by organisations recognised as charitable by the Member State concerned. In the case of such charitable organisations, Member States shall confine the exemption or reduction to use for the purpose of non-business activities. Where mixed use takes place, taxation shall apply in proportion to each type of use. If a use is insignificant, it may be treated as nil;

- **until 1 January 2025,** energy products used as heating fuel and electricity if used by households and/or by organisations recognised as charitable by the Member State concerned. In the case of such charitable organisations, Member States shall confine the exemption or reduction to use for the purpose of non-business activities. Where mixed use takes place, taxation shall apply in proportion to each type of use. If a use is insignificant, it may be treated as nil;

### Amendment 45

**Proposal for a directive**

**Article 1 – point 13 – point a – point i**

**Directive 2003/96/EC**

**Article 15 – paragraph 1 – point i**

(i) 

- **Until 1 January 2023,** natural gas and LPG used as propellants;

- **Until 1 January 2023,** natural gas, biogas, and LPG used as propellants and LPG used as fuel. From 1 January 2023 until 1 January 2030, Member States may apply a reduction of up to 50% of the minimum levels of taxation for those fuels.

### Amendment 46

**Proposal for a directive**

**Article 1 – point 13 – point b**

**Directive 2003/96/EC**

**Article 15 – paragraph 3**

3. Member States may apply a level of general energy consumption taxation down to zero on the consumption of energy products and electricity used for agricultural, horticultural, aquacultural works and in forestry. The beneficiaries shall be subject to arrangements that must lead to increased energy efficiency broadly equivalent to those that would have been achieved if the standard Union minimum rates had been observed.

3. Member States may apply a level of general energy consumption taxation down to zero on the consumption of energy products and electricity used for agricultural, horticultural, piscicultural works and in forestry. **Member States and beneficiaries** shall develop targeted strategies that must lead to increased energy efficiency broadly equivalent to those that would have been achieved if the standard Union minimum rates had been observed.

### Amendment 47

**Proposal for a directive**

**Article 1 – point 13 – point b**

**Directive 2003/96/EC**

**Article 15 – paragraph 3 a (new)**

3a. Member States shall provide comprehensive guidance to beneficiaries, including to small and medium-sized farms, concerning the application of energy efficiency requirements associated with reduced tax rates.
Amendment 48

Proposal for a directive
Article 1 – point 13a (*) – point a – point i a (new)
Directive 2003/96/EC
Article 16 – paragraph 1 – subparagraph 1 a (new)

(ia) the following subparagraph is inserted after the first subparagraph:

‘As soon as sustainability criteria are established for biomass products other than biofuels and bioliquids pursuant to Directive 2009/28/EC, an exemption or a reduced rate may be applied to those products only if they comply with those sustainability criteria.’

(*) NB: wrongly numbered '(1)' in the Commission proposal.

Amendment 49

Proposal for a directive
Article 1 – point 14
Directive 2003/96/EC
Article 17 – paragraph 1 – point a – paragraph 1

An ‘energy-intensive business’ shall mean a business entity, as referred to in Article 11, where either the purchases of energy products and electricity amount to at least 3.0 % of the production value or the national energy tax payable amounts to at least 0.5 % of the added value. Within this definition, Member States may apply more restrictive concepts, including sales value, process and sector definitions.

Amendment 50

Proposal for a directive
Article 1 – point 21
Directive 2003/96/EC
Article 29

Every five years and for the first time by the end of 2015, the Commission shall submit to the Council a report on the application of this Directive and, where appropriate, a proposal for its modification.

The report by the Commission shall, inter alia, examine the minimum level of CO₂-related taxation, the impact of innovation and technological developments, in particular as regards energy efficiency, the use of electricity in transport and the justification for the exemptions and reductions, including for fuel used for the purpose of air and maritime navigation, laid down in this Directive.

Every three years and for the first time by the end of 2015, the Commission shall submit to the European Parliament and to the Council a report on the application of this Directive and, where appropriate, a proposal for its modification.

The report by the Commission shall, inter alia, examine:

(i) the minimum levels of general energy consumption taxation in order to ensure that they preserve their intended effects;
(ii) the CO₂ price developments relating to the emission trading scheme under Directive 2003/87/EC;

(iii) the impact of innovation and technological developments, in particular as regards energy efficiency;

(iv) the use of electricity in transport;

(v) the justification for the exemptions and reductions, including for fuel used for the purpose of air and maritime navigation, laid down in this Directive;

(vi) the impact of this Directive on the setting of industrial policy priorities in the Union car industry, inter alia in relation to clean, energy-efficient conventional internal combustion engines and the Union’s CO₂ reduction targets in the car sector;

(vii) developments in the use of biogas, natural gas and LPG in road transport; and

(viii) whether harmful or potentially harmful emissions other than of CO₂ should also be taken into account.

The report shall also include an overview of existing taxation provisions contained in bilateral air service agreements. The report shall take into account the proper functioning of the internal market, the real value of the minimum levels of taxation and the wider objectives of the Treaty.

In any event, the list of sectors or sub-sectors deemed to be exposed to a significant risk of carbon leakage for the purposes of Article 14a of this Directive shall be the subject of regular review, in particular taking into account the availability of emerging evidence.

In any event, the list of sectors or sub-sectors deemed to be exposed to a significant risk of carbon leakage shall be the subject of regular review, in particular taking into account the availability of emerging evidence. In that context, national implementing conditions shall be closely scrutinised in order to ascertain that they are clear, unambiguous and transparent for all consumers.
Draft amending budget No 1/2012: financing of ITER

P7_TA(2012)0138


(2013/C 258 E/27)

The European Parliament,

— having regard to the Treaty on the Functioning of the European Union and in particular Article 314 thereof and to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a thereof,

— having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (1), and in particular Articles 37 and 38 thereof,

— having regard to the general budget of the European Union for the financial year 2012, as definitively adopted on 1 December 2011 (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 Draft amending budget No 1/2012 of the European Union for the financial year 2012, which the Commission presented on 27 January 2012 (COM(2012)0031),

— having regard to the Council position on Draft amending budget No 1/2012, which the Council established on 26 March 2012 (08136/2012 – C7-0088/2012),

— having regard to Rules 75b and 75e of its Rules of Procedure,

— having regard to the report of the Committee on Budgets (A7-0097/2012),

A. whereas the purpose of Draft amending budget No 1/2012 is to incorporate in the 2012 budget the amount of EUR 650 million in commitment appropriations into Article 08 20 02 Euratom – European Joint Undertaking for ITER – Fusion for Energy (F4E),

B. whereas this budgetary adjustment is fully in line with the agreement reached between Parliament and the Council in December 2011 in order to accommodate the EUR 1 300 million additional cost of the ITER project in 2012-2013,

1. Takes note of Draft amending budget No 1/2012;

2. Approves, without amendment, the Council position on Draft amending budget No 1/2012 and instructs its President to declare that Amending budget No 1/2012 has been definitively adopted and to arrange for its publication in the Official Journal of the European Union;

3. Instructs its President to forward this resolution to the Council, the Commission and the national parliaments.

(2) OJ L 56, 29.2.2012.
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**EUROPEAN PARLIAMENT**

**Wednesday 18 April 2012**

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2013/C 258 E/22 Voluntary Partnership Agreement between the EU and Liberia on forest law enforcement, governance and trade in timber products to the European Union ***


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P7_TC1-COD(2011)0283


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2013/C 258 E/26 Taxation of energy products and electricity *


Friday 20 April 2012

2013/C 258 E/27 Draft amending budget No 1/2012: financing of ITER

Key to symbols used
* Consultation procedure
**I Cooperation procedure: first reading
**II Cooperation procedure: second reading
*** Assent procedure
****I Codecision procedure: first reading
****II Codecision procedure: second reading
****III Codecision procedure: third reading
(The type of procedure is determined by the legal basis proposed by the Commission.)
Political amendments: new or amended text is highlighted in bold italics; deletions are indicated by the symbol ■.
Technical corrections and adaptations by the services: new or replacement text is highlighted in italics and deletions are indicated by the symbol ||.
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