EUROPEAN PARLIAMENT

2012-2013 SESSION

Sittings of 19 to 22 November 2012

The Minutes of this session have been published in OJ C 29 E, 31.1.2013.

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**Key to symbols used**

* Consultation procedure
*** Consent procedure
***I Ordinary legislative procedure: first reading
***II Ordinary legislative procedure: second reading
***III Ordinary legislative procedure: third reading

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments by Parliament:

New text is highlighted in **bold italics**. Deletions are indicated using either the ▌ symbol or strikeout. Replacements are indicated by highlighting the new text in **bold italics** and by deleting or striking out the text that has been replaced.
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TEXTS ADOPTED
(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

P7_TA(2012)0418

Implementation of the Consumer Credit Directive


(2015/C 419/01)

The European Parliament,

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

— having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinion of the Committee on Economic and Monetary Affairs (A7-0343/2012),

A. whereas opening up national markets in the important economic sector of consumer credit, promoting competition, addressing different levels of consumer protection, removing potential competition distortions between market operators and improving the functioning of the internal market are political tasks incumbent on the EU and are in the interests of consumers and creditors;

B. whereas the targeted definitive harmonisation brought about by the Consumer Credit Directive in five sub-areas, on the basis of arrangements which offer the Member States little in the way of leeway, in particular as regards possible different approaches to implementation, has created a common European legal framework to protect consumers;

C. whereas, however, some legal and practical obstacles have still to be overcome;

D. whereas, as shown by the European Parliament study on the implementation of the Consumer Credit Directive, certain key provisions of the Directive — such as Article 5 on pre-contractual information — have not achieved the intended harmonisation of Member States’ consumer protection rules due to differences in interpretation and implementation by the Member States;

E. whereas, given the short deadline and the number and scale of the legal changes to be made, not all the Member States transposed the Consumer Credit Directive in time or, in some cases, entirely correctly;

F. Whereas statistics show that the take-up of cross-border consumer credit has not increased since the Directive entered into force, although this could be explained by various factors, such as language, but also by the massive problems affecting the financial sector and by the lack of sufficient consumer information about the opportunities of cross-border consumer credit and the rights of consumers when concluding such contracts;

G. whereas adequate consumer protection practices in the credit sector play a significant role in ensuring financial stability; whereas exchange rate volatility poses significant risks to consumers, especially during financial crises;
H. whereas excessive foreign currency lending to consumers has increased the risk and losses borne by households;

I. whereas the European Systemic Risk Board adopted on 21 September 2011 an important recommendation on lending in foreign currencies (ESRB/2011/1);

J. whereas, under the terms of Article 27 of the Directive, the Commission is required to undertake a review of certain aspects of the Directive, and whereas, in that connection, it has already asked for a preparatory study to be carried out;

K. whereas it is particularly keen to be kept informed about the stages in and outcome of the review and to have the possibility of delivering an opinion;

1. Welcomes the fact that, in preparation for its review, the Commission is already conducting a study of the impact of the Directive on the internal market and on consumer protection, in order to determine exactly what bearing it will have on the take-up of cross-border credit, and applauds the comprehensive work carried out by the Commission and by national legislators and credit institutions;

2. Points out that improving the cross-border consumer credit market would generate European added value by boosting the internal market; considers that this could be achieved, inter alia, by better informing consumers about the opportunity to obtain consumer credit in other Member States and about the rights of consumers when concluding such contracts;

3. Acknowledges that cross-border consumer credit accounts for less than 2% of the total credit market and that roughly 20% of the loans in question are taken out online;

4. Points out that one of the purposes of the Directive was to ensure the availability of information — thus facilitating the operation of the single market also in the field of credit — and that it is therefore necessary to evaluate whether the number of cross-border transactions is increasing;

5. Takes the view that the provisions on pre-contractual information, the explanations required pursuant to Article 5(6) and the creditworthiness assessment provided for in Article 8 serve an important role when it comes to improving consumer awareness of the risks involved in taking out a loan in a foreign currency;

6. Calls, nevertheless, for supervisory authorities to require financial institutions to provide consumers with personalised, complete and easily understandable explanations regarding the risks involved in foreign currency lending, and regarding the impact on instalments of a severe depreciation of the legal tender of the Member State in which a consumer is domiciled as well as of an increase in the foreign interest rate; considers that these explanations should be provided before any contract is signed.

7. Takes note of the concerns raised in some Member States about the way pre-contractual information is presented to consumers through the Standard European Consumer Credit Information (SECCI) form and which is of such technical nature that it affects consumers’ capacity to understand it effectively; considers that the efficiency of the SECCI form should be an important aspect in the assessment of the impact of the Directive carried out by the Commission;

8. Welcomes the ‘sweep’ operation, carried out by the Commission in September 2011, which revealed that 70% of the financial institution websites checked failed to include relevant information in their advertising material, and certain items of key information in the credit offer itself, and contained misleading presentations of costs, and calls on the Commission and the Member States to take appropriate steps to remedy this problem; notes, in this context, that the rules on representative examples are sometimes not used as prescribed and that there is need for improvement;

9. Calls for the advertising and marketing practices of financial institutions to be strictly monitored in order to avoid misleading or false information in the advertising or marketing of credit agreements;

10. Notes that some Member States have taken up the option of extending the scope of the Directive to cover other financial products, a move which does not seem to have given rise to inconsistencies in application;

11. Emphasises that legal provisions should reflect standard practice and the needs of the average consumer and the average businessman, and should not represent a response to a small number of abuses of the rules in such a way as to render the information provided to the consumer less understandable, transparent and comparable;
12. Notes that more comprehensive provisions do not always make for more effective consumer protection and that, in the case of inexperienced consumers in particular, too much information can serve to confuse rather than help; acknowledges, in that regard, the expertise, assistance and financial education provided by consumer associations and their potential role in credit restructuring on behalf of households in distress;

13. Calls for consumers to have a right to be informed about the cost of additional services, and about their right to buy auxiliary services such as insurance from alternative suppliers; considers that financial institutions should be required to distinguish such services and related charges from those pertaining to the basic loan, and to make clear which services are essential to the extension of a loan and which are entirely at the discretion of the borrower;

14. Considers that more detailed consideration should be given to the problems which could arise in connection with the exercise of the right of withdrawal in cases where linked agreements have been concluded; stresses the importance of making consumers aware that, should they exercise the right of withdrawal from a contract where the supplier or service provider directly receives the sum corresponding to payment from the credit provider through an ancillary contract, no fees, commissions or costs shall be borne by the consumers in relation to the financial service provided;

15. Calls on the Commission to assess the extent of non-compliance with information duties in contracts where intermediaries are not bound by pre-contractual information requirements in order to establish how best to protect consumers in such situations;

16. Takes the view that particular attention should be paid to the complicated rules on early repayment;

17. States that, prior to interest rate changes, notification to consumers should afford them enough time to survey the market and to change credit provider before the changes take effect;

18. Notes the need to clarify the interpretation of the term 'representative example';

19. Emphasises that a uniform method of calculating the annual percentage rate of charge should be laid down, that ambiguous provisions should be clarified and that consistency should be established with all other legal instruments;

20. Calls on the Member States to ensure that national supervisors are granted all the necessary powers and resources to discharge their duties; calls on the national supervisory authorities to monitor compliance with, and enforce, the provisions of the Directive in an effective way;

21. Stresses that, when setting transposition deadlines in future, greater account should be taken of such changes in national law that the transposition process entails;

22. Calls on the Member States to extend the existing level of consumer protection to credit, including short-term credit, provided over the internet, through short message services or other distance communication media, which are becoming an increasingly common feature of the consumer credit market, involving amounts below the lower threshold of EUR 200, presently outside the scope of the Directive;

23. Emphasises that at present there is no need to revise the Directive, but that instead priority should be given to ensuring that it is correctly transposed and enforced;

24. Takes the view that, in the furtherance of a full and correct transposition, the practical impact of the Directive should be assessed before the Commission proposes any required amendments; calls on the Commission to present to Parliament and the Council an assessment report on the implementation of the Directive and a full assessment of its impact regarding consumer protection, taking into account the consequences of the financial crisis and the new EU legal framework for financial services;
25. Instructs its President to forward this resolution to the Council and the Commission.

P7_TA(2012)0419

Social Investment Pact


(2015/C 419/02)

The European Parliament,

— having regard to the Treaty on the Functioning of the European Union (TFEU), in particular Articles 5, 6, 9, 147, 149, 151 and 153 thereof,


— having regard to the Commission communication of 23 November 2010 entitled an Agenda for new skills and jobs: A European contribution towards full employment’ (COM(2010)0682) and its resolution of 26 October 2011 thereon (1),


— having regard to the Commission communication of 18 April 2012 on Towards a job-rich recovery’ (COM(2012)0173),

— having regard to the Commission Communication of 3 October 2008 on a Commission Recommendation on the active inclusion of people excluded from the labour market (COM(2008)0639) and its resolution of 6 May 2009 (3) thereon,

— having regard to the Eurostat survey of January 2012 and the Eurostat News Release of 8 February 2012 (4),

— having regard to the Commission communication entitled ‘The European Platform against Poverty and Social Exclusion: A European framework for social and territorial cohesion’ (COM(2010)0758), the opinion of the European Economic and Social Committee thereon (5) and its resolution of 15 November 2011 thereon (6),


— having regard to the Commission communication of 2 July 2008 entitled ‘Renewed social agenda: Opportunities, access and solidarity in 21st century Europe’ (COM(2008)0412) and its resolution of 6 May 2009 thereon (8),

(1) Texts adopted, P7_TA(2011)0466.
(8) OJ C 212 E, 5.8.2010, p. 11.
A whereas the current economic and financial crisis will have long-lasting effects not only on economic growth but also on employment rates, the level of poverty and social exclusion, public savings and the quantity and quality of social investments in Europe;

B whereas in recent years a great debt burden was taken on by the public sector and, to prevent excessive debts, the majority of recent responses to the crisis were based mainly on short-term goals aimed at restoring stability to public finances, being necessary efforts to defend our economy, and whereas such austerity measures and budgetary consolidation should be combined with a comprehensive and ambitious investment strategy for sustainable growth, employment, social cohesion and competitiveness as well as with social governance which would provide a strong surveillance and monitoring mechanism over employment and social targets of the Europe 2020 strategy;

C whereas the Lisbon Strategy and the European Employment Strategy have failed to deliver, and whereas the success of the Europe 2020 strategy is uncertain and requires much stronger engagement from Member States and European Institutions in form of competitiveness-, growth- and employment-friendly measures;

(1) OJ C 161 E, 31.5.2011, p. 112.
(2) Texts adopted, P7_TA(2011)0263.
(5) IP/10/1673.
D. whereas the recently published Annual Growth Survey as well as the Joint Employment Report showed that, due to the fact that fiscal consolidation has not yet progressed sufficiently and is still treated as the priority, social, employment and education targets of the Europe 2020 strategy are not sufficiently addressed by the majority of Member States;

E. whereas the unemployment rate has increased from 7.1% in 2008 to more than 10% in January 2012 in the EU 27, with clear regional disparities, affecting especially young persons, low-skilled workers and long-term unemployed, and whereas this, together with ageing population, creates a serious risk of losses of human capital in the longer term, and could have non-reversible repercussions on the labour market, especially on job creation, economic growth, competitiveness and social cohesion;

F. whereas 80 million Europeans are currently at risk of poverty and the level of children and adults living in jobless households has increased to almost 10% in 2010; whereas this, combined with child poverty, the rising number of working poor as well as high unemployment among young people will lead to an even higher risk and inheritance of poverty and social exclusion in the future;

G. whereas in 2011 the rate of poverty among 16- to 24-year olds in Europe was 21.6% on average, and young people are more likely to be in precarious fixed-term or part-time employment, and are also at a higher risk of unemployment; whereas precarious employment has significantly increased in recent years and unemployment is rising dramatically in some countries;

H. whereas, partly due to lacking investments, education and training outcomes in the European Union are still inadequate to meet labour market needs and fall short of the growing skill-intensity of available jobs, as well as skills needed for future job-rich sectors;

I. whereas the pressure on social assistance schemes has increased due to higher spending, drops in revenues as well as pressure to cut costs; whereas weak economic growth, persistence of high rates of long-term unemployment, the increasing number of working poor, the level of undeclared work and growing youth unemployment are likely to aggravate this trend further;

J. whereas well-targeted social investments are important to reassuring a proper employment level for both women and men in the future, stabilising the economy, enhancing the skills and knowledge of the labour force and raising the competitiveness of the European Union;

K. whereas SMEs have an important job creation potential and play a crucial role in the transition towards a new, sustainable economy;

**Renewed approach to social investments in Europe**

1. Recalls that social investments, being the provision and use of finance to generate social as well as economic returns, aim at addressing emerging social risks and unmet needs, and focus on public policies and human capital investment strategies that help and prepare individuals, families and societies to adopt to various transformations, manage their transition towards changing labour markets and face other challenges, including for example the acquisition of new skills for future job rich sectors;

2. Notes that all public social and health services, education services and related services sourced from private service providers, among others, can be considered social investments, and reiterates that these have been determined in agreements as falling under national competence;

3. Stresses that one of the most important features of social investments is their ability to reconcile social and economic goals and that they should therefore be treated not only as spending but primarily as investments, with a double dividend that will give real returns in the future, provided that resources are correctly deployed;

4. Notes, therefore, that targeted social investments should be an important part of EU and Member States’ economic and employment policies, and of their responses to the crisis, in order to achieve the employment, social and education objectives set out in the Europe 2020 strategy.
Believes that facilitating and focusing on social entrepreneurship and access to microfinance for vulnerable groups and those furthest away from the labour market are essential elements in the context of social investment, in that they allow the creation of new sustainable jobs, often persisting changes in the economic cycle;

Notes that the crisis requires a modernisation of the European Social Model, a rethinking of national social policies and a transition from welfare states, that mainly respond to damages caused by market failure, to ‘activating welfare states’, that invest in people and provide instruments and incentives with a view to create sustainable jobs and growth as well as prevent social distortions; notes that the crisis has further increased the need for investing in social entrepreneurship;

Activating welfare states

Calls, in this connection, on the Member States and the Commission to maintain a balance between action addressing the immediate challenges resulting from the crisis and action of a medium- and long-term nature, and to give special priority to activities that aim to:

(a) help the unemployed get back to work, by creating an innovative and dynamic environment as well as by providing tailor-made solutions and necessary training; help those entering the labour market to find work and to create preconditions for a smoother transition from education and training to professional life;

(b) fight youth unemployment and enable the permanent integration of young people into working life, including those young people who neither have a job nor education or professional training;

(c) boost economic growth with a view to create quality and sustainable jobs for both women and men, provided in particular by SMEs; improve work productivity as well as work distribution;

(d) improve well-being at work and reduce the causes of withdrawal from professional life, such as accidents at work, bullying in the workplace and other poor working conditions,

(e) invest in lifelong education and training for all age groups by putting special emphasise on early childhood education and access to tertiary education, cooperation between business and schools, on-the-job training and special training for sectors with labour shortages as well as vocational education;

(f) invest in innovation by supporting the manufacture of innovative goods and services, especially related to climate change, energy efficiency, health and ageing populations,

(g) eliminate the causes of gender segregation in the labour market;

(h) enhance the balance between the flexibility and security of employment contracts to promote employment and help in reconciling family and professional life;

(i) adapt pension systems to changing economic and demographic conditions, introduce necessary reforms taking into consideration their sustainability as well as reliability and reduce the economic dependency ratio by e.g. creating conditions for working longer on a voluntary basis, such as better occupational health and safety, various incentives and flexible employment models as well as increasing employment in all age groups

(j) fight poverty and social and medical exclusion, with a particular focus on preventive and proactive work;

Calls on Members States and the Commission to take steps to: develop growth and employment-friendly policies (e.g. more effective support to SMEs as well as more effective, better targeted and activating unemployment policies and social assistance schemes); to introduce lifelong learning, special training linked to sectors with labour shortages as well as needs of regional and local job markets and re-training in order to sustain employability of the long-term unemployed, and to promote lifelong up-skilling, vocational education, on-the-job training and paid traineeships with particular emphasis on unemployed young persons and on workers with low skills; aim at making full-time employees able to live from their work;
9. Insists that youth employment must be an important part of the social investment strategy; encourages Member States to invest and put forward ambitious strategies to avoid the loss of a generation and to improve the access of young persons to labour markets by:

(a) developing partnerships between schools, training centres and local or regional businesses,

(b) providing training and high-quality youth internship programmes, vocational schemes in cooperation with enterprises as well as senior employee sponsorship schemes to engage and train young persons on the job;

(c) promoting entrepreneurship as well as a European youth guarantee and creating incentives for employers to engage graduates;

(d) securing a better transition from education to work and promoting European and regional mobility;

10. Stresses personal responsibility, bearing in mind that individuals also need to think about what they can do to ensure they are on the winning side in the race for talent;

11. Calls on Member States and the Commission to take all possible measures to improve education systems at all levels by: putting strong emphasis on early childhood development strategy; creating an inclusive school climate; preventing early-school-leaving; improving secondary education and introducing guidance and counselling, providing better conditions for young people to successfully access tertiary education or to gain direct access to the job market; developing instruments aimed at better anticipating future skills needs and at strengthening cooperation between educational institutions, business and employment services; improving recognition of professional qualification as well as developing National Qualifications Frameworks;

12. Calls on the Commission and Member States to provide for a good balance between security and flexibility in the labour market through e.g. a comprehensive implementation of flexicurity principles, and to address labour market segmentation, by providing both adequate social protection coverage for people in periods of transition, or on temporary or part-time employment contracts, and access to training, career development and full-time work possibilities; encourages Member States to invest in services — such as affordable, full-time and high-quality childcare, all-day school places and care for elderly — that help promote gender equality, foster a better work–life balance and create a framework which allows to enter or re-enter the labour market;

13. Encourages those Member States who have not done it yet to introduce necessary reforms in order to make their pension systems sustainable, secure and inclusive as well as to reduce economic dependency ratio to maintain a sufficiently large workforce and to combine this with the constant improvement of working conditions and the implementation of lifelong training schemes enabling healthier and longer professional careers;

**Better governance through the Social Investment Pact**

14. Encourages Member States to make better efforts to include social investments in their medium and long-term budgetary targets, as well as in their National Reform Programmes; calls on the European Council and the Commission to better monitor the implementation and achievement of employment and social targets of the Europe 2020 strategy;

15. Notes that, in order to secure proper implementation of employment and social targets, the recently developed system for macroeconomic and budgetary surveillance in the EU must be supplemented by improved monitoring of employment and social policies; calls, therefore, on the Commission to consider developing a scoreboard of common social investment indicators for monitoring the progress made in the Member States and at the Union level in this regard and to promote the corporate responsibility of companies, especially SMEs, by creating a European social label;

16. Calls on Member States to consider signing to a ‘Social Investment Pact’, which sets investment targets and creates a reinforced control mechanism for improving efforts to meet the employment, social and education targets of the Europe 2020 strategy; this ‘Social Investment Pact’, like e.g. the ‘Euro Plus Pact’, would contain a list of specific measures in form of social investments to be taken by Member States in a given timeframe in order to meet the employment, social and education targets in line with the Annual Growth Survey and National Reform Programmes; this should be subject to a regular surveillance framework with a strong role for the European Commission and the European Parliament and the involvement of all relevant formations of the Council;
17. Calls on the Commission to take all possible measures to encourage and assist Member States to sign the 'Social Investment Pact', and to introduce evaluation of employment, social and education goals in the European Semester 2013;

18. Calls on the Member States to ensure that the Multiannual Financial Framework 2014-2020 contains appropriate budgetary resources to stimulate and support social investments in Europe, and that the available funding can be used in a rational and efficient way, and to make the Structural Funds, especially the European Social Fund, supportive of social investments, ensuring that the priorities of the latter reflect the specific needs of the Member States; calls on the Commission, when it so deems appropriate, to make other possible sources of financing available to the Member States for the purpose of social investments;

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

P7_TA(2012)0420

Promotion measures and information provision for agricultural products

European Parliament resolution of 20 November 2012 on promotion measures and information provision for agricultural products: what strategy for promoting the tastes of Europe (2012/2077(INI))

(2015/C 419/03)

The European Parliament,

— having regard to its resolution of 7 September 2010 on ‘fair revenues for farmers: A better functioning food supply chain in Europe’ (1),

— having regard to the Commission 'Communication on promotion measures and information provision for agricultural products: a reinforced value-added European strategy for promoting the tastes of Europe' (COM(2012)0148),

— having regard to the Commission 'Green Paper on promotion measures and information provision for agricultural products: a reinforced value-added European strategy for promoting the tastes of Europe' (COM(2011)0436),


— having regard to Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common market organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (4),

— having regard to the 2011 study entitled ‘Evaluation of Promotion and Information Actions for Agricultural Products’ (5), carried out on behalf of the Commission,

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(1) OJ C 308 E, 20.10.2011, p. 22.
(3) OJ L 147, 6.6.2008, p. 3.

— having regard to the Council conclusions of 15 and 16 December 2011 on the future of agricultural promotion policy,


— having regard to the opinion of the European Economic and Social Committee on the ‘Commission Communication on promotion measures and information provision for agricultural products: a reinforced value-added European strategy for promoting the tastes of Europe’ (NAT/560),

— having regard to the opinion of the European Economic and Social Committee on the ‘Green Paper on promotion measures and information provision for agricultural products: a reinforced value-added European strategy for promoting the tastes of Europe’ (NAT/525) (1),

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

— having regard to the report of the Committee on Agriculture and Rural Development (A7-0286/2012).

A. whereas, in March 2012, the Commission published a communication on information and promotion which is expected to be followed by legislative proposals at the end of the year;

B. whereas the agri-food sector has the potential to be a strong and vibrant sector for economic growth and innovation across the Member States, particularly in rural areas and at the regional level, increasing agricultural incomes, creating employment and generating growth;

C. whereas information and promotion measures were introduced in the 1980s with the objective of absorbing agricultural surpluses and were later also used as an instrument for dealing with crises in the food industry, such as the 1996 bovine spongiform encephalopathy (BSE) — better known as ‘mad cow disease’ — outbreak, and the 1999 dioxins-in-eggs scandal;

D. whereas information and promotion measures now need to play a wider and more constant role and should help to make products more profitable, bring about greater competitive equity in external markets and provide more and better information for consumers;

E. whereas these types of support are today financed under Regulation (EC) No 3/2008, known as the ‘horizontal promotion scheme’; whereas a 2011 evaluation study of promotion policies requested by the Commission concluded that a consistent and comprehensive Union strategy on information and promotion was missing;

F. whereas Regulation (EC) No 1234/2007 on the single Common Market Organisation (SCMO), currently being overhauled as part of the CAP reform process, provides support for specific promotion measures for the wine, fruit and vegetable sectors as part of broader programmes; whereas promotional measures for products included in food quality schemes are currently financed under the rural development policy;

G. whereas wine consumption in the European Union is in constant decline and there are no European measures for the internal promotion of this product;

H. whereas spending on the horizontal promotion scheme in the 2012 budget amounts to approximately EUR 56 million, corresponding to around 0,1 % of total CAP spending;

I. whereas the most recent objectives of the EU’s information and promotion policy should also be taken into account for budgetary purposes, and whereas these objectives are not confined to restoring consumer confidence following crises but extend to making products more profitable, bringing about greater competitive equity in external markets and providing more and better information for consumers;

J. whereas spending on all other CAP promotion and information measures, notably under the SCMO and rural development policy, is put at between EUR 400 and EUR 500 million annually, which is still less than 1% of total CAP spending and is clearly insufficient, particularly when it comes to boosting the competitiveness of European products on the world market;

K. whereas one of the Union’s strengths in food production lies in the diversity and specificity of its products, which are linked to different geographical areas and different traditional methods and provide unique tastes, with the variety and authenticity that consumers increasingly look for, both in the EU and outside;

L. whereas EU promotion policy is an important CAP tool which can contribute to the competitiveness and long-term viability of the agricultural and food sectors;

M. whereas the EU has recently published a list of approved nutrition and health claims which enters into force in December 2012, thereby ending years of uncertainty for the food industry, providing marketing tools that are essential in order to attract consumers’ attention and enabling consumers to make more informed choices;

N. whereas the EU farming and food sector can become more competitive at the global level if it is able to promote European food diversity and the European model of production, which is subject to high standards as regards quality, safety, animal welfare, environmental sustainability, etc., thus encouraging other farming powers to adopt this model with a view to establishing equitable production conditions and fair commercial competitiveness;

O. whereas growing trade globalisation undoubtedly presents a number of challenges, while at the same time opening up new markets and fresh opportunities for generating growth;

P. whereas the Council, in its December 2011 conclusions on agricultural promotion policy, states that ‘promotion actions should also be carried out to promote the potential of local farming and short-chain distribution’ and that these actions should be included in rural development programmes, as already proposed by the Commission;

Q. whereas it is necessary and important to provide sufficient instruments for a policy that will foster European farming and food promotion and contribute to the competitiveness of the farming and food sector, deriving benefits from the diversity, value-added and quality of its products;

R. whereas there is an indissoluble link between European farming and the food industry, which processes 70% of agricultural raw materials and sells food products and in which 99% of European food and drink businesses are SMEs and more than 52% are located in rural areas, making them economic and social drivers in Europe’s rural environment;

S. whereas CAP support for developing short supply chains and local markets is financed from rural development policy, which is indeed the best approach, given that such initiatives are small-scale, highly localised and create local employment;

T. whereas unique European traditional products have significant growth potential and consumer appeal in larger third markets and would benefit from targeted and strengthened promotional schemes, generating employment and growth in regional areas;

U. whereas one of the objectives of the legislative proposals currently being negotiated with regard to the CAP reform for the post-2013 period is to ensure that this policy can contribute fully to the Europe 2020 strategy;

V. whereas Regulation (EC) No 1234/2007 on the SCMO contains rules for the financing of the School Fruit and School Milk Schemes; whereas the current proposal to overhaul the common market organisation (COM(2011)0626) suggests raising EU co-financing rates for the School Fruit Scheme from 50% to 75% of costs (and from 75% to 90% in convergence regions);

W. whereas the School Fruit and School Milk Schemes also have educational objectives, which should include providing pupils with a better idea of how food is produced and of life on a farm;
X. whereas the various promotional schemes, when implemented effectively, help to ensure that European agricultural products are recognised in Europe and the world over and raise awareness among consumers of the high food safety, animal welfare and environmental protection standards which are upheld by European farmers and consistently monitored and improved upon;

Y. whereas Regulation (EC) No 814/2000 aims to help citizens understand the European model of agriculture and to raise public awareness of the issues; whereas ignorance and misunderstandings about farming and rural life are probably stronger today than during any other period in Europe’s history, and whereas one of the relevant factors of which the public is least aware is a significant rise in the cost of agricultural production resulting from the obligations imposed by the EU in relation to food security and hygiene, social welfare for workers, environmental conservation and animal welfare, which are often not practised by the EU’s direct agricultural competitors; whereas one of the relevant factors that is most misunderstood by the public concerns the lack of awareness of the significant contribution that agriculture makes to reducing greenhouse gas emissions, and of the long list of public goods it provides;

**Overall approach**

1. Welcomes the Commission ‘Communication on promotion measures and information provision for agricultural products: a reinforced value-added European strategy for promoting the tastes of Europe’, which must constitute a first step towards enhancing the value of European production among both Europeans and others and increasing its profitability;

2. Supports the four main objectives defined in that communication, namely to create higher European added value in the food sector, a more appealing and assertive policy strategy, simpler management and greater synergy between different promotion instruments;

3. Considers that equal attention should be given to internal and external market promotion policy, since both are of benefit to producers and consumers;

4. Stresses that the EU promotion policy remains legitimate and important internally, at the local and regional levels and on expanding world markets;

5. Believes, however, that the objectives of EU promotion policy must be clearer and adequately defined; stresses that promotion activities should cover all agri-food products that meet European quality standards, since this will contribute to the efficiency of promotion activities and respond to consumer demands; stresses also that support for agriculture which guarantees food security, the sustainable use of natural resources and the dynamism of rural areas boosts growth and job creation;

6. Highlights the fact that, on the internal market, general and sustained promotion is required in order to ensure that European consumers are informed about the characteristics and added value of the European agricultural products they find on the market;

7. Stresses that, on the external market, there is a need to maintain and boost market share for European agricultural products and to target new emerging markets in order to find new outlets for these products, with greater coherence between promotion and EU trade policy;

8. Considers that a clear definition by the Commission of the objectives of EU promotion policy, alongside the setting of objective guidelines for the Member States, constitutes a necessary first step towards increasing policy coherence and synergies between different promotion instruments and is absolutely essential in order to ensure greater transparency in the selection of programmes at national level; points out that Union activities in this field must complement both national and private-sector initiatives;

9. Considers that the budget for improved information and promotion measures should be significantly increased, taking account of the most recent objectives of information and promotion policy, notably for the horizontal promotion scheme; considers, further, that this scheme should be given a separate heading in the general budget;
10. Stresses that the success of European farmers will depend on their ability to increase their market share and to enable the highly competitive food industry to maintain its prominent position in the EU in economic and trade terms;

11. Stresses the need to organise comprehensive consumer information campaigns in the EU and on external markets regarding production quality standards and certification systems;

12. Stresses that horizontal promotion measures under Regulation (EC) No 3/2008 should contribute to developing local markets and short supply chains, revitalising the internal market and intensifying the marketing of European products on external markets;

13. Welcomes the Commission proposal to introduce a fourth type of promotion measure providing technical support; considers this essential for an effective promotion policy, especially externally;

14. Acknowledges the potential of the single ‘banner’ system for information and promotion measures;

15. Recommends preserving the generic nature of information and promotion activities;

Local, regional, internal and external markets

16. Notes that the EU’s information and promotion policy should have three main objectives: in local and regional markets it should highlight the diversity and freshness of products and the proximity between producers and consumers, with a view to the economic revitalisation and social enhancement of rural life; in the internal market it should reap the full benefits of the European area without borders and its 500 million consumers, with a view to boosting production and stimulating the consumption of European products; in external markets it should exploit the high standards followed by the European production model in order to obtain greater value-added for the agri-food sector;

17. Proposes that the Commission should develop short supply chains in local and regional markets, thereby creating new opportunities for farmers and other producers in rural areas and for associations of farmers and/or farmers and other operators in rural areas, and that it should design a broad set of instruments to promote the development of rural areas; considers it desirable, further, for the Commission to produce guides that will help farmers make more and better investments in the quality and specific value of their products; takes the view that consideration should also be given to investment in dissemination through the media (notably via the internet);

18. Proposes that the Commission should do more on the internal market to support the efforts being made by European producers to acquire the necessary capacity to meet higher consumer demand in terms of quality, food hygiene and knowledge of the origin of fresh products and when they should best be consumed, thereby promoting the diversity of products and food and providing an opportunity to become acquainted with new products or new ways of presenting or using traditional products;

19. Calls, therefore, for the expansion of programmes geared to either markets or target products, and for the associated promotion tools to focus on the specific characteristics of production standards, always highlighting the European production model and European quality systems in particular; also considers it important to encourage multi-country programmes covering various products, which on the one hand bring a genuine European dimension to the programme and on the other hand are more specifically in need of European support; takes the view, in this connection, that priority should be given to countries implementing production programmes that take account of market conditions and potential and at the same time allow the Commission to adjust support to the designated area;

20. Urges that information and promotion measures be made more attractive for professional organisations through greater cooperation between ongoing national and sectoral activities and better coordination with political activities, with particular regard to free trade agreements;

21. Highlights the need to make programmes more flexible so that they can be adjusted to fluctuating market conditions during the implementation phase; believes that the level of detail required when presenting programmes should therefore also be reduced;
22. Calls for improved assessment of programmes by means of a rigorous assessment system based on specific indicators such as an increase in market share and job creation; takes the view that the selection process should be shorter and that consideration should be given to the possibility of advance payments for organisations;

23. Congratulates the Commission on the good results achieved with the current information and promotion policy for agricultural products, but calls for that policy to be simplified and improved, noting that it is particularly important to reduce administrative burdens, above all by reducing the number of reports that the Commission requires; considers that it would be desirable for the Commission to produce a simple and comprehensive manual that would help potential beneficiaries to comply with the rules and procedures associated with this policy;

24. Draws the Commission’s attention to the fact that, as regards external markets, the production of quality food is not in itself sufficient to guarantee a good market position, and that it is therefore vital to invest in promotion programmes; considers that these programmes should be preceded by market studies in third countries, for which co-financing should be available; believes that consideration should also be given to the possibility of supporting pilot projects in third countries that have been identified as potential new markets;

25. Calls for action to boost the development of European associations and businesses and to encourage them to participate in world forums, competing on quality and giving priority to specialisation and diversity, which will require assistance for farmers and cooperatives in implementing their own strategies and export capacity, including technical assistance for producers;

26. Calls for it to be possible to promote the origin of products that are not covered by quality denominations, highlighting their characteristics and qualities;

27. Believes that the EU’s information and promotion policy for European products should be given its own label with which to identify such products inside and outside the EU;

28. Calls on the Commission to raise consumer awareness of the fact that European agricultural standards are the most demanding in the world in terms of quality, safety, animal welfare, environmental sustainability, etc., which affects the final price of the product; believes that consumers should be provided with transparent information on how European products and their characteristics can be identified, in order to avoid the risk of purchasing counterfeit products and to enable them to decide what they wish to purchase;

**Origin and quality**

29. Believes that quality products are those that are linked to specific production methods, geographical origins, traditions or cultural contexts, and notes that schemes to protect these already exist in the form of the protected designation of origin (PDO), protected geographical indication (PGI), organic labelling and traditional speciality guaranteed (TSG) schemes; calls for a new ‘local farming and direct sale’ scheme to cover local quality products intended for consumption in the region where they are produced;

30. Takes the view that the indication of European origin should prevail as the main identity in all promotion and information activities, both in the internal market and in third countries; takes the view that an additional indication of national origin could be considered in third countries where that identity is strong and where it helps to highlight diversity in the supply of food products;

31. Stresses that, as regards private brands, it is vital to seek a balance between generic promotion and brand promotion that will help to make promotional campaigns in third countries more effective; supports the Commission’s view that brand names can have a leveraging effect on this type of activity, where it is natural to complement generic promotion by bringing together economic players through the promotion of products and brands, thus having a greater impact on importers and consequently on consumers; considers, further, that including private brands in promotion activities will result in businesses being more interested in participating; and notes that it should be borne in mind that, in the end, it is these businesses that co-finance such measures;
32. Points out that, insofar as farmers are organised, quality schemes allow them to apply supply management and price stabilisation measures, thereby increasing their chances of earning a decent living from farming, and that such schemes are therefore best placed to increase ‘European added value’ in line with the Commission’s priorities;

33. Considers it necessary to ensure more effective protection for products subject to quality standards vis-à-vis EU trading partners; calls for the full inclusion of geographical indications and wider protection for them under bilateral and interregional trade agreements and at World Trade Organisation level;

34. Stresses the need to amend the funding framework provisions for the promotion of products subject to quality standards with a view to increasing EU financial involvement;

35. Notes that the entry into force of approved information on the relationship between specific substances found in food and improved health will bring greater transparency to the promotion of products for health-related reasons;

36. Welcomes the increasing demand for organic products and calls for more active stimulation of their production and promotion;

37. Stresses the need to promote local products from mountain and island areas and to step up EU funding for this purpose;

38. Calls on the Commission, in its external promotion activities, to place greater emphasis on highlighting EU agriculture’s commitment to more sustainable farming methods, variety and quality, and on the increased cost that this entails, and to develop and strengthen awareness of EU promotional schemes and logos;

39. Endorses the provision of technical assistance to small and medium-sized undertakings in particular to help them develop their own marketing strategies and analyse their target markets;

40. Recommends the creation of an internet platform for the exchange of potential projects and best practices as a means of encouraging publicity campaigns from a European perspective;

41. Stresses that the reform of the Common Agricultural Policy is aimed at improving the organisation of the production, sustainability and quality of agricultural products; considers that the EU’s promotion policy should therefore make it possible to deploy the entire potential of the food sector in order to foster European economic growth and employment;

42. Urges the Commission to identify, where appropriate, different management arrangements for the internal and external markets and for multinational or crisis programmes in its future legislative proposals for promoting the tastes of Europe;

43. Considers it necessary to define a European information and promotion strategy that targets markets more precisely and offers products or messages to be highlighted, taking account of free trade agreement negotiations and the most profitable markets in order to avoid the fragmentation and dispersion of funding;

**School Fruit and School Milk Schemes**

44. Welcomes the Commission’s proposal to raise EU co-financing rates for the School Fruit Scheme against the backdrop of the continued economic crisis;

45. Asks the Commission to take steps to encourage all Member States to place greater emphasis on the educational character of national school fruit and school milk schemes and to integrate the School Fruit and School Milk Schemes fully into the second pillar of agricultural support;
Action relating to information campaigns on quality wines

46. Calls on the Commission to assess the implementation in the EU market of information campaigns targeted at the adult population on the responsible consumption of European quality wines; notes that, in addition to the moderate consumption of these wines, such campaigns should highlight the cultural roots, qualitative properties and specific characteristics of European wines;

47. Instructs its President to forward this resolution to the Council and the Commission.

Implementation of the Resale Right Directive


P7_TA(2012)0421

The European Parliament,


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

— having regard to the report of the Committee on Legal Affairs and the opinion of the Committee on Culture and Education (A7-0326/2012),

A. whereas the resale right is an author’s right granted under Article 14ter of the Berne Convention for the Protection of Literary and Artistic Works;

B. whereas the Directive has promoted harmonisation of the conditions necessary to apply the resale right in order to remove potential obstacles to the completion of the internal market;

C. whereas the adoption of the Directive was important for artists, as regards not only their initiatives aimed at obtaining recognition and fair treatment as creative people, but also their role as contributors of cultural values; whereas, however, concerns remain as to its effects on European art markets and particularly on the many smaller and specialist auction houses and dealers in the EU;

D. whereas the Directive was only fully implemented in all Member States on 1 January 2012;

E. whereas the EU’s global share of the market for works of living artists has declined significantly over the past few years;

F. whereas artistic creation contributes to the continual development of the EU’s cultural life and heritage;

G. whereas the art and antiques market makes a significant contribution to the global economy, including the businesses it supports, especially those in the creative industries;

H. whereas the Directive places an administrative burden on dealers and puts EU dealers at a commercial disadvantage in relation to those in third countries;

**Trends in the European and global art markets**

1. Notes that 2011 was a record year for the art market and that total annual revenue was USD 11.57 billion, an increase of over USD 2 billion on 2010 (1); stresses that the art and antiques market makes a significant contribution to the global economy, including the businesses it supports, especially those in the creative industries;

2. Notes that China achieved a 41.4% share of the global market in 2011, overtaking the United States, which suffered a drop of 3% in turnover and 6% in market share, from 29.5% in 2010 to 23.5% in 2011 (2);

3. Points out that there was strong growth in the European art market in 2011; the United Kingdom maintained a 19.4% share of the global market, with an increase of 24% in sales volume; France's market share was 4.5%, with a 9% increase in turnover; and, Germany saw a 23% increase in sales, with a market share of 1.8% (3);

4. Underlines the impressive growth recorded by China; notes, however, that at present China's art market is restricted to artists from within the country;

5. Notes that the general trend for the centre of gravity of the art market shifting towards emerging countries is linked to globalisation, the rise of Asia and the emergence of new collectors in these countries;

6. Notes with satisfaction that third countries are planning to introduce the resale right into their national legislation; points out, in particular, that a draft bill was tabled on 12 December 2011 in the United States aimed at imposing a 7% resale right charge on the resale of contemporary works of art; notes that the current copyright bill in China also provides for the introduction of a resale right (Article 11(13));

**Implementation of the Directive**

7. Notes that amounts involved in reproduction and representation rights are relatively insignificant in the case of the graphic and plastic arts, where revenue derives from the sale or resale of works of art;

8. Stresses that the resale right guarantees continuity of pay for artists, who very often sell their works at low prices at the start of their careers;

9. Notes that the Commission's report on the implementation and effect of the Directive and statistics from the sector do not suggest that the resale right has had a detrimental effect on Europe's art market;

10. Calls on the Commission to undertake an impact assessment of the functioning of the art market in general, including the administrative difficulties faced by smaller and specialist auction houses and dealers;

11. Notes that several of the Directive's provisions ensure a balanced application of the resale right, taking into account the interests of all stakeholders, in particular the gradual decrease in applicable rates, the EUR 12 500 ceiling on the resale right, the exclusion of small sales and the resale exemption for the first buyer; stresses, however, that the Directive places an administrative burden on dealers;

12. Notes that the resale right for the benefit of the living author of an original work of art can be a useful tool to prevent discrimination against artists;

**Conclusions**

13. Notes that the art market was valued at USD 10 billion in 2010 and almost USD 12 billion in 2012 and that the resale right accounts for only 0.03% of those sums; considers this to be an important market from which artists and their heirs should receive fair remuneration;

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(2) Idem.
(3) Idem.
14. Notes that art market studies and statistics do not suggest that the resale right has a detrimental impact on the location of the art market or its turnover;

15. Notes that the Directive was only implemented in full in all Member States on 1 January 2012, although a resale right has been recognised in many Member States for several decades;

16. Highlights the importance of giving proactive support to local artists, including the youngest artists;

17. Considers it premature to reassess the Directive in 2014 as the Commission plans to do, and proposes that the reassessment be carried out in 2015 (four years after the assessment made in December 2011);

18. Encourages the Commission, in its next assessment report, to reconsider the relevance of applicable rates, the thresholds, and the relevance of categories of beneficiaries as specified in the Directive;

19. Calls on the Commission to work closely with stakeholders to strengthen the European art market’s position and to address problems such as the ‘cascade effect’ and the administrative difficulties faced by smaller and specialist auction houses and dealers;

20. Welcomes the initiatives taken by third countries to introduce the resale right and urges the Commission to continue its efforts in multilateral fora to strengthen the European art market’s position in the world;

21. Instructs its President to forward this resolution to the Council and the Commission.

P7_TA(2012)0426

Card, Internet and mobile payments


(2013/C 419/05)

The European Parliament,

— having regard to Articles 26 and 114 of the Treaty on the Functioning of the European Union,


— having regard to the Commission Communication of 11 January 2012 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 public consultation organised by the Commission on the Green Paper from 11 January 2012 to 11 April 2012,

— having regard to the conference on card, mobile and internet payments, organised by the Commission on 4 May 2012,

— having regard to the Information Paper of March 2012 on competition enforcement in the payments sector, compiled by the European Competition Network’s Banking and Payments Subgroup (2),

— having regard to the European Central Bank’s recommendations of April 2012 for the security of internet payments (3),

— having regard to the European Data Protection Supervisor’s (EDPS) response of 11 April 2012 to the Commission public consultation on the Green Paper Towards an integrated European market for card, internet and mobile payments (4);

— having regard to European Economic and Social Committee’s working document of 22 May 2012 on the Green Paper (INT/634),

— having regard to the Commission decision of 24 July 2002 relating to a proceeding under Article 81 of the EC Treaty and Article 53 of the EEA Agreement in Case No COMP/29.373 Visa International (5),

— having regard to the Commission decision of 19 December 2007 relating to a proceeding under Article 81 of the EC Treaty and Article 53 of the EEA Agreement in Cases Nos COMP/34.579 — MasterCard, COMP/36.518 — EuroCommerce and COMP/38.580 — Commercial Cards (6),

— having regard to the General Court’s judgment of 24 May 2012 in the case MasterCard and others v. Commission (7),

— having regard to Rule 48 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 (A7-0304/2012),

A. whereas the European market for card, Internet and mobile payments is at present still fragmented across national borders and only a few big players are able to get acceptance by merchants and to operate on a cross-border basis;

B. whereas the dominant position of two non-European card payment service providers can lead to excessive and unjustified fees for both consumers and merchants, in which their respective banks (the so-called issuing and acquiring banks) take advantage of this situation, as stated by the Commission in the Green Paper.

C. whereas the development and wider use of card, Internet and mobile payments may also help e-commerce in Europe to grow in size and in diversity;

D. whereas the share and variety of Internet and mobile payments have been steadily growing in Europe and worldwide;

E. whereas, due to technical progress, cards payment systems may progressively be replaced by other electronic and mobile means of payment;

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(7) Case T-111/08, MasterCard and Others v Commission, not yet reported.
F. whereas the Green Paper does not tackle the costs and societal impacts of cash or cheque payments in comparison with card, internet and mobile payments, thus preventing a comparative analysis of the economic and welfare costs and societal impacts of payments by cash or cheque;

G. whereas the current business model for card payments allows excessive levels of multilateral interchange fees (MIFs) which seem sometimes to exceed the actual cost of financing the system, and which constitute a major barrier for to competition in the payments market;

H. whereas cross-border acquiring is an option currently open only to a limited number of players, and whereas this arrangement could expand the choices that merchants can make and thus increase competition and reduce costs for consumers;

I. whereas surcharges for the use of card payments are not allowed in some Member States but are widely in use in some others, and whereas excessive surcharges have been to the detriment of consumers as payment providers often do not provide alternative payment methods to payments with surcharges;

J. whereas the Single Euro Payments Area (SEPA) Cards Framework requires customers to be able ‘to use general purpose cards to make payments and cash withdrawals in euro throughout the SEPA area with the same ease and convenience than they do in their home country. There should be no differences whether they use their card(s) in their home country or somewhere else within SEPA. No general purpose card scheme designed exclusively for use in a single country, as well as no card scheme designed exclusively for cross-border use within SEPA, should exist any longer’;

K. whereas successful SEPA migration can be expected to give an impetus to the development of innovative pan-European means of payment;

The different payment methods

1. Commends the Commission for providing the Green Paper, finds the considerations and questions posed therein to be highly relevant, and fully agrees with the listed aims to get more competition, more choice, more innovation and more payment security as well as customer trust;

2. Agrees with the Commission that it is necessary to distinguish between three different product markets in the sphere of four-party bank card systems — first of all a market in which the various card systems compete to get financial institutions as their issuing or acquiring customers; then a first ‘downstream’ market, in which the issuing banks compete for the business of the bank card holders (‘the issuing market’); lastly a second ‘downstream’ market, in which the acquiring banks compete for the merchants’ business (‘the acquiring market’) — and considers that free competition should be enhanced at every market;

3. Notes the importance of market-based self-regulation in cooperation among all stakeholders, but recognises that self-regulation may not achieve desired outcomes in an acceptable timeframe due to conflicting interests; expects the Commission to come forward with necessary legislative proposals in order to help ensure a true SEPA for card, internet and mobile payments, and notes in this respect the importance of the forthcoming review of the Payment Services Directive;

4. Underlines the need for a clear and comprehensive vision of a SEPA for cards, internet and mobile payments and for the provision of such guidelines and timelines as are needed to ensure the basic goal of eliminating any difference between cross-border and national payments;

5. Underlines the need to advance towards a real-time clearing and settlement system, which technically is already within reach and used for some payments, and stresses that moving to a real-time economy should be an important goal for the whole SEPA and that an advanced real-time interbank system would need to have SEPA-wide reachability;

6. Is therefore of the opinion that all national card, mobile and internet payment schemes should join or turn themselves into a pan-European SEPA-compliant scheme, so that all card, mobile and internet payments would be accepted everywhere in the SEPA, and that a necessary period should be suggested by the Commission for this transition;
7. Notes that all terminals should be able to accept all cards and fulfil interoperability requirements and, therefore, that any technical barriers resulting from differences in the functionality and certification requirements for terminals should be removed, as common standards and rules, and standardised terminal software, would increase competition;

8. Believes that a self-regulatory approach for the integrated European market for payments is not sufficient; calls on the Commission to take legislative action to ensure payment security, fair competition, financial inclusion, protection of personal data and transparency for consumers;

9. Calls on the Commission to reform the SEPA governance to ensure that the decision-making process is democratic, transparent and serving the public interest; notes that this requires a more active and leading role of the Commission and the European Central Bank (ECB) in the SEPA governance, as well as balanced representation of all relevant stakeholders in all SEPA decision-making and implementing bodies, guaranteeing sufficient involvement of end users;

10. Expresses concern at any unduly tight regulation of internet and mobile payment markets at this stage because such payment methods are still in the process of development; considers that any regulatory initiative in this field runs the risk of giving undue emphasis to already existing payment instruments, and may thus deter innovation and distort the market before it has been developed; asks the Commission to adopt an appropriate approach to any future internet and mobile payment methods in a future proposal, ensuring a high level consumer protection, especially for vulnerable consumers;

11. Points out that while electronic payments are playing an increasingly important role in Europe and in the world, serious obstacles remain for a fully and effectively integrated, competitive, innovative, safe, transparent and consumer-friendly European digital single market with regard to these forms of payments;

12. Notes that in the current crisis it is essential to take action to boost economic growth and job creation and restimulate consumption, that while the digital market provides a great opportunity to achieve these objectives, the EU must for this purpose be in a position to establish a full digital internal market, and that it is vital to demolish existing obstacles on the one hand and boost consumer confidence on the other; believes, in this connection, that the existence of a neutral and safe European single market for card, internet and mobile payments, facilitating free competition and innovation, is essential for the achievement of a genuine single digital market and could make a major contribution to increasing consumer confidence;

13. Notes that the development of transparent, safe and effective payment systems in the European digital market is essential in order to ensure a genuine digital economy and facilitate crossborder e-commerce;

14. Points out that a safe, trustworthy and transparent European framework for electronic payments is essential for the launch of a digital single market; emphasises the importance of information campaigns for consumer awareness regarding the options available on the market and the conditions and requirements for safe electronic payments, and considers that such campaigns should be put in place at EU level, also in order to overcome the frequently ungrounded worries about these forms of payment; believes that, in this regard, consumer-friendly contact points would enhance trust in remote payments;

15. Stresses that, in this connection, measures should be taken to put an end to the frequent discrimination of European consumers whose payments for crossborder online transactions are not accepted because of their provenance;

16. Regrets that, in the current situation, most payment costs are non-transparent, pointing out that those that do not use expensive payment methods still cover their costs; recalls that each payment method has its costs; asks the Commission, therefore, also to consider in the future the cost, peculiarities and societal impacts of cash and cheque payments, for all market players and consumers, as compared to other payment methods; recalls that all Europeans should have access to basic banking services; stresses that actions towards common technical standards shall be taken in the light of the importance, effectiveness and sufficiency of the standards currently in place in Europe;
Standardisation and interoperability

17. Believes that further work on common technical standards, on an open access basis, could enhance the competitiveness of the European economy and the functioning of the internal market, but would also foster interoperability and bring security-related advantages in the form of common security standards, to the benefit of both consumers and merchants;

18. Notes that for internet and mobile payments, most standards should be the same as for current SEPA-payments, but new standards are needed for security and identification of customers, and to provide interbank online real-time delivery, and underlines that developing new standards is not enough and that coordinated implementation is at least as important;

19. Stresses that standardisation should not impose barriers to competition and innovation, but should instead remove obstacles to ensure a level playing field for all parties; recommends, therefore, that standards must be open to allow for innovation and competition in the market, as mandating a single or closed standard would limit market development and innovation, impose a disproportionate restriction, and would not be conducive to a competitive and level playing field; notes, however, the Commission's antitrust investigation into the standardisation process for payments over the internet (e-payments) undertaken by the European Payments Council (EPC);

20. Notes that basically all payment transactions contain the same kind of data, and stresses that there should be safe data communication for any payment allowing straight-through, end-to-end real-time processing; sees the advantages of all systems using the same message format, and recalls that the most obvious choice is the one used for credit transfer and direct debit as defined in the Annex of the SEPA End-date Regulation (i.e. ISO XML 20022); recommends that the same message format should be used in all transaction data communication from terminal to customer and carry all relevant information;

21. Underlines that, given the fast growing but, at present, immature phase of market development for electronic and mobile payments, imposing mandatory standards in these key areas for the enhancement of the digital single market in Europe would entail the risk of negative effects for innovation, competition and market growth;

22. Points out that according to the Commission's feedback statement of the public consultation on the Green Paper, the implementation of the developed standards often represents a major challenge; calls on the Commission to look into possibility of enforcement mechanisms, such as the setting of migration end dates;

23. Notes that ATM cash withdrawal fees outside the payment service user's (PSU's) own bank and card scheme are often excessive in many Member States and should be more cost-based SEPA-wide;

24. Stresses that any standardisation and interoperability requirements should be aimed at enhancing the competitiveness, transparency, innovative nature, payment security and effectiveness of the European payment systems, to the advantage of all consumers and other stakeholders; stresses that any standardisation requirements should not impose barriers through unnecessary differences with the global market; believes, furthermore, that common standards should be sought at global level as well, in close cooperation with the key economic partners of the EU;

25. Asks the Commission to assess the possible ways to promote new entrants into the card market, for example by taking into consideration a common payment infrastructure for all transactions regardless of the card provider;

26. Notes that the separation of payment infrastructures from payment schemes could increase competition as smaller players would not be blocked out due to technical constraints; stresses that payment service providers (PSPs) should be free to select any combination of issuing and acquiring services available within the payment schemes on the market, and that payment infrastructures should process neutrally transactions of different parallel payment schemes for similar instruments;

27. Notes that care must be taken to ensure that any such measures always comply with the principles of free and fair competition, and free market entry and access, taking account of future technological innovations in this sector, so as to allow the system to adapt to future developments and to promote and facilitate innovation and competitiveness in a consistent way;
Governance

28. Calls on the Commission to propose a better SEPA governance, covering the organisational setup related to the development of the main features of payment services and of the implementation of the requirements which need to be met, and allowing the development of technical and security standards to be organised separately in support of the implementation of the related legislation; calls for a more balanced representation of all stakeholders in the further development of common technical and security standards for payment schemes; urges the Commission to answer its previous calls for reform of SEPA governance so as to ensure better representation of payment services users in the decision-making and standard-setting process; notes that these stakeholders may include — but are not necessarily restricted to — the EPC, consumer organisations, merchant organisations and large retail chains, the European Banking Authority (EBA), the Commission, experts in various fields, non-banking payment service providers, and mobile, internet and card commerce and mobile network operators; calls on these stakeholders to arrange their work under a new governance structure where the SEPA Council has a role; considers that the SEPA Council should be assisted by various technical committees, or ‘task forces’ for e-payment, m-payment, cards, cash and other standardisation issues, and by ad hoc working groups; recalls the Commission’s commitment, in the declaration on SEPA governance on the adoption of Regulation (EU) No 260/2012, to come up with proposal before the end of 2012; calls on European standardisation bodies such as the European Committee for Standardisation (Comité Européen de Normalisation, CEN) and the European Telecommunications Standards Institute (ETSI), in cooperation with the Commission, to play a more active role in standardising card payments;

29. Recognises in this connection that the SEPA is a cornerstone for the creation of an integrated EU payments market and should serve as basis for developing such a market and for making it more innovative and competitive;

30. Considers that enforcement of the rules on electronic payments is often difficult, inadequate and variable in Europe, and that stronger efforts should be made to ensure a proper and uniform enforcement of the rules;

31. Affirms that a self-regulatory approach is not sufficient; considers that the Commission and the ECB, in cooperation with the Member States, should take a more active and leading role, and that all relevant stakeholders, including consumer associations, should be properly involved and consulted in the decision-making process.

32. Considers it likely that there will be a growing number of European companies whose activities are effectively dependent on being able to accept payments by card; considers it to be in the public interest to define objective rules describing the circumstances and procedures under which card payment schemes may unilaterally refuse acceptance;

33. Considers it important to strengthen the SEPA governance and to give the renewed SEPA Council a stronger role, and that this new governing body should consist of representatives of the main relevant stakeholders and be established in such a way as to provide for democratic control through the Commission and other EU authorities; proposes that a renewed SEPA Council should lead the work, identify a time schedule and work plan, decide on the priorities and major issues, thus arbitrating disagreements between stakeholders; stresses that democratic control should be ensured through the Commission, with the ECB and the EBA having prominent roles;

34. Welcomes the consultation being undertaken by the Commission with stakeholders as part of the Green Paper on SEPA governance, in accordance with recital 5 of Regulation (EU) No 260/2012, and is looking forward to the proposal the Commission intends to put forward on the subject at the end of this year; underlines that the immediate priority of all SEPA stakeholders must be the preparation for SEPA migration in accordance with the conditions laid down by Regulation (EU) No 260/2012, so as to ensure a smooth transition from the use of national to pan-European payment schemes;

Cross-border acquiring

35. Points out that further standardisation and alignment of practices, to overcome technical barriers and national settlement and clearing requirements, would contribute to the further promotion of cross-border acquiring, an arrangement which would increase competition and hence the choices available for merchants, and which could result in more cost-efficient payment methods for customers; believes that merchants should be better informed about the cross-border acquiring possibilities;
36. Urges that solutions to further facilitate cross-border acquiring be actively sought, in view of its advantages to the internal market; expresses concern at existing national, legal and technical barriers, such as some licensing terms, which should be removed in order for a non-domestic SEPA-compatible acquirer not to be treated differently to a domestic acquirer in that country;

37. Stresses that there should be no major differences between legislation of various payment accounts, and that the payer should be able to make an internet or mobile funds transfer to any payee whose account is in any SEPA-connected financial institution;

38. Underlines that all authorised PSPs should have the same access right to clearing and settlement facilities, if they have adequate risk management procedures, fulfil minimum technical requirements and are deemed to be sufficiently stable so that they do not pose any risk, i.e., if they are subject to essentially the same relevant requirements as banks;

**Multilateral Inter-change Fees (MIFs)**

39. Recalls that according to the European Court of Justice ruling on the ‘Mastercard case’ of 24 May 2012, the MIF may be considered anticompetitive, and asks the Commission to propose how this ruling should be taken into account in regulating the business models for card, mobile or internet payments.

40. Notes that current MIF revenues are in many cases too high relative to the costs they should cover; points out that there might be a need to balance different payment charges in order to ensure that cross-subsidising practices would not promote inefficient instrument choices, and calls on the Commission to ensure by regulation that MIFs no longer distort competition by creating barriers to new market entrants and innovation; calls on the Commission to conduct an impact assessment, by the end of 2012, on the different options; stresses that legal clarity and certainty are needed regarding the MIFs;

41. Notes that after a transitional period, a person coming from any Member State should have his or her SEPA-compatible payment card accepted at every payment terminal in the SEPA, and that the payment should be safely routed; notes that this requirement might imply that MIFs need to be regulated to fall under a threshold, and insists that this should not result in an increase of MIFs in any Member State but rather to a decrease and, perhaps, a reduction towards zero at some later stage.

42. Considers that cross-border and central acquiring should be enhanced and that any technical or legal obstacle should be removed, as that this would help reduce the levels of MIFs and merchant fees;

43. Considers that MIFs should be regulated at the European level, with the aim of ensuring easier access for new market players to cross-border acquiring, thereby providing merchants with a real choice of which payment schemes they wish to join; points out that if the new legislative proposal provides for fees, full transparency should be ensured on the elements that constitute their rates; recalls that Article 5 of Regulation (EU) No 260/2012 establishing technical and business requirements for credit transfers and direct debits in euros provides that no per-transaction MIF can be applied after 1 February 2017; calls for the same approach for card payments;

44. Considers that the business model for three party and mixed payment schemes may raise competition concerns similar to those for four party payment schemes; believes, therefore, that all card schemes — whether four party, three party or mixed schemes and any new market entrants — should be treated equally in order to ensure a level playing field and to foster competition and transparency for consumers and merchants;

**Co-badging**

45. Notes that co-badging, which the payment systems involved have participated in voluntarily, could be beneficial to consumers, in that it would result in fewer cards in consumers’ wallets, and could facilitate national domestic schemes’ access to the broader SEPA-market, encouraging competition; points out, however, that co-badging should not be used in order to bypass domestic schemes through the pre-decided use of a domestic brand;
46. Stresses that the cardholding customers should have the freedom to select which of the provided co-badging alternatives are activated on their specific cards, and insists that merchants should have the right to select which co-badged alternatives they are willing to accept, and that, in every specific payment situation, the cardholding customers should have the right to select their preferred co-badging alternative among those accepted by the merchant; calls on the Commission to propose solutions that will encourage the co-badging of more than one SEPA-compliant scheme; believes that thorough consideration should be given to issues such as the compatibility of management procedures, technical interoperability, and liability for security vulnerabilities;

47. Considers that co-badging should be introduced together with appropriate information for consumers serving to protect them from the risk of being misled; stresses that it must be clear to all parties as to who is responsible for the protection and confidentiality of cardholder and merchant data, and for the co-branded payment instrument;

**Surcharges**

48. Believes that surcharges, rebates and other steering practices, in the way that they are commonly applied, are often harmful for end users of payment services; notes that surcharging based solely on the payment choice made by a customer risks being arbitrary and may be abused to raise additional revenue rather than to cover cost; considers that it would be important to ban the possibilities for excessive surcharges in relation to the merchant fee of an individual transaction, and to control rebates and similar consumer steering practices at EU level; stresses, therefore, that merchants should accept one commonly used payment instrument without any surcharge (SEPA-compliant debit card, e-payment), and that any surcharges on other instruments may not at any point exceed the additional direct costs of those instruments compared to the instrument accepted without surcharge;

49. Stresses that it is necessary to require greater transparency and better consumer information regarding surcharges and additional fees for the various payment methods, given that traders generally include transaction costs in the prices of their products and services, with the result that consumers are not properly informed in advance regarding the total cost, and thus pay more for their purchases, a circumstance which undermines consumer confidence;

50. Notes that surcharging based solely on the payment choice made by a customer risks being arbitrary, might be abused to raise additional revenue rather than to cover cost, and, overall, is not beneficial to the development of the single market as it inhibits competition, and increases market fragmentation and confusion for the consumer;

51. Notes that limiting surcharges to the direct cost of using a payment instrument is one possibility, as is a EU-wide ban on surcharges; urges, therefore, the Commission to conduct an impact assessment on banning the possibilities for excessive surcharges in relation to the merchant fee as well as on a Europe-wide ban on surcharging, in light of Article 19 of the Consumer Rights Directive 2011/83/EU;

**Payments security**

52. Stresses that in order fully to develop the potential of electronic payments, it is essential to ensure consumer confidence, which in turn requires a high level of security to safeguard against the risk of fraud and in order to protect consumers' sensitive and personal data;

53. Stresses that consumer privacy should be protected in accordance with EU and national legislation, and that each party in the payment chain should only have access to data relevant to its processing and the rest would be bypassed encrypted;

54. Considers that the minimum security requirements for internet, card and mobile payments should be the same in all Member States, and that there should be a common governing body setting the requirements; notes that standardised security solutions would simplify customer information and thus the way customers adapt to security arrangements, and that they would also reduce costs within PSPs; suggest, therefore, that all PSPs should be required to maintain common minimum security solutions, which, while they may be improved by the PSPs, should not become competition barriers;
55. Recalls that while the final responsibility for security measures relating to different payment methods cannot lie with customers, they should be informed about security precautions, and financial institutions should be responsible for fraud costs, unless caused by the customer ‘by acting fraudulently or by failing to fulfil one or more of his obligations under Article 56 of the Payment Service Directive with intent or gross negligence’; considers, therefore, that public information campaigns should be encouraged with a view to increasing public awareness and knowledge of digital security issues in particular; calls on the Commission, when developing a strategy and instruments for the integration of payment markets by card, internet and mobile phone, to take into account the standards and recommendations of EDPS regarding transparency, identification of the controller/processor, proportionality and rights of the data subject; considers it important that all payment frauds in SEPA are reported to a centralised site for monitoring, statistics and evaluation, in order to respond quickly to new security threats, and that the main developments should be made public; asks the Commission to extend the concept of privacy by design beyond authentication mechanisms and security safeguards so as to ensure data minimisation, to implement privacy by default settings, to limit the access to individual’s information to what is strictly needed to provide the service, and to implement tools enabling users to better protect their personal data.

56. Considers that the security of face-to-face card payments is generally high that and the gradual change from magnetic cards to chip cards, which should be completed rapidly, will improve the level of security even further; expresses its concern about security issues associated with other forms of card payments, and about the fact that some current European EMV-implementations may not be fully consistent, and calls for efforts to remedy this unwanted situation, and recalls that improved solutions are also needed for remote network-based card payments; calls on the Commission to collect independent data on fraud with online payments and to integrate in its legislative proposal appropriate anti-fraud provisions;

57. Believes that providing third parties with data on the availability of funds in bank accounts entails risks; notes that one of the risks is that consumers may not be fully aware of who has access to their account information, in the context of which legal framework, and which operator is responsible for the payment services the consumer is using; stresses that the data protection may not be compromised at any stage;

58. Stresses that regulatory and technical developments could lower these security risks, and could make payments through non-bank PSPs as safe as payments directly from well-protected bank accounts, as long as secure systems are available in practice and as long as the legitimacy of such access, and the organisations asking for such access, are clearly defined;

59. Does not, therefore, support third-party access to a customer's bank account information unless the system is demonstrably secure and has been thoroughly tested; notes that, in any regulation, third-party access should be limited to binary (yes-no) information on the availability of funds, and that special attention should be paid to security, data protection and consumer rights; considers, in particular, that it should be clearly specified which parties can have access to this information on a non-discriminatory basis, and under which conditions the data can be stored, and that these provisions need to be subject to a contractual relationship between the entities involved; stresses that a clear distinction between access to information on the availability of funds for a given transaction, and access to a customer's account information in general, should be made when establishing a regulatory framework for third-party access; calls on the Commission to ensure protection of personal data by proposing, after the consultation of the European Data Protection Supervisor, clear regulation as to which role each actor plays in collecting data and for which purpose, and a clear definition of the actors responsible for collecting, processing and retaining data; adds that card users should have the possibility to access and rectify their personal data, also in a complex cross border context; finds that data protection requirements should be implemented along the principle of 'privacy by design/by default' and that businesses or consumers should not bear the responsibility to protect their data;

60. Believes that consumer refund rights should be strengthened, both in the case of unauthorised payments and in the case of undelivered (or non delivered as promised) goods or services, and that effective collective redress and alternative dispute resolution systems are indispensable tools for the protection of consumers, also in the field of electronic payments;

61. Notes that as security threats keep increasing there is a role also for CEN and ETSI to be actively involved in developing security standards;
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62. Notes that in payment systems where one or many of the participants are in different Member States, the Commission is expected to make a clarifying proposal on which courts or which out-of-court dispute settlement system should be used for any disputes, and that consumers have easy access and use of these alternative dispute resolution bodies.

63. Instructs its President to forward this resolution to the Council, the Commission and national parliaments.

P7_TA(2012)0427

Shadow banking

European Parliament resolution of 20 November 2012 on Shadow Banking (2012/2115(INI))

(2015/C 419/06)

The European Parliament,

— having regard to the Commission’s proposals and to its communication of 12 September 2012 on banking union,

— having regard to the G20 conclusions of 18 June 2012 which call for the completion of work on shadow banking in order to achieve full implementation of reforms,

— having regard to its resolution of 6 July 2011 on ‘the financial, economic and social crisis: recommendations concerning the measures and initiatives to be taken’ (1),

— having regard to the interim report of the workstream set up by the FSB on repo and security lending published on 27 April 2012, and to the consultation report on money market funds (MMF) published by IOSCO on the same day,

— having regard to the occasional paper (No 133) of the ECB on shadow banking in the euro area, released on 30 April 2012,

— having regard to the Commission’s Green Paper on shadow banking (COM(2012)0102),


— having regard to the report of the FSB published on 27 October 2011 on strengthening oversight and regulation of shadow banking, in response to the invitations issued by the G20 in Seoul in 2010 and Cannes in 2011,

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

— having regard to the report of the Committee on Economic and Monetary Affairs (A7-0354/2012),

A. whereas the concept of the shadow banking system (SB) as defined by the FSB covers the system of credit intermediation which involves entities and activities outside the regular banking system;

B. whereas regulated entities in the regular banking system take part extensively in those activities defined as part of the shadow banking system, and are in many ways interconnected with shadow banking entities;

(1) Texts adopted, P7_TA(2011)0331.
C. whereas a considerable proportion of shadow banking activity has one leg in the regulated banking sector, and that leg needs to be fully captured by the existing regulatory framework;

D. whereas some elements that fall under the term SB are vital for financing the real economy, and due care should be taken when defining the scope of any new regulatory measure or extension of an existing one;

E. whereas in some cases shadow banking usefully keeps risks separate from the banking sector and hence away from potential taxpayers or systemic impact; whereas, nevertheless, a fuller understanding of shadow banking operations and their linkages to financial institutions and regulation to provide transparency, reduction of systemic risk and elimination of any improper practices are a necessary component of financial stability;

F. whereas in order to shine light on SB it is necessary for any regulation to fully address the issues of the resolvability, complexity and opacity of the financial activities pertaining to it, in particular in a crisis situation;

G. whereas, according to FSB estimates, the size of the global SB system was approximately EUR 51 trillion in 2011, having grown from € 21 trillion in 2002; whereas this represents 25 to 30 % of the total financial system and half of total bank assets;

H. whereas, despite certain potential positive effects, such as enhanced efficiency of the financial system, greater product diversity and increased competition, shadow banking has been identified as one of the main possible triggers or factors contributing to the financial crisis, and can threaten the stability of the financial system; whereas the FSB is calling for enhanced supervision of the extension of shadow banking activities, which raises concerns, (i) regarding systemic risk, especially through maturity and/or liquidity transformation, leverage ratios and deficient credit risk transfer, and (ii) regarding regulatory arbitrage;

I. whereas proposals on shadow banking and on the structure of lenders’ retail and investment arms are important elements for the effective implementation of the 2008 G20 decision to regulate every product and every actor; whereas the Commission must examine this area more rapidly and more critically;

J. whereas SB as a global phenomenon requires a coherent global regulatory approach, based on FSB recommendations (to be published in the coming weeks), to be complemented by those of any other relevant national or supranational regulatory bodies;

A. Definition of shadow banking

1. Welcomes the Commission’s Green Paper as a first step towards the stricter monitoring and supervision of SB; endorses the Commission’s approach based on the indirect regulation and the appropriate extension or revision of existing regulation of SB; at the same time, underlines the need for direct regulation where existing regulation is found to be insufficient in some of its aspects in functional terms, while avoiding overlap and ensuring consistency with existing regulations; calls for a holistic approach to shadow banking, in which both prudential and market conduct aspects are important; notes an increasing shift to market-based funding and retailisation of highly complex financial products; stresses, therefore, that market conduct and consumer protection should be taken into account;

2. Underlines the fact that any strengthening of the regulation of credit institutions, investment firms and insurance and reinsurance undertakings will necessarily create incentives to move activities outside the scope of the existing sectoral legislation; stresses, therefore, the need to enhance the procedures for the systematic, pre-emptive review of the possible impact of changes to legislation in the financial sector on the flow of risk and capital through less regulated or unregulated financial entities, and to expand the regulatory regime accordingly in order to avoid arbitrage;
3. Agrees with the FSB’s definition of the SB system as ‘a system of intermediaries, instruments, entities or financial contracts generating a combination of bank-like functions but outside the regulatory perimeter or under a regulatory regime which is either light or addresses issues other than systemic risks, and without guaranteed access to central bank liquidity facility or public sector credit guarantees’; points out that, contrary to what the term might suggest, shadow banking is not necessarily an unregulated or illegal part of the financial sector; underlines the challenge involved in implementing this definition in a monitoring, regulatory and supervisory context, also taking into account the sustained opacity of this system and the lack of data and understanding regarding it;

B. Mapping of data and analysis

4. Points out that since the crisis only a few of the practices of SB have vanished; notes, however, that the innovative nature of the SB system may lead to new developments that may be a source of systemic risk, which should be tackled; stresses, therefore, the need to collect, at European and global level, more and better data on shadow banking transactions, market participants, financial flows and interconnections, in order to obtain a full overview of the sector;

5. Believes that close international cooperation and the pooling of efforts at global level are absolutely vital for obtaining a holistic view of the SB system;

6. Believes that a fuller overview and better monitoring and analysis will allow the identification both of those aspects of the SB system which have beneficial effects for the real economy and of those raising concerns related to systemic risk or regulatory arbitrage; stresses the need for stronger risk assessment procedures and for disclosure and oversight in respect of all institutions presenting a concentrated risk profile with systemic relevance; recalls the commitments made by the G20 at its Los Cabos summit to establish a legal entity identifier system, and stresses the need to ensure the adequate representation of European interests in its governance;

7. Notes that it is necessary for supervisors to have knowledge of the level, at least in aggregate terms, of institutions’ repurchase agreements, securities lending and all forms of encumbrance or clawback arrangements; further notes that in order to address this, the report of the Committee on Economic and Monetary affairs on CRD IV, currently being negotiated with the Council, calls for such information to be reported to a trade repository or a Central Securities Depository in order to enable access for, inter alia, EBA, ESMA, the relevant competent authorities, the ESRB, and relevant central banks and the ESCB; also points out that this report calls for unregistered clawback arrangements to be considered as without legal effect in liquidation proceedings;

8. Supports the creation and management, possibly by the ECB, of a central EU database on euro repo transactions database, to be fed by infrastructures and custodian banks to the extent that they internalise repo settlement in their own books; believes, however, that such a database should cover transactions in all currency denominations in order for supervisors to have a full picture and understanding of the global repo market; calls on the Commission to provide the rapid adoption (in early 2013) of a coherent approach for central data collection, identifying data gaps and combining efforts by existing initiatives from other bodies and national authorities, in particular the trade repositories put in place by EMIR; invites the Commission to submit a report (by mid-2013) covering, but not limited to, the required institutional set-up (e.g. ECB, ESRB, an independent central registry), the content and frequency of data surveys, in particular on euro repo transactions and financial risk transfers, and the level of required resources;

9. Considers that despite the substantial amount of data and information required by the CRD under the repo reporting obligation, the Commission should investigate the availability, timeliness and completeness of data for mapping and monitoring purposes;

10. Welcomes the development of a Legal Entity Identifier (LEI), and believes that, building on its usefulness, similar common standards should be developed in relation to repo and securities reporting, to cover principal, interest rate, collateral, haircuts, tenor, counterparties and other aspects which help the formation of aggregates;

11. Underlines that in order to have a joined-up global approach for regulators to analyse data and for them to be able to share this with one another in order to take action where necessary to prevent buildup of systemic risk and protect financial stability, it is essential to have common reporting formats based on open industry standards;
12. Stresses, further, the need to obtain a fuller overview of risk transfers by financial institutions, including but not limited to transfers effected through derivative transactions, data for which will be provided under EMIR and MiFID/MIFIR, in order to determine who has purchased what from whom and how the transferred risks are supported; emphasises that it should be an objective to achieve real-time transaction mapping in all financial services and that this is aided by and can be automated via standardised messaging and data identifiers; invites the Commission, therefore, in consultation with the ESRB and international bodies such as the FSB, to include in its report on central data collection the current work on standardised messaging and data formats and the feasibility of setting up a central registry for risk transfers, which should be able to capture and monitor risk transfer data in real time, making full use of data provided under the reporting requirements of existing and future financial legislation and incorporating internationally available data;

13. Believes that bank reporting requirements are a vital and valuable tool for identifying SB activity; reiterates that accounting rules should reflect reality and that ideally the balance sheet should reflect aggregates to the maximum extent possible;

14. Stresses that these new tasks will require a sufficient level of new resources;

C. Tackling the systemic risks of shadow banking

15. Emphasises that some SB activities and entities may be either regulated or unregulated depending on the country; underlines the importance of a level playing field between countries, as well as between the banking sector and shadow banking entities, in order to avoid regulatory arbitrage which would result in distorted regulatory incentives; notes further that the financial interdependence between the banking sector and shadow banking entities is currently excessive;

16. Notes that accurate regulation, evaluation and auditing are currently being made almost impossible where there is distortion of credit risk or disturbance of cash flows;

17. Believes that funds and managers should demonstrate that they are fail-safe and that positions can be properly understood and taken over by another;

18. Underlines the need to improve disclosure of financial asset transfers from the balance sheet by filling the gaps in the International Financial Reporting Standards; stresses the responsibility of financial gatekeepers, such as accountants and internal auditors, in signalling potentially harmful developments and buildup of risks;

19. Believes that accounting rules should reflect reality, and that allowing assets to be valued at purchase cost when this is far above market value has contributed to instability in banking and other entities and should not be allowed; calls on the Commission to encourage changes to the IFRS, with more attention being paid to aggregates without netting and risk weights;

20. Believes that financial regulation should aim to tackle the issues of complexity and opacity in financial services and products, and that regulatory measures such as increased capital charges and removing risk weight reductions have a role to play in discouraging complex derivative hedging; considers that new financial products should not be marketed or approved where they are not accompanied by a demonstration of their resolvability to regulators;

21. Proposes that asymmetry of information should be penalised, especially with regard to documentation and disclaimers attributed to financial services and products; believes that where necessary such disclaimers should be subject to a ‘small print’ charge (per page per disclaimer);

22. Stresses that the reports of the Committee on Economic and Monetary Affairs on CRD IV (1), currently being discussed with the Council, represent an important step in tackling shadow banking in a positive way by imposing capital treatment of liquidity lines to structured investment vehicles and conduits, by setting a large exposure limit (25 % of own funds) for all unregulated entities, which will help in nudging banks towards the Net stable funding ratio, and by recognising the higher risk, relative to regulated and non-financial entities, of exposures to such entities in the prudential provisions for liquidity risks;

(1) A7-0170/2012 and A7-0171/2012.
23. Notes that one of the lessons of the financial crisis is that whereas there is normally a clear distinction between insurance risk and credit risk, the distinction may be less clear in, for example, credit insurance products; invites the Commission to review the legislation on banking, insurance and, in particular, financial conglomerates with a view to ensuring a level playing field between banks and insurance companies and preventing regulatory and/or supervisory arbitrage;

24. Believes further that the proposed extension of certain elements of CRD IV to certain non-deposit-taking financial institutions not covered by the definition in the Capital Requirements Regulation (CRR) is necessary in order to address specific risks, taking into consideration the fact that some provisions may be adjusted to the specificities of these entities in order to avoid a disproportionate impact on those institutions;

25. Takes the view that a European Banking Authority cannot be allowed to exclude the shadow banking sector;

26. Stresses the need to ensure that all SB entities having a bank sponsor or linked to a bank are included in the bank's balance sheet for prudential consolidation purposes; invites the Commission to examine, by the beginning of 2013, means of ensuring that entities which are not consolidated from an accounting perspective are consolidated for prudential consolidation purposes to improve global financial stability; encourages the Commission to take into account any guidance from the BCBS or other international bodies for the better alignment of accounting and risk-based scope of consolidation;

27. Underlines the need to ensure greater transparency in the structure and activities of financial institutions; invites the Commission, taking account of the conclusions of the Liikanen report, to propose measures on the structure of the European banking sector, taking into account both the benefits and the potential risks of combining retail and investment banking activities;

28. Takes note of the importance of the repo and securities lending market; invites the Commission to adopt measures, by the beginning of 2013, to increase transparency, particularly for clients, which could include a collateral identifier and collateral re-use to be reported to regulators on an aggregated basis, as well as allowing regulators to impose recommended minimum haircuts or margin levels for the collateralised financing markets, but without standardising them; acknowledges in this context the importance of clearly determining the ownership of securities and ensuring its protection; nevertheless invites the Commission to engage in a comprehensive debate on margins in addition to the sectoral approaches that have already been embarked on, as well as studying and considering the imposition of limits of rehypothecation of collateral; Stresses the need to review bankruptcy law in relation to both the repo and security lending market and securitisations, with the aim of harmonisation and of addressing issues of seniority relevant to the resolution of regulated financial institutions; calls on the Commission to consider various approaches to restricting bankruptcy privileges, including proposals to limit bankruptcy privileges to centrally cleared transactions or to collateral meeting harmonised and predefined eligibility criteria;

29. Believes that incentives associated with securitisation need to be adequately addressed; emphasises that solvency and liquidity requirements for securitisations should promote a high-quality and well-diversified investment portfolio, thereby avoiding herding; invites the Commission to examine the securitisation market, including a review of covered bonds which can increase risks on banks' balance sheets; invites the Commission to propose steps to notably increase its transparency; calls on the Commission to update, where necessary, the current regulation to make it consistent with the new BCBS securitisation framework currently under discussion, at the latest by the beginning of 2013; proposes imposing a limit on the number of times a financial product can be securitised, and particular requirements for suppliers of securitisation (e.g. originators or sponsors) to retain part of the risks associated with securitisation, thus ensuring that retention of the risks really is being retained by the supplier rather than being passed on to the asset manager, alongside measures to achieve transparency; calls in particular for the introduction of a consistent methodology to value the underlying assets and standardisation of securitisation products across different legislations and jurisdictions;

30. Notes that baskets of assets have been repo'd in an 'originate to repo' manner, in some instances acquiring enhanced ratings; stresses that such transactions should not be used as a regulatory measure for liquidity (see the ECON report on CRD IV);
31. Recognises the important role played by money market funds (MMFs) in the financing of financial institutions in the short run and in allowing for risk diversification; recognises the different role and structure of MMFs based in the EU and the US; recognises that the 2010 ESMA guidelines imposed stricter standards on MMFs (credit quality, maturity of underlying securities and better disclosure to investors); notes, however, that some MMFs, in particular those offering a stable net asset value to investors, are vulnerable to massive runs; stresses, therefore, that additional measures need to be taken to improve the resilience of these funds and to cover the liquidity risk; supports the October 2012 IOSCO final report in its proposed recommendations for the regulation and management of MMFs across jurisdictions; believes that MMFs that offer a stable net asset value (NAV) should be subject to measures designed to reduce the specific risks associated with their stable NAV feature and internalise the costs arising from these risks; considers that regulators should require, where workable, a conversion to floating/variable NAV, or, alternatively, safeguards should be introduced to reinforce stable NAV MMFs’ resilience and ability to face significant redemptions; invites the Commission to submit a review of the UCITS framework, with particular focus on the MMF issue, in the first half of 2013, by requiring MMFs either to adopt a variable asset value with a daily evaluation or, if retaining a constant value, to be obliged to apply for a limited-purpose banking licence and be subject to capital and other prudential requirements; stresses that regulatory arbitrage must be minimised;

32. Invites the Commission, in the context of the UCITS review, to explore further the idea of introducing specific liquidity provisions for MMFs, by setting minimum requirements for overnight, weekly and monthly liquidity (20%, 40%, 60%) and to charge liquidity fees upon a trigger which also leads to a direct information obligation to the competent supervisory authority and ESMA;

33. Recognises the benefits which Exchange Traded Funds (ETFs) provide by giving retail investors access to a wider range of assets (such as commodities, in particular), but stresses the risks ETF carry in terms of complexity, counterparty risk, liquidity of products and possible regulatory arbitrage; warns of the risks associated with synthetic ETFs owing to their increasing opacity and complexity, in particular when synthetic ETFs are marketed to retail investors; invites the Commission, therefore, to assess and tackle these potential structural vulnerabilities in the ongoing UCITS VI review, taking into account different customer categories (e.g. retail investors, professional investors, institutional investors) and their different risk profiles;

34. Calls on the Commission to undertake comprehensive impact assessments of the effects of all new legislative proposals on the financing of the real economy;

35. Instructs its President to forward this resolution to the Council, the Commission and the Financial Stability Board.
— having regard to the European Convention on Human Rights and the Council of Europe Convention for the Protection of Individuals with regard to the Processing of Personal Data,

— having regard to United Nations Convention of 20 November 1989 on the Rights of the Child,


— having regard to Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (2),


— having regard to Decision No 1718/2006/EC of the European Parliament and of the Council of 15 November 2006 concerning the implementation of a programme of support for the European audiovisual sector (MEDIA 2007) (4),


— having regard to the Council conclusions on the protection of children in the digital world (6),

— 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 15 February 2011 entitled ‘An EU Agenda for the Rights of the Child’ (COM(2011)0060),

— 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 26 August 2010 entitled ‘A Digital Agenda for Europe’ (COM(2010)0245/2),


— having regard to the Council of Europe Strategy for the Rights of the Child (2012-2015) of 15 February 2012,

— 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 2 May 2012 entitled ‘European Strategy for a Better Internet for Children’ (COM(2012)0196),

— having regard to the report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 13 September 2011 on the application of the Council Recommendation of 24 September 1998 concerning the protection of minors and human dignity and of the Recommendation of the European Parliament and of the Council of 20 December 2006 on the protection of minors and human dignity and on the right of reply in relation to the competitiveness of the European audiovisual and online information services industry — Protecting children in the digital world (COM(2011)0356),

— having regard to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse,

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— having regard to its resolution of 6 July 2011 on a comprehensive approach on personal data protection in the European Union (1),

— 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 Civil Liberties, Justice and Home Affairs (A7-0353/2012),

A. whereas the protection of minors in the digital world must be addressed at regulatory level by deploying more effective measures, including through self-regulation by engaging the industry to assume its shared responsibility, and at educational and training level by training children, parents and teachers in order to prevent minors from accessing illegal content;

B. whereas there is a need to address all forms of illegal online content, and whereas the specificity of child sexual abuse must be recognised as not only is this content illegal but it is also one of the most abhorrent forms of content available online;

C. whereas one of the main objectives of an effective child protection strategy should be to ensure that all children, young people and parents/carers are provided with the information and skills to be able to protect themselves online;

D. whereas the rapid development of technologies makes prompt answers necessary through self- and co-regulation, as well as through permanent bodies that can adopt a holistic approach in different environments;

E. whereas the digital world provides numerous opportunities related to education and learning; whereas the education sector is adjusting to the digital world, but at a pace and in a way that is failing to keep up with the speed of technological changes in the lives of minors, and whereas this is creating problems for parents and educators as they try to train children to use the media critically, but tend to remain on the margins of their virtual lives;

F. whereas, while minors generally demonstrate great ease in using the internet, they need help in order to use it wisely, responsibly and safely;

G. whereas it is important not only that minors better understand the potential dangers they face online, but also that families, schools and civil society all share responsibility in educating them and ensuring that children are properly protected when using the internet and other new media;

H. whereas education relating to the media and in the new information and communication technologies is important in developing policies for the protection of minors in the digital world and in ensuring the safe, appropriate and critical use of these technologies;

I. whereas the development of digital technologies represents a great opportunity to provide children and young people with opportunities to use new media and the internet effectively in ways that empower them to share their voice with others and therefore to participate and learn to play an active role in society, online and offline;

J. whereas the exercise of citizenship and enjoyment of the ensuing rights, including participation in cultural, social and democratic life, require access, also for minors, to the use of pluralistic and safe digital tools, services and content;

K. whereas, in addition to fighting illegal and inappropriate content, prevention and intervention measures for the protection of minors must also deal with a number of other threats such as harassment, discrimination, restriction of access to services, online surveillance, attacks on privacy and freedom of expression and information, and lack of clarity regarding the aims of collecting personal data;

(1) Texts adopted, P7_TA(2011)0323.
L. whereas the new information and communication options offered by the digital world, such as computers, TV on
different platforms, mobile phones, video games, tablets, apps, and the level of diffusion of different media that
converge in a single digital system, entail not only a host of possibilities and opportunities for children and adolescents,
but also risks in terms of easy access to content that is illegal, unsuitable or harmful to the development of minors, as
well as the possibility that data may be collected with the aim of targeting children as consumers, with harmful,
unmeasured effects:

M. whereas, in the free circulation of audiovisual services within the single market, the wellbeing of minors and human
dignity are interests worthy of particular legal protection;

N. whereas the measures taken by Member States to prevent illegal online content are not always effective and inevitably
involve differing approaches to the prevention of harmful content; and whereas such illegal online content should be
deleted immediately on the basis of due legal process;

O. whereas the fact that personal information and data relating to minors remain online may lead to the illegal processing
thereof, the exploitation of such minors or harm to their personal dignity, thus possibly inflicting enormous damage on
their identity, mental faculties and social inclusion, particularly because these details may end up in the wrong hands;

P. whereas the rapid growth of social networking resources entails certain dangers to security of the private life, personal
data and personal dignity of minors;

Q. whereas almost 15 % of internet users who are minors aged between 10 and 17 receive some form of sexual
solicitation, and whereas 34 % of them encounter sexual material that they have not searched for;

R. whereas the various codes of conduct adopted by suppliers of digital content and services do not always satisfy the
requirements of European or national legislation in respect of transparency, independence, confidentiality and the
processing of personal data, and may present risks in terms of profiling for commercial purposes, other forms of
exploitation such as sexual abuse, and even human trafficking;

S. whereas advertising targeted at children should be responsible and moderate;

T. whereas minors must be protected from the dangers of the digital world in accordance with their age and
developmental progress; whereas the Member States are reporting difficulties in coordinating aspects relating to the
adoption of classification categories for content by age range and the risk level of the content;

U. whereas, while acknowledging the many dangers that minors face in the digital world, we should also continue to
embrace the many opportunities that the digital world brings in growing a knowledge-based society;

V. whereas the role of parents in the process of protecting their children from the dangers stemming from the digital
world is very significant;

A framework of rights and governance

1. Points out that a new stage of protecting the rights of the child in the EU framework started with the entry into force
of the Treaty of Lisbon, together with the now legally binding Charter of Fundamental Rights of the European Union, whose
Article 24 defines the protection of children as a fundamental right and provides that in all actions relating to children,
whether taken by public authorities or private institutions, the child's best interests must be a primary consideration;
reiterates the need for the EU to fully respect the standards of those international instruments to which the EU as such is not
a party, as called for by the European Court of Justice in Case C-540/03, European Parliament v. Council;

2. Urges the Member States to transpose and implement, in a smooth and timely manner, Directive 2011/92/EU on
combating the sexual abuse and sexual exploitation of children and child pornography; calls on the Member States to
ensure the maximum harmonisation of their efforts in the area of the protection of minors in the digital world;

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3. Reiterates its call on Member States, if they have not yet done so, to sign and ratify the international instruments on the protection of children, for example the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the Third Optional Protocol to the Convention on the Rights of the Child and the European Convention on the Exercise of Children's Rights, and to transpose these instruments, employing the necessary legal certainty and clarity, as demanded by the EU legal order;

4. Calls on the Commission to enhance existing internal mechanisms in order to ensure a consistent and coordinated approach to protecting the rights of minors in the digital world; welcomes the Commission's European strategy for a better internet for children and calls on the Commission to enhance existing internal mechanisms to ensure a consistent and coordinated approach to child safety online;

5. Stresses the need for children's rights to be mainstreamed across all EU policy areas, by analysing the impact of measures on the rights, safety, and physical and mental integrity of children, and for this to include Commission proposals regarding the digital world, drafted in a clear manner;

6. Stresses that only a comprehensive combination of legal, technical and educational measures, including prevention, can adequately address the dangers that children face online, and enhance the protection of children in the online environment;

7. Welcomes the new cyber security agency based at Europol and calls on the Commission to ensure that the child protection team within the new centre is adequately resourced and cooperates effectively with Interpol;

8. Hopes for the continuation of the Safer Internet Programme, with adequate funding to carry out its activities fully and the safeguarding of its specific character, and calls on the Commission to present a report to Parliament on its successes and failures in order to ensure maximum effectiveness in the future;

9. Urges the Member States and the Commission to take appropriate measures, including actions via the internet, such as research and education programmes, where appropriate in cooperation with relevant civil society organisations, families, schools, audiovisual services, industry and other stakeholders, aimed at reducing the risk of children becoming victims of the internet;

10. Notes the creation, at the initiative of the Commission, of the CEO coalition for child online safety; calls, in this regard, for close collaboration with civil society associations and organisations working inter alia for the protection of minors, data protection, education, representatives of parents and educators, including at European level, as well as the various Commission directorates-general that are tasked with consumer protection and justice;

Media and new media: access and education

11. Points out that the internet provides children and young people with immensely valuable tools, which can be used to express or assert their views, access information and learning and claim their rights, as well as being an excellent tool of communication, providing opportunities for openness to the world and personal growth;

12. Stresses, nonetheless, that the online environment and social media sources pose substantial potential risks to the privacy and dignity of children, who are among its most vulnerable users;

13. Recalls that the internet also exposes children to risks, through phenomena such as child pornography, the exchange of material on violence, cybercrime, intimidation, bullying, grooming, children being able to access or acquire legally restricted or age-inappropriate goods and services, exposure to age-inappropriate, aggressive or misleading advertising, scams, identity theft, fraud and similar risks of a financial nature that can originate traumatic experiences;

14. Supports, in this connection, Member States' efforts to promote systematic education and training for children, parents, educators, schoolteachers and social workers, aimed at enabling them to understand the digital world and identify those dangers which could harm the physical or mental integrity of children, at reducing the risks related to digital media and at providing information concerning reporting points and how to deal with child victims; points out at the same time that children need to understand that their own use of digital technology may impinge on the rights of others or even constitute criminal behaviour;
15. Believes it to be extremely important that training in media skills should begin at the earliest possible stage, educating children and adolescents to decide in a critical and informed manner which paths they wish to follow in the internet and which they wish to avoid, as well as promoting fundamental values in relation to coexistence and a respectful and tolerant attitude to other people;

16. Identifies in ‘Media Education’ the essential tool for allowing minors to engage in the critical use of media and opportunities of the digital world and invites Member States to include it in the school curriculum; reminds the Commission that ‘Consumer Education’ is also important, given the continued growth of digital marketing;

17. Reiterates the importance of the digital and media literacy and skills of minors as well as their parents; stresses also that digital literacy, digital skills and safe internet use by minors must be considered a priority in the Member States and in the Union’s social, educational and youth policies, and a crucial component of the Europe 2020 Strategy;

18. Encourages ongoing digital training for educators who work with students in schools on a permanent basis;

19. Underlines the need for an educational alliance among families, school, civil society and interested parties, including those involved in media and audiovisual services, in order to guarantee a balanced and proactive dynamic between the digital world and minors; encourages the Commission to support awareness-raising initiatives aimed at parents and educators in order to ensure that they can best support minors in the use of digital tools and services;

20. Encourages the Commission and Member States to support the equal access of minors to safe and high-quality pluralistic digital content in existing and new programmes and services, dedicated to young people and education, culture and arts;

21. Calls on Member States, public authorities and access providers to intensify their communication campaigns in order to make minors, adolescents, parents and educators aware of uncontrolled digital dangers;

22. Acknowledges the role of public service media in promoting a safe and trusted online space for minors;

23. Urges the Commission to include in its main priorities the protection of children from aggressive or misleading TV and online advertising;

24. Highlights, in particular, the role of the private sector and industry, as well as other stakeholders, as regards their responsibility in relation to these issues as well as child-safe labelling for web pages, and promotion of ‘netiquette’ for children; stresses that any such measures should be fully compatible with the rule of law and with legal certainty, take account of the rights of end-users, and comply with existing legal and judicial procedures, as well as with the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Charter of Fundamental Rights of the European Union, and ECJ and ECtHR case-law; calls on the industry to respect and fully implement the existing codes of conduct and similar initiatives, such as the EU pledge and the Barcelona Declaration of the Consumer Goods Forum;

25. Emphasises that special attention must be given to online marketing of harmful substances, such as alcohol, which may reach young people; points out that owing to the nature and scope of online marketing methods, for example through social networks, the online marketing of alcohol is very difficult to monitor for individual Member States, and that action by the Commission would therefore provide added value in this respect;

26. Highlights the effectiveness of formal, informal, non-formal and peer education in the dissemination of safe practices and with regard to the potential threats (through concrete examples) among minors in using the internet, social networks, video games and mobile telephones, and encourages ‘European Schoolnet’ to facilitate mentoring among students in this field; stresses the need also to inform parents about safe practices and threats;

27. Calls on the Commission and Member States to develop schemes aimed at equipping children and young people with adequate skills and securing informed access to the internet and new media for them, and highlights in this regard the importance of mainstreaming digital media literacy at all levels of formal and non-formal education, including a lifelong learning approach from the earliest stage possible;
Right to protection
Combating illegal content

28. Stresses the challenges that criminal law is faced with as regards its operation in the online environment in relation to the principles of legal certainty and legality, the presumption of innocence, the rights of the victim and the rights of the suspect; points out, in this regard, the challenges that have arisen in the past regarding provision of a clear definition, as in the cases of online grooming and child pornography — preferably termed ‘child sex abuse material’;

29. Calls on the Commission, therefore, to collect, in the framework of its reporting obligation on the transposition of Directive 2011/92/EU, exact and clear data on the crime of online grooming, including precise identification of the national provisions criminalising such behaviour; calls on the Member States and the Commission to collect data on this crime relating to the number of criminal proceedings taken out, the number of convictions and important national case-law, and to exchange best practice as regards its prosecution and punishment; also calls on the Commission to greatly improve the development and publication of statistical information, so as to enable better policy development and review;

30. Recognises, in this regard, the high level of cooperation existing between police and judicial authorities in the Member States, as well as between them and Europol and Eurojust as regards criminal acts perpetrated against children with the help of digital media, an example being the 2011 ‘Icarus’ crackdown targeting online child sex abuse file-sharing networks;

31. Stresses, however, that further improvement could be achieved in connection with further harmonisation of the criminal law and criminal procedures of the Member States, including the procedural and data protection rights of suspects and respect for fundamental rights based on the EU Charter, given the existing barriers to full cooperation and mutual trust;

32. Welcomes the Commission’s intention to consider possible legislative measures if industry self-regulation fails to deliver;

33. Stresses, however, that proposals for material EU criminal legislation must fully respect the principles of subsidiarity and proportionality, as well as the general principles governing criminal law, and must clearly demonstrate that they aim to bring added value in a common EU approach to combating serious cross-border crime, as referred to in Parliament’s resolution of 22 May 2012 on an EU approach to criminal law (1);

34. Invites the Commission and the Member States to make all efforts to strengthen cooperation with third countries as regards the prompt deletion of web pages containing or disseminating illegal content or behaviour hosted in their territory, as well as the fight against cybercrime; encourages, in this regard, the international sharing of expertise and best practice and pooling of ideas between governments, law enforcement agencies, police units specialised in cybercrime, hotlines, child protection organisations and the internet industry;

35. Calls, in this connection, for the full adoption of all the measures indicated in the 2009 Council Roadmap for strengthening the procedural rights of suspected or accused persons in criminal proceedings, as well as for a common approach to admissibility and assessment, in order to remove barriers to the free circulation of evidence gathered in another Member State;

36. Supports the introduction and strengthening of hotline systems for reporting crimes and illegal content and conduct, taking into account, inter alia, the experience with the European hotline for missing children, as well as with national rapid alert systems and the European Child Alert Automated System; stresses, however, that any immediate criminal action based on reporting has to strike a balance between, on the one hand, the rights of the potential victims and the positive obligation under Articles 2 and 8 ECHR of the Member State to react, as already emphasised in the jurisprudence of the ECHR, and, on the other hand, the rights of the suspect; calls, in this connection, on the Member States and the Commission to undertake an exchange of best practice as regards the investigation and prosecution of criminal acts against children in the digital world; recalls that Article 8 of the Commission proposal for a general Data Protection Regulation (COM(2012)0011) contains specific safeguards for the processing of personal data of children, such as mandatory parental consent for the processing of data of children under the age of 13;

37. Notes that ‘notice and take down’ procedures in some Member States are still too slow; welcomes the Commission’s initiative in publishing an impact assessment in this regard, and recommends enhancing the efficiency of these procedures and continuing their development in the Member States in the interests of best practice;

38. Calls on the Commission and Member States to evaluate the effectiveness of cooperation with the police to protect minors against online crime, hotlines and existing agreements with internet services suppliers; calls for the development of synergies with other related services, including police and juvenile justice systems to protect minors against online crimes, particularly by coordinating and integrating hotlines and contact points;

39. Encourages Member States to take forward national hotlines and other contact points, such as ‘safety buttons’, that conform to the INHOPE standard, to improve their integration, and to carefully analyse the results achieved;

40. Underlines the importance of disseminating reliable instruments such as warning pages or acoustic and optical signals to limit direct access of minors to content that is harmful to them;

41. Calls on the Commission and the Member States to improve information regarding hotlines and other contact points, such as ‘safety buttons’ for minors and their families, thereby making it easier to report illegal content, and calls on the Member States to raise awareness of the existence of hotlines as points of contact for reporting child sexual abuse images;

42. Supports the commitment of digital content and service suppliers to implement codes of conduct compliant with the regulations that are in force, to identify, prevent and remove illegal content based on the decisions of the legal authorities; encourages the Commission and Member States to carry out evaluations in this area;

43. Calls on the Commission and the Member States to undertake a new campaign which will be addressed to parents and will assist them in understanding the digital material that is being managed by their children and, above all, the ways to protect their children from illegal, unsuitable or dangerous material;

44. Regrets the failure to comply with the pact signed on 9 February 2009 between the Commission and 17 social networking sites, including Facebook and Myspace, which promoted the protection and security of minors online;

45. Highlights that online crimes are often of a cross-border nature, and that an important element in combating them should therefore be international cooperation between existing law enforcement agencies;

46. Urges Member States and the Commission to support and launch awareness-raising campaigns targeting children, parents and educators in order to provide the information necessary for the protection against cyber crime, as well as to encourage them to report suspicious websites and online behaviour;

47. Calls on Member States to properly implement the existing procedural rules for deleting websites hosting exploitative, threatening, abusive, discriminatory or otherwise malicious content;

**Combating harmful content**

48. Calls on the Commission to examine the effectiveness of the various systems for voluntary classification of content unsuitable for minors in the Member States and encourages the Commission, the Member States and the internet industry to reinforce cooperation in the development of strategies and standards to train minors in the responsible use of the internet, and to make them aware of and protect them from online and offline exposure to content that is unsuitable for their age, including violence, advertising which encourages overspending and the purchase of virtual goods or credits with their mobile phones;

49. Welcomes technical innovation whereby businesses offer special online solutions to allow children to use the internet safely;
50. Invites associations of audiovisual and digital service suppliers, in cooperation with other relevant associations, to integrate the protection of minors into their respective by-laws and to indicate the appropriate age group;

51. Encourages Member States to continue the dialogue to harmonise the classification of digital content for minors, in cooperation with the relevant operators and associations, and with third countries;

52. Encourages the Commission and the Member States to classify electronic games with distinct characters, based on the age to which they are addressed and, above all, on their content;

53. Calls on the Commission to continue the ‘European Framework for Safer Mobile Use’ by exploiting the options that facilitate parental control;

54. Stresses the good work done by civil society organisations and encourages these organisations to cooperate and work together across borders as well as working in partnership with law enforcements bodies, government, internet service providers and the public;

Protection of privacy

55. Reiterates the importance of data protection for children, especially as regards the rapid growth of social networking media and chat rooms, given the increasing flow and accessibility of personal data through digital media;

56. Welcomes the new proposed Data Protection Regulation (COM(2012)0011) and its special provisions on children’s consent and the right to be forgotten, which bans the preservation online of information on the personal data of minors, which may pose a risk to their personal and professional life, recalling that the permanence of internet information and data related to children can be misused to the detriment of their dignity and social inclusion;

57. Emphasises that these provisions need to be clarified and developed in a way that ensures that they are clear and fully operational once the new legislation is adopted and do not undermine internet freedom;

58. Welcomes also the intention to establish an electronic system for age certification;

59. Believes that owners and administrators of web pages should indicate in a clear and visible way their data protection policy and should provide for a system of mandatory parental consent for the processing of data of children under the age of 13; calls also for more efforts to be made to enhance privacy by default as much as possible, so as to avoid the secondary victimisation of children;

60. Underlines the importance of making users aware of how their personal data and the data of associated parties are handled by service providers or social networks and of the options available to them to redress in cases where their data are used outside the scope of the legitimate purposes for which they were collected by providers and their partners, this information to appear in a language and form adapted to the user profiles, with special attention paid to minors; considers that providers have particular responsibilities in this regard, and calls on them to inform users in a clear, comprehensible manner of their publication policies;

61. Strongly hopes for the promotion in every digital sector of technological options which, if selected, can limit the websurfing of minors within traceable limits and with conditional access, thereby providing an effective tool for parental control; notes, however, that such measures cannot replace thorough training for minors in the use of the media;

62. Underlines the importance of informing children and adolescents at a very early stage of their rights to privacy on the internet and teaching them to recognise the sometimes subtle methods used to obtain information from them;

Right of reply in digital media

63. Invites the Member States to develop and harmonise systems relating to the right of reply in digital media, whilst also improving their effectiveness;
Right to digital citizenship

64. Stresses that digital technology is an important learning tool for citizenship, facilitating the participation of many citizens living in peripheral areas and especially of young audiences, allowing them to fully benefit from freedom of expression and online communication;

65. Invites the Member States to consider digital platforms as training tools for democratic participation for every child, with special regard for the most vulnerable;

66. Underlines the opportunity that new media represent to promote, in services and digital content, understanding and dialogue between generations, genders, and various cultural and ethnic groups;

67. Recalls that information and citizenship are closely linked on the internet and that what threatens the civic engagement of young people today is the lack of interest they show in information;

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

Social Business Initiative

European Parliament resolution of 20 November 2012 on Social Business Initiative — Creating a favourable climate for social enterprises, key stakeholders in the social economy and innovation (2012/2004(INI))

(2015/C 419/08)

The European Parliament,

— 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 18 April 2012 'Towards a job-rich recovery' (COM(2012)0173),

— having regard to the working document of the Section for the Single Market, Production and Consumption on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Social Business Initiative — Creating a favourable climate for social enterprises, key stakeholders in the social economy and innovation', INT/606 of 22 February 2012,

— having regard to the Proposal of the Commission of 8 February 2012 for a Council regulation on the statute for a European foundation (COM(2012)0035),

— having regard to the Proposal of the Commission of 20 December 2011 for a directive on public procurement (COM (2011)0896),

— having regard to the Proposal of the Commission of 7 December 2011 on a regulation on European Social Entrepreneurship Funds (COM(2011)0862),

— having regard to the Communication from the Commission of 25 October 2011 'Social Business Initiative — Creating a favourable climate for social enterprises, key stakeholders in the social economy and innovation' (COM(2011)0682),
— having regard to the Communication from the Commission of 25 October 2011 on a renewed EU strategy 2011-14 for Corporate Social Responsibility (COM(2011)0681),

— having regard to the Communication from the Commission of 13 April 2011 ‘Single Market Act — Twelve levers to boost growth and strengthen confidence. Working together to create new growth’ (COM(2011)0206),

— having regard to the Communication from the Commission of 27 October 2010 ‘Towards a Single Market Act — For a highly competitive social market economy’ (COM(2010)0608),

— having regard to the Proposal from the Commission of 6 October 2011 on a European Union Programme for Social Change and Innovation (COM(2011)0609),


— having regard to the Communication from the Commission of 16 December 2010 ‘The European Platform against Poverty and Social Exclusion: A European framework for social and territorial cohesion’ (COM(2010)0758),

— having regard to the publication of the United Nations Development Programme and the EMES European Research Network of 2008 ‘Social Enterprise: A new model for poverty reduction and employment generation’ (1),

— having regard to the exploratory opinion of the EESC of 26 October 2011 ‘Social Entrepreneurship and Social Enterprises’ IN/589,

— having regard to its resolution of 19 February 2009 on Social Economy (2);

— having regard to its declaration of 10 March 2011 (3),

— having regard to its resolution of 13 March 2012 on the Statute for a European Cooperative Society with regard to the involvement of employees (4),

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

— having regard to the report of the Committee on Employment and Social Affairs and the opinions of the Committee on Industry, Research and Energy and the Committee on the Internal Market and Consumer Protection (A7-0305/2012),

A. whereas enterprises of the social economy, employing at least 11 million people in the EU and accounting for 6% of the entire workforce or 10% of all European enterprises, that is, 2 million enterprises, significantly contribute to the European social model and to the Europe 2020 strategy;

B. whereas different historical developments have led to legal frameworks for enterprises of all sorts, including enterprises of the social economy and social businesses, to show significant differences across Member States;

C. whereas most types of enterprises in the social economy are not recognised by a legal framework at European level and are only recognised at national level in some Member States;

(1) http://www.emes.net/fileadmin/emes/PDF_files/News/2008/11.08_EMES_UNDP_publication.pdf
(2) OJ C 76 E, 25.3.2010, p. 16.
The text is a section from a larger document, discussing the effects of the current social, economic, and financial crisis, challenges to social welfare systems, and the promotion of innovative social assistance systems.

**D.** whereas the effects of the current social, economic and financial crisis, as well as demographic changes, in particular the ageing of the population, challenge social welfare systems, including statutory and voluntary social insurance schemes, and therefore innovative social assistance systems should be promoted in order to ensure adequate and decent social security;

**E.** whereas the Single Market Act and the Europe 2020 strategy — which both aim to establish smart, sustainable and inclusive growth, and thereby to raise the quantity and quality of jobs, and to fight poverty — are strongly inter-linked, and whereas social enterprises can contribute significantly through their innovation potential and their relevant response to social needs;

**F.** whereas the Commission recognises social economy actors and social enterprises as drivers of economic growth and social innovation, with the potential to create sustainable jobs, and of encouraging the inclusion of vulnerable groups into the labour market;

**G.** whereas the Commission’s proposals for a regulation on European Social Entrepreneurship Funds and the Programme for Social Change and Innovation (PSCI) should be welcomed;

**H.** whereas social enterprises can help deliver social services which are key components of a welfare state and thereby contribute to achieving shared objectives of the European Union;

**I.** whereas many social enterprises face difficulties in accessing finance in order to expand their activities, and therefore need specific, tailored support such as social banking, risk-sharing instruments, philanthropic funds or (micro) credits, especially in case of micro enterprises and SMEs; whereas, in this respect, EU Structural Funds and programmes play a significant role in facilitating access to financing for social enterprises, also for those with a high investment intensity;

**J.** whereas most social enterprises promote policy reform by promoting good governance, in particular by involving workers, customers and stakeholders, and support mutual learning and social innovation, and thereby respond to growing demands of citizens for ethical, social and environment-friendly corporate behaviour;

**K.** whereas social businesses, by their nature and modus operandi, contribute to establishing a more cohesive, democratic and active society, and often offer — and should offer — favourable working conditions as well as equal pay for equal work, and support equal opportunities for men and women, thereby enabling the reconciliation of working and private life;

**L.** whereas the Commission’s proposal to add the new category of disadvantaged persons to reserved contracts is noted;

**Introduction**

1. Welcomes the Commission Communications ‘Social Business Initiative’ and ‘Towards a job-rich recovery’, with recommendations to national governments on improving the framework conditions for social enterprises which can lead to new opportunities and jobs, *inter alia* in the fast-growing area of health and social care (the so-called white sector) and in the environmental area (the so-called green sector) — two areas that offer new chances to the social and wider economy;

2. States that the social economy is part of the eco-social market economy as well as of the European single market, and points to its high resilience to crises and to its solid business models; underscores that social enterprises often seek to meet social and human needs which are not — or only inadequately — met by commercial operators or the state; stresses that jobs in the social economy are more likely to be kept local;

3. States that social enterprise means an undertaking, regardless of its legal form, which:

   a) has the achievement of measurable, positive social impacts as a primary objective in accordance with its articles of association, statutes or any other statutory document establishing the business, where the undertaking:
— provides services or goods to vulnerable, marginalised, disadvantaged or excluded persons, and/or

— provides goods or services through a method of production, which embodies its social objective;

b) uses its profits first and foremost to achieve its primary objectives instead of distributing profits, and has in place predefined procedures and rules for any circumstances in which profits are distributed to shareholders and owners, which ensure that any such distribution of profits does not undermine its primary objectives; and

c) is managed in an accountable and transparent way, in particular by involving workers, customers and/or stakeholders affected by its business activities;

**Recommended actions for various types of enterprises**

4. Emphasises that activities carried out by volunteers in various sectors of the social economy — including young people, starting their careers and bringing their enthusiasm and new skills, as well as elderly people, having vast experience and developed skills — constitute an important contribution to economic growth, solidarity and social cohesion, and give many people a meaning in life; asks for recognition and appropriate financial and structural support at local, national and European level;

5. Calls on the Commission and the Member States to ensure that social enterprises should not be disadvantaged by other types of enterprises that 'cherry-pick' lucrative areas in the social economy; points out that these areas are mostly urban, so that other less profitable, mostly rural or peripheral areas — where logistics result in higher cost — are left with fewer and lower quality of services; stresses that users should have freedom of choice among a plurality of providers;

6. Stresses the importance of a strategy and of measures promoting social entrepreneurship and innovative social enterprises, especially with regard to young and disadvantaged people, in order to ensure better and easier access for entrepreneurs — both women and men — to EU and Member States' programmes and funding; calls for adequate support to continue the Erasmus For Young Entrepreneurs programme to improve its attractiveness and visibility also in the social economy; recalls, however, that self-employment has to be accompanied by the provision of sufficient guidance;

7. Notes the diversity within the social economy; stresses that the development of any new legal frameworks at EU level should be optional for enterprises and preceded by an impact assessment to take into account the existence of various social business models across the Member States; stresses that any measures should demonstrate EU-wide added value;

8. Supports initiatives at EU level to extend and strengthen the already advanced association sector in various Member States; calls for a European statute for associations to complement existing legal statutes at Member States' level;

9. Welcomes the Commission's intention to present a proposal for simplification of the regulation on the Statute for a European Cooperative Society;

10. Welcomes the Commission's study on the situation of mutual societies in Europe with close involvement of the sector; stresses that mutual societies should, by means of a European statute, be recognised as a distinct and important actor within the European economy and society; underlines the benefits of a European statute to facilitate cross-border activity of mutual societies; encourages Member States that not yet introduced a national statute for mutuals to do so;

11. Welcomes the Commission's proposal for a regulation on the Statute for a European foundation statute;
12. Recalls that in COM(2004)0018, the Commission committed itself to twelve concrete actions to support the development of cooperatives, and deplores the fact that so far only little progress has been made; calls on the Commission to ambitiously propose – in line with the 2004 initiative – further measures to enhance the operating conditions for cooperatives, mutuals, associations and foundations, and thereby support the development of the social economy in general;

13. Welcomes the adoption of the revised package of EU state-aid rules concerning social and local services whilst encouraging the Commission to further clarify these rules so as to facilitate their understanding and application by local and regional authorities, in particular with regard to social enterprises;

**Enterprises fulfilling social objectives or achieving social impact**

14. Stresses that social enterprises are important providers of Services of General Interest (SSGI); points out that such enterprises often stem from, or are closely linked to, civil society organisations, voluntary organisations and/or welfare associations providing person-oriented services and designed to respond to vital human needs, in particular the needs of users in vulnerable position; points out that social enterprises often find themselves between the traditional private and public sectors delivering public services, i.e., in the framework of public procurement;

15. Considers that the notion of corporate social responsibility (CSR) should be viewed separately from that of the social economy and social enterprises, even though commercial enterprises with significant CSR activities can have a strong interconnection with social business;

**Financial Perspectives — improving the legal and fiscal environment**

16. Believes that the PSCI programme for 2014-2020, with its microfinance and social entrepreneurship axis, contributes to the effort to guarantee better access to micro-credits for micro-enterprises in the social economy while taking into account the diversity of funding needs of social enterprises;

17. Believes that different financial instruments — such as the European Social Entrepreneurship Funds, the European Venture Capital Funds and the European Angels Funds (EAF) — are needed to improve access to financial markets for social enterprises;

18. Stresses the need to support social enterprises through sufficient financial means at local, regional, national and EU level, and points to the relevant funds under the Multiannual Financial Framework 2014-2020 (such as European Social Fund, the European Regional Development Fund, the Agricultural Fund for Rural Development, the Programme for Social Change and Innovation, the Programme for Research and Innovation, as well as Horizon 2020); explicitly asks support for innovative social enterprises, in particular those promoting quality employment, combating poverty and social exclusion and investing in education, training and life-long learning;

19. Underlines that access to EU funding must be simplified while allowing for adequate flexibility at Member State level, and that funding opportunities should be made available and clearly advertised and, in addition, that organisational, administrative and accounting requirements should be simplified;

20. Points out that the introduction of new forms of financial support will be preceded by an analysis of current instruments in order to verify their efficiency, and therefore considers it necessary to obtain the tools to measure and compare the social return on investment in order to promote the development of a more transparent investment market;

21. Considers it necessary to create conditions under which social enterprises can gain financial independence and engage in commercial business activity;

22. Believes that accountable management processes, supported by funding mechanisms subject to proper monitoring and transparency, are necessary to retain the focus of social entrepreneurship and social business;
23. Calls for a comparative study, initiated by the Commission and carried out in cooperation with social enterprises, of the various national and regional legal frameworks throughout the EU, and of the operating conditions and characteristics for social enterprises, including their size and number and their field of activities, as well as of national certification and labelling systems;

24. Emphasises that there is great variation among social enterprises in terms of form, size, business activity, economy and co-operation; notes that there are social enterprises that are leaders in development in their spheres and that have adequate capacity for their own development, but that there are also those that are in need of know-how when it comes to establishing, developing and managing their enterprises;

25. Considers that, in order to increase the competitiveness of social enterprises across the EU, it is necessary to encourage the creation of social innovation clusters, which have added value beyond just the local area; considers, moreover, that social enterprises, if provided with adequate incentives, can be vital for the employment of qualified workers aged over 50 who have left the labour market;

26. Supports the Commission proposal to set up a multilingual, accessible and user-friendly online platform for social enterprises that should, inter alia, enable peer learning and the exchange of tried-and-tested models, foster the development of partnerships, facilitate information-sharing about access to funding and about training opportunities, and that should serve as a network for cross-border cooperation; calls on the Commission and the Member States to pay attention to social business under the Open Method of Coordination;

27. Supports the Commission's proposal to set up an expert group on social business (GECES) in order to monitor and assess the progress of the measures envisaged in its Communication COM(2011)0682;

28. Calls on the Commission and the Member States to consider the feasibility and desirability of developing a 'European social label' to be awarded to social enterprises to ensure better access to public and socially innovative procurement without infringing any competition rules; suggests that enterprises bearing such a label should be monitored regularly regarding their compliance with the provisions set out in the label;

29. Calls for EU public procurement rules that apply the principle of the 'most economically advantageous tender (MEAT)' rather than the principle of 'lowest cost' when contracting service provision out;

30. Asks the Commission to improve the understanding of, and the knowledge about, social enterprises and the social economy, and to improve the visibility of both, by supporting academic research, inter alia, in the context of the 8th Framework Programme (Horizon), and to launch a regular activity report on social enterprises and their social performances; asks the Member States to follow-up on the Commission’s call for proposals to have reliable statistics on social enterprises developed by national statistical offices;

31. Calls on the Commission and the Member States to integrate social enterprises in employment and social inclusion action plans, and supports the establishment of a 'European Award for Social Entrepreneurship' to recognise its social effects;

32. Points out that social enterprises require a maximum of support and acceptance through awareness-raising, not least by highlighting benefits beyond those of a purely economic nature, and calls for a broad information campaign, supported by the Commission, the Member States and social partners, to be launched by means of introducing an accessible, multilingual website that provides quick and easy information on social products and services for citizens;

33. Calls on the Member States to consider the benefits of including principles of social business/social entrepreneurship and social responsibility in the content of teaching programmes of schools, universities and other educational institutions, and in life-long learning programmes, in order to help develop social and civic competences and to support job placements in social enterprises; calls as well on the Commission and on the Member States to support conventional and web-based education of social entrepreneurs and to promote a closer cooperation between social enterprises, commercial enterprises and the academic world in order to raise awareness, and a better understanding, of social enterprises, as well as to fight any stereotypes that might exist;
34. Considers that the introduction of a common European framework for data publishing will guarantee clearer and more effective information on investments in social enterprises;

35. Welcomes the Commission’s commitment to study and consider the possibility of social enterprises using sleeping patents to facilitate their development, and hopes for concrete action in the near future;

36. Instructs its President to forward this resolution to the Council, the Commission and the Governments and Parliaments of the Member States.

Towards a genuine Economic and Monetary Union

European Parliament resolution of 20 November 2012 with recommendations to the Commission on the report of the Presidents of the European Council, the European Commission, the European Central Bank and the Eurogroup ‘Towards a genuine Economic and Monetary Union’ (2012/2151(INI))

(2015/C 419/09)

The European Parliament,

— having regard to Article 225 of the Treaty on the Functioning of the European Union,

— having regard to the conclusions of the European Council of 28 and 29 June 2012,

— having regard to the Statement of the Heads of State or Government of the Euro Area of 29 June 2012,

— having regard to the report of 26 June 2012 of the Presidents of the European Council, the European Commission, the European Central Bank and the Eurogroup ‘Towards a genuine Economic and Monetary Union’,

— having regard to Rules 42 and 48 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 Constitutional Affairs, the Committee on Budgets and the Committee on Employment and Social Affairs(A7-0339/2012),

A. whereas since the signing of the Treaty of Rome, the European Union has made significant step towards political, economic, fiscal and monetary integration;

B. whereas economic and monetary union (EMU) is not an end in itself but, rather, an instrument to achieve the objectives of the Union and the Member States, in particular a balanced and sustainable growth and a high level of employment; whereas social inclusion and solidarity are the cornerstones of the European social model and of European integration as a whole and cannot be left out of any future reform of the Union;

C. whereas in a globalised information society the need for closer European integration built on the basis of democratic legitimacy, accountability, transparency and citizen’s endorsement is becoming ever more clear;

D. whereas closer European integration should provide for a greater parliamentary involvement at national and Union level;
E. whereas the Union is at a crossroads and a clear direction needs to be chosen either to combine forces within the Union to build a future for a strong, value-driven and solidarity-based Union in a globalised world, or for the Union to fold back in on itself and be forced to adapt passively to globalisation;

F. whereas the economic, financial and banking crisis and the current economic downturn have led to high public and private debt at national level and public financing problems in several Member States, and, together with excessive macroeconomic imbalances, have affected the socio-economic development of the euro area and of the Union as a whole in a fast, direct and negative way;

G. whereas between the beginning of the crisis in 2008 and mid-2012, the EU-27 unemployment rate has climbed from around 7% to 10.4%, or 25 million unemployed and more than one out of five young people is unemployed (22%), with youth unemployment exceeding 50% in some Member States;

H. whereas job creation, quality employment and decent work are crucial in overcoming the current crisis;

I. whereas several Member States are currently in a very demanding economic and financial situation, aggravated by continuous strains on the sovereign bond markets reflected in unsustainable interest borrowing rates for some Member States, low or negative interest rates for others, and considerable financial and economic instability;

J. whereas the combination of competitiveness evolving in divergent directions and a low growth potential, high unemployment with high deficits and high public and private debt not only causes harm in some Member States, but also makes the euro area vulnerable as a whole;

K. whereas recent events have made clear that the euro area is still not properly equipped to solve the crisis or to react adequately to regional and global economic shocks;

L. whereas the important role played by the euro, both within the euro area and at the global level, as the second most important international reserve currency, requires a strong European response and coordinated European action to bring back growth and stability to the economy;

M. whereas over the last decade the euro has brought Union citizens many benefits, such as stabilising prices, abolishing currency conversion costs within the euro area, making nominal competitive devaluations impossible, lowering interest rates, encouraging integration of financial markets and facilitating cross-border capital movement;

N. whereas the Union’s single currency should not become a symbol of division which threatens the whole European project, but should remain the currency of the Union as a whole that is decisive and capable of taking far-reaching decisions for a common and prosperous future;

O. whereas progress towards a genuine EMU should respect the wishes of the Member States that have an opt-out from having to introduce the euro to retain their respective national currencies;

P. whereas euro area membership implies a high degree of economic and financial interdependence between the Member States concerned and therefore requires much closer coordination of financial, fiscal, social and economic policies with Member States shifting competences to the Union level, linked to stricter supervisory instruments and effective enforcement; whereas, however, this greater integration by the Member States whose currency is the euro, possibly supplemented by a group of other willing Member States, needs to be developed within the framework of ‘two-speeds, one Europe’, with the view of avoiding policy steps that would ultimately lead to creation of two different Europes;
Q. whereas the latest Eurobarometer research indicates that because of the persisting crisis there has been a sharp decline in trust in political institutions both at national and at Union level, as well as a sharp decline of public perception of the Union conjuring up a positive image; whereas, nevertheless, the Union remains the actor that Union citizens feel is the most effective in tackling the economic crisis;

R. whereas Union and national policy makers should continuously explain to their citizens the benefits of European integration and the implications and challenges of a single currency, including the costs and risks linked to a break up of the euro area;

S. whereas 17 Member States have already adopted the Union's single currency and most others will join the euro when they are ready;

T. whereas any doubt about the future of the EMU in general, including the irreversibility of membership of the euro area, and the Union's single currency in particular is unfounded as a strong Union is the interest of all citizens;

U. whereas restoring confidence is the main task in order to convince European citizens and enterprises to start investing again in the economy and to create conditions for financial institutions to provide the real economy, once again, with credit on a broad but sound basis;

V. whereas the answer to the euro crisis is complex and demands sustained, multifaceted efforts at all institutional and policy levels;

W. whereas the Union institutions and the Heads of State or Government of the Member States in general and of the euro area Member States in particular, play an important role in creating a fiscal union in a way that all mechanisms of euro area crisis management, such as the European Stability Mechanism (ESM), are embedded in an institutional setting where Parliament is fully involved as co-legislator; whereas the current intergovernmental structure represents a severe lack of democratic legitimacy; whereas the single currency can only be stabilised if Member States are willing to shift competences in fiscal policies towards the Union level;

X. whereas restoring confidence also requires those Heads of State or Government and their Ministers to defend and explain in their Member States the policy decisions that have been agreed upon at Union level; whereas by unfairly imputing unpopular decisions to the Union in some instances, a particularly dangerous game of perception is being played which risks eroding the Union from below; undermining solidarity and ultimately damaging the credibility of the national leaders themselves and potentially the European project as a whole;

Y. whereas socially the Union is fragile at the moment; whereas several Member States are subject to extremely demanding structural reform requirements and consolidation programmes; whereas ultimately political union is the key to overcoming such times, encouraging solidarity and carrying on with the European project;

Z. whereas the European Council and the euro area summit of 28 and 29 June 2012 confirmed their determination to take the measures required to ensure a financially stable, competitive and prosperous Europe and thus to enhance the welfare of citizens;

AA. whereas the growing divide between core and peripheral countries in the Union should not become chronic in nature; whereas a permanent framework must be created in which Member States in difficulty should be able to rely on solidarity-based support from other Member States; whereas those Member States which desire solidarity should be obliged to shoulder their responsibility for implementing all their commitments in the budgetary field as well as their country-specific recommendations and their commitments under the European Semester, in particular those related to the Stability and Growth Pact (SGP), the Euro Plus Pact, the Europe 2020 Strategy and the macro-economic imbalances procedure, taking into account country-specific circumstances; whereas ensuring the financial stability of every Member State is a matter of mutual interest of the Member States; whereas Article 121 of the Treaty on the Functioning of the European Union (TFEU) provides that Member States are to regard their economic policies as a matter of common concern and to coordinate them within the Council;
AB. whereas it is paramount for a return to growth that the internal market is being completed; whereas the Commission, as the guardian of the Treaties, needs to step up its efforts to enforce implementation of and compliance with existing internal market legislation; whereas for the proper functioning of the internal market it is necessary that market integration rules will be based more on regulations rather than on directives;

AC. whereas it is beyond doubt that European integration is an irreversible and progressive process;

The way ahead: the report of the four Presidents

AD. whereas from a democratic point of view and in the light of all the provisions of the Lisbon Treaty it is unacceptable that the President of the European Parliament, which is composed of elected Members representing more than 502 million European citizens, has not been involved in the drafting of the abovementioned report entitled 'Towards a Genuine Economic and Monetary Union';

AE. whereas the time has come for the political leaders of and within the Union to demonstrate their determination, creativity, courage, resilience and leadership to remove the remaining deficiencies that continue to hamper the proper functioning of the EMU; whereas the intergovernmental method has reached its limits and is not well suited for democratic and efficient decision-making in 21st century; whereas a leap should be made towards a truly federal Europe;

AF. whereas the abovementioned report entitled 'Towards a Genuine Economic and Monetary Union' unambiguously chooses the way forward and seeks to break the cycle of distrust by means of structural measures; whereas the report should also pay attention to the social dimension;

AG. whereas the European Council of 28 and 29 June 2012 requested its President to develop a specific and time-bound roadmap for the achievement of a genuine EMU; whereas developing a global long-term vision via a road map is an important signal that could contribute to restoring confidence which could grow as the road map is carried out step by step;

AH. whereas steady progress in the implementation of the long-term road map does not provide any immediate solution to the crisis and should not delay the needed short-term measures;

AI. whereas it cannot be excluded that new Treaty changes might be needed for increasing the democratic legitimacy of a fully operational EMU; whereas the Commission should list current legislative initiatives that must not be delayed by the long-term institutional developments;

AJ. whereas the completion of a genuine EMU within the Union will require in the medium term a Treaty change to be completed;

AK. whereas making full use of the procedures and the flexibility of the existing Treaties to swiftly improve the governance of the EMU in the context of the framing of a true European political space is a condition for building the democratic consensus for a future comprehensive and successful Treaty change;

AL. whereas Parliament has the right to submit to the Council proposals for the amendment of the Treaties which subsequently need to be examined by a Convention, in order to complete the framing of a genuine EMU by enhancing the Union's competencies, in particular in the field of economic policy, and by strengthening the Union's own resources and budgetary capacity, the role and democratic accountability of the Commission and Parliament's prerogatives;

AM. whereas it is realistic and appropriate to think that such a Convention should not take place before the next election of the European Parliament; whereas preparations for such a Convention should start before that election;

AN. whereas both the measures proposed under the existing Treaties and the future Treaty changes should not exclude opt-ins for Member States and should guarantee the integrity of the Union;
AO. whereas future Treaty changes should not be an obstacle to the swift implementation of what can already be achieved under the existing Treaties; whereas the existing Treaties allow a broad margin for substantial progress toward an EMU based on an enhanced and more integrated financial, budgetary and economic policy framework and on a stronger democratic legitimacy and accountability;

AP. whereas the full potential of the Lisbon Treaty regarding employment and social policies has up to now been untapped, first and foremost regarding:

— Article 9 TFEU, in accordance with which the promotion of high employment and the guarantee of adequate social protection must be taken into account in defining and implementing the policies and activities of the Union,

— Article 151 TFEU, which provides that ‘The Union and the Member States (...) shall have as their objectives the promotion of employment, improved living and working conditions, so as to make possible their harmonisation while the improvement is being maintained, proper social protection, dialogue between management and labour, the development of human resources with a view to lasting high employment and the combating of exclusion’;

— Article 153(1) TFEU in general, and point (h) thereof in particular, which provides for ‘the integration of persons excluded from the labour market’;

AQ. whereas Article 48(7) of the Treaty on European Union (TEU) provides for a specific procedure for adopting an act for which the TFEU requires a special legislative procedure in accordance with the ordinary legislative procedure; whereas Article 333 TFEU also contains provisions that allow for making use of the ordinary legislative procedure in the context of enhanced cooperation;

AR. whereas the ambition should be that all Member States jointly take steps towards greater European integration; whereas decisions that only apply to the euro area might be needed where required or justified on the basis of the specificity of the euro area, including reasonable and fair opt-ins for other Member States with balanced rights and obligations;

AS. whereas a common European Youth Strategy is essential to fight youth unemployment and the danger of losing a whole generation in Europe;

**Banking union**

AT. whereas the measures to stabilise the financial system to date have been insufficient to fully restore confidence; whereas the European Central Bank (ECB), with a series of exceptional temporary assistance measures for both Member States and banks, has played a pivotal role in these rescue operations without losing sight of its core objective, namely that of guaranteeing price stability;

AU. whereas the Treaty-based operational independence of the ECB in the field of monetary policy remains a cornerstone for the credibility of the EMU and the single currency;

AV. whereas the precarious situation of the banking sector in several Member States and the Union as a whole threatens the real economy and the public finances and the cost of management of the banking crisis falls heavily on taxpayers and the development of the real economy thus hampering growth; whereas the existing mechanisms and structures are insufficient to prevent negative spill-over effects;

AW. whereas Member States suffer from an apparent mismatch between banks carrying out operations on a European market basis, and contingent liabilities shouldered by their sovereigns; whereas during the current crisis it has become self-evident that the bank-sovereign link is stronger and more damaging within a monetary union, where the internal exchange rate is fixed and there exists no mechanism at Union level to alleviate the costs of bank restructuring;
AX. whereas breaking up the negative feedback loops between sovereigns, banks and the real economy is crucial for a smooth functioning of the EMU;

AY. whereas the crisis has created a dispersion of lending rates and has also de facto fragmented the single market for financial services;

AZ. whereas Parliament has repeatedly and consistently asserted that there is an urgent need for additional and far-reaching measures to solve the crisis in the banking sector; whereas a distinction should be made between short-term measures to stabilise an acute bank crisis situation and medium and long-term measures, including the G-20 commitment to the timely, full and consistent implementation of internationally agreed rules on bank capital, liquidity and leverage, aimed at the realisation of a fully operational European banking union;

BA. whereas all measures taken in the context of such a banking union should not hamper the continued proper functioning of the internal market for financial services and the free movement of capital;

BB. whereas financial institutions and their representatives should act responsibly and according to high moral standards, serving the real economy;

BC. whereas the Union needs the establishment of a single European supervisory mechanism for banking institutions; whereas in order to ensure the necessary confidence in the financial market and stability in a common internal market for financial services European framework for sound and efficient deposit guarantee and banking resolution are essential;

BD. whereas all measures to achieve a banking union should be accompanied by an improvement of transparency and accountability of the institutions implementing it;

BE. whereas the question whether it is necessary to require legal separation of certain particularly risky financial activities from deposit-taking banks within the banking group, in line with the Liikanen report, should be examined;

BF. whereas supervisory authorities in general should detect and correct problems at an early stage to prevent crises from occurring and maintaining financial stability and resilience;

BG. whereas most of the banking supervisory powers in the Union today remain in the hands of national supervisors with the European Supervisor Authority (European Banking Authority) (EBA), established by Regulation (EU) No 1093/2010 (1) in a coordinating role; whereas the current system of national supervision has proven to be too fragmented to face current challenges;

BH. whereas a high-quality and effective European supervisory mechanism is indispensable to ensure that problems are detected and tackled vigorously, to guarantee a level playing field between all banking institutions to restore cross-border confidence and to avoid fragmentation of the internal market;

BI. whereas a clear division of operational responsibilities should be agreed between a European supervisory mechanism and the national supervisory authorities, depending on the size and business models of banks and the supervisory tasks, in application of the principles of proportionality and subsidiarity;

BJ. whereas European supervision of banking institutions within the EMU, as well as the strengthening of the role of EBA in preserving the internal market are absolute priorities to tackle the crisis; whereas it should, however, be ensured that, for the purpose of internal financial market stability, Member States whose currency is not the euro, which decide to participate in the single supervision mechanism via close cooperation, should be granted a participation formula which guarantees symmetric relations between accepted obligations and impact on decision-making;

whereas the single supervisory mechanism should from the very start cover the financial institutions requiring direct support from the Union as well as systemically important financial institutions;

whereas the independence of the European single supervisory mechanism from political and industry influence does not exempt it from explaining, justifying and being accountable to Parliament, on a regular basis and whenever the situation requires, for the actions and decisions taken in the field of European supervision, given the impact that supervisory measures may have on public finances, banks, employees and customers; whereas an effective democratic accountability require inter alia Parliamentary approval of the chairman or chairwoman of the supervisory board of the single supervisory mechanism selected after an open selection procedure, the obligation of the chair to report to and be heard in Parliament, the right of Parliament to ask written or oral questions and the right of inquiry of Parliament in accordance with the TFEU;

whereas in the future the ESM will, under certain conditions, be able to fund banks in difficulties directly; whereas for this reason making the single supervisory mechanism operational is the first and most urgent task in the realisation of the banking union;

whereas the single set of rules (single rule book) being developed by EBA, should ensure fully harmonised rules and their uniform application across the Union; whereas the completion of the single rule book on banking supervision and more broadly harmonised and enhanced prudential requirements are necessary for the effective functioning of the single supervisory mechanism, since the European supervisor cannot work with divergent national prudential rules;

whereas, following the creation of the single supervisory mechanism, voting rules within EBA should be carefully adapted so that constructive cooperation between euro area and non-euro area Member States is facilitated and so that the interests of all Member States are fully taken into account;

whereas the pending legislative procedures relating to the single supervisory mechanism should be completed without delay;

whereas in order to implement the new financial architecture it is essential urgently to unblock the negotiations on the directives on deposit guarantee schemes and on investor compensation scheme, on which negotiations between Parliament and the Council are suspended, despite their crucial importance in providing common mechanisms to resolve banks and guarantee customer deposits;

whereas a single European deposit guarantee framework necessitates uniform, common, stringent requirements applicable to all deposit guarantee schemes in the Union in order to achieve the same protection and the same stability of deposit guarantee schemes and guarantee a level playing field; whereas only in this way can the preconditions for the requisite flexibility be created so as to take sufficient account of specific national circumstances in the financial sector;

whereas a single European deposit guarantee fund with functioning deposit guarantee schemes backed by appropriate levels of funding, which therefore enhance credibility and investor confidence could be the long-term goal, once an effective resolution framework and an effective single supervisory mechanism are working;

whereas ex-ante planning, speed, early intervention, due diligence, access to quality information and credibility are essential in managing bank crises;

whereas a single European recovery and resolution regime should be established, ideally in parallel with the entry into force of the single supervisory mechanism, for restoring the viability of banks in difficulties and resolving non-viable financial institutions;
BV. whereas, in the short term, the adoption of the current crisis management framework proposal of the Commission for banks in crisis has absolute priority;

BW. whereas the overall purpose of an effective resolution scheme and recovery framework is to minimise the potential use of taxpayers' resources needed for the recovery and resolution of banking institutions;

BX. whereas it is necessary for the protection of private savings to keep a functional separation while ensuring an effective articulation of European funds for deposit guarantee and recovery and resolution;

BY. whereas resolution and deposit guarantee mechanisms should have a strong financial structure, in the first place ex-ante, built on contributions from the industry, whereby the contribution of a given financial institution should mirror the riskiness of that institution, with European public money only serving as an ultimate backstop, reduced to its minimum possible extent;

Fiscal union

BZ. whereas in this regard, the abovementioned report entitled ‘Towards a Genuine Economic and Monetary Union’ marks an important step forward, as it acknowledges that ‘the smooth functioning of the EMU requires not only the swift and vigorous implementation of the measures already agreed under the reinforced economic governance framework (notably the Stability and Growth Pact and the Treaty on Stability, Coordination and Governance), but also a qualitative move towards a fiscal union’;

CA. whereas sound public finances, balanced budgets over-the-cycle and sustainable growth prospects over the medium term as well as adequate levels of public investment are a basic requirement for long-term economic and financial stability, for the welfare state and for the payment of the costs of the expected demographic development;

CB. whereas the smooth functioning of the EMU requires a full and swift implementation of the measures already agreed upon under the reinforced economic governance framework such as the reinforced SGP and the European Semester complemented with growth-enhancing policies; whereas within no more than five years of the date of entry into force of the Treaty on Stability, Coordination and Governance (TSCG), on the basis of an assessment of the experience with its implementation, the necessary steps should be taken, in accordance with the TEU and the TFEU, with the aim of incorporating the substance of the TSCG into the legal framework of the Union;

CC. whereas the Growth and Jobs Compact requires the pursuit of growth-friendly fiscal consolidation and calls for particular focus on investments into future-oriented areas; whereas the Commission should make proposals to identify investments to be prioritised within the boundaries of the Union and national fiscal frameworks;

CD. whereas the crisis has shown the need for a qualitative step towards a more robust and democratic fiscal union with an increase of the own resources of the Union, more effective mechanisms to correct unsustainable fiscal trajectories and debt levels, and a fixing of the upper limits of budget balance of Member States;

CE. whereas a ‘genuine EMU’ needs to be supported and accepted by the citizens of the Union; whereas the necessity to involve policy makers, social partners and civil society organisations at all political levels must therefore be stressed;

CF. whereas supplementary mechanisms to ensure that all Member States respect their engagements in their individual budgetary procedures should strengthen, and not weaken, the current economic governance framework; whereas the independent role of the European Commissioner for Economic and Monetary Affairs needs to be reinforced, accompanied by strong accountability mechanisms to both Parliament and the Council; whereas a European Treasury should be set up headed by a European finance minister, individually accountable to Parliament;
whereas the flexibility clause (Article 352 TFEU) can be used for the purpose of setting up a European Treasury Office headed by a European finance minister, which is a key feature of a genuine EMU;

whereas Article 136 TFEU allows for the adoption, in accordance with the relevant legislative procedure from those referred to in Articles 121 and 126 TFEU, of specific measures to strengthen the coordination and surveillance of the budgetary discipline of the Member States whose currency is the euro; whereas such legislation may provide delegation of powers to the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of the legislative act; whereas the TFEU provides for the possibility to confer on Parliament or the Council the right to revoke the delegation to the Commission;

whereas, in compliance with the general rule of the Union's legal order, the Court of Justice of the European Union is empowered to ensure that, in the interpretation and application of the Treaties, Union law is observed unless it is explicitly excluded;

whereas the trilogue negotiations on the so-called ‘two-pack’ regulations are likely soon to lead to concrete political results;

whereas the SGP is, by design, a cyclical stabilisation instrument which, by allowing Member States to run up a deficit of up to 3 %, enables to counter and absorb economic shocks in the Member State concerned; whereas this anti-cyclical policy can only work if the Member States achieve budgetary surpluses during good times; whereas financial assistance mechanisms such as the ESM are measures of last resort;

whereas Member State parties to the TSCG in the EMU need to report their public debt issuance plans to the Commission and to the Council, allowing an early coordination of debt issuance at Union level;

whereas under the existing Treaties the Member States whose currency is the euro can finance an increased Union budget in the framework of the own resources procedure by introducing specific taxes or fees in accordance with an enhanced cooperation procedure; whereas it should be done with a specific preference given to its liaison with the already existing Union budgetary framework and without undermining the Union budget's traditional functions to finance common policies; whereas such an increased budgetary capacity should support growth and social cohesion addressing imbalances, structural divergences and financial emergencies which are directly connected to the monetary union;

whereas the common issuance of debt could, in the longer run, and after fulfilment of strict conditions, be a possible way to supplement the EMU; whereas common issuance of debt in the euro area, with joint and several liability, may require changes to the Treaties;

whereas as a necessary precondition for common issuance of debt a sustainable fiscal framework is being established, aimed at both enhanced economic governance, fiscal discipline and SGP compliance, as well as control instruments to prevent moral hazard;

whereas a stronger and more integrated fiscal union should include a gradual roll-over into a redemption fund;

whereas the introduction in a not credible way of instruments for common issuance of debt may lead to uncontrollable consequences and the loss of long-term trust in the euro area's capacity to act decisively;

whereas the debt crisis has prompted the Union, and especially the euro area, to set up new financial solidarity instruments in Europe: the European Financial Stability Facility (EFSF), the ESM and other projects related to the roadmap towards a genuine EMU; whereas the financial impact of those instruments is much greater, in terms of the amounts involved, than the Union budget and whereas the innovative idea of a central budget for the euro area funded by members of the euro area is now being proposed as the ultimate guarantee for this new financial solidarity;
CS. whereas the multiplication of these solidarity instruments makes it difficult to evaluate the actual contribution made by each Member State to European solidarity, which far exceeds the Member States’ respective financial contributions to the Union budget; whereas, moreover, the diversity of existing instruments, in terms of legal bases, intervention mode and the Member States concerned, is likely to make the whole set-up hard to steer by European leaders, difficult to understand for the European citizens at large and not amenable to any parliamentary control;

CT. whereas the ESM could be integrated into the Union’s legal framework through the flexibility clause (Article 352 TFEU), in conjunction with the revised Article 136 TFEU;

CU. whereas under the existing Treaties the definitions for the application of the ‘no-bailout clause’ can be specified by the Council on a proposal of the Commission and after consulting Parliament (Article 125(2) TFEU);

CV. whereas high standards of democratic accountability at Union level should apply to the Troika;

CW. whereas the Commission activities in the contexts of fiscal and economic union should be based on proper social dialogue and should fully respect the autonomy of social partners;

CX. whereas the independence of the European Statistical System (ESS) must be safeguarded at both national and Union level in order to maintain the credibility of European statistics in their core supporting role to a fully-fledged fiscal union (by means of high-quality standards and systemic approach to develop, produce and verify the accuracy of public sector finance statistics);

CY. whereas public accounting standards should apply in all Member States in a standardised manner and should be subject to internal and external audit mechanisms, as an essential complement to the Commission’s greater powers and to greater coordination role by the European Court of Auditors and by national courts of auditors in verifying the quality of national sources used to establish debt and deficit figures;

**Economic union**

CZ. whereas much emphasis has been put so far on the monetary side of the EMU while there is an urgent need for building a true economic union, where the Europe 2020 Strategy should give the binding framework for designing and implementing of economic policies;

DA. whereas the Euro Plus Pact, the Europe 2020 Strategy and the Growth and Job compacts should be integrated into Union law and pave the way for the introduction of a convergence code for Member States’ economies;

DB. whereas the European Semester, as outlined in the preventive arm of the SGP, offers an appropriate framework to coordinate economic policies and budgetary choices implemented at national level in line with the country-specific recommendations adopted by the Council;

DC. whereas Article 9 TFEU calls for the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion and a high level of education, training and protection of human health;

DD. whereas fiscal consolidation, reduction of excessive macro-economic imbalances, structural reforms and investments are needed to get out of the crisis and to ensure qualitative and sustainable growth and employment in a in a knowledge-driven society, reflecting the reality of membership of the EMU within a social market economy; whereas structural reforms yield only in the long term;

DE. whereas the Pact for Growth and Jobs, which was approved at the European Summit of 28 and 29 June 2012, can bring an important contribution to growth, employment and improved European competition capacities; whereas the Union and the Member States must take on their responsibility and act quickly to complete the internal market and unlock its potential; whereas the shift in focus by adopting a Growth Pact is welcomed even though the mobilisation of funds for growth-enhancing measures from structural funds only concern a reallocation of existing funds, thus not providing additional financial resources;
DF. whereas the Member States need to deliver without delay on the agreed reforms in their national reform programmes, and up to national parliaments to deliver timely and informed scrutiny of the actions of their governments in this regard;

DG. whereas the full functioning of the internal market is hindered by the barriers still present in certain Member States; whereas to benefit of the full growth potential of the Union economy is necessary to complete the internal market specially in areas such as services, energy, telecommunications, standardisation, simplification of public procurement rules, network industries, e-commerce, and copyright regime;

DH. whereas deeper economic and budgetary integration will be undermined without closer coordination in the field of taxation; whereas the unanimity rule in the field of taxation hampers developments in this area, the instrument of enhanced cooperation should be used more frequently; whereas reference can be made to Parliament's position on the common consolidated corporate tax base (CCCTB) and the financial transactions tax (FTT); whereas in the field of taxation, convergence between the structures of tax systems and tax base in Member States is clearly needed; whereas harmful tax competition between Member States is clearly against the logic of the internal market and needs addressing;

DI. whereas it is important that the recovery of the economy goes along with a labour market policy that stimulates job search and entrepreneurial spirit and reduces structural unemployment, especially for youth, older persons and women, while safeguarding the European social model and fully respecting the role of the social partners and the right to negotiate, conclude or enforce collective agreements or take collective action in accordance with national law and practices; whereas in that sense the integration of labour markets of the Member States should be fostered to enhance cross-border labour mobility;

DJ. whereas binding coordination at Union level should be used for certain key economic policy issues particularly relevant for growth and employment;

DK. whereas sustainable lasting public finance is not only a matter of an economic use of the scarce government resources, but also of a fair taxation, of progressive tax, of a well-organised collection of taxes, of a better fight against all forms of tax fraud and tax evasion, of tax cooperation and coordination aimed at limiting harmful tax competition and of a well-designed tax system that promotes business development and jobs creation;

DL. whereas the Member States should be accountable for the implementation of the Europe 2020 Strategy;

DM. whereas the Europe 2020 Strategy should undergo a mid-term review, in which it would be wrong to shrink from naming and shaming and which should examine whether the objectives need to be refined or adjusted and how the pressure on Member States to attain the objectives can be increased;

DN. whereas the availability of high-quality European statistics play an essential role at the heart of the new economic governance and in particular, they are a prerequisite to support the correct functioning of its main surveillance and enforcement processes, such as the European Semester, the macroeconomic imbalances procedure and Europe 2020 Strategy;

DO. whereas efforts must be pursued to modernise production methods of European statistics in order to warrant their high-quality standards, cost-effectiveness and adequacy of resources and to facilitate due dissemination and access to public authorities, economic actors and citizens;

From democratic legitimacy and accountability to political union

DP. whereas the Union owes its legitimacy to its democratic values, the objectives it pursues and its competences, instruments and institutions;
DQ. whereas that legitimacy is derived from a dual citizenship, that of the people represented by Parliament and that of the Member States represented by the Council;

DR. whereas due to the ongoing crisis and the way some counter-crisis measures have been taken, the debate has grown on need to increase the democratic nature of the decision-making within the EMU;

DS. whereas political leaders and representatives of the institutions, the agencies and other Union bodies should be politically accountable before Parliament; whereas regular reporting and annual presentations of their work and forecasts should be made before the competent committee of Parliament;

DT. whereas over the past years the European Council has sought to find a way out of the crisis and has formulated numerous proposals for which in the Treaties not always a clear competence to the Union has been assigned;

DU. whereas the European Council's decision to take the intergovernmental route, failing to include Parliament as an important actor to find a way out of the crisis, though inevitable in some instances, is deplorable;

DV. whereas for proposals falling within the competence of the Union decisions should be taken in accordance with the ordinary legislative procedure, fully involving Parliament;

DW. whereas the executive powers of the Commission in the rules-based approach to the economic governance framework, as established in particular in the reinforced SGP and the macroeconomic surveillance mechanism, should be subject to ex-post democratic control by, and accountability to, Parliament;

DX. whereas the intergovernmental instruments that have been created since the start of the crisis in December 2009 should be communitarised;

DY. whereas more democratic scrutiny, participation and codecision in relation to economic, monetary and social policy, taxation, the Multiannual Financial Framework and own resources is required; whereas currently existing passerelle clauses should be activated with that purpose;

DZ. whereas it is not acceptable that the President of the European Parliament cannot be present for the whole duration of the meetings of the European Council and the euro area summit; whereas a solution for this lack of democratic legitimacy should be found urgently through a political agreement between the two institutions;

EA. whereas addressing the current democratic deficit of the EMU and strictly linking any further step toward a banking union, a fiscal union and an economic union with increased democratic legitimacy and accountability at Union level is urgent;

EB. whereas where new competences are transferred to or created at Union level or new Union institutions are established, corresponding legitimacy, democratic control by, and accountability to, Parliament should be ensured;

EC. whereas no intergovernmental agreements between Member States should create parallel structures to those of the Union; whereas all agreements establishing inter- or supranational regimes should be subjected to Parliament's full democratic scrutiny;

ED. whereas ensuring the production, verification and dissemination of high-quality European statistics by a genuine ESS is a crucial contribution to enhancing full transparency and effective public accountability in the design, management, implementation and enforcement of the Union policies at Union and national level.
EE. whereas cooperation between Parliament and national parliaments on the basis of Protocol No 1 to the TEU and to the TFEU on the role of national parliaments in the European Union (Protocol No 1) should be reinforced in order to improve exchange of views and the quality of the parliamentary activity in the field of the EMU governance both at Union and national level; whereas such a cooperation should not be seen as the creation of a new mixed parliamentary body which would be both ineffective and illegitimate on a democratic and constitutional point of view;

1. Considers it necessary to place the governance of the EMU within the institutional framework of the Union, which is a precondition for its effectiveness and for filling the current political gap between national politics and European policies;

2. Calls on all institutions to proceed swiftly by maximising the possibilities given by the existing Treaties and their elements of flexibility and at the same time to prepare for the necessary Treaty changes in order to guarantee legal certainty and democratic legitimacy; reiterates that the option of a new intergovernmental agreement should be excluded;

3. Stresses that both the measures proposed under the existing Treaties and the future Treaty changes should not exclude opt-ins and should guarantee the integrity of the Union;

4. Calls on the Council — which issued the mandate to the authors of the abovementioned report entitled 'Towards a genuine economic and monetary union' — immediately to co-opt the President of the European Parliament as a co-drafter of this proposal with equal rights in order to increase its democratic legitimacy;

5. Welcomes the fact that, although involvement has been only informal so far, the Parliament's Conference of Presidents has requested the competent committee of the Parliament to examine the substantive proposals jointly with the three representatives (sherpas) who are negotiating with the permanent President of the European Council on behalf of Parliament;

6. Confirms that it shall make full use of its prerogative to submit to the Council proposals for the amendment of the Treaties which subsequently need to be examined by a Convention, in order to complete the framing of a genuine EMU by enhancing the Union's competencies, in particular in the field of economic policy, and by strengthening the Union's own resources and budgetary capacity, the role and democratic accountability of the Commission and Parliament's prerogatives;

7. Calls on national parliaments to engage in the process of preparing their governments' fiscal and reform plans before their submission to the Union; intends to propose at the Convention to add this explicit responsibility to the functions enjoyed by national parliaments under the provisions of Article 12 TEU;

8. Calls on the President of the Council, without delay, to bring to a conclusion in agreement with Parliament the legislative procedures under the ordinary legislative procedure pursuant to the Lisbon Treaty which are being blocked by the Council and adopt them, particularly those concerning CRD IV (capital requirements) and national deposit guarantee schemes;

9. Considers a substantial improvement of the democratic legitimacy and accountability at Union level of the EMU governance by an increased role of Parliament as an absolute necessity and a precondition for any further step toward a banking union, a fiscal union and an economic union;

10. Considers that under the existing Treaties the coordination and surveillance of the budgetary discipline of the Member States whose currency is the euro could be made binding and subject to the control of the Court of Justice of the European Union on the simple basis of Article 136 TFEU in conjunction with Article 121(6), but that, from a constitutional point of view, this step should be taken into consideration only if it would substantially strengthen Parliament's role as far as the detailed implementation of Article 121(3) and (4) TFEU is concerned and in order to complete and implement the multilateral surveillance procedure with delegated acts on the basis of Article 290 TFEU; reminds that according to the Treaties the promotion of high employment and the guarantee of adequate social protection has to be taken into account in defining and implementing the policies and activities of the Union, namely by introducing, building upon existing strategies, a new set of guidelines for Member States, including social and economic benchmarks with minimum standards to be applied to the main pillars of their economies;
11. Is of the opinion that a ‘genuine EMU’ cannot be limited to a system of rules but requires an increased budgetary capacity based on specific own-resources (including an FTT) which should, in the framework of the Union budget, support growth and social cohesion addressing imbalances, structural divergences and financial emergencies which are directly connected to the monetary union, without undermining its traditional functions to finance common policies.

12. Is of the opinion that under the existing Treaties Article 136 TFEU allows the Council, on a recommendation from the Commission and with the vote of only the Member States whose currency is the euro, to adopt binding economic policy guidelines for the euro area countries in the framework of the European Semester; stresses that an incentive mechanism would reinforce the binding nature of the economic policy coordination; calls for an Interinstitutional Agreement to involve Parliament in the drafting and approval of the Annual Growth Survey and the Economic Policy and Employment Guidelines;

13. While reaffirming its intention to intensify the cooperation with national parliaments on the basis of Protocol No 1, stresses that such a cooperation should not be seen as the creation of a new mixed parliamentary body which would be both ineffective and illegitimate on a democratic and constitutional point of view; stresses the full legitimacy of Parliament, as parliamentary body at the Union level for a reinforced and democratic EMU governance;

14. Requests the Commission to submit to Parliament as soon as possible after consultation of all interested parties, with Parliament being a co-legislator, proposals for acts on following the detailed recommendations set out in the Annex hereto;

15. Confirms that the recommendations respect the principle of subsidiarity and the fundamental rights of citizens of the Union;

16. Calls on the Commission, in addition to the measures which can and must be taken swiftly under the existing Treaties, to list the institutional developments which may prove necessary in order to establish a stronger EMU architecture, based on the need for an integrated financial framework, an integrated budgetary framework and an integrated economic-policy framework built on enhancing the role of Parliament;

17. Considers that the financial implications of the requested proposal should be covered by appropriate budgetary allocations;

18. Instructs its President to forward this resolution and the detailed recommendations set out in the Annex to the Commission, the European Council, the Council, the European Central Bank, the President of the Euro Group and the parliaments and governments of the Member States.

ANNEX

DETAILED RECOMMENDATIONS AS TO THE CONTENT OF THE PROPOSAL REQUESTED

1. An integrated financial framework

**Recommendation 1.1 relating to a single supervisory mechanism**

The European Parliament considers that the legislative act to be adopted should aim to regulate as follows:

The current Commission proposals on the single European supervisory mechanism should be adopted as soon as possible to ensure the effective application of prudential rules, risk control and crisis prevention concerning credit institutions throughout the Union.
The legal basis, form and content of the proposal should provide for the possibility of full participation of all Member States in the European single supervisory mechanism, in a form which ensures the full involvement in the decision-making process of the participating Member States whose currency is not the euro, guaranteeing a symmetric relation between accepted obligations and the impact on decision-making.

Participation of euro area Member States in the European supervisor should be mandatory.

The proposal should be subject to extensive democratic scrutiny by the European Parliament, within the boundaries of the Treaties.

The legal basis should involve the European Parliament as a co-legislator if the European Parliament’s co-decision role cannot be achieved by way of a ‘supervisory package’ concept. In accordance with Article 263 TFEU the Court of Justice of the European Union shall review the legality of acts of the ECB, other than recommendations and opinions, intended to produce legal effects vis-à-vis third parties.

The proposal should ensure that all tasks of EBA, as provided for in Regulation (EU) No 1093/2010, continue to be exercised at Union level and that the proposals are consistent with the sound functioning of the European Supervisory Authorities as envisaged in Regulation (EU) No 1093/2010.

The single supervisory mechanism needs to be accountable to the European Parliament and the Council for the actions and decisions taken in the field of European supervision and should report to the competent committee of the European Parliament. Democratic accountability requires, inter alia, Parliamentary approval of the chairman or chairwoman of the supervisory board of the single supervisory mechanism selected after an open selection procedure, the obligation of the chair to report to and be heard in the European Parliament, the right of the European Parliament to ask written or oral questions and the right of inquiry of the European Parliament in accordance with the TFEU.

The European single supervisory mechanism should be independent from national political interest and should ensure that the interests of the Union prevail over national interests through a Union mandate and adequate governance.

The decision-making processes within the single supervisory mechanism should be specified in the relevant legislative proposal under ordinary legislative procedure.

The European supervisor should have the competence and responsibility to:

— supervise credit institutions within the countries included in the system but with a clear division of operational responsibilities between the European and national supervisors depending on the size and business models of banks and the nature of the supervisory tasks;

— act in a way that is consistent with the need to maintain the unity and integrity and international competitiveness of the internal market, for example, to ensure that no barriers to competition exist between Member States;

— take due account of the impact of its activities on competition and innovation within the internal market, the integrity of the Union as a whole, the Union’s global competitiveness, financial inclusion, consumer protection and the Union’s strategy for jobs and growth;

— protect the stability and resilience of all parts of the financial system of participating Member States, the transparency of markets and financial products and the protection of depositors and investors and taxpayers, taking into account the diversity of markets and institutional forms;

— prevent regulatory arbitrage and guarantee a level playing field;

— strengthen international supervisory coordination and, where appropriate, represent the Union in international financial institutions;
— in the event of inaction by relevant national authorities, take the necessary measures to restructure, rescue and wind
down financial institutions that are failing or whose failure would create concerns as regards the general public interest.

Bodies responsible for supervision at supra-national level should be allocated sufficient resources, including staffing, to
ensure that they have the necessary operational capacities to carry out their mission.

Recommendation 1.2 relating to deposit guarantees

The European Parliament considers that the legislative act to be adopted should aim to regulate as follows:

The European Parliament calls on the Commission to do everything possible to ensure that the legislative procedure relating
to the recast directive on Deposit Guarantee Schemes can be completed as soon as possible on the basis of the European
Parliament’s position of 16 February 2012.

Given the long-term goal of the single European deposit framework uniform, stringent requirements should apply to all
deposit guarantee schemes in the Union in order to achieve the same comprehensive protection and the same stability of
deposit guarantee schemes and guarantee a level playing field. Only in this way can the preconditions for the requisite
flexibility be created so as take sufficient account of specific national circumstances in the financial sector.

Options for a single European deposit guarantee fund with functioning deposit guarantee schemes backed by appropriate
levels of funding, which therefore enhance credibility and investor confidence, should be explored, once an effective
resolution scheme and an effective single supervisory mechanism are working.

For the protection of private savings it is necessary to keep a functional separation while ensuring an effective articulation
of funds for deposit guarantee and recovery and resolution.

Deposit guarantee mechanisms, as well as recovery and resolution schemes, should have a strong financial structure, in the
first place ex-ante, built on contributions from the industry, whereby the contribution of a given financial institution should
mirror the riskiness of that institution, with public money only serving as an ultimate backstop reduced to its minimum
possible extent.

Recommendation 1.3 relating to recovery and resolution

The European Parliament considers that the legislative act to be adopted should aim to regulate as follows:

The current proposal for a directive establishing a framework for the recovery and resolution of credit institutions and
investment firms should be adopted as soon as possible in order to create a European scheme for the application of
resolution measures and open up in the medium-term the creation of a single European recovery and resolution regime.
The fact that certain banking sectors already have mechanisms of full protection and tools of recovery and resolution that
should be recognised, supported and articulated within the legislative act, should be taken into account.

The overall purpose of an effective resolution scheme and recovery scheme needs to be to minimise the potential use of
taxpayer resources needed for the recovery and resolution of banking institutions.

For the protection of private savings it is necessary to keep a functional separation while ensuring an effective articulation
of funds for deposit guarantee and recovery and resolution.

Recovery and resolution schemes, as well as deposit guarantee schemes, should have a strong financial, in the first place ex-
ante, structure built on contributions from the industry, whereby the contribution of a given financial institution should
mirror the riskiness of that institution, with public money only serving as an ultimate backstop reduced to its minimum
extent possible.

The proposal should also accord with other aspects of the European Parliament’s resolution of 7 July 2010 with
recommendations to the Commission on Cross-Border Crisis Management in the Banking Sector, such as harmonisation of
insolvency laws and common risk assessments, a single tool box and a ‘ladder of intervention’.
**Recommendation 1.4 relating to additional elements of a banking union**

The European Parliament considers that the legislative act to be adopted should aim to regulate as follows:

— the requirement, where necessary, for legal separation of certain particularly risky financial activities from deposit-taking banks within the banking group, in line with the Liikanen report;

— a ‘same risk, same rule’ regulatory framework that ensures that non-banks performing bank-like activities and interacting with banks are not beyond the reach of regulators;

— credible and regular stress-testing of banks’ financial health that promotes the early detection of problems and effective dimensioning of intervention;

— a uniform single rule book for the prudential supervision of all banks and a single macro-prudential framework to forestall further financial fragmentation.

2. An integrated fiscal framework

**Recommendation 2.1 on the two-pack**

The European Parliament considers that the legislative act to be adopted should aim to regulate as follows:

In the following domains the Commission should be required to implement effectively the compromises that will be reached in the context of the two-pack trilogue negotiations between the European Parliament and the Council:

— creating a common budgetary timeline;

— reforming national budgetary frameworks;

— assessing the budgetary plans including a qualitative assessment of public investments and expenditures related to ‘Europe 2020’ objectives;

— establishing economic partnership programmes;

— closer monitoring for Member States whose currency is the euro and that are in excessive deficit procedure;

— closer monitoring for Member States whose currency is the euro and that are at risk of non-compliance with their obligation under their excessive deficit procedure;

— reporting on debt issuance;

— an initiative specifying a set of programmes required for mobilising additional long-term investment of around 1% of GDP for enhancing sustainable growth and complementing the required structural reforms;

**Recommendation 2.2 on the communitarisation of the Fiscal Compact**

The European Parliament considers that the legislative act to be adopted should aim to regulate as follows:

On the basis of an assessment of the experience with its implementation and in accordance with the TEU and the TFEU, the Fiscal Compact should be transposed into secondary Union legislation as soon as possible.

**Recommendation 2.3: Taxation**

The European Parliament considers that the legislative act to be adopted should aim to regulate as follows:

Within an ever closer economic, fiscal and budgetary Union more must be done to coordinate systems of taxation, and to address harmful tax competition between Member States which is clearly against the logic of an internal market. In the first instance, when all avenues of discussion and compromise have failed, enhanced cooperation should be used more frequently in the field of taxation (such as for establishment of a CCCTB or a financial transaction tax) since harmonised frameworks for taxation will enhance budgetary policy integration.
Recommendation 2.4: A central European budget funded by own resources

The European Parliament considers that the legislative act to be adopted should aim to regulate as follows:

When formulating policy options, the Commission and the Council should be required to take into account the positions of the European Parliament on the multi-annual financial framework and own resources. The European Parliament has repeatedly expressed the urgent need for a reform of the own resource system and a return to the spirit and letter of the TFEU, stating that the Union budget shall be funded solely by own resources.

The situation whereby the financing needs of the Union budget conflict with the necessary budget consolidation in Member States should be addressed urgently. The time has come, therefore, to engage in a progressive return to a situation in which the Union budget is financed by genuine own resources, which would relieve national budgets accordingly. It is furthermore reminded that in its resolutions of 29 March 2007, 8 June 2011, 13 June 2012 and of 23 October of 2012, the European Parliament explained its views on what a genuine own resources system means and how to make this system compatible with the needed fiscal consolidation at national level in short term.

Further budgetary coordination within the Union requires consolidated data on the public accounts of the Union, Member States and local and regional authorities, reflecting the Union’s objectives. The Commission should therefore include the establishment of such consolidated data in upcoming legislative proposals.

Recommendation 2.5: gradual roll-over in redemption fund

The European Parliament considers that the legislative act to be adopted should aim to regulate as follows:

There should be a gradual roll-over of excessive debt into a redemption fund based on the proposal of the German Economic Council of Experts, which foresees the temporary creation of a fund that would be fed with all the debt over 60% of Member states which fulfil certain criteria; the debt being redeemed over a period of about 25 years; thus creating a fund which, together with the enforcement of all existing mechanisms, will help keeping the total debt of Member States below 60% in the future.

Recommendation 2.6 for fighting tax evasion

The European Parliament considers that the legislative act to be adopted should aim to regulate as follows:

The free movement of capital cannot be used as a way to evade tax, in particular for Member States whose currency is the euro and who are experiencing or threatened with serious difficulties with respect to their financial stability in the euro area. Therefore the Commission should, in line with its important initiative of the 27 June 2012 to reinforce the fight against tax fraud and evasion and aggressive tax planning, finalise international agreement rounds and table proposals to improve cooperation and coordination between tax authorities.

A financial transaction tax under enhanced cooperation in accordance with Articles 326 to 333 TFEU should be established.

Recommendation 2.7 on ensuring democratic oversight of the ESM

The European Parliament considers that the legislative act to be adopted should aim to regulate as follows:

The ESM should evolve towards Community-method management and be made accountable to the European Parliament. Key decisions, such as the granting of financial assistance to a Member State and the conclusion of memorandums, should be subject to proper scrutiny by the European Parliament.

The Troika appointed to ensure the implementation of the memorandums should be heard in the European Parliament before taking up duties and should be subject to regular reporting to and democratic scrutiny by the European Parliament.
Recommendation 2.8 on ensuring democratic accountability and legitimacy of fiscal coordination

The European Parliament considers that the legislative act to be adopted should aim to regulate as follows:

All newly created mechanisms for fiscal policy coordination should be matched with sufficient provisions to ensure democratic accountability and legitimacy.

3. An integrated economic policy framework

Recommendation 3.1 on the better ex-ante coordination of economic policy and improving the European Semester

The European Parliament considers that the legislative act to be adopted should aim to regulate as follows:

The Commission should make sure that the compromises that will be reached in the context of the two-pack trilogue negotiations between the European Parliament and the Council are implemented comprehensively.

Union instruments for European social protection and minimum social standards should be diligently explored, including for tackling Youth unemployment, such as a European youth guarantee.

The Commission should put forward proposals immediately in accordance with the ordinary legislative procedure to translate into secondary legislation the commitments of the Heads of State or Government on 28 June 2012 for a 'Growth and Job compact'; in particular, the economic coordination framework should take due account of the commitment of the Member State to 'pursuing differentiated growth-friendly fiscal consolidation, respecting the SGP and taking into account country-specific circumstances' and to promote 'investment into future-oriented areas directly related to the economy’s growth potential'.

The Commission should put forward a clarification concerning the status of the annual growth survey. The European Semester should involve the European Parliament and national parliaments.

Further budgetary coordination within the Union requires consolidated data on the public accounts of the Union, Member States and local and regional authorities, reflecting the Union’s objectives. The Commission should therefore include the establishment of such consolidated data in upcoming legislative proposals.

Based on a consideration of the various steps of the European Semester as established in the reinforced SGP and the macroeconomic surveillance mechanism, the need for additional legislation should be assessed, taking into account:

— The development and strengthening of the internal market and fostering international trade links are central to stimulating sustainable economic growth, increasing competitiveness and addressing macroeconomic imbalances. Therefore, the Commission should be required to take into account in its Annual Growth Survey what steps remain to be taken by Member States have taken to complete the internal market.

— National reform programmes (NRPs) and national stability programmes (NSPs) should be closely linked. Adequate monitoring should ensure the coherence of NRPs and NSPs.

— The European Semester should allow the development of greater synergy between Union and Member State budgets in view of achieving the targets of the Europe 2020 strategy; with this, the European Semester should also be developed to include resource-efficiency indicators.

— The involvement of regional and local authorities as well as partners in the planning and implementation of relevant programmes should be increased, in order to increase the feeling of responsibility for the goals of the strategy at all levels and ensure greater awareness on the ground of its objectives and results.
— The Commission should adopt the Annual Growth Survey and the alert mechanism by 1 December each year with a specific chapter for the euro area. The Commission should fully disclose its underlying macroeconomic methodologies and assumptions.

— The Commission should clearly assess, in the Annual Growth Survey, the main economic and fiscal problems of the Union and individual Member States, propose priority measures to overcome those problems, and identify the initiatives taken by the Union and the Member States to support enhanced competitiveness and long-term investment, to remove obstacles to sustainable growth, to achieve the targets laid down in the Treaties and the current Europe 2020 strategy, to implement the seven flagship initiatives and to reduce macroeconomic imbalances.

— The Member States and their regions should, in particular, involve national and regional parliaments, social partners, public authorities and civil society more closely in the formulation of national reform, development and cohesion programmes, and consult them regularly.

— The Commission should identify explicitly in the Annual Growth Survey potential cross-border spill-over effects of major economic policy measures implemented at Union level as well as in Member States.

— The Commissioners responsible for the European Semester should come and debate the Annual Growth Survey with the relevant committees of the Parliament as soon as they have been adopted by the Commission.

— The Council should come to the competent committee of the European Parliament in July to explain any significant changes it has made to the Commission’s proposed country-specific recommendations; the Commission should take part in this hearing to provide its views on the situation.

— The Member States should provide information which is as detailed as possible on the measures and instruments provided for in the national reform programmes to attain the national objectives set, including the deadline for implementation, the expected effects, the potential spill-over effects, the risks of unsuccessful implementation, the costs and, if applicable, the use of Union Structural Funds.

— Incentive mechanisms would reinforce the binding nature of the economic policy coordination.

**Recommendation 3.2 on a social pact for Europe**

The European Parliament considers that the legislative act to be adopted should aim to regulate as follows:

According to the Treaties the promotion of high employment and the guarantee of adequate social protection has to be taken into account in defining and implementing the policies and activities of the Union.

The specific rules for a binding supervision of the budgetary discipline in the euro area can and should complement fiscal and macroeconomic benchmarks with employment and social benchmarks to ensure the appropriate implementation of the abovementioned provision through adequate Union financial provisions.

A social pact for Europe should be set up to promote:

— youth employment, including initiatives such as a European youth guarantee;

— high-quality and appropriate financing of public services;

— decent living wages;

— access to affordable and social housing;

— a social protection floor to guarantee universal access to essential health services regardless of income;

— the implementation of a social protocol to protect fundamental social and labour rights;

— European standards to manage restructuring in a social and responsible way;
— a new health and safety strategy including stress-related diseases;
— equal pay and equal rights for work of equal value for all.

4. Strengthening democratic legitimacy and accountability

Recommendation 4.1 on Economic dialogue

The European Parliament considers that the legislative act to be adopted should aim to regulate as follows:

The Commission should be required to implement comprehensively the compromises that will be reached in the context of the two-pack trilogue negotiations between the European Parliament and the Council.

Recommendation 4.2: European financial backstops

The European Parliament considers that the legislative act to be adopted should aim to regulate as follows:

The operations of the EFSF/ESM and any future similar structure, should be subject to regular democratic control and oversight by the European Parliament and the Court of Auditors and OLAF should be involved in that control and oversight. The ESM should be communitarised.

Recommendation 4.3 on increasing the role of the European Parliament and inter-parliamentary cooperation in the context of the European Semester

The European Parliament considers that the legislative act to be adopted should aim to regulate as follows:

— The President of the European Parliament shall present at the European Spring Council the Parliament’s views on the Annual Growth Survey. An interinstitutional agreement should be negotiated to involve the European Parliament in the drafting and approval of the annual growth survey and the economic policy and employment guidelines.

— The Commission and the Council should be present when inter-parliamentary meetings between representatives of national parliaments and representatives of the European Parliament are organised at key moments of the Semester (i.e.: after the release of the Annual Growth Survey, and after the release of the country-specific recommendations), notably allowing national parliaments to take into account a European perspective when discussing the national budgets.

Recommendation 4.4 on increasing transparency, legitimacy and accountability

The European Parliament considers that the legislative act to be adopted should aim to regulate as follows:

— In order to reinforce transparency, Ecofin and the Eurogroup should be required to transmit to the European Parliament key internal documents, agendas and background material in advance of their meetings; in addition, the president of the Eurogroup should regularly appear before the European Parliament, e.g. in the form of hearings to be organised under the auspices of the European Parliament’s Committee for Economic and Monetary Affairs.

— The European Parliament must be fully involved in the further drafting of the report of the four Presidents, in line with the Community method; this involvement can be organised at working group level (preparatory work) as well as on the Presidential level (decision-taking).

— The President of the European Parliament should be invited to participate in the European Council meetings and the euro area summits.

— When new competences are transferred to or created at Union level or when new Union institutions are established, a corresponding democratic control by, and accountability to, the European Parliament should be ensured.

— The European Parliament should hold a hearing and consent to the appointment of the ESM Chairperson. The Chairperson should be subject to regular reporting to the European Parliament.
— The Commission representative(s) in the Troika should be heard in the European Parliament before taking up duties and should be subject to regular reporting to the European Parliament.

— The strengthening of the role of Commissioner for Economic and Monetary affairs or the creation of a European treasury office must be linked to adequate means for democratic accountability and legitimacy, involving approbation and control procedures by the European Parliament.

— Only the respect for the Community method, Union law and Union institutions can ensure the respect for democratic accountability and legitimacy in the Union; under the Treaties, the EMU can only be established by the Union.

— The currency of the Union is the euro and its parliament is the European Parliament; the future architecture of the EMU must recognise that the European Parliament is the seat of accountability at Union level.

— The process by which a blueprint for the future of the EMU is elaborated must fully involve the Parliament in accordance to the Community method.

All decisions related to the strengthening of the EMU must be taken on the basis of the Treaty on European Union; any departure from the Community method and increased use of intergovernmental agreements would divide and weaken the Union, including the euro area.

P7_TA(2012)0431

Work of the ACP-EU Joint Parliamentary Assembly in 2011

European Parliament resolution of 20 November 2012 on the work of the ACP-EU Joint Parliamentary Assembly in 2011 (2012/2048(INI))

(2015/C 419/10)
having regard to the Communiqué adopted on 29 April 2011 in Yaoundé (Cameroon) at the JPA Central African regional meeting (1),

having regard to the resolutions adopted by the JPA in Budapest (May 2011) on: the democratic upheavals in North Africa and the Middle East; consequences for the ACP countries, for Europe and for the world; the situation in Côte d’Ivoire; challenges for the future of democracy and respecting constitutional order in ACP and EU countries; budgetary support as a means of delivering official development assistance (ODA) in ACP countries; and water pollution;

having regard to the declarations adopted by the JPA in Budapest (May 2011) on: the 4th High Level Forum on aid effectiveness in Busan (South Korea) 2011; uniting for Universal Access in view of the 2011 High Level Meeting on AIDS in June (2),

having regard to the resolutions adopted by the JPA in Lomé (November 2011) on: the impact of the Treaty of Lisbon on the ACP-EU Partnership; the impact of debt on development financing in ACP countries; the inclusion of persons with disabilities in developing countries; the food crisis in the Horn of Africa, especially in Somalia; and the impact of the Arab Spring on neighbouring sub-Saharan states (3),

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

— having regard to the report of the Committee on Development (A7-0328/2012),

A. whereas the High Representative/Vice President has given assurances that the EU Council should be represented at ministerial level at the sessions of the Assembly, and has clarified that the fact that it was not represented at the 20th Session in Kinshasa in 2010 was a ‘one-off’; whereas the EU Council was represented at ministerial level at both sessions in 2011;

B. whereas the ACP-EU JPA is the largest parliamentary body encompassing countries of both the North and the South;

C. having regard to the excellent contribution made by the Hungarian Presidency and by various local authorities to the organisation and contents of the 21st session in Budapest;

D. whereas two fact-finding missions were organised in 2011, one to Timor Leste and the other to the Fourth High Level Forum on Aid Effectiveness in Busan (South Korea);

E. whereas the revision of the Cotonou Partnership Agreement in 2010 provided a valuable opportunity to strengthen the role of the JPA and its regional dimension and to develop parliamentary scrutiny in ACP regions and countries; whereas ratification of the revision of the Agreement was not completed by the end of 2011;

F. whereas, in accordance with the Cotonou Agreement, the political dialogue within Article 8 shall be conducted including the JPA;

G. whereas the JPA regional meeting held in Cameroon in 2011 was a considerable success and resulted in the adoption of the above-mentioned Yaoundé Communiqué, which pointed out, in particular, Members’ indignation about the proliferation of sexual violence, the risks of trivialisation, and widespread impunity;

H. whereas new rules adopted by the European Parliament governing travel by parliamentary assistants have rendered it impossible for them to assist Members on mission;

1. Welcomes the fact that in 2011 the JPA continued to provide a framework for an open, democratic and in-depth dialogue between the European Union and the ACP countries on the Cotonou Partnership Agreement and its implementation, including the EPAs;

1) APP 100.945.
2) OJ C 327, 10.11.2011, p. 42.
2. Stresses the added value of holding the JPA sessions in the EU Member States by rotation, and believes that this rotation should be maintained in the future, as has been the case since 2003;

3. Congratulates the Hungarian Presidency on its active contribution to the 21st session, in particular the workshops;

4. Stresses the need to pay more attention to the outcomes of the work of the ACP-EU JPA, and to ensure coherence between its resolutions and those of the EP; is concerned over the fall in the participation of MEPs, in particular at JPA Committee meetings, and asks for greater involvement of MEPs in its meetings and activities; calls for greater flexibility in the admission of parliamentary assistants attending meetings of the JPA in order to enhance the quality of work of their members;

5. Recalls the commitment expressed by the High Representative/Vice President that the EU Council should be represented at ministerial level at the sessions of the Assembly; welcomes the renewed attendance by the EU Council at its sessions in 2011, and is satisfied that the High Representative has ensured a clarification of the role of the EU Council; calls for a clearer delineation of responsibilities between the EEAS and the Commission in terms of the implementation of the Cotonou Partnership Agreement;

6. Stresses the crucial role of the ACP national parliaments, local authorities and non-state actors in the drafting and monitoring of the Country and Regional Strategy Papers and the implementation of the European Development Fund (EDF), and calls on the Commission and the ACP governments to guarantee their involvement; further emphasises the need for close parliamentary scrutiny during the negotiation and conclusion of EPAs;

7. Expresses concern over budget cuts in EU Member States affecting development policy spending; calls on the JPA to maintain its pressure on EU Member States to meet their 0.7 % GNI target by 2015; calls on the Members of the JPA to give more thought to targeting resources where they are most needed, so as to reduce poverty, and to a more discriminating approach to aid modalities;

8. Draws attention to the need to involve parliaments in the democratic process and in the national development strategies; stresses their vital role in establishing, following up and monitoring development policies; calls on the Commission to supply all available information to the parliaments of the ACP countries and to assist them in exercising democratic scrutiny, in particular by means of capacity-building;

9. Stresses the necessity of upholding the freedom and independence of the media, these being vital elements in ensuring pluralism and the involvement of democratic opposition groups and minorities in political life;

10. Calls on the EU and the ACP countries to encourage citizens, and particularly women, to participate in development issues, since the involvement of society is vital if progress is to be made; acknowledges the problem-solving and conflict-resolution skills of women, and urges the Commission and the JPA to include more women in task forces and working groups, and highlights the valuable contribution of the Women’s Forum in this regard;

11. Calls on the parliaments to exercise close parliamentary scrutiny of the EDF; highlights the JPA’s key position in this debate, and calls on it and the parliaments of the ACP countries to take an active part therein, in particular in connection with the ratification of the revised Cotonou Partnership Agreement;

12. Calls on the European Commission to update the JPA on the state of play of the ratification of the Cotonou Partnership Agreement, as revised in Ouagadougou on 22 June 2010;

13. Recalls that under the Cotonou Partnership Agreement the political dialogue under Article 8 shall be conducted including the JPA, and that therefore the JPA should be duly informed and involved;

14. Reiterates the importance of an enhanced, genuine and more comprehensive political dialogue on human rights, including non-discrimination on the grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation;

15. Welcomes the increasingly parliamentary — and hence political — nature of the JPA, together with the ever more active role played by its members and the greater quality of its debates, which are helping it make a vital contribution to the ACP-EU partnership;
16. Is concerned at the increase in violence and discrimination against homosexuals in some countries, and calls on the JPA to put this on the agenda for its debates;

17. Draws attention to the fact that the discussion about the post 2020-future of the ACP group has already begun, and stresses the important role that the JPA will have to play in this discussion; highlights in this regard the need to clarify the future roles and relations of the different groups (ACP, AU, LDCs, G-77, regional groupings); underlines the need for comprehensive joint parliamentary oversight, independently of the final outcome;

18. Highlights the importance accorded by the JPA to transparency in the exploitation of and in trade in natural resources, and stresses that the JPA will push further for appropriate legislation in this regard;

19. Calls on the JPA to continue to monitor the situation in North Africa and in ACP countries in crisis, and to play closer attention to situations of state fragility;

20. Calls on the JPA to continue to organise its own election observation missions on the same basis as the successful mission to Burundi in 2010, inasmuch as they reflect the JPA’s dual legitimacy, while ensuring the independence of its electoral missions and undertaking close coordination with other regional observation bodies;

21. Welcomes the fact that one further regional meeting as provided for in the Cotonou Partnership Agreement and the JPA Rules of Procedure was held in 2011; considers that these meetings make for a genuine exchange of views on regional issues, including conflict prevention and resolution, regional cohesion and EPA negotiations; commends the organisers of the successful meeting in Cameroon;

22. Welcomes the conclusion of the work of the Working Group on Working Methods, and the adoption of a first set of amendments to the Rules of Procedure in Budapest, and calls on the JPA Bureau to implement its remaining recommendations, in order to improve the efficiency and political impact of the JPA, both in the implementation of the Cotonou Partnership Agreement and on the international stage;

23. Stresses the importance of the on-site visits organised during the JPA sessions, which complement the part-session discussion;

24. Calls on the JPA to continue its discussions on the organisational costs of its meetings;

25. Welcomes the participation of representatives of the European Parliament and of the JPA in the informal council of development cooperation ministers organised by the Polish Presidency of the Council of the European Union in Sopot on 14 and 15 July 2011, and calls on the future presidencies of the Council to do the same;

26. Instructs its President to forward this resolution to the Council, the Commission, the ACP Council, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the JPA Bureau, and the Governments and Parliaments of Hungary and Togo.
P7_TA(2012)0442

Monitoring the application of EU law (2010)


(2015/C 419/11)

The European Parliament,


— having regard to the report by the Commission entitled ‘EU Pilot Evaluation Report’ (COM(2010)0070),

— having regard to the report by the Commission entitled ‘Second Evaluation Report on EU Pilot’ (COM(2011)0930),

— having regard to the Commission communication of 5 September 2007 entitled ‘A Europe of results — applying Community law’ (COM(2007)0502),

— having regard to the Commission communication of 20 March 2002 on relations with the complainant in respect of infringements of Community law (COM(2002)0141),

— having regard to the Commission communication of 2 April 2012 entitled ‘Updating the handling of relations with the complainant in respect of the application of Union law’ (COM(2012)0154),

— having regard to its resolution of 14 September 2011 on the 27th annual report on monitoring the application of European Union law (2009) (1),

— having regard to its resolution of 25 November 2010 on the 26th annual report on monitoring the application of European Union law (2008) (2),


— having regard to its resolution of 14 September 2011 on the deliberations of the Committee on Petitions during the year 2010 (3),

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

— having regard to the report of the Committee on Legal Affairs and the opinions of the Committee on Constitutional Affairs and the Committee on Petitions (A7-0330/2012),

A. whereas the Treaty of Lisbon introduced a number of new legal bases intended to facilitate the implementation, application and enforcement of EU law;

B. whereas Article 298 TFEU states that in carrying out their missions the institutions, bodies, offices and agencies of the Union shall have the support of an open, efficient and independent European administration;

C. whereas the environment, the internal market and taxation are the most infringement-prone policy areas and account for 52% of all infringement cases;

(1) Texts adopted, P7_TA(2011)0377.
(2) OJ C 99 E, 3.4.2012, p. 46.
Recalls that Article 17 TEU defines the fundamental role of the Commission as ‘guardian of the Treaties’; notes in this context that the Commission’s power and duty to bring infringement proceedings against a Member State that has failed to fulfil an obligation under the Treaties (1) is a cornerstone of the Union legal order and as such is consistent with the concept of a Union based on the rule of law;

Emphasises the fundamental importance of the rule of law as a condition for the legitimacy of any form of democratic governance, and to fully guarantee citizens the enjoyment of their rights as provided by law;

Endorses the Commission’s ‘smart regulation’ approach which focuses on integrating the monitoring of the application of EU law into the wider policy cycle, which the Committee views as a key preventive measure;

Notes that the infringement procedure consists of two phases: the administrative (investigation) stage, and the judicial stage before the Court of Justice; considers that the role of citizens as complainants is vital in the administrative phase when it comes to ensuring compliance with Union law on the ground;

Welcomes the fact that the Commission uses a large number of tools to make the transposition process smoother (transposition checklists, handbooks or interpretative notes) and encourages the Commission to follow even more closely the transposition of directives before the end of the transposition deadline, particularly as far as Member States with a ‘bad record’ are concerned, in order to be able to intervene swiftly;

Draws attention to the direct applicability of the provisions of directives when they are sufficiently precise and unconditional (‘direct effect’), in accordance with the settled case law of the Court of Justice;

Calls on the Commission and the Member States to act jointly and consistently to tackle the problem of ‘gold-plating’;

Notes that the Commission has recently published a new communication on the handling of relations with the complainant in respect of the application of Union law (COM(2012) 0154), in which it has reviewed the conditions under which a complaint is registered and has therefore affected the infringement procedure as a whole; urges the Commission not to make use of soft law when dealing with the infringement procedure, but, rather, to propose a regulation (2), so that Parliament can be fully involved as co-legislator in this essential element of the EU legal order;

Views as regrettable, however, the enormous number of non-communication cases (470 pending in 2010);

Deplores the absence in the above-mentioned new communication of any reference to EU Pilot, which is, as defined by the Commission itself, a ‘well-established working method’ (3) which it uses to deal with complaints as a first step in the infringement procedure wherever there might be recourse to that procedure (4); notes that EU Pilot is not even mentioned by name in the communication and that there is no reference to any of the rights or the protection accorded to the complainant under EU Pilot; concludes, therefore, that decisions taken by the Commission which precede or exclude the infringement procedure do not in these case obey the rules of transparency and accountability and are made at the Commission’s complete discretion alone;

Calls on the Commission to clarify the status of the EU Pilot system and to define clearly the framework and rules of its application in such a way that they will be understood by citizens;

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(1) Articles 258 and 260 TFEU define the Commission’s powers as regards launching infringement proceedings against a Member State. More particularly, Article 258 states that the Commission ‘shall deliver a reasoned opinion’ if it considers that a Member State has failed to fulfil an obligation under the Treaties.

(2) See paragraph 7, calling for a ‘procedural law’.


(4) See the above mentioned report, p. 3. See the above-mentioned resolution of 25 November 2010.
12. Points out that the number of Member States participating in EU Pilot (18 by the end of 2010), and the large number of cases closed after the response from the Member State was assessed as acceptable (81% of cases); underscores the importance of the quality of these assessments, both in terms of valid and verified information and in terms of respect for the general principles of administrative law recognised by the Court of Justice;

13. Reiterates its view that the discretionary power conferred by the Treaties upon the Commission in dealing with the infringement procedure must respect the rule of law, the principle of legal clarity, the requirements of transparency and openness and the principle of proportionality, and that nothing must under any circumstances jeopardise the basic purpose of that power, which is to guarantee the timely and correct application of Union law (1);

14. Notes the encouraging figures indicating that 88% of infringement cases closed in 2010 ‘did not reach the Court of Justice because Member States corrected the legal issues raised by the Commission before it would have been necessary to initiate the next stage in the infringement proceedings’; takes the view, however, that it is essential to continue to monitor Member States’ actions carefully, as some petitions refer to problems that persist even after a matter has been closed (see, for example, petitions 0808/2006, 1322/2007, 0492/2010, 1060/2010 and 0947/2011);

15. Emphasises, overall that additional efforts must be undertaken to increase transparency and reciprocity in communication between Parliament and the Commission; notes, for example, that greater access to information on complaints, infringement files and other enforcement mechanisms could be provided without jeopardising the purpose of investigations, and that an overriding public interest might well justify access to this information, particularly in cases where danger to human health and irreversible damage to the environment may be at stake;

16. Notes that in order to make EU Pilot operational, the Commission has created a ‘confidential on-line database’ for communication between its services and Member State authorities; draws attention yet again to the lack of transparency vis-à-vis complainants in EU Pilot, and reiterates its request to be given access to the database where all complaints are collected, in order to enable Parliament to carry out its function of scrutinising the Commission’s role as guardian of the Treaties;

17. Deplores the absence of any follow-up to Parliament’s above-mentioned resolution on the 27th annual report, and in particular its call for a procedural law in the form of a regulation under Article 298 TFEU setting out the various aspects of the infringement procedure and the pre-infringement procedure, including notifications, binding time-limits, the right to be heard, the obligation to state reasons, and the right for every person to have access to her or his file, in order to reinforce citizens’ rights and guarantee transparency;

18. Calls therefore once again on the Commission to propose a ‘procedural law’ in the form of a regulation under the new legal basis of Article 298 TFEU;

19. Notes in this context the Commission’s reply to Parliament’s request for a procedural law, in which it expresses doubts regarding the possibility of adopting any future regulation based on Article 298 TFEU, because of the discretionary power conferred by the Treaties on the Commission ‘to organise the way in which it manages infringement proceedings and related work to ensure the correct application of EU law’: is convinced that such a procedural law would not in any way limit the discretionary power of the Commission, but would only guarantee that when exercising its power the Commission would respect the principles of an ‘open, efficient and independent European administration’ as referred to in Article 298 TFEU and the right to good administration referred to in Article 41 of the Charter of Fundamental Rights of the European Union;

20. Emphasises the importance of transparency in infringement procedures, not least in view of the possibility for Parliament to monitor the application of Union law; recalls in this context that in the revised Framework Agreement on relations with Parliament the Commission undertakes to ‘make available to Parliament summary information concerning all infringement procedures from the letter of formal notice, included, if so requested, (...) on the issues to which the infringement procedure relates’ and expects this clause to be applied in good faith in practice;

(1) Parliament stated, in its above-mentioned resolution of 25 November 2010, that ‘absolute discretion coupled with an absolute lack of transparency is fundamentally contrary to the rule of law’. 
21. Points out that the petition is the proper instrument to be used by citizens, civil society organisations and enterprises to report on non-compliance with EU law by Member State authorities at different levels; calls on the Commission, in this context, to safeguard the transparency of ongoing infringement procedures by informing citizens in a timely and appropriate manner of the action taken in response to their request;

22. Points out that citizens and civil society organisations continue to use the petitions mechanism mainly to report on and complain about non-compliance with EU law by Member State authorities at different levels; emphasises, in light of this, the Committee on Petitions’ crucial role as the effective juncture between the citizen, Parliament and the Commission;

23. Welcomes the specific section on petitions contained in the 28th annual report, as requested by Parliament, in which the Commission gives a breakdown of new petitions received; welcomes the Commission’s report that ‘petitions to the European Parliament led to infringement proceedings’ in a number of areas; emphasises that, even when petitions do not concern infringements, they provide Parliament and the Commission with remarkable information about citizens’ concerns;

24. Highlights the significant number of petitions received on issues related to environmental legislation, and notably with regard to waste management provisions; recalls the points underscored by the Chair of the Commission’s Conference on the Implementation of EU Environment Law, held on 15 June 2011, which referred to the frequent lack of sound environmental impact assessments, disregard for public consultations and various other deficiencies in the operation of waste management systems;

25. Recalls that the original mandate for the Charter was to codify the fundamental rights enjoyed by EU citizens, and that the Heads of State and Government have on repeated occasions solemnly declared that the Charter sets out the rights of EU citizens; calls on all Member States to reconsider the necessity of Article 51 of the Charter and encourages them to unilaterally declare that they will not limit the rights of individuals within their jurisdiction on the basis of the provisions of that article;

26. Stresses that citizens, when submitting a petition to the European Parliament, expect to be protected by the provisions of the Charter, regardless of which Member State they reside in and whether or not EU law is being implemented; remains concerned, in this regard, that citizens feel misled about the actual scope of application of the Charter; considers it essential, therefore, to explain properly the principle of subsidiarity and to clarify the scope of application of the Charter from Parliament’s perspective on the basis of Article 51 of the Charter;

27. Stresses that a significant number of petitions relating to fundamental rights concern the free movement of persons and that — as is clear from the 2010 report on citizenship of the European Union — the rights arising from EU citizenship are an important prerequisite for citizens to be able to make full use of the internal market; emphasises that this increased use by citizens can unlock the significant growth potential of the internal market and therefore, given the current economic challenges facing Europe, reiterates its call to the Commission and the Member States to make greater efforts to ensure the full and prompt transposition of EU law in this area;

28. Further stresses that citizens similarly feel similarly misled about the applicability of Community law in instances of late transposition; points to the distressing reality that citizens to whom an applicable community law is unavailable because it has not yet been transposed by the Member State in question find themselves without recourse to any redress mechanism;

29. Endorses the view of the European Parliament’s Legal Service that, with regard to the admissibility of petitions, the fields of activity of the European Union are broader than its competences; underlines that this notion should serve as a basis for the handling of petitions by Parliament and the Commission;

30. Reiterates that individual complaints by businesses and members of the public remain the main source for the detection of breaches of European Union law and, subsequently, for the initiation of infringement proceedings; calls, for this reason, for the introduction of more effective, legally binding administrative provisions to safely and reliably define the procedural relationship between the Commission and complainants before, during and after the infringement proceedings, above all to strengthen the position of the individual complainant;

31. Welcomes the new element contained in Article 260 TFEU which allows the Commission to ask the Court of Justice to impose financial sanctions on a Member State for late transposition of a directive when bringing a case before the Court under Article 258 TFEU;
32. Welcomes the Commission's undertaking to make use of Article 260(3) TFEU as a matter of principle in cases of failure to fulfil an obligation covered by this provision, which concerns the transposition of directives adopted under a legislative procedure;

33. Considers it of the utmost importance that the Commission make use of this possibility, together with all other possible means of guaranteeing that Member States transpose Union legislation in a timely and correct fashion; those who are lagging behind and have not implemented the laws on time should be named;

34. Draws attention to the fact that, since this report was issued, Parliament, the Council, the Commission and the Member States have reached an agreement on the issue of explanatory documents setting out the relationship between the components of a directive and the corresponding parts of national transposition instruments ('correlation tables'); notes that the three institutions and the Member States have agreed to include in directives a recital declaring that a correlation table should be delivered by the Member State concerned where, in a given case, this is necessary and proportionate;

35. Stresses that correlation tables are an invaluable tool to enable the Commission and Parliament to oversee the correct transposition and application of Union law by the Member States because the relationship between a directive and the corresponding national provisions is often very complex and sometimes almost impossible to trace back;

36. Calls on the Commission to transmit clear guidelines to the European Parliament on creating, incorporating and applying correlation tables in Community law, and also to carry out a transparent evaluation, which will significantly contribute to the assessment of the implementation of this law at Member State level;

37. Notes that the national courts play a vital role in applying EU law, and fully supports the EU's efforts to enhance and coordinate judicial training for legal, judicial and administrative authorities and legal professionals, officials and civil servants in the national administrations as well as regional and local authorities at European level;

38. Instructs its President to forward this resolution to the Council, the Commission, the Court of Justice, the European Ombudsman and the Parliaments of the Member States.

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Environmetal impacts of shale gas and shale oil extraction activities

European Parliament resolution of 21 November 2012 on the environmental impacts of shale gas and shale oil extraction activities (2011/2308(INI))

(2015/C 419/12)

The European Parliament,


having regard to 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 (as amended) (10), and Decision 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community’s greenhouse gas emission reduction commitments up to 2020 (11),


— having regard to its resolution of 13 September 2011 on facing the challenges of the safety of offshore oil and gas activities (2),

— having regard to the report on unconventional gas in Europe, of 8 November 2011, commissioned by the Directorate-General for Energy of the Commission (3),

— having regard to the transmission note of 26 January 2012 from the Commission’s Directorate-General for the Environment to Members of the European Parliament on the EU environmental legal framework applicable to shale gas projects,

— 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, entitled ‘Energy Roadmap 2050’ (COM(2011) 0885),

— having regard to Petitions 886/2011 (on the risks associated with shale gas exploration and extraction in Bulgaria) and 1378/2011 (on extraction of shale gas in Poland),

— having regard to the study published by the Directorate-General for Internal Policies, Policy Department A: Economic and Scientific Policy of the European Parliament in June 2011: Impacts of shale oil and shale gas extraction on the environment and on human health,

— having regard to Articles 4, 11, 191, 192, 193 and 194 of the Treaty on the Functioning of European Union,

— 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 Development and the Committee on Legal Affairs (A7-0283/2012),

A. whereas recent technological advancements have already spurred a rapid, commercial-scale extraction of unconventional fossil fuels (UFF) in certain parts of the world; whereas there is no commercial-scale exploitation in the EU yet and the potential of reserves and possible impacts on the environment and public health have to be further scrutinized;

B. whereas the development of shale gas is not uncontroversial in the EU or worldwide, thereby necessitating a thorough examination of all the impacts (on the environment, public health and climate change) before developing this technology further;

C. whereas the Energy Roadmap 2050 has identified that shale gas and other unconventional sources have become potential important new sources of supply in or around Europe; whereas substitution of coal and oil with gas in the short to medium term could help to reduce GHG emissions depending on their lifecycle;

D. whereas gas can be used to serve base load power generation as well as provide reliable back-up power for variable power sources, such as wind and solar, and this reliability reduces the technical challenges of grid balancing; whereas gas is also an efficient fuel for heating/cooling and numerous other industrial uses which enhance EU competitiveness;

E. whereas the two main techniques deployed in unleashing the UFF potential of shale gas and coal bed methane, horizontal drilling and hydraulic fracturing (fracking), have been used in combination for just a decade, and should not be confused with well stimulation techniques used for the extraction of conventional fossil fuels due to the combination of these two techniques and the scale of intervention involved;

(2) Texts adopted, P7_TA(2011)0366.
whereas the EU is committed to a legally binding target to reduce greenhouse gas emissions and increase the share of renewable energy; whereas any decisions on exploitation of UFF should be seen in the context of the need to cut emissions;

G. whereas to date there has been no EU (framework) directive for regulating mining activities;

H. whereas there is insufficient data on fracturing chemicals and environmental and health risks associated with hydraulic fracturing; whereas important analysis is still ongoing and there is a growing need for further and continuous research; whereas the existence and transparency of data, sampling and tests is of paramount importance to high-quality research in support of proper regulation that will protect public health and the environment;

I. whereas any type of fossil fuel and minerals extraction involves potential risks for human health and the environment; whereas it is essential that the precautionary and the polluter-pays principles are applied to any future decisions about the development of fossil fuel resources in Europe, taking into account potential impacts from all stages of the exploration and exploitation process;

J. whereas EU Member States such as France and Bulgaria have already imposed a moratorium on shale gas extraction due to environmental and public health concerns;

K. whereas shale gas exploitation projects are not generally subject to an environmental impact assessment despite the environmental risks of such projects;

L. whereas the EU has the role of ensuring a high level of human health protection in all of the Union’s policies and activities;

M. whereas many governments in Europe, such as France, Bulgaria, North Rhine Westphalia in Germany, Fribourg and Vaud in Switzerland, as well as a number of US states (North Carolina, New York, New Jersey, and Vermont and more than 100 local governments) and other countries around the world (South Africa, Quebec in Canada, New South Wales in Australia) currently have a ban or moratorium in place on the use of hydraulic fracturing for the extraction of oil and gas from shale or other ‘tight’ rock formations;

N. whereas a number of Member States, such as the Czech Republic, Romania and Germany, are currently considering a moratorium on the exploration and extraction of oil and gas from shale or other ‘tight’ rock formations;

O. whereas the Environmental Liability Directive does not oblige operators to take out adequate insurance considering the high costs associated with accidents in the extractive industries;

**General framework — regulation, implementation, monitoring and cooperation**

1. Understands shale gas exploration and extraction to refer to any unconventional hydrocarbon exploration and extraction using horizontal drilling and high-volume hydraulic fracturing methods utilised in fossil fuels industries worldwide;

2. Stresses that, notwithstanding the Member States’ exclusive prerogative to exploit their energy resources, any development of UFF should ensure a fair and level playing field across the Union, in full compliance with relevant EU safety and environmental protection laws;

3. Considers that a thorough analysis of the EU regulatory framework specifically regarding UFF exploration and exploitation is needed; welcomes, to this end, the upcoming conclusion of a number of Commission studies on: identification of risks, lifecycle GHG emissions, chemicals, water, land-use and effects of shale gas on EU energy markets; urges Member States to be cautious in going further with UFF until the completion of the ongoing regulatory analysis and to implement all existing regulations effectively as a crucial way of reducing risk in all gas extraction operations;
4. Calls on the Commission, following the completion of its studies, to conduct a thorough assessment on the basis of the European regulatory framework for the protection of health and the environment and to propose, as soon as possible and in line with Treaty principles, appropriate measures, including legislative measures, if necessary;

5. Stresses that UFF extraction, like conventional fossil fuel extraction, has risks; believes that these risks should be contained through pre-emptive measures including proper planning, testing, use of new and best available technologies, best industry practices and continuous data collection, monitoring and reporting conducted within a robust regulatory framework; considers it crucial, before the start of UFF operations, to require measuring for baseline levels of naturally occurring methane and chemicals in groundwater in aquifers and current air quality levels at potential drilling sites; considers, furthermore, that regular involvement of the Original Equipment Manufacturers (OEM) or equivalent equipment manufacturers could ensure that the critical safety and environmental equipment continues to perform effectively and meet safety standards;

6. Notes the Commission's preliminary assessment on the EU environmental legal framework applicable to hydraulic fracturing; urges the Commission to use its powers regarding proper transposition and application of key EU environmental acts in all Member States, and issue without delay guidance on the establishment of baseline water monitoring data necessary for environmental impact assessment of shale gas exploration and extraction, as well as criteria to be used for assessing impacts of hydraulic fracturing on groundwater reservoirs in different geological formations, including potential leakage, and cumulative impacts;

7. Calls on the Commission to introduce an EU-wide risk management framework for unconventional fossil fuels exploration or extraction, with a view to ensuring that harmonised provisions for the protection of human health and the environment apply across all Member States;

8. Calls on the Commission, in cooperation with Member States and the competent regulatory authorities, to introduce ongoing monitoring of developments in this area and take the necessary action to complement and extend existing EU environmental legislation;

9. Notes that methane is a powerful greenhouse gas, the emissions of which must be fully accounted for under either Directive 2003/87/EC (ETS) or Decision No 406/2009/EC (the 'Effort Sharing Decision');

10. Stresses that the effectiveness of regulation of UFF exploration and extraction — in full compliance with existing EU legislation — ultimately depends on the willingness and resources of the relevant national authorities; calls on Member States, therefore, to ensure sufficient human and technical capacities for monitoring, inspection and enforcement of permitted activities, including proper training for the staff of the competent national authorities;

11. Notes the importance of the work undertaken by reputable institutions, notably the International Energy Agency (IEA), to prepare guidance on best practice regarding regulations for unconventional gas and hydraulic fracturing;

12. Calls for the development of a comprehensive European Best Available Techniques Reference (BREF) for fracking based on robust scientific engineering practice;

13. Calls on those national authorities which have authorised UFF exploration to review existing state regulations on well construction for conventional fossil fuels and to update those provisions covering the specifics of UFF extraction;

14. Recognises that the industry bears primary responsibility for preventing and reacting effectively to accidents; calls on the Commission to consider including operations related to hydraulic fracturing in Annex III of the Environmental Liability Directive and on the relevant authorities to require sufficient financial guarantees by operators for environmental and civil liability covering any accidents or unintended negative impacts caused by their own activities or those outsourced to others; considers that the polluter-pays principle should apply in case of environmental pollution; welcomes the progress made by the industry in setting high environmental and safety standards; stresses the importance of monitoring the industry's compliance by means of regular inspections carried out by trained and independent specialists;
15. Calls on the energy companies active in the field of UFF extraction to invest in research into improving the environmental performance of UFF technologies; urges EU-based undertakings and academic institutions to develop relevant cooperative R&D programmes leading to greater understanding about safety and risks in UFF exploration and production (E&P) operations;

16. Reiterates its call to the Commission and the Member States, expressed in its resolution of 15 March 2012 on a Roadmap for moving to a competitive low carbon economy in 2050, to push for a faster implementation of the G-20 agreement on removing fossil fuel subsidies; considers that exploration and exploitation of fossil fuel sources, including unconventional sources, must not be subsidised from public funds;

17. Considers that mutual non-disclosure agreements regarding damage to environmental, human and animal health, that have been practised between landowners in the vicinity of shale gas wells and shale gas operators in the US, would not be in line with Union and Member State obligations under the Aarhus Convention, the Access to Information Directive (2003/4/EC) and the Environmental Liability Directive;

Environmental aspects of hydraulic fracturing

18. Recognises that shale gas exploration and extraction may possibly result in complex and cross-cutting interactions with the surrounding environment, in particular owing to the hydraulic fracturing method employed, the composition of the fracturing liquid, the depth and construction of the wells and the area of surface land affected;

19. Acknowledges that the types of rocks present in each individual region determine the design and method of extraction activities; calls for mandatory baseline analysis of groundwater and geological analysis of the deep and shallow geology of a prospective shale play prior to authorisation, including reports on any past or present mining activities in the region;

20. Stresses the need for scientific studies regarding the long-term impact on human health of fracking-related air pollution and water contamination;

21. Calls on the Commission to ensure the effective implementation of laws on mining environmental impact assessment in national legislation; stresses at the same time that each impact assessment should be carried out as an open and transparent process;


23. Calls on the Commission to bring forward proposals to ensure that Environmental Impact Assessment Directive provisions adequately cover the specificities of shale gas, shale oil, and coal bed methane exploration and extraction; insists that prior environmental impact assessment includes full life-cycle impacts on air quality, soil quality, water quality, geological stability, land use and noise pollution;

24. Calls for the inclusion of projects including hydraulic fracturing in Annex I of the Environmental Impact Assessment Directive;

25. Notes that there is a risk of seismic tremors as demonstrated by shale gas exploration in the north-west of England; supports the recommendations of the UK Government commissioned report that operators be required to meet certain seismic and microseismic standards;

26. Recalls that the sustainability of shale gas is not yet proven; calls on the Commission and Member States to assess thoroughly greenhouse gas emissions during the entire process of extraction and production to prove its environmental integrity;
27. Considers it appropriate, in the context of liability, to provide for the reversal of the burden of proof for shale gas operators, where, in view of the nature of the disturbance and its adverse effects, other possible causes and any other circumstances, the balance of probability indicates that shale gas operations were the cause of the environmental damage;

28. Calls on the Commission to bring forward proposals to explicitly include fracking fluids as ‘hazardous waste’ under Annex III of the European Waste Directive (2008/98/EC);

29. Recognises the relatively high water volumes involved in hydraulic fracturing given that water is a particularly sensitive resource in the EU; highlights the need for advance water provision plans based on local hydrology with consideration for local water resources, the needs of other local water users and capacities for wastewater treatment;

30. Calls on the Commission to ensure that the relevant European environmental standards are met in full, particularly with regard to the water used in hydrofracking, and that breaches are appropriately penalised;

31. Recalls that the Water Framework Directive requires Member States to implement the measures necessary to prevent the deterioration of the status of all bodies of groundwater, including from point sources such as hydrocarbon exploration and extraction;

32. Calls on the industry, in transparent collaboration with national regulatory bodies, environmental groups and communities, to take the measures needed to prevent the status of relevant bodies of groundwater from deteriorating, and thereby maintain good groundwater status as defined in the Water Framework Directive and the Groundwater Directive;

33. Recognises that hydraulic fracturing takes place at a depth well below groundwater aquifers; therefore believes that, as drilling operations cross drinking water sources, the main concern regarding groundwater contamination is often well integrity in terms of the quality of its casing and cementing and its ability to resist the high pressure of the liquid injected and low-magnitude earth tremors;

34. Calls for a blanket ban on hydrofracking in certain sensitive and particularly endangered areas, such as in and beneath drinking water protection areas and in coal mining areas;

35. Stresses that effective prevention requires consistent monitoring of strict adherence to the highest standards and practices in well-bore construction and maintenance; considers that well completion reports should be submitted by operators to the competent authorities; underlines that both industry and competent authorities should ensure, at all stages, regular quality control for casing and cement integrity, as well as baseline groundwater sampling to control the quality of drinking water, conducted in close cooperation with drinking water providers; points out that this requires significant human resources and technical expertise on all levels;

36. Calls on the Commission to issue guidance, without delay, on the establishment of both the baseline water monitoring data necessary for an environmental impact assessment of shale gas exploration and extraction and the criteria to be used for assessing the impacts of hydraulic fracturing on groundwater reservoirs in different geological formations, including potential leakage and cumulative impacts;

37. Recommends that standardised emergency response plans be prepared jointly by operators, regulators and emergency services and that specialised emergency response teams be set up;

38. Believes that on-site closed-loop water recycling, using steel storage tanks, offers the most environmentally sound way of treating flow-back water by minimising water volumes, the potential for surface spills and costs/traffic/road damage relating to water treatment transportation; believes that this type of recycling should be applied as far as possible; rejects the injection of flow-back waste waters for disposal into geological formations in accordance with provisions of the Water Framework Directive;
39. Calls for strict implementation of existing waste water treatment standards and compulsory water management plans by operators, in cooperation with the drinking water companies and the competent authorities; stresses, however, that existing treatment plants are ill-equipped to treat hydraulic fracturing waste water and may be discharging pollutants into rivers and streams; considers, to this end, that a full assessment of all the relevant water treatment plants in the Member States concerned should be carried on by the competent authorities;

40. Stresses that a minimum safety distance should be maintained between drilling pads and water wells;

41. Believes that many of the current controversies over UFF have partly resulted from an initial refusal by the industry to disclose the chemical content of fracturing fluids; maintains that full transparency is required, with a mandatory obligation for all operators to fully disclose the chemical composition and concentration of fracturing fluids and to fully comply with existing EU legislation under the REACH regulation;

42. Considers that mutual non-disclosure agreements regarding damage to environmental, human and animal health, such as those which have been in force between landowners in the vicinity of shale gas wells and shale gas operators in the US, would not be in line with EU and Member State obligations under the Aarhus Convention, the Access to Information Directive (2003/4/EC) and the Environmental Liability Directive;

43. Notes that multi-horizontal well-bores from one drilling pad minimise land use and landscape disturbance;

44. Notes that the production volumes of shale gas wells in the United States are characterised by a sharp decline after the first two years, which leads to a high intensity of continuous drilling for new wells; notes that the storage tanks, compressor stations and pipeline infrastructure further add to the land use impact of shale gas activities;

45. Calls on those Member States which decide to develop shale gas or other unconventional fossil fuel reserves to send national plans to the Commission detailing how the exploitation of these reserves fits in with their national emission reduction targets under the EU Effort Sharing Decision;

46. Recognises that constant technological improvements in hydraulic fracturing and horizontal drilling may help improve the safety of UFF and to limit potential environmental effects; encourages industry to continue efforts to advance technology and to use the best technological solutions in developing UFF resources;

47. Calls upon the competent national geological surveys to carry out baseline seismic monitoring in seismically vulnerable areas where permissions for shale gas extraction are granted in order to establish background seismicity which would allow assessment for the possibility and potential impact of any induced earthquakes;

48. Points out that any favourable comparison of lifecycle GHG balance between shale gas and coal is dependent on a one-hundred-year atmospheric lifetime assumption; considers that the necessity to peak global emissions by 2020 would warrant examination over a shorter period, e.g. 20 years, as more appropriate; calls for further scientific research into fugitive methane emissions to improve accounting for such emissions under Member States' annual inventories and targets under the EU Effort Sharing Decision;

49. Urges the Commission to bring forward legislative proposals to make the use of completion combustion devices ('green completions') mandatory for all shale gas wells in the EU, to limit flaring to cases where there are concerns about safety and to completely forbid venting of all shale gas wells, in an effort to reduce the fugitive methane emissions and volatile organic compounds linked to shale gas;
Public participation and local conditions

50. Recognises that drilling activities can worsen living conditions; calls, therefore, for this issue to be taken into account at the time of the necessary authorisation for the sourcing and exploitation of hydrocarbon resources and for all the necessary measures to be taken, in particular by the industry through the implementation of best available techniques, and by the public authorities through the application of strict regulations, to minimise the adverse consequences of such activities;

51. Calls on the industry to engage local communities and discuss shared solutions to minimise the impact of shale gas developments on traffic, road quality, and noise where development activities are being carried out;

52. Calls on Member States to ensure that local authorities are fully informed and involved, particularly when examining requests for sourcing and exploitation permits; calls, in particular, for full access to impact assessments regarding the environment, residents’ health and the local economy;

53. Believes that public participation should be ensured through adequate public information and through public consultation before each stage of exploitation and exploration; calls for greater transparency with regard to impacts and to chemicals and technologies used, as well as greater transparency of all inspections and control measures in order to ensure public understanding and confidence in the regulation of these activities;

54. Recognises that in order to address all issues related to UFF a much better exchange of information among industry, regulators and the public is required;

55. Welcomes in this regard the 2012 EU budget appropriation for such a public dialogue and encourages the Member States to make use of this funding so as to ensure that citizens living in potential UFF development areas are better informed and can effectively participate in decision-making in their local and national governance structures;

International aspects

56. Considers that the use of shale gas and other fossil fuels must be consistent with Article 2 of the United Nations Framework Convention on Climate Change (UNFCCC), which calls for the ‘stabilisation of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system’ and underlines that substantial lock-in to fossil fuel infrastructures such as shale gas could put this international objective out of reach;

57. Considers that increased shale gas exploration and production worldwide will lead to a considerable increase in fugitive methane emissions and that the overall greenhouse warming potential (GWP) of shale gas has not been evaluated; stresses, therefore, that the exploitation of unconventional oil and gas resources could hamper the achievement of UN Millennium Development Goal (MDG) 7 — ensuring environmental sustainability — and undermine the latest international climate change commitments enshrined in the Copenhagen Accord; notes that climate change already affects poor countries the most; stresses, furthermore, that in addition to the direct effects on health and the environment, the impact of unconventional gas or oil extraction on people’s livelihoods poses a particular threat, particularly in African countries where local communities largely depend on natural resources for agriculture and fisheries;

58. Insists that lessons must be drawn from the USA on the exploitation of shale gas; notes with particular concern that shale gas extraction necessitates very large volumes of water, which may make it difficult to achieve the MDG 7 targets concerning access to clean water and food security, especially in poor countries that already face a severe scarcity of water;

59. Underlines that land acquisitions for oil and gas mining are a major driver of land-grabbing in developing countries, which can pose a significant threat to the world’s indigenous communities, farmers and poor people in terms of access to water, fertile soil and food; notes that, following the 2008 collapse of financial markets, there has been a marked acceleration of global investments in extractive industries from hedge and pension funds, with the effect of encouraging more extraction; underlines, therefore, that all European economic entities should always act in a transparent manner and in close consultation with all appropriate government bodies and local communities on issues of land leases and/or acquisitions;
60. Notes that because it is unclear whether the current regulatory framework of EU legislation provides an adequate guarantee against the risks to the environment and human health resulting from shale gas activities, the Commission is undertaking a series of studies, expected later this year; considers that the lessons learnt from these studies on shale gas exploitation and recommendations related to it must be fully taken into account by European companies in developing countries; is concerned about the effects of oil companies' activities on the environment, health and development, particularly in Sub-Saharan Africa, given the limited capacity for implementing and enforcing environmental and health protection laws in some countries there; further states that European companies should employ responsible industry standards everywhere they operate;

61. Is worried about potential investment by European companies in unconventional oil or gas resources in developing countries;

62. Stresses that the EU's obligation to ensure policy coherence for development, enshrined in Article 208 TFEU, must be respected; takes the view that, in hosting companies investing in extractive activities, the EU should influence their behaviour to encourage more sustainable practices, such as by strengthening corporate governance standards and regulations applied to the banks and funds that finance them, including by enforcing the Equator Principles, the principles of responsible investment, and the rules of the European Investment Bank and the Basel Committee on Banking Supervision;

63. Recalls that in addition to regulations in the countries where they operate, international oil companies are also subject to the jurisdiction of the courts in the countries on whose stock exchange they are listed; considers that home country regulation should provide an effective means of protecting human rights in situations where accountability gaps exist, on the model of the United States Alien Tort Claims Acts;

64. Notes that many instruments exist that could address the negative social and environmental impact of the activities of extractive industries, such as the Global Reporting Initiative, the UN Global Compact and the OECD Guidelines for Multinational Enterprises; points out, however, that voluntary guidelines are insufficient to mitigate the negative impact of extraction;

65. Notes that the EU Accounting and Transparency Directives are currently being revised, which is an opportunity to prevent tax evasion and corruption by extractive industries;

66. Urges the Commission to identify new options for strengthening standards on the responsibilities of transnational corporations with regard to social and environmental rights and possible means of implementation;

67. Is concerned that some unconventional oil and gas companies operate to different safety standards worldwide; calls for Member States to require companies whose headquarters are in the EU to apply EU standards in all their operations worldwide;

68. Instructs its President to forward this resolution to the Council and Commission and the parliaments of the Member States.
Industrial, energy and other aspects of shale gas and oil

European Parliament resolution of 21 November 2012 on industrial, energy and other aspects of shale gas and oil
(2011/2309(INI))

(2015/C 419/13)

The European Parliament,

— having regard to the Treaty on the Functioning of the European Union (TFEU), and in particular Article 194 thereof, which states that application of its provisions establishing Union measures in the field of energy is, inter alia, without prejudice to the application of the other provisions of the Treaties, including in particular Article 192(2),


— 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),


(1) OJ C 99 E, 3.4.2012, p. 64.
(2) P7_TA(2011)0430.
— having regard to the European Council conclusions of 4 February 2011,

— having regard to the Council conclusions of 24 November 2011 on strengthening the external dimension of the EU energy policy,

— having regard to the Commission communication on the Energy Roadmap for 2050 (1),


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

— having regard to the report of the Committee on Industry, Research and Energy (A7-0284/2012),

A. whereas the International Energy Agency estimates that global liquefaction capacity will increase from 380 billion cubic metres (bcm) in 2011 to 540 bcm in 2020;

B. whereas according to the EU Treaties, Member States have the right to determine their own energy mix;

C. whereas shale gas development can have a significant impact on the natural gas market in terms of dynamics and prices, as well as on power generation;

D. whereas chemicals used for hydraulic fracturing have to be registered with the European Chemicals Agency and cannot receive approval unless it is ensured that they do not cause damage to the environment or that such damage is mitigated (under the REACH regulation);

E. whereas unconventional gas in the form of tight gas, shale gas and coal bed methane already contributes to more than half of gas production in the US, with shale gas showing the largest increase;

F. whereas oil is already produced from oil shales in Estonia and exploration for oil from shale formations has taken place in the Paris basin;

Energy aspects

Potential resources

1. Notes that various estimates of shale gas resources in Europe have been made, among them those by the US Energy Information Administration and by the International Energy Agency (IEA), and that several Member States have reserves; recognises that although these estimates are, by their very nature, imprecise they point to the existence of a potentially considerable indigenous energy resource, not all of which, however, might be economically viable in extraction terms; notes also that some Member States have oil shale reserves and that other sources of unconventional oil have yet to be explored on a wider scale;

2. Believes that policymakers should have at their disposal more accurate, up-to-date and comprehensive scientific data to enable them to make informed choices; agrees, therefore, with the European Council that Europe’s potential for the sustainable extraction and use of shale gas and shale oil resources, without putting the availability and quality of water resources at risk, should be assessed and mapped in order to potentially enhance security of supply; welcomes the assessments made by Member States and encourages them to continue this work, and asks the Commission to contribute to assessing the potential of shale gas and shale oil reserves in the EU by assembling results from Member States’ assessments and available results from exploration projects, as well as by analysing and evaluating the industrial, economic, energy and environmental and health aspects of domestic shale gas production;

(1) COM(2011)0885.
(2) COM(2011)0658.
3. Points out that the shale gas boom in the US has already had a significant positive impact on the natural gas market and on gas and electricity prices, in particular by causing liquefied natural gas that was intended for the US market to be redirected elsewhere; observes that US spot prices have fallen to a historic low, thus widening the price gap between the US and a Europe bound by long-term contracts, and having an impact on the competitiveness of Europe’s economies and industry;

4. Notes that according to the US Energy Information Administration, domestic production in the US is projected to provide 46% of gas supply by 2035;

5. Notes that gas prices in the US are still falling, which poses additional competitiveness challenges for the EU;

6. Notes that, as the gas market becomes ever more global and interconnected, the development of shale gas will increase global gas-to-gas competition and will therefore continue to have a major effect on prices; points out that shale gas will help to strengthen the position of customers vis-à-vis gas suppliers and should therefore lead to lower prices;

7. Notes, on the other hand, that significant investments are needed for the establishment of all the necessary infrastructures related to the drilling and to the storage, transport and reprocessing of gas and fracking fluid, which have to be entirely covered by the industry;

8. Calls on the Commission, in the face of gas market evolution and the growth of hub-based pricing in Europe, to address, at the next meeting of the EU-US Energy Council, the potential impact of worldwide shale gas development on the LNG market and the lifting of possible restrictions to global LNG trade;

9. Stresses that at EU level the principle of subsidiarity in terms of energy mix solutions applies to shale gas exploration and/or extraction; notes, however, that shale gas exploration may have a crossborder dimension, especially when drilling is conducted near a land border with another Member State or when it affects the underground waters, air or soil of more than one country; calls for full disclosure of all technical and environmental issues relating to shale gas exploration and appropriate cooperation with all stakeholders before and during concessions;

10. Observes that the global consumption of natural gas is currently on the rise, and that Europe remains among the regions with the highest gas import needs; notes that according to the International Energy Agency, domestic gas production in Europe is projected to decline and demand to increase, pushing up imports to around 450 bcm by 2035; recognises, therefore, the important role of worldwide shale gas production in ensuring energy security and diversity of energy sources and suppliers in the medium to long term; is aware that domestic production of shale gas could offer an opportunity for some Member States to further diversify their natural gas supply sources, bearing in mind Member States’ dependence on natural gas imports from third countries; recognises that as a result of the growth of production of natural gas from shales in the US, more LNG supplies are now available for Europe, and that a combination of increased domestic supply of natural gas and greater LNG availability provides attractive options for gas supply diversity;

11. Stresses, however, that it is crucial to adopt other security-of-supply measures and policies with long-term perspectives, such as significantly increasing the uptake of renewable energy sources and improving energy efficiency and energy savings whilst ensuring sufficient infrastructure and storage facilities, diversifying supplies and transit routes, and building reliable partnerships with supplier, transit and consumer countries on a basis of transparency, mutual trust and non-discrimination, in accordance with the principles of the Energy Charter and the EU Third Energy Package;

12. Reiterates its call on the Commission to come forward, by the end of 2013, with an analysis of the future of the global and EU gas market, including the impact of the gas infrastructure projects already planned (such as those developed in the context of the Southern Corridor), new LNG terminals, the impact of shale gas on the US gas market (notably on LNG import needs), and the impact of possible shale gas developments in the EU on the future of security of gas supply and prices; believes that the analysis should reflect, and take as a starting point, the current state of infrastructure development and the EU’s 2020 CO₂ targets; stresses that all relevant stakeholders should be consulted;
13. Stresses that a fully functioning, interconnected and integrated internal EU energy market is also essential, inter alia from the viewpoint of taking full advantage of possible shale gas production in the EU, which should not adversely affect the environment and the local communities close to this type of operation; calls on the Commission and the Member States to pursue this objective vigorously, in particular by ensuring a smooth transition and application of the requirements of the EU third internal energy market package and the energy infrastructure package, with a view to harmonising and fully liberalising the European wholesale energy markets by 2014;

Transition to a decarbonised economy

14. Agrees with the Commission that gas will be significant for the transformation of the energy system, as stated in the Energy Roadmap 2050, since it represents a quick, temporary and cost-efficient way of reducing reliance on other, dirtier fossil fuels before moving to fully sustainable low-carbon power generation, thereby lowering greenhouse gas emissions, particularly in those Member States that currently use large amounts of coal in power generation, should the impact studies conclude that these operations do not adversely affect either the environment, particularly groundwater, or the adjoining local communities;

15. Calls on the Commission’s Joint Research Centre, given the lack of comprehensive European data on the carbon footprint of shale gas, to swiftly finalise its full life-cycle analysis of greenhouse gas emissions from shale gas extraction and production, with a view to ensuring that they are correctly accounted for in future;

16. Remarks also that certain forms of renewable energy — for example wind power — are variable and need to be backed up or balanced by a reliable and flexible energy technology; expresses the view that natural gas — including shale gas — could be one of the options available for that purpose among several other solutions such as increased interconnection, better system management and control via smart grids at all network levels, energy storage and demand side management; recognises the importance of CCS in ensuring the long-term sustainability of gas as an energy source;

17. Calls on the Commission to analyse the economics of CCS for gas in order to speed up the development and deployment of this technology; also calls on the Commission to examine the likely impact of CCS technology on the flexibility of gas power generation, and therefore on its role as back-up for renewable energy sources;

18. Calls on the Commission, in line with the EU Energy Roadmap 2050 strategy, to evaluate the economic and environmental impact of and prospects for unconventional gas in the EU, taking into account what can be learnt from the USA’s experience and regulation in this field, whilst recognising that the extent of unconventional gas use in the EU will ultimately be decided by the market and the decisions of the Member States acting within the framework of the EU’s long-term climate and energy policy objectives;

19. Calls on public authorities to produce an underground regional impact assessment in order to optimise resource allocation between geothermal energy, shale gas and other underground resources, and therefore maximise the benefits for society;

20. Calls on the Commission to ask the European Environment Agency (EEA) to prepare a full-scale scientific environmental analysis of shale gas and shale oil exploitation and the potential impact of available techniques;

Industrial and economic aspects of unconventional oil and gas

Industrial environment

21. Recalls that the massive increase in US shale gas production has been supported by an established industrial environment, including sufficient numbers of rigs, the necessary manpower and an experienced and well-equipped service industry; is aware that in the EU it will take time for the necessary service sector to build up adequate capacity and for companies to acquire the necessary equipment and experience, and that this is also likely to contribute to higher costs in the short term; encourages cooperation between relevant EU and US companies with a view to applying green completions,
Best Available Technologies and environment-friendly industrial processes while reducing costs; believes that expectations about the pace of shale gas development in the EU should be realistic and that any potential commercial extraction should be gradually phased and paced, in order to avoid boom-and-bust economic cycles with their significant adverse local impacts;

22. Points out that a stable regulatory framework is essential both to create the right environment for gas companies to invest in much-needed infrastructure and research and development, and to prevent market distortions;

23. Urges the Member States interested in developing shale gas to introduce the necessary skills required into their mainstream education and training systems, in order to prepare the necessary skilled labour force;

24. Points out that the exploration of shale gas and oil potential is not unique to Europe and that there is a vast interest in developing new oil and gas resources as a means of improving energy and economic competitiveness in various countries and regions in Asia, North America, Latin America, Africa and Australia; underlines the need to include shale gas and oil in bilateral EU dialogue and partnerships with countries that are already developing unconventional resources or interested in their development and/or use, in order to exchange expertise and best practice;

25. Emphasises the need to remain open to all new future technologies in the field of energy research; calls for further research and development activity relating to tools and technologies, including CCS, so as to explore the possibility of a more sustainable and safe development of unconventional gas; recognises, therefore, the wider role that technology and innovation in the gas sector can contribute to the EU's skills base and competitiveness;

26. Notes the technological developments in Austria, where the industry is proposing the use of fracking fluids containing only water, sand and cornstarch; recommends that other Member States and the Commission examine the possibility of extracting shale gas without the use of chemicals, and calls for further research and development activity relating to such techniques and/or practices that would mitigate potential impacts on the environment;

27. Urges the Commission to put forward recommendations for all shale gas wells in the EU for reducing fugitive methane emissions;

Licensing framework

28. Calls on the Member States to put in place a robust regulatory regime and ensure the necessary administrative and monitoring resources for the sustainable development of all shale gas-related activities, including those required by EU environmental and climate protection legislation; recalls that in accordance with the subsidiarity principle each Member State has the right to decide for itself on the exploitation of oil and shale gas;

29. Notes that the current licensing procedure for shale gas exploration is regulated by general mining or hydrocarbon legislation; notes that according to the Final Report on Unconventional Gas in Europe of 8 November 2011 prepared for the Commission and the Transmission Note on the EU environmental legal framework applicable to shale gas projects of 26 January 2012 prepared by the Commission, the EU legislative framework adequately covers all aspects of shale gas licensing, early exploration and production; notes, however, that large-scale extraction of shale gas may require the comprehensive adaptation of all the EU’s relevant existing legislation, including REACH, to cover the specificities of unconventional fossil fuel extraction; calls on the Commission and public authorities in the Member States, without delay, to check and, if necessary, improve the regulatory frameworks in order to ensure their adequacy for shale gas and shale oil projects, especially with a view to being prepared for possible future commercial-scale production in Europe as well as for addressing environmental risks;
30. Stresses the importance of transparency and fully consulting the public, particularly in the context of the introduction of a new approach to gas exploration; points out that in certain Member States there is a lack of public consultation in the authorisation phase; calls on the Member States to evaluate their legislation to see whether proper account is taken of this aspect, including the full application of the provisions of the Aarhus Convention and the corresponding provisions in Union law;

31. Expresses the view that Member States undertaking shale gas projects should adopt a one-stop-shop approach to authorisation and licensing and the examination of compliance with environmental regulations (including mandatory environmental impact assessment), which is the usual practice in certain Member States for all energy projects;

32. Calls on the Commission and the Member States to ensure that the modifications to the legal framework necessary for the licensing of shale gas exploration require the mandatory approval of the local authorities affected;

Public opinion and best practice

33. Is well aware that public attitudes to shale gas development vary between Member States, and that negative attitudes might be caused by lack of information or misinformation; calls for improving and better provision of public information on shale gas operations to be provided in a transparent and objective manner, and supports the creation of portals providing access to a wide range of public information on such operations; urges companies considering extraction of shale gas in the EU to provide full information on their activities, to consult with local communities and local authorities prior to drilling, and to publicly disclose all chemicals used by them in hydraulic fracturing, including the concentrations used, following the assessment of the shale formation;

34. Believes that the best way of ensuring the meaningful and timely engagement of local communities is through mandatory environmental impact assessment, a high level of transparency, and public consultation on proposed shale gas projects, regardless of project duration and scale;

35. Notes that it is particularly important for EU shale gas operators to engage with and build strong relationships with local communities at every stage of their operations, given that the EU has a higher population density than the US and landowners in Europe do not own underground resources and so do not benefit directly from extraction as in the US; calls, in this regard, for the establishment of frameworks which are competitive for industry but at the same time allow national and local communities to benefit from shale gas resources; also calls on shale gas companies to establish responsible community practices, ensure that local communities benefit from shale gas development, ensure application of the ‘polluter pays’ principle, and cover the costs of any direct or indirect damage they might cause;

36. Recognises that there should be an emphasis on a transparent and open dialogue with civil society during both the ex ante and the monitoring phases, based on the scientific evidence available and clearly tackling the issues of gas leaks and the impact of shale gas extraction on groundwaters, the countryside, agriculture and the tourism industry; recalls that the 2012 EU budget includes an appropriation intended to fund pilot projects and other support activities with a view to encouraging such a dialogue; considers that this should be organised in a neutral manner and in close cooperation with the Member States, including national authorities, local communities, the general public, businesses and NGOs;

37. Emphasises the importance of transparent corporate governance of the oil and gas companies involved in shale gas and oil shale activity;

Best practice

38. Stresses the importance of applying the highest safety standards, the best available technologies and the best operational practices in shale gas exploration and production, and of continuously improving technologies and practices and minimising adverse effects; stresses, in this respect, the importance of ensuring significant levels of R&D investment on behalf of the industry; welcomes initiatives by the IEA and oil and gas producers’ associations in defining best practices in shale gas and oil exploration and production;
Believes that concerns over the potential of shale gas development to damage water supplies through leakage from wells can be addressed through the adoption of best practices in well development and construction, especially casing, cementing, and pressure management, together with pressure testing of cemented casing and state-of-the-art cement bond logs to confirm formation isolation; invites the Member States to ensure that these practices are followed in shale gas development, inter alia by means of site inspections;

Stresses that by developing better technologies and practices based on robust regulations, operators and service industries will not only improve public acceptance of shale gas projects but will also gain business opportunities and improve export opportunities, given the worldwide environmental challenges of unconventional gas exploration; recommends, therefore, that Member States take into account the recommendations of the IEA comprehensive Best Available Techniques (BAT) reference document on hydraulic fracturing, as soon as it is available;

Highlights the need for the highest safety and environmental standards and regular inspections at safety-critical stages of well construction and hydraulic fracturing; stresses, in particular, that operators should reduce flaring and venting and should recover gas, capture fugitive emissions and re-use/treat waste water; calls on the EU to follow the US lead in shale gas environmental standards for fracking that require companies to capture methane and other pollutant gas emissions, as introduced by the US Environmental Protection Agency (EPA);

Calls, in addition, on shale gas operators to test domestic water wells close to their wells both before and during production, and to disclose the resulting information to the public in an accessible, understandable and transparent manner;

Underlines the importance of operators reclaiming and restoring the land used and conducting post-operational monitoring on completion of their activities;

Urges the exchange of best practices and information between the EU Member States, but also between the EU, the US and Canada; in particular, encourages the pairing of European and North American cities and municipalities which have discovered shale gas; stresses the importance of the transfer of knowledge about shale gas development from industry to local communities;

Urges the shale gas and oil industry to employ, on a uniform basis, the highest environmental and safety standards wherever in the world companies are operating; calls on the Commission to examine what mechanisms might be appropriate to ensure that EU-based companies operate globally according to the highest standards; believes that corporate responsibility should also be a key driver in this area, and that Member States’ licensing regimes could take global incidents involving companies into consideration when awarding licences, provided those incidents are accompanied by thorough reviews;

Highlights the importance of supporting and co-funding activities that aim to create independent platforms composed of industry and science representatives aiming to provide opinions and establish good practices related to clean shale gas extraction technologies;

Recalls that the ‘polluter pays’ principle must be consistently applied to shale gas and shale oil operations, particularly regarding waste water treatment, and that companies must be fully liable for any direct or indirect damage they might cause; urges the Commission to assess the need to put forward proposals for specifically including hydraulic fracturing and other activities related to shale gas extraction in the Environmental Liability Directive and to oblige shale gas operators to provide compulsory financial security or insurance requirements in case of any environmental damage linked
to their activities, in order to provide legal certainty for the populations concerned;

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

P7_TA(2012)0445

Activities of the Committee on Petitions (2011)


The European Parliament,

— having regard to previous resolutions on the deliberations of the Committee on Petitions,

— having regard to Articles 10 and 11 of the Treaty on European Union (TEU),

— having regard to Articles 24, 227, 228, 258 and 260 of the Treaty on the Functioning of the EU (TFEU),

— having regard to Rules 48 and 202(8) of its Rules of Procedure,

— having regard to the report of the Committee on Petitions (A7-0240/2012),

A. whereas, subject to Protocol 30 of the Treaty, the Charter of Fundamental Rights of the European Union has already acquired legally binding force through the entry into force of the Treaty of Lisbon; and whereas the same Treaty also establishes the legal basis for the EU to accede to the European Convention on Human Rights, as well as the European Citizens' Initiative;

B. whereas the Regulation on the European Citizens' Initiative (1) entered into force on 1 April 2012, and whereas Parliament has the responsibility for the organisation of public hearings for successful initiatives which have secured more than one million signatures from a minimum of seven Member States;

C. whereas the Committee on Petitions has a duty to constantly review and, where possible, to enhance its role, notably with regard to the development of democratic principles, such as the increased participation of citizens in the EU decision-making process and the enhancement of transparency and accountability; and whereas in its regular activity the Committee works closely with Member States, the Commission, the European Ombudsman and other bodies in order to ensure that EU law is fully respected in both letter and spirit;

D. expresses its satisfaction concerning the creation of a single service for citizens looking for information or wanting to lodge an appeal or lawsuit via the 'Your Rights in the European Union' portal;

E. welcomes the case law of the European Court of Justice on the interpretation of Article 51 of the Charter of Fundamental Rights of the European Union, which in the ERT ruling, emphasises that the institutions of the Member States shall be bound by the overriding fundamental rights of the Union even if they wish to use national measures to restrict the fundamental freedoms guaranteed by TFEU;

F. whereas European citizens and residents have legitimate expectations that the issues that they raise with the Committee on Petitions may find a solution without undue delay within the legal framework of the European Union, which they look upon to uphold their rights as citizens of the Union, and in particular to defend their natural environment, health, freedom of movement, dignity and fundamental rights and freedoms;

G. whereas the European institutions ought to supply more information and be more transparent with regard to EU citizens;

H. whereas 998 petitions were declared admissible, and of those 649 were forwarded to the Commission for further investigation pursuant to Articles 258 and 260 of the Treaty; and 416 petitions were declared inadmissible;

I. whereas the petitions process can be complementary to other European instruments available to citizens, such as the option to address complaints to the European Ombudsman or to the European Commission;

J. whereas the number of inadmissible petitions continued to be significant in 2011, once more indicating that Parliament should increase its effort to inform citizens of the limits of its field of action with regard to the right of petition; whereas considering that individuals, local communities, and voluntary, charitable and professional associations are well placed to assess the effectiveness of European legislation as it applies to them, and to signal to citizens possible loopholes that need to be analysed in order to ensure better and more comparable implementation of EU law in all the Member States;

K. whereas, regarding the statistical analysis contained in this report, German citizens continue to submit the highest number of petitions, though decreasing proportionally, followed by Spanish and Italian petitioners;

L. whereas the field of action, and the modus operandi, of the right to petition granted to all EU citizens and residents under the terms of the Treaty differs from other remedies available to citizens, as for instance the submission of complaints to the Commission or to the Ombudsman, and whereas the Member States, using the crisis as a pretext, are increasingly choosing to neglect this right, which is an important concern for European citizens;

M. whereas main concerns relating to the general theme of the environment are the poor and often misguided application by Member States and their sub-national entities of the Environmental Impact Assessment (EIA) Directive (1) and the Waste Framework Directive (2); whereas petitions alleging breaches of the Birds and Habitats Directives often raise concerns of serious biodiversity loss as a result of major projects planned in Natura 2000 sites, and petitions on water management have revealed grave cases of pollution as well as raised concerns over possible impacts of projects on the sustainability and quality of aquatic resources;

N. whereas the EIA Directive is presently under review and that the report by the Committee on Petitions on waste issues exposes serious shortcomings in several Member States, whereas the implementation of this Directive remains insufficient and whereas this problem will not be solved by a review but by more effective control by the Commission;

O. whereas the right of European citizens and residents to their legitimately acquired property continues to be an issue of grave significance for many thousands of people, as demonstrated by the petitions which are still being received on this subject, and whereas without a resolution of this problem by the competent authorities there is no likelihood of legal certainty of, or trust in, assurances that cross-border housing markets will be restored, which has serious consequences for the prospects of economic recovery, and whereas in particular in 2011 there were 70 petitions outstanding relating to the Spanish Ley de Costas, with 51 petitions identifiable as coming from Spanish citizens or groups of Spanish citizens and the remaining 19 coming from citizens of other nationalities;

P. whereas in its previous Annual Report, the Committee on Petitions highly appreciated the cooperation with the Commission and the European Ombudsman with regard to the treatment of petitions and complaints, and whereas the Committee on Petitions repeatedly requested that it be kept informed by the Commission of developments in pending infringement proceedings, the subject of which is also covered by petitions;

Q. whereas many petitions claim that EU funds have been misused or misappropriated while others allege malfunctioning in the EU’s administration, including conflicts of interest within influential agencies, or call for changes in EU policies;

R. whereas the shortcomings and problems faced by people as a result of the malfunctioning of the internal market, as illustrated by petitions, are confirmed by the Commission’s European Citizenship Report 2010 (1), in particular as regards free movement of EU citizens and their family members, provided they are completely legitimate, access to social security entitlements, mutual recognition of qualifications, obstacles faced by the disabled, family law issues and mass expulsions on the basis of ethnic or national origin such as those affecting the Roma, including also double-taxation issues;

S. whereas also in 2011, a significant number of petitions were submitted by citizens pointing to the importance of preventing irreparable losses in biodiversity, with regard to Natura 2000 sites, as well as of ensuring the protection of areas defined under the Habitats Directive;

T. whereas the judgment of the General Court of 14 September 2011 in case T-308/07 upheld the petitioner’s complaint against the Committee’s decision to declare his petition inadmissible, and in doing made it clear that in declaring petitions inadmissible, Parliament must give good reasons for doing so;

U. whereas the efficiency of the Committee’s work is largely the result of swiftness and thoroughness, but could be improved further, in particular by optimising the time taken to process petitions and by systematising the procedure for their assessment;

1. Notes that the petitions received in 2011 continued to focus on alleged breaches of EU law in the fields of the environment, justice and the internal market, reflecting citizens’ views on whether European legislation, as transposed and implemented by the Member States, actually delivers the expected result and responds to EU law;

2. Notes the increasing number of petitions and other submissions from citizens seeking legal and financial redress on issues that fall outside the EU’s area of competence pursuant to Article 227 of the Treaty as well as Article 51 of the Charter of Fundamental Rights, such as, for example, requests to review the calculation of national pensions, overrule decisions by national courts, support proposals to re-draw Europe’s frontiers, force a bank to grant a personal loan, etc.; fully supports the action taken by Parliament’s responsible Directorates-General to find a solution for dealing with these submissions from citizens while taking into account Parliament’s obligations with regard to its correspondence with citizens;

3. Believes that the role and responsibilities of the Petitions Committee would be best performed, and its visibility, efficiency, accountability and transparency best enhanced, if its means of being able to bring issues of importance to European citizens to plenary were improved, and if its abilities to call witnesses, conduct investigations and organise on-site hearings were enhanced;

4. Recalls that, as regards the procedures for organising public hearings on successful European Citizens’ Initiatives, as set down in Article 11 of Regulation (EU) No 211/2011, Parliament has decided that the Committee on Petitions is automatically associated with each hearing alongside the lead Committee with legislative competence for the subject concerned; considers this a confirmation of its role as the body with the most experience of direct contacts with citizens, ensuring a uniform procedure for all successful Citizens’ Initiatives; calls on the Conference of Presidents to approve a clarification of the Committee’s competences in this respect in Annex VII, point XX of the rules of procedure; emphasises, at the same time, that the difference between a petition according to Article 227 TFEU and a Citizens’ Initiative must be clearly explained to the public;

5. Welcomes Parliament's decision to develop a much more practical and visible petitions portal on its website, which will facilitate, within the limits of Article 227 of the Treaty and Article 202 of Parliament's Rules of Procedure and Article 51 of the Charter of Fundamental Rights, access for citizens to the petitions process, provide them with information and allow them to submit petitions in a more user-friendly environment and sign electronically in support of petitions; considers that this portal should also provide practical links to other forms of redress which are available at European and national or regional level, as well as a comprehensive overview of the competence of the Petitions Committee, and should at the same time set a framework of practices for public administrations based on the CURIA portal, the official portal for ECJ judgments;

6. Confirms its determination to continue to promote and defend citizens' fundamental rights and freedoms by making use of its political influence regarding such admissible cases as may be raised with the Committee, in close cooperation with the Commission and relevant authorities within the Member States of the Union;

7. Calls on the Committee on Petitions to examine the effects of the ERT case law on the reliability of petitions, and to investigate the question of what actual obstacles lie in the way for EU citizens applying for a preliminary ruling from the European Court of Justice in order to obtain reliable interpretations of central issues under European legislation in cases before the national courts;

8. Considers it important to enhance cooperation with Member States' parliaments and governments, based on reciprocity, and, where necessary, to encourage Member States' authorities to transpose and apply EU legislation in full transparency;

9. Stresses the importance of the Commission cooperating with the Member States, and deprecates the negligence of some Member States with regard to transposing and enforcing European environmental legislation;

10. Considers that the petitions procedure should not be exploited and used to achieve objectives on the political agenda in Member States, but should be carried out objectively, reflecting the position of the European Parliament;

11. Welcomes the constructive cooperation between the Petitions Committee and the services of the European Ombudsman, and reaffirms its determination to support the Ombudsman in identifying maladministration by and acting against EU institutions;

12. Calls upon the Commission to provide the Petitions Committee with details, and a statistical analysis, of the complaints it investigates from European citizens, including the results obtained and the place of origin of the complainant;

13. Believes that, as regards the functioning of the infringement procedures under Article 258 and 260 of the TFEU, the Commission should ensure that petitions to the Parliament and complaints to the Commission are treated with equal consideration;

14. Considers that more precise, written procedural rules in relation to the preparation, implementation and evaluation of delegation visits within the Committee could lead to greater efficiency and consistency in the work of the Committee on Petitions;

15. Considers the correct implementation of the Waste Framework Directive in all Member States to be of the utmost importance, and asks, therefore, Member States with waste management trouble spots to act decisively and swiftly;

16. Reiterates its numerous calls on the Member States to comply with their obligations under the Free Movement Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the EU; reminds Member States of their obligation to facilitate entry and residence without any discrimination, including for same-sex couples and their children, Roma people, and other minority groups;

17. Supports wholeheartedly the underlying objective of the Ley de Costas, namely that the environment of the Spanish coast be protected from overdevelopment so as to preserve it for wildlife and for future generations; notes with concern, however, that the issue of that law continues to be a problem for petitioners, and for Spanish citizens in particular; supports the efforts of petitioners to resolve the problems surrounding the law and its application, taking note in particular of the decision of the Committee on Petitions to establish a working group to consider the issue in more depth;
18. Believes that it is in the current economic interest of everyone to ensure the resolution of the legal uncertainty which surrounds property potentially affected by the Ley de Costas; welcomes the Spanish Government's announcement that it intends to revise the Ley de Costas in order to reconcile the future protection of the Spanish coastline with economic growth, and thus to provide greater legal certainty for property owners; urges the Spanish Government to reassure the interests of those who have acquired property in good faith and of those communities which have always shared a sustainable coexistence with the sea; urges them, in particular, to address the specific question of the application of the law, so that it does not encourage decisions that are arbitrary, retrospective or asymmetric, but instead ensures due process, a right of appeal, proper compensation and access to information;

19. Recalls that Parliament has held (1) that the Ley de Costas has had a disproportionate impact on individual property owners while at the same time having insufficient impact on the real perpetrators of coastal destruction, who have been responsible in many instances for excessive urban development along the coasts; urges the Spanish Government to ensure that those whose fraudulent actions have put numerous EU citizens in an intolerable situation through the loss or risk of loss of their homes are duly pursued and required to pay for the damage they have caused;

20. Invites the Commission to ensure that the Environmental Impact Assessment Directive is strengthened by providing clearer parameters as regards the independence of expert studies, common EU thresholds, a maximum timeframe for the process, including effective public consultation, the requirement to justify decisions, the mandatory assessment of reasonable alternatives and a quality control mechanism;

21. Calls on the Commission, furthermore, to ensure implementation and enforcement of the Habitats and Birds Directives by the Member States as well as the better transposition and application of Directive 2004/38/EC on the right of EU citizens and their families to move and reside freely within the territory of the Member States;

22. Recalls the large number of petitioners who contact the Committee on Petitions with their individual complaints regarding youth and family welfare matters in Germany in general, and Germany's youth welfare offices in particular, and emphasises the determination of the Committee to make a constructive contribution to the investigation of the complaints between the petitioners and the authorities within its own area of competence and that of the European Union; points out that this must not involve any intervention in internal independent administrative procedures in Member States;

23. Is determined to make the petition procedure more efficient, transparent, and impartial, while preserving the participatory rights of the Members of the Committee on Petitions, so that the handling of petitions will stand up to judicial review even at a procedural level;

24. Emphasises the need for continuity in processing petitions, despite changes in legislative periods and the resulting changes in personnel;

25. Regards the participation of Members of Parliament in fact-finding missions not just as a participatory parliamentary right, but also as an obligation in relation to petitioners;

26. As part of the efforts to improve the work of the Committee, calls for a procedure involving fact-finding missions that, on the one hand, ensures the right of all members of a fact-finding mission to present the facts from their point of view while, on the other hand, guarantees all Committee Members the opportunity to participate in the decision-making process in regard to the conclusions to be drawn by the Committee on Petitions;

27. Emphasises that the Committee on Petitions, along with other institutions and bodies, such as the committees of inquiry, the European Citizens’ Initiative and the European Ombudsman, play an independent and clearly defined role as points of contact for each individual citizen;

28. Calls on the Conference of Presidents to examine the extent to which an amendment to the Rules of Procedure would seem appropriate for the implementation of these formal requirements in relation to the petitioning procedure;

(1) See resolution of 26 March 2009, recital Q and paragraph 17 (OJ C 117 E, 6.5.2010, p. 189.)
29. Instructs its President to forward this resolution and the report of the Committee on Petitions to the Council, the Commission and the European Ombudsman, and to the governments and parliaments of the Member States, their committees on petitions and their ombudsmen or similar competent bodies.
Convention on the Civil Aspects of International Child Abduction

European Parliament resolution of 22 November 2012 on the declaration of acceptance by the Member States, in the interest of the European Union, of the accession of eight third countries to the 1980 Hague Convention on the Civil Aspects of International Child Abduction (2012/2791(RSP))

(2015/C 419/15)

The European Parliament,

— having regard to Articles 2(2), 3(2), 4(2)(j), 81(3), 216(1) and 218(6)(b) of the Treaty on the Functioning of the European Union,

— having regard to the case law of the Court of Justice of the European Union, in particular Cases 22/70 (1) and C-467/98 (2) and Opinion 1/03 (3),

— having regard to the Commission proposals for Council decisions on the declaration of acceptance by the Member States, in the interest of the European Union, of the accession of Gabon (4), Andorra (5), the Seychelles (6), the Russian Federation (7), Albania (8), Singapore (9), Morocco (10) and Armenia (11) to the 1980 Hague Convention on the Civil Aspects of International Child Abduction,

— having regard to the fact that the Council has not yet requested Parliament’s consent to these decisions,

— having regard to the question put to the Commission on the declaration of acceptance by the Member States, in the interest of the European Union, of the accession of eight third countries to the 1980 Hague Convention on the Civil Aspects of International Child Abduction (O-000159/2012 — B7-0367/2012),

— having regard to Rules 115(5) and 110(2) of its Rules of Procedure,

A. whereas the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction is of great importance, as it establishes a system allowing participating states to cooperate in order to find a solution to international child abductions, by determining which courts are competent and which law is applicable when deciding where the child should reside;

B. whereas the Convention thus provides for the speedy return of abducted children to their proper country of residence;

C. whereas the Convention only applies between countries which have ratified or acceded to it;

D. whereas the accession of new states must be accepted by those states which are already members in order for the Convention to apply between them;

(1) Case 22/70, Commission v Council (ERTA), [1971] ECR 263, paragraph 16.
(3) Opinion 1/03 on the competence of the Community to conclude the new Lugano Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, [2006] ECR I-1145, paragraph 126.
(4) COM(2011)0904.
(6) COM(2011)0909.
(7) COM(2011)0911.
(8) COM(2011)0912.
(9) COM(2011)0913.
(10) COM(2011)0916.
E. whereas the acceptance of accessions is therefore of the utmost importance;

F. whereas the European Union has already exercised its internal competence in the field of international child abductions, in particular by means of Council Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility (1);

G. whereas it follows that the European Union has acquired exclusive external competence in the field of international child abduction;

H. whereas, given that the Convention does not allow international organisations to become members, the European Union should empower the Member States to act in its interest when accepting the aforementioned accessions;

I. whereas the Council should therefore take steps as quickly as possible to adopt the decisions proposed by the Commission, including by consulting Parliament immediately;

J. whereas it appears that, despite the urgency of the matter and the clarity of the legal situation, the Council has decided to delay the consultation of Parliament and the adoption of the aforementioned decisions with a view to contesting the principle of those decisions on legal grounds;

1. Addresses the following recommendations to the Council:

(a) the Council should proceed immediately with the procedure for the adoption of the aforementioned proposed decisions;

(b) to that end, it should consult Parliament on the eight proposed decisions;

(c) in the interest of European citizens who would benefit from the adoption of those decisions, it should refrain from impeding the proper functioning of the European Union on spurious legal grounds;

2. Instructs its President to forward this resolution to the Council and, for information, to the Commission and the Permanent Bureau of the Hague Conference on Private International Law.

P7_TA(2012)0451

Forthcoming World Conference on International Telecommunications (WCIT-2012) of the International Telecommunications Union

European Parliament resolution of 22 November 2012 on the forthcoming World Conference on International Telecommunications (WCIT-12) of the International Telecommunication Union, and the possible expansion of the scope of international telecommunication regulations (2012/2881(RSP))

(2015/C 419/16)

The European Parliament,

Thursday 22 November 2012


— having regard to Directive 2002/77/EC of 16 September 2002 (²) on competition in the markets for electronic communications networks and services,

— having regard to its resolution of 17 November 2011 on the open internet and net neutrality in Europe (³),

— having regard to its resolution of 15 June 2010 on ‘internet governance: the next steps’ (⁴),

— having regard to UN Human Rights Council resolution A/HRC/20/L13,

— having regard to the Commission proposal for a Council decision establishing the EU Position for the review of the International Telecommunications Regulations to be taken at the World Conference on International Telecommunications or its preparatory instances (COM(2012)0430),

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

A. whereas the International Telecommunication Regulations (ITRs) were adopted by the World Administrative Telegraphy and Telephone Conference in Melbourne in 1988 and have not been revised since;

B. whereas the 27 Member States of the European Union are signatories to these ITRs;

C. whereas the International Telecommunication Union (ITU) has called a meeting in Dubai from 3 to 14 December 2012, named the World Conference on International Telecommunications (WCIT), to agree to a new text for these ITRs;

1. Calls on the Council and the Commission to ensure that any changes to the International Telecommunication Regulations are compatible with the EU acquis and further the Union’s objective of, and interest in, advancing the internet as a truly public place, where human rights and fundamental freedoms, particularly freedom of expression and assembly, are respected and the observance of free market principles, net neutrality and entrepreneurship are ensured;

2. Regrets the lack of transparency and inclusiveness surrounding the negotiations for WCIT-12, given that the outcomes of this meeting could substantially affect the public interest;

3. Believes that the ITU, or any other single, centralised international institution, is not the appropriate body to assert regulatory authority over either internet governance or internet traffic flows;

4. Stresses that some of the ITR reform proposals would negatively impact the internet, its architecture, operations, content and security, business relations and governance, as well as the free flow of information online;

5. Believes that, as a consequence of some of the proposals presented, the ITU itself could become the ruling power over aspects of the internet, which could end the present bottom-up, multi-stakeholder model; expresses concern that, if adopted, these proposals may seriously affect the development of, and access to, online services for end users, as well as the digital economy as a whole; believes that internet governance and related regulatory issues should continue to be defined at a comprehensive and multi-stakeholder level;

6. Is concerned that the ITU reform proposals include the establishment of new profit mechanisms that could seriously threaten the open and competitive nature of the internet, driving up prices, hampering innovation and limiting access; recalls that the internet should remain free and open;

7. Supports any proposals to maintain the current scope of the ITRs and the current mandate of the ITU; opposes any proposals that would extend the scope to areas such as the internet, including domain name space, IP address allocation, the routing of internet-based traffic and content-related issues;

8. Calls on the Member States to prevent any changes to the International Telecommunication Regulations which would be harmful to the openness of the internet, net neutrality, the end-to-end principle, universal service obligations, and the participatory governance entrusted to multiple actors such as governments, supranational institutions, non-governmental organisations, large and small businesses, the technological community and internet users and consumers at large;

9. Calls on the Commission to coordinate the negotiation of the revision of the ITRs on behalf of the European Union, on the basis of inclusively gathered input from multiple stakeholders, through a strategy that primarily aims at ensuring and preserving the openness of the internet, and at protecting the rights and freedoms of internet users online;

10. Recalls the importance of safeguarding a robust best-effort internet, fostering innovation and freedom of expression, ensuring competition and avoiding a new digital divide;

11. Stresses that the ITRs should state that the ITU recommendations are non-binding documents which promote best practices;

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

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Climate change conference in Doha (COP 18)

European Parliament resolution of 22 November 2012 on the Climate Change Conference in Doha, Qatar (COP 18) (2012/2722(RSP))

(2015/C 419/17)

The European Parliament,

— having regard to the United Nations Framework Convention on Climate Change (UNFCCC) and to the Kyoto Protocol thereto,

— having regard to the results of the United Nations Climate Change Conference held in Bali in 2007 and to the Bali Action Plan (Decision 1/COP 13),

— having regard to the 15th Conference of the Parties to the UNFCCC (COP 15) and the 5th Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (COP/MOP 5), held in Copenhagen, Denmark, from 7 to 18 December 2009, and to the Copenhagen Accord,
Thursday 22 November 2012

— having regard to the 16th Conference of the Parties to the UNFCCC (COP 16) and the 6th Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (COP/MOP 6), held in Cancún, Mexico, from 29 November to 10 December 2010, and to the Cancún Agreements,

— having regard to the 17th Conference of the Parties to the UNFCCC (COP 17) and the 7th Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (COP/MOP 7), held in Durban, South Africa, from 28 November to 9 December 2011, and in particular to the decisions encompassing the Durban Platform for Enhanced Action,

— having regard to the forthcoming 18th Conference of the Parties to the UNFCCC (COP 18) and the 8th Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (COP/MOP8), to be held in Doha, Qatar, from 26 November to 8 December 2012,

— having regard to the EU climate and energy package of December 2008,


— 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’ (2),

— having regard to its resolutions of 25 November 2009 on the EU strategy for the Copenhagen Conference on Climate Change (COP 15) (3), of 10 February 2010 on the outcome of the Copenhagen Conference on Climate Change (COP 15) (4), of 25 November 2010 on the climate change conference in Cancun (COP 16) (5) and of 16 November 2011 on the climate change conference in Durban (COP 17) (6),

— having regard to its resolution of 15 March 2012 on a Roadmap for moving to a competitive low carbon economy in 2050 (7),

— having regard to the Council Conclusions of 9 March 2012 on follow-up to the 17th session of the Conference of the Parties (COP 17) to the United Nations Framework Convention on Climate Change (UNFCCC) and the 7th session of the Meeting of the Parties to the Kyoto Protocol (CMP 7) (Durban, South Africa, 28 November — 9 December 2011),

— having regard to the Council Conclusions of 15 May 2012 on ‘climate finance — fast start finance’,

— having regard to the Council Conclusions of 18 July 2011 on EU Climate Diplomacy,

— having regard to the November 2011 synthesis report of the United Nations Environment Programme (UNEP) entitled ‘Bridging the Emissions Gap’,

— having regard to the joint statement of 20 December 2005 by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on ‘European Union Development Policy: “The European Consensus”, and in particular points 22, 38, 75, 76 and 105 thereof (8),

— having regard to the United Nations Millennium Declaration of 8 September 2000, which set out the Millennium Development Goals (MDGs) as objectives established jointly by the international community for the elimination of poverty,

— having regard to the commitments made by the G20 summit in Pittsburgh of 24—25 September 2009 to phase out fossil fuel subsidies over the medium term and to provide targeted support to enable the poorest countries to adapt to climate change,

(2) OJ C 67 E, 18.3.2010, p. 44.
— having regard to the 11th meeting of the Conference of the Parties (COP 11) on biodiversity, to be held in Hyderabad, India, from 8 to 19 October 2012,

— having regard to oral questions O-000160/2012 — B7-0364/2012 and O-000161/2012 — B7-0365/2012, tabled by the Committee on the Environment, Public Health and Food Safety pursuant to Rule 115 of its Rules of Procedure, and to the statements by the Council and the Commission,

— having regard to Rules 115(5) and 110(2) of its Rules of Procedure,

A. whereas the decisions encompassing the Durban Platform for Enhanced Action (the Durban Package) recognise that climate change represents an urgent and potentially irreversible threat to human societies and the planet and thus has to be addressed at international level by all the Parties;

B. whereas the Durban Package has in principle laid the foundation for a comprehensive, ambitious, legally binding international agreement involving all the Parties, to be reached by 2015 and implemented by 2020;

C. whereas the Doha Conference (COP 18) must build on the momentum achieved in Durban in order to ensure that such a legally binding global agreement remains on track and will be delivered by 2015;

D. whereas such a legally binding global agreement must be consistent with the principle of ‘common but differentiated responsibilities and respective capabilities’, but must recognise the need for all major emitters to adopt ambitious and sufficient targets and corresponding policy measures for the reduction of greenhouse gas emissions, reflecting evolving capabilities;

E. whereas the Durban Package did not take sufficient note of the need for action in order to mitigate climate change by 2020, and whereas existing commitments and pledges are insufficient to meet the objective of limiting the overall global annual mean surface temperature increase to 2 °C as compared to pre-industrial levels (the 2 °C objective), and whereas these issues must therefore be tackled as a matter of the utmost priority at the Doha Conference;

F. whereas, according to scientific evidence presented by the Intergovernmental Panel on Climate Change (IPCC), the 2 °C objective requires that global emissions peak by 2015, be reduced by at least 50 % as compared with 1990 by 2050 and continue to decline thereafter; whereas the EU should therefore push for concrete actions by all major emitters and their effective implementation before 2020;

G. whereas recent scientific findings suggest that the effects of climate change are more rapid and more pronounced than previously predicted, for instance in the Arctic region;

H. whereas, according to the International Energy Agency (IEA), global energy demand is projected to increase by one third between 2010 and 2035; whereas the majority of the incremental demand and emissions will happen in emerging economies; whereas there are subsidies to a value of USD 400 billion supporting the wasteful consumption of fossil fuels;

I. whereas decarbonisation in the energy sector and industry through the application of innovations would be advantageous for the EU as an early mover in the growing global market for energy-related goods and services;

J. whereas worldwide innovation in the sustainable energy sector (at both production and user level) creates jobs, stimulates economic growth, increases energy independence, and cares for a cleaner world in which climate change is mitigated and sufficient energy supplies ensured;

K. whereas investments in the energy sector very often have a lifetime of 30 years or more and the planning of new projects and policies takes a long time, a situation which accentuates the worldwide urgency of taking new steps in the field of energy;
L. whereas more research is necessary with a view to useful innovations in the energy and transport systems;

M. whereas, in order to demonstrate the seriousness of its efforts, and given its technological and economic capabilities, the EU should take a leading role in climate protection;

N. whereas no legally binding agreement in 2015 will be possible in the absence of a consensus around equity in long-term global mitigation efforts;

O. whereas, at COP 16 in Cancún (2010), developed countries committed themselves to providing, by 2020, USD 100 billion in ‘new and additional’ financing annually in order to address climate change needs in developing countries, but whereas there is so far no internationally agreed definition of what ‘new and additional’ actually means;

P. whereas after 2012, the last year of fast-start finance (USD 30 billion over three years committed in Copenhagen), there is no certainty as to how much climate finance will be delivered;

Q. whereas globally around 20% of greenhouse gas emissions come from deforestation and other forms of land use and land-use change, and whereas agro-forestry enhances CO₂ mitigation effects through increased carbon storage and reduces poverty by diversifying the incomes of local communities;

R. whereas the improvement of forest governance is a fundamental prerequisite to lasting reductions in deforestation;

Durban Platform for Enhanced Action

1. Welcomes the establishment of the Ad Hoc Working Group on the Durban Platform for Enhanced Action and notes that Decision 1/CP.17 requires this group, as a matter of urgency, to start work on the development of a protocol, legal instrument or agreed outcome with legal force under the Convention, applicable to all the Parties, and to complete that work as early as possible and no later than 2015; notes further that its work must be informed by IPCC’s Fifth Assessment Report, which is due by 2014; also welcomes the process for Parties to increase their level of ambition pre-2020;

2. Stresses that equity and common but differentiated responsibilities and respective capabilities (CBDRRRC) need to be at the very heart of the Durban Platform for Enhanced Action for it to be able to deliver adequately for the climate;

3. Notes that in parallel the Durban Package requires the Ad Hoc Working Group on Long-Term Cooperative Action (AWG-LCA) to achieve its agreed outcomes by the time of the Doha Conference;

4. Stresses that the new legal instrument will need to ensure mitigation action in line with a global carbon budget consistent with maintaining climate change at below 2 °C compared with preindustrial levels, along with the means for the required climate action in developing countries, as well as robust accounting, monitoring and reporting and a robust enforcement and compliance regime;

5. Notes with great concern the obstructive stance of certain Parties at the Bonn talks of May 2012, but welcomes the small yet recognisable steps towards convergence achieved during the informal additional sessions held in Bangkok, Thailand, from 30 August to 5 September 2012;

6. Calls for further clarity and agreement on comparability of effort and common accounting for non-Kyoto Protocol developed Parties before concluding the AWG-LCA;

7. Stresses that the EU needs to lead by example, by implementing its commitments and demonstrating ambition on both mitigation and finance; believes, therefore, that it is the responsibility of all the EU institutions, in advance of the Doha Conference, to engage in intensive climate diplomacy and the building of international alliances to ensure that the commitments made in the Durban Package are honoured and that the UNFCCC process is streamlined towards a new multilateral regime to be agreed by 2015; emphasises that it is important to clarify how the Convention principles will be
applied in a post-2020 framework so that all the Parties take on commitments; is of the opinion that the new market-based mechanism, defined at COP 17, is of particular importance in this regard and hopes that the AWG-LCA succeeds in developing modalities and procedures for this mechanism;

**Kyoto Protocol — second commitment period**

8. Takes note of the decision of the Parties, as reflected in the Durban Package and covering a total of about 15% of global emissions, which is why the EU has to intensify its efforts to find solutions for joint measures to bring all the main actors on board to agree, as an interim step, to a second commitment period of the Kyoto Protocol to begin on 1 January 2013, as a transition to a new, more effective and comprehensive legally binding international regime binding all the Parties, to enter into force by 2020;

9. Takes note of the absence of the USA, Russia, Japan and Canada from the possible second commitment period of the Kyoto Protocol and of the uncertainty of Australia and New Zealand about joining it; notes, further, the continuing lack of emissions reduction targets for developing countries such as China, India, Brazil and Indonesia;

10. Calls for the adoption in Doha of the necessary amendments so that the second commitment period of the Kyoto Protocol can start immediately on a provisional basis;

11. Notes the pledge, contained in Decision 1/CMP.7 of the Durban Package, that the end date of the second commitment period will be decided at the Doha Conference, supports an eight-year commitment period that will end on 31 December 2020;

12. Emphasises, within the current operational structure of the Kyoto Protocol, the need for quantified emission limitation or reduction objectives (QELROs), which were due to be submitted by the Parties by May 2012, to be adopted as amendments to the Kyoto Protocol at the Doha Conference, in accordance with Decision 1/CMP.7; calls on those Annex B Parties which have not yet done so to submit their QELROs, and welcomes the initial EU submission in this regard; stresses that the carry-over of assigned amount units (AAUs) to the second commitment period would undermine the integrity of the Kyoto Protocol; points out that if Member States are allowed to transfer AAUs, the Kyoto Protocol will have no real effect on climate mitigation;

13. Welcomes the proposal of the Group of 77 and China effectively to contain and minimise the use of the surplus; notes that the EU has so far not put forward a proposal to address the surplus of AAUs; recalls that the Lisbon Treaty states that the Council of the European Union shall act by a qualified majority both for general measures (Article 16 TEU) and throughout the procedure when negotiating and entering into new international agreements (Article 218 TFEU);

14. Reiterates its call for the Clean Development Mechanism (CDM) to be reformed, establishing strict quality rules that guarantee that the associated projects are of a sufficiently high standard to help reduce emissions in a reliable, verifiable, real and supplementary way, contributing to the sustainable development of developing countries and preventing the inappropriate use of the mechanism by infrastructure projects whose carbon emissions are high; considers that in the future the CDM must be limited to Least Developed Countries (LDCs);

**Mitigation gap**

15. Emphasises the urgent need for all the Parties, firstly, to implement their pledges and, secondly, to raise their ambition levels between now and 2020, in order to stay within the 2°C objective; reiterates in particular the urgent need for progress in closing the ‘gigatonne gap’ between the scientific findings and the Parties’ current pledges and coming up with binding commitments and actions aimed at emissions reductions which are more ambitious than those contained in the Copenhagen Accord, based on the principle of ‘common but differentiated responsibilities and respective capabilities’, meaning that poorer countries should — through financial and technological assistance, but also capacity-building measures — be enabled to make the direct transition to an advanced low-carbon energy and economic system; calls, in particular, on the Parties to take urgent measures, with effect by 2015 at the latest, to reduce emissions from international aviation and maritime transport, along with other relevant sectors, and to reduce hydrofluorocarbons (HFCs), black carbon, methane and other short-lived climate forcers, in order to close the gap with the 2°C objective;
16. Calls for a decision in Doha on quantifying the size of the global gap and continuously monitoring it in order to take the necessary action to bridge it;

17. Urges the Commission and the Cypriot Presidency to find allies with a view to bridging the 'gigatonne gap', i.e. the difference between the current ambition levels and those required to keep global warming below 2 °C;

18. Recognises that the effective phase-out of fossil fuel subsidies would contribute significantly to closing the mitigation gap;

19. Recalls that, according to the findings of the IPCC's Fourth Assessment Report, industrialised countries need to reduce their domestic emissions by 25-40% below 1990 levels by 2020, while developing countries as a group should achieve a substantial deviation below the currently predicted emissions growth rate, of the order of 15-30%, by 2020; recalls, furthermore, that aggregate global emissions need to peak before 2020 and calls for an open discussion on more effective policy strategies to close the mitigation gap;

20. Emphasises the need for a reliable scientific basis as provided by the IPCC, which has undergone a fundamental reform of its structure and procedures, and highlights, in this connection, the importance of the findings of the Fifth Assessment Report (IPCC AR5), due in 2014;

21. Recalls that it is in the EU's own interest to aim for a climate protection target of 30% by 2020, thus creating sustainable growth, additional jobs and decreasing dependency on energy imports;

22. Welcomes the proposed integration into EU legislation of the Cancún agreement for developed-country Parties to design low-carbon development strategies and emphasises the importance of providing financial and technical support for developing-country Parties to adopt and implement low-emission development plans; notes that these plans and strategies should outline policies and measures that include early domestic action to avoid the lock-in of carbon-intensive investments and infrastructure, together with short- and medium-term energy efficiency and renewable energy targets;

Climate finance

23. Stresses the urgent need to avoid a financing gap after 2012 (when the fast-start finance period ends) and to work towards the identification of a path for securing climate funding from 2013 to 2020 from a variety of sources; believes that concrete commitments on financing during the 2013-2020 period are vital for speeding up transformation processes, avoiding fossil lock-ins in many developing countries and supporting developing countries' efforts to mitigate and adapt to climate change; recalls that the majority of Member States have still not made any pledges for climate financing post-2013;

24. Notes with concern that while developed countries have committed themselves to providing USD 100 billion a year for climate financing by 2020, there is so far no internationally agreed definition of what ‘new and additional’ actually means;

25. Stresses that the measurement, verification and monitoring of climate funds, along with their additionality, are essential and require an internationally agreed definition; calls on the EU to develop a common approach to ensure that official development assistance (ODA) is not diverted away from existing development objectives, but is truly additional;

26. Welcomes the activities of the work programme on long-term finance with regard to sources of long-term finance and the financing needs of developing countries and looks forward to the report of the co-Chairs to be discussed in Doha;

27. Considers that finance for climate action in developing countries needs to address the negative impact of climate change already being felt today, to help develop resilience, in particular in the poorest and most vulnerable countries, and to contribute to closing the mitigation ambition gap before 2020 while at the same time contributing to sustainable development;
28. Points out, in this connection, that innovative additional sources of financing (international financial transaction taxes and international air and sea transport duties) ought to be tapped;

29. Calls on the Commission to ensure that such financing is new and additional, and further to promote innovative financing sources;

30. Stresses the significant cost-saving and greenhouse gas emissions reduction potential of the removal of fossil fuel subsidies; calls for the adoption in Doha of plans to phase out fossil fuel subsidies in both developed and developing countries, with priority being given to Annex I countries;

31. Welcomes the establishment of the Green Climate Fund (GCF) board and looks forward to a decision on the hosting of the GCF secretariat in Doha; notes that further decisions are required at the Doha Conference to bring the GCF into operation, as agreed in the Cancún Agreements, especially as regards its initial capitalisation, and stresses the need to mobilise financial support from the Parties in order to bring the GCF into operation; recognises that the Green Climate Fund is vital for the capacity of LDCs to mitigate and adapt to climate change, and that concrete financial commitments in this area are of the utmost importance;

32. Stresses that the Cancún Agreements clearly specify that the funds provided to developing countries through the GCF should be ‘new’ and ‘additional’ to existing development aid;

33. Recalls that, while poor countries have contributed the least to the increasing concentration of greenhouse gases in the atmosphere, they are the most vulnerable to the impact of climate change and have the least capacity to adapt;

34. Stresses that ensuring policy coherence and mainstreaming the environment into development projects is at the core of an effective EU strategy for the mitigation of, and adaptation to, climate change;

35. Calls on the EU and its Member States to support pro-poor interventions in developing countries that would raise the standard of living for the poorest; urges, in particular, the EU to ensure that finances will only be made available for the support of climate-friendly development paths, which implies the effective phase-out of direct or indirect EU support for fossil fuel industries (i.e. through guarantee loans from the EIB, export credit agencies, etc.) in line with the commitment made by the EU at the 2009 G20 summit in Pittsburgh;

36. Stresses that the current economic crisis must not be used as a pretext for inaction or for refusing funding for adaptation measures in developing countries; points out that developing a low-carbon-emissions economy is actually an important step towards resolving the crisis;

37. Calls for industrialised countries to provide developing countries with adequate financial and technological support for the application of sustainable, efficient technologies;

38. Believes that these measures must respect the interests and priorities of developing countries, incorporating local knowledge, and enhance South-South cooperation and the role of small- and medium-scale agriculture, with due regard for nature and ecological balance;

39. Stresses that financing for climate protection measures should be provided in the form of new, supplementary funding on top of existing development aid;

40. Reminds the EU and its Member States that ODA represents vital funding for core development needs — such as health and education — that should not be redirected to climate finance; calls on the EU and its Member States to guarantee sufficient funds to achieve the MDGs, along with new and additional funds for climate change mitigation and adaptation;
Land use, land-use change and forestry (LULUCF)

41. Welcomes the adoption of Decision 2/CMP.7 at the Durban Conference as an important step forward in introducing robust accounting rules for the LULUCF sector; notes that this decision provides for a two-year work programme to examine the need for more comprehensive accounting in order to ensure the environmental integrity of the sector’s contribution to emissions reductions;

42. Recalls that both land-use change and agriculture are responsible for a significant share of greenhouse gas emissions in developing countries; calls on the EU to promote agro-forestry or organic agriculture, especially in LDCs, as they contribute to both climate change mitigation and poverty alleviation by enabling local communities to diversify their sources of income;

43. Reiterates that the production of agro-fuels from food crops (such as oil seeds, palm oil, sugar cane, sugar beet and wheat) could potentially lead to huge demand for land and put people in poor countries whose livelihood depends on access to land and natural resources at risk;

44. Considers it regrettable that the ‘sustainability criteria’ listed in the Renewable Energy Directive (RED) and the Fuel Quality Directive with regard to biofuels are limited in scope and insufficient to contain the negative effects of the expansion of agro-fuels, in particular through indirect land-use change (ILUC); calls on the EU to upgrade its sustainability and certification criteria with regard to biofuels in order to ensure consistency with its commitment to the fight against climate change and with its legal obligation of policy coherence for development, as enshrined in Article 208 of the Lisbon Treaty;

45. Reiterates that increased use of biomass could lead to an intensification of forestry practices and a reduction in forest carbon stocks, which could jeopardise the EU objective of limiting the climate temperature increase to 2 °C; asks the EU and its Member States only to accept agro-fuels that demonstrably reduce greenhouse gas emissions, pose no significant land-use issues, do not threaten people’s food security and do not risk conservation conflicts; urges the Commission, in this connection, to develop legally binding sustainability criteria for biomass, to incorporate ILUC calculations into the existing sustainability criteria for agro-fuels and to incorporate ILUC and carbon-debt calculations into the sustainability criteria for bioenergy;

Reducing Emissions from Deforestation and Forest Degradation (REDD+)

46. Welcomes the adoption in Durban of decisions relating to financing, safeguards and reference levels; believes that further progress must be made in Doha, in particular on the technical assessment of forest reference levels; notes, further, that REDD+ has an important role to play in reducing the mitigation gap by 2020;

47. Stresses that, according to the UNFCCC framework, REDD+ will be financed by public money, and calls for the Parties to show a strong political commitment to developing innovative financing solutions;

48. Opposes the trading of forest carbon and the inclusion of REDD+ in carbon markets, which would lead to an over-allocation of credits and a further decrease in the price of carbon;

49. Emphasises that the successful implementation of REDD+ depends upon transparency and the development of robust monitoring systems;

50. Recognises the importance of REDD+ in tackling emissions from forestry; insists that REDD+ should not undermine any advances made so far with Forest Law Enforcement, Governance and Trade (FLEGT), especially regarding forest governance and the clarification and recognition of customary tenures; calls on the EU to press for stronger and more detailed social, governance and environmental safeguards for REDD+ projects, including safeguard mechanisms ensuring that the rights of people living in the forests are not violated;

51. Takes the view that the system of payment for forest protection needs to be a particularly stable and long-term one; emphasises that the destruction of forests would recommence if funding fell below a certain level;
**International aviation and maritime transport**

52. Reiterates its calls for international instruments with global emissions reduction targets to curb the climate impact of international aviation and maritime transport; continues to stand behind the inclusion of aviation in the European emissions trading scheme (ETS);

53. Calls for the Member States to use revenues from the auctioning of aviation allowances as contributions to the scaling-up of climate finance in developing countries from 2013;

**Climate protection, especially in times of economic crisis**

54. Stresses that the current economic crisis vividly demonstrates the fact that only a sustainable economy can provide prosperity in the long term and that climate protection is one of the main pillars of such a sustainable economy; emphasises that it has never been so important to clarify the reasons for political action in the field of climate protection, i.e. to allow more people a high standard of living while securing resources and room for development, including for future generations;

55. Reiterates that the challenge of climate change cannot be seen in isolation, but always needs to be addressed in the context of sustainable development, industrial policy and resource policy;

**Structural reform**

56. Is of the opinion that one of the reasons for the success of the Durban Conference was that it laid a foundation for overcoming the former strict divisions between ‘Parties’ and ‘observers’, between ‘developed countries’ and ‘developing countries’ and between ‘Annex I countries’ and ‘Non-Annex I countries’ and therefore asks all participants to strive towards achieving a new, holistic and more all-embracing structure for future negotiations;

57. Is of the opinion that the current ‘pledge and review’ system will not bring about the fundamental changes needed in order to fight climate change in the long run and therefore urges all the Parties to consider other approaches as well;

58. Stresses that there is no ‘silver bullet’ solution to climate change and therefore highlights the numerous possible ways to achieve the necessary emissions reductions and, even more importantly, the necessary consciousness shifts; welcomes, in that regard, the fact that many countries are already undertaking ambitious mitigation action and calls for the UNFCCC to provide a platform for increasing the transparency of what is happening on the ground;

**Transformation toward a sustainable economy and industry**

59. Is concerned about global CO₂ emissions from fossil fuel combustion reaching a record high in 2011, according to IEA data; recalls that the projected global increase in energy consumption will be based on the growth of all energy sources; considers, therefore, that the EU’s efforts to transform its economy into a sustainable economy must not falter, so that it can build on its competitive edge in sustainable technologies and expertise; believes that the EU should promote the international dissemination of environmentally friendly technologies, including in the fields of renewable energy, innovative and efficient fossil fuel technologies and, in particular, energy efficiency technologies;

60. Calls for closer coordination between the Council, the Commission and the European External Action Service (EEAS) so as to enable the EU to speak with one coherent voice in international organisations such as the IEA, the International Renewable Energy Agency (IRENA), the International Partnership for Energy Efficiency Cooperation (IPEEC) and the International Atomic Energy Agency (IAEA), and thus play a more active and influential role, particularly in pushing for sustainable energy policies and energy safety policies;

61. Emphasises that many countries are taking steps towards the greening of the economy, for various reasons including climate protection, resource scarcity and efficiency, energy security, innovation and competitiveness; notes, for example, the investment programmes dedicated to energy transition in countries such as China and South Korea and calls on the Commission to analyse such programmes and their implications for EU competitiveness in the sectors concerned;

62. Welcomes these moves and reiterates that internationally coordinated action would help to address the carbon leakage and competitiveness concerns of the relevant sectors, and in particular of energy-intensive sectors; calls for an agreement to ensure an international level playing field for carbon-intensive industries;
63. Is concerned about the increasing level of so-called imported emissions, such that the emissions from imported goods are growing faster than production-based emissions are cut domestically; believes that if the EU could better monitor and raise awareness of the development of imported emissions, this might encourage industrial competitors to join a tighter carbon-emissions abatement regime in order to secure greater acceptance of their products on the EU market.

64. Emphasises that the financial and budgetary crisis affecting the EU should not curb its level of ambition or that of its industries, consumers and Member States in respect of the international climate negotiations in Doha; considers that the EU's effort to transform its economy must not falter, in order to avoid job leakage, and in particular green job leakage, and that the EU has to convince its partners worldwide, including China and the USA, of the benefits of joining an international agreement and of the fact that emission reductions are feasible without losing competitiveness and jobs, in particular if they are achieved collectively.

65. Stresses the need to develop and implement urgently a holistic raw materials and resource strategy, including in relation to resource efficiency, in all sectors of the economy in both developed and developing countries, in order to achieve long-term sustainable economies, and calls on the EU and its Member States to lead by example in this regard; calls on the EU and its Member States to support developing countries at both national and local level by making available expertise on sustainable mining, increased resource efficiency and reuse and recycling;

66. Considers that sectoral approaches combined with economy-wide caps in industrialised countries can contribute to climate action, competitiveness and economic growth; stresses the importance of adopting a sectoral approach to industrial emissions, in particular for emerging countries, in connection with international negotiations; hopes that such an approach might also be part of a post-2012 international framework for climate action;

67. Notes that the prices of different energy sources play a major role in determining the behaviour of market actors, including industry and consumers, and notes that the inability of the current international policy framework fully to internalise external costs perpetuates unsustainable consumption patterns; further reiterates that a global carbon market would be a sound basis for achieving both substantial emission abatements and a level playing field for the industry; calls on the EU and its partners to find, in the immediate future, the most effective way of promoting links between the EU ETS and other trading schemes with the aim of achieving a global carbon market and ensuring greater diversity of abatement options, improved market size and liquidity, transparency and, ultimately, more efficient allocation of resources for the energy sector and industry;

Research and technology

68. Considers it regrettable that the Rio+20 summit in Rio de Janeiro failed to achieve substantial progress on future key issues related to sustainability; deplores the lack of concrete targets, measurable activities and commitments by world leaders; takes note of the result of the Durban meeting, including the advancement of the Durban Platform, the continuation of the Kyoto Protocol, the establishment of the USD 100 billion Green Climate Fund and the further development of the Technology Executive Committee for the deployment of low-carbon technologies;

69. Stresses that the development and deployment of breakthrough technologies hold the key to fighting climate change and, at the same time, convincing the EU's partners worldwide that emissions reductions are feasible without losing competitiveness and jobs; calls for an international commitment to increase research and development (R&D) investment in breakthrough technologies in the relevant sectors; considers it essential that the EU lead by example by substantially increasing its expenditure devoted to research on climate-friendly and energy-efficient industrial and energy technologies, and that the EU develop close scientific cooperation in this field with international partners, such as the BRIC countries and the USA;

70. Considers that innovation is key to maintaining global warming below 2 °C and notes that there are different ways of encouraging innovation in a market-based economy; calls on the Commission to assess the various mechanisms for rewarding frontrunner businesses, which differ in their capacity to trigger innovation and to transfer and deploy technologies globally; calls for recognition of the right of developing countries to take full advantage of the flexibility afforded by the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS);
Energy, energy efficiency and resource efficiency

72. Notes that a recent IEA analysis shows that improved efficiency offers the clearest path to better energy management in the decades ahead, offering a threefold return on investment in a climate-compatible 2050 pathway but requiring strong government policy action and incentives;

73. Considers it regrettable that energy savings potential is not being tackled adequately, either internationally or in the EU; emphasises that energy savings facilitate job creation, economic savings, energy security, competitiveness and emissions cuts; calls on the EU to pay more attention to energy savings in international negotiations when discussing technology transfer, development plans for developing countries or financial assistance; emphasises that in order to be credible, the EU and its Member States must meet their own targets;

74. Points out that across the globe an estimated 2 billion people continue to lack access to sustainable and affordable energy; stresses the need to address the energy poverty issue in accordance with climate policy objectives; notes that energy technologies are available which address both global environmental protection and local development needs;

75. Considers it regrettable that the UNFCCC and the Convention on Biological Diversity (CBD) are not sufficiently coordinated, meaning that resources are wasted and valuable and complementary policy opportunities missed; stresses that various studies, including the TEEB (The Economics of Ecosystems and Biodiversity) study, make it clear that preserving ecosystem services through sustainable practices is often cheaper than having to replace lost functions by investing in alternative heavy infrastructure and technological solutions; urges the EU and its Member States, accordingly, to link their climate change objectives closely to biodiversity protection objectives at the forthcoming COP 11 in Hyderabad;

Climate diplomacy

77. Stresses that the EU must continue to act constructively in international climate negotiations and that EU climate diplomacy needs to be further developed by all the EU institutions in advance of Doha, under the umbrella of the EEAS, with the aim of presenting a clearer EU profile on climate policy, bringing a new dynamic to the international climate negotiations and encouraging partners throughout the world, particularly the biggest emitters, to introduce binding, comparable and effective emissions reduction measures and appropriate climate change mitigation and adaptation measures;

78. Considers it regrettable that the EU’s reduction target is not consistent with its adopted 2 °C objective and a cost-effective path to the 2050 greenhouse gas emissions reduction goal;

79. Highlights the importance of (subglobal) alliances with the most progressive countries as a means of lending further impetus to the negotiation process and ensuring the adoption by the biggest emitters of ambitious and adequate targets for reducing greenhouse gas emissions;
80. Stresses, in this context, the importance of the EU, as a major player, speaking with ‘one voice’ at the Doha Conference in seeking progress towards an international agreement, and of staying united in that regard;

81. Calls on the Parties to recognise that legislators’ engagement with the negotiations is critical to achieving success in the intergovernmental process towards a global agreement in 2015, insofar as the advancement of the Parties’ national climate legislation creates the political conditions for the multilateral negotiations and can facilitate their overall level of ambition;

82. Stresses the vital position of both ‘hosting nations’ — Qatar, as one of the world’s biggest producers of oil and gas, which is now seeing its resources diminishing but still has the highest global carbon emissions per capita, and South Korea, as a leader in ‘green technologies’ and the first country in Asia to pass climate change legislation implementing cap-and-trade-policies — and encourages both countries (not currently covered by Annex I) to lead by example and help build new alliances;

83. Expresses its concern that the informal practice of waiting for consensus among all Council delegations is delaying urgent climate action and consequently urges the Council to act on the basis of qualified majority voting at all times, in accordance with the Treaties, in particular for general acts under Article 16(3) TEU and specifically under Article 218(8) TFEU ‘at all stages of the procedure’ of reaching international agreements;

84. Notes that the Commission has proposed a roadmap to a carbon-free Europe for 2050, which is a very ambitious, but achievable, target; reaffirms, in this connection, its commitment to the abatement of greenhouse gas emissions, even outside an international agreement;

85. Notes that global warming highlights the interdependence of all countries; considers it necessary, therefore, to reach global agreement so as to avoid a catastrophic change that would dramatically affect all of humanity;

European Parliament delegation

86. Believes that the EU delegation plays a vital role in climate change negotiations, and therefore finds it unacceptable that Members of the European Parliament have been unable to attend the EU coordination meetings at previous Conferences of the Parties; expects at least the Chair of the Parliament delegation to be allowed to attend the EU coordination meetings in Doha;

87. Notes that, in accordance with the Framework Agreement concluded between the Commission and Parliament in November 2010, the Commission must facilitate the inclusion of Members of Parliament as observers in Union delegations negotiating multilateral agreements; recalls that, pursuant to the Lisbon Treaty (Article 218 TFEU), Parliament must give its consent to agreements between the Union and third countries or international organisations;

88. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the Secretariat of the UNFCCC, with the request that it be circulated to all non-EU Contracting Parties.

P7_TA(2012)0453

Enlargement: policies, criteria and EU’s strategic interest

European Parliament resolution of 22 November 2012 on Enlargement: policies, criteria and the EU’s strategic interests (2012/2025(INI))

(2015/C 419/18)

The European Parliament,

— having regard to the Treaty on European Union (TEU), in particular its Articles 2, 21 and 49,


— having regard to the Council Conclusions of 5 December 2011 on Enlargement and the Stabilisation and Association Process,

— having regard to the renewed enlargement consensus adopted by the Council in 2006 and to the consolidated enlargement strategy implemented by the Commission thereafter,

— having regard to the Commission communication of 20 February 2009 on ‘Five years of an enlarged EU — Economic achievements and challenges’ (COM(2009)0079/3),


— having regard to its previous resolutions on the countries of the Western Balkans, Iceland and Turkey,

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

— having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on Budgets (A7-0274/2012).

A. whereas, in accordance with Article 49 TEU, any European state which respects and remains committed to the promotion of the values of human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, may apply to become a member of the Union; whereas these values are the foundation of the European Union itself and guide its action on the international scene, and must be respected and upheld by all Member States;

B. whereas enlargement has been part of the EU agenda since as early as the 1960s; whereas since the first enlargement in 1973, the EU has grown gradually, its membership rising from the six founding members to the current 27 (soon to be 28); whereas a number of other countries aspire to EU membership, as a guarantee for a secure, democratic and prosperous future;

C. whereas the policy of integration over the past decade has shown that enlargement benefits the EU as a whole and allows it to be better positioned to address global challenges;

D. whereas enlargement has been a successful process for the EU and Europe as a whole, in helping to overcome the divisions of the cold war, contributing to peace, stability and prosperity throughout Europe, enhancing conflict prevention, stimulating reforms and consolidating freedom, democracy, respect for human rights and fundamental freedoms and the rule of law, as well as the development of market economies and socially and ecologically sustainable development;

E. whereas almost twenty years after the Copenhagen European Council of 1993, which affirmed the membership prospects of the countries of Central and Eastern Europe and laid down the accession criteria, the moment has come for a re-evaluation of the established related procedures and of enlargement policy as a whole, without prejudice to the ongoing negotiations;

F. whereas the Copenhagen criteria have stood the test of time and remain at the centre of EU enlargement policy; whereas the consolidated enlargement strategy and the new focus on justice and home affairs, the rule of law and respect for fundamental rights are expected to be effective and efficient;

G. whereas the European Parliament, through its annual resolutions on the candidate and potential candidate countries, contributes to improving the transparency and accountability of the enlargement process by echoing the opinions of the European citizens; whereas, following the entry into force of the Treaty of Lisbon, the role of Parliament has increased thanks to the recognition of co-legislative power, inter alia with regard to the Instrument for Pre-Accession Assistance (IPA);

H. whereas the prospect of accession has a significant transformative impact on the political, socio-economic and cultural landscape of the countries wishing to join, and acts as a powerful incentive for pursuing the necessary political, economic and legislative reforms and the strengthening of peace, stability, reconciliation and good neighbourly relations; whereas thanks to this transformative power, enlargement is the essence of the EU’s soft power and an important element of its external action;

I. whereas commitment, conditionality and credibility have been situated at the core of the accession process;

J. whereas it is of the utmost importance that Member States continue to fully respect and uphold the accession criteria and fundamental rights, in order to strengthen the credibility and consistency of the enlargement process and avoid any kind of discrimination against potential new members;

K. whereas a commitment to political, economic and legislative reforms is, first and foremost, in the best interests of the candidate and potential candidate countries and their citizens;

L. whereas each country aspiring to EU membership has to be judged on its own merits in fulfilling, implementing and complying with the same set of criteria; whereas the pace of progress in the accession process should be determined by the extent of effective implementation and compliance with the EU accession criteria, as well as fulfillment of the priorities of the European and Accession Partnership and the negotiating framework; whereas the degree of compliance with the requirements for membership has to be assessed in the most fair and transparent fashion;

M. whereas the enlargement process has a significant impact also on the EU itself, serving as an opportunity to better define its identity, goals, values and policies, and also as a suitable moment to better communicate these to its citizens;

N. whereas, in line with the renewed consensus on enlargement of 2006, this process should be based on consolidation, conditionality and communication, combined with the EU’s capacity to integrate new members; whereas the integration capacity of the EU is a major consideration and a prerequisite for the sustainability of enlargement policy and the overall integration process; whereas this consideration has been a positive incentive for institutional deepening, as demonstrated by the consecutive treaty revisions that have accompanied the different waves of enlargement, extending the functions and activities of the Union;

O. whereas true reconciliation between different nations and peoples, the peaceful resolution of conflicts and the establishment of good neighbourly relations between European countries are essential to sustainable peace and stability and contribute substantially to a genuine European integration process, therefore being of key importance to the enlargement process; whereas a number of candidate and potential candidate countries continue to have unresolved issues with their neighbours, and hence all affected parties should work overtly towards the resolution of bilateral tensions; whereas these issues should be resolved prior to accession;
General considerations

1. Strongly supports the enlargement process and believes that enlargement needs to remain a credible policy, supported by the public both in the EU and in the candidate and potential candidate countries; underlines, therefore, the importance for the EU and the candidate and potential candidate countries of fulfilling all obligations, respecting all commitments and creating the conditions for ensuring the success of future enlargements, inter alia by assisting the countries concerned in their efforts to meet the criteria for EU accession;

2. Acknowledges the benefits of the enlargement and accession process, both for the citizens of the candidate and potential candidate countries and for European citizens;

3. Considers that the Copenhagen criteria continue to constitute a fundamental basis and should remain at the heart of enlargement policy; stresses that full and rigorous compliance with these criteria is imperative, that due attention should be paid to the social implications for the candidate and potential candidate countries, and that the Union’s integration capacity must be taken fully into account;

4. Considers that the concept of integration capacity comprises four elements:

   (i) accession states should contribute to and not impair the ability of the Union to maintain momentum towards the fulfilment of its political objectives;

   (ii) the institutional framework of the Union should be able to deliver efficient and effective government;

   (iii) the financial resources of the Union should be sufficient to meet the challenges of economic and social cohesion and of the Union’s common policies;

   (iv) a comprehensive communication strategy should be in place to inform public opinion concerning the implications of enlargement;

5. Stresses, however, that the Union is responsible for improving its integration capacity in the process of considering the legitimate European aspirations of candidate, potential candidate or potential applicant countries;

6. Points out that the EU continues to be attractive, also because of its unique combination of economic dynamism with a social model, and regrets that this social dimension has been largely neglected in the enlargement process; invites the Commission to address this issue, especially in the framework of Chapter 19 (Social Policy and Employment), to foster positive social transformation in the future EU Member States and to pay due attention to social justice;

7. Reminds that the acquis in the social field includes minimum standards in areas such as labour law, equal treatment of women and men, health and safety at work and anti-discrimination, and that the EU Treaties confirm commitment to the European Social Charter of 1961 and the Community Charter of the Fundamental Social Rights of Workers of 1989, while the EU Charter of Fundamental Rights also contains a number of fundamental social rights; stresses that failure to comply with the EU’s common basic social standards constitutes a form of social dumping, which is detrimental to European enterprises and workers and would effectively prevent a candidate state from participating in the single market; points out that social partners and in particular trade unions need targeted EU assistance in order to reinforce their capacities;

8. Is of the view that the set of accession criteria should be adequately translated into clear, specific and measurable objectives in the IPA in order to clearly demonstrate the link between Union-funded policies in the enlargement countries and progress in meeting the general accession criteria;

9. Recognises the need for the economies of accession countries to develop in the same direction as those of EU Member States in order to facilitate alignment; encourages the accession countries, accordingly, to formulate feasible and country-specific targets for each of the EU 2020 headline targets for a smart, sustainable and inclusive economy;
10. Draws attention to the importance of the Madrid criteria (defined by the Madrid European Council of December 1995), which emphasised the ability of candidate countries to put EU rules and procedures into effect; also takes the view that the principle of strict conditionality requires that the progress of a candidate and/or potential candidate country in adopting and implementing reforms be effectively assessed on the basis of a clear set of criteria at every stage of the process, and that countries wishing to join the EU should be able to proceed from one stage to the next only once all the conditions have been met at each stage; stresses that, in order to enhance the credibility and effectiveness of the enlargement strategy, the Copenhagen criteria must be fully respected and complied with by Member States as well, in order to avoid requiring applicant countries to meet higher standards than those applying in some EU Member States; stresses the importance of defining the different stages more clearly, setting transparent and fair benchmarks throughout the process that translate the general membership criteria into concrete steps towards accession, and measuring whether the necessary requirements have been met, as well as of avoiding fixing or promising an accession date if negotiations have not yet been finalised; stresses that it should also be clear that a benchmark, once attained, should be sustained and that backsliding should elicit an appropriate response on the part of those setting the benchmarks;

11. Stresses that the objective of the accession process is full EU membership;

12. Calls on the Commission to maintain and further intensify its monitoring of progress in the accession process, as well as its assistance to candidate and potential candidate countries, so as to ensure that they achieve a high degree of preparedness which will benefit both them and the EU;

13. Believes that, in order to maintain the credibility of the enlargement process, the EU's integration capacity should be evaluated at an early stage and should be properly reflected in the Commission's 'opinion' for each potential candidate state, outlining the major concerns in this regard and the possible ways to overcome them; is of the view that a comprehensive impact assessment should then follow; in this context, emphasises that a successful enlargement process requires that the EU should maintain the capacity to act, to develop, to take decisions democratically and efficiently, to have financial resources to support economic and social cohesion, and to pursue its political objectives;

Enlargement policies

14. Welcomes the new negotiating approach for future negotiating frameworks, which prioritises issues related to the judiciary and fundamental rights, as well as to justice and home affairs; agrees that these should be tackled early in the accession process and that as a rule Chapters 23 and 24 should be opened accordingly on the basis of action plans, as they require the establishment of convincing track records; calls on the Commission to report to Parliament regularly on progress in these areas, and for the monthly pre-accession reports of the EU delegations to be available to the members of the Committee on Foreign Affairs upon request; notes, however, that this focus on the areas in question should not be to the detriment of the efforts and progress made in the other areas outlined in the individual enlargement agendas of the candidate and potential candidate countries;

15. Considers it important to give adequate priority within enlargement policy to the building of an efficient, independent and impartial judicial system and a transparent democratic political system that can strengthen the rule of law; underlines, at the same time, the importance of all forms of freedom of expression and the need to ensure freedom of the media in law and in practice, as well as to effectively fight corruption and organised crime;

16. Stresses that visa liberalisation is a good example of EU conditionality combining political and technical criteria with a desirable goal and tangible benefits; welcomes and supports, therefore, the efforts of the Commission and those of interested countries in this field;

17. Calls on the Commission to simplify the administration procedure and reduce the administrative burden for the IPA funding, with the aim of making it more accessible to and enhancing the participation of smaller and non-centralised civil organisations, trade unions and other beneficiaries;
18. Encourages greater participation by civil society, non-state actors and social partners, both from the candidate countries and the Member States, in the accession process; urges the Commission to keep up a continuous dialogue with them; calls on the candidate and potential candidate countries to ensure their involvement at all stages; stresses that civil society can work as an important engine of approximation with the EU, create bottom-up pressure for the advancement of the European agenda, improve the transparency of the process and strengthen public support for accession; stresses the importance of adequate financial support, inter alia via the Civil Society Facility, especially in order to enhance civil society’s capacities to monitor the implementation of the acquis; stresses the importance of cooperation between European civil society organisations and their counterparts in the candidate and potential candidate countries;

19. Strongly emphasises the need to enhance administrative capacities and human resources in order to make them capable of transposing, implementing and enforcing the acquis; takes the view that processes in the framework of enlargement should not be merely ‘technical’, and stresses the need to make the screening process more connected to the realities on the ground; calls on the Commission, therefore, to involve NGOs, trade unions and major stakeholders, as appropriate, in this exercise;

20. Calls, in recognition of the important role that social dialogue plays in EU decision-making, for greater emphasis on strengthening the capacities of social partners and the role of social dialogue within the enlargement process; asks, furthermore, for more attention to be paid to developing enforcement mechanisms such as labour inspection so as to protect workers and ensure respect for their social rights and health and safety standards, as well as combating exploitation, especially of undeclared workers;

21. Calls for greater engagement of the European Economic and Social Committee (EESC) in the enlargement process; highlights its role in transmitting good practices to candidate and potential candidate countries, as well as in rallying civil society behind the cause of European integration in the EU; supports the further strengthening of dialogue between civil society organisations in the EU and the enlargement countries, and encourages greater cooperation between the EESC, the Commission and the European Parliament;

22. Recalls that achieving sustainable economic recovery is a major challenge for most enlargement countries, and underlines the need to promote smart, sustainable and inclusive growth, in line with the Europe 2020 Strategy; calls for more support for small- and medium-sized enterprises (SMEs), given their critical role for socioeconomic progress in all enlargement countries, and urges the Commission to insist on priority reforms that create a favourable regulatory environment for innovative and high-potential SMEs; stresses, at the same time, the need for continued attention to the issues of a growing informal sector, high unemployment, and the integration of the most vulnerable members of society;

23. Believes strongly in the need to promote a climate of tolerance and mutual respect, good neighbourly relations and regional and crossborder cooperation, as prerequisites for stability and as means of facilitating genuine and lasting reconciliation; considers that the prosecution of war crimes, the peaceful coexistence of different ethnic, cultural and religious communities, the protection of minorities and respect for human rights, as well as the reintegration and return of refugees and displaced persons, must remain essential elements of the EU accession process in regions with a history of conflict; in this respect, encourages the candidate and potential candidate countries that have yet to ratify the Framework Convention for the Protection of National Minorities to do so; suggests that in such cases the promotion of the teaching and learning of each other’s history, language and cultural heritage during and after the accession process would facilitate mutual understanding and contribute to historical reconciliation;

24. Is of the opinion that gender equality and anti-discrimination should be given further priority within enlargement policy; stresses that equality between men and women is a fundamental right, a core value of the EU, and a key principle of its external action, as well as holding great potential for the achievement of the Europe 2020 objectives by contributing to growth and full employment; encourages, therefore, women’s participation in the accession process, and underlines the importance of mainstreaming gender equality policies; stresses that discrimination on all and any grounds is prohibited and that the EU assessments should include the rights of the LGBT community and the integration of minorities in political, social and economic life;
25. Calls on the Commission to involve enlargement countries in its initiatives aiming at social inclusion, such as the EU Framework for National Roma Integration Strategies, to better mobilise the IPA to this end, and to urge enlargement countries, through the mechanism of the Stabilisation and Association Process (SAAP), to realise these goals; also calls on the enlargement countries to actively participate in the Decade for Roma Inclusion and to guarantee the fundamental rights of Roma, improve their social and economic position and ensure their access to housing;

26. Takes the view that any acceding state should resolve its main bilateral problems and major disputes with neighbours, particularly those concerning territorial issues, before it can join the Union; recommends strongly that these issues be addressed as early as possible in the accession process, in a constructive and neighbourly spirit and preferably before the opening of accession negotiations, so that the latter are not negatively affected; in this regard, considers it essential to take account of the EU’s overall interests, its values, and the obligation to fully comply with the acquis and respect the principles on which the EU itself is founded;

27. Calls on the EU to support efforts to resolve outstanding disputes, including border disputes, before accession; in line with the provisions of international law, the UN Charter and the relevant UN resolutions, as well as the Helsinki Final Act, encourages all parties to disputes whose continuation is likely to impair implementation of the acquis or endanger the preservation of international peace and security to engage constructively in their peaceful resolution and, if appropriate, in case of not being able to reach a bilateral agreement, to confer with the International Court of Justice or to commit themselves to a binding arbitration mechanism of their choice or else work constructively within an intensive mediation mission; reiterates its call on the Commission and the Council to start developing, in accordance with the EU Treaties, an arbitration mechanism aimed at resolving bilateral and multilateral disputes;

28. Welcomes initiatives such as the positive agenda on Turkey, the high-level accession dialogue with the Former Yugoslav Republic of Macedonia, and the structured dialogue on the rule of law with Kosovo (1); welcomes the aim of creating a fresh dynamic in the reform process, while stressing that these initiatives must in no way replace the formal negotiation procedures, but must be fully in line with the negotiating framework;

29. Stresses the need for candidate and potential candidate countries to make improvements in the fields of democracy, human rights, and reconciliation processes, areas which should always be given priority in the enlargement process and reflected in the financial instruments; recalls, in this regard, the importance of financial assistance taking into account the need for to restore cultural heritage sites in conflict areas, bearing in mind the role this has in terms of building confidence and inclusiveness between different ethnic and religious communities;

30. Stresses that EU enlargement policy is an instrument for modernisation, democratisation and stabilisation, and also has the aim of strengthening the EU, both internally and as a global player; calls on the Commission to undertake comprehensive impact assessments whenever it considers new applications for EU membership, and also when it recommends the opening or, in case of fundamentally changed circumstances, the closing of accession negotiations;

31. Supports the Commission’s commitment to improving the quality of the accession process by making it more merit-based, benchmark-driven and transparent; takes the view that this will make the process fairer and more objectively measurable, thus further enhancing its credibility; in this context, recommends that the progress reports should be clearer in their assessments; stresses that the benchmarks should not set additional conditions for the candidate and potential candidate countries, but should translate the general membership criteria and the objectives of the EU’s pre-accession assistance into concrete steps and results with a view to accession, in full compliance with the negotiating framework;

(1) This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.
32. Emphasises the vital importance for the success of the accession process of the fight against corruption and organised crime; calls on the Commission to adopt a new approach to this issue by drawing the attention of the authorities of aspirant countries to individual instances of systemic corruption; calls on the Commission to cooperate closely with the Group of States against Corruption (GRECO) and with the anti-corruption bodies in the countries concerned; stresses that such a new approach would be highly beneficial for the image of the Union among the citizens of the aspirant countries and would potentially facilitate the fight against corruption;

33. Urges the Commission to plan a non-decrease in real terms of overall funding for each beneficiary; notes that this calculation should be made taking into consideration the following: a) the ratio of overall programmed IPA assistance to each country’s GDP should not decrease in relative terms even if, in real terms, the denominator (GDP) for each beneficiary country has shown a cumulative increase over the period 2007-2013; b) the number of countries with access to funding through the future instrument is likely to decrease with the accession of Croatia, which would potentially change the comparative redistribution within the pool of funding; c) with the suggested changes to the new Instrument serving to limit EU resources, in particular as regards the policy area of institution-building;

34. Recalls the need to accompany EU enlargement with a concerted and more effective and transparent communication policy involving all EU institutions, the governments and parliaments of the Member States, and representatives of civil society, with a view to triggering an open and frank debate on the consequences of enlargement, encompassing public opinion in both the EU Member States and the candidate countries; stresses that a communication policy of this kind should also be applied in the candidate countries, in cooperation with all actors;

35. Is of the opinion that, in order to encourage support among EU citizens for further enlargement and the commitment of the citizens of the candidate and potential candidate countries to continuing with reforms, it is crucial to present clear and comprehensive information on the political, socioeconomic and cultural benefits of enlargement; considers it essential, in particular, to explain to the public how enlargement has brought new investment and export opportunities, and how it can contribute to attaining the EU’s objectives in terms of promoting conflict prevention, enhancing peaceful conflict resolution, tackling the economic crisis, creating jobs, facilitating the free flow of labour, protecting the environment and enhancing security and safety, while at the same time accelerating the reform agenda, facilitating access to financial resources and subsequently improving living conditions in the enlargement countries for the benefit of all European citizens, as well as reducing social and economic imbalances; stresses the need to target all sectors of society by promoting, inter alia, the inclusion, at secondary school level or the equivalent, of a specific curricular element on the background, objectives and functioning of the European Union as well as its enlargement processes; also stresses the need to target key opinion formers such as journalists, representatives of civil society, and socioeconomic actors and trade unions; is of the view that similar efforts by candidate and potential candidate countries should be encouraged and supported;

Prospects and the EU’s strategic interests

36. Believes strongly that the EU can gain great strategic benefits through enlargement policy; emphasises that EU membership provides stability in the swiftly changing international environment, and that belonging to the European Union continues to offer the perspective of social development and prosperity; is of the opinion that enlargement is a long-term strategic interest of the EU, which cannot necessarily be measured in terms of short-term balance sheets; considers it important to take due account of its substantial and lasting value as representing soft but nevertheless essential power for the EU;

37. Remains fully committed to the prospect of enlargement, and calls on the Member States to maintain the momentum of the enlargement process; stresses its conviction that with the Lisbon Treaty the EU can both pursue its enlargement agenda and maintain the impetus of deeper integration;

38. Recalls that the process is not concluded with the simple transposition of the acquis, and stresses the importance of effective implementation and respect in the long term as regards both the acquis and the Copenhagen criteria; considers that in order to maintain the credibility of the accession conditions, EU Member States should also be assessed for their continued compliance with the EU’s fundamental values and the fulfilment of their commitments concerning the
functioning of democratic institutions and the rule of law; calls on the Commission to work out a detailed proposal for a monitoring mechanism, building on the provisions of Article 7 TEU and Article 258 TFEU;

39. Recalls that a streamlined, forward-looking enlargement policy could be a valuable strategic tool for the EU’s and the region’s economic development, and should aim to create budgetary synergies and enhanced coordination between the various measures and types of assistance provided by the EU, Member States and IFIs, as well as with the existing instruments, namely the IPA, by avoiding any potential overlap, duplications or gaps in funding, particularly in the context of a constrained budgetary environment;

40. Notes that the global financial crisis and the difficulties of the eurozone have highlighted the interdependence of national economies, both within and beyond the EU; emphasises, therefore, the importance of further consolidating economic and financial stability and fostering growth, also in the candidate and potential candidate countries; in these difficult circumstances, stresses the need to provide adequate and better-targeted pre-accession financial assistance to candidate and potential candidate countries; notes the Commission’s proposal for a new IPA, including increased financial support for the financial perspective 2014-2020; stresses, in this regard, the need to simplify and speed up procedures, as well as to strengthen the administrative capacity of the beneficiary countries, in order to ensure a high level of participation in EU programmes and to enhance absorption capacity; points out that a comprehensive position of the European Parliament on the IPA will be presented in the course of the ordinary legislative procedure; highlights the importance of national fiscal stability and the increased focus at EU level on economic governance; recommends that the question of sound public finances be properly addressed in the accession process;

41. Stresses that the goals of Europe 2020 are built around universal principles which have been a strong driver for economic wellbeing; recommends, therefore, that progress on flagship initiatives be included in the pre-accession dialogue and incentivised with additional funding; considers that a low-carbon growth model merits special attention and should be actively implemented during the enlargement process;

42. Calls for continuous inter-donor dialogue and, where appropriate, the use of suitable structures for aid coordination and management; calls, in this context, for closer examination of the use of innovative financial instruments requiring coordination structures, such as, for example, the Western Balkans Investment Framework, which is complementary to the administrative structures for the IPA and has the goal of attracting, pooling and channelling support for priority areas; emphasises the financial and policy leverage potential of financing projects using a combination of funds — from the EU, the Member States or the IFIs — in a manner that ensures both strict concordance with best practice in terms of financial management and the coordination of key actors;

43. Instructs its President to forward this resolution to the Council, the Commission, and the Governments and Parliaments of the Member States and of Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Iceland, Kosovo, Montenegro, Serbia and Turkey.

P7_TA(2012)0454

Situation in Gaza

European Parliament resolution of 22 November 2012 on the situation in Gaza (2012/2883(RSP))

(2015/C 419/19)

The European Parliament,

— having regard to the conclusions of the Foreign Affairs Council meeting of 19 November 2012,
Having regard to the press statements by UN Secretary-General Ban Ki-moon of 18 and 19 November 2012,

— having regard to the Council conclusions on the Middle East Peace Process of 14 May 2012, 18 July and 23 May 2011, and 8 December 2009,

— having regard to the statements by High Representative Catherine Ashton of 12 November 2012 on the latest escalation of violence between Gaza and Israel, and of 16 November 2012 on the further escalation of violence in Israel and Gaza,

— having regard to the ceasefire agreement of 21 November 2012,

— having regard to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949,

— having regard to the Charter of the United Nations,

— having regard to the Interim Agreement on the West Bank and Gaza Strip of 18 September 1995,

— having regard to the Oslo Accords (‘Declaration of Principles on Interim Self-Government Arrangements’) of 13 September 1993,

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

A. whereas the recent escalation of violence has resulted in the loss of life and unacceptable suffering to the civilian population of both parties involved;

B. whereas Egyptian Foreign Minister Mohamed Kamel Amr and US Secretary of State Hillary Clinton announced a ceasefire at a news conference in Cairo on 21 November 2012; whereas, according to this ceasefire, ‘Israel shall stop all hostilities in the Gaza Strip, land, sea and air including incursions and targeting of individuals’ while ‘all Palestinian factions shall stop all hostilities from the Gaza Strip against Israel, including rocket attacks and attacks along the border’;

C. whereas Parliament has repeatedly expressed its support for the two-state solution with the State of Israel and an independent, democratic and viable State of Palestine living side by side in peace and security, and called for the creation of the conditions for the resumption of direct peace talks between the parties;

D. whereas the blockade of, and the humanitarian crisis in, the Gaza Strip continues despite numerous calls by the international community for the opening of crossings for the flow of humanitarian aid, commercial goods and persons to and from Gaza, as also reiterated in the Council conclusions of 14 May 2012;

E. whereas Parliament has repeatedly expressed its strong commitment to the security of the State of Israel; whereas the Council conclusions of 14 May 2012 also reiterated the fundamental commitment of the EU and its Member States to the security of Israel, condemned in the strongest terms violence deliberately targeting civilians, including rocket attacks from the Gaza Strip, and called for the effective prevention of arms smuggling into Gaza;

1. Expresses grave concern about the situation in Gaza and Israel and considers deeply regrettable the loss of civilian life, including among women and children; welcomes the ceasefire agreement announced in Cairo and calls for its full implementation; stresses that all attacks must end immediately as they cause unjustifiable suffering among innocent civilians, and calls for an urgent de-escalation and cessation of hostilities; commends the efforts of Egypt and other actors to mediate for a sustainable ceasefire and welcomes the mission of the United Nations Secretary-General to the region;

2. Strongly condemns the rocket attacks on Israel from the Gaza Strip, which Hamas and other armed groups in Gaza must cease immediately; stresses that Israel has the right to protect its population from these kinds of attacks, while pointing out that, in doing so, it must act proportionately and ensure the protection of civilians at all times; stresses the need for all sides fully to respect international humanitarian law, and that there can be no justification for the deliberate targeting of innocent civilians;
Thursday 22 November 2012

3. Condemns the terrorist attack on a bus carrying civilians in Tel Aviv on 21 November 2012;

4. Reiterates its strong support for the two-state solution on the basis of the 1967 borders, with Jerusalem as capital of both states, and with the State of Israel and an independent, democratic and viable State of Palestine living side by side in peace and security;

5. Stresses again that peaceful and non-violent means are the only way to achieve a just and lasting peace between Israelis and Palestinians; calls again for the creation of the conditions for the resumption of direct peace talks between the two parties;

6. Supports, in this connection, Palestine's bid to become a UN non-member observer, and considers this an important step in making Palestinian claims more visible, stronger and more effective; calls, in this connection, on the EU Member States and the international community to find an agreement in this direction;

7. Urges the EU and the Member States again to play a more active political role in the efforts aimed at achieving a just and lasting peace between Israelis and Palestinians; supports the High Representative in her efforts to create a credible perspective for relaunching the peace process;

8. Reiterates its call for the lifting of the blockade of the Gaza Strip, conditional upon an effective control mechanism to prevent the smuggling of arms into Gaza, in recognition of Israel's legitimate security needs; calls also for steps to be taken to allow the reconstruction and economic recovery of Gaza;

9. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the EU Special Representative to the Middle East Peace Process, the President of the UN General Assembly, the governments and parliaments of the UN Security Council members, the Middle East Quartet Envoy, the Knesset and the Government of Israel, the President of the Palestinian Authority and the Palestinian Legislative Council.

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Implementation of the Common Security and Defence Policy


(2015/C 419/20)

The European Parliament,

— having regard to the Annual Report from the Council to the European Parliament on the Common Foreign and Security Policy, in particular the part concerning the European Common Security and Defence Policy (CSDP) (12562/2011),

— having regard to the report of the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) to the Council of 23 July 2012 on the CSDP,

— having regard to the Council conclusions of 23 July 2012 on the CSDP,

— having regard to the Council conclusions of 1 December 2011 on the CSDP,

— having regard to the Ghent Initiative on military capabilities launched at the informal meeting of EU defence ministers in September 2010,

— having regard to Articles 2, 3, 24 and 36 of the Treaty on European Union (TEU),
— having regard to paragraph 43 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (1);

— having regard to Title V TEU and to the Treaty on the Functioning of the European Union,

— having regard to the EU Strategy against the Proliferation of Weapons of Mass Destruction, as endorsed by the Council on 9 December 2003,

— having regard to the Charter of the United Nations,


— having regard to its resolution of 10 March 2010 on the implementation of the European Security Strategy and the Common Security and Defence Policy (2),

— having regard to its resolution of 23 November 2010 on civilian-military cooperation and the development of civilian-military capabilities (3),

— 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),

— having regard to its resolution of 14 December 2011 on the impact of the financial crisis on the defence sector in the EU Member States (5),

— having regard to the Council conclusions of 15 October 2012 on the situation in Mali,

— having regard to Rule 119(1) of its Rules of Procedure,

— having regard to the report of the Committee on Foreign Affairs (A7-0357/2012).

A. whereas significant changes are taking place in the geostrategic context in which the Common Foreign and Security Policy (CFSP) and the CSDP operate, owing in particular to the upheavals in the Middle East and North Africa (including revolutions, conflicts and/or regime change in Libya, Tunisia, Egypt and Syria), the emergence on the international scene of new players with regional or even global ambitions and the reorientation of US defence policy priorities towards the Asia-Pacific area;

B. whereas, at the same time, threats and challenges to global security are growing because of uncertainties linked to the attitudes of states and non-state actors (such as terrorist organisations) engaged in programmes which dangerously encourage proliferation of weapons of mass destruction (including nuclear weapons), the escalation of local crises in the EU’s neighbourhood with major regional implications (such as the current Syrian conflict), the vagaries of the transition process in the Arab countries and its security dimension (for instance in Libya and the Sinai Peninsula), the evolution of the Afghan-Pakistan area in the light of the prospective withdrawal of NATO troops, and increased terrorist threats in Africa, in particular in the Sahel, the Horn of Africa and Nigeria;

C. whereas climate change is widely recognised as being an essential driver and threat multiplier for global security, peace and stability:

D. whereas the European Union must respond to these threats and challenges by speaking with one voice, thereby ensuring consistency, by acting in a spirit of solidarity between Member States and by making use of all the means and instruments at its disposal to secure peace and security for its citizens;

E. whereas the CSDP, which forms an integral part of the CFSP, whose aims are set out in Article 21 TEU, endows the Union with an operational capability based on civilian and military means;

F. whereas the CSDP needs to consolidate its contribution to peace and stability in the world through its missions and operations that form part of the EU’s comprehensive approach to a country or region, including through multilateral cooperation in and with international organisations — in particular the United Nations — and regional organisations, in compliance with the UN Charter;

G. whereas disarmament and non-proliferation are integral parts of the CSDP, which must be emphasised in the EU’s political dialogue with third countries and international institutions, and constitute an obligation for EU Member States under international conventions and agreements; whereas such a commitment is fully in keeping with the CSDP’s goal of civil and military capacity-building;

H. whereas the Lisbon Treaty has introduced major innovations which require the CSDP to be strengthened, but whereas these are still far from being fully exploited;

I. whereas, since 2003, the EU has launched 19 civilian missions and 7 military operations under the European Security and Defence Policy and then the CSDP, and whereas 11 civilian and 3 military operations are currently under way;

A Strategic framework for the CSDP

A new strategic framework

1. Stresses that the EU should be a global political player on the international scene in order to promote international peace and security, to protect its interests in the world and to ensure the security of its citizens; believes that the EU should be able to assume its responsibilities when confronted with international threats, crises and conflicts, especially in its neighbourhood; underlines, in this connection, the need for the EU to be consistent in its policies and faster and more efficient in taking up the aforementioned responsibilities;

2. Emphasises, in this connection, the need for the EU to assert its strategic autonomy through a strong and effective foreign, security and defence policy enabling it to act alone if necessary; emphasises that this strategic autonomy will remain illusory without credible civilian and military capabilities; recalls that this strategic autonomy is being built with due respect for existing alliances, notably with regard to NATO, while maintaining a strong transatlantic link, as stressed in Article 42 TEU, and duly observing and reinforcing genuine multilateralism as a guiding principle of EU international crisis management operations;

3. Is concerned about the prospect of the strategic decline facing the EU, not only through the downward trend in defence budgets due to the global and European financial and economic crisis, but also because of the relative and progressive marginalisation of its crisis management instruments and capabilities, in particular the military ones; notes also the negative impact of Member States’ lack of commitment in this regard;

4. Believes that the Union has an important role to play as security provider for the Member States and its citizens; is convinced that it should seek to strengthen its security and that of its neighbourhood in order not to delegate it to others; insists that the EU must be able to contribute meaningfully to peacekeeping operations around the globe;

5. Notes that, despite the continuing validity of its assertions and analyses, the European Security Strategy, which was drawn up in 2003 and reviewed in 2008, is beginning to be overtaken by events and is no longer sufficient to understand today’s world;
6. Calls therefore, once more, on the European Council to commission from the VP/HR a White Paper on the security and defence of the EU, which will define the EU's strategic interests in a context of changing threats, in the light of the Member States' security capabilities, the capacity of EU institutions to act effectively in security and defence policy, and the EU's partnerships, in particular with its neighbours and NATO, and which will take account of the changing threats and the development of relations with our allies and partners, but also with emerging countries;

7. Stresses the importance of such a strategic framework, which will guide the EU's external action and formulate clear priorities for its security policy;

8. Notes that the White Paper should be based both on the concepts introduced by the 2003 and 2008 European Security Strategies and on the new security concepts that have emerged in recent years, such as the ‘responsibility to protect’, human security and effective multilateralism;

9. Stresses the importance of conducting, within the European Defence Agency (EDA) and in cooperation with NATO, a technical review of the military strengths and weaknesses of the EU Member States; believes that the White Paper will form the basis of the EU's future strategic approach and provide guidance on its medium- and long-term strategic planning of both the civilian and military capabilities to be developed and acquired from a CSDP perspective;

10. Welcomes the Council conclusions of 23 July 2012 on the CSDP and the announcement of a European Council on defence issues to be held in the course of 2013; encourages the Member States and the President of the European Council to involve Parliament in the preparation of that Council meeting;

11. Welcomes the report of the VP/HR on the main aspects and basic choices of the CFSP, which is partly devoted to security and defence issues; insists, however, on the need for a more ambitious vision of the future of the CSDP; calls on the Member States, with the support of the VP/HR, to use this instrument — enshrined in the Lisbon Treaty — to its full potential in a context in which many crises persist, including on Europe's doorstep, and in which US-redefined engagement is increasingly evident;

12. Welcomes the contribution made by the Weimar initiative, which was supported by Spain and Italy, to revitalising the agenda of the CSDP, along with the impetus it has given in the three key areas, namely institutions, operations and capabilities; calls for these countries to honour the commitment they have made to continue to uphold an ambitious vision of the CSDP, and views their actions as a model to be joined and followed by all other Member States;

The CSDP at the heart of a comprehensive approach

13. Welcomes the Council conclusions of 23 July 2012 on the CSDP and the announcement that a joint communication on the comprehensive approach would be presented by the Commission and the VP/HR; reminds both the Commission and the VP/HR to engage with Parliament in this endeavour;

14. Emphasises that the strength of the EU as compared with other organisations lies in its unique potential to mobilise the full range of political, economic, development and humanitarian instruments to support its civilian and military crisis management, missions and operations under the roof of a single political authority — the VP/HR — and that this comprehensive approach gives it a unique and widely appreciated flexibility and efficiency;

15. Believes, however, that the implementation of the comprehensive approach has to ensure that the Union responds to specific risks with the appropriate civilian and/or military means; insists that the comprehensive approach should rely on the CSDP as much as it does on other external action instruments;

16. Emphasises that the CSDP, through these operations, is the EU's main crisis management instrument, lending political credibility and visibility to the Union's actions while also allowing political control;

Implementation of the Lisbon Treaty

17. Recalls that the Lisbon Treaty introduced a number of significant innovations in relation to the CSDP that have yet to be implemented; considers regrettable, in this connection, the neglect by the VP/HR of past parliamentary resolutions calling for more active and coherent advances in the implementation of the new instruments introduced under the Lisbon Treaty:

— the Council may entrust a mission to a group of states in order to preserve the Union's values and serve its interests;
permanent structured cooperation may be established between Member States that meet higher military capability criteria and have made more binding commitments in this matter in respect of the most demanding missions;

— a mutual defence clause and a solidarity clause were introduced by the Treaty;

— the EDA is entrusted with important tasks in terms of developing the military capabilities of Member States, including strengthening the industrial and technological base of the defence sector, formulating a European capabilities and armaments policy and implementing permanent structured cooperation;

— a start-up fund should be set up for preparatory activities for missions which are not charged to the Union budget;

18. Urges the VP/HR to provide the necessary impetus to develop the potential of the Lisbon Treaty so that the EU enjoys the full range of possibilities for action on the international scene within the framework of its comprehensive approach, whether through its 'soft power' or through more robust actions where necessary, and always in accordance with the UN Charter;

19. Calls on the Member States to work actively with the VP/HR and the Council to adopt the Lisbon Treaty provisions concerning the CSDP as part of their national defence strategies;

20. Welcomes the extension of the missions that may be carried out within the framework of the CSDP as compared with the previous 'Petersberg' missions, as stipulated in Article 43 TEU; notes, however, that this ambition has not been reflected in the decisions taken since the creation of the EEAS;

Civilian and military operations

21. Emphasises that so far the CSDP has contributed to crisis management, peacekeeping and the strengthening of international security; insists that the CSDP now needs to be able to intervene in all types of crisis, including in the context of high-intensity conflicts in its own neighbourhood, and to be ambitious enough to have a real impact on the ground;

22. Notes that 14 operations are currently under way, 11 of which are civilian and 3 military; welcomes the launch of three new civilian operations in the summer of 2012, in the Horn of Africa (EUCAP Nestor), Niger (EUCAP Sahel Niger) and South Sudan (EUAVSEC South Sudan), and the planning of a civilian mission to support border controls in Libya and a training mission in Mali; considers that these missions are a first sign that the CSDP’s agenda is being revitalised; underlines the importance of improving the framework for learning lessons from missions and operations;

23. Considers it regrettable, however, that the EU does not take full advantage of CSDP military tools, even though a number of crises might have warranted a CSDP intervention, including those in Libya and Mali; stresses the need to consider providing assistance in the field of security sector reform to the Arab Spring countries, especially those in North Africa and the Sahel region; encourages, in this context, the intensification of ongoing planning for possible military operations and, at the same time, calls for a re-evaluation of ongoing missions;

24. Calls also on the Member States to back up their statements with actions and to use existing means, protocols and accords in order to put their capabilities at the disposal of the CSDP, for example in the form of battlegroups or joint task forces;

The Western Balkans

25. Recalls and welcomes the political, strategic and symbolic importance of the EU engagement in the Western Balkans, which has contributed to peace and security in the region; points out, however, that this region continues to face a number of challenges that represent a credibility test for the Union; calls on the VP/HR and on the Council to reassess the EU’s security contribution in the Western Balkans, with a particular focus on strengthening the rule of law, protecting minority communities and fighting organised crime and corruption;

26. Welcomes the results of the first civilian EUPM mission in Bosnia and Herzegovina, which ended on 30 June 2012 and which, in parallel with the EUFOR Althea operation, has contributed to the dialogue between the constituent entities of the country and to the consolidation of the rule of law;
27. Notes that the EUFOR Althea operation in Bosnia and Herzegovina, which was launched in 2004, has seen a steady decline in its staff complement; supports, therefore, the closure of this mission and advocates a new type of EU assistance in the field of capacity-building and training for the armed forces of Bosnia and Herzegovina.

28. Supports the role played by the EULEX Kosovo mission, which is operating in a difficult political environment, and welcomes the extension of its mandate for another two years, until 14 June 2014;

29. Highlights its positive role in helping Kosovo to combat organised crime at all levels and to establish the rule of law and a judicial, police and customs apparatus free from all political interference, in line with international and European best practices and standards; takes note of the reconfiguration and downsizing of the mission, considering them to be a clear sign of the progress achieved so far;

30. Stresses, however, that much remains to be done if EULEX is to accomplish fully the missions assigned to it and enjoy the full confidence of Kosovo’s population, especially the Serb community; calls on the mission to strengthen its activities on the north of Kosovo and to engage more thoroughly in the investigation and prosecution of high-level corruption cases;

31. Calls on the EULEX Special Investigative Task Force to continue to investigate with the greatest care and rigour the questions raised by the Council of Europe report on the veracity of allegations of organ trafficking; calls on EULEX to implement, with the full support of its contributing states, a witness protection programme — including, for instance, witness relocation measures — so that rigorous judicial proceedings can establish the facts;

32. Notes that the presence of KFOR remains essential in order to ensure security in Kosovo, and that many questions continue to be raised about the effectiveness and future of coordination between the NATO military mission and the EU civilian mission; calls, therefore, on the VP/HR to report regularly on the progress of the EULEX mission, the extension of whose mandate until 14 June 2014 is welcomed, as well as on the results achieved and relations with the NATO military apparatus;

The Horn of Africa

33. Welcomes the new EU strategy for the Horn of Africa, which implements the comprehensive approach in order to tackle piracy and its underlying causes, and the leading role played by the Union in relation to security issues in the region, which enhances the EU’s visibility and credibility in crisis management; welcomes the activation of the EU Operations Centre in May 2012 to support the CSDP missions in the Horn of Africa;

34. Notes that currently three operations (EUNAVFOR Atalanta, EUTM Somalia and EUCAP Nestor) are being deployed for the benefit of the region and stresses the need to continue to coordinate the EU’s intervention with efforts by the international community; first and foremost the African Union (AU), to ensure that Somalia has a functioning and democratic state; considers that the EU Operations Centre leads to more effective coordination in the context of the strategy for the Horn of Africa;

35. Recommends, in view of the developments in the political and security situation in Somalia, that the Member States and the VP/HR, in consultation with the legitimate authorities of Somalia, the AU, the Intergovernmental Authority on Development (IGAD) and the US, look into the possibility of launching a process of security sector reform (SSR);

36. Welcomes the launch of the EUCAP Nestor mission and urges Tanzania to accept that mission, which aims to build up maritime defence capabilities in Djibouti, Kenya and the Seychelles and to support the rule of law in Somalia (initially in Puntland and Somaliland) by developing an accountable coastal police force and a judiciary showing full respect for the rule of law, transparency and human rights;

37. Demands that the EUCAP Nestor mission be coordinated with other initiatives relating to maritime security, such as MARSIC and MASE, which are financed by the Instrument for Stability and the European Development Fund, respectively; recommends the extension of the EUCAP Nestor mission to other countries as soon as they meet the necessary conditions;

38. Pays tribute to the vital contribution made by the EUNAVFOR Atalanta operation in combating piracy in the Gulf of Aden and the western Indian Ocean and its humanitarian contribution to ensuring maritime safety by protecting World Food Programme ships and other vulnerable vessels, and approves the extension of its mandate until December 2014; approves also the extension of the scope of this mission to include Somalia’s coastal zone and territorial and inland waters; calls on the Member States to provide adequate air and sea resources for this operation and encourages commercial vessels
to continue to apply best navigational practices so as to reduce the risk of attack; welcomes the contribution by the Netherlands to Operation Atalanta in the form of an on-board protection team intended to ensure the safety of humanitarian convoys and encourages other Member States to make this type of contribution;

39. Declares that piracy is akin to organised crime and that it is important, for the sake of freedom of trade and the protection of an essential maritime passage, to disrupt the economic profitability of this activity and to tackle the root causes of piracy through long-term engagement fostering good governance and self-sustaining, legitimate economic opportunities for the population; calls on the Commission and the Council to take all necessary measures to ensure the traceability of the financial flows generated by this activity and to facilitate exchanges of information between EUNAVFOR Atalanta and Europol;

40. Highlights the positive role played by the EUTM mission in Somalia, in close cooperation with Uganda, the AU and the US, in training more than 3 000 Somali recruits — some 2 500 of whom have already been reintegrated into the Somali security forces — while also fostering the rule of law; considers that the mission has contributed in particular to improving the situation in and around Mogadishu by strengthening the Somali and AMISOM security forces; urges that the mission’s efforts be concentrated on establishing accountable, transparent command and control structures and a financial framework which would provide for regular payment of salaries, and on minimising the number of defections by trained soldiers;

41. Approves the extension of the mandate of the EUTM Somalia mission until December 2012 and the focus placed on the command and control capabilities, specialised capabilities and self-training capabilities of the Somali national security forces with a view to transferring responsibility for training to local players; notes that the EU will be obliged to pursue its training efforts beyond 2012 and, in this context, calls on the EEAS to explore the possibility, once the security situation in Somalia allows it, of transferring all or part of this training to those parts of Somalia that are under the control of the authorities, in the light of the improvement in the security situation; recommends that the EUTM Somalia mission be allowed closer involvement in the process of recruiting and integrating personnel who have received this military training;

42. Emphasises that the EUTM operation model, which, for a relatively modest outlay in terms of funding, material and human resources, has given the EU a major regional role in East Africa, could be replicated in other areas, particularly the Sahel;

The Sahel

43. Expresses its utmost concern at the development of a zone of instability in the Sahel, characterised by the interconnected nature of criminal activities, particularly the trafficking of drugs, weapons and people, and armed operations by radical terrorist groups which are undermining the territorial integrity of states in the region and whose actions could lead to the establishment of a permanent zone of lawlessness in part of the territory of Mali and to its spreading to neighbouring countries, thereby heightening the threat there to European interests and European nationals, who have already been the victims of murder and kidnapping; stresses, therefore, the need to support a stable government in Mali in order to prevent the disintegration of the country and the wide-ranging spillover effect it could have in terms of the proliferation of crime and conflict;

44. Emphasises the security threat that this poses for Europe as a whole; calls, in this context, on the VP/HR and on the Council rapidly and fully to implement the EU strategy for the Sahel adopted in March 2011 and to take appropriate security measures, if necessary by having recourse to CSDP missions, to help states in the region strengthen their capabilities in the fight against organised cross-border crime and terrorist groups;

45. Welcomes the launch of the EUCAP Sahel Niger mission designed specifically to help Niger deal with these security challenges; notes that this mission falls squarely within the framework of the overall strategy for the Sahel, but considers it regrettable that it involves only one country while other countries in the region, especially Mali, have a pressing and vital need to build up their capabilities and respond to threats to their territorial integrity;

46. Welcomes the unanimous adoption by the UN Security Council, on 12 October 2012, of resolution 2071 on Mali; notes that it directly calls upon regional and international organisations, including the EU, to provide ‘coordinated assistance, expertise, training and capacity-building support to the Armed and Security Forces of Mali in order to restore the authority of the State of Mali’; calls also for the UN Security Council to adopt a further resolution formally authorising the
deployment of a new African mission, to be launched with the support of the international community on the same model as the support provided to AMISOM in Somalia;

47. Welcomes the Council conclusions of 15 October 2012 on the situation in Mali, which request, as a matter of urgency, that work continue on planning a possible CSDP military operation, in particular by developing a crisis management concept relating to the reorganisation and training of the Malian defence forces;

48. Welcomes the decision taken by the ECOWAS Heads of State and Government on 11 November 2012 to provide a stabilisation force of at least 3,200 troops, with a one-year intervention mandate;

49. Calls for planning to continue for an operation to support, in conjunction with ECOWAS, the restructuring of the Malian armed forces in order to improve the effectiveness of the country’s security forces and enable it to regain control over its territory;

Libya

50. Welcomes the past humanitarian aid and civil protection activities of the Commission and the Member States, in support of UN organisations, in Libya and neighbouring countries; believes, however, that the Libyan crisis could have been the appropriate opportunity for the EU to demonstrate its ability to act in a more comprehensive manner, including militarily if necessary, in full compliance with UN Security Council resolutions, when faced with a major crisis in its immediate neighbourhood which directly affects the stability of its environment; considers it regrettable that the lack of common political will among Member States and an ideological reluctance to see the Union deploy its own capabilities have relegated it to playing a secondary role; takes note of the reluctance of some members of the UN Security Council to authorise the EU to launch its humanitarian military operation in Libya;

51. Calls on the VP/HR to draw all the appropriate lessons from the crisis in Libya, both regarding the decision-making process within the EU and regarding NATO military intervention, in terms of capabilities, but also — and most importantly — of political consistency and solidarity between Member States and the relationship between the EU and its CSDP, on the one hand, and NATO, on the other;

52. Believes that the EU has an important role to play in the process of institutional transition in Libya, in particular in the demobilisation and integration of members of revolutionary brigades, the reorganisation of the armed forces and assistance in controlling land and sea borders; considers it regrettable that the EU contribution in the security sector is slow to materialise, and that difficulties in planning and implementing this contribution are leaving the field open to bilateral initiatives of doubtful visibility and consistency; supports the acceleration of planning for a civilian mission to assist border controls;

South Sudan

53. Notes the launch of the EUAVSEC South Sudan mission to strengthen the security of the Juba airport; wonders, however, about the wisdom of having recourse to a CSDP mission to secure that airport, given that such a mission could have been carried out by the Commission through its Instrument for Stability;

Democratic Republic of the Congo

54. Emphasises the importance of the Democratic Republic of the Congo for peace and stability in Africa and supports the action of MONUSCO to protect the civilian population in the east of the country;

55. Welcomes the EU’s efforts within the framework of its two missions — EUSEC RD Congo and EUPOL RD Congo — to consolidate the rule of law in this country; notes, however, that the two missions are too small given the magnitude of their respective tasks, and that the active collaboration of the Congolese authorities is needed in order to achieve tangible results;

Afghanistan

56. Welcomes the EUPOL Afghanistan mission, which aims to establish a civilian police force and a judicial system in order to allow Afghans to shoulder most of the responsibility for these tasks in the context of the reconstruction of the Afghan state; stresses that this mission, which is due to remain there until 31 May 2013 and could be extended until 31 December 2014, forms part of the overall efforts by the international community to allow Afghans to take control of their destiny after the withdrawal of NATO troops in 2014; calls on the VP/HR and on the Council to hold in-depth
discussions, also involving Parliament, on the progress of the Union’s comprehensive arrangements and on the EUPOL mission, especially in the context of post-2014 Afghanistan;

The Palestinian Territories

57. Considers that the EUPOL COPPS Palestinian civilian police training mission, whose purpose is to assist the Palestinian Authority in building the institutions of a future Palestinian state in the fields of law enforcement and criminal justice, under Palestinian management and in accordance with best international standards, is a success; notes that this mission forms part of EU efforts to establish a Palestinian state which co-exists peacefully with Israel;

58. Deplores the fact that the EUBAM Rafah mission has suspended its operations since Hamas took control of the Gaza Strip, along with the reduction in its staff complement, while stressing that its continued presence in the region demonstrates the willingness of the EU to contribute to any action that might facilitate the dialogue between Israelis and Palestinians; considers it regrettable that the Israeli Government has not authorised the head of the EUPOL COPPS mission also to head the EUBAM Rafah mission and that the headquarters of this mission is located in Tel Aviv and not in East Jerusalem;

Georgia

59. Emphasises the positive role played by the EUMM Georgia observation mission, particularly in supporting dialogue and the restoration of confidence-building measures between the parties, but considers it regrettable that this mission is still not allowed to visit the occupied territories of Abkhazia and South Ossetia, where Russia has been recognised as an occupation force by the European Parliament, NATO, the Council of Europe and some Member States;

Iraq

60. Notes that the EUJUST LEX-Iraq mission, whose mandate has been extended until 31 December 2013, is the first EU integrated ‘rule of law’ mission aimed at contributing to the establishment of a professional criminal justice system in Iraq based on the rule of law; notes, however, that Iraq is still far from being stabilised, as evidenced by the regular attacks in the country, a situation aggravated by a highly uncertain regional context;

Learning from experience

61. Notes the importance of learning from the experience of missions and operations conducted within the framework of the CSDP and commends the work done in this direction by the Crisis Management Planning Directorate of the EEAS and by the EUMS; calls on the VP/HR to report regularly to Parliament on the results of this work;

62. Considers the experience gained from civilian missions and operations to be of particular relevance; points out that the EU has undertaken extensive work in this area which has yielded admirable results; believes that the added value of EU civilian operations ought to be taken into consideration in the coordination of efforts with our partners and allies in the context of international crisis management;

Capabilities and structures for conducting operation

63. Notes that EU military operations still suffer all too often from problems of force generation, and that the credibility of the CSDP is at stake in the absence of credible capabilities; calls, therefore, on the Member States to remain mobilised to provide quality personnel and equipment;

64. Notes that the crisis management structures within the EEAS remain under-staffed, on both the civilian and the military sides, which affects their ability to respond and contributes to a degree of marginalisation of the CSDP; calls on the VP/HR to address this situation as soon as possible; emphasises the direct link that must exist between the VP/HR and the CSDP crisis management structures;

Civilian personnel and capabilities

65. Highlights the difficulties faced by the Member States in providing a sufficient number of qualified and trained staff for civilian CSDP missions; calls on the Commission and the EEAS to explore ways of assisting the Member States with regard to increasing the numbers of police, judges and highly specialised personnel in the field of public administration to
be deployed with civilian CSDP missions;

66. Notes the extension of the Civilian Headline Goal 2010 beyond that date and welcomes the adoption of a multiannual civilian capability development programme; calls on the Member States, particularly the ministries concerned, to mobilise in order to implement it;

67. Underlines the need to develop — complementary to those capacities mentioned in the context of the Civilian Headline Goal which refer to police, judges and highly specialised personnel in the field of administration — more effective mediation guidelines and capacities in order to provide adequate resources for mediation in a timely and coordinated manner;

68. Notes with concern that in some Member States the identification, coordination and deployment of civilian personnel for CSDP missions still suffers from the use of differing national practices and criteria; calls for more coordination among Member States and the identification of best practices in this regard;

69. Regrets, in this regard, the neglect by the VP/HR and the Member States of past parliamentary resolutions calling for sufficient and competent civilian personnel and substantial capabilities; recalls, in this connection, the Council conclusions of 21 March 2011 on the priorities regarding civilian CSDP capabilities and considers that they are still just as relevant, namely:

— to draw in sufficient numbers of qualified and trained personnel;

— to develop adequate enablers for missions including a finalised goalleader; more flexible preparatory measures; better mechanisms for equipping civilian missions (including the establishment of a permanent warehouse solution);

— to pursue the implementation of preparatory activities for civilian missions, in accordance with the relevant provisions of the TEU;

— to strengthen the assessment of impact and implementation of lessons learned;

— to strengthen cooperation with third countries and international organisations;

Military personnel and capabilities

70. Notes that the EU is currently facing significant financial constraints and that the Member States, for financial, budgetary and political reasons alike, both related and unrelated to the eurozone crisis, are undergoing a phase of reducing or, at best, maintaining their levels of defence spending; highlights the potential negative impact of these measures on their military capabilities and, therefore, on the ability of the EU to assume its responsibilities effectively in the areas of peacekeeping, conflict prevention and the strengthening of international security;

71. Takes note of the increasing military and weapons capacities in Asia and especially China; calls for wider-ranging dialogue with the region, stressing security and defence issues;

72. Emphasises that the proliferation of external operations in recent years, whether in Iraq, Afghanistan or Africa, including Libya, has represented, and continues to represent, a significant financial burden for those states that have participated — or are still participating — in these operations; notes that these costs have a direct impact on the attrition and premature wear and tear of equipment, but also on the willingness of states to engage in CSDP operations, given the constraints on their budgets and capabilities;

73. Stresses that, in terms of absolute value, spending in the combined European defence budgets of all Member States compares favourably with that of the major emerging powers and that the problem is thus less a budgetary than a political one, ranging from the definition of a European industrial and technological base to the pooling of certain operational capabilities; points out that EU-wide consortia, joint initiatives and proposals for mergers of European businesses could contribute to the development of a European defence industry;

74. Notes that military action in Libya, which was initiated by France and the United Kingdom with the support of the US and subsequently pursued by NATO, has highlighted the ability of some European states to engage in high-intensity conflicts, but also the problems they face in conducting such activities over a period of time, due in particular to a lack of basic capabilities such as air-to-air refuelling, intelligence-gathering and precision-guided weaponry;
Recalls its resolution of 14 December 2011 on the impact of the financial crisis on the defence sector in the EU Member States and emphasises that its recommendations are relevant for developing the military capabilities of the Member States in a spirit of resource-sharing and pooling;

Welcomes bilateral agreements such as the Franco-British treaty on military cooperation and calls on other Member States to consider such bilateral or multilateral agreements on military cooperation and integration as an important cost-saving tool that can avoid duplication and constitute a grassroots build-up process for the CSDP and the future of EU security integration;

Welcomes the initial progress made by the EU’s ‘pooling and sharing’ initiative and pays tribute to the work of the EDA, which has identified 11 priority areas for action; stresses in particular the progress achieved in four areas: air-to-air refuelling, maritime surveillance, medical support and training; calls, however, for this initiative to be provided with a strategic framework;

Considers it regrettable, however, that the pooling and sharing initiative has not yet filled any of the gaps identified in the Headline Goal 2010; takes note of the Member States’ reluctance to shoulder the burden to be a lead nation for one of the 300 suggested pooling and sharing projects presented by the EUMS in April 2011;

Calls on the Member States, ahead of the European Council on defence issues scheduled for next year, to take stock of existing capabilities within the EU and to make the initiative ultimately sustainable in order to start a European defence planning process;

Welcomes the EDA’s proposal to develop a voluntary code of conduct on pooling and sharing in order to facilitate cooperation between Member States in the acquisition, use and shared management of military capabilities;

Supports in particular the project for mid-air refuelling, which also has an acquisition component; expresses disappointment in this connection, however, at the expected limited result of the endeavour, in that it will merely renew existing capabilities instead of creating new ones; insists that the Member States should maintain the European character of this initiative and believes that the Organisation for Joint Armament Cooperation (OCCAR) would be well-placed to manage the acquisition component;

Welcomes the agreement signed on 27 July 2012 between the European Defence Agency and the OCCAR, which will allow the institutionalisation of the relationship between the two agencies, the establishment of more integrated cooperation in respect of military capability development programmes, and exchanges of classified information;

Recalls that the war in Libya has also highlighted the lack of reconnaissance drones in the European armed forces and notes that in Europe there are currently two rival MALE (Medium Altitude Long Endurance) drone projects; notes also Franco-British cooperation over UCAVs (Unmanned Combat Air Vehicles), which would benefit from not being exclusive, but open to other European partners;

Considers that the establishment of the European Air Transport Command (EATC) is a concrete example of successful pooling and sharing and stresses that the creation of an A400M fleet within this structure would greatly enhance the projection capabilities of the EU and its Member States; encourages all participating states to contribute all available transport means to the EATC; encourages non-participating Member States to take part in the EATC;

Calls on the Commission, the Council, the Member States and the EDA to consider the adoption of innovative solutions for increasing the EU’s projection capabilities, particularly as part of a twin-track approach: a public-private partnership in the field of air transport, built around a small fleet of A400Ms, would allow both the delivery of humanitarian aid for disaster relief and the transport of equipment and personnel as part of CSDP missions and operations;

Insists that the building-up of European capabilities should also result in the consolidation of the industrial and technological base of Europe’s defence industry; recalls, in this connection, the importance of the principle of European preference and the relevance of a European Buying Act;

Notes that the financial and budgetary crisis facing the EU and its Member States will lead to a loss of expertise unless a major programme is launched at European level on a bilateral or multilateral basis, and may also lead to the disappearance of a highly specialised industrial fabric; stresses that medium-sized European companies in the defence industry have also been affected by the economic and financial crisis, and that they contribute to the economy and provide jobs in some Member States;
88. Welcomes the Commission's proposal under Horizon 2020 for future EU-financed civil-military research and procurement in support of CSDP missions; notes with concern the reduction in the appropriations allocated to research and technology, which in the long term will affect the ability of Europeans to maintain a credible defence capability relying on the whole range of armaments and military equipment; reminds the Member States of their commitment to increase the allocation for defence-related research and technology to at least 2% of the defence budget and recalls that investment in research and defence technologies has had important results with civilian applications.

89. Welcomes the recent initiatives and projects relating to cyber defence; urges the Member States to engage even more closely with the EDA in developing defence capabilities, notably of a cyber nature, especially with a view to trust-building and pooling and sharing; welcomes the fact that cyber defence will be one of the EDA's priorities in the area of defence research and technology.

90. Welcomes the EDA's efforts to maintain a European Defence Technological and Industrial Base (EDTIB) and the Barnier/Tajani initiative to create a task force within the Commission which will be responsible for preserving and developing this strategic tool, whose function is to ensure the autonomy of the EU and its Member States in the field of defence; asks the Commission to keep Parliament informed of the task force's ongoing work and calls on it to involve Parliament in future.

91. Calls on the Member States fully to implement the Defence Procurement Directive (2009/81/EC (1)) in order to achieve greater interoperability of equipment and to combat market fragmentation, which often benefits third countries.

92. Welcomes the Commission's industrial policy communication of 10 October 2012 entitled 'A Stronger European Industry for Growth and Economic Recovery', which acknowledges that the defence sector suffers from a strongly national dimension and announces the development of a comprehensive strategy for supporting the competitiveness of the defence industry.

93. Stresses the relevance of the capability development plan drawn up by the EDA; calls on the Member States better to integrate it into their national planning and to be more willing to buy into EDA projects.

94. Takes the view that the Council and the Member States should further support those of the Union's capabilities that could lead to cost savings through pooling, in particular the EDA, the EU Satellite Centre and the European Security and Defence College.

95. Urges the Council and the Member States to provide the EDA with adequate funds and qualified staff so that it is able to perform all the tasks assigned to it by the Lisbon Treaty; stresses that this must be taken into account in the context of the next multiannual financial framework.

A space policy to underpin the CSDP

96. Emphasises that, if the EU is to enjoy decision-making and operational autonomy, it must have adequate satellite resources in the fields of space imagery, intelligence-gathering, communications and space surveillance; considers that these areas could be further shared and pooled in comparison with existing agreements, either on a bilateral basis or in conjunction with the EU Satellite Centre in respect of the Helios, Cosmo-SkyMed and SAR-Lupe programmes; hopes that the MUSIS programme, which is due to replace the present generation of observation satellites, will prove to be a model of cooperation both between European countries and with the EEAS and the Union's political-military bodies.

97. Calls on the Council and the Commission, in this context, to explore the possibility of an EU financial contribution to fund future space imaging satellite programmes so as to allow the Union's political-military bodies and the EEAS to 'task' satellites and obtain, upon request and according to their own needs, satellite images of regions in crisis or regions in which a CSDP mission is to be deployed.

98. Reiterates the need for Union funding of the GMES project, which should become a key infrastructure of the EU, like the Galileo programme.

Strengthening the rapid response capability

99. Notes that, despite the changes made to the ATHENA mechanism, Parliament’s previous resolutions and the EU battlegroup deployment doctrine, as demanded in the Weimar letter for example, none of the battlegroups have so far been deployed, even though they could act as a ‘force of first entry’ until relieved by other forces better equipped for the long haul;

100. Believes that this undermines the credibility of the battlegroups as an instrument and of the CSDP in general, since they could already have been deployed; encourages the Member States to remain mobilised and to meet their commitments in respect of this instrument, bearing in mind that, given the financial and manpower investment in the battlegroups, their lack of use in the face of several windows of opportunity has become a liability;

101. Reiterates that the ATHENA mechanism should be further adjusted to increase the proportion of common costs, thus ensuring fairer burden-sharing in military operations and overcoming a disincentive for Member States to take on leadership roles in CSDP missions;

102. Supports the process of reviewing crisis management procedures, which should be concluded before the end of the year and facilitate the more rapid deployment of civilian and military CSDP operations; believes that the crisis management procedures should be reserved for CSDP operations and not include other instruments, which would risk making those procedures more cumbersome; supports also a review of funding procedures so as to move towards greater flexibility and speed in the mobilisation of funds;

Structures and planning

103. Believes that the role entrusted to the Operations Centre of coordinating missions in the Horn of Africa is a first step towards the creation of a European planning and operations conduct capability which is properly staffed and endowed with sufficient means of communication and control; considers it regrettable, however, that the Centre is neither permanent nor the central point for planning and conducting civilian missions and military operations;

104. Reiterates its call for the creation of an EU Operational Headquarters (OHQ) for operational planning and the conduct of civilian missions and military operations within the EEAS, if necessary through permanent structured cooperation;

105. Notes the willingness expressed by the Council in its conclusions of December 2011 to strengthen forward planning capabilities; supports the extension of the powers of the EUMS in this regard; believes that the Operations Centre could also support the EUMS in this task;

106. Notes with interest the division of the Situation Centre into two new entities, the ‘Situation Room’, on the one hand, and the ‘Intelligence Centre’ or INTCEN, on the other, and welcomes the fact that the latter will have to expand if the Member States wish to develop the CFSP and CSDP;

107. Advocates the creation of posts of temporary or permanent security expert in the most significant EU delegations for the CSDP in order better to relay security issues; calls for consideration of the preventive role such posts could play in security matters and early warning systems;

Partnerships

EU/NATO

108. Notes that the EU and NATO, which are united by a strategic partnership reaffirmed at the Chicago summit, are both active in a number of theatres, such as Kosovo, Afghanistan and the fight against piracy in the Gulf of Aden and the Indian Ocean; recalls, in this context, the importance of good cooperation between the EU and NATO;

109. Considers that EU civilian and military capacity-building will also benefit NATO and help to create synergies between the two organisations;
110. Notes that the impasse linked to the dispute between Turkey and Cyprus has not prevented the two organisations from conducting a political dialogue through appropriate channels, working together through ‘staff-to-staff’ contacts or coordinating their activities; calls, nevertheless, for a resolution of this dispute in order to improve cooperation between the two organisations;

111.Welcomes cooperation between the EU and NATO in the area of military capabilities, particularly in order to avoid any duplication between the initiative of pooling and sharing EU capabilities and NATO’s Smart Defence initiative;

112. Underlines the importance of practical cooperation in the area of cyber security and cyber defence, building on the existing complementarity in defence capability development, and emphasises the need for closer coordination in this regard, especially in relation to planning, technology, training and equipment;

113. Expresses disappointment at the development of civilian crisis management structures within NATO, given that this represents an unnecessary duplication of capabilities already present and well-developed in the EU;

**EU/AU**

114. Welcomes the cooperation between the EU and the AU with a view to maintaining peace and stability on the continent of Africa; notes that the EU is contributing to the establishment of a blueprint for peace and security in Africa, and, to this end, supports the peace efforts of the AU and of African regional organisations such as ECOWAS in combating instability, insecurity and the threat of terrorism from the Horn of Africa to the Sahel;

115. Recalls that the EU remains the largest contributor to AMISOM’s budget and stresses the need for a strategic vision of the future of that operation;

**EU/UN**

116. Welcomes the good cooperation that has developed between the EEAS and the UN Department of Peacekeeping Operations; notes that the EU, with its battlegroups, could provide a force of first entry for urgent peacekeeping operations until relieved by a UN force;

**EU/OSCE**

117. Underlines the importance of the cooperation between the EU and the OSCE in regions of common interest and on issues such as conflict prevention, crisis management, post-conflict rehabilitation, and promotion and strengthening of the rule of law; expresses satisfaction that the scope of this cooperation has broadened and deepened in recent years, but calls for closer coordination and synergy in addressing crises and conflicts, avoiding duplication of efforts and developing cost-efficient approaches;

**EU/third countries**

118. Underlines the continued relevance of a strong transatlantic link and welcomes the cooperation between the EU and the US in respect of crisis management operations, including EUTM Somalia, EUNAVFOR Atalanta, EULEX Kosovo and EUPOL Afghanistan;

119. Welcomes the framework agreements signed so far by the EU with a dozen third countries to enable their participation in civilian and military operations conducted within the framework of the CSDP;

120. 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 Council, the Commission, the governments and parliaments of the Member States, the Secretary-General of NATO, the President of the NATO Parliamentary Assembly, the Secretary-General of the United Nations, the Chairman-in-Office of the OSCE and the President of the OSCE Parliamentary Assembly.
EU mutual defence and solidarity clauses: political and operational dimensions

European Parliament resolution of 22 November 2012 on the EU’s mutual defence and solidarity clauses: political and operational dimensions (2012/2223(INI))

(2015/C 419/21)

The European Parliament,

— having regard to Article 42(7) of the Treaty on European Union (TEU) and to Article 222 of the Treaty on the Functioning of the European Union (TFEU),

— having regard to Articles 24 and 42(2) TEU, Articles 122 and 196 TFEU and Declaration 37 on Article 222 TFEU,

— having regard to the Charter of the United Nations, and in particular to the provisions of its Chapter VII and Article 51,

— having regard to the European Security Strategy adopted by the European Council on 12 December 2003, and to the report on its implementation endorsed by the European Council on 11—12 December 2008,

— having regard to the Internal Security Strategy for the European Union endorsed by the European Council on 25—26 March 2010,

— having regard to the European Union Counter-Terrorism Strategy adopted by the European Council on 15—16 December 2005,

— having regard to Articles 4 and 5 of the North Atlantic Treaty,

— having regard to the Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organisation, adopted at the NATO Summit in Lisbon on 19—20 November 2010,

— having regard to the decision to dissolve the Western European Union,

— having regard to the Council conclusions of 30 November 2009 on a Community framework on disaster prevention within the EU,

— having regard to the Commission communication of 26 October 2010 entitled ‘Towards a stronger European disaster response: the role of civil protection and humanitarian assistance’ (COM(2010)0600),

— having regard to the Commission communication of 22 November 2010 entitled ‘The EU Internal Security Strategy in Action: Five steps towards a more secure Europe’ (COM(2010)0673),

— having regard to the concept note on ‘Arrangements for Crisis Coordination at EU political level’ endorsed by Coreper on 30 May 2012 (¹),

— having regard to its resolutions of 22 May 2012 on the European Union’s Internal Security Strategy (²), of 14 December 2011 on the impact of the financial crisis on the defence sector in the EU Member States (³), of 27 September 2011 on ‘Towards a stronger European disaster response: the role of civil protection and humanitarian assistance’ (⁴), and of 23 November 2010 on civilian-military cooperation and the development of civilian-military capabilities (⁵),

(¹) 10207/12.
— having regard to the 2009 EU CBRN Action Plan (1) and to its resolution of 14 December 2010 on strengthening chemical, biological, radiological and nuclear security in the European Union — an EU CBRN Action Plan (2),

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

— having regard to the report of the Committee on Foreign Affairs and the opinions of the Committee on Constitutional Affairs and of the Committee on Civil Liberties, Justice and Home Affairs (A7-0356/2012),

A. whereas the security of EU Member States is indivisible and all European citizens should have the same security guarantees and an equal level of protection against both traditional and non-conventional threats; whereas the defence of peace, security, democracy, human rights, the rule of law and freedom in Europe, which are indispensable for the wellbeing of our peoples, must remain a core goal and responsibility of European countries and of the Union;

B. whereas the current security challenges include numerous complex and changing risks, such as international terrorism, the proliferation of weapons of mass destruction (WMD), states in disintegration, frozen and unending conflicts, organised crime, cyberthreats, the scarcity of energy sources, environmental deterioration and associated security risks, natural and man-made disasters, pandemics and various others;

C. whereas the EU recognises an international order founded on effective multilateralism on the basis of international law, and this is an expression of Europeans’ conviction that no nation can face the new threats on its own;

D. whereas security and combating international terrorism are considered as a priority for the EU; whereas a joint response and a common strategy are needed from all Member States;

E. whereas in recent decades natural and man-made disasters, and in particular climate-driven disasters, have increased in frequency and scale, and a further increase is expected with the aggravation of climate change;

F. whereas the progressive framing of a common defence policy which aims at a common defence is reinforcing the European identity and the strategic autonomy of the EU; whereas, at the same time, a stronger and more capable European defence is essential for consolidating the transatlantic link, in a context of structural geostrategic changes accelerated by the global economic crisis, and in particular at a time of ongoing US strategic repositioning towards Asia-Pacific;

G. whereas the 21 EU Member States which are also members of NATO may consult each other whenever their territorial integrity, political independence or security is threatened, and are in any case committed to collective defence in the event of an armed attack;

H. whereas, while Member States retain the primary responsibility for the management of crises within their territory, serious and complex security threats, from armed attacks to terrorism to natural or CBRN disasters to cyberattacks, increasingly have a crossborder nature and may easily overwhelm the capacities of any single Member State, making it vital to provide for binding solidarity among Member States and for coordinated response to such threats;

I. whereas the Treaty of Lisbon introduced Article 42(7) TEU (‘mutual defence clause’ or ‘mutual assistance clause’ (3)) and Article 222 TFEU (‘solidarity clause’) to address such concerns, but almost three years after the treaty entered into force there are still no implementation arrangements to bring these clauses to life;

(1) Council conclusions of 12 November 2009, 15505/1/09 REV.
(3) Hereinafter referred to as the ‘mutual defence clause’, although no name is given to the clause in ‘the Treaty. Cf., in particular, the mutual defence commitment contained in Article V of the Modified Brussels Treaty, which its signatories consider covered by Article 42(7) TEU (Statement of the Presidency of the Permanent Council of the WEU of 31 March 2010).
General considerations

1. Urges the Member States, the Commission and the Vice-President/High Representative to make full use of the potential of all relevant Treaty provisions, and in particular the mutual defence clause and the solidarity clause, in order to provide all European citizens with the same security guarantees against both traditional and non-conventional threats, based on the principles of indivisibility of security and of mutual solidarity among Member States, and taking into account the need for increased cost efficiency and a fair burden-sharing and division of costs;

2. Reiterates the need for the Member States and the Union to develop a policy anchored in prevention, preparedness and response with respect to all major security threats, notably as identified in the European Security Strategy, the Internal Security Strategy and the regular reports of the EU Counter-terrorism Coordinator to the Council;

3. Stresses the need for the Member States and the Union to perform regular joint threat and risk assessments, based on the joint analysis of shared intelligence and making full use of existing structures within the EU;

4. Notes the new strategic concept of NATO which, in addition to maintaining its role as a military alliance, aims to build up its capacity to act as a political and security community, working in partnership with the EU; notes the complementarities existing between NATO's goals and those laid down in Article 43 TEU; warns, therefore, against the costly duplication of effort between the two organisations and the consequent waste of resources, and urges much closer and more regular political collaboration between the EU High Representative and the Secretary-General of NATO for the purposes of risk assessment, resource management, policy planning and the execution of operations, both civil and military;

5. While reaffirming that the protection of territorial integrity and of the citizens remains at the core of defence policy, urges the Council to emulate the approach of NATO, which caters for the inevitable circumstances where preventing external threats is required in order to promote the security interests of the allies and the projection of force is needed;

6. Reaffirms that the use of force by the EU or its Member States is only admissible if legally justified on the basis of the UN Charter; underlines, in this context, the inherent right of individual or collective self-defence; reiterates its attachment to respect for the Oslo Guidelines on the use of foreign military and civil defence assets in disaster relief; emphasises that the prevention of conflicts, attacks and disasters is preferable to dealing with their consequences;

7. Points out the wide array of instruments available to the Union and the Member States for facing exceptional occurrences in a spirit of solidarity; recalls the utility of the legal bases of Article 122 TFEU for economic and financial assistance to Member States in severe difficulties, and of Article 196 TFEU for measures in the field of civil protection;

8. Recalls the commitment to systematically develop mutual political solidarity in foreign and security policy in accordance with Article 24 TEU; notes the possibilities provided by the Treaty of Lisbon for enhanced cooperation in CFSP, including the consignment of specific tasks and missions to clusters of states, as well as the concept of permanent structured cooperation in military matters;

9. Stresses that the purpose of the mutual defence and solidarity clauses is not to replace any of these instruments, but to provide an umbrella framework in view of situations of extraordinary threat or damage, and in particular when response will require high-level political coordination and the involvement of the military, in accordance with the principles of necessity and proportionality;

10. Calls on the Commission and the Vice-President/High Representative, before the end of 2012, to make their joint proposal for a Council Decision defining the arrangements for the implementation of the solidarity clause according to the provisions of Article 222(3) TFEU, clarifying in particular the roles and competences of the different actors; calls, in the interest of coherence, for the Political and Security Committee and the Standing Committee on Internal Security to submit a joint opinion on the implementation of the solidarity clause, taking into account the political and operational dimensions
of both clauses, including liaison with NATO; notes that the Council should act by qualified majority voting concerning non-military aspects of mutual aid and assistance; underlines the necessity, in this context, of keeping Parliament fully informed:

**Mutual defence clause**

**Scope**

11. Reminds the Member States of their unequivocal obligation of aid and assistance by all the means in their power if a Member State is the victim of armed aggression on its territory; stresses that, while large-scale aggression against a Member State appears improbable in the foreseeable future, both traditional territorial defence and defence against new threats need to remain high on the agenda; recalls also that the Treaty stipulates that commitments and cooperation in the area of mutual defence shall be consistent with commitments under NATO, which, for those states which are members of it, remains the foundation of their collective defence and the forum for its implementation;

12. Points out, at the same time and as being equally important, the need to be prepared for situations involving non-NATO EU Member States or EU Member States’ territories that are outside the North Atlantic area and are therefore not covered by the Washington Treaty, or situations where no agreement on collective action has been reached within NATO; also, in this connection, stresses the need to be able to use NATO’s capabilities as foreseen in the Berlin Plus agreement;

13. Takes the view that even non-armed attacks, for instance cyberattacks against critical infrastructure, that are launched with the aim of causing severe damage and disruption to a Member State and are identified as coming from an external entity could qualify for being covered by the clause, if the Member State’s security is significantly threatened by its consequences, while fully respecting the principle of proportionality;

**Capacities**

14. Emphasises the need for European countries to possess credible military capabilities; encourages Member States to step up their efforts in terms of collaborative military capability development, notably through the complementary ‘Pooling and Sharing’ and ‘Smart Defence’ initiatives of the EU and NATO, which represent a critically important way ahead in times of restrained defence budgets, privileging European and regional synergies rather than a short-sighted national approach; in this context, repeats its call for the work of the European Defence Agency to be fully made use of and taken into account by national defence ministries, and encourages the Member States and the EEAS to continue the debate with a view to establishing the permanent structured cooperation foreseen in the Treaty of Lisbon;

15. Considers that, in order to consolidate their cooperation, both NATO and the EU should concentrate on strengthening their basic capabilities, improving interoperability, and coordinating their doctrines, planning, technologies, equipment and training methods;

16. Reiterates its call for the systematic harmonisation of military requirements and for a harmonised EU defence planning and acquisition process, matching up to the Union’s level of ambition and coordinated with the NATO Defence Planning Process; taking into account the increased level of security guarantees provided by the mutual defence clause, encourages the Member States to consider multinational cooperation in the area of capability development, and, where appropriate, specialisation, as core principles of their defence planning;

**Structures and procedures**

17. Invites the Vice-President/High Representative to propose practical arrangements and guidelines for ensuring an effective response in the event that a Member State invokes the mutual defence clause, as well as an analysis of the role of the EU institutions should that clause be invoked; takes the view that the obligation to provide aid and assistance, expressing political solidarity among Member States, should ensure a rapid decision in Council in support of the Member State under attack; considers that consultations in line with the requirement of Article 32 TEU would serve this purpose, without prejudice to the right of each Member State to provide for its self-defence in the meantime;

18. Takes the view that, where collective action is taken to defend a Member State under attack, it should be possible to make use of existing EU crisis management structures where appropriate, and in particular that the possibility of activating an EU Operational Headquarters should be envisaged; stresses that a fully-fledged permanent EU Operational Headquarters is needed to ensure an adequate level of preparedness and rapidity of response, and reiterates its call on the Member States to establish such a permanent capacity, building on the recently activated EU Operations Centre;
**Solidarity clause**

**Scope**

19. Recalls that, if a Member State is the victim of a terrorist attack or of a natural or man-made disaster, the Union and the Member States have an obligation to act jointly in a spirit of solidarity to assist it, at the request of its political authorities, and that the Union shall in such cases mobilise all the instruments at its disposal, including the military resources made available by the Member States; recalls also the Union's obligation to mobilise all the instruments at its disposal to prevent terrorist threats in the EU and to protect democratic institutions and the civilian population from any terrorist attack;

20. Calls for an adequate balance between flexibility and consistency as regards the types of attacks and disasters for which the clause may be triggered, so as to ensure that no significant threats, such as attacks in cyberspace, pandemics, or energy shortages, are overlooked; notes that the clause could also cover serious incidents occurring outside the Union having a direct and substantial impact on a Member State;

21. Stresses the need for Member States to invest in their own security and disaster response capabilities and not to excessively rely on the solidarity of others; emphasises the primary responsibility of Member States for civil protection and security in their territory;

22. Takes the view that the solidarity clause should be invoked in situations that overwhelm the response capacities of the affected Member State or require a multisector response involving a number of actors, but that once a Member State has decided to invoke the clause, it should not be a matter for debate for the others to offer assistance; stresses that solidarity also entails an obligation to invest in adequate national and European capabilities;

23. Considers that the solidarity clause can provide the impetus for enhancing the EU's leverage among European citizens, offering tangible evidence of the benefits of increased EU cooperation in terms of crisis management and disaster response capabilities;

**Capacities and resources**

24. Stresses that the implementation of the solidarity clause should form an integral part of a permanent EU crisis response, crisis management and crisis coordination system, building on the existing sectoral instruments and capabilities and providing for their effective mobilisation in order to deliver a coordinated multisector response when needed; stresses that, in principle, implementation should not lead to the creation of ad hoc tools;

25. Points out the fundamental role of the Civil Protection Mechanism as a key solidarity-based instrument for European rapid response to a wide spectrum of crises; supports the broad lines of the Commission's proposal to strengthen the mechanism (1), building on the 2010 Commission communication 'Towards a stronger European disaster response' and drawing inspiration from the 2006 Barnier report;

26. Notes the ongoing work to implement the Internal Security Strategy, in particular in the areas of counterterrorism, the fight against cybercrime and increasing resilience to crises and disasters; stresses that the implementation of the solidarity clause is not only a matter of setting up procedures for the moment a major crisis happens, but is fundamentally about capacity-building, prevention and preparedness; recalls the relevance of crisis management exercises, tailored for specific contingencies covered by the clause;

27. Notes that the creation of a voluntary pool of pre-committed civil protection assets would greatly improve EU preparedness and make it possible to identify existing gaps to be addressed; emphasises the importance of joint gap analyses to focus everyone's efforts efficiently and to make sure that each Member State contributes its fair share;

28. Considers that, in the case of high-cost assets, in particular those for lower-probability risks, it makes sound economic sense for Member States to identify solutions for the common investment in and joint development of such necessary tools, especially in the current context of the financial crisis; in the light of this, recalls the need to build on the expertise and experience of both the Commission and the European Defence Agency, as well as of other EU agencies;

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29. Highlights the importance of ensuring that solidarity is underpinned by adequate EU-level funding mechanisms offering a sufficient degree of flexibility in emergencies; welcomes the proposed increased level of cofinancing under the Civil Protection Mechanism, in particular for transport costs; notes the provisions for emergency assistance under the proposed Internal Security Fund;

30. Recalls that the Solidarity Fund can provide financial assistance after a major disaster; recalls also that further Union financial assistance may be granted by the Council pursuant to Article 122(2) TEU, when a Member State is in difficulties or is seriously threatened with severe difficulties caused by natural disasters or exceptional occurrences beyond its control;

31. Recalls that, under the provisions of Article 122(1) TEU, the Council may decide on measures to address a difficult economic situation in a spirit of solidarity, in particular if severe difficulties arise in the supply of certain products, notably in the area of energy; stresses the importance of seeing this provision as part of a comprehensive Union solidarity toolbox for addressing new major security challenges, such as those in the area of energy security and security of supply of other critical products, especially in cases of politically motivated blockades;

Structures and procedures

32. Stresses that the EU needs to possess capable crisis response structures with 24/7 monitoring and response capacity, able to provide early warning and up-to-date situation awareness to all relevant actors; notes the existence of a multitude of EU-level monitoring centres, and that this raises questions of efficient coordination in the event of complex, multidimensional crises; notes the establishment of the Situation Room within the European External Action Service, as well as the existence of a number of sectoral monitoring centres within Commission departments and specialised EU bodies; draws attention, in particular, to the Monitoring and Information Centre of DG ECHO, the Strategic Analysis and Response Capability of DG HOME, the Health Emergency Operations Facility of DG SANCO, and the situation room of Frontex;

33. Reiterates the need to avoid unnecessary duplication and to ensure coherence and effective coordination in action, all the more so given the current scarcity of resources; notes the different schools of thought as to the way of rationalising these multiple monitoring capacities, some based on the idea of a central 'one-stop shop', and others favouring better interlinking of the specialised facilities;

34. Takes the view that the wide array of potential crises, from floods to CBRN attacks or disasters, inevitably requires a wide spectrum of specialised services and networks, the merging of which would not necessarily lead to greater efficiency; considers, at the same time, that all specialised services at EU level should be integrated within a single secured information system, and invites the Commission and the Vice-President/High Representative to work on strengthening the ARGUS internal coordination platform;

35. Highlights the need for political coordination in the Council in cases of severe crises; notes the review of the EU Emergency and Crisis Coordination Arrangements (CCA), and welcomes the agreement within the Council on the new CCA conceptual framework, making use of regular Council procedures, and notably of COREPER, instead of ad hoc structures; stresses that responding at EU political level in a coherent, efficient and timely way to crises of such a scale and nature requires only one single set of arrangements; considers, therefore, that the new CCA should also support the solidarity clause;

36. Encourages efforts to rationalise and better integrate the plethora of web-based platforms for communication and information-sharing on emergencies, including the CCA webpage, ARGUS, the Common Emergency Communication and Information System (CECIS) and the Health Emergency & Diseases Information System (HEDIS), in order to allow an uninterrupted, free and effective flow of information across sectoral and institutional boundaries; notes the decision taken within the Council to reinforce the CCA webpage in order to use it as the future web platform for crisis situations requiring political coordination at EU level;

37. Urges the development of common situation awareness, which is essential in dealing with major multisector crises, when rapid and comprehensive updates need to be provided to the political authorities; welcomes the focus of the CCA review on developing an Integrated Situational Awareness and Analysis (ISAA) for EU institutions and Member States, and calls on the Council to ensure timely implementation; points out that common situation awareness is hardly possible
without a culture of information-sharing, and that the development of such a culture is hardly possible without a clear division of roles;

38. Welcomes the planned upgrade of the Monitoring and Information Centre to create a European Emergency Response Centre, stressing that this should form one of the pillars of the interconnected EU rapid response system; takes the view that the coordination responsibility for multisector crises needs to be established on a case-by-case basis, in accordance with the ‘centre of gravity’ principle;

39. Points out that, in the current global environment where interdependencies are multiplying, major crises on a scale that would justify the triggering of the solidarity clause are likely to be multidimensional and have an international dimension, with respect to third-country nationals affected by them or to international action needed to respond to them; stresses the important role to be played by the EEAS in such cases;

40. Invites the Member States to enhance their capacities for providing and receiving assistance, as well as to exchange best practices on ways to streamline their national crisis coordination procedures and the interaction of their national crisis coordination centres with the EU; takes the view that the planning and conduct of appropriate EU-wide crisis response exercises, involving national crisis response structures and the appropriate EU structures, should also be considered;

41. Considers it essential to create the necessary procedural and organisational links between relevant Member State services, in order to ensure the proper functioning of the solidarity clause following its activation;

42. Stresses that any decision-making process in Council following a request for assistance under the solidarity clause must not be detrimental to EU reactivity, and that crisis response through the existing mechanisms, such as the Civil Protection Mechanism, must be able to start immediately, irrespective of any such political decision; points out the fact that the use of military assets to support civil protection operations is already possible on operational level without the activation of the solidarity clause, as evidenced by the successful cooperation between the Commission and the EU Military Staff on past operations in Pakistan or Libya;

43. Highlights the need to detail the democratic procedure to be applied when the solidarity clause is invoked, which should also ensure accountability for decisions taken and include the proper involvement of the national parliaments and of the European Parliament; stresses the importance of preventing any disproportionate use of the clause at the expense of fundamental rights;

44. Notes that the European Parliament and the Council, as the EU legislators and budgetary authorities, should be kept informed of the situation ‘on the ground’ in the case of a disaster or attack that triggers the solidarity clause, as well as of its origins and possible consequences, so that a thorough and unbiased assessment based on up-to-date and concrete information can be carried out for future reference;

45. Recalls that the solidarity clause requires the European Council to regularly assess the threats facing the Union; takes the view that such assessments need to be coordinated with NATO and should be carried out on at least two distinct levels, i.e. on a longer-term basis in the European Council, in a process which should also feed strategic thinking to be reflected in future updates of the European Security Strategy and the Internal Security Strategy, and also through more frequent comprehensive overviews of current threats;

46. Considers that threat assessments must be complemented with risk assessments analysing threats in the light of existing vulnerabilities and thus identifying the most pressing capability gaps to be addressed; recalls that within the implementation of the Internal Security Strategy, the EU should establish by 2014 a coherent risk management policy linking threat and risk assessments to decision-making; recalls also that by the end of 2012 the Commission should prepare, on the basis of national risk analyses, a cross-sectoral overview of the major natural and man-made risks that the EU may face in the future; encourages the Member States to share their national risk assessments and risk management plans, to enable a joint appraisal to be made of the situation;

47. Stresses that the resulting joint multihazard assessments need to use the capacities of the EU Intelligence Analysis Centre, building on shared intelligence and integrating inputs from all EU bodies involved in threat and risk assessment, such as the relevant Commission departments (including DG HOME, DG ECHO and DG SANCO) and Union agencies
(Europol, Frontex, the European Centre for Disease Prevention and Control and others);

48. Instructs its President to forward this resolution to the Vice-President/High Representative, the Council, the Commission, the parliaments of the Member States, the NATO Parliamentary Assembly and the Secretary-General of NATO.

P7_TA(2012)0457

Cyber security and defence

European Parliament resolution of 22 November 2012 on Cyber Security and Defence (2012/2096(INI))

(2015/C 419/22)

The European Parliament,

— having regard to the report on implementation of the European Security Strategy endorsed by the European Council on 11 and 12 December 2008,

— having regard to the Council of Europe Cybercrime Convention, Budapest of 23 November 2001,

— having regard to the Council conclusions on Critical Information Infrastructure Protection of 27 May 2011 and the previous Council’s conclusions on cyber security,

— having regard to the Commission’s ‘Digital Agenda for Europe’ of 19 May 2010 (COM(2010)0245),


— having regard to the recent Commission Communication on the creation of a European Cybercrime Centre as a priority of the Internal Security Strategy (COM(2012)0140),

— having regard to its resolution of 10 March 2010 on the implementation of the European Security Strategy and the Common Security and Defence Policy (2),

— 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 (3),

— having regard to its resolution of 22 May 2012 on the European Union’s Internal Security Strategy (4),


— having regard to its resolution of 12 June 2012 on critical information infrastructure protection — achievements and next steps: towards global cyber-security (6),

(3) Texts adopted, P7_TA(2011)0228.
— having regard to the resolution of the UN Human Rights Council of 5 July 2012 entitled ‘The promotion, protection and enjoyment of human rights on the Internet’ (1), which recognises the importance of human rights protection and the free flow of information online,

— having regard to the conclusions of the Chicago Summit of 20 May 2012,

— having regard to Title V of the EU Treaty,

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

— having regard to the report of the Committee on Foreign Affairs (A7-0335/2012),

A. whereas in today’s globalised world, the EU and its Member States have become crucially reliant on safe cyber space, on a secure use of information and digital technologies and on resilient and reliable information services and associated infrastructures;

B. whereas information and communication technologies are also used as tools of repression; whereas the context in which they are used determines to a great extent the impact these technologies can have as a force either for positive developments or for repression;

C. whereas cyber challenges, threats and attacks are growing at a dramatic pace and constitute a major threat to the security, defence, stability and competitiveness of the nation states as well as of the private sector; whereas such threats should not therefore be considered future issues; whereas a majority of highly visible and disruptive cyber incidents are now of a politically motivated nature; whereas the vast majority of cyber incidents remain primitive, threats to critical assets become increasingly sophisticated and warrant in-depth protection;

D. whereas cyberspace, with its nearly two billion globally interconnected users, has become one of the most potent and efficient means of advancing democratic ideas and organising people as they seek to realise their aspirations for freedom and to fight against dictatorships; whereas the use of cyberspace by undemocratic and authoritarian regimes poses an increasing threat to individuals’ rights to freedom of expression and association; whereas it is therefore crucial to ensure that cyberspace will remain open to the free flow of ideas, information and expression;

E. whereas there are numerous obstacles of a political, legislative and organisational nature in the EU and its Member States to the development of a comprehensive and unified approach to cyber defence and cyber security; whereas there is a lack of common definition, standards and common measures in the sensitive and vulnerable area of cyber security;

F. whereas sharing and coordination within the EU institutions and with and between Member States, as well as with outside partners is still insufficient;

G. whereas clear and harmonised definitions of ‘cyber security’ and ‘cyber defence’ are lacking at EU and international levels; whereas the understanding of cyber security and other key terminology varies considerably among different countries;

H. whereas the EU has not yet developed coherent policies of its own regarding critical information infrastructure protection which requires a multidisciplinary approach thus enhancing security while respecting fundamental rights;

I. whereas the EU has proposed various initiatives to tackle civilian level cybercrime, including the establishment of a new European Cybercrime Centre, yet lacks any concrete plan at the level of security and defence;

J. whereas building trust and confidence between the private sector and law enforcement authorities, defence and other competent institutions is of utmost importance in the fight against cybercrime;

K. whereas trust and mutual confidence in the relations between state and non-state actors is a prerequisite for reliable cyber security;

L. whereas the majority of cyber incidents in both the public and private sectors remain unreported due to the sensitive nature of the information and possible damage to the image of the companies involved;

M. whereas a large number of cyber incidents occur due to lack of resilience and robustness of private and public network infrastructure, poorly protected or secured databases and other flaws in the critical information infrastructure; whereas only few Member States consider the protection of their network and information systems and associated data as part of their respective duty of care which explains the lack of investment in state-of-the-art security technology, training and the development of appropriate guidelines, whereas a large number of Member States depend on security technology from third countries and should increase their efforts to reduce this dependency;

N. whereas the majority of perpetrators of high level cyber attacks that threaten national or international security and defence are never identified and prosecuted; whereas there is no internationally agreed form of response to a state-backed cyber attack against another state, nor an understanding of whether this could be considered a casus belli;

O. whereas the European Network and Information Security Agency (ENISA) is being engaged as a facilitator for Member States to support the exchange of good practices in the area of cyber security by recommending how to develop, implement and maintain a cyber security strategy; and has a supportive role in National Cyber Security Strategies, National Contingency Plans, organising Pan-European and International exercises on Critical Information Infrastructure Protection (CIIP), and development of scenarios for national exercises;

P. whereas only 10 EU Member States had, as of June 2012, officially adopted a National Cyber Security Strategy;

Q. whereas cyber defence is one of the top priorities of the EDA, which has set up, under the Capabilities Development Plan, a project team on cyber security with the majority of Member States working to collect experiences and propose recommendations;

R. whereas investments in cyber security and defence research and development are crucial for advancing and for maintaining a high level of cyber security and defence; whereas defence expenditure on research and development has decreased instead of reaching the agreed 2% of overall defence expenditure;

S. whereas raising awareness and educating citizens on cyber security should constitute the basis of any comprehensive cyber security strategy;

T. whereas a clear balance has to be established between security measures and citizens' rights in accordance with the TFEU, such as the right to privacy, data protection and freedom of expression; with neither being sacrificed in the name of the other;

U. whereas there is an increasing need to better respect and protect individuals' rights to privacy as stipulated in the EU Charter and Article 16 TFEU; whereas the need to secure and defend cyberspace at a national level for institutions and defence bodies, while important, should never be used as an excuse to in any way limit rights and freedoms in cyber and informational space;

V. whereas the global and borderless nature of the internet requires new forms of international cooperation and governance with multiple stakeholders;

W. whereas governments increasingly rely on private players for the security of their critical infrastructure;

X. whereas the European External Action Service (EEAS) has not yet proactively included a cyber security aspect in its relations with third countries;
Y. whereas the Instrument for Stability is so far the only EU programme which is designed to respond to urgent crises or global/transregional security challenges, including cyber security threats;

Z. whereas responding jointly — through the EU-US working group on cyber security and cybercrime — to cyber security threats is one of the priority issues in EU-US relations;

Actions and coordination in the EU

1. Notes that cyber threats and attacks against government, administrative, military and international bodies are a rapidly growing menace and occurrence in both the EU and globally, and that there are significant reasons for concern that state and non-state actors, especially terrorist and criminal organisations, are able to attack critical information and communication structures and infrastructures of EU institutions and members, with the potential to cause significant harm, including kinetic effects;

2. Underlines, therefore, the need for a global and coordinated approach to these challenges at the EU level through the development of a comprehensive EU cyber security strategy which should provide a common definition of cyber security and defence and of what constitutes a defence-related cyber attack, a common operating vision and should take into account the added value of the existing agencies and bodies; as well as good practices from those Member States which already have national cyber security strategies; stresses the crucial importance of coordination and creating synergies at the Union level to help combine different initiatives, programmes and activities, both military and civilian; emphasises that such a strategy should ensure flexibility and be updated on a regular basis to adapt it to the rapidly changing nature of cyberspace;

3. Urges the Commission and the High Representative of the Union for Foreign Affairs and Security Policy to consider the possibility of a serious cyber attack against a Member State in their forthcoming proposal on the arrangements for the implementation of the Solidarity Clause (Article 222 TFEU); takes, furthermore, the view that although cyber attacks endangering national security still need to be defined by common terminology, they could be covered by the Mutual Defence Clause (Article 42.7 TEU), without prejudice to the principle of proportionality;

4. Emphasises that CSDP must ensure that forces on EU military operations and civilian missions are protected against cyber attacks. Underlines that cyber defence should be made an active capability of CSDP;

5. Stresses that all EU cyber security policies should be based on and designed to ensure maximum protection and preservation of digital freedoms and respect for human rights online; believes the Internet and ICTs should be included in the EU’s foreign and security policies in order to advance this effort;

6. Calls on the Commission and Council to unequivocally recognise digital freedoms as fundamental rights and as indispensable prerequisites for enjoying universal human rights; stresses that Member States should aim never to endanger their citizens’ rights and freedoms when developing their responses to cyber threats and attacks and should have adequate legislative differences between civilian and military level cyber incidents; calls for caution in applying restrictions on the ability of citizens to make use of communication and information technology tools;

7. Calls on the Council and the Commission, together with the Member States, to elaborate a White Paper on Cyber Defence establishing clear definitions and criteria separating levels of cyber attacks in the civilian and military spheres, according to their motivation and effects, as well as levels of reaction, including the investigation, detection and prosecution of perpetrators;

8. Sees a clear need to update the European Security Strategy with a view to identifying and finding means of pursuing and prosecuting individual, network-related and state-supported cyber attackers;

EU level

9. Stresses the importance of horizontal cooperation and coordination on cyber security within and between EU institutions and agencies;
10. Stresses that new technologies challenge the way in which governments perform traditional core tasks; reaffirms that defence and security policies ultimately lie in the hands of government, including adequate democratic oversight; takes note of the increasingly important role of private actors in executing security and defence tasks often without transparency, accountability or democratic oversight mechanisms;

11. Stresses that governments need to abide by the basic principles of international public and humanitarian law, such as respect for state sovereignty and human rights, when using new technologies in the scope of security and defence policies; points to the valuable experience of EU Member States, such as Estonia, in defining and designing cyber security policies as well as cyber defence;

12. Recognises the need for an assessment of the overall level of cyber attacks against EU information systems and infrastructure; highlights, in this context, the need for continuous assessment of the degree of preparedness of EU institutions to tackle potential cyber attacks; places particular emphasis on the need to strengthen critical information infrastructure;

13. Stresses, likewise, the need to provide information on vulnerabilities, alerts and warnings of fresh threats to information systems;

14. Notes that recent cyber attacks against European information networks and governmental information systems have caused considerable economic and security damage, the extent of which has not been adequately assessed;

15. Calls on all the EU institutions to develop their cyber security strategies and contingency plans with regard to their own systems in the shortest time possible;

16. Calls on all EU institutions to include in their risk analysis and crisis management plans the issue of cyber crisis management; calls, furthermore, on all EU institutions to provide awareness-raising training on cyber security to all their staff; suggests conducting cyber exercises once a year similarly to emergency exercises;

17. Underlines the importance of the efficient development of the EU Computer Emergency Response Team (EU-CERT) and of national CERTs as well as the development of national contingency plans in the event that action needs to be taken; welcomes the fact that, by May 2012, all EU Member States have set up national CERTs; urges the further development of national CERTs and an EU-CERT capable of being deployed within 24 hours if needed; stresses the need to look into the feasibility of public-private partnerships in this field;

18. Recognises that ‘Cyber Europe 2010’, the first pan-European exercise on critical information infrastructure protection, which was carried out with the involvement of various Member States and led by ENISA, proved to be a helpful action and an example of good practices; stresses also the need to create the Critical Infrastructure Warning Information Network at European level as soon as possible;

19. Emphasises the importance of pan-European exercises in preparation for large-scale network security incidents, and the definition of a single set of standards for threat assessment;

20. Calls on the Commission to explore the necessity and feasibility of an EU Cyber Coordination post;

21. Considers that, given the high level of skill required both to adequately defend cyber systems and infrastructures and to attack them, the possibility of developing a ‘white hat’ strategy between the Commission, Council and Member States should be considered; notes that the potential for ‘brain drain’ in these cases is high and that, notably, minors convicted of such attacks have a high potential for both rehabilitation and integration in defence agencies and bodies;

European Defence Agency (EDA)

22. Welcomes the recent initiatives and projects relating to cyber defence, especially on gathering and mapping relevant cyber security and defence data, challenges and needs and urges Member States to cooperate more, also at military level, with the EDA on cyber defence;
23. Underlines the importance for Member States of close cooperation with the EDA on developing their national cyber defence capabilities; believes that building synergies, pooling and sharing at European level are crucial for effective cyber defence at European and national level;

24. Encourages the EDA to deepen its cooperation with NATO, national and international centres of excellence, the European Cybercrime Centre at Europol contributing to faster reactions in the event of cyber attacks and especially with the Cooperative Cyber Defence Centre of Excellence (CCDCOE) and to concentrate on capacity building and training as well as on exchange of information and practices;

25. Observes with concern that only one Member State achieved the level of 2 % expenditure on defence research and development by 2010, and that five Member States spent nothing on R&D in 2010; urges the EDA, together with Member States, to pool resources and to effectively invest in collaborative research and development, with particular regard to cyber security and defence;

**Member States**

26. Calls on all Member States to develop and complete their respective national cyber security and defence strategies without further delay and ensure a solid policy-making and regulatory environment, comprehensive risk management procedures and appropriate preparatory measures and mechanisms; calls on ENISA to assist the Member States; expresses its support to ENISA in developing a Good Practice Guide on good practices and recommendations on how to develop, implement and maintain a cyber security strategy;

27. Encourages all Member States to create designated cyber security and cyber defence units within their military structure, with a view to cooperating with similar bodies in other EU Member States;

28. Encourages the Member States to introduce specialised courts at regional level geared to ensuring that attacks on information systems are punished more effectively; stresses the need to encourage the adaptation of national laws so that they can be adjusted to developments in techniques and uses;

29. Calls on the Commission to continue to work on a coherent and efficient European approach to avoid redundant initiatives, encouraging and supporting Member States in their efforts to develop cooperation mechanisms and to enhance the exchange of information; is of the opinion that a minimum level of obligatory cooperation and sharing should be established between the Member States;

30. Urges the Member States to develop national contingency plans and to include cyber crisis management in crisis management plans and risk analysis; further underlines the importance of adequate training on essential cyber security for all staff in public entities and, in particular, of providing suitable training for members of judicial and security institutions within the training bodies; calls on ENISA and other relevant bodies to assist Member States in ensuring the pooling and sharing of resources, as well as avoiding duplication;

31. Urges the Member States to make research and development one of the core pillars of cyber security and defence and to encourage the training of engineers specialised in protecting information systems; calls on the Member States to live up their commitment to increase defence expenditure on research and development to at least 2 %, with particular regard to cyber security and defence;

32. Calls on the Commission and Member States to come forward with programmes to promote and raise awareness among both private and business users in general safe use of the Internet, information systems and communication technologies; suggests the Commission launch a public pan-European education initiative in this regard, calls on the Member States to include education on cyber security in school curricula from the earliest possible age;

**Public-Private Cooperation**

33. Underlines the crucial role of meaningful and complementary cyber security cooperation between the public authorities and the private sector, both at EU and national level, with the aim of generating mutual trust; is aware that further enhancing the reliability and efficiency of the relevant public institutions will contribute to the building of trust and
to the sharing of critical information;

34. Calls on private sector partners to consider ‘security-by-design’ solutions when designing new products, devices, services and applications, and incentives for those designing new products, devices, services and applications with security-by-design as a central feature; calls for minimum transparency standards and accountability mechanisms to be established with regard to cooperation with the private sector to prevent and combat cyber attacks;

35. Highlights that the protection of critical information infrastructure is included in the EU Internal Security Strategy in the context of raising levels of security for citizens as well as businesses in cyberspace;

36. Calls for the establishment of a permanent dialogue with these partners on the best use and resilience of information systems and the sharing of responsibility required for the safe and proper functioning of these systems;

37. Is of the view that Member States, EU institutions and the private sector, in cooperation with ENISA, should take steps to increase the security and integrity of information systems, to prevent attacks and to minimise the impact of attacks; supports the Commission in its efforts to come forward with minimum cyber security standards and systems of certifications for companies as well as providing the right incentives to stimulate private sector efforts to improve security;

38. Calls on the Commission and on the Member States’ governments to encourage the private sector and civil society actors to include cyber crisis management in their crisis management plans and risk analysis; calls, furthermore, for the introduction of awareness-raising training on essential cyber security and cyber hygiene for all members of their staff;

39. Calls on the Commission, in cooperation with Member States and relevant agencies and bodies, to develop frameworks and instruments for a rapid information exchange system that would ensure anonymity when reporting cyber incidents for the private sector, enable public actors to be kept constantly up to date and provide assistance when needed;

40. Emphasises the need for the EU to facilitate the development of a competitive and innovative market for cyber security in the EU in order to better enable SMEs to operate in this field which will contribute to boosting economic growth and creating new jobs;

**International cooperation**

41. Calls on the EEAS to take a proactive approach to cyber security and to mainstream the cyber security aspect in all of its actions, especially in relation to third countries; calls for the speeding up of cooperation and exchange of information on how to tackle cyber security issues with third countries;

42. Stresses that the completion of a comprehensive EU cyber security strategy is a precondition to establishing the sort of efficient international cooperation on cyber security that the cross-border nature of cyber threats necessitates;

43. Calls on those Member States which have not yet signed or ratified the Council of Europe Convention on Cybercrime (Budapest Convention) to do so without further delay; supports the Commission and the EEAS in their efforts to promote the Convention and its values among third countries;

44. Is aware of the need for an internationally agreed and coordinated response to cyber threats; calls, therefore, on the Commission, EEAS and Member States to take the lead in all fora, and especially at the United Nations, with efforts to achieve broader international cooperation and final agreement on defining a common understanding of norms of behaviour in cyber space and also to encourage cooperation with a view to developing cyber weapons control agreements;

45. Encourages exchanges of knowledge in the field of cyber security with BRICS countries and other countries with emerging economies, with the aim of exploring possible common responses to growing cyber crime and cyber threats and attacks; at both civilian and military levels;
46. Urges the EEAS and the Commission to take a proactive approach within the relevant international forums and organisations, notably the UN, the OSCE, the OECD and the World Bank, with the aim of applying existing international law and achieving consensus on norms for responsible state behaviour on cyber security and defence, and by coordinating the positions of the Member States with a view to promoting the EU’s core values and policies in the field of cyber security and defence;

47. Calls on the Council and the Commission, as part of their dialogues, relations and cooperation agreements with third countries, particularly those providing for cooperation or exchange in the field of technology, to insist on minimum requirements for preventing and fighting cyber criminality and cyber attacks; and on minimum standards in information system security;

48. Calls on the Commission to facilitate and assist third countries, if needed, in their efforts to build their cyber security and cyber defence capabilities;

Cooperation with NATO

49. Reiterates that, on the basis of their common values and strategic interests, the EU and NATO have a special responsibility and capacity to address the increasing cyber security challenges more efficiently and in close cooperation by looking for possible complementarities, without duplication and with respect for their respective responsibilities;

50. Underlines the need to pool and share on a practical level, considering the complementary nature of the EU and NATO approach to cyber security and defence; emphasises the need for closer coordination, especially concerning planning, technology, training and equipment with regard to cyber security and defence;

51. Building on the existing complementary activities in defence capability development, urges all relevant bodies in the EU dealing with cyber security and defence to deepen their practical cooperation with NATO with a view to exchanging experience and learning how to build resilience for EU systems;

Cooperation with the United States

52. Believes that the EU and the US should deepen their mutual cooperation to counter cyber attacks and cybercrime, since this was made a priority of the transatlantic relationship following the 2010 EU-US Summit in Lisbon;

53. Welcomes the creation, at the November 2010 EU-US Summit, of the EU-US Working Group on Cyber-Security and Cyber-Crime, and supports its efforts to include cyber security issues in the transatlantic policy dialogue;

54. Welcomes the joint establishment, by the Commission and the US Government, under the umbrella of the EU-US Working Group, of a common programme and roadmap towards joint/synchronised trans-continental cyber exercises in 2012/2013; takes note of the first Cyber Atlantic exercise in 2011;

55. Underlines the need for both the US and the EU, as the biggest sources of both cyber space and users, to work together for the protection of their citizen's rights and freedoms to use this space; underlines that while national security is a paramount objective, cyber space should be secured but also protected;

56. Instructs its President to forward this resolution to the Council, the Commission, the HR/VP, EDA, ENISA and NATO.
P7_TA(2012)0458

Role of the Common Security and Defence Policy in case of climate-driven crises and natural disasters

European Parliament resolution of 22 November 2012 on the role of the Common Security and Defence Policy in case of climate-driven crises and natural disasters (2012/2095(INI))

(2015/C 419/23)

The European Parliament,

— having regard to Title V of the Treaty on European Union, and in particular to Articles 42 and 43,

— having regard to Article 196 of the Treaty of the Functioning of the European Union on civil protection and Article 214 on humanitarian aid,

— having regard to the Council conclusions on EU Climate Diplomacy of 18 July 2011 (1),

— having regard to the EEAS-COM Joint Reflection Paper on Climate Diplomacy of 9 July 2011 (2),

— having regard to the 2008 joint report presented by the High Representative Javier Solana and the European Commission to the European Council on Climate Change and International Security and its follow-up recommendations (3),

— having regard to the Commission’s report entitled ‘For a European civil protection force: Europe Aid’ of May 2006,

— having regard to the Council Decision of 8 November 2007 establishing a Community Civil Protection Mechanism (4), to the Commission Communication ‘Towards a stronger European disaster response: the role of civil protection and humanitarian assistance’ of 26 October 2010 (COM(2010)0600) and to its resolution of 27 September 2011 (5),


— having regard to the 2008 Commission Communication on the European Union and the Arctic Region (COM(2008) 0763) and to its resolution of 20 January 2011 on a sustainable EU policy for the High North (6),

— having regard to its resolution of 14 December 2011 on the impact of the financial crisis on the defence sector in the EU Member States (7),


— having regard to the July 2011 UN Security Council presidency statement on Climate Change and International Security (8),

— having regard to the 2011 and 2012 reports of the United Nations Environment Programme entitled ‘Livelihood security: Climate change, conflict and migration in the Sahel’ (9),

(1) http://ec.europa.eu/clima/events/0052/council_conclusions_en.pdf
(9) www.unep.org/disastersandconflicts
having regard to UN documents on Human Security and on Responsibility to protect (1),

— having regard to the UN Guidelines on the Use of Foreign Military and Civil Defence Assets in Disaster Relief (Oslo Guidelines) (2) and to the Inter-Agency Standing Committee (IASC) Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies (MCDA Guidelines),


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

— having regard to the report of the Committee on Foreign Affairs (A7-0349/2012),

**General considerations**

1. Notes the impact of climate change on global security, peace and stability;

2. Regrets that, in the last four years, the issue of climate change as the biggest threat to global security has become overshadowed in the public debate by the economic and financial crisis, which also constitutes an immediate global threat;

3. Considers that the increase in extreme weather events in recent years represents an escalating cost to the global economy, not only for developing countries but for the world at large, both as a direct cost in terms of rebuilding and aid and as an indirect cost in terms of increases in insurance and higher prices for products and services; stresses that these events also represent an aggravation of threats to international peace and human security;

4. Points out that natural disasters, exacerbated by climate change, are highly destabilising, particularly for vulnerable states; notes, however, that so far no case of conflict can be exclusively attributed to climate change; stresses that populations with deteriorating access to freshwater and foodstuffs caused by natural catastrophes exacerbated by climate change are forced to migrate, thus overstretching the economic, social and administrative capabilities of already fragile regions or failing states, thereby creating conflict and having a negative impact on overall security; recalls that these events create competition between communities and countries for scarce resources;

5. Recognises that complex crises can be predicted, and should be prevented by applying a comprehensive approach including policy areas that make full use of the tools available within the Common Foreign and Security Policy (CSFP), the Common Security and Defence Policy (CSDP) and the policies for humanitarian and development aid; notes also that NATO was at the heart of the first international answer to environmental security challenges in 2004, when the Alliance joined five other international agencies (4) to form the Environment and Security Initiative (ENVSEC) to address environmental issues that threaten security in vulnerable regions;

6. Recognises the importance of critical infrastructure which provides support for CSDP;

7. Recognizes that, while addressing Climate Change through a security nexus can be positive, it is but one component of EU action on climate change, which attempts to use political and economic tools to mitigate and adapt to climate change;

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(1) Paragraphs 138 and 139 of the 2005 UN World Summit Outcome Document, the UN Security Council resolution of April 2006 (S/RES/1674), the report by UN Secretary-General Ban Ki-Moon on 'Implementing the Responsibility to Protect' of 15 September 2009 and the Resolution adopted by the UN General Assembly on the responsibility to protect (A/RES/63/308) of 7 October 2009 http://www.unhcr.org/refworld/docid/47da87822.html

(2) Joint Statement by the Council and the Representatives of the Governments of the Member States meeting within the Council, the European Parliament and the European Commission (2008/C 25/01)

(3) The United Nations Environment Programme (UNEP), the United Nations Development Programme (UNDP), the Organization for Security and Co-operation in Europe (OSCE), the United Nations Economic Commission for Europe (UNECE) and the Regional Environment Centre for Central and Eastern Europe (REC).
8. Points out that in its external action strategies, policies and instruments the EU should take into consideration the effects of natural disasters and climate change on international security; recalls, furthermore, that, in connection with both natural and other disasters, it is important to devote special attention to women and children, who are particularly vulnerable in crises;

9. Recalls, in this regard, the Commission’s mandate for humanitarian aid and civil protection, and emphasises the need to further develop and strengthen existing instruments;

10. Reiterates the importance of Disaster Risk Reduction in this regard, to reduce the impact of crises on vulnerable populations;

11. Notes that it is essential to integrate the analysis of the impact of climate-driven crises, and consequent natural disasters, into CSDP strategies and operational plans before, during and after any natural or humanitarian crises that might emerge, and to create mitigation back-up plans aimed at the regions most at risk, while respecting the humanitarian principles set out in the Lisbon Treaty; calls, also, for practical cooperation, such as cooperation exercises;

12. Stresses that building an effective response to the security implications of climate change must not only enhance conflict prevention and crisis management but also improve analysis and early warning capabilities;

13. Recalls that the Lisbon Treaty requires the Union to develop civilian and military capabilities for international crisis management across the entire range of tasks outlined in its Article 43, in particular conflict prevention, humanitarian and rescue tasks, military advice and assistance tasks, peace-keeping and post-conflict stabilisation; is, at the same time, of the opinion that duplication of instruments should be avoided and that a clear distinction should be made between instruments within and outside the scope of the CSDP, in accordance with Articles 196 and 214 TFEU; recalls the need to avoid any duplication with well established instruments for humanitarian aid and civil protection which are outside the remit of the CSDP;

14. Recognises that military structures have capacities and assets in environmental intelligence, risk assessment, humanitarian assistance, disaster relief and evacuation that have a crucial role to play in early warning, climate-related crisis management and disaster response;

15. Points out that the Lisbon Treaty has introduced new provisions (Articles 21-23, 27, 39, 41(3), 43-46 TEU), notably those related to the start-up fund in Article 41(3), and that these still need to be implemented;

16. Points out that the EU should further engage with the UN, the African Union (AU) and the OSCE, including in the context of ENVSEC, in order to share analysis and cooperatively address the challenges of climate change;

17. Highlights the value of civilian-military synergies in crises such as those in Haiti, Pakistan and New Orleans; takes the view that these synergies proved how military forces can provide a valuable contribution to climate-driven crises and natural disasters by providing direct and timely assistance to the stricken areas and populations;

18. Welcomes the fact that climate change has become more and more central to the global security debate, notably since 2007 when the UN Security Council first debated on climate change and its implications for international security; applauds the efforts of the EU and its Member State governments to raise the issue within the UN Security Council in July 2011 and in the Foreign Affairs Council conclusions on Climate Diplomacy;

The need for political will and action

19. Calls on the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), being responsible for the conduct of the Union’s Common Foreign and Security Policy, to:

(a) whenever deemed appropriate, take into account of climate change and natural disasters and their security and defence ramifications when analysing crises and threats to conflicts;
(b) assess which countries and/or regions are potentially at greatest risk of conflict and instability as a result of climate change and natural disasters; make a list of such countries/regions; provide, as part of the annual CFSP reports, information on the implementation of EU policies and instruments that aim at addressing these challenges in the listed countries/regions;

(c) enhance the EU’s practical ability to ensure conflict prevention, crisis management and post-crisis reconstruction; closely coordinate efforts with the Commission and EU development policy regarding the need to assist partner countries when it comes to resilience against climate change and other dimensions of adapting to climate change;

(d) adapt, in close cooperation with the Commission, the EU’s long-term planning of civilian and military capacities and capabilities accordingly;

20. Considers that the EU has to present a list of the challenges it faces in areas such as the Arctic, Africa, the Arab World, and the Himalayas and the Tibetan Plateau (‘the Third Pole’), notably the potential for conflicts over water supplies;

21. Stresses the importance of continuing and enhancing the EU’s development and humanitarian aid that aims at adaptation, mitigation, response, resilience, relief and post-crisis development in relation to climate-driven crises and natural disasters; notes the importance of initiatives such as disaster risk reduction, and the linking of relief, reconstruction and development, and calls on the Commission to mainstream these programmes and actions into its humanitarian aid and, in particular, its development aid; welcomes the proposed greater role of the EU’s Civil Protection Mechanism, especially outside of the European Union;

22. Welcomes the UNDP, UNEP, OSCE, NATO, UNECE and REC (1) Environment and Security Initiative (ENVSEC), which aims at addressing the challenges linked to human security and the natural environment by offering countries in Central Asia, Caucasus and South-East Europe their combined pool of expertise and resources; notes that the overall performance of ENVSEC is still limited but that it has so far served as an important tool for institutional coordination and as an entry point for facilitating mainstreaming processes;

23. Underlines that the EU should work with key regions at risk, and with the most vulnerable states, to strengthen their capacity to cope; highlights that the EU could further integrate adaptation and resilience to climate change into EU regional strategies (for example the EU-Africa Strategy, the Barcelona Process, the Black Sea Synergy, the EU-Central Asia Strategy and the Middle East action plan);

24. Calls on the VP/HR and the Commission to mainstream the potential effects of climate change on security into the most important strategies, policy documents and financial instruments for external action and CSDP;

25. Draws attention to the fact that energy security is closely related to climate change; considers that energy security must be improved by reducing the EU’s dependence on fossil fuels such as those imported from Russia via pipelines; recalls that these pipelines will become vulnerable to disruption by the melting of the permafrost, and highlights that the transformation of the Arctic represents one major effect of climate change on EU security; stresses the need to address this risk multiplier through a reinforced EU strategy for the Arctic, and through an enhanced policy of EU-generated renewable energies and energy efficiency that significantly reduces the Union’s reliance on external sources and thereby improves its security position;

26. Calls on the European Defence Agency (EDA) and the Member States’ armed forces to develop green and energy-conscious technologies, exploiting fully the potential offered by renewable energy sources;

27. Welcomes the recent attempts to strengthen coordination between NATO and EU in the field of capability development; recognises the strong need to identify the mutual advantages of cooperation while respecting the specific responsibilities of both organisations; stresses the need to find and create synergies when it comes to ‘pooling and sharing’ projects and ‘smart defence’ projects (NATO) that could be implemented in response to natural disasters and climate-driven crises;

28. Calls on the VP/HR, as a matter of utmost urgency, to use the full potential of the Lisbon Treaty to put forward proposals for the implementation of the start-up fund (Article 41(3) TEU) with regard to possible future pooling and sharing projects, joint capabilities and a joint, permanent, pool of equipment for civilian crisis operations;

**The need for a new spirit: strategic and conceptual challenges**

29. Notes that the negative impact of climate change and natural disasters on peace, security and stability could be integrated in all strategic CFSP/CSDP documents that serve as guidelines for the planning and conduct of individual policies and missions;

30. Notes that early-assessment and fact-finding capabilities should ensure that the EU responds to crises using the most appropriate means available, deploying multidisciplinary teams at the earliest time possible, which would be composed of civilian, military and civil-military experts;

31. Underlines that EU access to accurate and timely analysis will be crucial to efforts to respond to and predict climate change insecurity, with CSDP capacities being a good source of information in this regard; the EU should take steps to further develop capacities for data collection and information analysis through structures such as EU Delegations, the EU Satellite Centre and the EU Situation Room;

32. Considers that early warning and early preventive action with regard to the negative consequences of climate change and natural disasters depend on adequate human resources and methodology with regard to data collection and analysis; notes that the relevant EEAS units which deal with security, and the relevant Commission's services and geographical desks, should integrate analysis of the impact of natural disasters on international security and political stability in their work; recommends training of EEAS and Commission staff in monitoring the impact of natural disasters on crisis development and political stability and security; calls for the development of common criteria for analysis, risk assessment and the setting-up of a joint alert system;

33. Encourages the relevant EEAS and Commission bodies to enhance the coordination of situation analysis and policy planning with regard to — and the systematic exchange of information on — issues related to climate change and natural disasters; urges the relevant EEAS bodies to use available channels of communication and information exchange with the relevant Commission bodies, notably ECHO, but also with UN agencies and programmes as well as with NATO; points out that the civilian and military structures tasked with responding to climate change-driven crisis and natural disasters should cooperate closely with all civil society, humanitarian and non-governmental organisations;

34. Urges the Commission to develop contingency plans for the EU’s response to the effects of natural disasters and climate-driven crises occurring outside the Union that have direct or indirect security implications on the Union (e.g. climate-driven migration);

35. Strongly welcomes the steps taken in 2011 at the level of the EU Foreign Ministers under the Polish Presidency, and at the UN Security Council under the German Presidency, to elaborate the interaction between climate change and its security implications;

36. Considers that adaptations and modifications addressing the implications of climate change and natural disasters could be made to the main CSDP policy documents, including the EU Concept for Military Planning at the Political and Strategic level (1), the EU Concept for Military Command and Control (2), the EU Concept for Force Generation (3) and the EU Military Rapid Response Concept (4), as well as to documents that are relevant for civilian CSDP missions, such as the EU Concept for Comprehensive Planning, the EU Concept for Police Planning and the Guidelines for Command and Control Structure for EU Civilian Operations in Crisis Management (5);

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(2) 10688/08 — classified.
(5) doc 13983/05- doc. 6923/1/02 — doc. 9919/07.
37. Is of the opinion that civilian and military capabilities should be developed in such a way as to allow their deployment in response to natural disasters and climate-driven crises; believes that special attention should be paid to the development of military capabilities and, in particular, to the process of pooling and sharing; calls for a greater role of the EDA in this matter;

The need for institutional creativity: instruments and capabilities

38. Reiterates that effective responses to crises such as natural disasters often need to be able to draw on both civilian and military capabilities, and require closer cooperation between these two assets; recalls that it is vital to define the niche-specific capabilities and gaps where military capacity could provide added value;

39. Stresses the need to elaborate a specific list of military and civilian CSDP capabilities that have special relevance both in responses to climate change and natural disasters and in CSDP missions; stresses that, when elaborating this list, particular attention should be given to the work of the Consultative Group on the Use of Military and Civil Defence Assets; notes that such assets include, inter alia, engineering capacities such as the ad hoc construction and operation of port/airport infrastructure, air and sea operational management and transport, mobile hospitals including intensive care, communication infrastructure, water purification and fuel management; invites the Council and the EDA, as part of the 2013 review of the capabilities development programme, to reconcile the current catalogues of civilian and military capabilities with those required in order to meet the challenges of climate change, and to put forward the necessary proposals to remedy any existing deficiencies in those catalogues;

40. Stresses the need to explore, on the basis of already existing capacities such as the EU Battle Groups and the European Air Transport Command, the possibility of creating further joint capabilities that are relevant for operations which respond to the impact of climate change or natural disasters;

41. Stresses the need to explore ways of improving energy efficiency and environmental management within the armed forces at home and abroad by exploiting, among others, the potential offered by renewable energy sources; recalls that the armed forces of a single EU Member State consume the energy of a large European city and that military structures, therefore, should be equally innovative in reducing their ecological footprint; welcomes the report ‘Greening the Blue Helmets: Environment, Natural Resources and UN Peacekeeping Operations’, released in May 2012 by UNEP, the United Nations Department for Peacekeeping Operations (UNDPKO) and the United Nation Department of Field Support (UNDFS); points to the fact that, for several years, the US (1) armed forces have been actively seeking to increase energy independence by using sustainable energy sources and increasing energy efficiency in all army operations and infrastructure; welcomes, in this respect, the recent EDA project GO GREEN, which aims at significantly improving energy efficiency and the use of renewable energy sources; underlines the need also to develop guidelines for best practises in the field of resource efficiency and the monitoring of environmental management for CSDP missions;

42. Stresses the need also to bring the broader developments in the field of the European defence industrial base into line with the specific requirements of climate-driven crises and natural disasters; calls for an enhanced role for the EDA, in close cooperation with the EU Military Committee in this process; calls on both CSDP bodies to make sure that procurement programmes and capability development programmes devote adequate financial means and other resources to the specific needs of responding to climate change and natural disasters;

43. Calls on the military to shoulder its responsibilities in the domain of environmental sustainability and on technical experts to find ways for green action, from reducing emissions to improving recyclability;

44. Underlines the need for maintaining and further strengthening a comprehensive approach within the context of the next multiannual financial perspective 2014-2020 in order to mitigate and respond to natural disasters and climate-driven crises through the use of all relevant instruments at the Union’s disposal; welcomes the Commission proposal for a renewed Instrument for Stability, which already takes into account the negative impact of climate change and natural disasters on security, peace and political stability;

45. Requests that the financial implications of such proposals be identified and also be considered in the EU’s budget review;

46. Calls on the VP/HR to send experts on climate security to the EU Delegations of the most affected countries and regions in order to strengthen the capacity of the Union when it comes to early warning and information about possible upcoming conflicts;

47. Calls on the EEAS to strengthen the coordination between the Union and its neighbouring states in the field of climate-driven crisis response capability development;

48. Calls on the EEAS to advocate consideration of climate change and environment protection aspects in the planning and implementation of military, civil-military and civilian operations worldwide;

49. Welcomes the idea of creating a post for a UN special envoy for climate security;

50. Calls for coordination mechanisms to be established between the EU as a whole and those Member States which may in the future act in accordance with the provisions of permanent structured cooperation to ensure the consistency of their actions with the EU’s comprehensive approach in this field;

51. Is of the opinion that studies on the impact of natural disasters and climate-driven crises on international and European security should be included in the curriculum of the European Security and Defence College;

52. Calls for the EU to examine the security implications of climate change in dialogue with third countries, especially with key partners such as India, China and Russia; stresses that a truly effective response will require a multilateral approach and joint investment with third countries, and that the EU could build cooperation with third country militaries with joint development and training missions;

53. 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 Council, the Commission, the parliaments of the EU Member States, the NATO Parliamentary Assembly, the Secretary-General of NATO, the UN General Assembly and the UN Secretary-General.

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Negotiations for an EU-Kazakhstan enhanced partnership and cooperation agreement

European Parliament resolution of 22 November 2012 containing the European Parliament’s recommendations to the Council, the Commission and the European External Action Service on the negotiations for an EU-Kazakhstan enhanced partnership and cooperation agreement (2012/2153(INI))

(2015/C 419/24)

The European Parliament,

— having regard to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and Kazakhstan, of the other part, which entered into force on 1 July 1999 (¹),

having regard to the negotiations authorised by the Council on 24 May 2011 and opened in Brussels in June 2011 on an enhanced EU-Kazakhstan Partnership and Cooperation Agreement,

— having regard to its resolutions on Kazakhstan, in particular that of 15 March 2012 (1) and that of 17 September 2009 on the case of Yevgeny Zhovtis (2), and to that of 7 October 2010 on the World day against the death penalty (3),

— having regard to its resolution of 15 December 2011 on the state of implementation of the EU Strategy for Central Asia (4),


— having regard to the EU’s statements on Kazakhstan in the OSCE Permanent Council, of 3 November and 22 December 2011 and 19 January, 26 January and 9 February 2012, and to the statements by EU HR/VP Catherine Ashton on the events in the Zhanaozen district of 17 December 2011 and on the 15 January 2012 parliamentary elections in Kazakhstan (made on 17 January 2012),

— having regard to the statement of preliminary findings and conclusions of the OSCE/ODIHR-led mission observing the 15 January 2012 parliamentary elections,

— having regard to the statement on the media situation in Kazakhstan made by the OSCE Representative on Freedom of the Media on 25 January 2012,

— having regard to the general provisions on the Union’s external action laid down in Article 21 TEU, and the procedure for the conclusion of international agreements set out in Article 218 TFEU,

— having regard to the commitments made by the High Representative in her letters of 24 November 2011 and 11 May 2012 concerning a mechanism to monitor the implementation of the EU-Turkmenistan PCA and in particular of its Article 2,

— having regard to paragraph 23 of its resolution of 16 February 2012 on the 19th Session of the UN Human Rights Council (5),

— having regard to the new EU Strategic Framework and Action Plan on Human Rights and Democracy adopted by the EU foreign ministers, and to the conclusions adopted at the 3179th Foreign Affairs Council meeting of 25 June 2012,

— having regard to the statement to the European Parliament on Kazakhstan delivered on behalf of High Representative Catherine Ashton by the Danish Foreign Minister, Villy Søvndal, on 14 March 2012 (A 122/12),

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

— having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on International Trade (A7-0355/2012),

A. whereas the EU and Kazakhstan aspire to deepen and broaden their relations; whereas the peoples of the EU and Kazakhstan should benefit mutually from closer cooperation; whereas the conclusion of the new PCA negotiation should provide a comprehensive framework for cooperation based on human and democratic rights, as well as opportunities for socio-economic development and for the necessary political and economic reforms; whereas social and economic development are closely interconnected;

B. whereas although the suspension of the application of any PCA has been used only rarely and partially by the Council, it remains a viable option in case of serious and documented breaches of human rights;

C. whereas Kazakhstan has played a positive role in Central Asia, making efforts to develop good neighbourly relations with bordering countries, resume regional cooperation and resolve all bilateral issues by peaceful means;

D. whereas Parliament, in order to be able to fulfil its function of political scrutiny, needs to have available to it full information allowing it to closely follow developments in Kazakhstan and the implementation of the PCA in line with its recommendations and resolutions;

E. whereas Kazakhstan has been admitted to the Venice Commission of the Council of Europe; whereas during the negotiations for an enhanced PCA the EU and Kazakhstan need to find a common language on human rights and democracy;

F. whereas Kazakhstan held the OSCE chair in 2010; whereas the commitments made to bring media law into line with international standards, liberalise registration requirements for political parties by the end of 2008, and incorporate the recommendations of the OSCE's Office of Democratic Institutions and Human Rights (ODIHR) into the electoral law, still need to be fulfilled;

G. whereas, notwithstanding the Kazakh government's stated ambition to strengthen Kazakhstan's democratic process and to conduct elections in line with international standards, the general elections held on 15 January 2012 were deemed by the OSCE not to be in line with its standards, given widespread voting irregularities and the failure to provide the necessary conditions for the conduct of genuinely pluralistic elections;

H. whereas after the tragic events of December 2011 in Zhanaozen, opposition parties, independent media, trade unions, activists and human rights defenders have become targets of repression, including detentions without proven violation of law which could be considered as politically motivated;

I. whereas there is an ongoing open and constructive dialogue between MEPs, official representatives of Kazakhstan, representatives of civil society and NGOs on issues of mutual interest;

J. whereas the Kazakh authorities have recently undertaken important efforts in terms of cooperation with NGOs in West Kazakhstan, in order to improve the situation for the inhabitants of the region, and in particular for workers on strike;

K. whereas 37 people have been put on trial on charges of organising or participating in mass unrest, and 34 of these have been convicted, of whom 13 will serve time in prison, among them prominent leaders and activists from the oil workers' strike, including Talgat Saktaganov, Roza Tuletaeva and Maksat Dosmagambetov; whereas in July 2012 the UN High Commissioner for Human Rights, Navin Pillay, following her two-day visit to Kazakhstan, called on the authorities to authorise an independent international investigation into the events of Zhanaozen, their causes and their aftermath;

L. whereas the International Monitoring Mission of Civic Solidarity concludes in its preliminary report that the Zhanaozen trials cannot be considered as compliant with fair trial standards, and that the investigation into the events of December 2011 was neither full nor independent; whereas the accused and some witnesses were victims of violations of their rights during the pre-trial stage, including the alleged use of torture, denial of access to an attorney, intimidation, and fabrication of evidence; whereas the defendants' testimony offered at their trials concerning ill-treatment and torture during their pre-trial detention was not fully, impartially and thoroughly investigated in a manner capable of holding the perpetrators responsible; whereas on 7 October 2012, Aleksandr Bozhenko, a witness to the tragic events in Zhanaozen, was killed;

M. whereas Vladimir Kozlov, the leader of the opposition party ALGA, has been found guilty of 'inciting social discord', 'calling for the forcible overthrow of the constitutional order' and 'creating and leading an organised group with the aim of committing crimes', and has been sentenced to seven and a half years in prison; whereas Akzhahan Aminov, an oil worker from Zhanaozen, and Serik Sapargali, a civil society activist, have been convicted on similar charges and have been handed down a five-year and four-year suspended sentences respectively;
N. whereas on 17 February 2012 the President of Kazakhstan signed several laws aimed at improving the legal basis for labour relations, workers’ rights and social dialogue and strengthening the independence of the judiciary; whereas despite these attempts, the right of individuals to associate, to organise and to register independent trade unions, the right to collective bargaining and the right to strike are not being fully respected, and a fully independent judiciary is not in place; whereas the amendments to the Labour Code, in particular amended articles 55, 74, 266, 287, 289, 303, and 305, mark a regression in the field of labour relations, workers’ rights and social dialogue and a breach of the conditions laid down in ILO and other international conventions;

O. whereas the EU is a key trading partner for Kazakhstan and the biggest investor in the country; whereas Kazakhstan has clearly expressed its wish to approximate to the EU’s standards and its social and economic models, which will entail a thorough reform of the Kazakh state and public administration;

P. whereas Kazakhstan plays an important role in securing regional stabilisation, and can become a bridge between the EU and the whole Central Asian region;

Q. whereas Kazakhstan has achieved significant results in the areas of poverty reduction, public health and education;

R. whereas the EU is heavily dependent on imports of mined phosphate rock in order to sustain its agriculture and technical production; whereas Kazakhstan supplies many countries with white phosphorus and the Commission initiated an anti-dumping procedure against imports of white phosphorus from Kazakhstan in December 2011;

1. Welcomes Kazakhstan’s political will and practical engagement to further deepen partnership with the EU and the opening of the negotiations for an EU-Kazakhstan partnership and cooperation agreement (PCA);

2. Addresses the following recommendations to the Council, the Commission and the HR/VP, calling on them to:

On the conduct of the negotiations

(a) ensure that this new PCA is a comprehensive framework for the further development of relations, addressing all priority areas, including: human rights, the rule of law, good governance, and democratisation; youth and education; economic development, trade and investment; energy and transport; environmental sustainability and water; and combating common threats and challenges;

Political dialogue and cooperation

(b) ensure that the EU’s engagement is consistent with other Union policies and for the principle of ‘more for more’ to be applied, with particular emphasis on supporting political, legal, economic and social reforms;

(c) work closely with Kazakhstan in order to promote regional cooperation and the improvement of neighbourly relations in the Central Asia region and ensure that the PCA contains provisions for regional cooperation within the Central Asia region, inter alia by support for confidence-building measures where appropriate, particularly in such areas as water and resource management, border management, the fight against extremism and counter-terrorism; recommends that this cooperation should foster exchanges of experiences and take on board the recommendations of civil society organisations;

(d) seek Kazakhstan’s support with a view to ensuring swift progress towards the establishment of a regular EU-Central Asia High Level Security Dialogue in a regional format, in order to tackle common challenges and threats;

(e) cooperate with Kazakhstan and other Central Asian states, as well as with local, regional and international actors, in order to promote security and development in Afghanistan;
(f) reinforce the EU’s action in the fields of education, the rule of law, the environment and water, inter alia through newly established support platforms and targeted assistance, as well as bringing local NGOs and Civil Society Organisations (CSOs) into the EU’s dialogue with the Kazakh government in those areas where this is appropriate and possible; calls, given the current difficulties in registering NGOs and CSOs, for this dialogue not to be limited to those which are officially registered;

(g) stimulate Kazakhstan to work together with its neighbours in order to come to a common solution on the status of the Caspian Sea;

(h) support policy reforms and institutional capacity-building through targeted technical assistance (exchange of experts);

Human rights and fundamental freedoms

(i) ensure that the PCA incorporates clauses and benchmarks relating to the protection and promotion of human rights as enshrined in the Constitution of Kazakhstan, drawing to the fullest possible extent on the standards laid down by the Council of Europe (Venice Commission), the OSCE and the UN to which Kazakhstan has committed itself;

(j) urge the Kazakh authorities to make every effort to improve the human rights situation in their country;

(k) emphasise that progress in the negotiation of the new PCA must be linked to the progress of political reform: urge Kazakhstan to maintain its declared commitment to further reforms, in order to build up an open and democratic society including an independent civil society and opposition and respecting fundamental rights and the rule of law; adequate assistance on the EU’s part for implementing the reforms;

(l) express deep concern over the detentions without proven violation of law which could be considered as politically motivated, which show disregard of Parliament’s resolution of 15 March 2012 demanding the release of all persons detained on politically motivated charges;

(m) call on the Kazakh authorities, in this regard, to promptly and impartially investigate all allegations of torture and ill-treatment in connection with the Zhanaozen violence and hold the perpetrators accountable, repeal the vague criminal charge of ‘inciting social discord’, release from pre-trial detention the opposition activists who are held on this basis, and review the legislation on freedom of assembly in order to bring it into conformity with Kazakhstan’s international obligations on freedom of assembly;

(n) express great concern with regards to the lawsuit introduced on 20 November 2012 by Kazakhstan’s Prosecutor General demanding unregistered opposition party Alga, Khalyk Maidany association and a number of opposition media outlets to be banned as extremist; strongly underlines that the legitimate fight against terrorism and extremism should not be used as an excuse to ban opposition activity and hinder freedom of expression;

(o) express deep concern at the sentencing of Vladimir Kozlov, Akzhinan Aminov and Serik Sapargali, after a trial with numerous procedural shortcomings, with the effect of further limiting political freedom in Kazakhstan for the opposition; call on the Kazakh authorities to grant Kozlov, Aminov and Sapargaly a fair and transparent appeal process;

(p) insist that Kazakhstan further translates its Human Rights Action Plan into legislation and continues to implement it in full, drawing on the recommendations of the Venice Commission and making use of EU technical assistance under the Rule of Law initiative;

(q) call on Kazakhstan, as a member of the Venice Commission, to demonstrate its commitment to Council of Europe standards by cooperating with the Venice Commission, including by submitting specific draft laws and recently adopted laws for comments to the Venice Commission and implementing the recommendations of the Commission;
(r) insist that the Kazakh authorities make binding commitments to bring the legal system fully into line with international standards and ensure that implementation facilitates true media freedom, freedom of expression and association, freedom of religion and belief and the independence of the judiciary in Kazakhstan;

(s) insist on improved access to justice, judicial independence, and the return of the control and management of penitentiaries to the Ministry of Justice;

(t) urge Kazakhstan to release, without further delay, prisoners convicted on political grounds and end politically motivated arrests and convictions carried out on the basis of the vague criminal charge of 'inciting social discord';

(u) urge the Kazakh authorities to amend Article 164 of Kazakhstan’s Criminal Code on ‘inciting social discord’ so as to bring it into line with international human rights law;

(v) insist that Kazakhstan should reconsider the restrictive amendments to the administrative code and the recent law on religion, and put an end to the arbitrary raids, interrogations, threats and fines directed against minority religious groups;

(w) start negotiations on visa facilitation between the EU and Kazakhstan, since this would provide tangible benefits for economic, cultural and scientific exchanges and further promote people-to-people contacts;

(x) insist that Kazakhstan comply with the recommendations of the UN Committee Against Torture and the 2009 recommendations of the UN Special Rapporteur on Torture; call on Kazakhstan to ensure the participation of independent NGOs in consultations on the upcoming reform of the Criminal Code and the Criminal Procedural Code;

(y) call on Kazakhstan to sign and ratify the Rome Statute of the International Criminal Court;

(z) insist on establishing independent civil society platforms to contribute to inclusive exchanges in a number of sectors, in order to ensure that the aspirations and voices of civil society are heard and seek means of providing financial assistance for this goal;

(aa) step up and strengthen the annual human rights dialogues with a view to achieving tangible improvements, inter alia by setting concrete benchmarks to measure progress, and report back to the EP;

(ab) intensify and broaden the scope of the exchange programmes in education and culture; encourage and support legal training for local and regional officials and members of law enforcement bodies to bring them up to EU standards; encourage and support Kazakhstan in taking the lead in the formation of a special educational programme, to include both academic and vocational training, between the EU and Central Asian countries;

**Economic cooperation**

(ac) highlight the fact that the conclusion of the new PCA negotiation will have a positive impact on the deepening of economic cooperation between EU and Kazakh companies, including SMEs;

(ad) encourage legislation in conformity with WTO rules, including on local content requirements under the Agreement on Trade Related Investment Measures (TRIMs), paving the way for structural reforms and the creation of a working market economy; and provide Kazakhstan with qualified technical assistance in order to pave the way for subsequent structural reforms, increased competitiveness, and the creation of a social market economy;

(ae) call for the removal of tariff and non-tariff barriers in order to extend trade, particularly trade in services and foreign investment; support the ambition of harmonising standards in trade in goods beyond the conditions set by the WTO, since this would also lead to a broadening of trade opportunities;
emphasise the importance of EU-Kazakhstan energy cooperation, particularly in terms of the efforts to develop the trans-Caspian energy route; ensure continued emphasis by the EU on support for enhancing energy security and sustainable energy development, and attracting investment for energy projects of common and regional interest;

ensure that Kazakhstan's participation in the Russian-led Customs Union and the Eurasian Economic Union does not constitute a barrier to trade or to economic and financial cooperation with the EU, or to fulfilling its obligations arising from WTO membership, and is not an obstacle to closer cooperation between the EU and Kazakhstan; points out that competition will result if the conclusion of the enhanced partnership and cooperation agreement is delayed; be ready to assist Kazakhstan's efforts to promote modern economic institutions, should such efforts be undertaken;

courage the Kazakh government to demonstrate its renewed commitment to the Extractive Industries Transparency Initiative (EITI) by removing all legal or regulatory obstacles to its successful implementation and allowing independent civil society organisations to participate fully in the initiative;

include a chapter on the convergence of Kazakhstan's standards and regulatory systems with those of the EU, particularly in the sectors and key areas where trade between the EU and Kazakhstan holds great potential;

stress that water issues in the region remain one of the main sources of tension and potential conflict, and underlines the importance of a regional approach in order to protect and properly manage shared water resources; in this context, reiterate the importance of the countries of the region signing and ratifying without delay the Espoo and Århus Conventions and fostering the involvement of local actors in decision-making;

step up its technical assistance to Kazakhstan in the field of water conservation and management of water resources in general, in the framework of the EU Water Initiative for Central Asia, with a view also to improving relations between upstream and downstream countries in the region and reaching sustainable water-sharing agreements;

support and assist Kazakhstan in its efforts to save the Aral Sea in the framework of the action programme of the International Fund for Saving the Aral Sea;

assist Kazakhstan in the adoption of effective mitigation measures and cleaning-up programmes of radioactive waste and radioactive pollution in the Semey/Semipalatinsk region;

welcome Kazakhstan's actions for a nuclear weapons-free world and its leadership in the global nuclear disarmament process and in favour of a comprehensive ban on nuclear tests;

draw attention to the critical situation as regards democracy, the rule of law (including the fight against corruption) and human rights and fundamental freedoms, especially workers' rights, which also creates unfair competitive advantage; stress, in view of this situation, that a binding trade and sustainable development chapter must be included in the trade title of the new agreement;

insist on the introduction of an effective dispute settlement regime to ensure that the agreement reached will be respected;

stress that a strong services and establishment chapter and convergence of Kazakhstan towards EU standards and regulatory systems (including SPS, TBT and IPR) would lead to increased trade flows and investment, which would favour the modernisation and diversification of Kazakhstan's economy; underline the importance of improving licensing procedures in Kazakhstan in order to facilitate services and investment;

encourage Kazakhstan's efforts to remove all non-tariff barriers which have up till now hampered the development of trade and investment in the country;
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(as) focus economic and trade-related assistance to Kazakhstan on the development of SMEs and support for business intermediary organisations;

(at) in the light of recent allegations of corruption against EU-based corporations operating in Kazakhstan, include stronger and binding provisions in relation to corporate social responsibility;

(au) consider it of utmost importance that European-based corporations respect ILO standards on trade union rights as well as environmental and health and safety standards when operating in Kazakhstan, and particularly in the extractive sector of the economy;

(av) ensure in the negotiations that the use of dumping practices in connection with phosphorus production and export is categorically ruled out, as the interests of European producers are allegedly being harmed by dumped imports and it is impossible to retrieve and recycle phosphorus from secondary phosphorus streams;

(aw) ensure an adequate presence of economic and trade specialists in the EU Delegation in Kazakhstan;

Other provisions

(ax) consult the EP regarding the provisions on parliamentary cooperation; enhance the role of Parliament, Parliamentary Cooperation Committees and inter-parliamentary meetings as means to monitor the negotiation and implementation of partnership agreements; encourage Parliament’s efforts to promote dialogue and regular bilateral and multilateral parliamentary cooperation;

(ay) ensure that the new PCA refers to respect for democratic principles, fundamental and human rights and the principle of the rule of law as ‘essential elements’ of the agreement, so that failure to observe them by any of the parties would result in the adoption of measures which could eventually lead to the suspension of the agreement;

(az) include, together with the Kazakh authorities, clear benchmarks and binding deadlines for the implementation of the new PCA, and provide for a comprehensive monitoring mechanism, including regular reports to the EP, which would also apply in advance of Cooperation Council meetings;

(ba) establish a comprehensive monitoring mechanism between Parliament and EEAS once the Agreement is concluded, so as to allow for comprehensive and regular information on the implementation of the PCA, and in particular of its objectives; this mechanism should contain the following elements:

(i) provision to the EP of information on the objectives pursued by EU actions and positions, and on all issues relating to Kazakhstan;

(ii) provision to the EP of information benchmarking the results of actions undertaken by the EU and Kazakhstan, highlighting the evolution in the situation of human rights, democracy and the rule of law in the country, in particular through:

—— allowing access under the appropriate confidentiality procedures to the relevant EEAS internal documents;

—— granting Parliament observer status in the briefing meetings ahead of meetings of the Cooperation Council, and access to documents provided to the Council and Commission;

—— involvement of civil society in the preparation of this information and the assessment of the situation;

(bb) encourage the EU negotiating team to continue its close cooperation with the EP, providing ongoing information supported by documentation on the progress of the negotiations pursuant to Article 218(10) TFEU, which states that Parliament shall be immediately and fully informed at all stages of the procedure;
(bc) provide sufficient EU funding for a comprehensive and sustainable cooperation with the Central Asian countries, including for the successful implementation of the new PCA with Kazakhstan;

3. Instructs its President to forward this resolution containing the European Parliament’s recommendations to the Council, the Commission, the HR/VP and the Government and Parliament of the Republic of Kazakhstan.

P7_TA(2012)0460

Small-scale and artisanal fisheries and CFP reform

European Parliament resolution of 22 November 2012 on small-scale coastal fishing, artisanal fishing and the reform of the common fisheries policy (2011/2292(INI))

(2015/C 419/25)

The European Parliament,

— having regard to the reform of the common fisheries policy (CFP),

— having regard to the Treaty on the Functioning of the European Union (TFEU), and in particular Articles 43(2) and 349 thereof,

— having regard to Article 349 of the Treaty on the Functioning of the European Union on measures taking account of the special characteristics and constraints of the outermost regions,

— having regard to the Commission Green Paper entitled ‘Reform of the Common Fisheries Policy’ (COM(2009)0163),

— whereas the future EMFF should guarantee the right of local populations to fish, for family consumption, in accordance with specific customs and to maintain their traditional economic activities,

— having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy (1),

— having regard to the regulation applicable to the European Fisheries Fund (EFF), namely Council Regulation (EC) No 1198/2006 (2) laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector,

— having regard to its resolution of 15 December 2005 on ‘women’s networks: fishing, farming and diversification’ (3),

— having regard to its resolution of 15 June 2006 on inshore fishing and the problems encountered by inshore fishermen (4),

— having regard to its resolution of 2 September 2008 on fisheries and aquaculture in the context of Integrated Coastal Zone Management in Europe (5).

having regard to its resolution of 16 February 2012 on the contribution of the common fisheries policy to the production of public goods (1),

— having regard to its resolution of 25 February 2010 on the Green Paper on reform of the Common Fisheries Policy (2),


— 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 entitled ‘Reform of the Common Fisheries Policy’ (COM(2011)0417),

— 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 on the external dimension of the Common Fisheries Policy (COM(2011)0424),

— having regard to the report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on reporting obligations under Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (COM(2011)0418),

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

— having regard to the report of the Committee on Fisheries and the opinions of the Committee on Regional Development and the Committee on Women’s Rights and Gender Equality (A7-0291/2012),

A. whereas small-scale fishing — comprising artisanal fishing and some types of coastal/inshore fishing, shellfishing and other traditional extensive aquaculture activities such as the natural breeding of molluscs in inshore waters — has a very diverse territorial, social and cultural impact in mainland and island areas and in the outermost regions, and has specific problems that set it apart from large-scale fishing and from intensive or industrial aquaculture;

B. whereas, for the purposes of the new Fisheries Policy Regulation, it is necessary to define what should be understood as artisanal fishing, and to take account of the repercussions that this type of fishing will have for funding under the new European Maritime and Fisheries Fund;

C. whereas the artisanal or coastal fleet is vital for maintaining and creating employment in coastal regions and helps ensure the EU’s self-sufficiency in terms of food, as well as the development of coastal areas and the supply of fishery products to the European market;

D. whereas some 80 % of fishing in the Community is carried out by vessels under 15 metres, making this fleet segment the leading player in the CFP; whereas the CFP must provide an adequate, sufficient and necessary response to the problems which, despite the successive measures made available to the Member States, continue to be faced by a large part of the small-scale fishing sector;

E. whereas the coastal and artisanal fishing sector has ageing vessels that should be made safer and modernised, or even replaced with new vessels that are more energy efficient and are compliant with safety standards;

F. whereas there is a scarcity of statistical data and indicators at European level in terms of social, economic and territorial cohesion, and it is necessary to promote indicators that provide socio-economic, scientific and environmental data which reflect the geographical, environmental and socio-economic diversity of this type of fishing;

G. whereas the absence of reliable scientific data remains a serious problem in terms of seeking to achieve sustainable management of most fish stocks;

H. whereas in defining a fisheries policy, in addition to essential environmental objectives relating to the conservation of fisheries resources, social and economic objectives must also be considered, as they have been neglected, particularly in the case of small-scale fishing;

I. whereas the current centralised management of the CFP frequently produces guidelines that are divorced from reality, poorly understood by the sector (which is not involved in discussing or developing them), and difficult to implement, producing results that are often the opposite of those intended;

J. whereas management models based on transferable fishing rights cannot be considered as measures for tackling overfishing and overcapacity;

K. whereas a compulsory reduction in the fleet achieved exclusively through market instruments, such as transferable fishing concessions (TFC), could lead to the prevalence of operators that are more competitive from a purely economic point of view, to the detriment of the operators and sectors of the fleet that have a lower environmental impact and create more (direct and indirect) employment;

L. whereas the economic and social crisis is particularly affecting the fisheries sector, and in this context small-scale fishing may be more vulnerable owing to its low capitalisation; whereas it is important to ensure the economic and social stability of small-scale fishing communities;

M. whereas its structural weaknesses mean that small-scale coastal or artisanal fishing is exposed to certain types of economic shock (such as rapidly rising fuel prices or lack of access to credit) and to rapid changes in the availability of resources;

N. whereas the specific characteristics of small-scale fishing constitute an aspect that must be taken into account in the future CFP, but at the same time must not be the sole focus of the social dimension of the reform, given the severe crisis currently affecting the entire sector;

O. whereas first-sale fish prices are not keeping pace with the current significant rise in production costs, particularly for fuel, and in many cases are either stagnant or falling, thus adding to the crisis facing the sector;

P. whereas the market does not fully remunerate the positive social and environmental externalities associated with small-scale fishing; whereas society as a whole does not recognise or remunerate the activities associated with fishing which constitute the sector’s multifunctional aspect and produce public goods by, inter alia, stimulating the coastline, gastronomy, museology and recreational angling, to the benefit of society as a whole;

Q. whereas the future European Maritime and Fisheries Fund (EMFF) should fully take into account the specific problems and needs of artisanal and small-scale fishing, both in coastal and inland areas, as well as the consequences for both men and women of the implementation of the measures included in the future reform;

R. whereas the specific diseases that affect women working in the artisanal fishing sector are not recognised as occupational diseases;

S. whereas creating exclusion zones contributes to the development of responsible practices, to the sustainability of both coastal marine ecosystems and traditional fishing activities, and to the survival of fishing communities;

T. whereas small-scale coastal fishing and artisanal fishing have very different characteristics which vary from country to country and coast to coast;

U. whereas the importance of small-scale fisheries for the protection of minority languages in isolated, coastal areas cannot be ignored;
V. whereas the level of association and organisation of small-scale fishing professionals is insufficient and unequal in the various Member States;

W. whereas Article 349 of the Treaty on the Functioning of the European Union refers to the need to promote policies specific to the outermost regions, particularly in the fisheries sector;

1. Considers that small-scale fishing comprises artisanal fishing and some types of coastal/inshore fishing, shellfishing and other traditional extensive aquaculture activities such as the natural breeding of molluscs in inshore waters;

2. Stresses that small-scale fishing, by reason of its characteristics and its weight within the sector, has a pivotal role to play in achieving what should be the fundamental objectives of any fisheries policy: ensuring fish supplies to the public and the development of coastal communities, and promoting employment and improved living standards for fishing professionals, within a context of ensuring that resources are sustainable and are properly conserved;

3. Considers that the specific characteristics of the small-scale fishing segment should not under any circumstances be used as an excuse to exclude this segment from the general framework of the CFP, although that policy should be sufficiently flexible to enable management systems to be adapted to the specific characteristics and problems of artisanal fishing;

4. Points out that the specific characteristics of small-scale fishing vary greatly from one Member State to another, and that opting for the lowest common denominator has rarely proved a constructive approach to European decision-making;

5. Believes that the starting-point should be a generic definition of artisanal fishing that prevents the widely varying circumstances to be found in the fisheries sector, depending on fishing grounds, type of stocks fished and any other features specific to a given local area, from resulting in non-fulfilment of the objectives of simplification, legislative clarity and non-discrimination; also believes that the CFP should include measures allowing a degree of flexibility in scientifically proven cases in which fishing would not be possible without certain adjustments being made to the general rules;

6. Draws attention to the need to take due account of the existing scientific studies on small-scale fishing; notes that some of those studies present proposals for a definition of 'small-scale fishing', as in the case of the PRESPO project for sustainable development of artisanal fisheries in the Atlantic area, which proposes an approach based on numerical descriptors for the definition and segmentation of European artisanal fishing fleets;

7. Considers that the definition of small-scale fishing should take account of a range of national and regional characteristics and differences in terms of governance, including, inter alia, respect for an artisanal tradition rooted in the area, with family involvement in both the ownership and activities of fisheries undertakings; stresses that it is important to formulate definition criteria that are flexible and/or can be combined and adapted in a balanced way to the diversity of small-scale fishing existing in the EU;

Local management

8. Considers that the over-centralised model of fisheries management that has characterised the CFP over the last 30 years has been a failure, and that the current reform must bring about meaningful decentralisation; believes the reform of the CFP must create conditions that allow for local, regional and national specificities; stresses that local management, backed up by scientific knowledge and consultation and participation of the sector in defining, implementing, co-managing and evaluating policy, is the management type that best meets fishing needs and provides the greatest incentives for preventive behaviour among fishermen;

9. Considers that Regional Advisory Councils (RACs), in the new context of a decentralised and regionalised CFP, should play a much greater role in the future Common Fisheries Policy;

10. Considers it vital to strengthen the role of the advisory committees and to consider collaboration and co-management of resources, thus making it possible to preserve the nature of these committees, with their value enhanced so that they become a management forum, without decision-making powers but in which stakeholders from the sector and NGOs would participate, thereby permitting the addressing of horizontal questions concerning the specific issue of artisanal fishing;
11. Considers that the imposition of a single model for all the Member States, such as transferable fishing concessions (TFCs), does not constitute an appropriate solution, in view of the huge diversity that characterises fishing in the EU;

12. Considers it advantageous to have different models of fisheries management available to Member States and/or regions under a voluntary system, where they are free to choose for themselves within the framework of a regionalised CFP;

13. Strongly rejects the mandatory implementation of TFCs for any type of fleet; believes that the decision as to whether or not to adopt TFCs and which sectors of the fleet to include in this scheme should be left to the Member States in agreement with the competent regions, taking account of the diversity of situations and the opinions of stakeholders; believes it is already possible for Member States to establish a system of transferable fishing concessions in their national legislation;

14. Draws attention to the fact that the TFC system cannot be seen as an infallible measure for resolving problems of overfishing and excess capacity; stresses that a regulatory approach that can make the required adjustments to fishing capacity is always a possible alternative to a market approach;

15. Considers that, once the general management objectives have been set out, the Member States and the competent regions should be given flexibility to decide on the management rules best suited to achieving these objectives within the framework of regionalisation, specifically as regards the right of access to fisheries resources and taking account of the specific characteristics of their fleets, fisheries and resources;

16. Notes the importance of ensuring that all relevant interested parties are involved in the development of policies concerning small-scale coastal fishing and artisanal fishing;

17. Draws attention to the importance of taking into account not only the quantity of the fleet but also its cumulative impact on resources and the selectivity and sustainability of its fishing methods; considers that the future CFP should encourage the increased sustainability of the fleet in environmental, economic and social terms (state of repair and safety, habitability, working conditions, energy efficiency, fish storage, etc), by promoting the progressive prevalence of sectors and operators that use selective fishing techniques and fishing gear with less impact on resources and the marine environment, and that benefit the communities of which they are part in terms of generating jobs and of the quality of those jobs; defends a sustainable balance between protecting existing fisheries resources in maritime areas and protecting the local socio-economic fabric that depends on fishing and shellfishing;

**Characteristics of the fleet**

18. Rejects a general and indiscriminate reduction in the capacity of the fleet and emphasises that, where necessary it cannot be adjusted solely and obligatorily on the basis of market criteria; considers that such adjustments must be based on an ecosystemic approach, in which the specific decisions relating to managing the small-scale fleet are taken at regional level, respecting the subsidiarity principle, ensuring a tailored fishing regime that gives priority of access to resources and protects the small-scale fleets, and ensuring that communities are involved; calls for a study of the state of the fleet capacity in the EU to be carried out as a matter of urgency;

19. Rejects any general reduction in the capacity of a given fleet solely and obligatorily on the basis of market criteria and imposed by a potential and unwanted enforcement of transferable fishing concessions;

20. Highlights the importance of further research in the field of social, economic and territorial cohesion; points to the need for statistics and indicators at European level that would provide reliable and sufficiently pertinent socio-economic, scientific and environmental data, including broad assessment of fish stocks and catches in both professional and recreational fishing, and calls for the provision of sufficient resources to achieve this; believes such data should also reflect the full range of geographical, cultural and regional differences;

21. Urges the Commission to conduct an assessment of EU fleet capacity so as to enable the most appropriate decisions to be taken;
22. Calls on the Commission to monitor and adjust fleet capacity ceilings for Member States so that they are in line with reliable data and technical advances are taken into account;

23. Points out that the management of small-scale fishing is made more demanding and challenging by the large number of vessels involved and the wide variations in techniques and fisheries; stresses that the availability of information is crucial for effective management, and that more and better information on small-scale fishing is needed;

24. Urges the Commission to work with the Member States, the RACs and stakeholders to improve the characterisation of small-scale fishing and to map its distribution in the EU for the purposes of fisheries management; urges the Commission, in particular and in conjunction with the Member States, to conduct an exhaustive and rigorous study of the size, characteristics and distribution of the different small-scale fishing sectors, analysing as rigorously as possible where, when and how they fish, in order to identify fleet segments in which there is overcapacity and the causes thereof;

25. Points out that currently the Community cofinances no more than 50% of the budget for gathering, processing and distributing biological data, which is used to support knowledge-based management; calls, accordingly, for the Community to increase its efforts in this area by raising the maximum permissible level for cofinancing;

26. Warns of the need to deepen understanding of the current position of recreational fishing and its development, including its economic, social and environmental impact; draws attention to situations in which recreational fishing goes beyond its scope and competes illegitimately with professional fishing in the catching and marketing of fish, causing a reduction in market quotas at local and regional level and lowering first-sale prices;

Supporting measures

27. Recognises that the new EMFF has been designed to enable the coastal and artisanal fleet sectors in particular to obtain funding; recognises that, on the basis of the general framework facilitated by the EMFF, the Member States have to set their funding priorities in such a way as to respond to the specific problems of this sector and support the local and sustainable management of the fisheries concerned;

28. Advocates the need to maintain a fund that retains the principal of greater support for cofinanced activities in the outermost regions, as well as preserving the specific compensation instruments for the extra costs associated with fisheries activity and the distribution of fisheries products, considering the structural limitations that affect the fisheries sector in these regions;

29. Emphasises that, given the precarious situation and decline of some coastal communities that depend on fishing, as well as the lack of alternatives for economic diversification, the existing instruments, funds and mechanisms should be reinforced in order to ensure cohesion in terms of employment and ecological sustainability; believes there should be specific acknowledgment of this in the new CFP and MFF framework; also emphasises the need to focus on greater co-management and involvement of the artisanal fishing sector in decision-making, by promoting local and regional strategies and crossborder cooperation in this field, encompassing development, research and training projects and with the appropriate EMFF, ESF and ERDF funding;

30. Calls on the Member States to take account of the importance of the economic, social and cultural roles of women in the fishing industry, so that women can have access to social benefits; emphasises that the active participation of women in fishing-related activities helps firstly to preserve specific cultural traditions and practices, and secondly to ensure the survival of their communities, thereby safeguarding the cultural diversity of the regions concerned;

31. Considers that the rules on implementing the future EMFF should make it possible to finance actions, inter alia in the following areas:

— improving safety, living conditions and on-board working conditions, improving catch preservation, and making vessels more economically and environmentally sustainable (selection of techniques, energy efficiency, etc) while not increasing their fishing capacity;
— investment in more sustainable fishing gear;

— promotion of young people's increased involvement in the sector's activities and keeping them involved, through a special incentive scheme in response to the employment and sustainability challenges the sector is facing, as well as through start-up packages aimed at securing the entry of a new generation of fishermen into small-scale fisheries;

— construction of specialised fishing ports and specific facilities for the landing, storage and sale of fishery products;

— support for associations, organisations and cooperatives of the sector's professionals;

— promotion of quality policies;

— promotion of the cohesion of the economic and social fabric of the coastal communities most dependant on small-scale fishing, with a particular focus on the outermost regions, in order to stimulate those coastal regions' development;

— support for sustainable shellfishing practices, inter alia by offering assistance to those carrying out this activity, many of them women, who suffer from work-related diseases;

— support for the promotion and marketing of artisanal fishery and extensive aquaculture products, through the creation of a European label to distinguish and identify European artisanal fishery and shellfish products, provided they comply with good sustainability practices and the principles of the Common Fisheries Policy;

— support for education and marketing campaigns to make consumers and young people aware of the value of consuming fish from small-scale fisheries, including the positive effects on the local economy and the environment;

— allocation of financing under the European Maritime and Fisheries Fund in such a way as to make the fisheries sector more women-friendly by redesigning the sector and providing suitable facilities (such as changing-rooms on boats or in ports);

— support for associations of women such as net-makers, port workers and packers;

— vocational training, including training for women working in the fisheries sector, aimed at improving their access to managerial and technical jobs related to fishing;

— enhancing women's role in fishing, in particular by granting support for activities carried out on land, for related professionals and for activities associated with fishing, both upstream and downstream;

32. Stresses that access to funds from the future EMFF should favour projects offering integrated solutions that benefit coastal communities as a whole, rather than those that benefit only a small number of operators; considers that access to EMFF funds should be guaranteed for fishermen and their families and not just for shipowners;

33. Stresses that the common organisation of the market (COM) in fishery and aquaculture products should contribute to enabling a greater output of small-scale fishing, market stability, improved marketing of fisheries products and an increase in their value added; expresses concern at the possibility of abolition of the still-existing public market regulation instruments, public regulatory bodies and supports for storage on land, and calls for an ambitious reform that enhances the COM's instruments for achieving its goals;

34. Proposes the creation of a European label rewarding small-scale fishery products obtained in accordance with the principles of the CFP, in order to encourage best practice;
35. Advocates the creation of mechanisms that ensure recognition of the so-called externalities generated by small-scale fishing that are not remunerated by the market, in terms of both the environment and the economic and social cohesion of coastal communities;

36. Considers it important to promote a fair and adequate distribution of value added along the sector's value chain;

37. Calls for strict monitoring and certification of fisheries products imported from third countries to ensure that they originate from sustainable fisheries and that they meet the same requirements that Community producers have to comply with (e.g. with regard to labelling, traceability, phytosanitary regulations and minimum sizes);

38. Advocates the creation (within the framework of the EMFF or of other instruments) of specific and temporary support mechanisms to be implemented in emergencies such as natural or man-made disasters (oil slicks, water pollution, etc), fishing stoppages imposed by plans for restoring stocks or restructuring, or sudden short-term increases in fuel prices;

39. Calls on the Commission and the Member States to take steps to ensure that women benefit from equal pay and other social and economic rights, including insurance covering the risks to which they are exposed by working in the fisheries sector and recognition of their specific disorders as occupational diseases;

40. Recognises that temporary fishing bans, otherwise known as biological rest periods, are an important and proven means of conserving fishery resources, as well as being an essential instrument for sustainably managing specific fisheries; recognises that establishing fishing bans during specific critical phases in the life-cycle of a species allows stocks to develop in a way that is compatible with fishing outside the rest period; believes it is fair and necessary under these circumstances to financially compensate fishermen during the inactivity period, specifically through the EMFF;

41. Calls on the Commission and the Member States to contemplate ways of achieving positive discrimination in favour of small-scale fishing as against large-scale fishing and fleets of a more industrialised nature, while ensuring that the management of fisheries as a whole is effective and sustainable; considers that spatially segregating different fishing techniques and thus defining areas reserved exclusively for small-scale fishing, is one of the options for consideration;

42. Calls on the Commission and the Member States to take steps to promote and achieve greater recognition, both legal and social, for the work of women in the fisheries sector, and to ensure that women who work full- or part-time for family undertakings or assist their spouses, thereby contributing to their own economic sustainability and that of their families, receive legal recognition or social benefits equivalent to those enjoyed by people with self-employed status, in particular by applying Directive 2010/41/EU, and that their social and economic rights are guaranteed, including equal pay, the right to unemployment benefit if they lose their jobs (temporarily or permanently), the right to a pension, work-life balance, access to maternity leave, access to social security and free healthcare, and workplace health and safety, as well as other social and economic rights including insurance covering risks at sea;

43. Advocates retaining the special access regime for small-scale fisheries within the twelve-mile zone;

44. Considers it necessary to involve small-scale fishing, in particular, in exchanges on the spatial planning of the twelve-mile zone, where there are generally more usages and offshore wind turbines, as well as gravel extraction and marine protected areas, often having to exist alongside fishing activities in the same zone;

45. Draws attention to the need for greater involvement and participation of small-scale fishing professionals in the management, definition and implementation of fisheries policies; underlines the importance of giving greater support to fishermen's groups and professional organisations that are willing to share responsibility for applying the CFP, with a view to further decentralising the policy; urges small-scale fisheries operators either to join existing producers' organisations or form new such organisations;

46. Instructs its President to forward this resolution to the Council, the Commission, the European Economic and Social Committee, the Committee of the Regions, the Governments of the Member States and the Regional Advisory Councils.
P7_TA(2012)0461

**External dimension of the common fisheries policy**

European Parliament resolution of 22 November 2012 on the external dimension of the Common Fisheries Policy (2011/2318(INI))

(2015/C 419/26)

The European Parliament,

— having regard to the Treaty on the Functioning of the European Union (TFEU),

— having regard to the Commission communication of 13 July 2011 on the External Dimension of the Common Fisheries Policy (the Communication) (COM(2011)0424),


— having regard to the Food and Agriculture Organization (FAO) Code of Conduct for Responsible Fisheries, adopted in October 1995 by the FAO Conference (the Code of Conduct),

— having regard to the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, adopted in June 1998 in Aarhus,

— having regard to the FAO International Plan of Action for the Management of Fishing Capacity, endorsed by the FAO Council in November 2000 (IPOA-Capacity),

— having regard to the FAO Report on the State of the World Fisheries and Aquaculture 2010,

— having regard to Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU Regulation) and Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters (the Fishing Authorisations Regulation),


— having regard to its resolution of 17 November 2011 on combating illegal fishing at the global level — the role of the EU,

— having regard to its resolution of 25 February 2010 on the Green Paper on the reform of the Common Fisheries Policy,

— having regard to its resolution of 8 July 2010 on the arrangements for importing fishery and aquaculture products into the EU with a view to the future reform of the CFP.


\(^3\) Texts adopted, P7_TA(2011)0516.


having regard to its resolution of 12 May 2011 on the EU-Mauritania Fisheries Partnership Agreement (1),

— having regard to its resolution of 14 December 2011 on the future Protocol setting out the fishing opportunities and financial compensation provided for in the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco (2),

— having regard to the conclusions adopted at the meeting of the Agriculture and Fisheries Council on 19–20 March 2012 on the external dimension of the CFP,

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

— having regard to the report of the Committee on Fisheries and the opinions of the Committee on Development and of the Committee on International Trade (A7-0290/2012),

A. whereas two-thirds of the world’s oceans lie beyond areas under national jurisdiction, where any comprehensive and exhaustive legal regime for fisheries management must be based on the 1982 UN Convention on the Law of the Sea and relevant legal instruments; whereas sustainable management of fisheries is of strategic importance to coastal communities dependent on fishing and to food security;

B. whereas 85% of the few fish stocks globally for which information is available are either fully exploited or overexploited, according to the most recent assessment by the FAO, even though the FAO 2010 report points to progress in the recovery of overexploited stocks and marine ecosystems around the world due to the implementation of good management practices;

C. whereas the EU is one of the main fishing players with a strong presence and significant activities in all the world’s oceans through a combination of fleet activities, investments by EU nationals, bilateral fisheries agreements and participation in all of the major Regional Fisheries Management Organisations (RFMOs) while encouraging good practice and respect for human rights;

D. whereas the EU is one of the most important markets for fishery products and the biggest importer in the world of fish products, consuming 11% of the world’s fish production in terms of volume and importing 24% of fishery products in terms of value, even though it only accounts for 8% of the world’s catch (2% when considering solely foreign waters);

E. whereas quotas in RFMOs have been primarily based on historical catches, which led to preferential access for developed countries to global fish stocks; whereas they must now take account of fishing by coastal developing countries which have depended upon adjacent fisheries resources for generations, a fact which must be respected by the EU;

F. whereas the EU has to seek policy coherence for development on the basis of Article 208(1) of the TFEU, according to which ‘The Union shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries’;

G. whereas the EU must equally apply all of its other policies in relation to non-member countries — including fishing, health, trade, employment, environment, common foreign policy objectives and the fulfilment of the 2020 European Strategy — in a consistent and coordinated way;

H. whereas, in order to ensure sustainable fishing, there is in many cases a need to improve data on fish stocks that the EU is fishing, or which are destined for the EU market, in terms of their status, and to ensure that information on total removals by local fleets and other third country fleets is available;

I. whereas rigorous scientific studies will be required in order to determine in which fisheries fleet overcapacity is occurring or may occur;

(1) Texts adopted, P7_TA(2011)0232.
(2) Texts adopted, P7_TA(2011)0573.
J. whereas the CFP must provide a tool that enables the EU to demonstrate to the world how fishing can be practised as a responsible activity and how to promote improvement of the international management of fisheries applying European fleet management standards;

K. whereas the EU must assume a key role in mobilising the international community in the campaign against IUU fishing;

1. Welcomes the Commission's Communication and the many positive proposals it includes for encouraging the sustainability of the EU's overall fishing and related activities outside EU waters, including the outermost regions; considers, however, that the scope of the document is not broad enough, being too concentrated on bilateral agreements and multilateral organisations and that it should take an integrated approach to other activities seeking to procure products destined for the EU market;

2. Insists on the need for the EU to work on the basis that Union policy coherence converges on improving the governance of international fishing;

3. Considers it of major importance to coordinate foreign policy and cooperation policy for the purpose of establishing sustainable fishing agreements, and to provide the necessary synergies to make a more effective contribution to the development of associated third countries;

4. Considers that the size of the EU market for fisheries products and the geographical range of activities by EU-flagged and EU-owned vessels impose a high level of responsibility on the Union for ensuring that its fisheries' ecological footprint and socio-economic impact are sustainable, providing high quality fisheries products to consumers in Europe and other countries where European fisheries and related products are marketed, and contributing to the social and economic fabric of coastal fishing communities both inside the EU and elsewhere;

5. Believes that fishing by EU interests inside and outside Union waters, and fishery products destined for the EU market, should be based upon the same standards in terms of ecological and social sustainability and transparency, and that these same principles must be defended and required of third countries, both bilaterally and multilaterally; and considers that the discard ban should be applied, in parallel to its introduction in EU waters, to the same species, with monitoring by CCTV and observers, with appropriate derogations to avoid price fluctuations for locally consumed produce;

6. Recalls the need for EU policies to be coherent with the development objectives as set out in Article 208 TFEU; notes that such coherence requires coordination not only within the Commission itself but also within Member States' governments, and between the Commission and the governments of the individual Member States;

7. Reiterates that for the purpose of improving coherence of its decisions, the actions of the EU must incorporate the aspects relating to its policies on trade, health, employment, neighbourhood, the environment, maritime policy, foreign policy and the fulfilment of the 2020 European strategy;

8. Recalls that the IPOA-Capacity (International Plan of Action for the Management of Fishing Capacity) committed the EU, no later than 2005, to develop and implement a system for the management of fishing capacity; requests the Commission to explain why it appears to be pursuing contradictory approaches to the management of capacity by proposing a freeze in certain RFMOs while proposing to remove the main regulatory limits to capacity within the EU's fleets; requests the Commission to promote bilateral and multilateral mechanisms for the adjustment of fishing capacity to the available resources, which are identified as necessary for the sustainable exploitation of resources by all fleets that operate in these areas;

9. Considers that the objectives and principles of the external dimension of the CFP should be enshrined in the Basic Regulation;

**General Provisions**

10. Underlines that the maintenance of the present fishing agreements and the search for new fishing opportunities in third countries must be a priority objective of external fishing policy, recognising that when the EU fleet ceases to operate in the fisheries of a third country, such fishing rights are normally redistributed among other fleets that have much lower standards of conservation, management and sustainability than those advocated and defended by the EU;
11. Urges the Commission to support clearly defined principles and objectives for environmentally, economically and socially sustainable fisheries on the high seas and in waters under national jurisdiction at all international forums to which the EU is a party, and to rapidly and effectively implement decisions made there;

12. Stresses that the EU should develop a specific strategy in the field of fisheries and management of living marine resources, involving all non-European Mediterranean coastal states;

13. Urges the Commission to drive forward the global and multilateral agenda promoting sustainable fisheries and the conservation of marine biodiversity, while transforming its dialogues with countries such as the USA, Japan, Russia and China and other third countries with a strong fishing presence in the world’s oceans, into effective partnerships to address crucial issues such as the eradication of illegal, unreported and unregulated (IUU) fishing, the reduction of both over-fishing and fleet capacity where necessary, and the strengthening of high seas control and governance in line with the principles of UNCLOS and other relevant instruments;

14. Urges the Commission to promote international law, notably UNCLOS and participation in ILO conventions and to monitor compliance with these rules; encourages the Commission to cooperate with third countries in all appropriate forums, especially in RFMOs;

15. Believes that the EU should launch an initiative at UN level to set up a global catch and traceability documentation scheme for all major fish species that enter international trade, founded on the principle of flag State responsibility and compatible with the IUU regulation, as a key tool to strengthen compliance with existing conservation and management measures and combat IUU fishing so as to promote responsible consumption;

16. Calls for the Commission to be more vigorous in applying Council Regulation (EC) No 1005/2008 on IUU fishing, particularly in relation to the contracting parties of the RFMOs that do not actively collaborate in establishing and applying the principal mechanisms of the campaign against IUU fishing;

17. Considers that the EU should be active within the UN system to explore means for the global community to address:

— the need for more regionalised and integrated global ocean governance, regarding both living marine resources and other resources,

— pollution and the impacts of climate change on the oceans, including the protection and rehabilitation of precious blue carbon sinks, and

— social standards and working conditions;

18. Notes the importance of the negotiations in the World Trade Organisation (WTO) on subsidy discipline in the fisheries sector, and calls on the EU to play a more active role in these discussions;

19. Notes the need to create mechanisms for promoting fishery products that are sustainably sourced from an ecological perspective, and fair from a social perspective, within the EU and beyond;

20. Notes that one of the priority objectives of the external dimension of the CFP must be to guarantee the future of the European long-distance fleet, particularly in so far as it holds fishing rights that have served as the basis for the economic and social development of the countries in which it operates;

**Bilateral Fisheries Agreements**

21. Considers that bilateral fisheries agreements, or Sustainable Fisheries Agreements (SFA) as the Commission proposes to call them, negotiated between partners and equitably implemented, should be based on responsible and sustainable exploitation of resources by EU vessels and be of benefit to both parties, facilitating the provision of economic resources, technical and scientific expertise and support for improved fisheries management and good governance to the third country, while enabling the continuation of fishing activities that are socio-economically important and a source of supply for the EU and for the markets of certain developing countries, for both fresh and processed products;
22. Calls for the EU to aim at concluding, as soon as possible, Sustainable Fisheries Cooperation Agreements with neighbouring countries where the EU provides funding and technical support in order to achieve a more concerted and coherent policy, with the aim of achieving a harmonised and sustainable fisheries policy in all shared sea basins, thereby increasing the effectiveness of the CFP in all the regions concerned; calls for these agreements to be concluded in the spirit of fair and equitable cooperation and respect for human rights, and to aim at sharing responsibilities fairly between the Union and the respective partner country;

23. Calls for the EU, in order to improve both cooperation with neighbouring countries and the management of shared stocks, to seek to conclude sustainable fisheries cooperation agreements with these countries which should aim not at obtaining fishing rights for EU vessels but at achieving a situation where the EU could provide funding and technical support with the aim of attaining comparable sustainable management rules as the EU in the third partner country;

24. Recalls that in evaluating the impact of what are now called Sustainable Fisheries Agreements (SFAs), it is important to correctly distinguish between the aid directed at developing the fisheries sector in third countries and that which results from paying for fishing rights;

25. Regrets, however, that EU bilateral agreements have not always achieved the above-mentioned potential benefits, and highlights the need to conduct impact assessments for the outermost regions, whenever these are involved, taking account of Article 349 of the Treaty, while recognising that much improvement has been made since the previous reform; considers that improved scientific stock assessment, transparency, compliance with objectives, benefits for the local population, and improving governance of fisheries are key for successful agreements;

26. Welcomes the intention of the Commission to include several provisions in future bilateral agreements, including: respect for the principle of limiting access to resources that are scientifically demonstrated to be surplus for the coastal State in line with the provisions of UNCLOS; safeguarding human rights in line with international agreements on human rights; and an exclusivity clause, though this must be strengthened and formally recognised through agreements, ensuring in all cases the strictest respect for democratic principles;

27. Considers that EU bilateral agreements must respect not only Article 62 of UNCLOS regarding surplus stocks but also Articles 69 and 70 on the rights of landlocked and geographically disadvantaged states within the region, especially with respect to the nutritional and socio-economic needs of local populations;

28. Takes the view that the clause on human rights must be implemented without discrimination and must apply equally to all countries, not only to fishing agreements but also to trade agreements; considers that through the WTO we must work towards penalising production in countries that have yet to recognise human rights or use child labour in manufacturing production, as well as discriminating against women by not rewarding or recognising their activities and their economic contribution in fisheries and aquaculture;

29. Encourages implementation of integrated ecosystem-based management in new and existing agreements;

30. Considers that the increased contribution made by undertakings to future fishing agreements must be in line with a greater capacity to influence the individual sector under the technical measures and standards that the Commission negociates in such agreements;

31. Considers that the Fishing Authorisations Regulation should be amended so that EU-flagged vessels which have temporarily left the register of a Member State to seek fishing opportunities elsewhere are not allowed to benefit for a period of 24 months from fishing opportunities under the SFA or the protocols in force at the time when they left the register if they subsequently return to an EU register; considers that the same should apply to temporarily relagging while fishing under RFMOs;
32. Considers that the currently used social clause should be strengthened to include respect for International Labour Organisation (ILO) Convention 188, ILO Recommendation 199 on work in fishing, as well as the eight ILO Fundamental Conventions (1), and ensure that working conditions for crew members domiciled outside the EU and working on board vessels flying an EU flag should be equal to those of workers domiciled in the EU;

33. Believes that SFAs should contribute to sustainable development in third partner countries and encourage the local private sector, with a particular emphasis on small-scale fisheries and SMEs, and to this end calls for the increased employment of local fishermen and the development of local, sustainable processing industries and marketing activities;

34. Encourages the Commission in its endeavours to obtain increasingly complete and reliable data from the coastal state on the total amount of fishing, including catches, occurring in its waters, as a requirement for the difficult task of identifying surplus and preventing over-exploitation; notes that the EU fisheries and development policies could promote the necessary improvements in the capacity of third countries to provide such information;

35. Calls, furthermore, on the Commission to promote greater transparency in establishing the scale of exploitation of fish stocks in waters under the jurisdiction of coastal states;

36. Reaffirms that, in accordance with the principle of respecting the traditional link between coastal communities and the waters they have historically fished, EU vessels should not compete with local fishermen for the same resources or on the local markets, and that cooperation between local and EU operators should be facilitated, hence stressing the need for an accurate calculation of the surplus;

37. Believes that the EU must make increased efforts to help provide third countries with which it negotiates bilateral agreements with sufficient data and information for reliable stock assessments, and that providing European funding for a scientific research vessel in regions where the EU fleet is active would considerably strengthen scientific analyses on fish stocks, which is a prerequisite for any SFA;

38. Requests that the research campaigns conducted by vessels of different Member States in areas that are fished by the EU fleet be encouraged as much as possible and conducted in cooperation with the coastal states concerned, including providing access for local scientists; calls for greater cooperation among the Member States and the Commission in this regard, and for increased funding to expand scientific research in waters outside the EU;

39. Believes that, at the same time, efforts should be increased to obtain the necessary data from third countries with which the EU has bilateral fishing agreements, in order to assess the effectiveness of the agreement and whether conditions are met, e.g. that it should benefit the local population;

40. Highlights the importance of the joint scientific groups responsible for providing scientific opinions on the state of fishing resources on the basis of the best information available in order to avoid overfishing, given that the fishing sector, and particularly the artisanal fishing sector, plays a major role in safeguarding food security in many developing countries; insists that those groups should have appropriate financial, technical and human resources to enable them to carry out their tasks and work together with the RFMOs;

41. Calls upon the Commission to promote the strengthening of targeted scientific and technical cooperation in general in SFAs, including by enhancing the role of the Joint Scientific Committees; also calls for efforts to be made to create harmony among the sanitation and hygiene conditions of the EU and third countries;

42. Fully supports the concept of decoupling financial compensation for access to fisheries resources from sectoral support for development; firmly insists that shipowners should pay a fair and market-based portion of the costs when acquiring access rights in the framework of a bilateral fisheries agreement; requests that a detailed analysis be made of the portion to be paid by shipowners for a fishing authorisation, including potential catches and operating costs; believes that improved supervision of sectoral support is imperative, including the possibility of suspension of payments in cases of failure to fulfil commitments by the coastal state;

(1) The Forced Labour Convention, 1930 (No 29), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No 87), the Right to Organise and Collective Bargaining Convention, 1949 (No 98), the Equal Remuneration Convention, 1951 (No 100), the Abolition of Forced Labour Convention, 1957 (No 105), the Discrimination (Employment and Occupation) Convention, 1958 (No 111), the Minimum Age Convention, 1973 (No 138), the Worst Forms of Child Labour Convention, 1999 (No 182).
43. Insists that the financial item intended to provide sectoral support must be more effective and achieve increased, improved-quality results, in particular by focusing on scientific research, data collection and the monitoring and management of fishing activities;

44. Calls on the Commission to ensure that allocations for sectoral support in the framework of the SFAs are aimed at supporting the administrative and scientific capacity of third countries and assisting small and medium-sized enterprises, strengthen the EU's development cooperation objectives, and are in line with the signatory country's national development plan; calls for such allocations not to replace the cooperation on fisheries provided for in other agreements or cooperation instruments, but, rather, complement it in a coherent, transparent, effective and better targeted fashion;

45. Urges the Commission, during the negotiations on SFAs, to seek to ensure that the coastal state dedicates a minimum part of the sectoral support for development granted under the SFA to projects which have as their objective the recognition, promotion and diversification of women's role in the fisheries sector, ensuring the application of the principle of equal treatment and opportunities for women and men concerning in particular training and access to funding and loans;

46. Believes that sectoral support for development must be taken into consideration when taking the relevant decisions for the future;

47. Insists that the Commission closely monitor the implementation of bilateral agreements, with annual reports being sent to Parliament and the Council, and that evaluations performed by external, independent experts be sent to the co-legislators in due time prior to the negotiation of new protocols, all of which should be in the public domain, subject to the relevant data protection rules and available in at least three official languages of the EU;

48. Underlines the need for Parliament to be adequately involved in the preparation and negotiating process and the long-term monitoring and assessment of the functioning of bilateral agreements according to the provisions of the TFEU; insists that Parliament be immediately and fully informed on an equal footing with the Council at all stages of the procedure related to FPAs, pursuant to Articles 13(2) and 218(10) TFEU; recalls its conviction that Parliament should be represented by observers at the Joint Committee meetings envisaged in fisheries agreements, and insists that civil society, including both EU and third country fisheries representatives, also attend as observers in those meetings;

49. Supports the introduction of scientific audits to evaluate fish populations prior to negotiating agreements and calls for the third country to provide notification of the fishing effort of the fleets of other countries in its waters in order for these objectives to be effective;

50. Is convinced that full transparency on catches, payments and implementation of sectoral support will be an indispensable tool for developing responsible and sustainable fishing based on good governance, the fight against the improper use of EU support and against corruption;

51. Emphasises, too, the need to improve transparency both during the negotiation and the lifetime of the Fisheries Agreements, on behalf of both the EU and third countries;

52. Insists that Member States report catches to coastal states on a daily basis and comply fully with rules applicable in the waters of partner countries;

53. Strongly believes that the Commission should make sure that negotiations with third countries envisaging new agreements or protocols to bilateral fishery agreements are initiated well in advance of the expiry date of such provisions; in this context, underlines the importance of the early involvement of Parliament to avoid the provisional application of such provisions which lead to irreversible faits accomplis which do not serve the interest of the EU or of the third country;

54. Believes that the European fishing industry should take over a considerable financial share of the costs when acquiring access rights to non-EU fishing zones in the framework of a bilateral or multilateral fisheries agreement;
55. Believes that there should be a regional approach to the negotiation and implementation of the EU’s bilateral agreements, particularly in those concerning the tuna boat fleet, and, where appropriate, a clear link between the terms they contain and the management measures and performance of the relevant RFMOs;

56. Feels compelled to express its unease to the Commission, at regional level, regarding the clear reversal of policy in measures concerning the hiring of seafarers, since in the majority of cases there is a reversion to the unsustainable policy of contracting these crew members by their nationality, rather than by their origin in ACP countries in general;

57. Takes the view that bilateral conventions should be introduced to encourage Union fisheries investments in countries where at present there are no association agreements, because there are no excess fishing opportunities, and to contribute as a result towards sustainable fishing; also considers that, in these cases, coordination between European development funding and the funding of bilateral agreements should be a top priority;

**Regional Fisheries Management Organisations (RFMOs)**

58. Urges the EU to take the lead in strengthening RFMOs in order to improve their performance, including through regular reviews by independent bodies of the extent to which they achieve their objectives, and to ensure that the recommendations made in such reviews are rapidly and fully implemented; urges that the EU work to ensure that all RFMOs have an effective compliance committee, and believes that proven cases of lack of compliance by states must lead to dissuasive, proportionate and non-discriminatory sanctions, including reductions in quotas, effort, capacity allowed, etc.;

59. Calls on the Commission to allocate greater funding to the RFMOs, since they have a crucial role to play in combating illegal, undeclared and unregulated fishing;

60. Considers that the EU should work towards an improved system of decision-making in RFMOs so as to move beyond the ‘lowest common denominator’ approach that can result from consensus, while recognising the need for debate before resorting to voting where no consensus is achievable; considers that multiannual plans should be promoted;

61. Takes the view that the Union must coordinate its fisheries and development policies better and engage in systematic, long-term and in-depth dialogues and partnerships with other flag, market and coastal states in order to achieve improved fisheries management and food security worldwide;

62. Calls on the Commission to take the lead to promote the creation of a comprehensive network of coverage of RFMOs so that all high seas fisheries are effectively managed with the ecosystem and precautionary approaches that foster the conservation of resources; to that end, recalls its support for the establishment of new RFMOs where none exist and an increase in the competence of existing RFMOs by a revision of their conventions;

63. Notes that as a consequence of climate change and shifts in distribution of species, new fishing grounds are opening up in Arctic waters; considers that the EU should take initiatives to ensure that fishing operations are effectively managed (by existing RFMOs or the creation of a new one) for sustainable management and conservation of stocks in these waters; believes that fishing should initially be restricted to allow for scientific assessments of Arctic stocks and the fisheries they can sustainably support;

64. Notes that the Black Sea would profit from a new RFMO, and urges the Commission to propose its creation;

65. Believes that RFMOs must develop sustainable management systems, aiming to keep stocks above MSY, that provide for a transparent and equitable resource allocation using incentives based upon environmental and social criteria, as well as historical catches, to obtain fishing opportunities, thus including both the legitimate rights/aspirations of developing states as well as the expectations of fleets that have sustainably fished in those waters, while ensuring that management and conservation measures are fully implemented by all members;
66. Is firmly opposed to the EU promoting the adoption of Transferable Fishing Concession (TFC) schemes in RFMOs; considers that any system of rights-based management adopted in RFMOs should not jeopardise the livelihood of dependent fishing communities in developing countries;

67. Believes that good governance will be brought about through the involvement of all parties concerned, from preparing the policies through to their introduction;

68. Requests that a detailed assessment be conducted of the fishing capacity of EU fleets authorised to fish outside EU waters, using reliable indicators of the ability of vessels to catch fish, considering advances in technology and taking as their basis the recommendations of the 1999 FAO Technical Consultation on the measurement of fishing capacity (1); believes that the EU should identify the RFMOs where there are problems of overcapacity, and ensure freezing and adjustment of fleet capacity with special consideration for the rights of coastal countries;

Other Aspects of the External Dimension

69. Believes that even though the external activities of EU businesses may exceed the external dimension of the common fisheries policy, trade activities and the private agreements between EU shipowners and third countries, including those conducted under the framework of bilateral cooperation policies, must be legitimately respected and protected as long as they are conducted within the framework of international law;

70. Considers that European fisheries investments should be included as a third component in the external dimension of the CFP, together with fishing agreements and the RFMOs, and that the CFP must encourage sustainable external fisheries investment;

71. Believes that the CFP must promote strategies for Corporate Social Responsibility, in order to fully assume our social responsibilities in line with the EU Strategy 2011–2014 for Corporate Social Responsibility;

72. Believes that information on private agreements between EU shipowners and third countries, as well as on joint ventures in third countries, including the number and type of vessels operating under such agreements and joint ventures, as well as their catches, should continue to be provided by the Member State to the Commission and made publicly available, subject to individual and commercial data protection rules, as laid down by the Fishing Authorisations Regulation;

73. Calls on the EU to promote a global and multilateral agenda that will incorporate responsibility as part of developing sustainable fisheries activity;

74. Calls upon the Commission and the Member States to give serious consideration to methods for creating strong incentives for EU-flagged vessels to remain on the EU register unless they are to be relagged to states in good standing in all relevant RFMOs; considers that the best way to achieve this is to ensure that there is fair competition between EU flags and the flags of non-EU states by requiring the same standards in terms of ecological and social sustainability from third countries, both bilaterally and multilaterally, as well as by the use of market-related measures;

75. Expresses its impatience with the Commission for not having added vessels to be included on the EU IUU list other than those listed by the RFMOs, nor having proposed a list of non-cooperating countries, despite the IUU Regulation having been in force for over two years, and urges it to do so as soon as possible; insists on the need to seek support from our principal partners in order to eradicate IUU fishing in all oceans;

76. Insists that the Commission, rather than third countries, be the authority to grant phyto-sanitary certificates to third country vessels that allow the direct export of fishery products to the EU;

77. Points to the need to adopt an individually tailored approach to management of EU external fleet capacity ceilings, working together with the RFMOs, and to take into account the different context in which this segment of the fleet operates;

(1) ftp://ftp.fao.org/docrep/fao/007/x4874e/x4874e00.pdf
78. Encourages banks and other lending institutions to incorporate assessments of the economic, social and environmental sustainability of activities, and not simply their short-term profitability, prior to granting access to capital;

79. Believes that the EU’s trade policy should also contribute to ensuring sustainable fishing worldwide through promoting adherence to the relevant international conventions and agreements relating to fisheries governance in the framework of preferential trade agreements;

80. Calls on the Commission to ensure that fair, transparent and sustainable trade in fish is strengthened in the EU’s bilateral and multilateral trade agreements;

81. Considers that, at the same time, incentives should be drawn up for third countries that do not share EU standards to adopt good practices, and where applicable to establish trade measures such as banning imports of illegal, unreported and unregulated (IUU) fish products, and of aquaculture and fisheries products that do not comply with human rights and the United Nations conventions on employment (ILO) and navigation (IMO);

82. Urges the Commission to promote international collaboration against IUU fishing and to examine whether any possibility exists vis-à-vis the two other countries that together with the EU form the principal fisheries markets in the world, namely the USA and Japan, so that one way of completing this action would consist in the application of a Unique Identifying Number for all vessels to ensure the total traceability of the product in an entirely transparent way;

83. Underlines that serious and systematic infringement by a partner country of the objectives adopted by RFMOs or any international arrangements to which the EU is party concerning the conservation and management of fishery resources can lead to a temporary withdrawal of preferential tariffs; calls on the Commission to regularly report to Parliament on the implementation of the provisions related to fisheries conservation and management included in its proposal for the revised scheme of generalised tariff preferences (GSP);

84. Considers that the EU must ensure that products imported through international trade comply with rules and regulations that are identical to those for EU products;

85. Calls on the Commission to ensure that fish and fishery products from third countries meet the same sanitary and hygiene conditions and come from sustainable fisheries, and thus to create a level-playing field between EU and non-EU countries’ fisheries;

86. Calls on the Commission to further streamline EU policy regarding development, trade and fisheries policy objectives;

87. Insists that bilateral and multilateral trade agreements negotiated by the EU should:

— be accompanied by economic, social and environmental impact assessments with respect to the threat of over-exploitation of resources, for both non-EU and EU countries, taking into account the networks already created by pre-existing agreements,

— respect rules of origin,

— require traceability of the product to ensure it comes from legal and sustainable fisheries,

— not undermine the IUU Regulation or other provisions of the CFP,

— include provisions to ensure that only fisheries products coming from well-managed fisheries are traded,

— not lead to increased trade, which would result in over-exploitation and depletion of resources,

— ensure that unsustainably caught products do not enter the EU market,

— include provisions for suspension and review of the payment of the financial contribution as well as provisions on the suspension of the implementation of the protocol in the event of a breach of essential and fundamental human rights provisions, as laid down for example in Article 9 of the Cotonou Agreement, or non-compliance with the ILO Declaration of Fundamental Principles and Rights at Work;
88. Recalls that due to the different legislations of many of the EU’s trade partners, the issue of rules of origin and their cumulation is a controversial and sensitive subject in trade negotiations; calls on the Commission, therefore, to give specific consideration to the matter and to negotiate balanced solutions which do not penalise the EU fishery sectors;

89. Welcomes the Commission’s proposals for trade-related measures such as import restrictions on fish and fishery products to be applied to countries allowing non-sustainable fishing while ensuring their compatibility with the rules of the WTO;

90. Urges the EU to develop and implement ocean- and sea-based regional strategies, particularly for those in which sustainable fisheries can only be guaranteed through international cooperation;

91. Instructs its President to forward this resolution to the Council and the Commission.

**Elections to the European Parliament in 2014**


(2015/C 419/27)

The European Parliament,

— having regard to Articles 10 and 17 of the Treaty on European Union,

— having regard to Articles 10 and 11 of the Act concerning the election of the members of the European Parliament by direct universal suffrage annexed to the Council decision of 20 September 1976, as amended (1),

— having regard to the statement by the Commission of 22 November 2012 on the elections to the European Parliament in 2014,

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

A. whereas citizens are directly represented at Union level by Members of the European Parliament;

B. whereas political parties at European level contribute to forming European political awareness and to expressing the will of the citizens of the Union;

C. whereas the President of the European Commission is elected by Parliament on a proposal from the European Council, acting by a qualified majority, which must take into account the result of the elections to Parliament and which must have held the appropriate consultations before making its nomination;

D. whereas the Commission, as a body, shall be responsible to the European Parliament;

E. whereas the new Parliament needs sufficient time to organise itself in advance of the election of the Commission President;

F. whereas for the new Commission to be ready to take office on 1 November 2014, the election of the Commission President should take place at Parliament’s constituent part-session in July 2014;

G. whereas Parliament votes its consent to the appointment of the whole college of Commissioners after having heard the candidates proposed by the Council, in common accord with the President-elect, on the basis of suggestions made by the Member States;

1. Urges the European political parties to nominate candidates for the Presidency of the Commission and expects those candidates to play a leading role in the parliamentary electoral campaign, in particular by personally presenting their programme in all Member States of the Union; stresses the importance of reinforcing the political legitimacy of both Parliament and the Commission by connecting their respective elections more directly to the choice of the voters;

2. Calls for as many members of the next Commission as possible to be drawn from Members of the European Parliament, to reflect the balance between the two chambers of the legislature;

3. Calls on the future President of the Commission to ensure that a gender balance is achieved in the European Commission; recommends that each Member State propose both a female and a male candidate for the next College of Commissioners;

4. Considers, in view of the new arrangements for the election of the European Commission introduced by the Treaty of Lisbon and the changing relationship between Parliament and the Commission which will stem from them as from the elections in 2014, that reliable majorities in Parliament will be of paramount importance for the stability of the Union’s legislative procedures and the good functioning of its executive, and therefore calls on the Member States to establish in their electoral law, in accordance with Article 3 of the Act concerning the election of the representatives of the Assembly by direct universal suffrage, appropriate and proportionate minimum thresholds for the allocation of seats so as to duly reflect the citizens’ choices, as expressed in the elections, while also effectively safeguarding the functionality of Parliament;

5. Asks the Council to consult Parliament on holding the elections on either 15-18 May or 22—25 May 2014;

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

The European Parliament,

— having regard to its previous resolutions on Iran, in particular those concerning human rights,

— having regard to the statement of 23 October 2012 by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) on ten recent executions in Iran,

— having regard to the statement of 11 November 2012 by the spokesperson of the VP/HR on the death in custody of the Iranian blogger Sattar Beheshti,

— having regard to the report of 13 September 2012 by the UN Special Rapporteur on the Situation of Human Rights in Iran,
having regard to the release from prison of Pastor Youcef Nadarkhani in September 2012,

— having regard to UN General Assembly resolutions 62/149 of 18 December 2007 and 63/168 of 18 December 2008 on a moratorium on the use of the death penalty,

— having regard to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the Convention on the Rights of the Child (CRC), to all of which Iran is a party,

— having regard to Rule 122(5) and to Rule 110(4) of its Rules of Procedure,

A. whereas the current human rights situation in Iran is characterised by an ongoing pattern of systematic violations of fundamental rights; whereas human rights defenders (in particular women's, children's and minority rights activists), journalists, bloggers, artists, student leaders, lawyers, trade unionists and environmentalists continue to live under severe pressure and the constant threat of arrest;

B. whereas the blogger Sattar Beheshti, who criticised the Iranian regime on the internet, was arrested on 30 October 2012 by the specialised cyber police unit — known as Fata — for alleged cyber crimes, and died in custody; whereas the exact circumstances of his death are not yet established, and whereas several reports indicate that he died as a result of torture in an Iranian detention facility;

C. whereas members of the family of Sattar Beheshti living in Iran have been threatened with arrest if they speak to the media about his death or file a lawsuit against the alleged torture culprits;

D. whereas the death of Sattar Beheshti is another tragic example of the systematic and ongoing torture, ill-treatment and denial of basic rights to which prisoners of conscience in Iran are routinely subjected while security and intelligence agents operate in an atmosphere of complete impunity;

E. whereas, after several days of silence on the death of Sattar Beheshti, the Iranian judiciary's Human Rights Council declared its commitment to review all aspects of the case and to prosecute with vigour all persons involved in the case;

F. whereas Iranian Deputy Parliamentary Speaker Mohammad Hasan Abutorabifard declared on 11 November 2012 that the Iranian Parliament's Committee on National Security and Foreign Policy would investigate the case;

G. whereas the UN Special Rapporteurs on the situation of human rights in Iran, on summary executions, on torture and on freedom of expression have welcomed the Iranian Parliament's and judiciary's decisions to investigate Mr Beheshti's death, while also noting that a number of cases have been reported in Iran in which detainees allegedly died in custody as a result of mistreatment or torture, lack of medical attention or neglect;

H. whereas on 22 October 2012 Saeed Sedighi and nine other men were executed on charges of drug offences; whereas most of these men did not receive a fair trial and were subjected to torture during their detention;

I. whereas, following Mr Sedighi's execution, the authorities warned his family members not to speak to the media and barred them from holding a public funeral ceremony after his burial;

J. whereas a dramatic increase in executions, including of juveniles, has been recorded in Iran in recent years, with over 300 executions registered since the beginning of 2012; whereas the death penalty is regularly imposed in cases where the accused are denied their due-process rights and for crimes that do not fall into the category of 'most serious crimes' under international standards;

K. whereas the Iranian authorities continue their efforts to build a 'halal internet', effectively denying Iranians access to the World Wide Web, and to use information and communication technologies to crack down on fundamental freedoms, such as the freedoms of expression and assembly; whereas Iran restricts internet freedom by putting limits on available bandwidth by developing state-run servers and specific internet protocols (IPs), internet service providers (ISPs) and search engines, and by blocking international and domestic social networking sites;
1. whereas the 2012 Sakharov Prize for Freedom of Thought has been awarded to two Iranian activists, the lawyer Nasrin Sotoudeh and the film director Jafar Panahi; whereas Nasrin Sotoudeh is serving a jail sentence for her work to highlight human rights abuses in Iran and has embarked on a hunger strike after being refused family visits; whereas Jafar Panahi is appealing a six-year jail sentence, a 20-year ban on film-making and a travel ban imposed on him;

1. Expresses grave concern over the steadily deteriorating human rights situation in Iran, the growing number of political prisoners and prisoners of conscience, the continuously high number of executions, including of juveniles, the widespread torture, unfair trials and exorbitant sums demanded for bail, and the heavy restrictions on freedom of information, expression, assembly, religion, education and movement;

2. Is deeply concerned about the death in prison of Sattar Beheshti; urges the Iranian authorities to conduct a thorough enquiry into the case, in order to establish the exact circumstances of his death;

3. Is deeply concerned by the reports indicating that Sattar Beheshti was tortured in prison; urges the Iranian authorities to ensure that an inquiry is held in each case of alleged torture and cruel, inhuman or degrading treatment in detention facilities, and that perpetrators are held accountable for their acts; recalls that the use of corporal punishment — which amounts to torture — is incompatible with Article 7 of the ICCPR;

4. Strongly condemns the use of the death penalty in Iran and calls on the Iranian authorities to institute a moratorium on executions pending the abolition of the death penalty, in accordance with UN General Assembly Resolutions 62/149 and 63/168; urges the Iranian Government to prohibit the execution of juveniles and to consider commuting all capital sentences for juveniles currently facing a death sentence; urges the Iranian Government to publicise statistics on the death penalty and facts on the administration of justice in death penalty cases;

5. Deeply deplores the lack of fairness and transparency of the judicial process and the denial of due-process rights in Iran; calls on the Iranian authorities to guarantee a stringent respect of fair trial and due process to all detainees, as stipulated in the ICCPR;

6. Urges the Iranian authorities to release all political prisoners and prisoners of conscience, including Nasrin Sotoudeh, co-Sakharov Prize winner together with Jafar Panahi, and to allow them to come to the European Parliament in December 2012 to collect their prizes; expresses its concern about the deteriorating health condition of Nasrin Sotoudeh; calls on Iran's judiciary and prison authorities to end the mistreatment of Nasrin Sotoudeh; expresses its sympathy and full solidarity with the requests of Nasrin Sotoudeh; calls on Iran's authorities to allow all prisoners access to lawyers of their choice, necessary medical care and family visits, to which they are entitled under international human rights law, and to treat them with dignity and respect;

7. Calls on the Iranian authorities to accept peaceful protest and to address the numerous problems facing the Iranian people;

8. Calls on the Iranian authorities to guarantee religious freedom in accordance with the Iranian constitution and the ICCPR;

9. Urges the Iranian authorities to demonstrate that they are fully committed to cooperating with the international community in improving the human rights situation in Iran, and calls on the Iranian Government to fulfil all its obligations, both under international law and under the international conventions it has signed;

10. Believes that a visit by a special UN Rapporteur may help to establish an overview of the human rights situation in Iran; notes with concern that Iran has not accepted any visits by UN special rapporteurs or by the High Commissioner for Human Rights since 2005; calls on Iran to honour its stated intention to allow a visit during 2012 by the UN Special Rapporteur for Human Rights in Iran, Dr Ahmed Shaheed;
11. Calls on the Commission, in close cooperation with Parliament, to make effective use of the new Instrument for Democracy and Human Rights in order to support democracy and respect for human rights in Iran, including freedom of expression online;

12. Calls on EU Representatives and the VP/HR to encourage the Iranian authorities to re-engage in a human rights dialogue; reaffirms its readiness to engage in a human rights dialogue with Iran at all levels on the basis of the universal values enshrined in the UN Charter and in international conventions;

13. Supports the EU's dual-track approach to Iran (combining sanctions with diplomacy) but, at the same time, is concerned about the negative effects of wide-reaching sanctions against Iran on the Iranian people, including a rise in inflation and a shortage of necessary items, in particular medicine;

14. Calls on the Council to reinforce targeted measures against Iranian individuals and entities, including state institutions, that are responsible for or involved in grave human rights violations and restrictions of fundamental freedoms, particularly through the misuse of ICTs, the internet and media censorship; calls on the Commission and the Member States to ensure that all assets in the EU, including real estate, belonging to Iranians targeted by the restrictive measures are seized and frozen;

15. 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 Council, the Commission, the governments and parliaments of the Member States, the UN Secretary-General, the UN Human Rights Council and the Government and Parliament of the Islamic Republic of Iran, and to have this resolution translated into Farsi.

P7_TA(2012)0464

Situation in Burma, particularly the continuing violence in Rakhine State

European Parliament resolution of 22 November 2012 on the situation in Burma/Myanmar, particularly the continuing violence in Rakhine State (2012/2878(RSP))

(2013/C 419/29)

The European Parliament,

— having regard to its previous resolutions on Burma/Myanmar, in particular those of 20 April 2012 (1) and 13 September 2012 (2),

— having regard to the report of 24 August 2012 by the UN Special Rapporteur on the situation of human rights in Burma/Myanmar,

— having regard to Council decision 2012/225/CFSP of 26 April 2012,

— having regard to the statement by President Thein Sein to the Burmese Parliament of 17 August 2012 concerning the situation in Rakhine State,

— having regard to the statement by the UN Secretary-General of 25 October 2012 on the situation in Burma/Myanmar's Rakhine State,

— having regard to the statement by the spokesperson of the High Representative Catherine Ashton of 26 October 2012 on the renewed violence in Rakhine State in Burma/Myanmar,

— having regard to the Joint Declaration signed on 3 November 2012 by the President of the European Commission, Jose Manuel Barroso, and the Minister of the Office of the President of Myanmar, Mr U Aung Min, at the Burma/Myanmar Peace Centre in Yangon,

having regard to the appeal by the UN High Commissioner for Human Rights, Navi Pillay, to the Government of Burma/Myanmar of 9 November 2012, asking it to take the necessary steps towards granting the Rohingya citizens' rights and equal treatment,

— having regard to the letter from President Thein Sein to UN Secretary-General Ban Ki-moon of 16 November 2012, in which the President of Burma/Myanmar pledged to consider granting citizenship to the stateless Rohingya Muslims,

— having regard to the 1951 UN Convention on the Status of Refugees and the 1967 Protocol thereto,

— 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 declarations by various representatives of the Burmese Government and opposition, including Aung San Suu Kyi, denying the Rohingya ethnic minority citizens' rights and minimising the responsibility of the state authorities in the recent violent clashes,

— having regard to the declaration by Burma/Myanmar's National Human Rights Commission of August 2012, stating that the persecution of Rohingya and the events in Rakhine State do not pertain to its responsibility,

— having regard to Rule 122(5) and 110(4) of its Rules of Procedure,

A. whereas since early 2011 the Burmese Government has taken significant steps to restore civil liberties, yet the recent atrocities in Rakhine State underline the enormous difficulties still to be overcome;

B. whereas the situation in Rakhine State remains tense, with at least 110,000 people having been forced to flee their homes since June 2012, and with 89 people killed and more than 5,300 homes and religious buildings destroyed since violence reignited in October;

C. whereas most of the displaced are Rohingya, living in camps in unacceptable conditions, with severe overcrowding, alarming levels of child malnutrition, totally inadequate water supply and sanitation, almost no schooling available and without adequate humanitarian access;

D. whereas a state of emergency, which allows the introduction of martial law, has been in place in Rakhine State since the communal clashes began in June 2012, and in late October 2012 the Government declared a curfew in the affected areas and deployed additional security forces — measures which have so far failed to stop the violence;

E. whereas discrimination against the Rohingya minority persists; whereas local authorities have reportedly been complicit in the attacks against Rohingya and are pursuing an active policy of expelling them from the country; whereas the international community has urged the Burmese Government to review its 1982 Citizenship Law to ensure that the Rohingya are no longer stateless and the roots of longstanding discrimination against the Rohingya population are dealt with;

F. whereas Rakhine is the second-poorest state in Burma/Myanmar, itself one of the least developed countries in the world, and poverty and repression have played a role in fuelling the communal violence, as have the bitter historical memories of both communities;

G. whereas on 31 October 2012 three UN experts expressed their deep concern over continuing intercommunal violence in Rakhine State and called on the Government to address urgently the underlying causes of the tension and conflict between the Buddhist and Muslim communities in the region;

H. whereas the Government of Burma/Myanmar set up an investigative commission in August 2012, without including a representative of the Rohingya community, to look into the causes of the outbreak of sectarian violence and make proposals on how to put an end to it, but so far its work has been ineffective;
1. whereas, in the face of persistent violence, an estimated one million Rohingya have fled to neighbouring countries over the years, with some 300,000 seeking refuge in Bangladesh and 92,000 in Thailand, as well as an estimated 54,000 unregistered asylum-seekers in nine camps along the Thai-Myanmar border;

J. whereas at least 4,000 people have fled by boat to Sittwe, the capital of Rakhine State, where the government has separated Muslims, including Rohingya, from the rest of the population and relocated them to camps; and whereas at least 3,000 Rohingya are believed to have fled by sea to the Burma-Bangladesh border, where Bangladeshi security forces have been ordered since June to push back all persons approaching the border;

K. whereas European Commission President Jose Manuel Barroso offered Burma EUR 78 million in EU development aid during his visit to the Burmese capital, Nay Pyi Taw, and underlined that the EU stands ready to mobilise EUR 4 million for immediate humanitarian aid, provided access to the affected areas is guaranteed;

1. is alarmed at the resurgence of ethnic violence in Rakhine, which has caused many deaths and injuries, destruction of property and displacement of local populations, and expresses its concern that the intercommunal clashes may put at risk the country’s transition to democracy and could have wider repercussions across the entire region;

2. acknowledges the continuing political and civil rights reforms that are taking place in Burma, but urges the authorities to intensify their efforts, including through the release of the remaining political prisoners, and to address intercommunal violence and its consequences as a matter of urgency;

3. believes that the current upsurge in communal violence in Rakhine State is a consequence of longstanding discriminatory policies against the Rohingya; stresses that little has been done so far either to prevent or to address the root causes of communal tension and ethnic discrimination;

4. notes the Government’s assertions that it would carry out a full and independent investigation into the events and take action against the instigators of the violence; calls on the Government of Burma/Myanmar to take immediate measures to put an end to ethnic violence and discrimination and to bring the perpetrators of the violent clashes and other related abuses in Rakhine State to justice;

5. calls on all parties to find durable ways to resolve the issues between the communities, and renews its call on political forces to take a clear stand in favour of a pluralist society with an inclusive dialogue with local communities;

6. calls on the Government of Burma/Myanmar to end discriminatory practices against the Rohingya; reiterates its earlier calls for amendment or repeal of the 1982 Citizenship Law to ensure that the Rohingya have equal access to Burmese citizenship;

7. urges the Burmese authorities to take more vigorous action on the issues of citizens’ rights, notably access to education, work permits and freedom of movement for the Rohingya minority;

8. calls on the Government of Burma/Myanmar to provide UN agencies and humanitarian NGOs, as well as journalists and diplomats, with unhindered access to all areas of the country, including Rakhine State, and to give unrestricted access to humanitarian aid for all affected populations; further calls on the Burmese authorities to improve conditions in the Rohingya displacement camps as a matter of urgency;

9. calls on the EU and the Member States to provide humanitarian assistance and support the Burmese Government in its efforts to stabilise the situation and more rapidly implement reform programmes in ways which embed the rule of law, respect for human rights and political freedom;

10. welcomes the proposals made by the Rule of Law Committee of the Burmese Parliament and urges the Government to swiftly implement legislative, institutional, and policy reforms to end serious human rights violations in areas affected by ethnic and other armed conflicts and to tackle the ongoing impunity for human rights abuses, particularly where they are committed by state forces;
11. Welcomes the release on 17 September 2012 of 514 prisoners, including 90 political prisoners, and the release on
19 November 2012 of 66 prisoners, including at least 44 political prisoners, in an amnesty that coincided with the visit of
US President Obama to Burma/Myanmar; calls on the Burmese Government to release all remaining prisoners of
conscience, clarify exactly how many remain in detention and take steps to ensure the reintegration of released prisoners
into society;

12. Welcomes the Council conclusions on Burma/Myanmar of 23 April 2012, which include the suspension of
restrictive measures imposed on the Government, with the exception of the arms embargo, and the EU’s wish to continue
its support to the country's transition; whereas human rights issues are central to the EU’s concerns: assisting the reform
process, contributing to economic, political and social development and establishing the rule of law and fundamental
freedoms, in particular freedom of expression and assembly; welcomes in this connection the recent visit of the President
of the European Commission and the immediate increase in the Commission’s humanitarian funding for 2012 to help the
people of Rakhine State;

13. Instructs its President to forward this resolution to the Government and Parliament of Burma/Myanmar, the EU High
Representative, the Commission, the parliaments and governments of the Member States, the Secretary General of ASEAN,
the ASEAN Intergovernmental Commission on Human Rights, the Secretary General of the Commonwealth, the UN Special
Representative for Human Rights in Burma/Myanmar, the UN High Commissioner for Refugees and the UN Human Rights
Council.
— having regard to the statements by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) of 19 July 2012 and 3 November 2012 on Libya,

— having regard to the Report of the Secretary-General on the United Nations Support Mission in Libya, adopted on 30 August 2012,

— having regard to Rules 122(5) and 110(4) of its Rules of Procedure,

A. whereas Libya held its first democratic and free elections in July 2012 in a remarkably peaceful and orderly manner; whereas the country witnessed the first peaceful transfer of power in its history on 9 August 2012, from the National Transitional Council to the General National Congress, tasked with adopting a constitution and other essential legislative reforms;

B. whereas the first Libyan government formed following democratic elections in over fifty years was sworn in on 14 November 2012;

C. whereas Libya faces a post-revolutionary period, full of challenges ranging from security (disarmament, demobilisation and reintegration (DDR) of the revolutionary militias and reform of the national army, police, border and other state security forces), national reconciliation, transitional justice, and the enforcement of the rule of the law and of respect for human rights, to the need to embark on many other reforms of crucial importance to building democratic institutions and a democratic state;

D. whereas, historically, Libya has relied on migrant workers in sectors including health, education, agriculture, hospitality and cleaning services; whereas Libya is still a major hub for asylum-seekers and refugees fleeing conflict in Africa, Asia and the Middle East;

E. whereas the authorities’ capacity to control the arrival of people through most of the 4,378 km of Libya’s land boundaries is extremely limited;

F. whereas between 1.5 and 2.5 million foreigners worked in Libya during the rule of Colonel Gaddafi; whereas, from the beginning of the liberation on 17 February 2011, many migrants were forced into mercenary groups under Gaddafi’s rule and a large proportion of them are now in detention without trial or have fled the country; whereas, according to the International Organization for Migration (IOM), some 800,000 migrants had already fled the country towards neighbouring countries by the end of November 2011, but many have returned or arrived in the meantime;

G. whereas human rights abuses and violations are committed regularly in Libya against migrants, asylum seekers and refugees, and whereas undocumented foreigners continue to be at risk of exploitation, racism, arbitrary detention, beatings and torture, including while in detention;

H. whereas foreigners in Libya are still particularly vulnerable to abuse because of the security vacuum, the proliferation of weapons, the absence of national legislation on asylum and on migrant workers, the inadequate judicial system and weak governance; whereas foreign nationals, including pregnant women, women with young children and unaccompanied children held alongside adults, are held at a plethora of detention facilities that are specially designed for irregular migrants or held directly by militias;

I. whereas recent reports issued by the International Federation for Human Rights, Migreurop, Amnesty International and Justice Without Borders for Migrants (JWBM), based on a number of investigations in Libya in June 2012, highlight repeated mistreatment of migrants held in eight detention centres in Kufra, Tripoli, Benghazi and the Nafusa Mountain region;

J. whereas Libya has not yet ratified the 1951 UN Convention relating to the Status of Refugees;

K. whereas the UNHCR, though now present, does not yet have a legal status in Libya;

L. whereas some Member States have resumed talks with Libya on migration control;
M. whereas a fully functioning and democratic government in Libya is a prerequisite for the negotiation by the EU, the UN and other international partners of any cooperation agreements with Libya;

1. Welcomes the inauguration of the first Libyan Government deriving its legitimacy from democratic elections and encourages the members of the government to act decisively in order to build the foundations of a democratic, accountable and functioning state structure in Libya; calls on all international actors, in particular the EU, to stand ready to assist the Libyan Government and the General National Congress (GNC) in this daunting task;

2. Calls on Libya to adopt and enact legislation in line with its international obligations, in particular with regard to ensuring respect for universal human rights; acknowledges, however, that such efforts will require time, given that the new elected government has just been sworn in; recognises that overcoming the disastrous legacy of the oppressive Gaddafi regime will require determined action and proper training, until fully accountable rights-based legal, judicial and security systems are in place;

3. Expresses its concern about the particularly vulnerable security and human rights situation of foreigners currently in Libya, especially those coming from sub-Saharan and Eastern Africa in search of work or political asylum and those still in prison; is concerned, in particular, at the living conditions and treatment of migrant detainees in detention centres, particularly in Kufra, Tripoli, Benghazi and the Nafusa Mountain region;

4. Expresses deep concern about the extreme conditions of detention to which foreign persons, including women and children, are subjected — many of them victims of sexual and gender-based violence — and about their lack of recourse to an adequate legal framework and protection, causing indefinite detention and no possibility of appeal against deportation;

5. Urges the Libyan authorities to protect all foreign nationals, regardless of their immigration status, from violence, exploitation, threats, intimidation and abuse;

6. Calls on the Government of Libya and the GNC to forward appropriate legislation and instructions to all national and local structures in order to ensure fair treatment, non-discrimination and necessary protection for all refugees, asylum seekers and migrants, with special attention to the security and rights of women and children;

7. Expects the new Libyan authorities to ratify without delay the 1951 UN Convention relating to the Status of Refugees and the 1967 Protocol thereto, and adopt asylum legislation consistent with international law and standards;

8. Calls on the new Libyan authorities immediately to grant legal status to the UNHCR and facilitate its work; encourages closer cooperation between the EU, the UNHCR and other UN agencies involved in the post-conflict situation;

9. Calls on the new Libyan authorities to facilitate the work of any organisations which may help to protect and support asylum seekers, refugees and migrants;

10. Invites Libya to enact legislation in order to regulate the entry and stay of foreign nationals in the country, including a functioning asylum system; calls on the EU to provide Libya, its neighbour, with technical and political assistance in this task, including measures to improve the current detention facilities;

11. Invites Libya to enact a legal status for migrant workers in Libya, affording them full protection as regards respect for their human rights, including labour rights, in accordance with the relevant ILO standards;

12. Calls on the EU and its Member States to act considerately when negotiating future cooperation agreements and migration control agreements with the new Libyan authorities, ensuring that such agreements include effective monitoring mechanisms for the protection of the human rights of migrants, refugees and asylum seekers;

13. Calls on foreign companies working in Libya, in particular European companies, to ensure full compliance with their corporate social responsibilities (CSR) as a principled policy throughout their activities, ensuring enactment of CSR in particular towards migrant workers;
14. 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 Libyan Government and GNC, the UN Secretary General, the Arab League and the African Union.
Amendment of Rule 70 on interinstitutional negotiations in legislative procedures


(2015/C 419/31)

The European Parliament,
— having regard to the letter from its President of 18 April 2011,
— having regard to Rules 211 and 212 of its Rules of Procedure,
— having regard to the report of the Committee on Constitutional Affairs and the opinion of the Committee on Economic and Monetary Affairs (A7-0281/2012),

1. Decides to amend its Rules of Procedure as shown below;
2. Points out that the amendments will enter into force on the first day of the next part-session;
3. Instructs its President to forward this decision to the Council and the Commission, for information.

Amendment 1
Parliament’s Rules of Procedure
Rule 70 — paragraph 1

<table>
<thead>
<tr>
<th>Present text</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Negotiations with the other institutions aimed at reaching an agreement</td>
<td>1. Negotiations with the other institutions aimed at reaching an agreement</td>
</tr>
<tr>
<td>in the course of a legislative procedure shall be conducted having regard</td>
<td>in the course of a legislative procedure shall be conducted having regard</td>
</tr>
<tr>
<td>to the Code of Conduct for negotiating in the context of the ordinary</td>
<td>to the Code of Conduct laid down by the Conference of Presidents.</td>
</tr>
<tr>
<td>legislative procedure.</td>
<td></td>
</tr>
</tbody>
</table>
Amendment 13
Parliament’s Rules of Procedure
Rule 70 — paragraph 2

Present text

2. Before entering into such negotiations, the committee responsible should, in principle, take a decision by a majority of its members and adopt a mandate, orientations or priorities.

Amendment

2. Such negotiations shall not be entered into prior to the adoption by the committee responsible, on a case-by-case basis for every legislative procedure concerned and by a majority of its members, of a decision on the opening of negotiations. That decision shall determine the mandate and the composition of the negotiating team. Such decisions shall be notified to the President, who shall keep the Conference of Presidents informed on a regular basis.

Amendment 3
Parliament’s Rules of Procedure
Rule 70 — paragraph 2 — subparagraph 1 a (new)

Present text

Amendment

The mandate shall consist of a report adopted in committee and tabled for later consideration by Parliament. By way of exception, where the committee responsible considers it duly justified to enter into negotiations prior to the adoption of a report in committee, the mandate may consist of a set of amendments or a set of clearly defined objectives, priorities or orientations.

Amendment 4
Parliament’s Rules of Procedure
Rule 70 — paragraph 2 a (new)

2a. The negotiating team shall be led by the rapporteur and presided over by the Chair of the committee responsible or by a Vice-Chair designated by the Chair. It shall comprise at least the shadow rapporteurs from each political group.
Amendments 5 and 18
Parliament’s Rules of Procedure
Rule 70 — paragraph 2b (new)

Present text

2b. Any document intended to be discussed in a meeting with the Council and the Commission (‘trilogue’) shall take the form of a document indicating the respective positions of the institutions involved and possible compromise solutions and shall be circulated to the negotiating team at least 48 hours, or in cases of urgency at least 24 hours, in advance of the trilogue in question.

After each trilogue the negotiating team shall report back to the following meeting of the committee responsible. Documents reflecting the outcome of the last trilogue shall be made available to the committee.

Where it is not feasible to convene a meeting of the committee in a timely manner, the negotiating team shall report back to the Chair, the shadow rapporteurs and the coordinators of the committee, as appropriate.

The committee responsible may update the mandate in the light of the progress of the negotiations.

Amendment 6
Parliament’s Rules of Procedure
Rule 70 — paragraph 3

Present text

3. If the negotiations lead to a compromise with the Council following the adoption of the report by the committee, the committee shall in any case be reconsulted before the vote in plenary.

Amendment

3. If the negotiations lead to a compromise, the committee responsible shall be informed without delay. The agreed text shall be submitted to the committee responsible for consideration. If approved by a vote in committee, the agreed text shall be tabled for consideration by Parliament in the appropriate form, including compromise amendments. It may be presented as a consolidated text provided that it clearly displays the modifications to the proposal for a legislative act under consideration.

Amendment 7
Parliament’s Rules of Procedure
Rule 70 — paragraph 3a (new)

Present text

Amendment

3a. Where the procedure involves associated committees or joint committee meetings, Rules 50 and 51 shall apply to the decision on the opening of negotiations and to the conduct of such negotiations.
In the event of disagreement between the committees concerned, the modalities for the opening of negotiations and the conduct of such negotiations shall be determined by the Chair of the Conference of Committee Chairs in accordance with the principles set out in those Rules.

Amendment 8
Parliament’s Rules of Procedure
Rule 70a (new) — title

Amendment
Rule 70a
Approval of a decision on the opening of interinstitutional negotiations prior to the adoption of a report in committee

Amendment 9
Parliament’s Rules of Procedure
Rule 70a (new) — paragraph 1

Amendment
1. Any decision by a committee on the opening of negotiations prior to the adoption of a report in committee shall be translated into all the official languages, distributed to all Members of Parliament and submitted to the Conference of Presidents.

At the request of a political group, the Conference of Presidents may decide to include the item, for consideration with a debate and vote, in the draft agenda of the part-session following the distribution, in which case the President shall set a deadline for the tabling of amendments.

In the absence of a decision by the Conference of Presidents to include the item in the draft agenda of that part-session, the decision on the opening of negotiations shall be announced by the President at the opening of that part-session.
Tuesday 20 November 2012

Amendment 16
Parliament’s Rules of Procedure
Rule 70 a (new) — paragraph 2

Present text
2. The item shall be included in the draft agenda of the part-session following the announcement for consideration with a debate and vote, and the President shall set a deadline for the tabling of amendments where a political group or at least 40 Members so request within 48 hours after the announcement.

Amendment
Otherwise, the decision on the opening of the negotiations shall be deemed to be approved.

P7_TA(2012)0423

Amendment of Rule 181 on verbatim reports and Rule 182 on audiovisual record of proceedings


(2015/C 419/32)

The European Parliament,

— having regard to the letter from its President of 13 January 2012,

— having regard to its resolution of 26 October 2011 on the draft general budget of the European Union for the financial year 2012 as modified by the Council — all sections — and letters of amendment Nos 1/2012 and 2/2012 to the draft general budget of the European Union for the financial year 2012 (1),

— having regard to Rules 211 and 212 of its Rules of Procedure,

— having regard to the report of the Committee on Constitutional Affairs (A7-0336/2012),

A. whereas savings from the budget in the area of translation and interpretation must not jeopardise the principle of multilingualism, but are possible with the help of innovation and new working methods (2),

1. Decides to amend its Rules of Procedure as shown below;

2. Points out that the amendments will enter into force on the first day of the next part-session;

3. Instructs its President to forward this decision to the Council and the Commission, for information.

(1) Texts adopted, P7_TA(2011)0461.
(2) See resolution of 26 October 2011 mentioned above, paragraph 77.
### Amendment 1
**Parliament’s Rules of Procedure**  
**Rule 181 — paragraph 1**

<table>
<thead>
<tr>
<th>Present text</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. A verbatim report of the proceedings of each sitting shall be drawn up <em>in all the official languages.</em></td>
<td>1. A verbatim report of the proceedings of each sitting shall be drawn up <em>as a multilingual document in which all oral contributions appear in their original language.</em></td>
</tr>
</tbody>
</table>

### Amendment 2
**Parliament’s Rules of Procedure**  
**Rule 181 — paragraph 2**

<table>
<thead>
<tr>
<th>Present text</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Speakers <em>shall return</em> corrections to typescripts of their <em>speeches</em> to the Secretariat <em>within one week.</em></td>
<td>2. Speakers <em>may make</em> corrections to typescripts of their <em>oral contributions within five working days. Corrections shall be sent within that deadline</em> to the Secretariat.</td>
</tr>
</tbody>
</table>

### Amendment 3
**Parliament’s Rules of Procedure**  
**Rule 181 — paragraph 3**

<table>
<thead>
<tr>
<th>Present text</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. The verbatim report shall be published as an annex to the Official Journal of the European Union.</td>
<td>3. The <em>multilingual</em> verbatim report shall be published as an annex to the Official Journal of the European Union and <em>preserved in the records of Parliament.</em></td>
</tr>
</tbody>
</table>

### Amendment 4
**Parliament’s Rules of Procedure**  
**Rule 181 — paragraph 4**

<table>
<thead>
<tr>
<th>Present text</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Members <em>may ask for extracts</em> from the verbatim report <em>to be translated</em> at short notice.</td>
<td>4. A <em>translation into any official language of an extract</em> from the verbatim report <em>shall be made on request from a Member. If necessary, the translation shall be provided</em> at short notice.</td>
</tr>
</tbody>
</table>
Tuesday 20 November 2012

Amendment 5
Parliament’s Rules of Procedure
Rule 182 — paragraph 1 (new)

Present text
The proceedings of Parliament in the languages in which they are conducted, as well as the multilingual soundtrack from all active interpretation booths, shall be broadcast in real time on its website.

Amendment
Immediately after the sitting, an indexed audiovisual record of the proceedings, including the soundtrack from all interpretation booths, shall be produced and made available on the internet. That audiovisual record shall be linked to the multilingual verbatim reports of the proceedings as soon as they are available.

Amendment 6
Parliament’s Rules of Procedure
Rule 182 — paragraph 1

Present text
Immediately after the sitting, an audiovisual record of the proceedings, including the soundtrack from all interpretation booths, shall be produced and made available on the internet.

Amendment
Immediately after the sitting, an indexed audiovisual record of the proceedings in the languages in which they were conducted, as well as the multilingual soundtrack from all active interpretation booths, shall be produced and made available on Parliament’s website during the current and the next parliamentary term, after which it shall be preserved in the records of Parliament. That audiovisual record shall be linked to the multilingual verbatim reports of the proceedings as soon as they are available.
III
(Preparatory acts)

EUROPEAN PARLIAMENT

P7_TA(2012)0412

Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters


(Ordinary legislative procedure — recast)

(2015/C 419/33)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2010)0748) and to the impact assessment carried out by the Commission (SEC(2010)1547),

— having regard to Article 294(2), Article 67(4) and points (a), (c) and (e) of Article 81(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0433/2010),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Netherlands Senate and the Netherlands House of Representatives, asserting that the draft legislative act does not comply with the principle of subsidiarity,

— having regard to the opinion of the European Economic and Social Committee of 5 May 2011 (1),

— having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts (2),

— having regard to the undertaking given by the Council representative by letter of 24 October 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 Rules 87 and 55 of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs and the opinion of the Committee on Employment and Social Affairs (A7-0320/2012),

(1) OJ C 218, 23.7.2011, p. 78.
Tuesday 20 November 2012

A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the proposal in question does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;

1. Adopts its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;

2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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P7_TC1-COD(2010)0383


(As an agreement was reached between Parliament and Council, Parliament’s position corresponds to the final legislative act, Regulation (EU) No 1215/2012.)

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P7_TA(2012)0413

Marketing and use of explosives precursors ***I


(Ordinary legislative procedure: first reading)

(2015/C 419/34)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2010)0473),

— having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0279/2010),

— 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 19 January 2011 (1),

— having regard to the undertaking given by the Council representative by letters of 11 July 2012 and of 17 October 2012 to approve Parliament’s position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

(1) OJ C 84, 17.3.2011, p. 25.
— having regard to Rule 55 of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A7-0269/2012),

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(2010)0246


(As an agreement was reached between Parliament and Council, Parliament’s position corresponds to the final legislative act, Regulation (EU) No 98/2013.)

P7_TA(2012)0414

Special temporary measures for the recruitment of officials and temporary staff of the European Union ***I


(Ordinary legislative procedure: first reading)

(2015/C 419/35)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2012)0377),

— having regard to Article 294(2) and Article 336 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0216/2012),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the Court of Justice of 12 November 2012 (1),

— having regard to the opinion of the Court of Auditors of 23 October 2012 (2),

— having regard to the undertaking given by the Council representative by letter of 31 October 2012 to approve Parliament’s position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

(1) Not yet published in the Official Journal.
(2) Not yet published in the Official Journal.
Tuesday 20 November 2012

— having regard to Rule 55 of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs (A7-0359/2012),

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(2012)0224

Position of the European Parliament adopted at first reading on 20 November 2012 with a view to the adoption of Regulation (EU) No …/2012 of the European Parliament and of the Council introducing, on the occasion of the accession of Croatia to the European Union, special temporary measures for the recruitment of Union officials and temporary staff

(As an agreement was reached between Parliament and Council, Parliament’s position corresponds to the final legislative act, Regulation (EU) No 1216/2012.)

P7_TA(2012)0415

EU accession to the Protocol for the Protection of the Mediterranean Sea against pollution resulting from exploration and exploitation of the continental shelf and the seabed and its subsoil ***

European Parliament legislative resolution of 20 November 2012 on the draft Council decision on the accession of the European Union to the Protocol for the Protection of the Mediterranean Sea against pollution resulting from exploration and exploitation of the continental shelf and the seabed and its subsoil (09671/2012 — C7-0144/2012 — 2011/0304(NLE))

(Consent)

(2015/C 419/36)

The European Parliament,

— having regard to the draft Council decision (09671/2012),

— having regard to the Protocol for the Protection of the Mediterranean Sea against pollution resulting from exploration and exploitation of the continental shelf and the seabed and its subsoil, attached to the above-mentioned draft Council decision,

— having regard to the request for consent submitted by the Council in accordance with Article 192(1) and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0144/2012),

— having regard to Rules 81 and 90(7) of its Rules of Procedure,

— having regard to the recommendation of the Committee on the Environment, Public Health and Food Safety (A7-0319/2012),

1. Consents to accession to the Protocol;
2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States.

P7_TA(2012)0416

Fishing opportunities and financial contribution provided for in the EC-Denmark/Greenland Fisheries Partnership Agreement ***


(Consent)

(2015/C 419/37)

The European Parliament,

— having regard to the draft Council decision (11119/2012),

— having regard to the draft Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Government of Denmark and the Government of Greenland (11116/2012),

— having regard to the request for consent submitted by the Council in accordance with Article 43(2) and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0299/2012),

— having regard to Rules 81 and 90(7) of its Rules of Procedure,

— having regard to the recommendation of the Committee on Fisheries and the opinions of the Committee on Development and the Committee on Budgets (A7-0358/2012),

1. Consents to conclusion of the Protocol;

2. Requests the Commission to forward to it the conclusions of the meetings and proceedings of the Joint Committee provided for in Article 10 of the Fisheries Partnership Agreement; calls for representatives of Parliament, acting as observers, to be given the opportunity to attend meetings and proceedings of the Joint Committee; calls on the Commission to submit a review of the implementation of the Agreement to Parliament and the Council in the final year of application of the Protocol, before negotiations are opened on the renewal of the Agreement;

3. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of Greenland.
P7_TA(2012)0417

Right to stand in elections to the European Parliament for EU citizens residing in a Member State of which they are not nationals *

European Parliament legislative resolution of 20 November 2012 on the draft Council directive amending Directive 93/109/EC of 6 December 1993 as regards certain detailed arrangements for the exercise of the right to stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals (13634/2012 — C7-0293/2012 — 2006/0277(CNS))

(Special legislative procedure — renewed consultation)

(2015/C 419/38)

The European Parliament,

— having regard to the Council draft (13634/2012),

— having regard to the Commission proposal to the Council (COM(2006)0791),

— having regard to its position of 26 September 2007 (1),

— having regard to Article 22(2) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament again (C7-0293/2012),

— having regard to Rules 55, 59(3) and 46(1) of its Rules of Procedure,

— having regard to the report of the Committee on Constitutional Affairs (A7-0352/2012),

1. Approves the Council draft;

2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;

3. Asks the Council to consult Parliament again if it intends to substantially amend the text approved by Parliament;

4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TA(2012)0424

Approval and market surveillance of two- or three-wheel vehicles and quadricycles ***I


(Ordinary legislative procedure: first reading)

(2015/C 419/39)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2010)0542),

having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0317/2010),

— 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 19 January 2011 (1),

— having regard to the undertaking given by the Council representative by letter of 28 September 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 the Internal Market and Consumer Protection and the opinion of the Committee on Transport and Tourism (A7-0445/2011),

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(2010)0271


(As an agreement was reached between Parliament and Council, Parliament’s position corresponds to the final legislative act, Regulation (EU) No 168/2013.)

P7_TA(2012)0425

Approval of agricultural or forestry vehicles ***I


(Ordinary legislative procedure: first reading)

(2015/C 419/40)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2010)0395),

— having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0204/2010),

— 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 9 December 2010 (1),

(1) OJ C 84, 17.3.2011, p. 30.
(2) OJ C 54.19.2.2011, p. 42.
— having regard to the undertaking given by the Council representative by letter of 28 September 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 the Internal Market and Consumer Protection (A7-0446/2011),
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(2010)0212


(As an agreement was reached between Parliament and Council, Parliament’s position corresponds to the final legislative act, Regulation (EU) No 167/2013.)
P7_TA(2012)0432

Appointment of a new Commissioner

European Parliament decision of 21 November 2012 approving the appointment of Tonio Borg as a Member of the Commission

(2015/C 419/41)

The European Parliament,

— having regard to the second paragraph of Article 246 of the Treaty on the Functioning of the European Union and Article 106a of the Treaty establishing the European Atomic Energy Community,

— having regard to point 6 of the Framework Agreement on relations between the European Parliament and the European Commission (1),

— having regard to the resignation of John Dalli as a Member of the Commission, tendered on 16 October 2012,

— having regard to the Council’s letter of 25 October 2012, whereby the Council consulted Parliament on a decision, to be taken by common accord with the President of the Commission, on the appointment of Tonio Borg as a Member of the Commission,

— having regard to the hearing of Tonio Borg on 13 November 2012, led by the Committee on the Environment, Public Health and Food Safety with the association of the Committee on the Internal Market and Consumer Protection and the Committee on Agriculture and Rural Development, and to the statement of evaluation drawn up following that hearing;

— having regard to Rule 106 of, and Annex XVII to, its Rules of Procedure,

1. Approves the appointment of Tonio Borg as a Member of the Commission for the remainder of the Commission’s term of office until 31 October 2014;

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

P7_TA(2012)0433

Draft Amending Budget No 5/2012: Solidarity Fund response to earthquakes in Emilia-Romagna (Italy) and modification of the budget line for the preparatory action for the European Year of Volunteering 2011


(2015/C 419/42)

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) (the Financial Regulation), and in particular Articles 37 and 38 thereof,

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— having regard to the general budget of the European Union for the financial year 2012, as definitively adopted on 1 December 2011 (1),

— 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 (2),

— having regard to its resolution of 12 June 2012 on the Council position on Draft amending budget No 2/2012 of the European Union for the financial year 2012, Section III — European Commission (3), and in particular to its paragraph 2,

— having regard to the Joint Statement on payment appropriations agreed by all three institutions in the framework of 2012 budgetary procedure;

— having regard to Draft amending budget No 5/2012 of the European Union for the financial year 2012, which the Commission submitted on 19 September 2012 (COM(2012)0536),

— having regard to the Council position on Draft amending budget No 5/2012, which the Council established on 20 November 2012 (16398/2012 — C7-0383/2012),

— having regard to Rules 75b and 75e of its Rules of Procedure,

— having regard to the report of the Committee on Budgets (A7-0381/2012),

A. whereas Draft amending budget No 5/2012 relates to the mobilisation of the EU Solidarity Fund (EUSF) for an amount of EUR 670 192 359 in commitment and payment appropriations relating to the series of earthquakes in Emilia-Romagna, Italy in May 2012,

B. whereas the aim of Draft amending budget No 5/2012 is to formally enter this budgetary adjustment into the 2012 budget, and to modify the budget line 16 05 03 01 — Preparatory action — European Year of Volunteering 2011 to replace the ‘dash’ for payments on the line with a token entry (p.m.), in order to allow the final payments to be made,

C. whereas Draft amending budget No 5/2012, as submitted by the Commission, proposed an increase in the level of payment appropriations, given the overall shortage of payment appropriations for 2012,

D. whereas, in its resolution of 12 June 2012 on the Council position on Draft amending budget No 2/2012, relating to another mobilisation of the EUSF, Parliament greatly deplored for the specific case of mobilisation of the EUSF that the other branch of the budgetary authority had waited 8 weeks before adopting its position, sticking to its interpretation of Protocol 1 of the Treaty on the Functioning of the European Union (deadline for informing national parliaments),

1. Takes note of Draft amending budget No 5/2012, as submitted by the Commission;

2. Considers of great importance the quick release of financial assistance through the EUSF for those affected by natural catastrophes, and therefore warmly welcomes the prompt submission by Italian authorities of their application for financial assistance from the EUSF, as well as the prompt presentation by the Commission of its proposal for mobilisation of the EUSF;

3. Calls on all involved parties in the Member States, both at local and regional level, and national authorities, to further improve assessment of needs and the coordination for future potential applications to the EUSF with a view to accelerating, as much as possible, the mobilisation of the EUSF;

4. Strongly reiterates its call to Council not to harm such efforts towards a more prompt delivery of Union assistance through any undue postponement of its decision on such a sensitive and pressing issue;

5. Recalls that for the previous mobilisation of the EUSF (Amending budget No 2/2012 concerning flooding in Liguria and Tuscany in October 2011), the budgetary authority did not need to provide fresh money, because some unexpected sources for redeployments appeared for the required amount; stresses that the current shortage of payment appropriations, which already affects a number of programmes, in particular those on which the Growth and Jobs Compact adopted by the European Council of 29 June 2012 relies heavily, strictly excludes any such redeployment to be envisaged for this case;

6. Approves, without amendment, Council’s position on Draft amending budget No 5/2012;

7. Instructs its President to declare that Amending budget No 5/2012 has been definitively adopted and arrange for its publication in the Official Journal of the European Union;

8. Instructs its President to forward this resolution to the Council, the Commission and the national parliaments.

P7_TA(2012)0434

Mobilisation of the EU Solidarity Fund — earthquakes in Italy


(2015/C 419/43)

The European Parliament,

— having regard to the Commission proposal to the European Parliament and the Council (COM(2012)0538 — C7-0300/2012),

— having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (¹), and in particular point 26 thereof,


— having regard to the Joint Declaration of the European Parliament, the Council and the Commission, adopted during the conciliation meeting on 17 July 2008 on the Solidarity Fund,

— having regard to the report of the Committee on Budgets (A7-0380/2012),

1. Approves the decision annexed to this resolution;

2. Instructs its President to sign the decision with the President of the Council and to arrange for its publication in the Official Journal of the European Union;

3. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on mobilisation of the European Union Solidarity Fund, in accordance with point 26 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management

(The text of this annex is not reproduced here since it corresponds to the final act, Decision 2013/108/EU.)

P7_TA(2012)0435

Implementation of the agreements concluded by the EU following negotiations in the framework of Article XXVIII of GATT 1994 ***I


(Ordinary legislative procedure: first reading)

(2015/C 419/44)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2012)0115),

— having regard to Article 294(2) and Article 207(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0079/2012),

— 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 19 November 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 International Trade (A7-0351/2012),

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.
Position of the European Parliament adopted at first reading 21 November 2012 with a view to the adoption of Regulation (EU) No …/2012 of the European Parliament and of the Council concerning the implementation of the Agreement in the form of an Exchange of Letters between the European Union and Brazil pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultry meat provided for in the EU Schedule annexed to GATT 1994, and of the Agreement in the form of an Exchange of Letters between the European Union and Brazil pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultry meat provided for in the EU Schedule annexed to GATT 1994, and amending and supplementing Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 1218/2012.)

Tariff-rate quotas applying to exports of wood from Russia to the EU ***I

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2012)0449),

— having regard to Article 294(2) and Article 207 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0215/2012),

— 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 19 November 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 Rules 55 and 46(1) of its Rules of Procedure,

— having regard to the report of the Committee on International Trade (A7-0329/2012),

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 1217/2012.)

Modification of concessions with respect to processed poultry meat between the EU, Brazil, and Thailand ***

European Parliament legislative resolution of 21 November 2012 on the draft Council decision on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and Brazil pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultry meat provided for in the EU Schedule annexed to GATT 1994, and of the Agreement in the form of an Exchange of Letters between the European Union and Thailand pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultry meat provided for in the EU Schedule annexed to GATT 1994 (07883/2012 — C7-0171/2012 — 2012/0046(NLE))

(Consent)

The European Parliament,

— having regard to the draft Council decision (07883/2012),

— having regard to the draft Agreement in the form of an Exchange of Letters between the European Union and Brazil pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultry meat provided for in the EU Schedule annexed to GATT 1994 (07884/2012),

— having regard to the draft Agreement in the form of an Exchange of Letters between the European Union and Thailand pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultry meat provided for in the EU Schedule annexed to GATT 1994 (07885/2012),

— having regard to the request for consent submitted by the Council in accordance with Article 207(4), first subparagraph, and Article 218(6), second subparagraph, point (a)(v), of the Treaty on the Functioning of the European Union (C7-0171/2012),

— having regard to Rules 81 and 90(7) of its Rules of Procedure,

— having regard to the recommendation of the Committee on International Trade (A7-0350/2012),

1. Consents to conclusion of the Agreements;

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 Federative Republic of Brazil and the Kingdom of Thailand.
Amendment of the Annexes to Protocols 1 and 2 of the Euro-Mediterranean Agreement establishing an association between the EC and Israel

The European Parliament,

— having regard to the draft Council decision (07433/2012),

— having regard to the draft Agreement in the form of an Exchange of Letters between the European Union, of the one part, and the State of Israel, of the other part, amending the Annexes to Protocols 1 and 2 of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part (07470/2012),

— having regard to the request for consent submitted by the Council in accordance with Articles 207(4), first subparagraph, and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0157/2012),

— having regard to Rules 81 and 90(7) of its Rules of Procedure,

— having regard to the recommendation of the Committee on International Trade (A7-0318/2012),

1. Consents to conclusion of the Agreement;

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 State of Israel.

EU-Russia Agreement on the administration of tariff-rate quotas applying to exports of wood

The European Parliament,

— having regard to the draft Council decision (16775/1/2011),
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— having regard to the draft Agreement in the form of an Exchange of Letters between the European Union and the Russian Federation relating to the administration of tariff-rate quotas applying to exports of wood from the Russian Federation to the European Union (16776/2011),

— having regard to the request for consent submitted by the Council in accordance with Article 207(4), first subparagraph, and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0515/2011),

— having regard to Rules 81 and 90(7) of its Rules of Procedure,

— having regard to the recommendation of the Committee on International Trade (A7-0177/2012),

1. Consents to conclusion of the Agreement and of the Protocol;

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 Russian Federation.

P7_TA(2012)0440

Migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) — (including the United Kingdom and Ireland) *

European Parliament legislative resolution of 21 November 2012 on the draft Council regulation on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) (recast) (11142/1/2012 — C7-0330/2012 — 2012/0033A(NLE))

(Consultation — recast)

(2015/C 419/49)

The European Parliament,

— having regard to the Council draft (11142/1/2012),

— having regard to Article 74 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0330/2012),

— having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts (1),

— having regard to the letter of 12 October 2012 from the Committee on Legal Affairs to the Committee on Civil Liberties, Justice and Home Affairs in accordance with Rule 87(3) of its Rules of Procedure,

— having regard to Rules 87, 55 and 46 (2) of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A7-0368/2012).

A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the proposal in question does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;

1. Approves the Council draft as adapted to the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission and as amended below;

2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;

3. Asks the Council to consult Parliament again if it intends to substantially amend its draft;

4. Instructs its President to forward its position to the Council and the Commission.

Amendment 1
Draft regulation
Recital 6

Council draft

(6) The development of SIS II should be continued and should be finalised in the framework of the SIS II global schedule endorsed by the Council on 6 June 2008 and subsequently amended in October 2009 following the orientations in the JHA Council of 4 June 2009. The present version of the SIS II global schedule was presented by the Commission to the Council and the European Parliament in October 2010.

Amendment

(6) The development of SIS II should be continued and should be finalised at the latest by 30 June 2013.

Amendment 2
Draft regulation
Recital 16

Council draft

(16) In order to support Member States in opting for the most favourable technical and financial solution the Commission should initiate without delay the process of adapting this Regulation by proposing a legal regime for the migration which better reflects to the technical migration approach outlined in the Migration Plan for the SIS Project (Migration Plan) adopted by the Commission after a positive vote by the SIS-VIS Committee on 23 February 2011.

Amendment
deleted
The Migration Plan describes that within the switchover period all Member States, consecutively, will perform their individual switchover of the national application from SIS 1+ into SIS II. It is desirable from a technical point of view that Member States that have switched over be able to use SIS II full scope from the time of the switchover and do not have to wait until other Member States have also switched over. Therefore, it is necessary to apply Regulation (EC) No 1987/2006 and Decision 2007/533/JHA from the time of the initiation of the switchover by the first Member State. For reasons of legal certainty, the period of switchover should be kept as short as possible, and should not exceed 12 hours. The application of Regulation (EC) No 1987/2006 and Decision 2007/533/JHA does not prevent Member States which have not switched over yet or which have had to fall back for technical reasons to use SIS II limited to SIS 1+ functionalities during the intensive monitoring period. In order to apply the same standards and conditions to alerts, data processing and data protection in all Member States, it is necessary to apply the SIS II legal framework to the SIS operational activities of the Member States which did not switch over yet.

Regulation (EC) No 1987/2006 and Decision 2007/533/JHA provide that the best available technology, subject to a cost-benefit analysis, should be used for Central SIS II. The Annex to the Council Conclusions on the further direction of SIS II of 4—5 June 2009 laid down milestones which should be met in order to continue with the current SIS II project. In parallel, a study has been conducted concerning the elaboration of an alternative technical scenario for developing SIS II based on SIS 1+ evolution (SIS 1+ RE) as the contingency plan, in case the tests demonstrate non-compliance with the milestone requirements. Based on these parameters, the Council may decide to invite the Commission to switch to the alternative technical scenario.

In such a case the Commission should present a proposal to revise this Regulation.
Amendment 5
Draft regulation
Recital 31

(31) The European Data Protection Supervisor is responsible for monitoring and ensuring the application of Regulation (EC) No 45/2001 and it is competent to monitor the activities of the Union institutions and bodies in relation to the processing of personal data. This Regulation should be without prejudice to the specific provisions of the Schengen Convention as well as of Regulation (EC) No 1987/2006 and of Decision 2007/533/JHA on the protection and security of personal data.

Amendment

(31) The European Data Protection Supervisor is responsible for monitoring and ensuring the application of Regulation (EC) No 45/2001 and it is competent to monitor the activities of the Union institutions and bodies in relation to the processing of personal data. The Joint Supervisory Authority is responsible for supervising the technical support function of the current SIS 1+ until the entry into force of the SIS II legal framework. National Supervisory Authorities are responsible for the supervision of SIS 1+ data processing on the territory of their respective Member States and will remain responsible for monitoring the lawfulness of the processing of SIS II personal data on the territory of the Member States. This Regulation should be without prejudice to the specific provisions of the Schengen Convention as well as of Regulation (EC) No 1987/2006 and of Decision 2007/533/JHA on the protection and security of personal data. This SIS II legal framework provides that the National Supervisory Authorities and the European Data Protection Supervisor ensure the coordinated supervision of SIS II.

Amendment 6
Draft regulation
Recital 43 a (new)

Council draft

(43a) This Regulation constitutes a development of provisions of the Schengen acquis, in which Bulgaria and Romania are participating in accordance with Article 4(2) of the 2005 Act of Accession and with Council Decision 2010/365/EU of 29 June 2010 on the application of the provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania (1).

Amendment

(1) OJ L 166, 1.7.2010, p. 17.
Amendment 7
Draft regulation
Article 7 — paragraph 6

Council draft

6. The activities in paragraphs 1 to 3 shall be coordinated by the Commission and the Member States participating in SIS 1+ acting within the Council.

Amendment

6. The activities in paragraphs 1 to 3 shall be coordinated by the Commission and the Member States participating in SIS 1+ acting within the Council. The European Parliament shall be informed on a regular basis about these activities.

Amendment 8
Draft regulation
Article 11 — paragraph 1 (new)

Council draft

-1. Prior to the start of the migration, Member States shall verify that all the personal data to be migrated to SIS II are accurate, up-to-date and lawful in accordance with Decision 2007/533/JHA.

Amendment

Any data that cannot be verified before the start of the migration shall be verified within a maximum period of six months following the start of the migration.

Amendment 9
Draft regulation
Article 11 — paragraph 1

Council draft

1. For the migration from C.SIS to Central SIS II, France shall make available the SIS 1+ database and the Commission shall introduce the SIS 1+ database into Central SIS II. Data of SIS 1+ database referred to in Article 113 (2) of the Schengen Convention shall not be introduced into Central SIS II. These data shall be deleted at the latest one month after the end of the intensive monitoring period.

Amendment

1. For the migration from C.SIS to Central SIS II, France shall make available the SIS 1+ database and the Commission shall introduce the SIS 1+ database into Central SIS II. Data of SIS 1+ database referred to in Article 113 (2) of the Schengen Convention shall not be introduced into Central SIS II. These data shall be deleted at the latest one month after the end of the intensive monitoring period.

Amendment 10
Draft regulation
Article 11 — paragraph 3 — subparagraph 1

Council draft

3. The migration of the national system from SIS 1+ to SIS II shall start with the data loading of N.SIS II, when that N.SIS II is to contain a data file, the national copy, containing a complete or partial copy of the SIS II database.

Amendment

3. The migration of the national system from SIS 1+ to SIS II shall start with the data loading of N.SIS II, when that N.SIS II is to contain a data file, the national copy, containing a complete or partial copy of the SIS II database. Member States shall ensure that all personal data loaded into N.SIS II are accurate, up-to-date and lawful in accordance with Decision 2007/533/JHA.
Amendment 11
Draft regulation
Article 11 — paragraph 4a (new)

Council draft
Amendment

4a. On the basis of information provided by the Member States and the responsible supervisory authorities, the Commission shall report to the European Parliament and the Council on the completion of the migration, in particular on the switchover of the Member States to SIS II. This report shall confirm whether the migration and in particular the switchover have been carried out in full compliance with this Regulation at central as well as at national level, and that the processing of personal data during the entire migration was in accordance with Regulation (EC) No 45/2001 and Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (1).


Amendment 12
Draft regulation
Article 11 — paragraph 4b (new)

Council draft
Amendment

4b. One month after the end of the intensive monitoring period, the SIS 1+ database, all the data in the SIS 1+ database, irrespective of its medium or location, C.SIS, Member States’ N.SIS and any copies thereof, shall be definitively deleted.

Amendment 13
Draft regulation
Article 11a (new)

Council draft
Amendment

Article 11a
Migration of the SIRENE bureaux

The migration of the SIRENE bureaux to the S-TESTA network shall take place in parallel with the switchover referred to in Article 11(3) and shall be terminated immediately after the switchover.
Amendment 14
Draft regulation
Article 12 — paragraph 2

**Council draft**

As from the switchover of the first Member State from N.SIS to N.SIS II, as referred to in the second subparagraph of Article 11 (3) of this Regulation, Decision 2007/533/JAI shall apply.

**Amendment**

As from the successful switchover of the first Member State from N.SIS to N.SIS II, as referred to in the second subparagraph of Article 11 (3) of this Regulation, Decision 2007/533/JAI shall apply.

Amendment 15
Draft regulation
Article 15 — paragraph 1 (new)

**Council draft**

-1. In addition to the recording of automated searches, Member States and the Commission shall ensure that, during the migration in accordance with this Regulation, the applicable data protection rules are fully respected and that the tasks specified in Article 3(f) and Article 11 are appropriately recorded in Central SIS II. The recording of those activities shall, in particular, ensure the integrity and lawfulness of the data during the migration and switchover to SIS II.

**Amendment**

4. The records shall show, in particular, the date and time of the data transmitted, the data used to perform searches, the reference to the data transmitted and the name of the competent authority responsible for processing the data.

Amendment 16
Draft regulation
Article 15 — paragraph 4

**Council draft**

4. The records shall show, in particular, the date and time of the data transmitted, the data used to perform searches, the reference to the data transmitted and the name of the competent authority responsible for processing the data.

**Amendment**

4. The records shall show, in particular, the date and time of the data transmitted, the data used to perform searches, the reference to the data transmitted and the name of the competent authority responsible for processing the data and the name of the end user.

Amendment 17
Draft regulation
Article 15 — paragraph 5

**Council draft**

5. The records may only be used for the purposes referred to in paragraph 1 and shall be deleted at the earliest one year, and at the latest three years after their creation.

**Amendment**

5. The records may only be used for the purposes referred to in paragraph 3 and shall be deleted at the earliest one year, and at the latest three years after their creation.
Amendment 18
Draft regulation
Article 15 — paragraph 7

Council draft

7. The competent authorities in charge of checking whether or not a search is lawful, monitoring the lawfulness of data processing, self-monitoring and ensuring the proper functioning of Central SIS II, data integrity and security, shall have access, within the limits of their competence and at their request, to those records for the purpose of fulfilling their tasks.

Amendment

7. The competent authorities referred to in Article 60(1) and Article 61(1) of Decision 2007/533/JHA in charge of checking whether or not a search is lawful, monitoring the lawfulness of data processing, self-monitoring and ensuring the proper functioning of Central SIS II, data integrity and security, shall, in accordance with the provisions of Decision 2007/533/JHA, have access, within the limits of their competence and at their request, to those records for the purpose of fulfilling their tasks.

Amendment 19
Draft regulation
Article 15 — paragraph 7 a (new)

Council draft

7a. All data protection authorities with responsibility for either SIS 1+ or SIS II shall be closely involved in all steps of the migration from SIS 1+ to SIS II.

Amendment

Amendment 20
Draft regulation
Article 19

Council draft

The Commission shall submit by the end of every six month period, and for the first time by the end of the first six month period of 2009, a progress report to the European Parliament and the Council concerning the development of SIS II and the migration from SIS 1+ to SIS II.

Amendment

The Commission shall submit by the end of every six month period, and for the first time by the end of the first six month period of 2009, a progress report to the European Parliament and the Council concerning the development of SIS II and the migration from SIS 1+ to SIS II. The Commission shall inform the European Parliament of the results of the tests referred to in Articles 8, 9 and 10.

Amendment 21
Draft regulation
Article 21

Council draft

This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union. It shall expire upon the termination of the migration as referred to in Article 11 (3), third subparagraph. If this date cannot be complied with due to outstanding technical difficulties related to the migration process, it shall expire on a date to be fixed by the Council, acting in accordance with Article 71 (2) of Decision 2007/533/JHA.

Amendment

This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union. It shall expire upon the termination of the migration as referred to in Article 11 (3), third subparagraph. If this date cannot be complied with due to outstanding technical difficulties related to the migration process, it shall expire on a date to be fixed by the Council, acting in accordance with Article 71 (2) of Decision 2007/533/JHA and in any event by 30 June 2013.
The European Parliament,

— having regard to the Council draft (11143/1/2012),

— having regard to Article 74 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0331/2012),

— having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts (¹),

— having regard to the letter of 12 October 2012 from the Committee on Legal Affairs to the Committee on Civil Liberties, Justice and Home Affairs in accordance with Rule 87(3) of its Rules of Procedure,

— having regard to Rules 87, 55 and 46 (2) of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A7-0370/2012),

A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the proposal in question does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;

1. Approves the Council draft as adapted to the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission and as amended below

2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;

3. Asks the Council to consult Parliament again if it intends to substantially amend its draft;

4. Instructs its President to forward its position to the Council and the Commission.

**Amendment 1**

**Draft regulation**

**Recital 6**

\[(6)\] The development of SIS II should be continued and should be finalised in the framework of the SIS II global schedule endorsed by the Council on 6 June 2008 and subsequently amended in October 2009 following the orientations adopted in the JHA Council of 4 June 2009. The present version of the SIS II global schedule was presented by the Commission to the Council and the European Parliament in October 2010.

**Amendment**

\[(6)\] The development of SIS II should be continued and should be finalised at the latest by 30 June 2013.

**Amendment 2**

**Draft regulation**

**Recital 16**

\[(16)\] In order to support Member States in opting for the most favourable technical and financial solution the Commission should initiate without delay the process of adapting this Regulation by proposing a legal regime for the migration which better reflects to the technical migration approach outlined in the Migration Plan for the SIS Project (Migration Plan) adopted by the Commission after a positive vote by the SIS-VIS Committee on 23 February 2011.

**deleted**
Amendment 3
Draft regulation

Recital 17

(17) The Migration Plan describes that within the switchover period all Member States, consecutively, will perform their individual switchover of the national application from SIS 1+ into SIS II. It is desirable from a technical point of view that Member States that have switched over be able to use SIS II full scope from the time of the switchover and do not have to wait until other Member States have also switched over. Therefore, it is necessary to apply Regulation (EC) No 1987/2006 and Decision 2007/533/JHA from the time of the initiation of the switchover by the first Member State. For reasons of legal certainty, the period of switchover should be kept as short as possible, and should not exceed 12 hours. The application of Regulation (EC) No 1987/2006 and Decision 2007/533/JHA does not prevent Member States which have not switched over yet or which have had to fall back for technical reasons to use SIS II limited to SIS 1+ functionalities during the intensive monitoring period. In order to apply the same standards and conditions to alerts, data processing and data protection in all Member States, it is necessary to apply the SIS II legal framework, namely Regulation (EC) No 1987/2006 and Decision 2007/533/JHA to the SIS operational activities of the Member States which did not switch over yet.

Amendment 4
Draft regulation

Recital 19

(19) Regulation (EC) No 1987/2006 and Decision 2007/533/JHA provide that the best available technology, subject to a cost-benefit analysis, should be used for Central SIS II. The Annex to the Council Conclusions on the further direction of SIS II of 4–5 June 2009 laid down milestones which should be met in order to continue with the current SIS II project. In parallel, a study has been conducted concerning the elaboration of an alternative technical scenario for developing SIS II based on SIS 1+ evolution (SIS 1+ RE) as the contingency plan, in case the tests demonstrate non-compliance with the milestone requirements. Based on these parameters, the Council may decide to invite the Commission to switch to the alternative technical scenario.
Amendment 5
Draft regulation
Recital 31

(31) The European Data Protection Supervisor is responsible for monitoring and ensuring the application of Regulation (EC) No 45/2001 and it is competent to monitor the activities of the Union institutions and bodies in relation to the processing of personal data. This Regulation should be without prejudice to the specific provisions of the Schengen Convention as well as of Regulation (EC) No 1987/2006 and of Decision 2007/533/JHA on the protection and security of personal data.

Amendment 6
Draft regulation
Recital 43a (new)

(43a) This Regulation constitutes a development of provisions of the Schengen acquis, in which Bulgaria and Romania are participating in accordance with Article 4(2) of the 2005 Act of Accession and with Council Decision 2010/365/EU of 29 June 2010 on the application of the provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania (1),

(1) OJ L 166, 1.7.2010, p. 17.
Amendment 7
Draft regulation
Article 7 — paragraph 6

Council draft

6. The activities in paragraphs 1 to 3 shall be coordinated by the Commission and the Member States participating in SIS 1+ acting within the Council.

Amendment

6. The activities in paragraphs 1 to 3 shall be coordinated by the Commission and the Member States participating in SIS 1+ acting within the Council. The European Parliament shall be informed on a regular basis about these activities.

Amendment 8
Draft regulation
Article 11 — paragraph 1 (new)

Council draft

-1. Prior to the start of the migration, Member States shall verify that all the personal data to be migrated to SIS II are accurate, up-to-date and lawful in accordance with Regulation (EC) No 1987/2006.

Amendment

Any data that cannot be verified before the start of the migration shall be verified within a maximum period of six months following the start of the migration.

Amendment 9
Draft regulation
Article 11 — paragraph 1

Council draft

1. For the migration from C.SIS to Central SIS II, France shall make available the SIS 1+ database and the Commission shall introduce the SIS 1+ database into Central SIS II. Data of SIS 1+ database referred to in Article 113 (2) of the Schengen Convention shall not be introduced into Central SIS II.

Amendment

1. For the migration from C.SIS to Central SIS II, France shall make available the SIS 1+ database and the Commission shall introduce the SIS 1+ database into Central SIS II. Data of SIS 1+ database referred to in Article 113 (2) of the Schengen Convention shall not be introduced into Central SIS II. These data shall be deleted at the latest one month after the end of the intensive monitoring period.

Amendment 10
Draft regulation
Article 11 — paragraph 3 — subparagraph 1

Council draft

3. The migration of the national system from SIS 1+ to SIS II shall start with the data loading of N.SIS II, when that N.SIS II is to contain a data file, the national copy, containing a complete or partial copy of the SIS II database.

Amendment

3. The migration of the national system from SIS 1+ to SIS II shall start with the data loading of N.SIS II, when that N.SIS II is to contain a data file, the national copy, containing a complete or partial copy of the SIS II database. Member States shall ensure that all personal data loaded into N.SIS II are accurate, up-to-date and lawful in accordance with Regulation (EC) No 1987/2006.
Amendment 11
Draft regulation
Article 11 — paragraph 4 a (new)

4a. On the basis of information provided by the Member States and the responsible supervisory authorities, the Commission shall report to the European Parliament and the Council on the completion of the migration, in particular on the switchover of the Member States to SIS II. This report shall confirm whether the migration and in particular the switchover have been carried out in full compliance with this Regulation at central as well as at national level, and that the processing of personal data during the entire migration was in accordance with Regulation (EC) No 45/2001 and Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data \(^1\).

\(^1\) OJ L 281, 23.11.1995, p. 31.

Amendment 12
Draft regulation
Article 11 — paragraph 4 b (new)

4b. One month after the end of the intensive monitoring period, the SIS 1+ database, all the data in the SIS 1+ database, irrespective of its medium or location, C.SIS, Member States’ N.SIS and any copies thereof, shall be definitively deleted.

Amendment 13
Draft regulation
Article 11 a (new)

Article 11a
Migration of the SIRENE bureaux

The migration of the SIRENE bureaux to the S-TESTA network shall take place in parallel with the switchover referred to in Article 11(3) and shall be terminated immediately after the switchover.
Amendment 14
Draft regulation
Article 12 — paragraph 2

As from the switch over of the first Member State from N.SIS to N.SIS II, as referred to in the second subparagraph of Article 11 (3) of this Regulation, Regulation (EC) 1987/2006 shall apply.

Amendment
As from the successful switch over of the first Member State from N.SIS to N.SIS II, as referred to in the second subparagraph of Article 11 (3) of this Regulation, Regulation (EC) 1987/2006 shall apply.

Amendment 15
Draft regulation
Article 15 — paragraph - 1 (new)

-1. In addition to the recording of automated searches, Member States and the Commission shall ensure that, during the migration in accordance with this Regulation, the applicable data protection rules are fully respected and that the tasks specified in Article 3(f) and Article 11 are appropriately recorded in Central SIS II. The recording of those activities shall, in particular, ensure the integrity and lawfulness of the data during the migration and switchover to SIS II.

Amendment 16
Draft regulation
Article 15 — paragraph 4

4. The records shall show, in particular, the date and time of the data transmitted, the data used to perform searches, the reference to the data transmitted and the name of the competent authority responsible for processing the data.

Amendment
4. The records shall show, in particular, the date and time of the data transmitted, the data used to perform searches, the reference to the data transmitted and the name of the competent authority responsible for processing the data and the name of the end user.

Amendment 17
Draft regulation
Article 15 — paragraph 5

5. The records may only be used for the purposes referred to in paragraph 1 and shall be deleted at the earliest one year, and at the latest three years after their creation.

Amendment
5. The records may only be used for the purposes referred to in paragraph 3 and shall be deleted at the earliest one year, and at the latest three years after their creation.
Amendment 18
Draft regulation
Article 15 — paragraph 7

Council draft
7. The competent authorities in charge of checking whether or not a search is lawful, monitoring the lawfulness of data processing, self-monitoring and ensuring the proper functioning of Central SIS II, data integrity and security, shall have access, within the limits of their competence and at their request, to those records for the purpose of fulfilling their tasks.

Amendment
7. The competent authorities referred to in Article 44(1) and Article 45(1) of Regulation (EC) 1987/2006 in charge of checking whether or not a search is lawful, monitoring the lawfulness of data processing, self-monitoring and ensuring the proper functioning of Central SIS II, data integrity and security, shall, in accordance with the provisions of Regulation (EC) 1987/2006, have access, within the limits of their competence and at their request, to those records for the purpose of fulfilling their tasks.

Amendment 19
Draft regulation
Article 15 — paragraph 7 a (new)

Council draft
7a. All data protection authorities with responsibility for either SIS 1+ or SIS II shall be closely involved in all steps of the migration from SIS 1+ to SIS II.

Amendment
7a. All data protection authorities with responsibility for either SIS 1+ or SIS II shall be closely involved in all steps of the migration from SIS 1+ to SIS II.

Amendment 20
Draft regulation
Article 19

Council draft
The Commission shall submit by the end of every six month period, and for the first time by the end of the first six month period of 2009, a progress report to the European Parliament and the Council concerning the development of SIS II and the migration from SIS 1+ to SIS II.

Amendment
The Commission shall submit by the end of every six month period, and for the first time by the end of the first six month period of 2009, a progress report to the European Parliament and the Council concerning the development of SIS II and the migration from SIS 1+ to SIS II. The Commission shall inform the European Parliament of the results of the tests referred to in Articles 8, 9 and 10.
Amendment 21
Draft regulation
Article 21

Council draft
This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union. It shall expire upon the termination of the migration as referred to in Article 11 (3), third subparagraph. If this date cannot be complied with due to outstanding technical difficulties related to the migration process, it shall expire on a date to be fixed by the Council, acting in accordance with Article 55(2) of Regulation (EC) No 1987/2006.

Amendment
This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union. It shall expire upon the termination of the migration as referred to in Article 11 (3), third subparagraph. If this date cannot be complied with due to outstanding technical difficulties related to the migration process, it shall expire on a date to be fixed by the Council, acting in accordance with Article 55(2) of Regulation (EC) No 1987/2006 and in any event by 30 June 2013.
Baltic salmon stock and the fisheries exploiting that stock **II**


(Ordinary legislative procedure: first reading)

(2015/C 419/51)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2011)0470),

— having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0220/2011),

— 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 18 January 2012 (1),

— having regard to Rule 55 of its Rules of Procedure,

— having regard to the report of the Committee on Fisheries and the opinion of the Committee on the Environment, Public Health and Food Safety (A7-0239/2012),

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)0206


THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

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

Acting in accordance with the ordinary legislative procedure (2),

(1) OJ C 68, 6.3.2012, p. 47.
(2) OJ C 68, 6.3.2012, p. 47.
Whereas:

(1) The Salmon Action Plan, adopted through the International Baltic Sea Fisheries Commission in 1997, expired in 2010. Contracting parties to the Baltic Marine Environment Protection Commission (HELCOM) have urged the Union to develop a long term plan for the management of Baltic salmon.

(2) Recent scientific advice from the International Council for the Exploration of the Sea (ICES) and the Scientific, Technical and Economic Committee on Fisheries (STECF) state that some Baltic salmon river stocks are outside safe biological limits and that a multiannual plan should be developed at European level.

(3) In accordance with Article 3(1)(d) of the Treaty on the Functioning of the European Union (TFEU), the Union has exclusive competence for the conservation of marine biological resources under the common fisheries policy. Since salmon is an anadromous species, conservation of the marine Baltic salmon stocks cannot be achieved if measures have not been taken to protect such stocks during their river life. Therefore, such measures are also covered by the Union’s exclusive competence to ensure effective conservation of marine species throughout their whole migratory cycle and should be addressed in the multiannual plan.

(4) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (1) lists salmon as a species of Union interest and measures taken pursuant to that Directive should be designed to ensure that their exploitation is compatible with a favourable conservation status. There is therefore a need to ensure that measures to protect salmon taken under this Regulation are consistent with those taken under the mentioned directive and coordinated with one another. Prohibiting fishing with drifting longlines is also an important way of improving salmon stocks, as it reduces discards of undersized salmon. [Am. 1]

(5) Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (2), is intended to protect, conserve and enhance the aquatic environment where salmon spend part of their life cycle. The multiannual plan for Baltic salmon stock should contribute to the achievement of the objectives of Directive 2000/60/EC. Measures already requested in that Directive, such as river basin management plans, should not be duplicated in this Regulation. There is, however, a need to ensure coordination of and consistency between measures taken under this Regulation and those under the mentioned Directive for the protection and enhancement of salmon habitats in inland waters.

(6) The Implementation Plan agreed by the World Summit on Sustainable Development at Johannesburg in 2002 states that all commercial stocks should be restored to levels that can produce maximum sustainable yield by 2015. This has been a legal requirement under the UN Convention on the Law of the Sea since 1994. ICES HELCOM deems that, for the Baltic salmon river stocks, this level corresponds to a smolt production level between 60% and 75% of 80% of the potential smolt production capacity for the different wild salmon rivers. Such scientific advice should constitute the basis for setting the objectives and targets of the multiannual plan. [Am. 2]

(6a) Smolt production capacity is a rough indicator of the health of the salmon stock in any given river. It requires a series of assumptions to be in place before it is possible to use smolt production as an indicator. Moreover, the level of smolt production is affected by a number of factors rendering the correlation between smolt production and the health of the salmon stock difficult to isolate. The level of returning female salmon to rivers should therefore be used as a viable second indicator of the health of the salmon stock. [Am. 3]

(7) Scientific advice indicates that genetic pollution of the Baltic salmon stocks may result in a decline in the survival rate and in the abundance of indigenous populations and in the erosion of the genetic capability to face diseases and changing local environmental conditions. Therefore, preserving the genetic integrity and diversity of the Baltic salmon stocks pays a crucial role in their conservation and should be included as an objective of the multiannual plan.

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(8) The fishing mortality rate at sea and in rivers should result in a wild salmon stock size that produces the maximum sustainable yield in accordance with the targets and timeframes set. The fishing mortality rate at sea should be established on the basis of STECF advice.

(9) For a more effective implementation of the plan and in order to allow for a more targeted response to the special characteristics of each salmon river stock, Member States concerned should be empowered to lay down the level of the salmon fishing mortality rate, the total allowable catches and certain technical conservation measures in their rivers in accordance with Article 2(1) TFEU.

(10) When adopting measures in the framework of this Regulation, Member States should fully respect their international obligations, in particular those deriving from Article 66 of United Nations Convention of 10 December 1982 on the Law of the Sea (1) which requires inter alia that the state of origin of anadromous stocks and other states concerned should cooperate with regard to conservation and management of these stocks.

(11) Provisions should be made for the periodical assessment by the Commission of the adequacy and effectiveness of Member States measures on the basis of the targets and objectives set out in the multiannual plan.

(12) Scientific advice states that inappropriate stocking procedures may have significant implications on the genetic diversity of the Baltic salmon stock and that there is also a risk that the large number of reared fish released into the Baltic Sea every year is affecting the genetic integrity of the wild salmon stock and should be phased out. Therefore, the condition of releases populations. In view of this, stocking should be subject to tighter controls. Furthermore, the conditions governing the sourcing of genetic material for the breeding and rearing of salmon stocking material, as well as the conditions governing stocking procedures, should be established in this multiannual plan, in order to ensure that stocking does not have an adverse effect on genetic diversity. [Am. 4]

(13) The direct restocking of potential salmon rivers is considered under specific conditions to be a conservation measure; since it offers the possibility of re-establishing self-sustaining salmon populations, it has a positive effect on the overall number of salmon and on the fishery. Provisions should be made to explicitly allow direct restocking which fulfils these conditions to be eligible for funding in accordance with Article 38(2) of Council Regulation (EC) No 1198/2006 of 27 July 2006 on the European Fisheries Fund (2).

(14) However, since releases of salmon may be at present mandatory in certain Member States and in order to give Member States time to adjust to these requirements, releases of salmon other than stocking and direct restocking should remain not continue to be allowed during a transitional period of seven years following the entry into force of this Regulation after a ten-year period if, by the end of that period, wild smolt production has reached 80% of the potential smolt production capacity in a given river. If that target is not reached, releases of salmon other than stocking and direct restocking may continue for a further 10 years once the Member State concerned has analysed and removed the causes of the failure to reach that target. It is possible that releases of salmon are at present mandatory in certain Member States and it is, therefore, necessary for Member States to be given time to adjust to these requirements. [Am. 5]

(15) With a view to ensuring compliance with the measures laid down in this Regulation, specific control measures should be adopted in addition to those provided for in Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy (3).

**(15a)** In order to achieve sustainable fisheries, the trust between the stakeholders and the methods they use for communicating with one another should be improved. [Am. 6]

**16** A substantial number of coastal vessels fishing for salmon are below 10 m in length. For this reason the use of fishing logbook, as required by Article 14 and prior notification as required by Article 17 of Regulation (EC) No 1224/2009 should be extended to cover all commercial fishing vessels and service vessels. [Am. 7]

**17** To ensure that salmon catches are not misreported as sea trout and therefore escape proper control, it is necessary to extend the obligation to submit prior notifications in accordance with Article 17 of Regulation (EC) No 1224/2009 also to all vessels retaining on board sea trout.

**17a** Member States should strengthen their control and prior notification systems for recreational vessels used for angling and other types of fishing, in order to ensure a simple and effective system and to promote sustainable fishing. [Am. 8]

**17b** A minimum landing size should be established for both sea trout (Salmo trutta) and salmon (Salmo salar), in ICES subdivisions 22-32, by way of derogation from Article 14 of and Annex IV to Council Regulation (EC) No 2187/2005 of 21 December 2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound (1). [Am. 9]

**18** To provide better and more scientific data on the salmon stock, electrofishing should be permitted.

**19** Recent scientific advice indicates that recreational salmon fisheries at sea have a significant impact on salmon stocks, even though the data available in this regard are not very precise. In particular, recreational fisheries carried out from vessels operated by undertakings offering their services for profit can potentially account for an important part of catches of Baltic salmon. To ensure that the multiannual plan functions well, it is appropriate, therefore, to introduce certain specific management measures to control such recreational fishing activities. [Am. 10]

**19a** Establishing Internet-based reporting systems in or between Member States should be encouraged and supported in order to make reporting even easier. The information about reported catches should be publicly available. However, the specific fishing ground of the catch should not be disclosed, in order to avoid incentives for fishermen targeting this specific fishing ground. [Am. 11]

**20** In order to achieve in an efficient way the targets set in this Regulation and to be able to react swiftly to changes in stock conditions, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of certain non-essential elements of this Regulation as provided for in its Articles 6, 7, 11 and 25. Those powers should include the possibility to amend the fishing mortality rate at sea, to amend the list of wild salmon rivers and certain technical information contained in the Annexes to this Regulation and to adopt measures for the Baltic river stocks, where Member States measures under the empowerment mentioned in recital 9 are not adopted or are considered ineffective.

**20a** The Commission should ensure that Member States take the administrative or criminal measures needed to tackle the issue of illegal, unreported and unregulated fishing. [Am. 12]

**21** The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

**22** In order to ensure uniform conditions for the implementation of the provisions on stocking of salmon established in Article 12 of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission’s exercise of implementing powers (2).

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HAVE ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT-MATTER, SCOPE AND DEFINITIONS

Article 1

Subject-matter

This Regulation establishes a multiannual plan for the conservation and management of the Baltic salmon stock (‘the plan’).

Article 2

Scope

1. The plan shall apply to:

(a) commercial and recreational fisheries in the Baltic Sea and in rivers connected with it on the territory of Member States (‘the Member States concerned’); [Am. 13]

(b) recreational fisheries of salmon in the Baltic Sea where such fisheries are conducted by service vessels. [Am. 14]

Article 3

Definitions


2. The following definitions shall also apply:

(a) ‘Baltic Sea’ means ICES Subdivisions 22-32;

(b) ‘Baltic rivers’ means the rivers connected to the Baltic Sea on the territory of Member States;

(c) ‘Baltic salmon stock’ means all salmon stocks in the Baltic Sea and in Baltic rivers, both wild and reared;

(d) ‘wild salmon river’ means a river with self sustaining wild salmon populations with no or limited releases of reared salmon as listed in Annex I;

(e) ‘potential salmon river’ means a river with historical wild salmon population(s) and currently no or little natural reproduction and with the potential for re-establishment of a self sustaining wild salmon population;

(f) ‘potential smolt production capacity’ means the production capacity of smolts calculated for each river on the basis of relevant river-specific parameters;

(g) ‘technical conservation measures’ means measures that regulate the species composition and size composition of catches as well as the impacts on components of the ecosystems resulting from fishing activities, through conditioning the use and structure of fishing gear and restrictions of access to fishing areas;

(h) ‘stocking’ means the deliberate release of smolt or earlier life stages of reared salmon into wild salmon rivers;

(ha) ‘recreational fisheries’ means, notwithstanding Article 4(28) of Regulation (EC) No 1224/2009, forms of fishing other than commercial fishing using any type of fishing vessel and gear for commercial and non-commercial purposes; [Am. 15]

(i) ‘direct restocking’ means the release of smolt or earlier life stages of reared salmon into potential salmon rivers;

(j) ‘service vessel’ means a vessel, that is operated by an undertaking offering services, including providing fishing equipment, transport and/or guidance, for the purpose of recreational fishing targeting salmon in the Baltic Sea;

(k) ‘total allowable catches’ (TAC) means the quantity of Baltic salmon that can be taken and landed from the stock each year.

CHAPTER II
OBJECTIVES

Article 4
Objectives

The plan shall aim at ensuring that:

(a) the Baltic salmon stock is exploited in a sustainable way according to the principle of maximum sustainable yield;

(b) the genetic integrity and diversity of the Baltic salmon stock is safeguarded.

CHAPTER III
TARGETS

Article 5
Targets for wild salmon river stocks

1. For wild salmon rivers which have reached 50 % of the potential smolt production capacity by … (*), the wild smolt production shall reach 75 % 80 % of the potential smolt production capacity for each river by … (**). [Am. 16]

2. For wild salmon rivers which have not reached 50 % of the potential smolt production capacity by … (**), the wild smolt production shall reach 50 % of the potential smolt production capacity for each river by … (***) and 75 % 80 % by … (****). [Am. 17]

3. After … (****), the wild salmon smolt production shall be maintained at a level of at least 75 % 80 % of the potential smolt production capacity in each wild salmon river. [Am. 18]

4. Member States concerned may set, for each wild salmon river, other more stringent targets, such as those based on the number of returning spawners. [Am. 19]

Member States concerned shall provide and publish data accounts of returning female salmon to their rivers. [Am. 20]

CHAPTER IV
HARVESTING RULES

Article 6
Determining TAC in rivers

1. The annual TAC for salmon stocks in wild salmon rivers shall not exceed the level corresponding to the fishing mortality rate referred to in paragraph 2.

(*) Date of entry into force of this Regulation.
(**) Seven years after the date of entry into force of this Regulation.
(*** ) Date of entry into force of this Regulation.
(****) Five years after the date of entry into force of this Regulation.
(***** ) Twelve years after the date of entry into force of this Regulation.
2. The fishing mortality rate for salmon stocks in wild salmon rivers shall be specified by each Member State in accordance with the targets set out in Article 5 and with the expert opinions from STECF and ICES and re-assessed regularly by those bodies when more information becomes available or the characteristics of the river are changed. For that purpose the Member States shall take account of potential smolt production capacity as calculated for each river by ICES on the basis of relevant river-specific parameters and re-assessed regularly by this body when more information becomes available or when the characteristics of the river change.

3. Member States concerned shall publish the fishing mortality rate in wild salmon rivers and the corresponding salmon TAC on the publicly accessible part of their official website set up in accordance with Article 114 of Regulation (EC) No 1224/2009 by … (*) and shall revise them annually.

4. The Commission shall assess every three years the compatibility and effectiveness of measures taken by Member States pursuant to this Article on the basis of the objectives and targets set out in Articles 4 and 5. [Am. 21]

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 26 specifying the fishing mortality rate and/or the corresponding TAC in wild salmon rivers and/or the closure of the fishery concerned measures, if the Member States concerned do not publish such measures in accordance with paragraphs 1, 2 and 3 by the respective deadlines set.

6. The Commission shall be empowered to adopt delegated acts in accordance with Article 26 specifying the fishing mortality rate and/or the corresponding TAC in wild salmon rivers and/or the closure of the fishery concerned, if, on the basis of an assessment carried out pursuant to paragraph 4, measures adopted by Member States are deemed not to be compatible with the objectives and targets set out in Articles 4 and 5 or are deemed to be inadequate for the attainment of those objectives and targets.

7. The measures adopted by the Commission shall aim to ensure that the objectives and targets set out in Articles 4 and 5 are met. Upon the adoption of the delegated act by the Commission, the Member State measures shall cease to be effective.

Article 7
Determineing TAC at sea

1. The annual TAC for the salmon stocks at sea shall not exceed the level corresponding to a fishing mortality rate of 0.1.

2. The Commission shall be empowered to adopt delegated acts, in accordance with Article 26, amending the value of the fishing mortality rate at sea referred to in paragraph 1 when there are clear indications that stock conditions have changed and/or that the existing fishing mortality rate is not appropriate to reach the objectives set out in Article 4.

3. In case of sudden outburst of diseases, critically low post smolt survival rates or other unforeseen developments, the Council shall decide on a TAC that is lower than the TAC which would result from the fishing mortality rate referred to in paragraph 1.

Article 8
Use of the national quota by service vessels in recreational fisheries [Am. 22]

Salmon caught at sea from service vessels in recreational fisheries and from recreational coastal and river fisheries shall be counted against the national quota. [Am. 23]

(*) One year from the date of entry into force of this Regulation.
CHAPTER IVA

MINIMUM LANDING SIZE FOR SALMON AND SEA TROUT

Article 8a

By way of derogation from Article 14 of Regulation (EC) No 2187/2005, the minimum landing size for salmon shall be 60 cm and the minimum landing size for sea trout shall be 50 cm, in each of the ICES subdivisions referred to in Article 3(2)(a) of this Regulation. [Am. 26]

CHAPTER V

TECHNICAL CONSERVATION MEASURES

Article 9

Member States measures to protect weak salmon river stocks

1. For wild salmon rivers which have not reached 50 % of the potential smolt production capacity by … (*), Member States concerned shall establish not later than two years after the entry into force of this Regulation national technical conservation measures, maintain and, if necessary, improve existing national technical conservation measures by … (**). [Am. 24]

2. Technical conservation measures referred to in paragraph 1 shall be based on river specific requirements to adequately contribute to achieving the objectives and targets set out in Articles 4 and 5. The location of such measures shall be based on best available information on salmon migration routes at sea.

Article 10

Measures to protect other salmon rivers stocks

Member States may establish national technical conservation measures in their Baltic rivers for salmon river stocks not covered by Article 9. Those measures shall contribute to achieving the objectives and targets set out in Articles 4 and 5.

The Commission shall review the State aid guidelines with a view to making it easier for Member States to compensate for damage caused by seals and cormorants. [Am. 25]

Article 11

Commission measures

1. The Commission shall assess every three years the compatibility and effectiveness of measures taken by Member States pursuant to Articles 9 and 10, in particular where wild salmon rivers run through several Member States, on the basis of the targets and objectives set out in Articles 4 and 5. [Am. 27]

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 26 laying down such technical conservation measures as are needed, if the Member States concerned do not adopt such measures in accordance with Articles 9 within the set deadline after the date of entry into force of this Regulation.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 26 laying down such technical conservation measures as are needed, if, on the basis of an assessment carried out pursuant to paragraph 1, Member State measures are deemed not to be compatible with the objectives and targets set out in Articles 4 and 5 or are deemed to be inadequate for the attainment of these objectives and targets.

4. The measures adopted by the Commission shall aim at ensuring that the objectives and targets set out in Articles 4 and 5 are met. Upon the adoption of the delegated act by the Commission, the Member State measures shall cease to be effective.

(*) Date of entry into force of this Regulation.
(**) Two years after the entry into force of this Regulation.
CHAPTER VI
RELEASERS

Article 12
Stocking

1. Stocking of salmon may only be conducted in wild salmon rivers. The number of released smolts in each river shall not exceed the estimated potential smolt production capacity of the river local stock. [Am. 28]

2. Stocking shall be conducted in a way that safeguards the genetic diversity and variability of the different salmon river stocks taking into account existing fish communities in the stocked river and in neighbouring rivers while maximising the effect of stocking. Smolt shall come from the nearest possible wild salmon river. [Am. 29]

2a. Smolts for stocking shall be marked by clipping their adipose fins. [Am. 30]

3. The Commission may establish shall adopt implementing acts by ... (*) implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2). [Am. 31]

Article 13
Direct restocking

Direct restocking of potential salmon rivers shall only be made, provided that:

(a) the river has or its tributaries have free migratory waterways, appropriate water quality and habitat suitable for reproduction and growth of salmon; [Am. 32]

(b) the purpose of direct restocking is to establish or enhance a viable self sustaining wild salmon population;

(c) there is a pre- and post-release monitoring program with evaluation in place;

(d) there are suitable and adequate conservation and management measures in place to facilitate the re-establishment of a self-sustaining salmon population in the river;

(da) stocking shall be conducted in a way that safeguards the genetic diversity of the different salmon river stocks, taking into account existing fish communities in the stocked river and in neighbouring rivers, while maximising the effect of stocking; [Am. 34]

(db) smolts for stocking shall be marked by clipping their adipose fins. [Am. 35]

The Polluter Pays principle shall be the guiding principle when rehabilitating waterways. Direct restocking in accordance with paragraph 1 shall also be deemed to be a conservation measure for the purposes of Article 38(2) of Regulation (EC) No 1198/2006. [Am. 36]

Article 13a
Origin of mature fish and smolt

Mature fish and smolt shall originate from the same wild salmon river if possible or failing that from the nearest possible wild salmon river basin. [Am. 33]

(*) Three years after the entry into force of this Regulation.
Article 14
Transitional period

Releases of salmon other than those made in accordance with Articles 12 and 13 may continue until 7 years after the entry into force of this Regulation … (*), and shall be carefully evaluated. A river-by-river approach shall be used for the gradual phasing out. It shall be administered by Member States’ local, regional and/or national agencies and shall also involve local stakeholders and make use of their competence with regards to habitat restoration and other measures. Legally binding national decisions on the use of economic resources currently used for restocking shall be redirected to support fishermen potentially adversely affected by the negative effects of a phasing-out. [Am. 37]

CHAPTER VII
CONTROL AND ENFORCEMENT

Article 15
Relationship with Regulation (EC) No 1224/2009

The control measures provided for in this Chapter shall apply in addition to those prescribed in Regulation (EC) No 1224/2009, safe where otherwise provided for in the Articles of this Chapter.

In addition, Article 55(3) of Regulation (EC) No 1224/2009, as well as Articles 64 and 65 of Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 (1), shall apply mutatis mutandis to all recreational fisheries for salmon in the Baltic Sea. [Am. 38]

Article 16
Logbooks

By way of derogation from Article 14 of Regulation (EC) No 1224/2009 masters of Union fishing vessels of all length holding a fishing authorisation for salmon, as well as masters of service vessels used for angling and other types of fishing, shall keep a logbook of their operations in accordance with the rules set in Article 14 of Regulation (EC) No 1224/2009. [Am. 39]

Article 17
Prior notifications

By way of derogation from the introductory sentence of Article 17(1) of Regulation (EC) No 1224/2009, masters of Union fishing vessels of all lengths, as well as masters of service vessels, retaining salmon and/or sea trout on board shall notify the competent authorities of their flag Member State immediately after the completion of the fishing operation of the information listed in Article 17(1) of Regulation (EC) No 1224/2009. [Am. 40]

Article 18
Special activity authorisations

1. Service vessels shall hold a special activity authorisation for salmon fishing, issued in accordance with Annex II of this Regulation.

2. Member States concerned shall include special activity authorisations in the list of fishing authorisations contained in the electronic database established in accordance with Article 116(1)(d) of Regulation (EC) No 1224/2009. Furthermore, they shall include the data with regard to special activity authorisations in the computerized validation system referred to in Article 109 of Regulation (EC) No 1224/2009.

(*) 10 years after the entry into force of this Regulation.
Article 19
Catch declaration declarations for recreational fisheries [Am. 41]

1. The master All types of service vessel recreational fisheries vessels shall complete a catch declaration in accordance with Annex III and submit it to the competent authority of the flag Member State of the service vessel by the last day of every month. [Am. 42]

2. By the fifteenth day of each month Member States concerned shall register the information recorded in the catch declarations for the previous month in their electronic database established in accordance with Article 116(1)(f) of Regulation (EC) No 1224/2009 and in their computerised validation system referred to in Article 109 of Regulation (EC) No 1224/2009. The electronic data and the catch declarations shall be kept for 3 years.

Article 20
Landing inspections

Member States concerned shall verify the accuracy of the information recorded in the catch declarations by landing inspections. Such landing inspections shall cover a minimum of 10% 20% inspection of the total number of landings. The European Fisheries Control Agency shall carry out effective checks and shall encourage Member States to undertake more focused and targeted inspections in areas where IUU-fishing is suspected or reported to take place. [Am. 43]

Article 20a
Control of recreational fisheries

The arrangements for the control of recreational fisheries for the purposes of this Regulation shall be based in particular on Article 55 of Regulation (EC) No 1224/2009 and on Articles 64 and 65 of Regulation (EU) No 404/2011. [Am. 44]

Article 21
National control action programmes

The national control action programmes as prescribed in Article 46 of Regulation (EC) No 1224/2009 shall also contain as a minimum:

(a) the application of technical conservation measures established in accordance with Chapter V of this Regulation;

(b) compliance with the rules on quota uptake, activity authorisation and catch declaration by service vessels, and recreational fisheries using all types of gear: [Am. 45]

(c) the monitoring of rules on stocking and direct restocking.

CHAPTER VIII
DATA COLLECTION

Article 22

For the purposes of data collection each juvenile salmon cohort in all wild salmon rivers may be surveyed with electrofishing before smoltification.

The Commission may adopt implementing acts laying down detailed conditions for conducting electrofishing based on the latest scientific information. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2). [Am. 46]

Article 22a

No later than ... (*), the Commission shall forward to Parliament and the Council the findings of scientific research conducted into the impact of predators, in particular seals and cormorants, on the Baltic salmon stock. On the basis of those research findings the Commission shall draw up a plan for managing populations of predators that have an impact on the Baltic salmon stock, which shall be brought into force no later than in 2016. [Am. 47]

(*) Three years after the entry into force of this Regulation.
Article 22b

No later than … (*), the Commission shall forward to Parliament and to the Council the findings of the scientific research conducted in respect of the discards and by-catch of salmon in all relevant Baltic Sea fisheries. [Am. 48]

CHAPTER IX
FOLLOW-UP

Article 23
Member States reporting

1. Member States concerned shall report to the Commission on the technical conservation measures adopted in accordance with Chapter V and their fulfilment of the objectives set out in Article 5 in the third year after the entry into force of this Regulation and then every third year on … (**) and every year thereafter. [Am. 49]

2. Member States concerned shall report to the Commission on the implementation of this Regulation and on the fulfilment of the objectives set out in Article 5 in … (***) and then every sixth third year. The Member State report shall in particular provide information on the following:

[Am. 50]

(a) the development of the national fishery including the share of catches between offshore waters, coastal waters and rivers and between commercial fishermen, undertakings of service vessels and other recreational fishermen;

(b) for each wild salmon river, the production of parr and smolt and the best available estimate of the potential smolt production capacity;

(c) for each wild salmon river stock, the available genetic information;

(d) the activity of stocking and direct restocking of salmon;

(e) the implementation of the national control action programme referred to in Article 46 of Regulation (EC) No 1224/2009.

Article 24
Evaluation of the plan

The Commission shall, on the basis of the reporting by Member States as referred to in Article 23 of this Regulation and on the basis of scientific advice, evaluate the impact of the management measures on the Baltic salmon stock and on the fisheries exploiting that stock in the year following that in which it receives the Member States reports.

CHAPTER X
AMENDMENTS TO ANNEXES

Article 25
Amendments to Annexes

1. The Commission shall be empowered to adopt delegated acts, in accordance with Article 26, amending the list of wild salmon rivers listed in Annex I in order to keep it up to date with recent scientific information.

2. The Commission shall be empowered to adopt delegated acts, in accordance with Article 26, amending Annexes II and III to ensure that control is effective.

(*) Three years after the entry into force of this Regulation.
(**) One year after the entry into force of this Regulation.
(***) Three years after the date of entry into force of this Regulation.
CHAPTER XI
PROCEDURAL PROVISIONS

Article 26
Exercise of delegated powers

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Articles 6, 7, 11 and 25 shall be conferred on the Commission for an indeterminate period of time.

3. The delegation of power referred to in Articles 6, 7, 11 and 25 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Articles 6, 7, 11 and 25 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 27
Revocation of empowerment

Where a Member States concerned have not established or published, by the set deadline, the measures set out in Articles 6 or 11, or where such measures are deemed inadequate and/or ineffective following the assessment carried out in accordance with Article 6(4) or 11(1), the empowerment of the Member State concerned referred to in Articles 6 or 11 shall be revoked by the Commission. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. [Am. 51]

Article 28
Committee procedure

1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture established by Article 30 of Regulation (EC) No 2371/2002. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

CHAPTER XII
FINAL PROVISIONS

Article 29
Entry into force

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

This Regulation shall apply from …
This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at …,

For the European Parliament

The President

For the Council

The President

ANNEX I

Wild Salmon Rivers in the Baltic Sea

Finland
— Simojoki

Finland/Sweden
— Tornionjoki/Tornälven

Sweden
— Kalixälven, Råneälven, Piteälven, Åbyälven, Byskeälven, Rickleden, Sävarän, Ume/Vindelälven, Öreälven, Lögdeälven, Emån, Mörrumsån, Ljungan

Estonia
— Pärnu, Kunda, Keila, Vasalemma

Latvia
— Salaca, Vitrupe, Peterupe, Irbe, Uzava, Saka

Latvia/Lithuania
— Barta/Bartuva

Lithuania
— Nemunas river basin (Zeimena)

ANNEX II

MINIMUM INFORMATION FOR THE SPECIAL ACTIVITY AUTHORISATIONS

1. VESSEL DETAILS

Name of vessel (1)

Flag state

Port of registration (Name and national code)

External marking

International radio call sign (IRCS (2))

(1) For vessels having a name.
(2) For vessels requested to have an IRCS.
2. AUTHORISATION HOLDER, VESSEL OWNER AND MASTER (1)

Name and address of natural or legal person

3. VESSEL CHARACTERISTICS

Engine power (kW) (2)

Tonnage (GT)

Length overall

4. FISHING CONDITIONS

1. Date of issue:
2. Period of validity:
3. Conditions of authorisation including, where appropriate, species, zone and fishing gear:

ANNEX III

CATCH DECLARATIONS

Each Member State concerned shall issue for its service vessels an official form to be completed as catch declaration. This form shall contain, as a minimum, the following information:

(a) Reference number of special activity authorisation issued in accordance with Article 18;

(b) Name of the natural or legal person holding the special activity authorisation issued in accordance with Article 18;

(c) Name and signature of the master of the service vessel;

(d) Date and time of departure and arrival to port and duration of fishing trip;

(e) Place and time of landing by fishing trips;

(f) Gear used by fishing operations;

(g) Quantities of fish landed by species and by fishing trips;

(h) Quantities of fish discarded by species and by fishing trips;

(i) Area of catches by fishing trips expressed as ICES statistical rectangles.

P7_TA(2012)0447

Granting delegated powers for the adoption of certain measures relating to the common commercial policy ***I


(Ordinary legislative procedure: first reading)

(2015/C 419/52)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2011)0349),

(1) Indicate for each person applicable.

having regard to Article 294(2) and Article 207 of the Treaty on the Functioning of the European Union, pursuant to
which the Commission submitted the proposal to Parliament (C7-0162/2011),

— having regard to Article 294(3) 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 International Trade (A7-0096/2012),

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)0153

Position of the European Parliament adopted at first reading on 22 November 2012 with a view to the adoption of
to the common commercial policy as regards the granting of delegated \[implementing\] powers for the adoption
of certain measures [Am. 1]

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure \(^1\),

Whereas:

(1) A number of basic regulations relating to the common commercial policy provide that acts are to be adopted on the
basis of the procedures set out in Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for
the exercise of implementing powers conferred on the Commission \(^2\).

(2) An examination of legislative acts in force which were not adapted to the regulatory procedure with scrutiny before
the entry into force of the Treaty of Lisbon is necessary in order to ensure consistency with the provisions introduced
by that Treaty. It is appropriate, in certain cases, to amend such acts in order to grant delegated powers to the
Commission pursuant to Article 290 of the Treaty on the Functioning of the European Union (TFEU). \*It is also
appropriate, in some cases, to apply certain procedures set out in Regulation (EU) No 182/2011 of the European
Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning
mechanisms for control by Member States of the Commission’s exercise of implementing powers \(^4\). [Am. 2]*

(3) The following regulations should therefore be amended accordingly:

products from third countries \(^5\),

\(^2\) OJ L 184, 17.7.1999, p. 23.
\(^3\) OJ L 55, 28.2.2011, p. 13.
— Council Regulation (EC) No 517/94 of 7 March 1994 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules (1),


— Council Regulation (EC) No 1528/2007 of 20 December 2007 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements (5),


— Council Regulation (EC) No 1340/2008 of 8 December 2008 on trade in certain steel products between the European Community and the Republic of Kazakhstan (8),

— Council Regulation (EC) No 1215/2009 of 30 November 2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union’s Stabilisation and Association process (9). [Am. 4]

(4) In order to ensure legal certainty, it is necessary that the procedures for the adoption of measures which have been initiated but not completed before the entry into force of this Regulation are not affected by this Regulation,

HAVE ADOPTED THIS REGULATION:

Article 1

The Regulations listed in the Annex to this Regulation are hereby adapted, in accordance with the Annex to Article 290 TFEU or to the applicable provisions of Regulation (EU) No 182/2011. [Am. 5]

Article 2

References to provisions of the Regulations referred to in the Annex shall be construed as being made to those provisions as amended by this Regulation.

This Regulation shall not affect the procedures for the adoption of measures provided for in the Regulations referred to in the Annex which have been initiated but not completed before the entry into force of this Regulation.

Article 4

This Regulation shall enter into force on the 30th day following that of its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at,

For the European Parliament
The President

For the Council
The President

ANNEX

LIST OF REGULATIONS FALLING UNDER THE COMMON COMMERCIAL POLICY AND ADAPTED TO ARTICLE 290 TFEU OR TO THE APPLICABLE PROVISIONS OF REGULATION (EU) NO 182/2011.


As regards Regulation (EEC) No 3030/93, in order to ensure the appropriate functioning of the system for the management of imports of certain textile products, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of necessary changes to the annexes to that Regulation. Moreover, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EEC) No 3030/93 is amended as follows:

-1. Throughout Regulation (EEC) No 3030/93, references to ‘Article 17’ are replaced by ‘Article 17(2)’. [Am. 7]

-1a. The following recitals 15a and 15b are inserted:

‘Whereas in order to ensure the appropriate functioning of the system for the management of imports of certain textile products, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the Annexes, granting additional opportunities for imports, introducing or adapting quantitative limits and introducing safeguard measures and a surveillance system in accordance with this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council. The Commission should provide full information and documentation concerning its meetings with national experts within the framework of its work on the preparation and implementation of delegated acts. In this respect, the Commission should ensure that the European Parliament is duly involved, drawing on best practices from previous experience in other policy areas in order to create the best possible conditions for future scrutiny of delegated acts by the European Parliament; [Am. 6]”

Whereas, in order to ensure uniform conditions for the adoption of certain measures for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission’s exercise of implementing powers (*);

(*) OJ L 55, 28.2.2011, p. 13.’.

[Am. 8]

1. In Article 2, paragraph 6 is replaced by the following:

‘6. The Commission shall be empowered to adopt delegated acts in accordance with Article 16a in order to adapt the definition of quantitative limits laid down in Annex V and the categories of products to which they apply, where this proves necessary to ensure that any subsequent amendment to the combined nomenclature (CN) or any decision amending the classification of such products does not result in a reduction of such quantitative limits.’.

2. In Article 6, paragraph 2 is replaced by the following:

‘2. The Commission shall be empowered to adopt delegated acts in accordance with Article 16a to amend the annexes so as to remedy the situation referred to in paragraph 1, due respect being given to the terms and conditions contained in the relevant bilateral agreements.

Where a delay in the imposition of measures would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 16b shall apply to delegated acts adopted pursuant to this paragraph.’.

3. Article 8 is amended as follows:

(a) The first paragraph is replaced by the following:

‘The Commission shall be empowered to adopt delegated acts in accordance with Article 16a to grant additional opportunities for imports during a given quota year, where, under particular circumstances, imports over and above those referred to in Annex V are required in respect of one or more categories of products.

Where a delay in the imposition of measures would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 16b shall apply to delegated acts adopted pursuant to the first paragraph. The Commission shall take a decision within 15 working days of a request from a Member State.’.

(b) The penultimate paragraph is deleted.

4. Article 10 is amended as follows:

(a) in paragraph 7, point (b) is deleted;

(b) paragraph 13 is replaced by the following:

‘13. The Commission shall be empowered to adopt delegated acts in accordance with Article 16a concerning the measures provided for in paragraphs 3 and 9.

Where a delay in the imposition of measures would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 16b shall apply to delegated acts adopted pursuant to this paragraph. The Commission shall take a decision within 10 working days of a request from a Member State.’.

5. Article 10a is amended as follows:

(a) paragraph 2a is deleted;
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(b) paragraph 3 is replaced by the following:

‘3. The Commission shall be empowered to adopt delegated acts in accordance with Article 16a concerning the measures provided for in paragraph 1, with the exception of the opening of consultations as provided for in paragraph 1(a).

Where a delay in the imposition of measures would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 16b shall apply to delegated acts adopted pursuant to this paragraph.’.

6. In Article 13(3), the second subparagraph is replaced by the following:

‘The Commission shall decide to introduce an a priori or an a posteriori surveillance system. The Commission shall be empowered to adopt delegated acts in accordance with Article 16a concerning the imposition of the a priori surveillance system.

Where a delay in the imposition of measures would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 16b shall apply to delegated acts adopted pursuant to the second subparagraph.’.

7. Article 15 is amended as follows:

(a) paragraph 3 is replaced by the following:

‘3. If the Union and the supplier country fail to arrive at a satisfactory solution within the period stipulated in Article 16 and if the Commission notes that there is clear evidence of circumvention, the Commission shall be empowered to adopt delegated acts in accordance with the procedure laid down in Article 16a to deduct from the quantitative limits an equivalent volume of products originating in the supplier country concerned.

Where a delay in the imposition of measures would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 16b shall apply to delegated acts adopted pursuant to this paragraph.’.

(b) paragraph 5 is replaced by the following:

‘5. In addition, where there is evidence of the involvement of the territories of third countries which are Members of the WTO but which are not listed in Annex V, the Commission shall request consultations with the third country or countries concerned in accordance with the procedure described in Article 16 in order to take appropriate action to address the problem. The Commission shall be empowered to adopt delegated acts in accordance with Article 16a to introduce quantitative limits against the third country or countries concerned or to counteract the situation referred to in paragraph 1.

Where a delay in the imposition of measures would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 16b shall apply to delegated acts adopted pursuant to this paragraph.’.

7a. In Article 16(1), the introductory part is replaced by the following:

‘1. The Commission, acting in accordance with the advisory procedure referred to in Article 17(1a), shall conduct the consultations referred to in this Regulation in accordance with the following rules’. [Am. 9]

8. The following articles are inserted:

‘Article 16a

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.'
2. The delegation of power referred to in Article 2(6), Article 6(2), Article 8, Article 10(13), Article 10a(3), Article 13(3), Article 15(3) and (5) and Article 19 of this Regulation, in Articles 4(3) of Annex IV, and in Article 2 and Article 3(1) and (3) of Annex VII to this Regulation shall be conferred on the Commission for an indeterminate period of time five years from … (*) . The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period. [Am. 10]

3. The delegation of power referred to in Article 2(6), Article 6(2), Article 8, Article 10(13), Article 10a(3), Article 13(3), Article 15(3) and (5) and Article 19 of this Regulation, in Articles 4(3) of Annex IV, and in Article 2 and Article 3(1) and (3) of Annex VII to this Regulation may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 2(6), Article 6(2), Article 8, Article 10(13), Article 10a(3), Article 13(3), Article 15(3) and (5) and Article 19 of this Regulation, in Articles 4(3) of Annex IV, and in Article 2 and Article 3(1) and (3) of Annex VII to this Regulation shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council. [Am. 11]

Article 16b

Urgency procedure

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 16a(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or the Council.

8a. In Article 17, paragraph 2 is replaced by the following:

'1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. The advisory committee shall deliver its opinion within one month of the date of referral. [Am. 12]

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. The examination committee shall deliver its opinion within one month of the date of referral. [Am. 13]

2a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request.'.

[Am. 14]

8b. Article 17a is deleted. [Am. 15]

(*) Date of entry into force of this Regulation.
9. Article 19 is replaced by the following:

‘Article 19

The Commission shall be empowered to adopt delegated acts in accordance with Article 16a to amend the relevant Annexes where necessary to take into account the conclusion, amendment or expiry of agreements, protocols or arrangements with third countries or amendments made to Union rules on statistics, customs arrangements or common rules for imports’.

9a. The following article is inserted:

‘Article 19a

Report

1. The Commission shall submit a biannual report to the European Parliament on the application of this Regulation.

2. The report shall include information on the implementation of this Regulation.

3. The European Parliament may, within one month after submission of the Commission’s report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of this Regulation.

4. No later than six months after submitting its report to the European Parliament, the Commission shall make it public.’.

[Am. 16]

10. In Article 4 of Annex IV, paragraph 3 is replaced by the following:

‘3. Where it is established that the provisions of this Regulation have been contravened, and in agreement with the supplier country or countries concerned, the Commission shall be empowered to adopt delegated acts in accordance with Article 16a of this Regulation concerning the amendment of the relevant Annexes to this Regulation, as necessary to prevent recurrence of such contravention.

Where a delay in the imposition of measures would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 16b of this Regulation shall apply to delegated acts adopted pursuant to this paragraph.’.

11. In Annex VII, Article 2 is replaced by the following:

‘Article 2

The Commission shall be empowered to adopt delegated acts in accordance with Article 16a of this Regulation to subject re-imports not covered by this Annex to specific quantitative limits, provided that the products concerned are subject to the quantitative limits laid down in Article 2 of this Regulation.

Where a delay in the imposition of measures would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 16b of this Regulation shall apply to delegated acts adopted pursuant to this paragraph.’.

12. In Annex VII, Article 3 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. The Commission shall be empowered to adopt delegated acts in accordance with Article 16a of this Regulation to effect transfers between categories and advance use or carry-over of portions of specific quantitative limits from one year to another.

Where a delay in the imposition of measures would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 16b of this Regulation shall apply to delegated acts adopted pursuant to this paragraph.’.

(b) paragraph 3 is replaced by the following:

‘3. The Commission shall be empowered to adopt delegated acts in accordance with Article 16a of this Regulation to adjust the specific quantitative limits where there is a need for additional imports.'
Where a delay in the imposition of measures would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 16b of this Regulation shall apply to delegated acts adopted pursuant to this paragraph.

2. Council Regulation (EC) No 517/94 of 7 March 1994 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific community import rules (1)

As regards Regulation (EC) No 517/94, in order to ensure the appropriate functioning of the system for the management of imports of certain textile products not covered by bilateral agreements, protocols or other arrangements, or by other specific Union import rules, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of necessary changes to the annexes to that Regulation. Moreover, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 517/94 is amended as follows:

-1. The following recitals 22a, 22b and 22c are inserted:

‘Whereas in order to ensure the appropriate functioning of the system for the management of imports of certain textile products not covered by bilateral agreements, protocols or other arrangements, or by other specific Union import rules, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the Annexes, altering the import rules and applying safeguard measures and surveillance measures in accordance with this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council. The Commission should provide full information and documentation concerning its meetings with national experts within the framework of its work on the preparation and implementation of delegated acts. In this respect, the Commission should ensure that the European Parliament is duly involved, drawing on best practices from previous experience in other policy areas in order to create the best possible conditions for future scrutiny of delegated acts by the European Parliament; [Am. 17]

Whereas, in order to ensure uniform conditions for the adoption of several measures for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission’s exercise of implementing powers (*); [Am. 18]

Whereas the advisory procedure should be used for the adoption of surveillance measures given the effects of these measures and their sequential logic in relation to the adoption of definitive safeguard measures; [Am. 19]

(*) OJ L 55, 28.2.2011, p. 13.’.

1. In Article 3, paragraph 3 is replaced by the following:

‘3. Any textile product referred to in Annex V and originating in the countries indicated therein may be imported into the Union provided an annual quantitative limit is established by the Commission. The Commission shall be empowered to adopt delegated acts to amend the relevant Annexes in accordance with Article 25a concerning the establishment of such annual quantitative limits.’.

2. Article 5 is amended as follows:

(a) paragraph 1 is deleted; [Am. 20]

(b) paragraph 2 is replaced by the following:

‘2. The Commission shall be empowered to adopt delegated acts in accordance with Article 25a concerning the measures required to adapt Annexes III to VII.’.

2a. Article 7 is amended as follows:

(a) in paragraph 1, the introductory part is replaced by the following:

‘1. Where it is apparent to the Commission that there is sufficient evidence to justify an investigation, with regard to the conditions of imports of products referred to in Article 1, the Commission shall:’;

[Am. 21]

(b) in paragraph 2, the first subparagraph is replaced by the following:

‘2. In addition to the information supplied under Article 6, the Commission shall seek all information it deems to be necessary and, where appropriate, shall endeavour to check that information with importers, traders, agents, producers, trade associations and organisations.’.

[Am. 22]

2b. In Article 8, paragraph 2 is replaced by the following:

‘2. If the Commission considers that no Union surveillance or safeguard measures are necessary, it shall publish in the Official Journal of the European Union a notice that the investigations are closed, stating the main conclusions of the investigations.’.

[Am. 23]

2c. Article 11 is amended as follows:

a) in paragraph 1, points (a) and (b) are replaced by the following:

‘(a) decide to introduce retrospective Union surveillance of certain imports, in accordance with the advisory procedure referred to in Article 25(1a);[Am. 24]

(b) decide, for the purposes of monitoring the trend of these imports, to make certain imports subject to prior Union surveillance, in accordance with the advisory procedure referred to in Article 25(1a).’;

[Am. 25]

b) in paragraph 2, points (a) and (b) are replaced by the following:

‘(a) decide to introduce retrospective Union surveillance of certain imports, in accordance with the advisory procedure referred to in Article 25(1a); [Am. 26]

(b) decide, for the purposes of monitoring the trend of these imports, to make certain imports subject to prior Union surveillance in accordance with the advisory procedure referred to in Article 25(1a).’.

[Am. 27]

3. In Article 12, paragraph 3 is replaced by the following:

‘3. The Commission shall be empowered to adopt delegated acts in accordance with Article 25a concerning measures referred to in paragraphs 1 and 2.’.

4. Article 13 is replaced by the following:

‘Article 13

Where imperative grounds of urgency so require in the case the Commission finds, upon its own initiative or on the request of a Member State, that the conditions set out in Article 12(1) and (2) are fulfilled and considers that a given category of products listed in Annex I and not subject to any quantitative restriction should be subject to quantitative limits or prior or retrospective surveillance measures, the Commission shall be empowered to adopt delegated acts in accordance with Article 25b to impose the measures referred to in Article 12(1) and (2).’.
4a. In Article 15, the introductory part is replaced by the following:

‘In accordance with the advisory procedure referred to in Article 25(1a), the Commission may, at the request of a Member State or on its own initiative, if the situation referred to in Article 12(2) is likely to arise:’.

[Am. 28]

5. In Article 16, the third paragraph is replaced by the following:

‘The Commission shall be empowered to adopt delegated acts in accordance with Article 25a concerning the measures referred to in the first paragraph.

Where a delay in the imposition of measures would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 25b shall apply to delegated acts adopted pursuant to the third subparagraph.’.

6. In Article 25, paragraphs 2, 3 and 4 are replaced by the following:

‘1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. The advisory committee shall deliver its opinion within one month of the date of referral. [Am. 29]

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. The examination committee shall deliver its opinion within one month of the date of referral. [Am. 30]

3. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request.’;

[Am. 31]

7. The following articles are inserted:

‘Article 25a

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of power referred to in Articles 3(3), 5(2), 12(3), 13, 16 and 28 shall be conferred on the Commission for an indeterminate period of time five years from … (*). The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period. [Am. 32]

3. The delegation of power referred to in Articles 3(3), 5(2), 12(3), 13, 16 and 28 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Articles 3(3), 5(2), 12(3), 13, 16 and 28 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months four months at the initiative of the European Parliament or the Council. [Am. 33]

(*) Please insert the date of entry into force of this Regulation
Article 25b

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 25a(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or the Council.

7a. The following article is inserted:

‘Article 26a

1. The Commission shall submit a biannual report to the European Parliament on the application of this Regulation.

2. The report shall include information on the implementation of this Regulation.

3. The European Parliament may, within one month of submission of the Commission’s report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of this Regulation.

4. No later than six months after submitting its report to the European Parliament, the Commission shall make it public.’.

[Am. 34]

8. Article 28 is replaced by the following:

‘Article 28

The Commission shall be empowered to adopt delegated acts in accordance with Article 25a to amend the relevant Annexes where necessary to take into account the conclusion, amendment or expiry of agreements or arrangements with third countries or amendments made to Union rules on statistics, customs arrangements or common rules for imports.


As regards Regulation (EC) No 953/2003, in order to add products to the list of products covered by that Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in order to amend the Annex to that Regulation.

Accordingly, Regulation (EC) No 953/2003 is amended as follows:

-1. Recital 12 is replaced by the following:

‘(12) In order to add products to the list of products covered by this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the Annexes. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council. The Commission should provide full information and documentation concerning its meetings with national experts within the framework of its work on the preparation and implementation of delegated acts. In this respect, the Commission should ensure that the European Parliament is duly involved, drawing on best practices from previous experience in other policy areas in order to create the best possible conditions for future scrutiny of delegated acts by the European Parliament.’.

[Ams. 35 and 36]

1. Article 4 is amended as follows:

(a) paragraphs 3 and 4 are replaced by the following:

‘3. The Commission shall be empowered to adopt delegated acts in accordance with Article 5 to determine whether a product fulfils the criteria set out in this Regulation.

Where a delay in action would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 5a shall apply to delegated acts adopted pursuant to this paragraph.

4. Where the requirements set out in this Regulation are fulfilled, the Commission shall be empowered to adopt delegated acts in accordance with Article 5 to add the product concerned to Annex I at the next following update. The applicant shall be informed of the decision of the Commission within 15 days.

Where a delay in action would cause damage which would be difficult to repair and therefore, imperative grounds of urgency so require, the procedure provided for in Article 5a shall apply to delegated acts adopted pursuant to this paragraph.’;

(b) paragraph 9 is replaced by the following:

‘9. The Commission shall be empowered to adopt delegated acts in accordance with Article 5 to adjust Annexes II, III and IV where necessary in the light, inter alia, of the experience gained from its application or to respond to a health crisis.

Where a delay in action would cause damage which would be difficult to repair and therefore, imperative grounds of urgency so require, the procedure provided for in Article 5a shall apply to delegated acts adopted pursuant to this paragraph.’.

2. Article 5 is replaced by the following:

‘Article 5

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of power referred to in Article 4 shall be conferred on the Commission for an indeterminate period of five years from ... (*) The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period. [Am. 37]

3. The delegation of power referred to in Article 4 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 4 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or, if before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by four months at the initiative of the European Parliament or the Council.’.

[Am. 38]

(*) Please insert the date of entry into force of this Regulation
3. The following article is inserted:

‘Article 5a

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 5(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or the Council.’.

4. In Article 11, paragraph 2 is replaced by the following:

‘2. The Commission shall periodically report to the European Parliament and Council biannually on the volumes exported under tiered prices, including on the volumes exported within the framework of a partnership agreement agreed between the manufacturer and the government of a country of destination. The report shall examine the scope of countries and diseases and general criteria for the implementation of Article 3. [Am. 39]

3. The European Parliament may, within one month of submission of the Commission’s report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of this Regulation. [Am. 40]

4. No later than six months of submission of the report to the European Parliament and to the Council, the Commission shall make it public.’.

[Am. 41]


As regards Regulation (EC) No 673/2005, in order to make the necessary adjustments to the measures provided for in that Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of those adjustments.

Accordingly, Regulation (EC) No 673/2005 is amended as follows:

-1. Recital 7 is replaced by the following:

‘(7) In order to make necessary adjustments to the measures provided for in this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the rate of the additional duty or the lists in Annexes I and II in accordance with this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council. The Commission should provide full information and documentation concerning its meetings with national experts within the framework of its work on the preparation and implementation of delegated acts. In this respect, the Commission should ensure that the European Parliament is duly involved, drawing on best practices from previous experience in other policy areas in order to create the best possible conditions for future scrutiny of delegated acts by the European Parliament.’.

[Am. 42]
1. In Article 3, paragraph 3 is replaced by the following:

‘3. The Commission shall be empowered to adopt delegated acts in accordance with Article 4 to make adjustments and amendments under this Article.

Where, in the case of adjustments and amendments to the annexes, imperative grounds of urgency so require, the procedure provided for in Article 4a shall apply to delegated acts adopted pursuant to this paragraph.’.

2. Article 4 is replaced by the following:

‘Article 4

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of power referred to in Article 3(3) shall be conferred on the Commission for an indeterminate period of five years from … (*) The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period. [Am. 43]

3. The delegation of power referred to in Article 3(3) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 3(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or, if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by four months at the initiative of the European Parliament or the Council.’.

[Am. 44]

3. The following article is inserted:

‘Article 4a

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 4(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or the Council.’.

3a. Article 7 is replaced by the following:

‘Article 7

The Commission shall submit to the European Parliament and the Council a proposal to repeal this Regulation once the United States of America has fully implemented the recommendation of the WTO Dispute Settlement Body.’.

[Am. 45]

(*) Please insert the date of entry into force of this Regulation

As regards Regulation (EC) No 1342/2007, in order to permit the effective administration through the adoption of adjustments to the restrictions on imports of certain steel products, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amendments to Annex V.

Accordingly, Regulation (EC) No 1342/2007 is amended as follows:

- The following recital is inserted:

‘(10a) In order to permit the effective administration through the adoption of adjustments to the restrictions on imports of certain steel products, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amendments to Annex V. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council. The Commission should provide full information and documentation concerning its meetings with national experts within the framework of its work on the preparation and implementation of delegated acts. In this respect, the Commission should ensure that the European Parliament is duly involved, drawing on best practices from previous experience in other policy areas in order to create the best possible conditions for future scrutiny of delegated acts by the European Parliament.’.

1. Article 5 is replaced by the following:

‘Article 5

For the purposes of applying Article 3(3) and (4) and the second subparagraph of Article 10(1) of the Agreement, the Commission shall be empowered to adopt delegated acts in accordance with Article 31a of this Regulation to make the necessary adjustments to the quantitative limits set out in Annex V.

Where a delay in action would cause damage which would be difficult to repair and therefore, imperative grounds of urgency so require, the procedure provided for in Article 31b shall apply to delegated acts adopted pursuant to this Article.’.

2. In Article 6, paragraph 3 is replaced by the following:

‘3. If the Union and the Russian Federation fail to arrive at a satisfactory solution and if the Commission notes that there is clear evidence of circumvention, the Commission shall be empowered to adopt delegated acts in accordance with Article 31a concerning adjustments to Annex V for the purpose of deducted from the quantitative limits an equivalent volume of products originating in the Russian Federation.

Where a delay in action would cause damage which would be difficult to repair and therefore, imperative grounds of urgency so require, the procedure provided for in Article 31b shall apply to delegated acts adopted pursuant to this paragraph.’.

3. Article 12 is replaced by the following:

‘Where a classification decision adopted in accordance with the Union procedures in force referred to in Article 11 involves a product group subject to a quantitative limit, the Commission shall, where necessary, initiate consultations without delay in accordance with Article 9, in order to reach agreement on any necessary adjustments to the corresponding quantitative limits provided for in Annex V. The Commission shall be empowered to adopt delegated acts in accordance with Article 31a concerning adjustments to Annex V for this purpose.’.

[Am. 46]
4. The following articles are inserted after the heading of Chapter IV:

‘Article 31a

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of power referred to in Article 5, Article 6(3) and Article 12 shall be conferred on the Commission for an indeterminate period of time five years from ... (*). The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period. [Am. 47]

3. The delegation of power referred to in Article 5, Article 6(3) and Article 12 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 5, Article 6(3) and Article 12 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months four months at the initiative of the European Parliament or the Council. [Am. 48]

Article 31b

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 31a(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or the Council.’.

6. Council Regulation (EC) No 1528/2007 of 20 December 2007 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) group of States provided for in Agreements establishing, or leading to the establishment of, Economic Partnership Agreements (*)

As regards Regulation (EC) No 1528/2007, in order to make technical adaptations to the arrangements for products originating in certain states part of the African, Caribbean and Pacific (ACP) Group of States, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of technical amendments to that Regulation.

Accordingly, Regulation (EC) No 1528/2007 is amended as follows:

-1. The following recital is inserted:

‘(16a) In order to adopt the provisions necessary for the application of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU) should be delegated to the Commission in respect of amending Annex I in order to add or to remove regions or states and in respect of introducing technical amendments to Annex II necessary as a result of application of that Annex. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission,

(*) Please insert the date of entry into force of this Regulation

when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council. The Commission should provide full information and documentation concerning its meetings with national experts within the framework of its work on the preparation and implementation of delegated acts. In this respect, the Commission should ensure that the European Parliament is duly involved, drawing on best practices from previous experience in other policy areas in order to create the best possible conditions for future scrutiny of delegated acts by the European Parliament.’.

[Am. 49]

-1a. Article 2 is amended as follows:

(a) paragraph 2 is replaced by the following:

‘2. The Commission shall amend Annex I by means of delegated acts in accordance with Article 24a to add regions or states from the ACP Group of States which have concluded negotiations on an agreement between the Union and that region or state which at least meets the requirements of Article XXIV GATT 1994.’;

[Am. 50]

(b) in paragraph 3, the introductory part is replaced by the following:

‘3. That region or state will remain on the list in Annex I unless the Commission adopts a delegated act in accordance with Article 24a amending Annex I to remove a region or state from that Annex, in particular where:

[Am. 51]

1. In Article 4, paragraph 3 is replaced by the following:

‘3. The Commission, assisted by the Customs Code Committee established by Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (*) shall monitor the implementation and application of the provisions of Annex II.

4. The Commission shall be empowered to adopt delegated acts in accordance with Article [insert the number of the Article(s) laying down the procedure for the adoption of delegated acts, currently Articles 24a to 24c of proposal COM(2011) 82 final] Article 24a concerning technical amendments to Annex II necessary as a result of the application of that Annex. [Am. 52]

5. Decisions on the management of Annex II may be adopted in accordance with the procedure referred to in Article 247 and 247a of Regulation (EEC) No 2913/92.

(*) OJ L 302, 19.10.1992, p. 1.’.

2. Article 23 is replaced by the following:

‘Article 23

Adaptation to technical developments

The Commission shall be empowered to adopt delegated acts in accordance with Article [insert the number of the Article(s) laying down the procedure for the adoption of delegated acts, currently Articles 24a to 24c of proposal COM(2011) 82 final] Article 24a concerning technical amendments to Articles 5 and 8 to 22 which may be required as a result of differences between this Regulation and agreements signed with provisional application or concluded in accordance with Article 218 TFEU with the regions or states listed in Annex I.’.

[Am. 53]
2a. The following article is inserted:

‘Article 24a

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of power referred to in Article 2(2) and (3), Article 4(4) and Article 23 shall be conferred on the Commission for a period of five years from … (\*). The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 2(2) and (3), Article 4(4), and Article 23 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 2(2) and (3), Article 4(4), and Article 23 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by four months at the initiative of the European Parliament or the Council.’

[Am. 54]


As regards Regulation (EC) No 55/2008, in order to permit the adjustment of the regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amendments required in light of changes in customs codes or for the conclusion of agreements with Moldova.

Accordingly, Regulation (EC) No 55/2008 is amended as follows:

-1. The following recital is inserted:

‘(12a) In order to permit the adjustment of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amendments required in light of changes in customs codes or for the conclusion of agreements with Moldova. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council. The Commission should provide full information and documentation concerning its meetings with national experts

\(^*\) Please insert the date of entry into force of this Regulation
within the framework of its work on the preparation and implementation of delegated acts. In this respect, the Commission should ensure that the European Parliament is duly involved, drawing on best practices from previous experience in other policy areas in order to create the best possible conditions for future scrutiny of delegated acts by the European Parliament.’.

[Am. 55]

1. Article 7 is replaced by the following:

‘Article 7

Conferral of power

The Commission shall be empowered to adopt delegated acts in accordance with Article 8b in order to make the necessary amendments and adjustments to the provisions of this Regulation as a result of:

(a) amendments to the Combined Nomenclature codes and to the TARIC subdivisions;

(b) the conclusion of other agreements between the Union and Moldova.’.

2. The following article is inserted:

‘Article 8b

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of power referred to in Article 7 shall be conferred on the Commission for an indeterminate period of five years from … (*) . The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period. [Am. 56]

3. The delegation of power referred to in Article 7 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 7 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by four months at the initiative of the European Parliament or the Council.’.

[Am. 57]

2a. The following article is inserted:

‘Article 12a

Report

1. The Commission shall submit a biannual report to the European Parliament on the application of this Regulation.

(*) Please insert the date of entry into force of this Regulation
2. The report shall include information concerning the implementation of this Regulation.

3. The European Parliament may, within one month of submission of the Commission’s report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of this Regulation.

4. No later than six months after submission of its report to the European Parliament, the Commission shall make it public.‘.

[Am. 58]


As regards Regulation (EC) No 732/2008, in order for its Annexes to be adapted to developments, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of certain adjustments to the Annexes. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Accordingly, Regulation (EC) No 732/2008 is amended as follows:

1. In Article 10, paragraph 2 is replaced by the following:

‘2. The Commission shall be empowered to adopt delegated acts in accordance with Article 27a in order to decide, after having examined the request, whether to grant the requesting country the special incentive arrangement for sustainable development and good governance and to amend Annex I accordingly.

Where a delay in action would cause damage which would be difficult to repair and therefore, imperative grounds of urgency so require, the procedure provided for in Article 27b shall apply to delegated acts adopted pursuant to this paragraph.’

2. In Article 11, paragraph 8 is replaced by the following:

‘8. When a country is excluded by the UN from the list of the least-developed countries, it shall be withdrawn from the list of the beneficiaries of the arrangement. The Commission shall be empowered to adopt delegated acts in accordance with Article 27a in order to remove a country from the arrangement by amending Annex I and to establish a transitional period of at least three years.

3. Article 25 is replaced by the following:

‘Article 25
The Commission shall be empowered to adopt delegated acts in accordance with Article 27a in order to adopt amendments to the Annexes made necessary:

(a) by amendments to the Combined Nomenclature;

(b) by changes in the international status or classification of countries or territories;

(c) by the application of Article 3(2);

(d) if a country has reached the thresholds set out in Article 3(1).’

4. The following Articles 27a and 27b are inserted:

Article 27a

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of power referred to in Articles 10(2), 11(8) and 25 shall be conferred on the Commission for an indeterminate period of time.

3. The delegation of powers referred to in Articles 10(2), 11(8) and 25 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Articles 10(2), 11(8) and 25 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

Article 27b

Urgency procedure

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 27a(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or the Council.

[Am. 59]


As regards Regulation (EC) No 1340/2008, in order to permit the effective administration of certain restrictions, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amendments to Annex V.

Accordingly, Regulation (EC) No 1340/2008 is amended as follows:

-1. The following recital is inserted:

‘(9a) In order to permit effective administration of certain restrictions, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amendments to Annex V. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council. The
Commission should provide full information and documentation concerning its meetings with national experts within the framework of its work on the preparation and implementation of delegated acts. In this respect, the Commission should ensure that the European Parliament is duly involved, drawing on best practices from previous experience in other policy areas in order to create the best possible conditions for future scrutiny of delegated acts by the European Parliament.'.

[Am. 60]

1. In Article 5, paragraph 3 is replaced by the following:

‘3. Should the Union and the Republic of Kazakhstan fail to arrive at a satisfactory solution and should the Commission note that there is clear evidence of circumvention, the Commission shall be empowered to adopt delegated acts in accordance with Article 16a in order to deduct from the quantitative limits an equivalent volume of products originating in the Republic of Kazakhstan and to amend Annex V accordingly.

Where a delay in action would cause damage which would be difficult to repair and therefore, imperative grounds of urgency so require, the procedure provided for in Article 16b shall apply to delegated acts adopted pursuant to this paragraph.’.

2. The following articles are inserted:

‘Article 16a

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of power referred to in Article 5(3) shall be conferred on the Commission for an indeterminate period of five years from ... (*). The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period. [Am. 61]

3. The delegation of power referred to in Article 5(3) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 5(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by four months at the initiative of the European Parliament or the Council. [Am. 62]

Article 16b

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 16a(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or the Council.’

(*) Please insert the date of entry into force of this Regulation
10. Council Regulation (EC) No 1215/2009 of 30 November 2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union’s stabilisation and association process (1)

As regards Regulation (EC) No 1215/2009, in order to permit the adjustment of the Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amendments required in light of changes in customs codes or for the conclusion of agreements with the countries and territories covered by that Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Accordingly, Regulation (EC) No 1215/2009 is amended as follows:

1. Article 7 is replaced by the following:

‘Article 7
Conferment of powers
The Commission shall be empowered to adopt delegated acts in accordance with the procedure referred to in Article 8b in order to make the necessary amendments and adjustments to the provisions of this Regulation as a result of:

(a) amendments to the Combined Nomenclature codes and to the TARIC subdivisions;

(b) the conclusion of other agreements between the Union and the countries and territories referred to in Article 1.’

2. The following Article 8b is inserted:

‘Article 8b
Exercise of the delegation
1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of power referred to in Article 7 shall be conferred on the Commission for an indeterminate period of time.

3. The delegation of powers referred to in Article 7 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 7 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.’

[Am. 63]

Conservation of fishery resources through technical measures for the protection of juveniles of marine organisms


(Ordinary legislative procedure: first reading)

(2015/C 419/53)

[Amendment 32]

AMENDMENTS BY THE EUROPEAN PARLIAMENT (*)

to the Commission proposal

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation (EC) No 1434/98 specifying conditions under which fishing may be landed for industrial purposes other than direct human consumption

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

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

Acting in accordance with the ordinary legislative procedure,

Whereas:


(1) The matter was referred back to the committee responsible for reconsideration pursuant to Rule 57(2), second subparagraph (A7-0342/2012).

(2) OJ C 351, 15.11.2012, p. 83.


(*) Amendments: new or amended text is highlighted in bold italics; deletions are indicated by the symbol .
A new technical conservation measures framework is awaited pending the reform of the Common Fisheries Policy (CFP). The unlikelihood that such a new framework will be in place by the end of 2012 justifies the extension of the application of those transitional technical measures.

In order to ensure the continuation of proper conservation and management of marine biological resources, Council Regulation (EC) No 850/98 (1) should be updated by incorporating the transitional technical measures into it.

In order to ensure the continuation of proper conservation and management of marine biological resources in the Black Sea, minimum landing and mesh sizes for the turbot fishery as previously established in Union law should be incorporated into Regulation (EC) No 850/98.

The prohibition of highgrading in all ICES areas should be maintained in order to reduce the discarding of quota species.

On the basis of consultations held in 2009 between the Union, Norway and the Faroe Islands, with a view to reducing unwanted catches, a prohibition on the releasing or slipping of certain species as well as a requirement to move fishing grounds when 10% of the catch contains undersized fish should be introduced.

In the light of advice from the Scientific, Technical and Economic Committee for Fisheries (STECF), the restrictions on landing or retaining on board herring caught in ICES Division IIa should be maintained.

In the light of advice from STECF, an area closure for the protection of spawning herring in ICES Division VIa is no longer necessary to ensure the sustainable exploitation of that species, and that closure should therefore be repealed.

In the light of advice from STECF linking low sandeel availability to the poor breeding success of kittiwakes, an area closure in ICES Subarea IV should be maintained, except for a limited fishery each year to monitor the stock.

In the light of advice from STECF, it should be possible to authorise the use of gears that do not catch Norway lobster in certain areas where fishing for Norway lobster is prohibited.

In the light of advice from STECF, an area closure to protect juvenile haddock in ICES Division VIb should be maintained.

In the light of advice from ICES and STECF, certain technical conservation measures in the waters west of Scotland (ICES Division VIa) to protect cod, haddock and whiting stocks should be maintained in order to contribute to the conservation of fish stocks.

In the light of advice from STECF, the use of handlines and automated jigging equipment for saithe in ICES Division VIa should be allowed.

In the light of advice from STECF on the spatial distribution of cod in ICES Division VIa which shows that a large majority of cod catches are caught north of 59°N, the use of gillnets south of this line should be allowed.

In the light of advice from STECF, the use of gillnets for lesser spotted dogfish in ICES Division VIa should be allowed.

The appropriateness of the characteristics of gears in the derogation to fish with trawls, demersal seines or similar gears in ICES Division VIa should be periodically reviewed in the light of scientific advice with a view to their amendment or repeal.

In the light of advice from STECF, an area closure to protect juvenile cod in ICES Division VIa should be introduced.

The appropriateness of the prohibition on fishing for cod, haddock and whiting in ICES Subarea VI should be periodically reviewed in the light of scientific advice with a view to its amendment or repeal.

In the light of advice from ICES and STECF, measures to protect cod stocks in the Celtic Sea (ICES Divisions VIIIf, g) should be maintained.

In the light of advice from STECF, measures to protect spawning aggregations of blue ling in ICES Division VIa should be maintained.

Measures established in 2011 by the Northeast Atlantic Fisheries Commission (NEAFC) to protect redfish in international waters of ICES Subareas I and II should be maintained.

Measures established by NEAFC in 2011 to protect redfish in the Irminger Sea and adjacent waters should be maintained.

In the light of advice from STECF, fishing with beam trawl using electrical pulse current should continue to be allowed in ICES Divisions IVc and IVb south under certain conditions.

On the basis of consultations held in 2009 between the Union, Norway and the Faroe Islands, certain measures to restrict the catch handling and discharge capabilities of pelagic vessels targeting mackerel, herring and horse mackerel in the North-East Atlantic should be implemented, on a permanent basis.

In the light of advice from ICES, technical conservation measures to protect adult cod stocks in the Irish Sea during the spawning season should be maintained.

In the light of advice from STECF, the use of sorting grids in a restricted area in ICES Division VIIa should be allowed.

In light of advice from STECF, fishing with gillnets and entangling nets in ICES Divisions IIIa, Vla, Vlb, VIIb, VIIc, VIIj, VIIk and ICES Subareas VIII, IX, X and XII east of 27°W in waters with a charted depth of more than 200m but less than 600m should only be allowed under certain conditions that provide protection for biologically sensitive deep-sea species.

It is important to clarify the interaction between the different regimes applicable to fishing with gillnets, especially in ICES Subarea VII. More particularly, it should be made clear that the specific derogation for fishing with gillnets with a mesh size equal to or greater than 100mm in ICES Divisions IIa, IVa, Vla, Vlb, VIIb, c, j and k as well as the specific conditions related to that derogation, only applies in waters with a charted depth of more than 200 meters but less than 600 meters and that, consequently, the default rules concerning the mesh-size range and the catch composition set out in Regulation (EC) No 850/98 apply in ICES Divisions VIIa, VIId, VIIe, VIII, VIIg and VIIh and in waters with a charted depth of less than 200 meters in ICES Divisions IIIa, IVa, Vb, Vla, Vlb, VIIb, c, j and k.

In the light of advice from STECF, the use of trammel nets in ICES Subarea IX in waters with a charted depth more than 200m but less than 600m should be allowed.

The use of certain selective gears should continue to be permitted in the Bay of Biscay in order to ensure the sustainable exploitation of the hake and Norway lobster stocks and to reduce discards of these species.
Restrictions on fishing in certain areas in order to protect vulnerable deep-sea habitats in the NEAFC Regulatory Area adopted by NEAFC in 2004 and in certain areas in ICES Divisions VIIc, j,k and ICES Division VIIIc, adopted by the Union in 2008 should remain in place.

In accordance with the advice of a joint Union/Norway Working Group on technical measures the weekend ban on fishing for herring, mackerel or sprat with trawls or purse seines in the Skagerrak and Kattegat no longer contributes to the conservation of pelagic fish stocks due to changes in fishing patterns. Consequently, on the basis of consultations held between the Union, Norway and the Faroe Islands in 2011, this ban should be revoked.

For the sake of clarity and better regulation, some obsolete provisions should be deleted.

In order to reflect changes in fishing patterns and adoption of more selective gears the mesh size ranges, target species and required catch percentages applicable in the Skagerrak and Kattegat should be maintained.

The minimum sizes for short-necked clam should be revised in the light of biological data.

A minimum size for octopus in catches taken in waters under the sovereignty or jurisdiction of third countries and situated in the region of the Fishery Committee for the Eastern Central Atlantic (CECAF) has been set in order to contribute to the conservation of octopus and in particular to protect juveniles.

An equivalent measure to the minimum landing size for anchovy in terms of the number of fish per kg should be introduced, as this would simplify work on board vessels targeting this species and facilitate control measures ashore.

Specifications for a sorting grid to be used for reduction of the bycatch in fisheries for Norway Lobster in ICES Division IIIa, ICES Subarea VI and ICES Division VIIa should be maintained.

Specifications for square mesh panels to be used under certain conditions for fisheries with certain towed gears in the Bay of Biscay should be maintained.

The use of 2m square-meshed panels by vessels with an engine power of less than 112 Kw in a restricted area in ICES Division VIa should be allowed.

The term ‘Community’ used in the enacting terms of Regulation (EC) No 850/98 should be changed, following the entry into force of the Treaty of Lisbon on 1 December 2009.

In order to ensure uniform conditions for the implementation of rules on the use of gears having equivalent high selectivity when fishing for Norway lobster in ICES Division VIa and of rules excluding specific fisheries of a Member State from the application of the prohibition to use gillnets, entangling or trammel nets in ICES Subareas VIII, IX, X where the level of shark bycatches and of discards is very low, implementing powers should be conferred on the Commission. Those powers should be exercised without applying Regulation (EU) No 182/2011 (1).

Regulation (EC) No 850/98 should therefore be amended accordingly.

Council Regulation (EC) No 1434/98 provides for specific conditions under which herring may be landed for industrial purposes other than direct human consumption. A specific derogation from the conditions for landing bycatches of herring in small meshed fisheries in ICES Division IIIa, Subarea IV, Division VIIId and Union waters of ICES Division IIa, previously included in other Union acts, should be incorporated into that Regulation. Regulation (EC) No 1434/98 should therefore be amended accordingly.

HAVE ADOPTED THIS REGULATION:

(1) OJ L 55, 28.2.2011, p. 13
Article 1
Amendments to Regulation (EC) No 850/98

Regulation (EC) No 850/98 is hereby amended as follows:

(-1a) The following article is inserted:

‘Article 1a

In Article 4(2)(c), Article 46(1)(b) and in Annex I, footnote (5), the noun “Community”, or the corresponding adjective, is replaced by the noun “Union”, or the corresponding adjective, and any grammatical adjustments needed as a consequence of this replacement shall be made.’.

(-1b) In Article 2, the following point is added:

‘(i) Region 9


(*) OJ L 347, 30.12.2011, p. 44.’.

(-1c) In Article 11(1), the following subparagraph is added:

‘This derogation shall apply without prejudice to Article 34b(2)(c).’.

(-1d) The following article is inserted:

‘Article 11a

In Region 9, the minimum mesh size for bottom set gillnets, when used to catch turbot, shall be 400 mm.’.

(1a) Article 17 is replaced by the following:

‘A marine organism is undersized if its dimensions are smaller than the minimum dimensions specified in Annex XII and Annex XIIa for the relevant species and the relevant geographical area.’.

(1b) In Article 19, the following paragraph is added:

‘4. Paragraphs 2 and 3 shall not apply in Region 9.’.

(2) The following title is inserted:

‘TITLE IIIa

MEASURES TO REDUCE DISCARDING

Article 19a

Prohibition of highgrading

1. Within Regions 1, 2, 3 and 4 the discarding, during fishing operations, of species subject to quota which can be legally landed shall be prohibited.

2. The provisions referred to in paragraph 1 are without prejudice to the obligations set out in this Regulation or in any other Union legal acts in the field of fisheries.'
Article 19b

Moving-on provisions and prohibition on slipping

1. Within Regions 1, 2, 3 and 4, where the quantity of undersized mackerel, herring or horse mackerel exceeds 10% of the total quantity of the catches in any one haul, the vessel shall move fishing grounds.

2. Within Regions 1, 2, 3 and 4 it is prohibited to release mackerel, herring or horse mackerel before the net is fully taken on board a fishing vessel resulting in the loss of dead or dying fish.(

(3) In Article 20(1), point (d) is deleted.

(3a) The following article is inserted:

‘Article 20a

Restrictions on fishing for herring in Union waters of ICES Division IIa

It shall be prohibited to land or retain on board herring caught in Union waters of ICES Division IIa in the periods from 1 January to 28 February and from 16 May to 31 December.’

(4) Article 29a is replaced by the following:

‘Article 29a

Closure of an area for sandeel fisheries in ICES Subarea IV

1. It shall be prohibited to land or retain on board sandeels caught within the geographical area bounded by the east coast of England and Scotland, and enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:
   — the east coast of England at latitude 55°30’N,
   — latitude 55°30’N, longitude 01°00’W,
   — latitude 58°00’N, longitude 01°00’W,
   — latitude 58°00’N, longitude 02°00’W,
   — the east coast of Scotland at longitude 02°00’W.

2. Fisheries for scientific investigation shall be allowed in order to monitor the sandeel stock in the area and the effects of the closure.’

(5) In Article 29b, paragraph 3 is replaced by the following:

‘3. By way of derogation from the prohibition laid down in paragraph 1, fishing with creels that do not catch Norway lobster shall be authorised in the geographical areas and during the periods set out in that paragraph.’

(6) The following articles are inserted:

‘Article 29c

Rockall Haddock box in ICES Subarea VI

1. All fishing of Rockall haddock, except with longlines, shall be prohibited in the areas enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:
   — 57°00’ N, 15°00’ W
   — 57°00’ N, 14°00’ W
   — 56°30’ N, 14°00’ W
   — 56°30’ N, 15°00’ W
   — 57°00’ N, 15°00’ W
Article 29d

Restrictions on fishing for cod, haddock and whiting in ICES Subarea VI

1. It shall be prohibited to conduct any fishing activity for cod, haddock and whiting within that part of ICES Division VIa that lies to the east or to the south of those rhumb lines which sequentially join the following coordinates, which shall be measured according to the WGS84 system:

- 54°30' N, 10°35' W
- 55°20' N, 09°50' W
- 55°30' N, 09°20' W
- 56°40' N, 08°55' W
- 57°00' N, 09°00' W
- 57°20' N, 09°20' W
- 57°50' N, 09°20' W
- 58°10' N, 09°00' W
- 58°40' N, 07°40' W
- 59°00' N, 07°30' W
- 59°20' N, 06°30' W
- 59°40' N, 06°05' W
- 59°40' N, 05°30' W
- 60°00' N, 04°50' W
- 60°15' N, 04°00' W

2. Any fishing vessel present within the area referred to in paragraph 1 of this Article shall ensure that any fishing gears carried on board are lashed and stowed in accordance with Article 47 of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy (*).

3. By way of derogation from paragraph 1, it shall be permitted to conduct fishing activities within the area referred to in that paragraph using inshore static nets fixed with stakes, scallop dredges, mussel dredges, handlines, mechanised jigging, draft nets and beach seines, pots and creels, provided that:

(a) no fishing gear other than inshore static nets fixed with stakes, scallop dredges, mussel dredges, handlines, mechanised jigging, draft nets and beach seines, pots and creels are carried on board or deployed; and

(b) no fish other than mackerel, pollack, saithe and salmon, or shellfish other than molluscs and crustaceans are retained on board, landed or brought ashore.

4. By way of derogation from paragraph 1, it shall be permitted to conduct fishing activities within the area referred to in that paragraph using nets with a mesh size of less than 55 mm, provided that:

(a) no net of mesh size greater than or equal to 55 mm is carried on board; and

(b) no fish other than herring, mackerel, pilchard/sardines, sardinelles, horse mackerel, sprat, blue whiting, boarfish and argelines are retained on board.

4a. By way of derogation from paragraph 1, it shall be permitted to conduct fishing activities within the area referred to in that paragraph using gillnets of mesh size greater than 120 mm, provided that:

(a) they are only deployed in the area south of 59°N;

(b) the maximum length of gillnet deployed is 20 km per vessel;
(c) the maximum soak time is 24 hours; and

(d) no more than 5% of the catch is made up of whiting and cod.

4b. By way of derogation from paragraph 1, it shall be permitted to conduct fishing activities within the area referred to in that paragraph using gillnets with a mesh size that is greater than 90 mm, provided that:

(a) they are only deployed within three nautical miles of the coastline and for a maximum of 10 days per calendar month;

(b) the maximum length of gillnet deployed is 1000m;

(c) the maximum soak time is 24 hours; and

(d) at least 70% of the catch is made up of lesser spotted dogfish.

5. By way of derogation from paragraph 1, it shall be permitted to fish for Norway lobster within the area set out in that paragraph provided that:

(a) the fishing gear used incorporates a sorting grid in accordance with points 2 to 5 of Annex XIVa, or a square-mesh panel as described in Annex XIVc, or is another gear with equivalent high selectivity;

(b) the fishing gear is constructed with a minimum mesh size of 80 mm;

(c) at least 30% of the retained catch by weight is Norway lobster.

The Commission shall on the basis of a favourable opinion by STECF adopt implementing acts, determining which gears are to be considered to have equivalent high selectivity for the purpose of point (a).

6. Paragraph 5 shall not apply within the area enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

— 59°05' N, 06°45' W
— 59°30' N, 06°00' W
— 59°40' N, 05°00' W
— 60°00' N, 04°00' W
— 59°30' N, 04°00' W
— 59°05' N, 06°45' W

7. By way of derogation from paragraph 1, it shall be permitted to fish with trawls, demersal seines or similar gears within the area set out in that paragraph provided that:

(a) all nets on board the vessel are constructed with a minimum mesh size of 120 mm for vessels with an overall length of more than 15 metres and of 110 mm for all other vessels;

(c) where the catch retained on board includes less than 90% saithe the fishing gear used incorporates a square mesh panel as described in Annex XIVc, and;

(d) where the overall length of the vessel is less than or equal to 15 metres, regardless of the quantity of saithe retained on board, the fishing gear used incorporates a square-mesh panel as described in Annex XIVd.

7a. No later than 1 January 2015 and no later than every two years thereafter, the Commission shall, in the light of scientific advice by STECF, assess the characteristics of gears specified in paragraph 7 and, where appropriate, submit to the European Parliament and to the Council a proposal for amendment of paragraph 7.
8. Paragraph 7 shall not apply within the area enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

- 59°05' N, 06°45' W
- 59°30' N, 06°00' W
- 59°40' N, 05°00' W
- 60°00' N, 04°00' W
- 59°30' N, 04°00' W
- 59°05' N, 06°45' W

8a. From 1 January to 31 March, and from 1 October to 31 December each year, it shall be prohibited to conduct any fishing activity using any of the gears specified in Annex I to Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks (***) in the area specified in ICES area VIa enclosed by sequentially joining with rhumb lines the following coordinates

- longitude 7°07 W, latitude 55°25 N,
- longitude 7°00 W, latitude 55°25 N,
- longitude 6°50 W, latitude 55°18 N,
- longitude 6°50 W, latitude 55°17 N,
- longitude 6°52 W, latitude 55°17 N,
- longitude 7°07 W, latitude 55°25 N,

Neither the master of a fishing vessel nor any other person on board shall cause or permit a person on board to attempt to fish for, land, tranship or have on board fish caught in the specified area.

9. Each Member State concerned shall implement an onboard observer programme from 1 January to 31 December each year in order to sample the catches and discards of vessels benefiting from the derogations provided for in paragraphs 4a, 4b, 5 and 7. The observer programmes shall be carried out without prejudice to the obligations under the respective rules and shall aim to estimate cod, haddock and whiting catches and discards with a precision of at least 20%.

10. Member States concerned shall produce a report on the total amount of catches and discards made by vessels subject to the observer programme during each calendar year and shall submit it to the Commission no later than 1 February of the following calendar year.

10a. No later than 1 January 2015 and no later than every two years thereafter, the Commission shall assess the state of cod, haddock and whiting stocks in the area specified in paragraph 1 in the light of scientific advice by STECF and, where appropriate, submit to the European Parliament and the Council a proposal for the amendment of this Article.

Article 29e
Restrictions on fishing for cod in ICES Subarea VII

1. From 1 February until 31 March each year, it shall be prohibited to conduct any fishing activity in ICES Subarea VII in the area which consists of ICES statistical rectangles: 30E4, 31E4, 32E3. This prohibition shall not apply within six nautical miles from the baseline.

2. By way of derogation from paragraph 1, it shall be permitted to conduct fishing activities using inshore static nets fixed with stakes, scallop dredges, mussel dredges, draft nets and beach seines, handlines, mechanised jigging, pots and creels within the area and time periods referred to in that paragraph, provided that:

(a) no fishing gear other than inshore static nets fixed with stakes, scallop dredges, mussel dredges, draft nets and beach seines, handlines, mechanised jigging, pots and creels are carried on board or deployed; and
(b) no fish other than mackerel, pollack, salmon, or shellfish other than molluscs and crustaceans are landed, retained on board or brought ashore.

3. By way of derogation from paragraph 1, it shall be permitted to conduct fishing activities within the area referred to in that paragraph using nets of mesh size less than 55 mm, provided that:
   (a) no net of mesh size greater than or equal to 55 mm is carried on board; and
   (b) no fish other than herring, mackerel, pilchard/sardines, sardinelles, horse mackerel, sprat, blue whiting, boarfish and argentines are retained on board.

Article 29f

Special rules for the protection of blue ling

1. From 1 March to 31 May each year it shall be prohibited to retain on board any quantity of blue ling in excess of 6 tonnes per fishing trip in the areas of ICES Division VIa enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:
   (a) Edge of Scottish continental shelf
      — 59°58' N, 07°00' W
      — 59°55' N, 06°47' W
      — 59°51' N, 06°28' W
      — 59°45' N, 06°38' W
      — 59°27' N, 06°42' W
      — 59°22' N, 06°47' W
      — 59°15' N, 07°15' W
      — 59°07' N, 07°31' W
      — 58°52' N, 07°44' W
      — 58°44' N, 08°11' W
      — 58°43' N, 08°27' W
      — 58°28' N, 09°16' W
      — 58°15' N, 09°32' W
      — 58°15' N, 09°45' W
      — 58°30' N, 09°45' W
      — 59°30' N, 07°00' W
      — 59°58' N, 07°00' W
   (b) Edge of Rosemary bank
      — 60°00' N, 11°00' W
      — 59°00' N, 11°00' W
      — 59°00' N, 09°00' W
      — 59°30' N, 09°00' W
      — 59°30' N, 10°00' W
      — 60°00' N, 10°00' W
      — 60°00' N, 11°00' W

Not including the area enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:
   — 59°15' N, 10°24' W
2. When entering and exiting the areas referred to in paragraph 1, the master of a fishing vessel shall record the date, time and place of entry and exit in the logbook.

3. In either of the two areas referred to in paragraph 1, if a vessel reaches the 6 tonnes of blue ling:
   (a) it shall immediately cease fishing and exit the area in which it is present;
   (b) it may not re-enter either of the areas until its catch has been landed;
   (c) it may not return to the sea any quantity of blue ling.

4. The observers referred to in Article 8 of Council Regulation (EC) No 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks (***) who are assigned to fishing vessels present in one of the areas referred to in paragraph 1 shall, in addition to the tasks referred to in paragraph 4 of that Article, for appropriate samples of the catches of blue ling, measure the fish in the samples and determine the stage of sexual maturity of subsampled fish. On the basis of advice from STECF, Member States shall establish detailed protocols for sampling and for the collation of results.

5. From 15 February to 15 April each year, it shall be prohibited to use bottom trawls, longlines and gillnets within an area enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:
   — 60°58.76' N, 27°27.32' W
   — 60°56.02' N, 27°31.16' W
   — 60°59.76' N, 27°43.48' W
   — 61°03.00' N, 27°39.41' W
   — 60°58.76' N, 27°27.32' W.

Article 29 g

Measures for the redfish fishery in international waters of ICES Subareas I and II

1. Directed fishing for redfish in the international waters of ICES Subareas I and II shall only be permitted within the period from 15 August to 30 November each year by vessels which have previously been engaged in the redfish fishery in the NEAFC Regulatory Area, as defined in Article 3(3) of Regulation (EU) No 1236/2010 of the European Parliament and of the Council of 15 December 2010 laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries (****).

2. Vessels shall limit their bycatches of redfish in other fisheries to a maximum of 1 % of the total catch retained on board.

3. The conversion factor to be applied to the gutted and headed presentation, including the Japanese cut presentation, of redfish caught in this fishery shall be 1,70.
4. By way of derogation from Article 9(1)(b) of Regulation (EU) No 1236/2010 masters of fishing vessels engaged in this fishery shall report their catches on a daily basis.

5. In addition to the provisions of Article 5 of Regulation (EU) No 1236/2010, an authorisation to fish for redfish shall only be valid if the reports transmitted by vessels are in accordance with Article 9(1) of that Regulation and are recorded in accordance with Article 9(3) thereof.

6. Member States shall ensure that scientific information is collected by scientific observers on board vessels flying their flag. As a minimum, the information collected shall include representative data on sex, age and length composition by depths. This information shall be reported to ICES by the competent authorities in the Member States.

7. The Commission shall inform Member States of the date on which the of NEAFC Secretariat notifies the NEAFC Contracting Parties that the total allowable catch (TAC) has been fully utilised. Member States shall prohibit directed fishery for redfish by vessels flying their flag from that date.

Article 29h

Measures for the redfish fishery in the Irminger Sea and adjacent waters

1. It shall be prohibited to catch redfish in international waters of ICES Subarea V and Union waters of ICES Subareas XII and XIV except from 11 May to 31 December each year and only in the area enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system (the 'Redfish Conservation Area'):

- 64°45' N, 28°30' W
- 62°50' N, 25°45' W
- 61°55' N, 26°45' W
- 61°00' N, 26°30' W
- 59°00' N, 30°00' W
- 59°00' N, 34°00' W
- 61°30' N, 34°00' W
- 62°50' N, 36°00' W
- 64°45' N, 28°30' W

1a. Notwithstanding paragraph 1, a fishery for redfish may be permitted, by a Union legal act, outside the Redfish Conservation Area in the Irminger Sea and adjacent waters from 11 May to 31 December each year on the basis of scientific advice and provided that NEAFC has established a recovery plan in respect of redfish in that geographical area. Only Union vessels that have been duly authorised by their respective Member State and notified to the Commission as required under Article 5 of Regulation (EU) No 1236/2010 shall participate in this fishery.

2. It shall be prohibited to use trawls with a mesh size of less than 100 mm.

3. The conversion factor to be applied to the gutted and headed presentation, including the Japanese cut presentation, of redfish caught in this fishery shall be 1,70.

4. Masters of fishing vessels engaged in the fishery outside the Redfish Conservation Area shall transmit the catch report provided for in Article 9(1)(b) of Regulation (EU) No 1236/2010 on a daily basis after the fishing operations of that calendar day have been completed. It shall indicate the catches on board taken since the last communication of catches.

5. In addition to the provisions of Article 5 of Regulation (EU) No 1236/2010, an authorisation to fish for redfish shall only be valid if the reports transmitted by vessels are in accordance with Article 9(1) of that Regulation and are recorded in accordance with Article 9(3) thereof.
6. The reports referred to in paragraph 5 shall be made in accordance with the relevant rules.


(6a) In Article 30 the following paragraph is inserted:

‘(1a) Paragraph 1 shall not apply to Region 9.’.

(7) The following article is inserted:

‘Article 31a

Electric Fishing in ICES Divisions IVc and IVb

1. By way of derogation from Article 31, fishing with beam trawl using electrical pulse current shall be allowed in ICES Divisions IVc and IVb south of a rhumb line joined by the following points, which shall be measured according to the WGS84 coordinate system:

— a point on the east coast of the United Kingdom at latitude 55° N,
— then east to latitude 55° N, longitude 5° E,
— then north to latitude 56° N,
— and finally east to a point on the west coast of Denmark at latitude 56° N.

2. Electrical pulse fishing shall be allowed only when:

(a) no more than 5% of the beam trawler fleet per Member State use the electric pulse trawl;
(b) the maximum electrical power in kW for each beam trawl is no more than the length in metres of the beam multiplied by 1,25;
(c) the effective voltage between the electrodes is no more than 15V;
(d) the vessel is equipped with an automatic computer management system which records the maximum power used per beam and the effective voltage between electrodes for at least the last 100 tows. It is not possible for non-authorised personnel to modify this automatic computer management system;
(e) it is prohibited to use one or more tickler chains in front of the footrope.’.

(8) The following article is inserted:

‘Article 32a

Catch handling and discharge restrictions on pelagic vessels

1. The maximum space between bars in the water separator on board pelagic fishing vessels targeting mackerel, herring and horse mackerel operating in the NEAFC Convention Area as defined in Article 3(2) of Regulation (EU) No 1236/2010 shall be 10 mm.

The bars shall be welded in place. If holes are used in the water separator instead of bars, the maximum diameter of the holes shall not exceed 10 mm. Holes in the chutes before the water separator shall not exceed 15 mm in diameter.

2. Pelagic vessels operating in the NEAFC Convention Area shall be prohibited from discharging fish under their water line from buffer tanks or Refrigerated seawater (RSW) tanks.'
3. Drawings related to the catch handling and discharge capabilities of pelagic vessels targeting mackerel, herring and horse mackerel in the NEAFC Convention Area which are certified by the competent authorities of the flag Member States, as well as any modifications thereto shall be sent by the master of the vessel to the competent fisheries authorities of the flag Member State. The competent authorities of the flag Member State of the vessels shall carry out periodic verifications of the accuracy of the drawings submitted. Copies shall be carried on board the vessel at all times.

The following articles are inserted:

‘Article 34a

Technical conservation measures in the Irish Sea

1. From 14 February to 30 April, it shall be prohibited to use any demersal trawl, seine or similar towed net, any gillnet, trammel net, entangling net or similar static net or any fishing gear incorporating hooks within that part of ICES Division VIIa enclosed by:

— the east coast of Ireland and the east coast of Northern Ireland, and
— straight lines sequentially joining the following geographical coordinates:
— a point on the east coast of the Ards peninsula in Northern Ireland at 54° 30' N,
— 54°30' N, 04°50' W,
— 53° 15' N, 04°50' W,
— a point on the east coast of Ireland at 53°15' N.

2. By way of derogation from paragraph 1, within the area and time period referred to in that paragraph:

(a) the use of demersal otter trawls shall be permitted provided that no other type of fishing gear is retained on board and that such nets:

— are of the mesh size ranges 70-79 mm or 80-99 mm;
— are of only one of the permitted mesh size ranges;
— incorporate no individual mesh, irrespective of its position within the net, with a mesh size greater than 300 mm; and
— are deployed only within an area enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

— 53°30’ N, 05°30’ W
— 53°30’ N, 05°20’ W
— 54°20’ N, 04°50’ W
— 54°30’ N, 05°10’ W
— 54°30’ N, 05°20’ W
— 54°00’ N, 05°50’ W
— 54°00’ N, 06°10’ W
— 53°45’ N, 06°10’ W
— 53°45’ N, 05°30’ W
— 53°30’ N, 05°30’ W

(b) the use of any demersal trawl, seine or similar towed net with a separator panel or a sorting grid shall be permitted provided that no other type of fishing gear is retained on board and that such nets:

— comply with the conditions laid down in paragraph 2(a);
— in the case of a separator panel, are constructed in conformity with the technical details provided in the Annex of Council Regulation (EC) No 254/2002 of 12 February 2002 establishing measures to be applicable in 2002 for the recovery of the stock of cod in the Irish Sea (ICES division VIIa)*; and

— in the case of sorting grids, are in accordance with points 2 to 5 of Annex XIVa to this Regulation.

(c) the use of demersal trawl, seine or similar towed net with a separator panel or a sorting grid shall also be permitted within an area enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

- 53°45' N, 06°00' W
- 53°45' N, 05°30' W
- 53°30' N, 05°30' W
- 53°30' N, 06°00' W
- 53°45' N, 06°00' W

**Article 34b**

Use of gillnets in ICES Divisions IIIa, IVa, Vb, VIa, VIb, VIIb, c, j, k and ICES Subareas VIII, IX, X and XII east of 27° W

1. Union vessels shall not deploy bottom set gillnets, entangling nets and trammel nets at any position where the charted depth is greater than 200 metres in ICES Divisions IIIa, IVa, Vb, VIa, VIb, VIIb, c, j, k and ICES Subareas XII east of 27° W, VIII, IX and X.

3. By way of derogation from paragraph 1 it shall be permitted to use the following gears:

(a) Gillnets in ICES Divisions IIIa, IVa, Vb, VIa, VII b, c, j, k and ICES Subarea XII east of 27° W with a mesh size equal to or greater than 120 mm and less than 150 mm, gillnets in ICES Divisions VIIIa, b, d and ICES Subarea X with a mesh size equal to or greater than 100 mm and less than 130 mm and gillnets in ICES Divisions VIIIc and ICES Subarea IX with a mesh size equal to or greater than 80 mm and less than 110 mm provided that:

- they are deployed in waters with a charted depth of less than 600 metres,
- they are no more than 100 meshes deep, and have a hanging ratio of not less than 0,5,
- they are rigged with floats or equivalent flotation,
- they each have a maximum length of 5 nautical miles, and the total length of all nets deployed at any one time does not exceed 25 km per vessel,
- the maximum soak time is 24 hours;

(b) Entangling nets with a mesh size equal to or greater than 250 mm, provided that:

- they are deployed in waters with a charted depth of less than 600 metres,
- they are no more than 15 meshes deep, and have a hanging ratio of not less than 0,33,
- they are not rigged with floats or other means of flotation,
- they each have a maximum length of 10 km, and the total length of all nets deployed at any one time does not exceed 100 km per vessel,
- the maximum soak time is 72 hours;

(c) Gillnets in ICES Divisions IIIa, IVa, Vb, VIa, VII b, c, j, k and ICES Subarea XII east of 27° W with a mesh size equal to or greater than 100 mm and less than 130 mm, provided that:

- they are deployed in waters with a charted depth of more than 200 meters and less than 600 meters,
— they are no more than 100 meshes deep, and have a hanging ratio of not less than 0.5,
— they are rigged with floats or equivalent floatation,
— they each have a maximum length of 4 nautical miles, and the total length of all nets deployed at any one time does not exceed 20 km per vessel,
— the maximum soak time is 24 hours,
— no less than 85 % of the retained catch by weight is hake,
— the number of vessels participating in the fishery does not rise above the level recorded in 2008,
— prior to leaving port the master of the vessel participating in this fishery records in the log-book, the quantity and total length of gear carried on board the vessel. At least 15 % of departures shall be subject to inspection,
— as verified in the Union logbook for that trip at the time of landing the master of the vessel has on board 90 % of the gear, and
— the quantity of all species caught greater than 50 kg, including all quantities discarded greater than 50 kg, is recorded in the Union logbook.

3. (ca) Trammel nets in ICES Subarea IX with a mesh size equal to or greater than 220 mm, provided that:
— they are deployed in waters with a charted depth of less than 600 metres,
— they are no more than 30 meshes deep, and have a hanging ratio of not less than 0.44,
— they are not rigged with floats or other means of floatation,
— they each have a maximum length of 5 km, and the total length of all nets deployed at any one time does not exceed 20 km per vessel,
— the maximum soak time is 72 hours.

4. However, this derogation shall not apply in the NEAFC Regulatory Area.

4a. All vessels deploying bottom set gillnets, entangling or trammel nets at any position where the charted depth is greater than 200 metres in ICES Divisions IIIa, IVa, Vb, VIa, VIIb, VII c, j, k and ICES Subareas XII east of 27° W, VIII, IX and X, shall be issued with a fishing authorisation in accordance with Article 7 of Regulation (EC) No 1224/2009.

5. Only one of the types of gear described in paragraph 3(a), 3(b) or 3(d) shall be retained on board the vessel at any one time. Vessels may carry on board nets with a total length that is 20 % greater than the maximum length of the fleets that may be deployed at any one time.

6. The master of a vessel with a fishing authorisation referred to in paragraph 4a shall record in the logbook the amount and lengths of gear carried by a vessel before it leaves port and when it returns to port, and shall account for any discrepancy between the two quantities.

8. The competent authorities shall have the right to remove unattended gear at sea in ICES Divisions IIIa, IVa, Vb, VIa, VIIb, VII c, j, k and ICES Subareas XII east of 27° W, VIII, IX and X, in the following situations:
(a) the gear is not properly marked;
(b) the buoy markings or VMS data indicate that the owner has not been located at a distance less than 100 nautical miles from the gear for more than 120 hours;
(c) the gear is deployed in waters with a charted depth greater than that which is permitted;
(d) the gear is of an illegal mesh size.
9. The master of a vessel with a fishing authorisation referred to in paragraph 4a shall record in the logbook during each fishing trip:

— the mesh size of the net deployed,
— the nominal length of one net,
— the number of nets in a fleet,
— the total number of fleets deployed,
— the position of each fleet deployed,
— the depth of each fleet deployed,
— the soak time of each fleet deployed,
— the quantity of any gear lost, its last known position and date of loss.

10. Vessels fishing with a fishing authorisation referred to in paragraph 4a shall only be permitted to land in the ports designated by the Member States pursuant to Article 7 of Regulation (EC) 2347/2002 (*).

11. The quantity of sharks retained on board by any vessel using the gear type described in paragraph 3(b) and 3(d) shall be no more than 5 %, by live-weight, of the total quantity of marine organisms retained on board.

11a. After consulting STECF, the Commission may adopt implementing acts excluding specific fisheries of a Member State, in ICES Subareas VIII, IX, X, from the application of paragraphs 1 to 10, where information provided by Member States shows that those fisheries result in a very low level of shark bycatches and of discards.

Article 34c

Condition for fisheries using certain towed gears authorised in the Bay of Biscay

1. By way of derogation from the provisions laid down in Article 5(2) of Commission Regulation (EC) No 494/2002 of 19 March 2002 establishing additional technical measures for the recovery of the stock of hake in ICES Sub-areas III, IV, V, VI and VII and ICES Divisions VIIIa, b, d, e (**), it shall be permitted to conduct fishing activity using trawls, Danish seines and similar gears, with the exception of beam trawls, with a mesh size range of 70-99 mm in the area defined in Article 5(1)(b) of Regulation (EC) No 494/2002 if the gear is fitted with a square mesh panel in accordance with Annex XIVb.

2. When fishing in ICES Divisions VIII a and b it shall be permitted to use a selective grid and its attachments in front of the codend and/or a square mesh panel with a mesh size equal to or more than 60 mm in the lower part of the extension piece in front of the codend. The provisions laid down in Articles 4(1), 6 and 9(1) of this Regulation and in Article 3(a) and (b) of Regulation (EC) No 494/2002 shall not apply to the section of the trawl where those selective devices are inserted.

Article 34d

Measures for the protection of vulnerable deep-sea habitats in the NEAFC Regulatory Area

1. It shall be prohibited to conduct bottom trawling and fishing with static gear, including bottom set gillnets and bottom set longlines, within the areas enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

Part of the Reykjanes Ridge:

— 55°04.5327´ N, 36°49.0135´ W
— 55°05.4804´ N, 35°58.9784´ W
— 54°58.9914´ N, 34°41.3634´ W
— 54°41.1841´ N, 34°00.0514´ W
Northern MAR Area:
— 59°45’ N, 33°30’ W
— 57°30’ N, 27°30’ W
— 56°45’ N, 28°30’ W
— 59°15’ N, 34°30’ W
— 59°45’ N, 33°30’ W

Middle MAR Area (Charlie-Gibbs Fracture zone and Subpolar Frontal Region):
— 53°30’ N, 38°00’ W
— 53°30’ N, 36°49’ W
— 55°04.5327’ N, 36°49’ W
— 54°58.9914’ N, 34°41.3634’ W
— 54°41.1841’ N, 34°00’ W
— 53°30’ N, 30°00’ W
— 51°30’ N, 28°00’ W
— 49°00’ N, 26°30’ W
— 49°00’ N, 30°30’ W
— 51°30’ N, 32°00’ W
— 51°30’ N, 38°00’ W
— 53°30’ N, 38°00’ W

Southern MAR Area:
— 44°30’ N, 30°30’ W
— 44°30’ N, 27°00’ W
— 43°15’ N, 27°15’ W
— 43°15’ N, 31°00’ W
— 44°30’ N, 30°30’ W

The Altair Seamounts:
— 45°00’ N, 34°35’ W
— 45°00’ N, 33°45’ W
— 44°25’ N, 33°45’ W
— 44°25’ N, 34°35’ W
— 45°00’ N, 34°35’ W

The Antialtair Seamounts:
— 43°45’ N, 22°50’ W
— 43°45’ N, 22°05’ W
— 43°25' N, 22°05' W
— 43°25' N, 22°50' W
— 43°45' N, 22°50' W

Hatton Bank:
— 59°26' N, 14°30' W
— 59°12' N, 15°08' W
— 59°01' N, 17°00' W
— 58°50' N, 17°38' W
— 58°30' N, 17°52' W
— 58°30' N, 18°22' W
— 58°03' N, 18°22' W
— 58°03' N, 17°30' W
— 57°55' N, 17°30' W
— 57°45' N, 19°15' W
— 58°11.15' N, 18°57.51' W
— 58°11.57' N, 19°11.97' W
— 58°27.75' N, 19°11.65' W
— 58°39.09' N, 19°14.28' W
— 58°38.11' N, 19°01.29' W
— 58°53.14' N, 18°43.54' W
— 59°00.29' N, 18°01.31' W
— 59°08.01' N, 17°49.31' W
— 59°08.75' N, 18°01.47' W
— 59°15.16' N, 18°01.56' W
— 59°24.17' N, 17°31.22' W
— 59°21.77' N, 17°15.36' W
— 59°26.91' N, 17°01.66' W
— 59°42.69' N, 16°45.96' W
— 59°20.97' N, 15°44.75' W
— 59°21' N, 15°40' W
— 59°26' N, 14°30' W

North West Rockall:
— 57°00' N, 14°53' W
— 57°37' N, 14°42' W
— 57°55' N, 14°24' W
— 58°15' N, 13°50' W
— 57°57' N, 13°09' W
— 57°50' N, 13°14' W
— 57°57' N, 13°45' W
2. Where, in the course of fishing operations in new and existing bottom fishing areas within the NEAFC Regulato ry Area, the quantity of live coral or live sponge caught per gear set exceeds 60 kg of live coral and/or 800 kg of live sponge, the vessel shall inform its flag State, cease fishing and move at least 2 nautical miles away from the position that the evidence suggests is closest to the exact location where this catch was made.

Article 34e

Measures for the protection of vulnerable deep-sea habitats in ICES Divisions VIIc, j, k

1. It shall be prohibited to conduct bottom trawling and fishing with static gear, including bottom set gillnets and bottom set longlines, within the areas enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 coordinate system:

Beldica Mound Province:
— 51°29.4' N, 11°51.6' W
— 51°32.4' N, 11°41.4' W
— 51°15.6' N, 11°33.0' W
— 51°13.8’ N, 11°44.4’ W
— 51°29.4’ N, 11°51.6’ W

Hovland Mound Province:
— 52°16.2’ N, 13°12.6’ W
— 52°24.0’ N, 12°58.2’ W
— 52°16.8’ N, 12°54.0’ W
— 52°16.8’ N, 12°29.4’ W
— 52°04.2’ N, 12°29.4’ W
— 52°04.2’ N, 12°52.8’ W
— 52°09.0’ N, 12°56.4’ W
— 52°09.0’ N, 13°10.8’ W
— 52°16.2’ N, 13°12.6’ W

North-West Porcupine Bank Area I:
— 53°30.6’ N, 14°32.4’ W
— 53°35.4’ N, 14°27.6’ W
— 53°40.8’ N, 14°15.6’ W
— 53°34.2’ N, 14°11.4’ W
— 53°31.8’ N, 14°14.4’ W
— 53°24.0’ N, 14°28.8’ W
— 53°30.6’ N, 14°32.4’ W

North-West Porcupine Bank Area II:
— 53°43.2’ N, 14°10.8’ W
— 53°51.6’ N, 13°53.4’ W
— 53°45.6’ N, 13°49.8’ W
— 53°36.6’ N, 14°07.2’ W
— 53°43.2’ N, 14°10.8’ W

South-West Porcupine Bank:
— 51°54.6’ N, 15°07.2’ W
— 51°54.6’ N, 14°55.2’ W
— 51°42.0’ N, 14°55.2’ W
— 51°42.0’ N, 15°10.2’ W
— 51°49.2’ N, 15°06.0’ W
— 51°54.6’ N, 15°07.2’ W

2. All pelagic vessels fishing in the areas for the protection of vulnerable deep-sea habitats set out in paragraph 1 of this Article shall be on a list of authorised vessels and be issued with a fishing authorisation in accordance with Article 7 of Regulation (EC) No 1224/2009. Vessels included in the list of authorised vessels shall carry on board exclusively pelagic gear.
3. Pelagic vessels intending to fish in an area for the protection of vulnerable deep-sea habitats as set out in paragraph 1 of this Article shall give four hours advance notification of their intention to enter an area for the protection of vulnerable deep-sea habitats to the Irish Fisheries Monitoring Centre (FMC) as defined in Article 4(15) of Regulation (EC) No 1224/2009. They shall at the same time notify quantities of fish retained on board.

4. Pelagic vessels fishing in an area for the protection of vulnerable deep-sea habitats as set out in paragraph 1 shall have an operational, fully functioning secure Vessel Monitoring System (VMS) which complies fully with the respective rules when present in an area for the protection of vulnerable deep-sea habitats.

5. Pelagic vessels fishing in an area for the protection of vulnerable deep-sea habitats as set out in paragraph 1 shall make VMS reports every hour.

6. Pelagic vessels who have concluded fishing in an area for the protection of vulnerable deep-sea habitats as set out in paragraph 1 shall inform the Irish FMC on departure from the area. They shall at the same time notify quantities of fish retained on board.

7. Fishing for pelagic species in an area for the protection of vulnerable deep-sea habitats as set out in paragraph 1 shall be restricted to having onboard or fishing with nets with a mesh size in the range of 16-31 mm or 32-54 mm.

Article 34f

Measures for the protection of a vulnerable deep-sea habitat in ICES Division VIIIc

1. It shall be prohibited to conduct bottom trawling and fishing with static gear, including bottom set gillnets and bottom set longlines, within the area enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

El Cachuccho:

— 44°12' N, 05°16' W
— 44°12' N, 04°26' W
— 43°53' N, 04°26' W
— 43°53' N, 05°16' W
— 44°12' N, 05°16' W

2. By way of derogation from the prohibition set out in the paragraph 1, vessels that conducted fisheries with bottom set longlines in 2006, 2007 and 2008 targeting greater forkbeard may obtain from their fishing authorities a fishing authorisation in accordance with Article 7 of Regulation (EC) No 1224/2009 that allows them to continue conducting that fishery in the area south of 44°00.00’ N. All vessels having obtained this fishing authorisation shall, regardless of their overall length, have in use an operational, fully functioning secure VMS which complies with the respective rules, when conducting fisheries in the area set out in paragraph 1.


(10) Article 38 is deleted.

(11) Article 47 is deleted.

(11a) Annexes I, IV, XII and XIV to Regulation (EC) No 850/98 are amended in accordance with the Annex to this Regulation.

(11b) Annexes XIIa, XIVa, XIVb, XIVc and XIVd are inserted in accordance with the Annex to this Regulation.
Article 2

Amendment to Regulation (EC) 1434/98

In Article 2 of Regulation (EC) 1434/98 the following paragraph is added:

‘1a. Paragraph 1 shall not apply to herring caught in ICES Division IIIa, Subarea IV, Division VIIId and EU waters of ICES Division IIa.’.

Article 3

Entry into force

This Regulation shall enter into force on the third day following that of its publication in the Official Journal of the European Union.

It shall apply from 1 January 2013.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at …,

For the European Parliament
The President

For the Council
The President

ANNEX

The Annexes to Regulation (EC) No 850/98 are amended as follows:

(1) In Annex I, footnote 6 to the table is deleted.

(2) In Annex IV, the table is replaced by the following:

‘Towed gears: Skagerrak and Kattegat

Mesh size ranges, target species and required catch percentages applicable to the use of a single mesh size range

<table>
<thead>
<tr>
<th>Species</th>
<th>Mesh size range (mm)</th>
<th>50%</th>
<th>50%</th>
<th>20%</th>
<th>50%</th>
<th>20%</th>
<th>20%</th>
<th>30%</th>
<th>none</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>50%</td>
<td>50%</td>
<td>20%</td>
<td>50%</td>
<td>20%</td>
<td>20%</td>
<td>30%</td>
<td>none</td>
</tr>
<tr>
<td>Sandeel (Ammodytidae) (1)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Sandeel (Ammodytidae) (4)</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Norway pout (Trisopterus esmarkii)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Blue Whiting (Micromesistius poutassou)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Greater weever (Trachinus draco) (1)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Molluscs (except Sepia) (1)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Garfish (Belone belone) (1)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Gray gurnard (Eutrigla gurnardus) (1)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Argentine (Argentina spp.)</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
### Table: Mesh size range (mm)

<table>
<thead>
<tr>
<th>Species</th>
<th>Minimum percentage of target species</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>50% ((^1))</td>
</tr>
<tr>
<td>Sprat (Sprattus sprattus)</td>
<td>X</td>
</tr>
<tr>
<td>Eel (Anguilla Anguilla)</td>
<td>X</td>
</tr>
<tr>
<td>Common shrimp/Baltic shrimp (Crangon spp., Palaemon adspersus) ((^8))</td>
<td>X</td>
</tr>
<tr>
<td>Mackerel (Scomber spp.)</td>
<td>X</td>
</tr>
<tr>
<td>Horse mackerel (Trachurus spp.)</td>
<td>X</td>
</tr>
<tr>
<td>Herring (Clupea harengus)</td>
<td>X</td>
</tr>
<tr>
<td>Northern shrimp (Pandalus borealis)</td>
<td>X</td>
</tr>
<tr>
<td>Common shrimp/Baltic shrimp (Crangon spp., Palaemon adspersus) ((^9))</td>
<td>X</td>
</tr>
<tr>
<td>Whiting (Merlangius merlangus)</td>
<td>X</td>
</tr>
<tr>
<td>Norway lobster (Nephrops norvegicus)</td>
<td>X</td>
</tr>
<tr>
<td>All other marine organisms</td>
<td>X</td>
</tr>
</tbody>
</table>

(\(^1\)) Only within four miles from the baselines.

(\(^2\)) Outside four miles from the baselines.

(\(^3\)) From 1 March to 31 October in Skagerrak and from 1 March to 31 July in Kattegat.

(\(^4\)) From 1 November to the last day of February in Skagerrak and from 1 August to the last day of February in Kattegat.

(\(^5\)) When applying this mesh size range, the codend shall be constructed of square mesh netting with a sorting grid in accordance with Annex XIVa of this Regulation.

(\(^6\)) The catch retained on board shall consist of no more than 10% of any mixture of cod, haddock, hake, plaice, witch, lemon sole, sole, turbot, brill, flounder, mackerel, megrim, whiting, dab, saithe, Norway lobster and lobster.

(\(^7\)) The catch retained on board shall consist of no more than 50% of any mixture of cod, haddock, hake, plaice, witch, lemon sole, sole, turbot, brill, flounder, herring, mackerel, megrim, dab, saithe, Norway lobster and lobster.

(\(^8\)) The catch retained on board shall consist of no more than 60% of any mixture of cod, haddock, hake, plaice, witch, lemon sole, sole, turbot, brill, flounder, megrim, whiting, dab, saithe and lobster.

(\(^9\)) The catch retained on board shall consist of no more than 60% of any mixture of cod, haddock, hake, plaice, witch, lemon sole, sole, turbot, brill, flounder, megrim, whiting, dab, saithe and lobster.

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(3) The table in Annex XII is amended as follows:

(a) the rows corresponding to the short-necked clam and the octopus are replaced by the following:

<table>
<thead>
<tr>
<th>Species</th>
<th>Minimum Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Short-necked clam (Venerupis philippinarum)</td>
<td>35mm</td>
</tr>
</tbody>
</table>
(b) the rows corresponding to anchovy are replaced by the following:

<table>
<thead>
<tr>
<th>Species</th>
<th>Minimum Size: Regions 1 to 5, except Skagerrak/Kattegat</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anchovy (Engraulis encrasicolus)</td>
<td>Whole area, except ICES Division IXa east of longitude 7° 23' 48&quot; W: 12 cm or 90 individuals per kilo</td>
</tr>
<tr>
<td></td>
<td>ICES Division IXa east of longitude 7° 23' 48&quot; W: 10 cm</td>
</tr>
</tbody>
</table>

(4) The following annex is inserted:

ANNEX XIIa

MINIMUM SIZES FOR REGION 9

<table>
<thead>
<tr>
<th>Species</th>
<th>Minimum Size: Region 9</th>
</tr>
</thead>
<tbody>
<tr>
<td>Turbot (Psetta maxima)</td>
<td>45 cm</td>
</tr>
</tbody>
</table>

(5) In Annex XIV, the following names are inserted in their corresponding alphabetical order of vernacular names:

<table>
<thead>
<tr>
<th>VERNACULAR NAME</th>
<th>SCIENTIFIC NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boarfish</td>
<td>Capros aper</td>
</tr>
<tr>
<td>Greater forkbeard</td>
<td>Physcis blennoides</td>
</tr>
<tr>
<td>Redfish</td>
<td>Sebastes spp.</td>
</tr>
<tr>
<td>Sardinelles</td>
<td>Sardinella aurita</td>
</tr>
</tbody>
</table>
The following annexes are inserted:

“ANNEX XIVa

SPECIFICATIONS FOR A SORTING GRID

1. The species selective grid shall be attached in trawls with full square mesh codend with a mesh size equal to or larger than 70 mm and smaller than 90 mm. The minimum length of the codend shall be 8 metres. It shall be prohibited to use any trawl with more than 100 square meshes in any circumference of the codend, excluding the joining or the selvages. The square mesh codend is required only in Skagerrak and Kattegat.

2. The grid shall be rectangular. The bars of the grid shall be parallel to the longitudinal axis of the grid. The bar spacing of the grid shall not exceed 35 mm. It shall be permitted to use one or more hinges in order to facilitate its storage on the net drum.

3. The grid shall be mounted diagonally in the trawl, upwards and backwards, anywhere from just in front of the codend to the anterior end of the untapered section. All sides of the grid shall be attached to the trawl.

4. In the upper panel of the trawl there shall be an unblocked fish outlet in immediate connection to the upper side of the grid. The opening of the fish outlet shall have the same width in the posterior side as the width of the grid and shall be cut out to a tip in the anterior direction along mesh bars from both sides of the grid.

5. It shall be permitted to attach in front of the grid a funnel to lead the fish towards the trawl floor and grid. The minimum mesh size of the funnel shall be 70 mm. The minimum vertical opening of the guiding funnel towards the grid shall be 15 cm. The width of the guiding funnel towards the grid shall be the grid width.

Schematic illustration of a size and species selective trawl. Entering fish are led towards the trawl floor and grid via a leading funnel. Larger fish are then led out of the trawl by the grid while smaller fish and Norway lobster pass through the grid and enter the codend. The full square mesh codend enhances escapement of small fish and undersized Norway lobster. The square mesh codend shown in the diagram is required only in Skagerrak and Kattegat.

ANNEX XIVb

CONDITIONS FOR FISHERIES WITH CERTAIN TOWED GEARS AUTHORISED IN THE BAY OF BISCAY

1. Specifications of the top square mesh panel

The panel shall be a rectangular section of netting. There shall be only one panel. The panel shall not be obstructed in any way by either internal or external attachments.
2. Location of the panel

The panel shall be inserted into the middle of the top panel of the rear tapered section of the trawl, just in front of the untapered section constituted by the extension piece and the codend.

The panel shall terminate not more than 12 meshes from the hand braided row of meshes between the extension piece and the rear tapered section of the trawl.

3. Size of the panel

The length of the panel shall be at least 2 metres and the width of the panel at least 1 metre.

4. Netting of the panel

The meshes shall have a minimum mesh opening of 100 mm. The meshes will be square meshes, i.e. all four sides of the panel netting shall be cut all bars.

The netting shall be mounted such that the bars run parallel and perpendicular to the longitudinal axis of the codend.

The netting shall be single twine. The twine thickness shall be not more than 4 mm.

5. Insertion of the panel into the diamond mesh netting

It shall be permitted to attach a selvedge on the four sides of the panel. The diameter of this selvedge shall be no more than 12 mm.

The stretched length of the panel shall be equal to the stretched length of the diamond meshes attached to the longitudinal side of the panel.

The number of diamond meshes of the top panel attached to the smallest side of the panel (i.e. one metre long side which is perpendicular to the longitudinal axis of the codend) shall be at least the number of full diamond meshes attached to the longitudinal side of the panel divided by 0.7.

6. The insertion of the panel into the trawl is illustrated below.
ANNEX XIVc

SQUARE MESH PANEL FOR VESSELS OF MORE THAN 15 METRES

1. Specifications of the top square mesh panel
The panel shall be a rectangular section of netting. The netting shall be single twine. The meshes shall be square meshes, i.e. all four sides of the panel netting shall be cut all bars. The mesh size shall be equal or more than 120 mm. The length of the panel shall be at least 3 metres except when incorporated into nets towed by vessels of less than 112 kilowatts, when it shall be of at least 2 metres in length.

2. Location of the panel
The panel shall be inserted into the top panel of the codend. The rearmost edge of the panel shall be no more than 12 metres from the codline as defined in Article 8 of Commission Regulation (EEC) No 3440/84 of 6 December 1984 on the attachment of devices to trawls, Danish seines and similar nets *

3. Insertion of the panel into the diamond mesh netting
There shall be no more than two open diamond meshes between the longitudinal side of the panel and the adjacent selvedge. The stretched length of the panel shall be equal to the stretched length of the diamond meshes attached to the longitudinal side of the panel. The joining rate between the diamond meshes of the top panel of the codend and the smallest side of the panel shall be three diamond meshes to one square mesh for 80 mm codends, or two diamond meshes to one square mesh for 120 mm codends, except for edge bars of the panel from both sides.

ANNEX XIVd

SQUARE MESH PANEL FOR VESSELS OF LESS THAN 15 METRES

1. Specifications of the top square mesh panel
The panel shall be a rectangular section of netting. The netting shall be single twine. The meshes shall be square meshes, i.e. all four sides of the panel netting shall be cut all bars. The mesh size shall be equal or more than 110 mm. The length of the panel shall be at least 3 metres except when incorporated into nets towed by vessels of less than 112 kilowatts, when it shall be of at least 2 metres in length.

2. Location of the panel
The panel shall be inserted into the top panel of the codend. The rearmost edge of the panel shall be no more than 12 metres from the codline as defined in Article 8 of Regulation (EEC) No 3440/84 (*).

3. Insertion of the panel into the diamond mesh netting
There shall be no more than two open diamond meshes between the longitudinal side of the panel and the adjacent selvedge. The stretched length of the panel shall be equal to the stretched length of the diamond meshes attached to the longitudinal side of the panel. The joining rate between the diamond meshes of the top panel of the codend and the smallest side of the panel shall be two diamond meshes to one square mesh, except for edge bars of the panel from both sides.

(*) OJ L 318, 7.12.1984, p. 23.'
Removal of fins of sharks on board vessels ***I


(Ordinary legislative procedure: first reading)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2011)0798),
— having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0431/2011),
— 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 28 March 2012 (1),
— having regard to Rule 55 of its Rules of Procedure,
— having regard to the report of the Committee on Fisheries and the opinion of the Committee on the Environment, Public Health and Food Safety (A7-0295/2012),

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)0364


(As an agreement was reached between Parliament and Council, Parliament’s position corresponds to the final legislative act, Regulation (EU) No 605/2013.)

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