## Information and Notices

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**EUROPEAN PARLIAMENT**

2001-2002 SESSION

Sittings of 10 to 13 December 2001

**Monday 10 December 2001**

(2002/C 177 E/01)

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(2002/C 177E/03)

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2001-2002 SESSION

Sitting of 17 December 2001

Monday 17 December 2001

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* Consultation procedure
**I Cooperation procedure: first reading
**II Cooperation procedure: second reading
*** Assent procedure
***I Codecision procedure: first reading
***II Codecision procedure: second reading
***III Codecision procedure: third reading
(The type of procedure is determined by the legal basis proposed by the Commission)

Information relating to voting time
Unless stated otherwise, the rapporteurs informed the Chair in writing, before the vote, of their position on the amendments.

Abbreviations used for Parliamentary Committees
AFET Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy
BUDG Committee on Budgets
CONT Committee on Budgetary Control
LIBE Committee on Citizens' Freedoms and Rights, Justice and Home Affairs
ECON Committee on Economic and Monetary Affairs
JURI Committee on Legal Affairs and the Internal Market
ITRE Committee on Industry, External Trade, Research and Energy
EMPL Committee on Employment and Social Affairs
ENVI Committee on the Environment, Public Health and Consumer Policy
AGRI Committee on Agriculture and Rural Development
PECH Committee on Fisheries
RETT Committee on Regional Policy, Transport and Tourism
CULT Committee on Culture, Youth, Education, the Media and Sport
DEVE Committee on Development and Cooperation
AFCO Committee on Constitutional Affairs
FEMM Committee on Women's Rights and Equal Opportunities
PETI Committee on Petitions

Abbreviations used for Political Groups
PPE-DE Group of the European People’s Party (Christian Democrats) and European Democrats
PSE Group of the Party of European Socialists
ELDR Group of the European Liberal, Democrat and Reform Party
Verts/ALE Group of the Greens/European Free Alliance
GUE/NGL Confederal Group of the European United Left/Nordic Green Left
UEN Union for a Europe of Nations Group
EDD Group for a Europe of Democracies and Diversities
NI Non-attached Members
1. Resumption of session

The sitting opened at 17.05.

2. Approval of Minutes of previous sitting

The following spoke:

- Terence Wynn, Chairman of the BUDG Committee, who, referring to the vote on the Fiori report on human genetics (A5-0391/2001) (Item 28 of the Minutes) criticised, in particular in the light of the result of the vote, the decision not to entrust this matter to one of the standing committees; he asked how much the temporary committee on human genetics and other new technologies in modern medicine, on whose behalf the report had been drawn up, had cost (the President undertook to give him a reply as soon as possible);

- Westendorp y Cabeza, Chairman of the ITRE Committee, who called for the vote on items concerning telecommunications, on that day’s agenda, to be postponed to voting time on Wednesday to enable the political groups to consider compromise proposals resulting from the meeting due to be held between the ITRE Committee and the Council.

The Minutes of the previous sitting were approved.
3. Membership of Parliament

The President informed Parliament that Mr Haarder had been appointed to the Danish Government.

She congratulated him on his appointment and established, pursuant to Rule 8(4) of the Rules of Procedure and Article 6(1) of the Act on the Election of Representatives to the European Parliament by Direct Universal Suffrage, that his new office was incompatible with that of Member of the European Parliament.

She established that Mr Haarder's seat would be vacant from 27 November 2001.

4. Communication of common positions of the Council

Pursuant to Rule 74(1), the President announced that she had received from the Council the following common position, together with the reasons which had led to its adoption, and the Commission's position on:

  referred to responsible: ECON
  referred to committees asked for opinions at first reading: ENVI, JURI

The three-month period available to Parliament to deliver its opinion would therefore begin the following day, 11 December 2001.

5. Documents received

The President had received the following texts:

(a) from the Council and/or Commission:

  referred to responsible: RETT
  opinion: ECON, ITRE, PECH, FEMM
- Draft General Budget of the European Communities for the financial year 2002 with amendments and proposed modifications (14341/01 — C5-0600/2001 — 2000/2324(BUD) — 2000/2325(BUD))
  referred to responsible: BUDG
  opinion: all committees concerned
  for information: EMPL
  referred to responsible: ENVI
  opinion: BUDG, JURI
  legal basis: Article 95 EC

referred to: BUDG

Council of the European Union: Initiative of the Federal Republic of Germany, the Kingdom of Belgium and the French Republic in view of the adoption of a Council Act drawing up a Protocol amending the Convention on the use of information technology for customs purposes as regards the creation of a customs files identification database (13187/01 — C5-0607/2001 — 2001/0829(CNS))

referred to: BUDG, CONT, JURI, ITRE

legal basis: Article 39 EC


referred to: BUDG


referred to: BUDG


referred to: BUDG


referred to: BUDG


referred to: BUDG


referred to: BUDG


referred to: BUDG

Council of the European Union: Letter of Amendment No 2 to the draft general budget of the European Communities for the financial year 2002 (14340/01 — C5-0615/2001 — 2000/2324(BUD))

referred to: BUDG

opinion: All committees concerned

Opinion of the Commission pursuant to Article 251(2), third subparagraph, point (c) of the EC Treaty, on the European Parliament's amendments to the Council's Common Position regarding the proposal for a decision of the European Parliament and of the Council on Community incentive measures in the field of employment (amending the proposal of the Commission pursuant to Article 250(2) of the EC Treaty) (COM(2001) 730 — C5-0616/2001 — 2000/0195(COD))

for information: EMPL
Monday 10 December 2001

  referred to responsible: ECON
  opinion: ITRE

  referred to responsible: BUDG
  opinion: RETT, CONT, ITRE
  legal basis: Article 156, 1st paragraph EC

  referred to responsible: CONT
  opinion: ITRE

  referred to responsible: ENVI
  legal basis: Articles 174(4) and 300(2) EC

  referred to responsible: AGRI
  opinion: BUDG
  legal basis: Articles 36 and 37 EC

  referred to responsible: JURI
  opinion: ENVI, RETT
  legal basis: Articles 61, 67 and 300 EC

  referred to responsible: CONT
  opinion: AGRI
  legal basis: Article 37 EC

  referred to responsible: BUDG

  referred to responsible: BUDG

  referred to responsible: ECON
  opinion: BUDG and all committees concerned
  legal basis: Article 285 EC
legal basis: Articles 181 and 300(3), first subparagraph EC

Council of the European Union: Draft Council regulation on specific restrictive measures directed against certain persons and entities with a view to combating terrorism (4765/3/01 — C5-0665/2001 — 2001/0228(CNS)) referred to responsible: LIBE opinion: AFET, ECON
legal basis: Articles 60, 301 and 308 EC

(b) from the Court of Auditors:


— Report from the European Court of Auditors on balance sheets and accounts of the 6th, 7th and 8th European Development Funds, together with the institutions'replies for the financial year 2000 (C5-0618/01 — C5-0618/2001 — 2001/2096(DEC)) referred to responsible: CONT opinion: DEVE

(c) from committees:

(ca) reports:


— Report on the role of flags of convenience in the fisheries sector (2000/2302(INI)) — Committee on Fisheries Rapporteur: Mrs McKenna (A5-0405/2001)


Report on the Special Report to the European Parliament following the draft recommendation to the European Commission in complaint 713/98/IJH (made in accordance with Article 3(7) of the Statute of the European Ombudsman) (C5-0463/2001 — 2001/2194(COS)) — Committee on Petitions
Rapporteur: Mrs Lambert
(A5-0423/2001)

Rapporteur: Mr Cunha
(A5-0425/2001)

* Report on the proposal for a Council regulation on the conclusion of the Protocol setting out the fishing opportunities and the financial contribution provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006 (COM(2001)590 — C5-0555/2001 — 2001/0246(CNS)) — Committee on Fisheries
Rapporteur: Mr Gallagher
(A5-0426/2001)

Rapporteur: Mr Colom i Naval
(A5-0427/2001)

Report on the European Capital of Culture 2005 (2001/2221(INI)) — Committee on Culture, Youth, Education, the Media and Sport
Rapporteur: Mr Gargani
(A5-0428/2001)

Report on European citizens' right of petition: consolidation by amendment of the EC Treaty (2001/2137(INI)) — Committee on Petitions
Rapporteur: Mr Gemelli
(A5-0429/2001)

Rapporteur: Mr Grosch
(A5-0430/2001)

Rapporteur: Baroness Ludford
(A5-0436/2001)

Report on the report from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on the Trans-European Networks 1999 annual Report pursuant to Article 16 of Regulation 2236/95 laying down general rules for the granting of Community financial assistance in the field of Trans-European-Networks (COM(2000)591 — C5-0255/2001 — 2001/2120(COS)) — Committee on Budgets
Rapporteur: Mr Turchi
(A5-0439/2001)


- Report on the Initiative of the United Kingdom, the French Republic and the Kingdom of Sweden with a view to adopting a Council Framework Decision on the application of the principle of mutual recognition to financial penalties (11178/01 — C5-0443/2001 — 2001/0825(CNS)) — Committee on Citizens’ Freedoms and Rights, Justice and Home Affairs Rapporteur: Mrs Cerdeira Morterero (A5-0444/2001)


recommendations for second reading:

- *** II Recommendation for second reading on the common position adopted by the Council with a view to adopting a European Parliament and Council regulation amending Council Regulation (EC) No 2223/96 as concerns the use of ESA 95 in the determination of Member States’ payments to the VAT-based own resource (8793/1/2001 — C5-0385/2001 — 2000/0241(COD)) — Committee on Budgets
  Rapporteur: Mrs Haug
  (A5-0431/2001)

  Rapporteur: Mrs Niebler
  (A5-0432/2001)

  Rapporteur: Mrs Niebler
  (A5-0433/2001)

  Rapporteur: Mr Brunetta
  (A3-0434/2001)

  Rapporteur: Mr Paasilinna
  (A5-0435/2001)

  Rapporteur: Mr Hatzidakis
  (A5-0437/2001)

- *** II Recommendation for second reading on the common position adopted by the Council with a view to adopting a European Parliament and Council directive on universal service and users’ rights relating to electronic communications networks and services (10421/1/2001 — C5-0418/2001 — 2000/0183(COD)) — Committee on Legal Affairs and the Internal Market
  Rapporteur: Mr Harbour
  (A5-0438/2001)
(d) from Members

(da) oral questions (Rule 42):
- Morgan and O'Toole, on behalf of the PSE Group, to the Commission, on minority languages (B5-0537/2001);
- Eurig Wyn, Echerer, Vander Taelen, Mayol i Raynal, Nogueira Román and Ortuondo Larrea, on behalf of the Verts/ALE Group, to the Commission, on language diversity (B5-0753/2001).

(db) oral questions for Question Time (Rule 43) (B5-0536/2001):

(ec) from the Parliament Delegation to the Conciliation Committee:


6. Authorisation to draw up own-initiative reports

By letter of 29 November 2001, the President had given express authorisation to the CULT Committee to draw up a report on ‘European Capital of Culture 2005’ (2001/2221(INI), exceeding the quota).
7. Transfer of appropriations

The Committee on Budgets had considered proposal for transfer of appropriations No 44/2001 (C5-0572/2001 — SEC(2001)1879).

Pending the Council's opinion, the committee had authorised the transfer, pursuant to Article 26(5)(b) of the Financial Regulation, in accordance with the following breakdown:

FROM:

Chapter B2-14 — Community initiatives
  − Article B2-141 — Interreg
  − Article B2-143 — URBAN

TO:

Chapter B2-16 — Innovative measures and technical assistance
  − Article B2-162 — European Regional Development Fund (ERDF)

The Committee on Budgets had considered proposal for transfer of appropriations No 50/2001 (C5-0545/2001 — SEC(2001)1784).

Pending the Council's opinion, the committee had authorised the transfer, pursuant to Article 26(5)(b) of the Financial Regulation, in accordance with the following breakdown:

FROM:

Chapter B5-30 — Strategic implementing measures
  − Article B5-300 — Strategic programme on the internal market
    − Item B5-3001 — Implementation and development of the internal market

TO:

Chapter B2-90 — Support measures for the Common Fisheries Policy
  − Article B2-902 — Inspection and surveillance of fishing activities in waters inside and outside the Community

The Committee on Budgets had considered proposal for transfer of appropriations No 51/2001 (C5-0549/2001 — SEC(2001)1786).

Pending the Council's opinion, the committee had authorised the transfer, pursuant to Article 26(5)(b) of the Financial Regulation, in accordance with the following breakdown:

FROM:

Chapter B0-40 — Provisional appropriations
  − Item B7-8000 — International fisheries agreements

TO:

Chapter B7-54 — Cooperation with countries of the Western Balkans
  − Article B7-548 — Macroeconomic assistance to the countries of the Western Balkans not concerned by a pre-accession strategy

* * *
The Committee on Budgets had considered proposal for transfer of appropriations No 52/2001 (C5-0550/2001 — SEC(2001)1792).

Pending the Council's opinion, the committee had decided, pursuant to Article 26(5)(b) of the Financial Regulation, to authorise the transfer in accordance with the following breakdown:

FROM:

Chapter B0-40 — Provisional appropriations
  − Article B3-720 — Trans-European telecommunications networks CA − 4 400 000 €

TO:

Chapter B5-72 — Telecommunications networks
  − Article B5-720 — Trans-European telecommunications networks CA 4 400 000 €


Pending the Council's opinion, the committee had authorised the transfer, pursuant to Article 26(5)(b) of the Financial Regulation, in accordance with the following breakdown:

FROM:

Chapter B0-40 — Provisional appropriations
  − Item B7-8000 — International fisheries agreements CA − 50 000 000 €
    PA − 50 000 000 €
  − Article B7-300 — Financial and technical cooperation with Asian developing countries CA − 5 000 000 €
    PA − 5 000 000 €

Chapter B7-30 — Cooperation with Asian developing countries
  − Article B7-310 — Financial and technical cooperation CA − 5 000 000 €
    PA − 5 000 000 €

Chapter B7-31 — Cooperation with Latin American developing countries
  − Article B7-310 — Financial and technical cooperation CA − 5 000 000 €
    PA − 5 000 000 €

TO:

Chapter B7-62 — Multisector issues
  − Article B7-621 — Health protection and campaign against drug abuse
    − Item B7-6211 — Aid for poverty-related diseases (malaria, tuberculosis) in developing countries CA 60 000 000 €
      PA 60 000 000 €

The Committee on Budgets had considered proposal for transfer of appropriations No 54/2001 (C5-0570/2001 — SEC(2001)1871).

Pending the Council's opinion, the committee had authorised the transfer, pursuant to Article 26(5)(b) of the Financial Regulation, in accordance with the following breakdown:

FROM:

Chapter B0-40 — Provisional appropriations
  − Article B7-432 — Other operations in favour of Middle East developing countries CA − 8 000 000 €
    PA − 2 000 000 €
Chapter B7-30 — Cooperation with Asian developing countries
  - Article B7-300 — Financial and technical cooperation with Asian developing countries
    CA - 15 000 000 €
    PA - 15 000 000 €

Chapter B7-31 — Cooperation with Latin American developing countries
  - Article B7-310 — Financial and technical cooperation with Latin American developing countries
    CA - 20 000 000 €
    PA - 20 000 000 €

Chapter B7-41 — MEDA (Measures to accompany the reforms to the economic and social structures in the Mediterranean non-Member countries)
  - Article B7-410 — MEDA (Measures to accompany the reforms to the economic and social structures in the Mediterranean non-member countries)
    CA - 2 000 000 €
    PA - 2 000 000 €

Chapter B7-70 — European initiative for democracy and human rights
  - Article B7-702 — Support for the democratisation process and strengthening of the rule of law
    PA - 4 000 000 €
  - Article B7-703 — Promotion of respect for human rights and democratisation by preventing conflict and restoring civil peace
    PA - 2 000 000 €

TO:

Chapter B7-54 — Cooperation with the countries of the Western Balkans
  - Article B7-548 — Macroeconomic assistance to the countries of the Western Balkans not concerned by a pre-accession strategy
    CA 45 000 000 €
    PA 45 000 000 €

* *

The Committee on Budgets had considered proposal for transfer of appropriations No 56/2001 (C5-0569/2001 — SEC(2001)1870).

It authorised the transfer, in accordance with Article 26(5)(a) of the Financial Regulation, broken down as follows:

FROM:

Chapter B7-41 — MEDA (Measures to accompany the reforms to the economic and social structures in the Mediterranean non-Member countries)
  - Article B7-410 — MEDA (measures to accompany the reforms to the economic and social structures in the Mediterranean non-member countries)
    CA - 170 000 €
    PA - 170 000 €

Chapter B7-52 — Assistance to partner countries in Eastern Europe and Central Asia
  - Article B7-523 — Cooperation with the partner countries of eastern Europe and central Asia under the Euratom Treaty
    CA - 2 330 000 €
    PA - 460 000 €

Chapter B7-65 — Coordination, evaluation and inspection measures
  - Article B7-651 — Coordination of development policy, evaluation of the results of Community aid and follow-up and inspection measures
    PA - 1 870 000 €

TO:

Chapter B7-66 — Specific measures involving third countries
  - Article B7-660 — External cooperation measures
    - Item B7-6600 — External cooperation measures
      CA 2 500 000 €
      PA 2 500 000 €

Pending the Council’s opinion, the committee had authorised the transfer, pursuant to Article 26(5)(b) of the Financial Regulation, in accordance with the following breakdown:

FROM:

Chapter B0-40 — Provisions
– Article B7-8000 — International Fisheries Agreements
  CA  – 10 000 000 €
  PA  – 10 000 000 €

TO:

Chapter B7-42 — Programmes in favour of the Middle East
– Article B7-420 — Community operations connected with the Israel/PLO Peace Agreement
  CA  10 000 000 €
  PA  10 000 000 €

8. Petitions

Pursuant to Rule 174(5), the President had forwarded to the Committee on Petitions the following petitions which had been entered in the register on the dates shown below:

19 November 2001
by Mr David Parcerisas Hinojosa (No 923/2001);
by Mr Julio Ruiz Rodríguez (Ecologistas en Acción – Ciudad Real) (No 924/2001);
by Mr José Carlos Hernández Barreto (and 3 signatories) (No 925/2001);
by Mr Manuel Crehuet i Carbó (No 926/2001);
by Mr Manuel Crehuet i Carbó (No 927/2001);
by Mr Alfonso Garnelo Marínas (No 928/2001);
by Mr Juan Carlos Pérez Álvarez (No 929/2001);
by Mr Pablo Pascual Cid Fernández (No 930/2001);
by Mr Luís Casanova López (No 931/2001);
by Mrs Ascensión Doto (No 932/2001);
by Mr Roland Huleux (Attac Reunion) (and 29 signatories) (No 933/2001);
by Mr B. Delmotte (Commune de Profondeville) (and 2 signatories) (No 934/2001);
by Mrs Myriam Delvenne (No 935/2001);
by Mrs Muriel Arnal (One Voice) (No 936/2001);
by Mrs Katja Pfusch (No 937/2001);
by Mr Jean-Christophe Duplat (Boss 17 — association de fait) (No 938/2001);
by Mrs Danielle Thorez (No 939/2001);
by Mrs Michèle Daongam (Aide à l’enfance autiste) (No 940/2001);
by Mr Sergio Tagliacozzo (and 44 signatories) (No 941/2001);
by Mr Salvatore Maio (Comitato Sindacale Interregionale Liguria – P.A.C.A,) (No 942/2001);
by Mr Vito Antonio di Cagno (No 943/2001);
by Mr Massimo Maffi (No 944/2001);
by Mrs Giulia Manna (No 945/2001);
by Mr Riccardo Rocchetto (No 946/2001);
by Mr José Manuel Vidal da Silva Gonçalves (No 947/2001);
by Mr Francisco Giesteira Rego (No 948/2001);
by Mr Udo Matyssek (No 949/2000);
by Mr Harry Hollmann (No 950/2001);
by Mr Friedrich Luger (No 951/2001);
by Mr Uwe Albert (No 952/2001);
by Mr Heinz Holthausen (No 933/2001);
Monday 10 December 2001

by Mr Arno Markmann (No 954/2001);  
by Mr John Foley (No 955/2001);  
by Mrs Muriel Palmer (No 956/2001);  
by Mr David Williams (No 957/2001);  
by Mr Peter Lee (No 958/2001);  
by Mr Mika Nenonen (No 959/2001);  
by Mr Patrick Robert O’Brien (No 960/2001);  
by Mr Johnson Adedeji Ibbitola (No 961/2001);  
by Mr James Fearon (No 962/2001);  
by Mr Dennis de Lang (No 963/2001);

29 November 2001

by Mrs Ana Sala-Jorro (Associació Cultural Ecologista de Calp) (and 2 signatories) (No 964/2001);  
by Mr José Luis Portillo López (Ayuntamiento del Valle de Carranza) (No 965/2001);  
by Mr Antonio Rojas Gil (No 966/2001);  
by Mr Eladio Juan Torres Castro (and 8 signatories) (No 967/2001);  
by Mr Roberto Ibircu Coto (No 968/2001);  
by Mr Francisco José Rivas Garrote (No 969/2001);  
by Mr Francisco Gasso Hernández (No 970/2001);  
by Mr Juan Sala (Els Verds del País Valenciá) (No 971/2001);  
by Mr Felipe González de Mesa Ponte (Tenerife Contra el Ruido) (No 972/2001);  
by Mr José Benavent Oltra (No 973/2001);  
by Mr Alberto Paz Viñas (No 974/2001);  
by Mrs Ana Isabel Ainct Izpura (No 975/2001);  
by Mr Diego José Ramón Dangla (No 976/2001);  
by Mr Ramón Hernández Espallargas (Asociación de Empresarios de Andorra (AEA)) (No 977/2001);  
by Mr Francisco da Conceição Norte (Comissão de Moradores do Bom Sucesso) (and 5 signatories) (No 978/2001);  
by Mr Hugh C. Chauvel (No 979/2001);  
by Mr Jean Denis (La Méridienne) (No 980/2001);  
by Mr Mr Papamichail (Centre Francophone d’Etudes Supérieures) (No 981/2001);  
by Mr Albert Taboat (EALSF (Enseignement Académique de la Langue des Signes Française)) (No 982/2001);  
by Mr André Bamberski (No 983/2001);  
by Mr Patrick Gallienne (No 984/2001);  
by Mr Bubel Wladyslaw (No 985/2001);  
by Mr Lucien Troine (No 986/2001);  
by Mr Benoît Bodson (No 987/2001);  
by Mr Ercan Yasa (Tête de Turc) (No 988/2001);  
by Mr René Levrat (No 989/2001);  
by Mrs Luciana Molino (No 990/2001);  
by Mr Giuseppe Andrei (No 991/2001);  
by Mr Pietro Sabato (Partito Italiano Nuova Generazione) (and 14 signatories) (No 992/2001);  
by Mrs Christelle Arnould (No 993/2001);  
by Mr Francesco Santoro (Associazione Nazionale Italiana per il Cavallo Arabo) (and 2 signatories) (No 994/2001);  
by Mr Marcello Grasso (No 995/2001);  
by Mr Jacopo Rossi (No 996/2001);  
by Mr Giuseppe Tizza (No 997/2001);  
by Mr Ulisse Babini (No 998/2001);  
by Mr Massimiliano Canzanella (Foro di Napoli) (No 999/2001);  
by Mr Acacio Duarte Antunes Faria (No 1000/2001);  
by Mr José de Melo Ferreira (No 1001/2001);  
by Mr Carlos João Alves Nogueira (No 1002/2001);  
by Mr José Telhado (No 1003/2001);
by Mr José Vieira Lopes (No 1004/2001);
by Mr Herbert Frenzer (No 1005/2001);
by Mr Jörg Willems (No 1006/2001);
by Mr Norbert Stück (No 1007/2001);
by Mrs Alina Szymczak (No 1008/2001);
by Mrs Christa Spänhoff (No 1009/2001);
by Mr Hans-Wolff Graf (Deutscher Bundesverband für Steuer-, Finanz- und Sozialpolitik e.V.) (No 1010/2001);
by Mr Michael Maurer (No 1011/2001);
by Mrs Maria Spada (No 1012/2001);
by Mr Argirios Tsorakis (No 1013/2001);
by Mr Reiner Frisch (No 1014/2001);
by Mrs Cathy Darling (Families Advocate Immediate Redress) (No 1015/2001);
by Mr John Dawes (No 1016/2001);
by Mr Ian Morrison (No 1017/2001);
by Mr James Martin Nash (United Christian Broadcaster) (No 1018/2001);
by Mr Christian Hoyer (No 1019/2001);
by Mrs Flaminia Sacca (No 1020/2001);
by Mr Dave Prentis (Unison) (No 1021/2001);
by Mr Niyazi Eren (No 1022/2001);
by Mr Frank O'Reilly (No 1023/2001);
by Mr Douglas Freke (No 1024/2001);
by Mr Börje Lindén (No 1025/2001);
by Mr Anthony Grange (No 1026/2001);
by Mrs Mona Bäckström (No 1027/2001);
by Mr Mohamed Sharief Alibux (No 1028/2001);
by Mrs Imrja Demiri (No 1029/2001);
by Mr Imand Vroombout (No 1030/2001);
by Mr Sture Eckhausen (No 1031/2001);
by Mr Spiros Kavouras-Kollias (No 1032/2001);
by Mr Spiros Kavouras-Kollias (No 1033/2001);
by Mr Spiros Kavouras-Kollias (No 1034/2001);
by Mrs Maria Tsiotaki (No 1035/2001);
by Mr Joseph-Christos Kondylakis (No 1036/2001);
by Mr Georgios Kontomichis (No 1037/2001);
by Mr Konstantinou Louka (No 1038/2001);

6 December 2001

by Mr Miguel Ángel Robles Martínez (Centro Liberal) (No 1039/2001);
by Mr Óscar Blanco Vila (No 1040/2001);
by Mr Nuria Muñoz (Grupo Alcodra, S.L.) (No 1041/2001);
by Mr Luis Fernando Fernández Fornies (No 1042/2001);
by Mr Ignacio Romero Dorado (No 1043/2001);
by Mr Jesús Armas Delgado (Cementos del Archipelago, S.A.) (and 49 signatories) (No 1044/2001);
by Mrs Martine D'Haezeleer (No 1045/2001);
by Mr A. Wipf (and 39 signatories) (No 1046/2001);
by Mr Joachim Müller-Borle (Mouvement européen) (No 1047/2001);
by Mr Georgios Smirnios (and 2 signatories) (No 1048/2001);
by Mr Antonio Agostines (No 1049/2001);
by Mr Michele Ricciardi (No 1050/2001);
by Mrs Carolina Santos Ferreira (No 1051/2001);
by Mr João Paulo da Silva Marques (No 1052/2001);
by Mr Robbert Maris (No 1053/2001);
by Mr Jurij Raskovalow (No 1054/2001);
9. Order of business

The next item was the order of business.

The President announced that the final draft agenda for the sittings of December 2001 (PE 312.111/PDOJ) had been distributed and that a number of changes had been proposed (Rule 111):

(a) Sittings of 10 to 13 December 2001

- Monday
  No change.

- Tuesday 11
  The PSE and ELDR Groups had asked for the Council and Commission statements on the WTO meeting in Qatar (Item 13 of the FDA) to be followed by motions for resolutions. The following spoke on the request: Van den Berg who moved the request on behalf of the PSE Group and Lannoye, on behalf of the Verts/ALE Group. Parliament approved the request.
  Deadlines:
  - motions for resolutions: Tuesday at 10.00
  - amendments and joint motions: Wednesday at 10.00
  Vote: Thursday

  - Mr Westendorp y Cabeza, Chairman of the ITRE Committee, called for the vote on telecommunications to be postponed to Wednesday (Items 3 to 7 of the FDA). Parliament approved the request.

- Wednesday 12
  No change.

Mr Beazley asked for new print runs to be made of the speeches by the Knesset and Palestinian Authority spokesmen to Parliament to allow a better understanding of the situation in the Middle East (Items 122 and 115 of the FDA). The President presumed that Mr Beazley was referring to the remarks by Avraham Burg, speaker of the Knesset, and Abou Alaa, speaker of the Palestinian Legislative Council, and pointed out that the speeches were still available.
Thursday
Topical and urgent debate:
Item 3 'Human rights'
The GUE/NGL Group had asked for the third heading 'Sulawesi' to be replaced by a new heading 'Immigration in Ireland'.
Mr Barón Crespo, on behalf of the PSE Group, proposed merging 'Irian Jaya' and 'Sulawesi' into one heading and adding 'Immigration in Ireland' as a new heading.
The President took over this proposal and consulted the House.
Parliament approved the proposal by EV (166 for, 103 against, 7 abstentions).

(b) Sitting of 17 December 2001
No change.

Request for urgent procedure (Rule 112) by the Council for the following proposals:

  
  **Reason for request:** the Member States needed to agree before 1 July 2002 and wished to have sufficient time to implement the directives in their national legislation and administrative provisions.

  
  **Reason for request:** this proposal aimed to tackle the financial crisis facing UNRWA by proposing a supplementary contribution of €15 million for the period 1999-2001. The Council needed to adopt this proposal before the end of 2001.

- Draft Council regulation on specific restrictive measures directed against certain persons and entities with a view to combating international terrorism (COM(2001)569 — C5-0665/2001 — 2001/0228(CNS)).
  
  **Reason for request:** following work in its internal bodies responsible, the Council had amended the proposed regulation which had been taken under urgent procedure in October.

Parliament would vote on these three requests at the start of the next sitting.

The President also announced that the Council had requested urgent procedure for the following documents:


She added that the AGRI Committee had already adopted reports without debate under urgent procedure for each of these proposals (Rule 114): Graefe zu Baringdorf report (A5-0442/2001) on the first proposal and the Dary report (A5-0443/2001) on the second proposal. The votes would be taken on Tuesday and Wednesday respectively.

* * *

The order of business was thus established.

**Points of order:**

The following spoke:

— Stevenson who complained that he had not received any reply to the three requests for a meeting which he and 20 other Members had sent to Mrs Aelvoet, President-in-Office of the Environment Council; he criticised this discourtesy on the part of the Council (the President took note);

— on the Italian Government’s objection to a European arrest warrant: Barón Crespo, on behalf of the PSE Group, who criticised the Italian Government’s position and called on the President to express Parliament’s support to the President-in-Office of the Council and to the Commission, Watson, Chairman of the LIBE Committee, rapporteur on the matter, Lisi, Poettering, on behalf of the PPE-DE Group, Schulz, Buitenweg and Leinen;

— on the discovery of 13 refugees in a container transported to Ireland, eight of whom had died of asphyxiation: Karamanou, who said Parliament could not remain indifferent to this tragedy and asked the President to send a message to this effect to the Laeken European Council, De Rossa, Auroi, who proposed that the House observe a minute’s silence at the start of the next sitting, McKenna, who referred to Mr Stevenson’s remarks, and Fitzsimons;

— on the British and Dutch nationals detained without trial in Greece for five weeks on suspicion of espionage (see Minutes of 15.11.2001, Item 2, and of 28.11.2001, after Items 8 and 10): Lynne, who asked if the President had received a reply from the Greek authorities to the letter she had sent them concerning this matter (the President replied that she had received a reply from Mr Papandreou, Greek Foreign Minister, which she did not consider satisfactory), Manders and Perry, who both called on the President to continue to make representations, Souladakis and Howitt;

— Bautista Ojeda on ETA terrorism in Spain and to condemn the attacks on him in the press after he had been prevented from taking part in the vote on the Watson report; he stressed his support for this report and in particular amendments 117 and 118;

— Bradbourn who complained that the Commission had not followed up one of his written questions on the pretext that it would require too much research and condemned this lack of courtesy (the President agreed);

— Gorostiaga Atxalandabaso on the case of women who had been subjected to violence by the Spanish police (the President cut him off);

— Krivine who asked the President as part of the debate on the struggle against terrorism on Wednesday’s agenda to provide Members with a copy of the exchange of letters between Mr Prodi, President of the Commission, and President George W. Bush, on EU-US cooperation against terrorism (the President replied that this would be done);

— Foster who stressed that Parliament, in adopting her report during the last part-session, had made every effort to make progress on the matter of civil aviation safety and regretted the inability of the Transport Council to adopt a common position; she asked the President to forward her remarks to the Council;

— Zacharakis who criticised the Albanian authorities’ discriminatory treatment of the Greek minority in Albania;
Fatuzzo who referred to the publication of a book by an Italian journalist Mario Giordano on the European Union and fraud; he described the book as a calumny and asked the President whether it would be possible to sue the author (the President replied that she would take a close look at the matter);

Korakas on the catastrophic situation of small farmers in Greece;

Kinnock, who asked the President to urge the Norwegian Nobel Committee to put pressure on the Burmese junta to allow Aung San Suu Kyi, who had been awarded the Sakharov and Nobel prizes, and under house arrest for the past 13 years, to attend the 100th anniversary of the Nobel Prize.

* * *

The President announced that Parliament would hold a ceremony before the next day's formal sitting in memory of the events of 11 September 2001.

10. European Food Authority (debate)


IN THE CHAIR: Mrs PLOOIJ-VAN GORSEL

Vice-President

The following spoke: Bowis, on behalf of the PPE-DE Group, Roth-Behrendt, on behalf of the PSE Group, Paulsen, on behalf of the ELDR Group, Staes, on behalf of the Verts/ALE Group, Sjöstedt, on behalf of the GUE/NGL Group, Fitzsimons, on behalf of the UEN Group, Bernié, on behalf of the EDD Group, Thomas-Mauro, Non-attached Member, Grossêtête, Corbey, Auroi, Blokland, Dell’Alba, Schnellhardt, Riitta Myller, Titford, Oomen-Ruijten, Doyle, Fiori, Emilia Franziska Müller and Byrne, Member of the Commission.

The President closed the debate.


11. Authorisation of electronic communications networks and services (debate)

The next item was a joint debate on five recommendations for second reading:

Mrs Niebler introduced the recommendations for second reading, on behalf of the Committee on Industry, External Trade, Research and Energy, on:


Mr Paasilinna introduced his recommendation for second reading on a common position adopted by the Council with a view to adopting a European Parliament and Council directive on a common regulatory framework for electronic communications networks and services (Framework Directive) (10420/1/2001 — C5-0415/2001 — 2000/0184(COD)) (A5-0435/2001);


The following spoke: Daems, President-in-Office of the Council, Van Velzen, on behalf of the PPE-DE Group, Erika Mann, on behalf of the PSE Group, Plooij-van Gorsel, on behalf of the ELDR Group, Echerer, on behalf of theVerts/ALE Group, Crowley, on behalf of the UEN Group, and Della Vedova, Non-attached Member.

The following spoke: Chichester, McCarthy, Thors, Hieronymi, Glante, Clegg, Rübig, Read, Gill, Westendorp y Cabeza, Chairman of the ITRE Committee, Junker, De Rossa, Hans-Peter Martin, Dehousse, Koukiadis and Liikanen, Member of the Commission.

The President announced that the Presidency services would make available to Members on request a list detailing the Commission’s position on the amendments.

The President closed the debate.


12. Report on financial assistance for innovative and job creating SMEs (debate)


The following spoke: Radwan, draftsman of the opinion of the ECON Committee, Thomas Mann, on behalf of the PPE-DE Group, Van den Burg, on behalf of the PSE Group, Jillian Evans, on behalf of theVerts/ALE Group, Cauquil, on behalf of the GUE/NGL Group, and Liikanen, Member of the Commission.

The President closed the debate.

13. Circulation of compound feedingstuffs ***III (debate)


The following spoke: Xaver Mayer, on behalf of the PPE-DE Group, Kindermann, on behalf of the PSE Group, Pesälä, on behalf of the ELDR Group, Fiebiger, on behalf of the GUE/NGL Group, Redondo Jiménez, Schierhuber, Jeggle and Byrne, Member of the Commission.

The President closed the debate.


14. Agenda for next sitting

The President referred Members to the document ‘Agenda’ (PE 312.111/OJMA.)

15. Closure of sitting

The sitting closed at 21.30.

Julian Priestley
Secretary-General

Nicole Fontaine
President
ATTENDANCE REGISTER

The following signed:

MINUTES

PROCEEDINGS OF THE SITTING

IN THE CHAIR: Mrs FONTAINE
President

1. Opening of sitting

The sitting opened at 09.05.

2. Approval of Minutes of previous sitting

Mr Lisi and McCartin had informed the Chair that they had been present the previous day but that their names were not on the attendance register.

Mr Haarder’s name appeared by mistake in the attendance register.

The Minutes of the previous sitting were approved.

3. Documents received

The President had received the following recommendation from a committee:

  Rapporteur: Karla M.H. Peijs
  (A5-0453/2001)

4. Topical and urgent debate (motions for resolutions tabled)

The President had received from the following Members or political groups requests for the inclusion in the debate on topical and urgent subjects of major importance of motions for resolutions pursuant to Rule 50:

I. ZIMBABWE

— Andrews, on behalf of the UEN Group: the situation in Zimbabwe (B5-0759/2001);
— Sjöstedt, Marset Campos and Di Lello Finuoli, on behalf of the GUE/NGL Group: the situation in Zimbabwe (B5-0774/2001);
— Maes, Lucas and Lannoye, on behalf of the Verts/ALE Group: the situation in Zimbabwe (B5-0787/2001);
— Mulder, van den Bos and Malmström, on behalf of the ELDR Group: the situation in Zimbabwe (B5-0788/2001);
— Kinnock, on behalf of the PSE Group: Zimbabwe (B5-0799/2001);
— Van Orden, Deva, Parish, Foster, Banotti, Corrie, Gahler, Korhola, Lehne, Maij-Weggen, Sacrédeus and Belder, on behalf of the PPE-DE Group: the situation in Zimbabwe (B5-0801/2001);
II. CLUSTER BOMBS

- Sakellariou, Wiersma and Van den Berg, on behalf of the PSE Group: cluster bombs (B5-0765/2001);
- Brie, Frahm, Eriksson, Korakas, Figueiredo, Marset Campos, Papayannakis, Boudjenah and Seppänen, on behalf of the GUE/NGL Group: cluster bombs (B5-0775/2001);
- McKenna, Maes, Schroedter, Lucas and Isler Béguin, on behalf of the Verts/ALE Group: cluster bombs (B5-0782/2001);
- Van den Bos, on behalf of the ELDR Group: cluster bombs (B5-0789/2001);

III. HUMAN RIGHTS

Women in Afghanistan

- Crowley, on behalf of the UEN Group: women in Afghanistan (B5-0763/2001);
- Gröner, Theorin, van den Berg and Izquierdo Rojo, on behalf of the PSE Group: women in Afghanistan (B5-0766/2001);
- Fraisse, Eriksson, Morgantini, González Álvarez, Ainsardi, Figueiredo and Uca, on behalf of the GUE/NGL Group: women in Afghanistan (B5-0776/2001);
- Jillian Evans, Hautala, Sörensen, Breyer, Isler Béguin, Buitenweg, Auroi and Schroedter, on behalf of the Verts/ALE group: women in Afghanistan (B5-0784/2001);
- Dybkjær, Malmström and Van den Bos, on behalf of the ELDR Group: women in Afghanistan (B5-0790/2001);
- Thomas Mann, Banotti, Maji-Weggen, De Sarnez, Avilés Perea, Kratsa-Tsagaropoulou and Tan-nock, on behalf of the PPE-DE Group: women in Afghanistan (B5-0802/2001);

Indonesia

- Belder, on behalf of the EDD Group: the situation in Sulawesi (B5-0762/2001);
- Van den Berg, on behalf of the PSE Group: the Indonesian province of Papua (Irian Jaya), the killing of the Papuan leader Theys Eluay, and the bloodshed in Sulawesi (B5-0767/2001);
- McKenna and Lagendijk, on behalf of the Verts/ALE Group: the Indonesian province of Papua (Irian Jaya), the killing of the Papuan leader Theys Eluay, and the bloodshed in Sulawesi (B5-0783/2001);
- Maaten, on behalf of the ELDR Group: the situation on the Indonesian island of Sulawesi, the Indonesian province Papua (Irian Jaya) and the murder of their leader Theys Eluay (B5-0791/2001);
- Muscardini, on behalf of the UEN Group: the situation in Indonesia (B5-0798/2001);
- Maji-Weggen, Deva and Posselt, on behalf of the PPE-DE Group: Papua (Irian Jaya) and Sulawesi in Indonesia (B5-0803/2001);

Immigration in Ireland

- Boudjenah, Morgantini, Frahm, Korakas, Herman Schmid, Miranda and Papayannakis, on behalf of the GUE/NGL Group: the immigration tragedy in Ireland (B5-0777/2001);
- Andrews, on behalf of the UEN Group: the tragedy of eight refugees found dead in a freight container in Ireland (B5-0796/2001);
- Terrón i Cusi, De Rossa and Karamanou, on behalf of the PSE Group: the immigration tragedy crisis in Ireland (B5-0800/2001);
- Doyle, on behalf of the PPE-DE Group: trafficking in human beings and the discovery of 13 illegal immigrants in Wexford, Ireland (B5-0803/2001);

Togo

- Pasqua, on behalf of the UEN Group: the continuing imprisonment of an opposition leader and the holding of democratic elections in Togo (B5-0760/2001);
- Carlotti and Van den Berg, on behalf of the PSE Group: the human rights situation in Togo (B5-0768/2001);
Morgantini, Sylla, Cossutta, Marset Campos and Sjöstedt, on behalf of the GUE/NGL Group: the situation in Togo (B5-0778/2001);
Rod and Maes, on behalf of the Verts/ALE Group: the human rights situation in Togo (B5-0786/2001);
Van den Bos and Dybkjær, on behalf of the ELDR Group: the human rights situation in Togo (B5-0793/2001);
Schwaiger, Maij-Weggen, Johan Van Hecke, Van Velzen and Posselt, on behalf of the PPE-DE Group: the continued imprisonment of the main opposition leader and the holding of democratic elections in Togo (B5-0804/2001);

Aung San Suu Kyi and Leyla Zana
Van den Berg and Swoboda, on behalf of the PSE Group: Sakharov prize winners Aung San Suu Kyi and Leyla Zana (B5-0769/2001);
Vinci, Uca, Ainardi, Figueiredo, Eriksson, Frahm and Seppänen, on behalf of the GUE/NGL Group: Aung San Suu Kyi and Leyla Zana, Sakharov prize winners (B5-0779/2001);
Malmström, on behalf of the ELDR Group: Sakharov prize winners Aung San Suu Kyi and Leyla Zana (B5-0792/2001);
Muscardini, on behalf of the UEN Group: Sakharov prize winners Aung San Suu Kyi and Leyla Zana (B5-0797/2001);
Maij-Weggen, Lamassoure and Van Orden, on behalf of the PPE-DE Group: Aung San Suu Kyi and Leyla Zana, Sakharov prize winners (B5-0806/2001);
Cohn-Bendit, Maes, Wuori and Frassoni, on behalf of the Verts/ALE Group: Sakharov prize winners Aung San Suu Kyi and Leyla Zana (B5-0809/2001);

Nepal
Collins, on behalf of the UEN Group: terrorist attacks in Nepal (B5-0761/2001);
Van den Berg, Erika Mann and Fruteau, on behalf of the PSE Group: the situation in Nepal (B5-0772/2001);
Vinci and Herman Schmid, on behalf of the GUE/NGL Group: the situation in Nepal (B5-0780/2001);
Malmström, on behalf of the ELDR Group: the situation in Nepal (B5-0794/2001);
Thomas Mann, on behalf of the PPE-DE Group: Nepal (B5-0807/2001);
Messner and McKenna, on behalf of the Verts/ALE Group: Nepal (B5-0810/2001);

Congo
Van den Berg and Sauquillo Pérez del Arco, on behalf of the PSE Group: the situation in the Democratic Republic of the Congo (B5-0773/2001);
Sylla and Miranda, on behalf of the GUE/NGL Group: the situation in the Democratic Republic of the Congo (B5-0781/2001);
Maes and Rod, on behalf of the Verts/ALE Group: the situation in the Democratic Republic of the Congo (B5-0785/2001);
Van den Bos and Dybkjær, on behalf of the ELDR Group: the humanitarian situation in the Democratic Republic of the Congo (DRC) (B5-0795/2001);
Johan Van Hecke and Posselt, on behalf of the PPE-DE Group: the situation in the Democratic Republic of the Congo (DRC) (B5-0808/2001);

Speaking time would be allocated pursuant to Rule 120, in accordance with the number of motions for resolutions scheduled for the topical and urgent debate, i.e. 60 minutes for Members.

The President announced that 63 Members had opposed the delegation of power of decision to the EMPL Committee pursuant to Rule 62(5) concerning the Stauner report on the Commission’s final report on the implementation of the first phase of the Leonardo da Vinci Community Action Programme (1995-1999) (A5-0449/2001) on that day’s agenda at voting time.

The report would be added to the agenda of the next part-session in accordance with the customary procedure.

6. Vote on request for urgent procedure

The next item was the decision on three requests for urgent procedure.

  
  Mr Katiforis spoke on behalf of the ECON Committee, committee responsible.
  
  The request was rejected.

  
  Mr Terence Wynn, Chairman of the BUDG Committee, committee responsible, spoke.
  
  The request was approved.
  
  The item was added without debate to the agenda for Wednesday, 12 December.
  
  The deadline for tabling amendments would be 10.00 on Tuesday, 11 December.

- * Draft Council regulation on specific restrictive measures directed against certain persons and entities with a view to combating international terrorism (4765/3/2001 — C5-0665/2001 — 2001/0228(CNS))
  
  Mr Watson, Chairman of the LIBE Committee, committee responsible, spoke.
  
  The request was approved.
  
  The item was added without debate to the agenda for Wednesday, 12 December.
  
  The deadline for tabling amendments would be 10.00 on Tuesday, 11 December.

7. Presentation of Commission work programme for 2002 and the communication on the future of the European Union and strengthening the Community method (debate)

Mr Prodi, President of the Commission, presented the Commission work programme for 2002 and the communication on the future of the European Union ‘strengthening the Community method’.

Mrs Neyts-Uyttebroeck, President-in-Office of the Council, spoke.
The following spoke: Poettering, on behalf of the PPE-DE Group, Barón Crespo, on behalf of the PSE Group, Cox, on behalf of the ELDR Group, Lannoye, on behalf of the Verts/ALE Group, Kaufmann, on behalf of the GUE/NGL Group, Bonde, on behalf of the EDD Group.

IN THE CHAIR: Mr David W. MARTIN
Vice-President

The following spoke: Dupuis, Non-attached Member, Elles, Swoboda, Malmström, Berthu, Salafranca Sánchez-Neyra, Corbett and Prodi.

The President had received a motion for a resolution pursuant to Rule 37(2) from the following Members:
- Bartolozzi, on behalf of the PSE Group, Bonde, on behalf of the EDD Group, Lannoye, on behalf of the Verts/ALE Group, Muscardini, on behalf of the UEN Group, Poettering, on behalf of the PPE-DE Group, and Cossutta and Wurtz, on behalf of the GUE/NGL Group, on the presentation of the Commission’s programme (B5-0821/2001).

The President closed the debate.


8. WTO meeting in Qatar (statements followed by debate)

Mrs Neyts-Uyttebroeck, President-in-Office of the Council, and Mr Lamy and Mr Fischler, Members of the Commission, made statements on the WTO meeting in Qatar.

The following spoke: Suominen, on behalf of the PPE-DE Group, Van den Berg, on behalf of the PSE Group, Clegg, on behalf of the ELDR Group, Lucas, on behalf of the Verts/ALE Group, Herzog, on behalf of the GUE/NGL Group, Hyland, on behalf of the UEN Group, Della Vedova, Non-attached Member.

(The debate was interrupted at that point for voting time and resumed later that evening (Item 34.).)

IN THE CHAIR: Mr PODESTÀ
Vice-President

Mrs Schleicher, Chairman of the Delegations to the Parliamentary Cooperation Committees for relations with Armenia, Azerbaijan and Georgia, informed the House that a Commission employee had been killed in Georgia and asked the President of Parliament to make representations to President Shevardnadze to ensure that the circumstances surrounding the crime were investigated and that personal security of Commission staff was better ensured (the President took note of the request).

VOTING TIME

9. Delimitation of powers (approval without debate) (Rule 53)

Request for consultation of the Committee of the Regions, submitted by the Constitutional Affairs Committee pursuant to Rule 5.
(Simple majority)

Parliament approved the request.
10. ‘ECSC in liquidation’ and ‘Assets of the Coal and Steel Research Fund’ *(Rule 69) (final vote)*

(Simple majority)
(The final vote had been postponed from the sitting of 2.10.2001 pursuant to Rule 69(2) (Item 13 of the Minutes)


Amendments adopted: 14 and 16 collectively

Parliament approved the Commission proposal as amended (Item 1 of ‘Texts Adopted’).

DRAFT LEGISLATIVE RESOLUTION:

Amendment adopted: 17

Parliament adopted the legislative resolution (Item 1 of ‘Texts Adopted’).


Amendment adopted: 15

Parliament approved the Commission proposal as amended (Item 1 of ‘Texts Adopted’).

DRAFT LEGISLATIVE RESOLUTION:

Amendment adopted: 18

Parliament adopted the legislative resolution (Item 1 of ‘Texts Adopted’).

11. SAB 5/2001 (Section I) (procedure without debate) (vote)


(Simple majority with the exception of paragraph 1 which required a qualified majority)

MOTION FOR A RESOLUTION:

Request for separate vote: paragraph 1 (adopted)

Parliament adopted the resolution (Item 2 of ‘Texts Adopted’).

12. Production potential of fruit plantations ***II (procedure without report) (vote)

Recommendation for 2nd reading, in the form of a letter, on the common position of the Council with a view to the adoption of a Directive of the European Parliament and of the Council concerning statistical surveys in order to determine the production potential of plantations of certain species of fruit trees (12008/1/2001 — C5-0547/2001 — 2000/0291(COD)) — Committee on Agriculture and Rural Affairs (Qualified majority)

referred to responsible: AGRI
The following spoke Mrs Redondo Jiménez, rapporteur for this procedure, and Mr Lamy, Member of the Commission.

The President declared the common position approved (Item 3 of Texts Adopted).

13. Participation of the Republic of Cyprus in Community programmes ***
(procedure without report) (vote)


referred to responsible: AFET
opinion: PECH, committees concerned


Parliament approved the Council draft and thereby gave its assent (Item 4 of Texts Adopted).

14. Participation of the Republic of Malta in Community programmes ***
(procedure without report) (vote)


referred to responsible: AFET
opinion: PECH, committees concerned


Parliament approved the Council draft and thereby gave its assent (Item 5 of Texts Adopted).

15. Participation of the Republic of Turkey in Community programmes ***
(procedure without report) (vote)


referred to responsible: AFET
opinion: PECH, committees concerned


Parliament approved the Council draft and thereby gave its assent (Item 6 of Texts Adopted).
16. COM in wine * (procedure without report) (vote)

(Simple majority)
referred to responsible: AGRI
opinion: BUDG

Parliament approved the Commission proposal (Item 7 of 'Texts Adopted').

17. Conversion of land in Portugal * (procedure without report) (vote)

Proposal for a Council Regulation amending Regulation (EC) No 1017/94 concerning the conversion of land currently under arable crops to extensive livestock farming in Portugal (COM(2001) 559 — C5-0512/2001 — 2001/0233(CNS)) — Committee on Agriculture and Rural Development
(Simple majority)
referred to responsible: AGRI
opinion: BUDG

Parliament approved the Commission proposal (Item 8 of 'Texts Adopted').

18. Labour force sample survey ***I (procedure without debate) (vote)

(Simple majority)

Amendment rejected: 1 by EV (214 for, 284 against, 5 abstentions)
Parliament approved the Commission proposal (Item 9 of 'Texts Adopted').

DRAFT LEGISLATIVE RESOLUTION:
Amendment rejected: 2
Parliament adopted the legislative resolution (Item 9 of 'Texts Adopted').

19. COM in milk and milk products as regards cheese * (procedure without debate) (vote)

(Simple majority)

Amendment adopted: 1
Parliament approved the Commission proposal as amended (Item 10 of Texts Adopted).

DRAFT LEGISLATIVE RESOLUTION:
Parliament adopted the legislative resolution (Item 10 of Texts Adopted).

20. COM in seeds sector * (procedure without debate) (vote)

(Simple majority)


Amendments adopted: 1 to 8 collectively
Parliament approved the Commission proposal as amended (Item 11 of Texts Adopted).

DRAFT LEGISLATIVE RESOLUTION:
The following spoke: Graefe zu Baringdorf, rapporteur, and Byrne, Member of the Commission.
Parliament adopted the legislative resolution (Item 11 of Texts Adopted).

21. EEC/Cape Verde fisheries agreement * (procedure without debate) (vote)

(Simple majority)


Amendments adopted: 1 to 6 collectively;
Amendment rejected: 7
Parliament approved the Commission proposal as amended (Item 12 of Texts Adopted).

DRAFT LEGISLATIVE RESOLUTION:
Parliament adopted the legislative resolution (Item 12 of Texts Adopted).
22. EEC/Guinea Bissau fisheries agreement * (procedure without debate) (vote)


Amendments adopted: 1 to 4 collectively;
Amendment rejected: 5
Parliament approved the Commission proposal as amended (Item 13 of Texts Adopted).

DRAFT LEGISLATIVE RESOLUTION:
Parliament adopted the legislative resolution (Item 13 of Texts Adopted).

23. Cultural capital of Europe 2005 (procedure without debate) (vote)

Report of the Committee on Culture, Youth, Education, the Media and Sport on the cultural capital of Europe 2005 (2001/2221(INI)) — Committee on Culture, Youth, Education, the Media and Sport (A5-0428/2001) (rapporteur: Mr Gargani). (Simple majority)

MOTION FOR A RESOLUTION:
Parliament adopted the resolution (Item 14 of Texts Adopted).

24. Strengthening the right of petition (procedure without debate) (vote)


MOTION FOR A RESOLUTION:
Amendments rejected: 1, 2
Parliament adopted the resolution by RCV (EDD) (Item 15 of Texts Adopted).

IN THE CHAIR: Mrs FONTAINE
President

Parliament observed a minute’s silence in memory of the victims.
(From 12.05 to 12.35 Parliament held a formal sitting with Mrs Fontaine in the Chair on the occasion of the visit of Mr Kim Dae Jung, President of the Republic of Korea.)
25. Ombudsman special report (complaint 713/98/IJH) (vote)


(Simple majority)

MOTION FOR A RESOLUTION:

Parliament adopted the resolution (Item 16 of Texts Adopted').

26. Circulation of compound feedingstuffs ***III (vote)

Report by Parliament's delegation to the Conciliation Committee (A5-0421/2001) (rapporteur: Graefe zu Baringdorf)

(Simple majority for approval)


The following spoke: Graefe zu Baringdorf, rapporteur, and Fischler, Member of the Commission.

Parliament approved the joint text (Item 17 of Texts Adopted').

27. European Food Authority ***II (vote)

Recommendation for 2nd reading Whitehead -A5-0416/2001

(Qualified majority)

The following spoke: Whitehead, rapporteur, and Byrne, Member of the Commission, who gave the Commission's position on the amendments in accordance with Rule 80(5).

DRAFT LEGISLATIVE RESOLUTION:

Amendment adopted: 45
Amendment fallen: 28


Amendments adopted: 1, 7, 10, 13, 14, 16, 19, 21, 23, 24 and 26 collectively; 22 (1st part); 22 (2nd part); 29; 38; 30; 32; 33; 31; 35; 34; 36; 37; 39; 40; 41; 43; 42; 44
Amendments rejected: 8; 5; 6; 25
Amendments fallen: 2; 3; 4; 11; 9; 12; 15; 17; 18; 20; 27
Request for separate vote: amendment 8 (PSE, ELDR);

Split votes:
Amendment 22 (Verts/ALE):
1st part: up to ‘Article 49’
2nd part: remainder

The President declared the common position approved as amended (Item 18 of Texts Adopted').
28. Report on financial assistance for innovative and job creating SMEs  (vote)

(Simple majority)

MOTION FOR A RESOLUTION:

Amendment rejected: 1

Request for separate vote: recital F (PSE) (adopted by EV (273 for, 232 against, 18 abstentions))

Parliament adopted the resolution by RCV (PPE-DE) (Item 19 of 'Texts Adopted').

* * *

Oral explanations of vote:


Written explanations of vote:

Explanations of vote submitted in writing under Rule 137(3) appear in the verbatim report of proceedings for this sitting.

Corrections to votes:

  — resolution as a whole
    for: Raffaele Costa, Cunha

  — resolution as a whole
    for: Pomés Ruiz, Schleicher

END OF VOTING TIME

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

IN THE CHAIR: Mr IMBENI
Vice-President

29. Membership of Parliament

The President announced that the Danish authorities had informed him that Mr Ole Sørensen had been appointed to replace Mr Haarder as Member of Parliament with effect from 27 November 2001.

He welcomed the new Member and drew attention to the provisions of Rule 7(5).
The next item was a joint debate on four reports by the Committee on Budgets.

Mr Vande Lanotte, President-in-Office of the Council, spoke.


Mrs Schreyer, Member of the Commission, spoke.

* * *

Mr Tajani informed the House that the President-in-Office of the Council, Mr Verhofstadt, and the Italian Prime Minister, Mr Berlusconi, had just reached agreement on the European arrest warrant and that the Italian Parliament would now have to give its position on the Constitutional amendments which this agreement would require.

* * *

The following spoke in the debate: Salafranca Sánchez-Neyra, draftsman of the opinion of the AFET Committee, Heaton-Harris, draftsman of the opinion of the CONT Committee, Deprez, draftsman of the opinion of the LIBE Committee.

IN THE CHAIR: Mr PROVAN

Vice-President

The following spoke: Kuckelkorn, draftsman of the opinion of the ECON Committee, Gill, draftsman of the opinion of the ITRE Committee, Pronk, draftsman of the opinion of the EMPL Committee, Bowe, draftsman of the opinion of the ENVI Committee, Görlach, draftsman of the opinion of the AGRI Committee, Langenhagen, draftsman of the opinion of the PECH Committee, livari, draftsman of the opinion of the CULT Committee, Wijkmam, draftsman of the opinion of the DEVE Committee, Avilés Perea, draftsman of the opinion of the FEMM Committee, Garriga Polledo, on behalf of the PPE-DE Group, Färm, on behalf of the PSE Group, Virrankoski, on behalf of the ELDR Group, Seppänen, on behalf of the GUE/NGL Group, Van Dam, on behalf of the EDD Group, Ilgenfritz, Non-attached Member, Ferber, Walter, Jensen, Fiebiger, Dell’Alba, Narango Escobar, Guy-Quint, Mulder, Dover, Pittella and Schreyer.

The President closed the debate.

31. Determination of Member States’ payments to VAT-based own resource ***II
(debate)

Mrs Haug introduced her recommendation for second reading on behalf of the Committee on Budgets on the common position adopted by the Council with a view to adopting a European Parliament and Council regulation amending Council (EC) 2223/96 as concerns the use of ESA 95 in the determination of Member States’ payments to the VAT-based own resource (8793/1/2001 — C5-0385/2001 — 2000/0241(COD)) (A5-0431/2001).

The following spoke: Garriga Polledo, on behalf of the PPE-DE Group, and Solbes Mira, Member of the Commission.

The President closed the debate.


32. Green Paper on the criminal protection of the Community’s financial interests: a European prosecutor (Commission communication)

Mrs Schreyer, Member of the Commission, made a communication on the Green Paper on the criminal protection of the Community’s financial interests: a European prosecutor.

The following put questions which Mrs Schreyer answered in order: Theato, Chairman of the CONT Committee, and Heaton-Harris.

IN THE CHAIR: Mr PUERTA
Vice-President

Mrs Schreyer also answered questions from the following Members: Staes, Stauner, Morgan and Mulder.

The President closed the item.

33. Question Time (questions to the Commission)

Parliament considered a number of questions to the Commission (B5-0536/2001).

First part

Question 39 by Mr Newton Dunn: Securing the external borders of an Enlarged Union

Mr Nielson, Member of the Commission, answered the question and supplementaries by Mr Newton Dunn and Mr Rübig.

Question 40 by Mr Obiols i Germà: Revitalisation of the Euro-Mediterranean policy

Mr Nielson answered the question and a supplementary by Mr Camero González, deputising for the author.

Question 41 by Mr Harbour: African children sold into slavery in Europe

Mr Nielson answered the question and a supplementary by Mr Harbour.

Second part

The President announced that since Mr Lamy had not arrived, questions 42 and 43 would be dealt with later.
Question 44 by Mr Alavanos: Fatal accident at Perama — implementation of health and safety directives

Mrs Diamantopoulou, Member of the Commission, answered the question and supplementaries by Mr Papayannakis, deputising for the author, and Mrs Kauppi.

Question 45 by Mr Papayannakis: Collection of statistical data on Greece

Mrs Diamantopoulou answered the question and supplementaries by Mr Papayannakis and Mr Fatuzzo.

Question 46 by Mrs Kratsa-Tsagaropoulou: Health and safety at the workplace

Mrs Diamantopoulou answered the question and a supplementary by Mrs Kratsa-Tsagaropoulou.

Question 42 by Mr Sjöstedt: Commission contact with the TABD

Mr Lamy, Member of the Commission, answered the question and a supplementary by Mr Sjöstedt.

Question 43 by Mr Hans-Peter Martin: WTO conference in Doha

Mr Lamy answered the question and supplementaries by Mr Hans-Peter Martin, Mr Purvis and Mr Rübig.

Question 47 by Mrs Villiers: Animal transport

Mr Byrne, Member of the Commission, answered the question and supplementaries by Mrs Villiers, Mrs Paulsen and Mrs McKenna.

Question 48 by Mrs Paulsen: ‘Smiling face’ food quality label

Mr Byrne answered the question.

Question 49 by Mr Lund: Unacceptable limit values for heavy metals in fish

Mr Byrne answered the question and a supplementary by Mr Lund.

Question 50 by Mr Hatzidakis: State of slaughterhouses in Greece

Mr Byrne answered the question and a supplementary by Mr Hatzidakis.

The President announced that the questions which had not, due to a lack of time, been answered (51 to 83) would receive written answers.

He closed Question Time to the Commission.

(The sitting was suspended at 19.25 and resumed at 21.05.)

IN THE CHAIR: Mrs PLOOIJ-VAN GORSEL

Vice-President

34. WTO meeting in Qatar (continuation of debate)

The following spoke: Schwaiger, McNally, De Clercq, Gahrton, Figueiredo, Belder, Martinez, Thomas Mann, Erika Mann, Maes, Alyssandrakis, Ferrer, Kinmock, Rod, Daul, Garot, Cunha, Ettl, Rübig, Lage, and Fischler and Lamy, Members of the Commission.
The President had received motions for resolutions pursuant to Rule 37(2) from the following Members:

- Lannoye and others, on behalf of the Verts/ALE Group, on the statement following the Fourth WTO Ministerial Conference in Doha (B5-0764/2001);
- Nobilia, on behalf of the UEN Group, on the WTO meeting in Qatar (B5-0771/2001);
- Figueiredo, on behalf of the GUE/NGL Group, on the WTO meeting in Qatar (B5-0817/2001);
- Suominen and Schwaiger, on behalf of the PPE-DE Group, Van den Berg, McNally and Erika Mann, on behalf of the PSE Group, Clegg, Plooij-van Gorsel and De Clercq, on behalf of the ELDR Group, on the WTO meeting in Qatar (B5-0819/2001).

The resolution tabled by Van den Berg, McNally and Erika Mann, on behalf of the PSE Group, on the WTO meeting in Qatar (B5-0748/2001) had been withdrawn.

The President closed the debate.


35. Public health (2001-2006) ***II (debate)


The following spoke: Malliori, on behalf of the PSE Group, Ries, on behalf of the ELDR Group, Rod, on behalf of the Verts/ALE Group, Bordes, on behalf of the GUE/NGL Group, Blokland, on behalf of the EDD Group, Schleicher, Stihler, Schörling, Crowley and Byrne, Member of the Commission.

The President closed the debate.


36. Undesirable substances in animal feed ***II (debate)


The following spoke: Klaß, on behalf of the PPE-DE Group, and Byrne, Member of the Commission.

The President closed the debate.


37. Emissions from two and three-wheel motor vehicles ***II (debate)

The following spoke: De Roo, on behalf of the Verts/ALE Group, and Liikanen, Member of the Commission.

The President closed the debate.


**38. Agenda for next sitting**

The President referred Members to the document 'Agenda' (PE 312.111/OJME.)

**39. Closure of sitting**

The sitting closed at 23.15.

Julian Priestley  
Secretary-General

James Provan  
Vice-President
ATTENDANCE REGISTER

The following signed:

RESULT OF ROLL-CALL VOTES

Gemelli report A5-0429/2001

Resolution

For: 500

EDD: Belder, Blokland, van Dam


NI: Borghezio, Cappato, Dell’Alba, Della Vedova, Dupuis, Gorostiaga Atxalandabaso, Hager, Ilgenfritz, Kronberger, Turco


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UEN: Andrews, Angelilli, Berlato, Bigliardo, Crowley, Fitzsimons, Gallagher, Hyland, Musa, Musumeci, Nobilia, Poli, Bortone, Segni, Turchi


Against: 25

EDD: Bernié, Bonde, Butel, Esclopé, Farage, Krarup, Okking, Raymond, Sandbaek, Titford

NI: Berthu, Garaud, de Gaulle, Lang, de La Perriere, Martinez, Montfort, Souchet, Thomas-Mauro, Varaut

UEN: Camre, Caullery, Marchiani, Pasqua, Ribeiro e Castro

Abstention: 6

GUE/NGL: Alyssandrakis, Bordes, Cauquil, Korakas, Laguiller

NI: Speroni

Bushill-Matthews report A5-0422/2001

Resolution

For: 491

EDD: Belder, Bernié, Blokland, Bonde, Butel, van Dam, Esclóp, Krarup, Mathieu, Okking, Raymond, Sandbaek


GUE/NGL: Herzog

NI: Berthu, Borghedeo, Dell’Alba, Garaud, de Gaulle, Gollnisch, Hager, Ilgenfritz, Kronberger, Lang, de La Perriere, Le Pen, Martinez, Montfort, Souchet, Speroni, Thomas-Mauro, Vanhecke, Varaut


UEN: Andrews, Angelilli, Berlato, Bigliardo, Camre, Caullery, Crowley, Fitzsimons, Hyland, Marchiani, Mussa, Musumeci, Nobilia, Pasqua, Poli Bortone, Ribeiro e Castro, Segni, Turchi


Against: 7

EDD: Farage, Titford

GUE/NGL: Bordes, Cauquil, Krivine, Laguiller

PPE-DE: Corrie

Abstention: 35

GUE/NGL: Ainardi, Alyssandrakis, Bakopoulos, Bertinotti, Boudjenah, Brie, Di Lello Finuoli, Eriksson, Fiebiger, Figueiredo, Frahm, Fraisse, González Álvarez, Jóvè Peres, Kaufmann, Korakas, Koulourianos, Markov, Marset Campos, Meijer, Morgantini, Papayannakis, Puerta, Schmid Herman, Seppänen, Sjöstedt, Sylla, Uca, Wurtz

NE: Cappato, Della Vedova, Dupuis, Gorostiaga Atxaladabaso, Pannella, Turco
1. ‘ECSC in liquidation’ and ‘Assets of the Coal and Steel Research Fund’ *

A5-0303/2001

Amended proposal for a Council decision on establishing the measures necessary for the implementation of the Protocol, annexed to the Treaty of Nice, on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel (COM(2001)121 — C5-0165/2001 — 2001/0061(CNS))

The proposal was approved with the amendments adopted at the sitting of 2 October 2001 (1) and with the following compromise amendments.

<table>
<thead>
<tr>
<th>COMMISSION PROPOSAL (1)</th>
<th>AMENDMENTS BY PARLIAMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compromise amendment 14/rev.</td>
<td></td>
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<tr>
<td>Citation 2a (new)</td>
<td></td>
</tr>
<tr>
<td>— having regard to the Joint Declaration of 21 November 2001 of the European Parliament, the Council and the Commission on post-ECSC arrangements,</td>
<td></td>
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<tr>
<td>Compromise amendment 16/rev.</td>
<td></td>
</tr>
<tr>
<td>Recital −1 (new)</td>
<td></td>
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<tr>
<td>(−1) The European Parliament, the Council and the Commission have come to an agreement on the procedure to be followed regarding budgetary information on the management of the Coal and Steel Research Fund, as well as the implementation of research activities of the Fund. This procedure should ensure the appropriate involvement of the European Parliament in the follow-up of the activities of the Fund.</td>
<td></td>
</tr>
</tbody>
</table>

(1) ’Texts Adopted’, Item 6.

European Parliament legislative resolution on the amended proposal for a Council decision on establishing the measures necessary for the implementation of the Protocol, annexed to the Treaty of Nice, on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel (COM(2001)121 — C5-0165/2001 — 2001/0061(CNS))

(Consultation procedure)

The European Parliament,

— having regard to the Commission’s proposal to the Council, (COM(2001)121 — 2001/0061(CNS))(1),

— having been consulted by the Council (C5-0165/2001),

Having regard to Rule 67 of its Rules of Procedure,

having regard to the report of the Committee on Budgets and the opinion of the Committee on Industry, External Trade, Research and Energy (A5-0303/2001),

1. Approves the Commission’s proposal as amended;

2. Approves the Joint Declaration on post-ECSC arrangements of 21 November 2001, which is annexed to this resolution;

3. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;

4. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;

5. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;

6. Instructs its President to forward its position to the Council and Commission.

ANNEX

Joint declaration of the European Parliament, the Council and the Commission concerning post-ECSC arrangements

In addition to the information to be delivered to the two arms of the Budget Authority, under the provisions resulting from the three decisions of which drafts are currently discussed in the Council and in the Parliament, the Commission shall provide them with the following information regarding the implementation of the Coal and Steel Research Fund, which is part of the arrangements proposed upon expiry of the ECSC Treaty.

BUDGETARY INFORMATION RELATED TO THE MANAGEMENT OF THE FUND

The available information concerning the operational expenditure of the current exercise and the existing forecasts related to the next budgetary exercise will be transmitted to the Budget Authority together with the PDB, and updated if necessary.

The Budget Authority will budgetise the revenue generated from the assets of the Coal and Steel Research Fund by creating a budget line in the revenue side for earmarked revenue and two budget lines in the expenditure side of the budget (in accordance with Article 4 of the Financial Regulation), following the principles of budgetary specificity, namely one line for coal research and one line for steel research, for the utilisation of the earmarked revenue.

Before full implementation of the Activity Based Budgeting system, the Commission shall identify the administrative expenditure related to the management of the resource and expenditure budget lines of the Fund, and provide this information together with the Preliminary Draft Budget. Upon implementation of the Activity Based Budgeting system, this system will apply to these budget lines.

IMPLEMENTATION OF THE RESEARCH ACTIVITIES

In order to fully inform the Budget Authority on the implementation of the research activities, the Commission shall provide it with the following information as soon as it is available:

The information package, providing proposers and interested parties with practical information on the research programme financed by the Coal and Steel Research Fund, participation rules, methods of managing proposals and projects, rules for the submission of proposals, model contracts, allowable costs, the maximum financial contribution allowable and methods of payment,
Tuesday 11 December 2001

1. The manual for the evaluation and selection of research actions submitted to the Fund,

2. The annual review of the activities carried out under the research programme financed by the Fund, and of the progress of the research work,

3. The final reports of the completed research projects financed by the Fund, comprising an assessment of exploitation and impact,

4. The reports on the five-year monitoring exercise of the research programme,

5. The assessment reports of the programme, including the benefits of research to society and the relevant sectors.

2. Amended proposal for a Council decision on laying down multiannual financial guidelines for managing the assets of the ‘ECSC in liquidation’ and, on completion of the liquidation, the ‘Assets of the Coal and Steel Research Fund’ (COM(2001) 121 — C5-0166/2001 — 2000/0363(CNS))

The proposal was approved with the amendments adopted at the sitting of 2 October 2001 (1) and with the following compromise amendment.

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<tr>
<td>Compromise amendment 15/rev.</td>
<td>Citation 2a (new)</td>
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<tr>
<td>— having regard to the Joint Declaration of 21 November 2001 of the European Parliament, the Council and the Commission on post-ECSC arrangements;</td>
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European Parliament legislative resolution on the amended proposal for a Council decision laying down multiannual financial guidelines for managing the assets of the ‘ECSC in liquidation’ and, on completion of the liquidation, the ‘Assets of the Coal and Steel Research Fund’ (COM(2001) 121 — C5-0166/2001 — 2000/0363(CNS))

(Consultation procedure)

The European Parliament,

— having regard to the Commission’s proposal to the Council, (COM(2001) 121 — 2000/0363(CNS)) (2),

— having been consulted by the Council (C5-0166/2001),

— having regard to Rule 67 of its Rules of Procedure,

— having regard to the report of the Committee on Budgets and the opinion of the Committee on Industry, External Trade, Research and Energy (A5-0303/2001),


1. Approves the Commission’s proposal as amended;

2. Approves the Joint Declaration on post-ECSC arrangements of 21 November 2001, which is annexed to this resolution;

3. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;

4. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;

5. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;

6. Instructs its President to forward its position to the Council and Commission.

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ANNEX

Joint declaration of the European Parliament, the Council and the Commission concerning post-ECSC arrangements

In addition to the information to be delivered to the two arms of the Budget Authority, under the provisions resulting from the three decisions of which drafts are currently discussed in the Council and in the Parliament, the Commission shall provide them with the following information regarding the implementation of the Coal and Steel Research Fund, which is part of the arrangements proposed upon expiry of the ECSC Treaty.

BUDGETARY INFORMATION RELATED TO THE MANAGEMENT OF THE FUND

The available information concerning the operational expenditure of the current exercise and the existing forecasts related to the next budgetary exercise will be transmitted to the Budget Authority together with the PDB, and updated if necessary.

The Budget Authority will budgetise the revenue generated from the assets of the Coal and Steel Research Fund by creating a budget line in the revenue side for earmarked revenue and two budget lines in the expenditure side of the budget (in accordance with Article 4 of the Financial Regulation), following the principles of budgetary specificity, namely one line for coal research and one line for steel research, for the utilisation of the earmarked revenue.

Before full implementation of the Activity Based Budgeting system, the Commission shall identify the administrative expenditure related to the management of the resource and expenditure budget lines of the Fund, and provide this information together with the Preliminary Draft Budget. Upon implementation of the Activity Based Budgeting system, this system will apply to these budget lines.

IMPLEMENTATION OF THE RESEARCH ACTIVITIES

In order to fully inform the Budget Authority on the implementation of the research activities, the Commission shall provide it with the following information as soon as it is available:

- The information package, providing proposers and interested parties with practical information on the research programme financed by the Coal and Steel Research Fund, participation rules, methods of managing proposals and projects, rules for the submission of proposals, model contracts, allowable costs, the maximum financial contribution allowable and methods of payment,

- The manual for the evaluation and selection of research actions submitted to the Fund,

- The annual review of the activities carried out under the research programme financed by the Fund, and of the progress of the research work,
— The final reports of the completed research projects financed by the Fund, comprising an assessment of exploitation and impact,
— The reports on the five-year monitoring exercise of the research programme,
— The assessment reports of the programme, including the benefits of research to society and the relevant sectors.

2. SAB 5/2001 (Section I) (procedure without debate)

A5-0446/2001


The European Parliament,
— having regard to Article 272 of the EC Treaty, Article 78 of the ECSC Treaty and Article 177 of the Euratom Treaty,
— having regard to the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities, as last amended by Regulation (EC, ECSC, Euratom) No 762/2001(1), and particularly Article 15,
— having regard to the general budget of the European Union for the financial year 2001, as finally adopted on 14 December 2000(2),
— having regard to the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure(3),
— having regard to its resolution of 29 November 2001 on the supplementary estimates of revenue and expenditure of the European Parliament for the financial year 2001(4),
— having regard to Draft supplementary and amending budget No 5/2001, which the Council established on 7 December 2001 (14896/2001 — C5-0660/2001),
— having regard to Rule 92 of and Annex IV to its Rules of Procedure,
— having regard to the report of the Committee on Budgets (A5-0446/2001),

A. whereas the margin in heading 5 of the financial perspective for the financial year 2001 is €24,859,163,

B. whereas the Draft Supplementary and Amending Budget 5/2001 concerns Parliament’s advance payments for the acquisition of its premises;

1. Accepts the Council’s Draft Supplementary and Amending Budget 5/2001 of 7 December 2001 without amendment;

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

3. Production potential of fruit plantations ***II

C5-0547/2001


(Codecision procedure: second reading)

The common position was approved. The act was accordingly deemed adopted in accordance with the common position.

4. Participation of the Republic of Cyprus in Community programmes ***
   (procedure without report)

C5-0584/2001


(Assent procedure)

Parliament gave its assent.

5. Participation of the Republic of Malta in Community programmes ***
   (procedure without report)

C5-0585/2001


(Assent procedure)

Parliament gave its assent.
6. Participation of the Republic of Turkey in Community programmes ***
(procedure without report)

C5-0586/2001


(Assent procedure)

Parliament gave its assent.

7. COM in wine * (procedure without report)

C5-0311/2001


(Consultation procedure)

The proposal was approved.

8. Conversion of land in Portugal * (procedure without report)

C5-0512/2001


(Consultation procedure)

The proposal was approved.

9. Labour force sample survey in the Community ***I (procedure without debate)

A5-0413/2001


The proposal was approved.

(Codecision procedure: first reading)

The European Parliament,

having regard to the Commission proposal to the European Parliament and the Council (COM(2001) 319) (1),

having regard to Articles 251(2) and 285(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0275/2001),

having regard to Rule 67 of its Rules of Procedure,

having regard to the report of the Committee on Employment and Social Affairs (A5-0413/2001),

1. Approves the Commission proposal;

2. Asks to be consulted again should the Commission intend to amend its proposal substantially or replace it with another text;

3. Instructs its President to forward its position to the Council and Commission.


10. COM in milk and milk products as regards cheese * (procedure without debate)

A5-0403/2001


The proposal was amended as follows:

<table>
<thead>
<tr>
<th>TEXT PROPOSED BY THE COMMISSION</th>
<th>AMENDMENTS BY PARLIAMENT</th>
</tr>
</thead>
</table>

Amendment 1

RECITAL 2a (new)

(2a) Whereas exemptions to this regulation can be made under the responsibility of the Commission, on the basis of objective criteria and technological necessity, following requests by the competent authorities.

(Consultation procedure)

The European Parliament,

— having regard to the Commission proposal to the Council (COM(2001) 410),
— having been consulted by the Council pursuant to Article 37 of the EC Treaty (C5-0363/2001),
— having regard to Rule 67 of its Rules of Procedure,
— having regard to the report of the Committee on Agriculture and Rural Development (A5-0403/2001)

1. Approves the Commission proposal as amended;
2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
4. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
5. Instructs its President to forward its position to the Council and Commission.

11. COM in seeds * (procedure without debate)

A5-0442/2001


The proposal was amended as follows:

<table>
<thead>
<tr>
<th>TEXT PROPOSED BY THE COMMISSION(1)</th>
<th>AMENDMENTS BY PARLIAMENT</th>
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<tbody>
<tr>
<td>Amendment 1</td>
<td>RECITAL −1 (new)</td>
</tr>
<tr>
<td>RECITAL −1 (new)</td>
<td>(−1) The cultivation of seeds is of great importance to employment, farm incomes, the socio-economic balance of many agricultural regions of the Community, the preservation of biodiversity and at least partial security of supply of seeds in the Community (objectives of the CAP, Article 33(1) of the Treaty).</td>
</tr>
</tbody>
</table>

Amendment 2

RECITAL 1

(1) Article 3(2) of Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organisation of the market in seeds, as last amended by Regulation (EC) No 2371/2000,

provides that the amount of aid must be fixed taking into account the need to ensure a balance between the volume of production required in the Community and the amount that can be marketed. Since the 1994/1995 harvest, the production and export of seeds has increased constantly and stocks of seeds in the Community have reached a level likely to affect the balance of the market in seeds.

The 1994/1995 harvest was the smallest in the past decade and since then three new seed-producing countries have acceded to the EU, so that the production and export of seeds has increased overall and stocks of seeds in the Community have reached a level which might in certain cases affect the balance of the market in seeds. However, it is necessary to place this observation in perspective, as the same does not apply to small pulse seeds, where the Community is not managing to achieve self-sufficiency. This shortfall may become more serious in future with the new needs which could arise from the development of a new common agricultural policy which assigns higher priority to quality and the environment, which seeks to meet the Community’s needs for vegetable protein better and which pursues a line which will encourage many farmers to alter their crop rotation systems. Moreover, since the 2000 harvest, production has been falling towards the levels of previous years.

Amendment 3
RECITAL 1a (new)

(1a) The Community is a net importer of fodder plant seeds: the average deficit of the Community in the second half of the 1990s was around 15 000 tons for grass, clover and alfalfa seeds.

Amendment 4
RECITAL 3a (new)

(3a) In formulating the implementing provisions, the Commission and the Member States must ensure that the maximum quantities may be apportioned among the Member States. Member States must also ensure, by introducing basic amounts in their national allocation formulae, that small-scale seed producers are not affected or are only marginally affected by a reduction. This would prevent excessive concentration in the seed sector.

Amendment 5
RECITAL 5

(5) Article 3(2) of Regulation (EEC) No 2358/71 provides that when the aid is fixed, account should be taken, on the one hand, of the need to ensure balance between production in the Community and the outlets for such production and, on the other hand, of the prices for such products on the external markets. To ensure better supply of each of the species which the Community needs, it may prove worthwhile to provide for differentiated support for different species in order to overcome the Community’s supply deficit and safeguard a certain biodiversity in Europe. In order to take their crop rotation
decisions and thus decide to grow seed on land, producers must be able to ascertain the amount of aid before the date of sowing, taking account of the fact that a significant proportion of these crops have a two-year growing cycle and thus entail a production commitment over more than one year.

Amendment 6
ARTICLE 1
Article 3, paragraph 4a, subparagraph 1 (Regulation (EEC) No 2358/71)

4a. The maximum quantity of seed on which the aid is payable in the Community shall be fixed in accordance with the procedure referred to in paragraph 5. That quantity shall be apportioned among the producer Member States.

Amendment 7
ARTICLE 1a (new)
Article 3, paragraph 4b (new) (Regulation (EEC) No 2358/71)

Article 1a

The following shall be inserted after Article 3(4a) of Regulation (EEC) No 2358/71:

4b. In the event of the guaranteed quantity being exceeded in a marketing year, the reduction to be made to the aid payable shall be offset against the aid payable in the subsequent marketing year.

Amendment 8
ARTICLE 1b (new)
Article 3, paragraph 4c (new) (Regulation (EEC) No 2358/71)

Article 1b

The following shall be inserted after Article 3(4b) of Regulation (EEC) No 2358/71:

4c. No later than the date on which it submits its proposal establishing the aid for the 2004/2005 and 2005/2006 marketing years, the Commission shall submit to the European Parliament and the Council, on the basis of a study into the operation of the organisation of the market and, in particular, the stabilisers, a proposal establishing the maximum guaranteed quantities pursuant to Article 37 of the Treaty.

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2001)244) (1),
- having been consulted by the Council pursuant to Article 37 of the EC Treaty (C5-0206/2001),
- having regard to Rule 67 of its Rules of Procedure,
- having regard to the report of the Committee on Agriculture and Rural Development (A5-0442/2001),

1. Approves the Commission proposal as amended;
2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
4. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
5. Instructs its President to forward its position to the Council and Commission.


12. EEC/Cape Verde fisheries agreement *(procedure without debate)*

A5-0402/2001

Proposal for a Council regulation on the conclusion of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde for the period from 1 July 2001 to 30 June 2004 (COM(2001)470 - C5-0479/2001 - 2001/0203(CNS))

The proposal was amended as follows:

<table>
<thead>
<tr>
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</table>

Amendment 1
Recital 2a (new)

(2a) It is important to improve the information supplied to the European Parliament and therefore the Commission should draw up a yearly report on the state of implementation of the Agreement;
Amendment 5
Article 2a (new)

Article 2a

The Member States whose vessels are fishing under this Protocol are obliged to notify the Commission of the quantities of each stock taken in the Cape Verde fishing zone in accordance with the arrangements laid down in Commission Regulation (EC) No 500/2001 of 14 March 2001 (1).


Amendment 2
Article 2b (new)

Article 2b

During the final year of the Protocol’s validity and before any agreement on the renewal thereof is concluded, the Commission shall submit to the European Parliament and the Council a report on the application of the Agreement and the conditions under which it was implemented. This report shall also include a cost benefit analysis.

Amendment 3
Article 2c, paragraph 1 (new)

Article 2c

1. On the basis of the report referred to in Article 2b and following consultation of the European Parliament, the Council shall grant, where appropriate, the Commission a negotiating mandate with a view to the adoption of a new protocol.

Amendment 6
Article 2c, paragraph 2 (new)

2. The Commission shall take the report referred to in Article 2b into consideration in the negotiations with the Government of Cape Verde and take account of the European Parliament’s opinion on the extension of the Protocol.

Amendment 4
Article 2d (new)

Article 2d

The Commission shall forward to the European Parliament and the Council a copy of the report on the targeted measures which the authorities of Cape Verde shall provide on the basis of Article 3 of the Protocol.
European Parliament legislative resolution on the proposal for a Council regulation on the conclusion of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde for the period from 1 July 2001 to 30 June 2004 (COM(2001)470 – C5-0479/2001- 2001/0203(CNS))

(Consultation procedure)

The European Parliament,

— having regard to the Commission proposal to the Council (COM(2001)470),
— having been consulted by the Council pursuant to Article37 in conjunction with Article300(2) and the first subparagraph of Article300(3) of the EC Treaty (C5-0479/2001),
— having regard to Rule 67 of its Rules of Procedure,
— having regard to the report of the Committee on Fisheries and the opinions of the Committee on Budget and the Committee on Development and Cooperation (A5-0402/2001),

1. Approves the Commission proposal as amended;
2. Calls on the Commission to alter its proposal accordingly, pursuant to Article250(2) of the EC Treaty;
3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
4. Calls for the conciliation procedure to be initiated should the Council intend to depart from the text approved by Parliament;
5. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
6. Instructs its President to forward its position to the Council and Commission.

13. EEC/Guinea Bissau fisheries agreement * (procedure without debate)

A5-0425/2001


The proposal was amended as follows:

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<td>Amendment 1</td>
<td>Recital 2a (new)</td>
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</table>

(2a) It is important to improve the information supplied to the European Parliament and therefore the Commission should draw up a yearly report on the state of implementation of the Agreement,
Amendment 2
Article 3a (new)

Article 3a

During the final year of the Protocol's validity and before any agreement on the renewal thereof is concluded, the Commission shall submit to the European Parliament and the Council a report on the application of the Agreement and the conditions under which it was implemented. This report shall also include a cost benefit analysis.

Amendment 3
Article 3b (new)

Article 3b

On the basis of the report referred to in Article 3a and following consultation of the European Parliament, the Council shall, where appropriate, grant the Commission a negotiating mandate with a view to the adoption of a new protocol.

Amendment 4
Article 3c (new)

Article 3c

The Commission shall forward to the European Parliament and the Council a copy of the report on the targeted measures which the authorities of Guinea-Bissau shall provide on the basis of Article 5 of the Protocol.


(Consultation procedure)

The European Parliament,

— having regard to the Commission proposal to the Council (COM(2001) 530),
— having been consulted by the Council pursuant to Article 37 in conjunction with Article 300(2) and the first subparagraph of Article 300(3) of the EC Treaty (C5-0566/2001),
— having regard to Rules 67 and 97(7) of its Rules of Procedure,
— having regard to the report of the Committee on Fisheries and the opinions of the Committee on Budgets and the Committee on Development and Cooperation (A5-0425/2001),

1. Approves the Commission proposal as amended;

2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;

4. Calls for the conciliation procedure to be initiated should the Council intend to depart from the text approved by Parliament;

5. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;

6. Instructs its President to forward its position to the Council and Commission.

14. Cultural capital of Europe (procedure without debate)

A5-0428/2001


The European Parliament,

− having regard to the Treaty establishing the European Community, and in particular Article 151 thereof,


− having regard to the report of the selection panel of 28 September 2001 on the Irish nomination for the European Capital of Culture for the year 2005,

− having regard to the report of the Committee on Culture, Youth, Education, the Media and Sport (A5-0428/2001),

A. whereas the European Capital of Culture is an important event for the development of the cultural dimension within the Union, particularly within the context of enlargement,

B. whereas, pursuant to Article 2(3) of Decision 1419/1999/EC, the European Parliament may, within a period of three months, give its opinion on the nomination put forward by the selection panel,

C. whereas, pursuant to Article 4 of Decision 1419/1999/EC, ‘the desirability of four years’ preparation time’ should be borne in mind to ensure that the events run smoothly,

1. Calls on the Commission and the Council to support the nomination of the city of Cork as European Capital of Culture for the year 2005;

2. Notes the selection panel's report, particularly its remarks on the need for the city selected to take appropriate steps to enhance its European dimension in preparation for the event; proposes that a dialogue be initiated with the officials in charge of the event to ensure that real European added value is achieved;

3. Calls on the Commission to draw up a report evaluating the results of that event pursuant to Article 6 of Decision 1419/1999/EC, and in particular the aspects connected with the procedure laid down in Article 2 thereof, in order to make any adjustments necessary, particularly with a view to the forthcoming accession of the candidate countries;

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

15. Right of petition (procedure without debate)

A5-0429/2001

European Parliament resolution on European citizens’ right of petition (2001/2137(INI))

The European Parliament,

— having regard to Articles 21 and 194 of the EC Treaty, establishing the right of petition,

— having regard to the 1989 Interinstitutional Agreement on the right of petition (1),

— having regard to Article 10 of the EC Treaty on cooperation between the Community institutions and Member States,

— having regard to the ruling of the Court of Justice of 30 March 1995 concerning interinstitutional cooperation between the Council and the European Parliament (Case C-65/93) (2),

— having regard to its resolution of 15 May 2001 on the institution of the petition at the dawn of the 21st century (3),

— having regard to the Charter of Fundamental Rights of the European Union (4),

— having regard to the Commission White Paper on European governance (COM(2001) 428),

— having regard to Rule 163 of its Rules of Procedure,

— having regard to the report by the Committee on Petitions (A5-0429/2001),

A. whereas European citizens are under the terms of the Treaty, entitled to petition the European Parliament on subjects falling within the sphere of activity of the European Union and of direct concern to them,

B. whereas there is a need to strengthen the institution of the petition in the spirit of optimal European governance so as to bring individual citizens closer to Parliament and the Community institutions,

C. whereas, in cases where the Committee on Petitions notes that a fundamental right recognised under the Treaty or secondary legislation has been infringed or is being recognised, directly applicable legal instruments to redress the legal situation are not available,

D. seeking the introduction of new legal instruments available to petitioners making it possible if necessary to establish formally that Community law has been infringed or improperly implemented, thereby infringing an individual right,

E. whereas many petitions reveal cases of serious infringement by the national authorities of European legislation, such as environmental and consumer protection legislation or legislation seeking to safeguard threatened species of flora and fauna; whereas infringement of such legislation could also result in the irreparable destruction of invaluable parts of mankind’s cultural heritage,

F. whereas it is necessary to be able to identify suitably flexible legal mechanisms making it possible to take preventive measures sufficiently far in advance by way of precaution and to take immediate steps to bring to a halt the offending activity,

G. recalling that, under the new wording of Article 230 of the EC Treaty as envisaged by the Treaty of Nice, the European Parliament is entitled to bring a case to the Court of Justice on grounds of infringement of the Treaty or any rule relating to its application,

(1) OJ C 120, 16.5.1989, p. 90.
1. Calls for the following provisions to be added to Article 194 of the EC Treaty: ‘To avoid the risk of further infringements of the rights of a citizen drawing attention to non-compliance with a Community provision Parliament, the Commission and the Council may, under the codecision procedure provided for in Article 251 of the Treaty and in accordance with a request from Parliament endorsed by the Commission, formulate a new wording for the Community provision in question’.

2. Calls on the Commission to consider measures to facilitate a rapid response in cases where the parliamentary committee responsible, together with the Commission, establishes that a serious violation of Community environmental or consumer protection legislation or legislation for the protection of flora and fauna has occurred.

3. Considers that, to implement these measures, provision should be made for new legal mechanisms and suitably flexible procedures involving Parliament and the Commission so that immediate action can be taken to bring to an immediate end the offending activity.

4. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States and the Intergovernmental Conference responsible for amendment of the Treaties.

16. Ombudsman special report (Bavarian Lager Company) (procedure without debate)

A5-0423/2001

European Parliament resolution on the Special Report to the European Parliament following the draft recommendation to the European Commission in complaint 713/98/IH (made in accordance with Article 3(7) of the Statute of the European Ombudsman) (C5-0463/2001 — 2001/2194(COS))

The European Parliament,

— having regard to the Special Report by the European Ombudsman to the European Parliament (C5-0463/2001),

— having regard to Articles 21, 194, 195, 255 and 286 of the EC Treaty,

— having regard to Articles 1 and 6 of the Treaty on European Union,

— having regard to its decision of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman’s duties (3),

— having regard to Article 3(7) of the Statute of the European Ombudsman,

— having regard to its previous resolutions of 16 July 1998 on the Special Report by the European Ombudsman on public access to documents (3); of 15 May 2001 on the institution of the petition at the dawn of the 21st century (7); of 6 September 2001 on the European Ombudsman’s Special Report on a Code of Good Administrative Behaviour (9),

— having regard to Articles 8 and 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms,

— having regard to Article 7, 8, 11, 41 and 42 of the Charter of Fundamental Rights of the European Union,


having regard to Decision 94/90/ECSC, EC, Euratom (2),

having regard to 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 (3),

having regard to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (4),


having regard to Rules 47(1) and 179(2) of its Rules of Procedure,

having regard to the report of the Committee on Petitions (A5-0423/2001),

A. whereas any limitations of fundamental rights and freedoms must be clearly demarcated and justified under Article 6 of the Treaty on European Union and the Charter of Fundamental Rights and Freedoms,

B. whereas when there appears to be a collision between two or more fundamental rights or freedoms, the first step must be to examine whether or not all such rights are genuinely applicable to the situation at hand,

C. whereas the fundamental rights of respect for private and family life and protection of personal data serve to protect the private life of individual citizens from unauthorised use of personal information for commercial purposes and unjustified intrusion by public authorities,

D. whereas the principles of good administrative behaviour require that an official responsible for the field in question must provide the public with the information requested,

E. whereas Directive 95/46/EC does not, therefore, apply to a request for information concerning the names of participants representing a trade organisation to a meeting organised by the Commission,

F. whereas Article 27 of Directive 95/46/EC provides for the adoption by trade organisations and other bodies representing other categories of controllers codes of conduct intended to contribute to the proper implementation of the national provisions adopted by the Member States pursuant to this Directive,

G. whereas draft Community codes, and amendments or extensions to existing Community codes, may be submitted to the Working Party referred to in Article 29 of Directive 95/46/EC,

H. whereas such codes of conduct should guarantee, on the one hand, that unauthorised use is not made of information concerning consumer behaviour and, on the other hand, that data protection is not used in order to achieve benefits of unfair competition,

I. whereas the right to information and expression are preconditions for the formation of democratic will formation within a society and, thus, for the democratic legitimacy of that society,

J. whereas the obligation set by Article 1 of the Treaty on European Union to take decisions as openly as possible lays down a duty for public authorities, which corresponds to these rights,

(5) 5003/00/EN/Final — WP 44.
K. whereas the Court of First Instance has considered that ‘openness enables citizens to participate more closely in the decision-making process and guarantees that citizens can carry out genuine and efficient monitoring of the exercise of the powers vested in the Community institutions’;

L. whereas the right to information and expression, therefore, is essential also for the efficient functioning of the institutions;

M. whereas activities which fall under Titles V and VI of the Treaty on European Union are excluded from the protection of these rights under Community law;

1. Endorses the European Ombudsman’s conclusion and considers that the Commission has misinterpreted Directive 95/46/EC when applying the Directive to a request for information concerning the names of participants representing a trade organisation to a meeting organised by the Commission;

2. Considers, therefore, that the Commission should inform the complainant in complaint 713/98/IJH of the names of the delegates of the ‘Confédération des brasseurs du marché commun’ who attended a meeting organised by the Commission on 11 October 1996 and of companies and persons in the 14 categories identified in the complainant’s original request for access to documents who made submissions to the Commission under file reference P/93/4490/YK;

3. Notes that conflicts often exist between the demand for transparency and the protection of personal integrity; stresses the fact that the aim of data protection is primarily to protect the private life and sensitive information; considers therefore that data protection should not for instance be referred to while persons are acting in a public capacity, while they are taking part in public decision making on their own initiative or while they try to influence such decision making;

4. Asks the Working Party on Data Protection referred to in Article 29 of Directive 95/46/EC to inform Parliament on codes of conduct on data protection adopted by trade organisations and other bodies of control in reference to Article 27(3) of Directive 95/46/EC, in particular of codes submitted to it for assessment of compatibility with provisions adopted by Member States; suggests that the Working Party, in order to achieve true Community codes of conduct, takes account also of the scope of application of Regulation (EC) No 45/2001 and Parliament’s considerations when examining the compatibility with Community law of codes of conduct submitted to it; notes that the Data Protection Supervisor, who will be engaged for the EU institution, will be bound by the Treaties’ principles on greater transparency in decision making;

5. Considers that, in the light of the fact that the regulation on access in the EU will come into force in December 2001, an examination should be undertaken of the rules the Commission adopts and which give confidentiality to informants;

6. Proposes to the Data Protection Supervisor to draw up model codes of conduct with the intention of ensuring respect for the consumers’ right to data protection and in order to set standards with a view of preventing the abuse of data protection for purposes of unfair competition or confidential influence on Community regulatory or financial decisions;

7. Regrets the en bloc exclusion of Titles V and VI of the Treaty on European Union from the scope of application of Directive 95/46/EC and Regulation (EC) No 45/2001;

8. Calls on the European Council in Laeken to amend the Treaties in order to include, in principle, activities falling under Titles V and VI into the scope of application of Article 286 of the EC Treaty;

9. Instructs its President to forward this resolution to the Commission and for information to the European Ombudsman, the Council, the governments of the Member States, the Data Protection Supervisor and the Working Party on Data Protection.

(Codecision procedure: third reading)

The European Parliament,

— having regard to the joint text approved by the Conciliation Committee (PE-CONS 3653/2001 — C5-0491/2001),

— having regard to its position at first reading (1) on the Commission proposal to the European Parliament and the Council (COM(1999)744),

— having regard to the amended Commission proposal (COM(2000)780) (2),

— having regard to its position at second reading (3) on the Council common position (4),

— having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2001)275 — C5-0208/2001),

— having regard to Article 251(5) of the EC Treaty,

— having regard to Rule 83 of its Rules of Procedure,

— having regard to the report of its delegation to the Conciliation Committee (A5-0421/2001),

1. Approves the joint text;

2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;

3. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Communities;

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

(4) OJ C 36, 2.2.2001, p. 35.
18. European Food Authority

A5-0416/2001


(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (10880/1/2001- C5-0414/2001),

- having regard to its position at first reading (1) on the Commission proposal to Parliament and the Council (COM(2000) 716) (2),

- having regard to the amended Commission proposal (COM(2001) 475) (3),

- having regard to Article 251(2) of the EC Treaty,

- having regard to Rule 80 of its Rules of Procedure,

- having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Consumer Policy (A5-0416/2001),

1. Amends the common position as follows;

2. Calls on the Council to apply the following criteria in its decision-making procedure on the location of the European Food Safety Authority:

- it should be, and be seen physically to be, independent of the Commission and other institutions;

- it should have a long-standing tradition in food safety in order to lend credibility to the Authority in the eyes of EU citizens;

- it should enhance the Authority's independence and integrity;

- it should provide good scientific infrastructure and facilities in the field of food safety;

- it should be easily accessible in terms of communications and have good and rapid transport connections;

- it should enable the Authority to work closely and efficiently with those Commission services which deal with public health and consumer protection issues;

- it should be cost-effective and enable the Authority to start its work without delay;

3. Instructs its President to forward its position to the Council and Commission.

(2) OJ C 96 E, 27.3.2001, p. 247.
Amendment 1

Proposal for a regulation of the European Parliament and of the Council regulation laying down the general principles and requirements of food law, establishing the European Food Authority and laying down procedures in matters of food safety

Proposal for a European Parliament and Council regulation laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety

Amendment 29

Recital 14a (new)

(14a) Networking of laboratories of excellence, at regional and/or interregional level, with the aim of ensuring continuous monitoring of food safety, could play an important role in the prevention of potential health risks for citizens.

Amendment 38

Recital 40

(40) To that effect the Management Board should be appointed in such a way as to secure the highest standard of competence, a broad range of relevant expertise and the broadest possible geographic distribution within the Union. In order to ensure that a broad range of relevant expertise is available, it is necessary for the Council to have a wide choice of candidates on the basis of a list drawn up by the Commission in an open and transparent manner. In order to build a relationship of confidence and transparency with the general public it is appropriate for a quarter of the members to have their background in organisations representing consumers and other interests in the food chain.

(40) To that effect the Management Board should be appointed in such a way as to secure the highest standard of competence, a broad range of relevant expertise, for instance in management and in public administration, and the broadest possible geographic distribution within the Union. This should be facilitated by a rotation of the different countries of origin of the members of the Management Board without any post being reserved for nationals of any specific Member State.

Amendment 30

Article 1, paragraph 1

1. This Regulation provides the basis for the assurance of a high level of protection of human life and health and consumers’ interests in relation to food, whilst ensuring the effective functioning of the internal market. It establishes common principles and responsibilities, the means to provide a strong science base, efficient organisational arrangements and procedures to underpin decision-making in matters of food and feed safety.

1. This Regulation provides the basis for ensuring a high level of protection of human health and consumers’ interests in relation to food, taking into account in particular the diversity in the supply of food including traditional products, whilst ensuring the effective functioning of the internal market. It establishes common principles and responsibilities, the means to provide a strong science base, efficient organisational arrangements and procedures to underpin decision-making in matters of food and feed safety.

Amendment 32

Article 6, paragraph 3

3. Risk management shall take into account the results of risk assessment, and in particular, the opinions of the Authority referred to in Article 22, other factors legitimate to the

3. Risk management shall take into account the results of risk assessment, and in particular, the opinions of the Authority referred to in Article 22, other factors legitimate to the
matter under consideration and the precautionary principle where the conditions laid down in Article 7(1) are relevant.

Amendment 33
Article 7, paragraph 1

1. In circumstances where, following an assessment of available information, the possibility of harmful effects on health *has been* identified but scientific uncertainty persists, provisional risk management measures necessary to ensure the high level of health protection chosen in the Community may be adopted, pending further scientific information for a more comprehensive risk assessment.

Amendment 7
Article 9

There shall be public consultation, directly or through representative bodies, *at an appropriate stage*, during the preparation of food law, except where the urgency of the matter does not allow it.

Amendment 31
Article 13, point (da) (new)

(da) promote consistency between international technical standards and food law while ensuring that the high level of protection adopted in the Community is not reduced.

Amendment 10
Article 19, paragraph 1

1. If a food business operator considers or *suspects* that a food which it has imported, produced, processed, manufactured or distributed is not in compliance with the food safety requirements, it shall immediately initiate procedures to withdraw the food in question from the market and inform the competent authorities thereof. Where the product may have reached the consumer, the operator shall effectively and accurately inform the consumers of the reason for its withdrawal, and if necessary, recall from consumers products already supplied to them when other measures are not sufficient to achieve a high level of health protection.

1. If a food business operator considers or *has reason to believe* that a food which it has imported, produced, processed, manufactured or distributed is not in compliance with the food safety requirements and the food has left the immediate control of that initial food business operator, it shall immediately initiate procedures to withdraw the food in question from the market and inform the competent authorities thereof. Where the product may have reached the consumer, the operator shall effectively and accurately inform the consumers of the reason for its withdrawal, and if necessary, recall from them products already supplied when other measures are not sufficient to achieve a high level of health protection.
3. A food business operator shall immediately inform the competent authorities if it considers or suspects that a food which it has placed on the market may be injurious to human health. Operators shall inform the competent authorities of the action taken to prevent risks to the final consumer.

3. A food business operator shall immediately inform the competent authorities if it considers or has reason to believe that a food which it has placed on the market may be injurious to human health. Operators shall inform the competent authorities of the action taken to prevent risks to the final consumer and shall not prevent or discourage any person from cooperating, in accordance with national law and legal practice, with the competent authorities, where this may prevent, reduce or eliminate a risk arising from a food.

1. If a feed business operator considers or suspects that a feed which it has imported, produced, processed, manufactured or distributed does not satisfy the feed safety requirements, it shall immediately initiate procedures to withdraw the feed in question from the market and inform the competent authorities thereof. The operator shall effectively and accurately inform users of the feed of the reason for its withdrawal, and if necessary, recall from them products already supplied when other measures are not sufficient to achieve a high level of health protection.

1. If a feed business operator considers or has reason to believe that a feed which it has imported, produced, processed, manufactured or distributed does not satisfy the feed safety requirements, it shall immediately initiate procedures to withdraw the feed in question from the market and inform the competent authorities thereof. In these circumstances or, in the case of Article 15(3), where the batch, lot or consignment does not satisfy the feed safety requirement, that feed shall be destroyed, unless the competent authority is satisfied otherwise. The operator shall effectively and accurately inform users of the feed of the reason for its withdrawal, and if necessary, recall from them products already supplied when other measures are not sufficient to achieve a high level of health protection.

3. A feed business operator shall immediately inform the competent authorities if it considers or suspects that a feed which it placed on the market may not satisfy the feed safety requirements. It shall inform the competent authorities of the action taken to prevent risk arising from the use of that feed.

3. A feed business operator shall immediately inform the competent authorities if it considers or has reason to believe that a feed which it placed on the market may not satisfy the feed safety requirements. It shall inform the competent authorities of the action taken to prevent risk arising from the use of that feed and shall not prevent or discourage any person from cooperating, in accordance with national law and legal practice, with the competent authorities, where this may prevent, reduce or eliminate a risk arising from a feed.

8. The Authority, Commission and Member States shall cooperate to promote the necessary coherence between risk assessment, risk management and risk communication functions.

8. The Authority, Commission and Member States shall cooperate to promote effective coherence between risk assessment, risk management and risk communication functions.
Amendment 14
Article 23, point (c)

(c) to provide scientific and technical support to the Commission in the areas within its mission;

Amendment 37
Article 25, paragraph 1

1. The Management Board shall be composed of 16 members appointed by the Council in consultation with the European Parliament from a list drawn up by the Commission which includes a number of candidates substantially higher than the number of members to be appointed, plus a representative of the Commission. A quarter of the members shall have their background in organisations representing consumers and other interests in the food chain.

The members of the Board shall be appointed in such a way as to secure the highest standards of competence, a broad range of relevant expertise and the broadest possible geographic distribution within the Union.

Amendment 16
Article 25, paragraph 2

2. Members' term of office shall be four years. However, for the first mandate, this period shall be six years for half of the members.

Members may be represented by alternates, appointed at the same time.

Amendment 39
Article 25, paragraph 10

10. The Executive Director shall take part in the meetings of the Management Board, without voting rights, and shall provide the Secretariat.

10. The Executive Director shall take part in the meetings of the Management Board, without voting rights, and shall provide the Secretariat. The Management Board shall invite the Chair of the Scientific Committee to attend its meetings without voting rights.

Amendment 40
Article 26, paragraph 1

1. The Executive Director shall be appointed by the Management Board, on the basis of a list of candidates proposed by the Commission after an open competition, following pub-
lication in the Official Journal of the European Communities and elsewhere of a call for expressions of interest, for a period of five years which shall be renewable. The Executive Director may be removed from office by the Management Board.

Amendment 19
Article 27, paragraph 5

5. The Advisory Forum shall be chaired by the Executive Director, **who shall convene its meetings**. Its operational procedures shall be specified in the Authority’s internal rules and shall be made public.

Amendment 41
Article 38, paragraph 2

2. The Management Board, **acting on a proposal from the Executive Director**, may decide to **hold some of** its meetings in public and may authorise consumer representatives or other interested parties to observe the proceedings of some of the Authority’s activities.

Amendment 21
Article 40, paragraph 3, subparagraph 1a (new)

**The Authority shall publish, in accordance with Article 38, all opinions issued by it.**

Amendment 22
Article 43, paragraph 1

1. The revenues of the Authority shall consist of a contribution from the Community and, **in addition, any fees received by the Authority in payment for the services it provides.**

Amendment 23
Article 43, paragraph 5

5. By 31 March each year at the latest, the Management Board shall adopt the draft estimates including the provisional list of posts accompanied by the preliminary work programme and forward it to the Commission, **which on that basis** shall enter the relevant estimates in the preliminary draft general budget of the European Union to be put before the Council pursuant to Article 272 of the Treaty.

5. The Advisory Forum shall be chaired by the Executive Director. **It shall meet regularly, and not less than four times per year, at the invitation of the Chair or at the request of at least a third of its members.** Its operational procedures shall be specified in the Authority’s internal rules and shall be made public.

The Management Board **shall** hold its meetings in public unless, **acting on a proposal from the Executive Director**, it decides otherwise for specific administrative points of its agenda, and may authorise consumer representatives or other interested parties to observe the proceedings of some of the Authority’s activities.

The Authority shall publish, in accordance with Article 38, all opinions issued by it.

The revenues of the Authority shall consist of a contribution from the Community and **from any State with which the Community has concluded the agreements referred to in Article 49, and fees charged for publications, conferences, training and any other similar activities provided by the Authority.**

5. By 31 March each year at the latest, the Management Board shall adopt the draft estimates including the provisional list of posts accompanied by the preliminary work programme and forward them to the Commission **and the States with which the Community has concluded the agreements referred to in Article 49. On the basis of that draft, the Commission shall enter the relevant estimates in the preliminary draft general budget of the European Union to be put before the Council pursuant to Article 272 of the Treaty.**
Amendment 24
Article 45

Within three years following the date of entry into force of this Regulation and after consulting the Authority, the Member States and the interested parties, the Commission shall publish a report on the feasibility and advisability of introducing fees payable by undertakings in connection with obtaining a Community authorisation and for other services provided by the Authority.

Amendment 43
Article 50, paragraph 1

1. A rapid alert system for the notification of a direct or indirect risk to human health deriving from food or feed is hereby established as a network. It shall involve the Member States, the Commission and the Authority. The Member States, the Commission and the Authority shall each designate a contact point, which shall be a member of the network.

Amendment 42
Article 51

The measures for implementing Article 50 shall be adopted by the Commission, after consulting the Authority, in accordance with the procedure referred to in Article 58(2). These measures shall specify, in particular, the specific conditions and procedures applicable to the transmission of notifications and supplementary information.

Amendment 26
Article 53, paragraph 1, point (a), indent (i)

(i) suspension of the placing on the market of the food in question;

Amendment 44
Article 53, paragraph 2, subparagraph 2

As soon as possible, and at most within 10 working days, the measures taken shall be confirmed, amended, revoked or extended in accordance with the procedure referred to in Article 58(2), and the reasons for the Commission’s decision shall be made public without delay.
The European Parliament,

- having regard to the Commission report (COM(2001) 399 — C5-0459/2001),

- having regard to its resolution of 16 January 2001 (1) on the communication from the Commission on the 'Growth and Employment Initiative — as at 31 December 1999',

- having regard to the Council Decision 98/347/EC (2) on the growth and employment initiative,

- having regard to Rule 47(1) of its Rules of Procedure,

- having regard to the report of the Committee on Employment and Social Affairs and the opinion of the Committee on Economic and Monetary Affairs (A5-0422/2001),

A. whereas the crucial importance of encouraging the promotion of SMEs in particular, and a regulatory climate conducive to investment, innovation and entrepreneurship in general, throughout the EU and candidate countries, was confirmed as a priority at the Lisbon European Council and in the Employment Guidelines 2001,

B. whereas the Growth and Employment Initiative was set up in 1998 as a multi-annual programme, stimulated by the decision of the European Parliament to allocate €420 million for the purpose of this programme,

C. whereas Parliament, in its resolution of 16 January 2001, clearly requested a statement from the EIB to the effect that the available funds would not be allocated solely to small- and medium-sized enterprises involved in high-technology and knowledge-based industries, but that small craft, trade and tourist firms and service enterprises, including in the third sector, would also have every opportunity to benefit from these appropriations,

D. whereas Decision 98/347/EC stated clearly that appropriate arrangements would be made to allow the Court of Auditors of the European Community to exercise its mission in order to verify the regularity of payments made,

E. whereas there has been a significant increase in the availability of European venture capital in recent years, although the European venture capital market still remains significantly behind the USA, in particular for seed and early stage capital,

F. whereas the majority of capital raised in Europe is not invested in Europe but actually invested in America, as European investors have shown a preference for the higher rewards available in the USA, and have recognised that the lighter regulatory climate in North America makes it easier for entrepreneurs there to flourish by comparison with the EU,

G. whereas the new Multi-Annual Programme (MAP) approved by the Council on 20 December 2000 proposed modifications and extensions to the ETF start-up facility and the SME Guarantee facility, together with a simplification of the JEV programme,
H. whereas as at end-year 2000, 31.4% of overall available venture capital investment within Europe was invested in high technology companies,

I. whereas the European Investment Bank (EIB) took a controlling interest in the European Investment Fund (EIF) during early 2000,

J. whereas there has been a low level of activity regarding this initiative during late 1999 and early 2000, a time which appears to correspond to the restructuring period of the EIF,

K. whereas the 1999 Commission Report recorded that the EIF expected the ETF Start-up Facility to have 25-30 venture capital funds from all fifteen Member States,

L. whereas France and Germany account for over half of the take-up of investments in both the ETF Start-up and the SME Guarantee Facility,

M. whereas the total number of SMEs benefiting from the SME Guarantee facility has surged to 40,778 by comparison with 7,223 the previous year, and is currently increasing at a rate of 8,000 per quarter,

N. whereas the ETF Start-up facility has recorded an actual increase of 785 jobs in the 71 investee SMEs that received an investment before the end of 1999 or early 2000, i.e. an average of 11 new jobs per company, while the SME Guarantee facility is forecasting an increase of 19,084 new jobs within one year and a further 33,934 within the second year, representing an average of 1.3 new jobs per company,

O. whereas, in its resolution of 16 January 2001, Parliament asked for subsequent annual Commission Reports to be made available to Parliament earlier than the end of May the following year,

P. whereas the EIF sends quarterly progress reports to the Commission, but not to Parliament,

1. Welcomes generally the content and analysis within the thorough and more comprehensive 2000 Report, and commends the Commission and the EIF where progress has been made;

2. Observes that the 2000 Report was not however officially published until mid-July 2001, after the start of Parliament's summer recess, even later than the 1999 Report, which Parliament complained was too late;

3. Notes that the ETF start-up facility now comprises 10 contracts signed by the EIF, two under process and a further five approved in principle, altogether covering just eight Member States rather than the fifteen confidently predicted;

4. Welcomes the extra operational efforts being attempted by the EIF to stimulate activity in the seven Member States not currently covered by successful ETF start-up proposals;

5. Wishes to see similar efforts being focused on the candidate countries, where appropriate;

6. Congratulates the EIF on the very significant increase in take-up of the SME guarantee facility;

7. Seeks fuller information on the impact of the global technology stock-market downturn upon the specific prospects and valuations of certain of the programme's final investee SMEs, and the consequent changes, if any, in investment policy in the year ahead;

8. Endorses the revisions to the MAP agreed by the Council in December 2000, observes with surprise that there was no prior discussion with the Parliament about these proposals, and insists that the need for Parliament to be involved ahead of such future discussions be fully recognised;
9. Observes that while 15% of the SME beneficiaries of the SME Guarantee facility received pre-start financing in 1999 before their establishment in 2000, all except six of these companies (i.e. 2,269) were in France and Germany; asks that their success deserves detailed analysis in the next Commission Report;

10. Notes the new-found confidence in the re-shaped JEV facility, and looks forward to some early concrete results;

11. Points out that there has been no mention of any auditing of any programmes being performed, despite Decision 98/347/EC and despite the specific request of Parliament in the 1999 Report;

12. Notes with concern that a possible lack of management focus during the period of restructuring, as predicted in its resolution of 16 January 2001, plus the complete change of the management team may have led initially to some of the impetus of the programme being lost, and trusts that the re-organisation is now complete;

13. Notes that overall some very real progress has been achieved in the second full year of operation, but gives notice that Parliament expects a substantial further improvement in performance in year three, not just in terms of projects signed off but particularly in terms of concrete evidence of substantial employment gains to-date;

14. Notes the risk that concentration on seed capital and start-ups underestimates other essential elements of the SME business cycle, i.e. ongoing business development, initial public offering or subsequent sale, each of which may have an impact on employment growth; asks for an assessment of the needs of these follow-up phases to be considered;

15. Notes that, in order to break into the technology market it is particularly difficult for SMEs in this sector to obtain the necessary finance, and that the abovementioned financial instruments therefore have a specially important role to play to that end, but that, on the other hand, particular care is needed in the evaluation of projects; notes in this connection that a number of private risk capital providers have been too hasty in quoting businesses on the stock exchange on the basis of particular expectations of yield, and have thus contributed to the fall in the market in this area;

16. Stresses that financial instruments to promote small and medium-sized business must be in line with the requirements of such businesses, in other words that they must be geared to the needs of SMEs in terms of transparent access to the relevant information, to straightforward application, authorisation and evaluation procedures and to the need for money at short notice, in particular it must possible for SMEs to find out at an earlier stage whether they have any realistic chance of obtaining support; notes that small firms which have the potential for support still too often make no progress because — owing to lack of time and staff — they are unable to access Community funds; points in this connection to the positive role played by the Euro-Info-Centres, which could be expanded still further;

17. Calls on the Commission, through the abovementioned financial instruments, to step up its support for projects which are most suitable for completion by small and medium-sized enterprises;

18. Expresses its concern about the excessively narrow concept of providing risk capital and global loans mainly to SMEs engaging in life sciences, biotechnology, ITC and multimedia; calls on the Commission, the Council and the EIB to open up the facilities of the Growth and Employment Initiative also to sustainable high-tech sectors;

19. Reiterates its call to the Commission, the EIB and the EIF that available funds should not be allocated solely to SMEs involved in high technology and knowledge-based industries, but that small craft, trade, tourism and service enterprises, including in the third sector, may also have full opportunity to benefit;

20. Considers that the proposals for the new own capital rules for credit institutions (Basel II), due to enter into force in 2005, will lead to a worsening of financing conditions for small and medium-sized businesses; warns in particular of a likely drop in available risk capital if assessment continues to be on the basis of historical data which start-ups cannot, of their very nature, provide;
21. Notes not only that the raising of capital, whether own or outside capital, is of vital importance to small and medium-sized enterprises in the preparatory stage and later, but also that bureaucratic procedures and rules jeopardise the success of these business and thus the creation and securing of jobs;

22. Calls on the Commission and the EIB to send a clearer message to finance intermediaries and business support providers that raising female participation rates is an important part of the European employment strategy also in the field of supporting start-ups and SMEs;

23. Stresses, now that the Commission has announced in its SME multi-annual programme (2001-2005) that it is withdrawing from the SME support programmes, that more scope must be given to support programmes at national and regional level;

24. Calls for the quarterly progress reports from the EIF to be made available to the Parliament at the same time as they are made available to the Commission;

25. Calls for the Commission to be legally mandated to publish its Report on the year 2001 no later than the end of May the following year;

26. Instructs its President to forward this resolution to the Council, the Commission EIF and the Court of Auditors.
MINUTES

PROCEEDINGS OF THE SITTING

IN THE CHAIR: Mr PROVAN

Vice-President

1. Opening of sitting

The sitting opened at 09.00.

2. Approval of Minutes of previous sitting

Mr Puerta and Mr Wieland had informed the President that they had been present at the previous day's sitting but that their names were not on the attendance register.

The Minutes of the previous sitting were approved.

The following spoke:

− Rübig who, referring to the fact that an Austrian lawyer had been held without reason in Nicaragua for the last three weeks, thanked the President of Parliament for having sent a letter to the Nicaraguan authorities calling for the prisoner to be released (the President replied that he would inform the President of Parliament);

− Terrón i Cusí who, referring to the joint debate about to be held, protested about the organisation of debates on LIBE Committee documents by the Conference of Presidents, as the joint debate covered a wide range of subjects, which she said constituted a lack of respect (the President suggested that she speak with the President of her political group, who could in turn raise the point with the Conference of Presidents);

− Krivine who, referring to the remarks he had made at the opening of the sitting of Monday 10 December 2001 (Minutes of that date, Item 9), recalled having requested that the President of Parliament forward to Members, before the following debate, a copy of the exchange of letters between the President of the United States and the President of the Commission; he noted that, although the President had replied in the affirmative, Members had still not received a copy of the reply sent by President Prodi to President Bush; he again asked for this text to be made public (the President replied that Parliament had still not received the letter in question).

3. Written declarations (Rule 51)

Written declaration 11/2001 had not received the required number of signatures and had therefore lapsed pursuant to the provisions of Rule 51(5).

4. 2001 annual debate on the area of freedom, security and justice — Security measures for European Council meetings and other similar events — Justice and home affairs (external relations) — EU judicial cooperation with the United States combating terrorism (debate)

The next item was a joint debate on two oral questions and two reports, drawn up on behalf of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, and a Council statement.
The President informed the House that the President-in-Office of Council, Mr Verwilghen, would not be able to attend the beginning of the debate as his flight from Brussels had been delayed by fog.

Mrs Boumediene-Thiery moved the oral questions that she had put on behalf of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs to the Council (B5-0534/2001) and to the Commission (B5-0535/2001) on the annual debate on the area of freedom, security and justice (Articles 2 and 39 of the EU Treaty).

Mr Watson, chairman of the LIBE Committee, introduced his recommendation to the Council on an area of freedom, security and justice: security measures for European Council meetings and other similar international events (2001/2167(INI)) (A5-0396/2001);

Mr Poignant, deputising for the rapporteur, introduced the report drawn up by Mrs Hazan on Council of the European Union: European Union priorities and policy objectives for external relations in the field of justice and home affairs (7653/2000 — C5-0102/2001 — 2001/2051(COS)) (A5-0414/2001).

The following spoke: Mrs Sörensen, draftsman of the opinion of the AFET Committee, Mr Vitorino, Member of the Commission, Pirker, on behalf of the PPE-DE Group, Paciotti, on behalf of the PSE Group, Watson, on behalf of the ELDR Group, Frassoni, on behalf of the Verts/ALE Group, Di Lello Finuoli, on behalf of the GUE/NGL Group, and Angelilli, on behalf of the UEN Group.

IN THE CHAIR: Mr Gerhard SCHMID

Vice-President

The following spoke: Krarup, on behalf of the EDD Group, and Borghezio, Non-attached Member.

Mr Verwilghen, President-in-Office of the Council, made a statement on cooperation between the European Union and the United States of America in the fight against terrorism and, in particular, in the field of extradition.

The following spoke: Santini, Schulz, Tajani, who called for Rule 116 to be observed, which prohibits members of the public in the gallery from expressing approval or disapproval, Ludford, Maes, Krivine, Blokland, Cornillet, Swiebel, Gahrton, Ilka Schröder, Tajani, Ceyhun, Hernández Mollar, Karamanou, Coelho, Terrón i Cusí, Verwilghen, Vitorino, and Terrón i Cusí on Mr Tajani's second set of remarks.

The President had received motions for resolutions pursuant to Rule 37(2) from the following Members:

- Palacio Vallelersundi, on behalf of the PPE-DE Group, Terrón i Cusí, on behalf of the PSE Group, Watson, on behalf of the ELDR Group, Buitenweg, on behalf of the Verts/ALE Group and Andrews, on behalf of the UEN Group, on EU judicial cooperation with the US in combating terrorism (B5-0813/2001);
- Di Lello Finuoli, Frahm and Ilka Schröder, on behalf of the GUE/NGL Group, on EU judicial cooperation with the US in combating terrorism (B5-0820/2001).

The President closed the debate.


(The sitting was suspended at 11.20, pending voting time, and resumed at 11.30.)
IN THE CHAIR: Mr IMBENI
Vice-President

VOTING TIME

The following spoke:

- Angellini, who accused Vice-President Gerhard Schmid of having allowed, when he was in the Chair, personal attacks on Mr Berlusconi;
- Tajani who, referring to his previous remarks, again accused Vice-President Gerhard Schmid of not having ensured that Rule 116 was respected;
- Krivine who, referring to the remarks he had made that morning at the opening of the sitting, pointed out that Members had still not received a copy of the exchange of letters between the President of the Commission and the President of the United States and insisted that that be done before the vote, which was about to take place (the President replied that the President of Parliament had not received a copy of the letters);
- Schulz, on Mr Tajani’s remarks, and Gerhard Schmid, who had been in the Chair when the aforementioned joint debate had taken place, also on those remarks.

5. Setting-up of a delegation for relations with the NATO Parliamentary Assembly (vote)

Proposal for a decision tabled in accordance with Rule 168 by Poettering, on behalf of the PPE-DE Group, Barón Crespo, on behalf of the PSE Group, Cox, on behalf of the ELDR Group, and Pasqua, on behalf of the UEN Group, on the setting up of a delegation for relations with the NATO Parliamentary Assembly (B5-0752/2001)
(Simple majority)

PROPOSAL FOR A DECISION:

Parliament adopted the decision (Item 1 of ‘Texts Adopted’).

6. EC/Croatia Agreements *** (procedure without debate) (vote)

Recommendation by the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy on proposals for:
1. a Council and Commission decision on the conclusion and the provisional application of an Interim Agreement between the European Community and their Member States, of the one part, and the Republic of Croatia, of the other part (11172/2001 — C5-0565/2001 — 2001/0149(AVC)), and
(Simple majority)

1. DRAFT LEGISLATIVE RESOLUTION (assent procedure):

Parliament adopted the legislative resolution and thereby gave its assent (Item 2 of ‘Texts Adopted’).

2. DRAFT LEGISLATIVE RESOLUTION:

Parliament adopted the legislative resolution and thereby gave its assent (Item 2 of ‘Texts Adopted’).
7. Uniform format for visas * (procedure without debate) (vote)

Report of the Committee on Citizens’ Freedoms and Rights, Justice and Home Affairs on the proposals for Council regulations:
1. amending Regulation 1683/95 laying down a uniform format for visas (COM(2001) 577 – C5-0511/2001 – 2001/0232(CNS)),
2. on a uniform format for forms for affixing the indent issued by Member States to persons holding travel documents which are not recognised by the Member State drawing up the form (COM(2001) 157 – C5-0216/2001 – 2001/0081(CNS)),


Amendments adopted: 1 to 15 collectively
Parliament approved the Commission proposal as amended (Item 3 of ‘Texts Adopted’).

DRAFT LEGISLATIVE RESOLUTION
Parliament adopted the legislative resolution.


Amendments adopted: 16 to 25 collectively
Amendment rejected: 26 by EV (234 for, 245 against, 8 abstentions)
Request for separate vote: amendment 26 (PPE-DE)
Parliament approved the Commission proposal as amended (Item 3 of ‘Texts Adopted’).

DRAFT LEGISLATIVE RESOLUTION
Parliament adopted the legislative resolution.


Amendments adopted: 27, 28 and 30 to 35 collectively
Amendments rejected: 29 by EV (229 for, 257 against, 15 abstentions); 36 by EV (239 for, 265 against, 6 abstentions); 37 by EV (234 for, 271 against, 5 abstentions)
Request for separate votes: amendments 29, 36 and 37 (PPE-DE)
Parliament approved the Commission proposal as amended (Item 3 of ‘Texts Adopted’).

DRAFT LEGISLATIVE RESOLUTION:
Parliament adopted the legislative resolution (Item 3 of ‘Texts Adopted’).
8. **EC Accession to Codex Alimentarius Commission** *(procedure without debate) (vote)*


Parliament approved the Commission proposal *(Item 4 of Texts Adopted)*.

**DRAFT LEGISLATIVE RESOLUTION:**

Parliament adopted the legislative resolution *(Item 4 of Texts Adopted)*.

9. **COM in the banana sector** *(procedure without debate) (vote)*


*Amendments adopted:* 1 to 15 collectively

Parliament approved the Commission proposal as amended *(Item 5 of Texts Adopted)*.

**DRAFT LEGISLATIVE RESOLUTION:**

Parliament adopted the legislative resolution *(Item 5 of Texts Adopted)*.

10. **EAEC/KEDO agreement** *(procedure without debate) (vote)*


**MOTION FOR A RESOLUTION:**

Parliament adopted the resolution by EV (410 for, 53 against, 48 abstentions) *(Item 6 of Texts Adopted)*.
11. Precautionary principle and multiannual arrangements for setting TACs (procedure without debate) (vote)


(Simple majority)

MOTION FOR A RESOLUTION:

Request for separate vote: paragraph 3 (Verts/ALE): (adopted)

Parliament adopted the resolution (Item 7 of 'Texts Adopted').

12. Electronic communications networks and services (framework directive) ***II (vote)

Recommendation for 2nd reading: Paasilinna — A5-0435/2001
(Qualified majority)

The following spoke: Mr Rovsing and Mrs Flesch who declared a financial interest in the telecommunications package and announced that they would not take part in the vote on the five recommendations for second reading on this matter, and Mrs Echerer, first of all on the compromise amendments, in particular to point out that she had only signed two of them on behalf of the Verts/ALE Group, and then to protest against the speed with which it had been necessary to work on these dossiers.


The following spoke: the rapporteur and, in accordance with Rule 80(5), Mr Liikanen, Member of the Commission.

Amendments adopted: 54/rev. compromise; 2, 6, 23, 25, 26, 27, 29 and 37 collectively; 45 and 44 compromise collectively; 46 to 48 compromise collectively; 50 and 51 compromise collectively; 52 compromise; 39 compromise by RCV (Brunetta and others); 40 compromise by RCV (Brunetta and others); 41 to 43 and 49 compromise collectively; 53 compromise

Amendments rejected: 5, 7, 10, 13, 19, 20, 28, 33 and 36 collectively; 21; 24 by EV (146 for, 370 against, 8 abstentions); 38 by RCV (Brunetta and others)

Amendments fallen: 1; 12; 3; 9; 30; 31; 11; 8; 4; 14 to 18; 32; 34; 35; 22

(Following the adoption of the amendments in this report, amendments fallen in the Brunetta recommendation A5-0434/2001: 1, 2, 3, 8, 10, 14, 15, 25; amendments fallen in the Niebler recommendation A5-0432/2001: 3, 4).

The following spoke during the vote:

− the rapporteur pointed out at the beginning of the vote that it was necessary to vote the amendments of the committee responsible in two blocks, one being to reject and the other to adopt;

− the President consulted the House on the compromise amendments tabled to establish that there was no opposition to putting them to the vote;

− Mr Brunetta requested that amendment 38 be voted before compromise amendment 39, to which the rapporteur agreed, even though he recommended the House to reject amendment 38.
13. Access to electronic communication networks and associated facilities (access directive) ***II (vote)

Recommendation for 2nd reading: Brunetta — A5-0434/2001 (Qualified majority)


Amendments adopted: 7; 19; 29 compromise; 31 compromise; 30 compromise; 27 and 28 compromise collectively

Amendments rejected: 4, 5, 9, 11 to 13, 16 to 18, 20 to 24 and 26 collectively

Amendments fallen: 1, 2, 3, 8, 10, 14, 15 and 25 (following the adoption of compromise amendments 46 to 48 to the Paasilinna recommendation A5-0435/2001)

Amendment cancelled: 6

Request for separate votes: amendments 7 and 19 (PPE-DE, PSE)

The President declared the common position approved as amended (Item 9 of Texts Adopted).

14. Authorisation of electronic communications networks and services (authorisation directive) ***II (vote)

Recommendation for 2nd reading: Niebler — A5-0433/2001 (Qualified majority)


Amendments adopted: 6; 7; 10 compromise; 11 compromise

Amendments rejected: 2 to 4 collectively

Amendment withdrawn: 9

Amendment cancelled: 8

Amendments fallen: 1; 5

Request for separate votes: amendments 6 and 7 (PPE-DE)

The President declared the common position approved as amended (Item 9 of Texts Adopted).
15. Universal service and users’ rights relating to electronic communications networks and services (universal service directive) (vote)

Recommendation for 2nd reading: Harbour — A5-0438/2001
(Qualified majority)


The following spoke: McCarthy, who put a question to the Commission, the rapporteur who requested a separate vote on amendments 2, 11, 23 and 24 and who spoke on the compromise amendments, Liikanen, Member of the Commission, who, in accordance with Rule 80(5) stated the position of the Commission on the amendments, and Perry, who put a question to the Commission to which Mr Liikanen replied.

Amendments adopted: 1, 4, 6 to 10, 13, 16 to 22, 28 and 30 to 33 collectively; 15 (1st part); 27 (1st part); 36; 37 compromise by EV (484 for, 7 against, 26 abstentions) (replacing 11); 29 (1st part)

Amendments rejected: 2; 5; 14; 15 (2nd part); 23; 24; 26 by RCV (Verts/ALE); 27 (2nd part); 34; 29 (2nd part)

Amendments fallen: 3, 11

Amendment withdrawn: 35

Amendments not put to the vote (Rule 140(1)(d)): 12 and 25

The following spoke during the vote:
– The rapporteur pointed out that compromise amendment 37 replaced amendment 11.

Request for separate vote: amendments 14 and 15 (PSE)

Split votes:
Amendment 15 (PPE-DE):
1st part: text without the words ‘on the basis of a reasoned opinion’
2nd part: these words

Amendment 27 (PPE-DE):
1st part: up to ‘on the market’
2nd part: remainder

Amendment 29 (PPE-DE):
1st part: up to ‘other end-users’
2nd part: remainder

The President declared the common position approved as amended (Item 11 of Texts Adopted).

16. Radio spectrum policy (vote)

Recommendation for 2nd reading: Niebler — A5-0432/2001
(Qualified majority)


The following spoke: the rapporteur who put questions to the Commission to which Mr Liikanen, Member of the Commission, replied.

Amendments adopted: 8 compromise; 9 compromise

Amendments rejected: 2 and 5 to 7 collectively
Amendments fallen: 1; 4 and 3 (following the adoption of compromise amendments 39 to 43 and 49 to the Paasilinna recommendation A5-0435/2001)

The President declared the common position approved as amended (Item 12 of 'Texts Adopted').

17. Public health (2001-2006) ***II (vote)

Recommendation for 2nd reading: Trakatellis — A5-0420/2001
(Qualified majority)


Mr Vitorino, Member of the Commission, stated the Commission's position on the amendments in accordance with Rule 80(5).

Amendments adopted: 1, 3 to 10, 12, 15 to 24, 27 to 29, 32 to 36, 38, 40, 41, 43, 45, 46, 50, 53 to 55 and 57 collectively; 11 (1st part); 14; 26 (1st part); 26 (2nd part); 26 (3rd part); 26 (4th part); 39 (1st part); 39 (2nd part); 47 (1st part); 47 (2nd part); 48 (1st part); 48 (2nd part); 51; 52 by RCV (ELDR); 56 (2nd part); 31; 60 by RCV (Verts/ALE)

Amendments rejected: 11 (2nd part) by EV (301 for, 214 against, 7 abstentions); 13 by EV (275 for, 225 against, 23 abstentions); 25; 30; 37 by RCV (Verts/ALE); 42 by RCV (Verts/ALE); 44 by RCV (Verts/ALE); 49 by RCV (Verts/ALE); 56 (1st part) by RCV (Verts/ALE); 58 (1st part); 59

Amendment fallen: 58 (2nd part)

Amendment not put to the vote (Rule 140(1)(d)): 2

The following spoke during the vote:
— The rapporteur pointed out that point (c) of amendment 26 should in reality be an indent of point (b).

Request for separate vote: amendments 13 (PSE); 14, 25, 30 and 51 (PPE-DE)

Split votes:

Amendment 11 (PSE, Verts/ALE):
1st part: up to 'networking'
2nd part: remainder

Amendment 26 (Verts/ALE):
1st part: text without the words ‘notably by introducing vaccination and immunisation programmes’ (point b, second indent), nor the words ‘caused by unforeseen … terrorist acts’ (point(c)), nor the words ‘such as vaccination campaigns’ (point d, first indent)
2nd part: the words ‘notably by introducing vaccination and immunisation programmes’ (point b, second indent)
3rd part: the words ‘caused by unforeseen … terrorist acts’ (point(c))
4th part: the words ‘such as vaccination campaigns’ (point d, first indent)

Amendment 39 (Verts/ALE):
1st part: the words ‘the World Trade Organisation’
2nd part: the words ‘and the United Nations Food and Agriculture Organisation’

Amendment 47 (Verts/ALE):
1st part: text without the words ‘a vaccination and immunisation strategy’
2nd part: these words

Amendment 48 (Verts/ALE):
1st part: up to ‘biological sources’
2nd part: remainder

Amendment 56 (PPE-DE):
1st part: first paragraph
2nd part: second paragraph
Amendment 58 (ELDR):
1st part: text without the words ‘care interventions’
2nd part: these words

The President declared the common position approved as amended (Item 13 of 'Texts Adopted').

18. Undesirable substances in animal feed ***II (vote)

Recommendation for 2nd reading: Paulsen – A5-0408/2001 (Qualified majority)


Amendments adopted: 2 and 3 collectively; 4
Amendment rejected: 1
Amendments withdrawn: 5, 6

The President declared the common position approved as amended (Item 14 of 'Texts Adopted').

19. Emissions from two and three-wheel motor vehicles ***II (vote)

Recommendation for 2nd reading: Lange – A5-0406/2001 (Qualified majority)


Amendments adopted: 1 to 26 collectively; 27

The President declared the common position approved as amended (Item 15 of 'Texts Adopted').

20. Determination of Member States’ payments to VAT-based own resource ***II (vote)

Recommendation for 2nd reading: Haug – A5-0431/2001 (Qualified majority)


The President declared the common position approved (Item 16 of 'Texts Adopted').


Report: Turchi – A5-0439/2001 (Simple majority)

MOTION FOR A RESOLUTION:

Amendments rejected: 1 by RCV (Dover and others); 2

Requests for separate vote: recital G, paragraph 11 (Verts/ALE) (adopted)

Parliament adopted the resolution (Item 17 of 'Texts Adopted').
22. Security measures for European Council meetings and other similar events (vote)

(Simple majority)

MOTION FOR A RESOLUTION:

Amendments adopted: 10 by RCV (PPE-DE); 4 by RCV (PPE-DE)

Amendments rejected: 1; 6; 7; 5 and 8 (identical); 9; 24; 25 by RCV (PPE-DE); 11; 12; 23; 26; 13; 27; 14; 2; 15; 16; 28 by RCV (PPE-DE); 17; 18; 29 by RCV (PPE-DE); 19 by RCV (PPE-DE); 3; 20; 21; 30; 22 by RCV (PPE-DE)

The following spoke during the vote:

Mr Santini pointed out a translation mistake in amendment 30 which should read ‘Member States should avoid the use of’ instead of ‘Member States should forbid the use of’.

RCVs: paragraph 5, Item 5 (PPE-DE) (adopted)

Request for separate votes: recital B (PPE-DE) (adopted) by EV (288 for, 223 against, 6 abstentions); paragraph 1 and paragraph 5, Item 1 (PPE-DE) (adopted)

Parliament adopted the resolution by RCV (PPE-DE) (Item 18 of 'Texts Adopted').

23. Justice and home affairs (external relations) (vote)

(Simple majority)

MOTION FOR A RESOLUTION:

Request for separate vote: paragraph 10, indent 3 (PPE-DE); paragraph 10, indent 4; paragraph 10, indent 7 and paragraph 17 (GUE/NGL) (adopted)

Parliament adopted the resolution (Item 19 of 'Texts Adopted').

* * *

Oral explanations of vote:


Written explanations of vote:

Explanations of vote submitted in writing under Rule 137(3) appear in the verbatim report of proceedings for this sitting.
Corrections to votes:
- Recommendation for 2nd reading Paasilinna — A5-0435/2001
  amendment 38
  against: de Veyrac, Radwan
- Recommendation for 2nd reading Harbour — A5-0438/2001
  amendment 26
  for: Berger
- Recommendation for 2nd reading Trakatellis — A5-0420/2001
  amendment 52
  against: Cederschiöld
  amendment 10
  for: Staes, Thomas-Mauro, Turmes
  amendment 25
  for: Turmes
  against: Garaud
  amendment 28
  against: Garaud
  amendment 29
  for: Echerer
  against: Garaud
  amendment 4
  against: Corbett, Marinho
- final vote
  for: Echerer

Members present but not voting:
Mr Turchi and Mr Cashman announced that they had been present but that, since they had a financial interest, they had not taken part in the vote on the recommendations for 2nd reading: Paasilinna — (A5-0435/2001), Harbour (A5-0438/2001), Brunetta (A5-0434/2001), Niebler (A5-0433/2001) and Niebler (A5-0432/2001).

(Mr Rovsing and Mrs Flesch had made similar declarations of financial interest at the time of the vote on the Paasilinna recommendation).

Mr Imbeni, who had chaired the sitting during voting time, did not take part in any roll-call votes.

Mr Andersson did not take part in the roll-call vote on amendment 39 to the Paasilinna recommendation (A5-0435/2001)

END OF VOTING TIME
(The sitting was suspended at 13.50 and resumed at 15.00.)

IN THE CHAIR: Mrs LALUMIÈRE
Vice-President

24. Situation in the Middle East — Crisis in the Middle East and the role of the European Union (statements followed by debate)

The next item was the joint debate on two statements and a recommendation.

Mrs Neyts-Uyttebroeck, President-in-Office of the Council, and Mr Patten, Member of the Commission, made statements on the situation in the Middle East.
Mr Brok introduced his proposal for a recommendation, drawn up on behalf of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, on the crisis in the Middle East and the role of the European Union in the region (B5-0747/2001).

The following spoke: Galeote Quecedo, on behalf of the PPE-DE Group, Menéndez del Valle, on behalf of the PSE Group, Esteve, on behalf of the ELDR Group, Lagendijk, on behalf of the Verts/ALE Group, Wurtz, on behalf of the GUE/NGL Group, Belder, on behalf of the EDD Group, Pannella, Non-attached Member, Morillon, Poos, Ries, Morgantini, and Van der Laan.

IN THE CHAIR: Mr FRIEDRICH  
Vice-President

The following spoke: Neyts-Uyttebroeck and Patten.

The President closed the debate.


25. Access to documents as implemented by Council and Commission (statements followed by debate)

Mrs Neyts-Uyttebroeck, President-in-Office of the Council, and Mr Barnier, Member of the Commission, made statements on the implementation by the Council and the Commission of the regulation on access to documents.

The following spoke: Maij-Weggen, on behalf of the PPE-DE Group, Cashman, on behalf of the PSE Group, Hautala, on behalf of the Verts/ALE Group, Bonde, on behalf of the EDD Group, Perry, Van den Berg, Marinos, Neyts-Uyttebroeck, and Barnier.

The following spoke on the quality of the Council's replies: Thors, Bonde, Watson and Cashman.

Mr Barnier provided the additional information requested by Members.

The President closed the debate.

IN THE CHAIR: Mr PUERTA  
Vice-President

26. Question Time (questions to the Council)

Parliament considered a number of questions to the Council (B5-0536/2001).

Question 1 by Mr Staes: Informal European Council meeting in Ghent on the Laeken declaration
Question 2 by Mrs Maes: Regions' powers in a globalised world
Question 3 by Mr Nogueira Román: Informal European Council meeting in Ghent on the Laeken declaration
Question 4 by Mr Mayol i Raynal: Informal European Council meeting in Ghent on the Laeken declaration

Mrs Neyts-Uyttebroeck, President-in-Office of the Council, answered the questions and supplementaries by Staes, Maes, Ortuondo Larrea, deputising for the author of question 3, Mayol i Raynal and MacCormick.

The following spoke: Mayol i Raynal on a technical matter, and Ortuondo Larrea, on a point of procedure.

Mrs Neyts-Uyttebroeck answered a further supplementary by Eurig Wyn.

Question 5 by Mr Alavanos: Demand for drugs to fight anthrax

Mrs Neyts-Uyttebroeck answered the question and a supplementary by Alavanos.
**Question 6** by Mr Carnero González: Attention paid by the Council to the resolutions adopted by the European Parliament concerning the conflict in Western Sahara and assessment of the visit by the King of Morocco to that territory

Mrs Neyts-Uyttebroeck answered the question and supplementaries by Carnero González, Sánchez García and Scheele.

**Question 7** by Mr Posselt: Minorities in the Republika Srpska

Mrs Neyts-Uyttebroeck answered the question and a supplementary by Mr Posselt.

**Question 8** by Mr Andrews: EU and international measures providing for the return of illegally transferred assets

Mrs Neyts-Uyttebroeck answered the question and supplementaries by Andrews and Rubig.

**Question 9** by Mr Moraes: The case of Tracey Housel, a British national on death row in Georgia, USA

Mrs Neyts-Uyttebroeck answered the question and a supplementary by Moraes.

Mr Zacharakis complained that only nine questions had been dealt with.

The President thanked Mrs Neyts-Uyttebroeck for her cooperative attitude during the Belgian presidency; he then announced that the questions which had not been answered due to lack of time would receive written answers.

The President closed Question Time to the Council.

**IN THE CHAIR: Mr COLOM I NAVAL**

*Vice-President*

**27. Conflict prevention** (debate)


The following spoke: Oostlander, on behalf of the PPE-DE Group, Wiersma, on behalf of the PSE Group, Van den Bos, on behalf of the ELDR Group, Elisabeth Schroedter, on behalf of theVerts/ALE Group, Marset Campos, on behalf of the GUE/NGL Group, Belder, on behalf of the EDD Group, Ferrer, Fava, Maes, Sacrédeus, Carrilho, Frahm, Korakas and Patten, Member of the Commission.

The President closed the debate.


**28. EU relations with the Islamic Republic of Iran** (debate)


The following spoke: Patten, Member of the Commission, Oostlander, on behalf of the PPE-DE Group, Fava, on behalf of the PSE Group, Gahrton, on behalf of the Verts/ALE Group, Souladakis, on behalf of the GUE/NGL Group, and Belder, on behalf of the EDD Group.
The President thanked Mr Soulakakis for having given up part of his speaking time. The President closed the debate:


(The sitting was suspended at 19.25 and resumed at 21.00.)

IN THE CHAIR: Mr ONESTA
Vice-President

29. Request for urgent procedure

The President announced that the Council had asked for urgent procedure pursuant to Rule 112 in respect of the proposal for a Council Framework Decision on the European arrest warrant and surrender procedures between Member States (14867/1/2001 — C5-0675/2001 — 2001/0215(CNS)).

Reason for request: this matter had taken on greater urgency following the events of 11 September 2001 and the conclusions of the extraordinary European Council of 21 September 2001.

Parliament would be consulted on the request for urgent procedure at the beginning of the following day's sitting, Thursday 13 December.

30. Pollution prevention and shipboard living and working conditions (port state control) ***III — Rules and standards for ship inspection and survey organisations and maritime administrations ***III — Hulls of oil tankers ***II (debate)

The next item was a joint debate on two reports and one recommendation.

Mr Watts introduced the report of Parliament's Delegation to the Conciliation Committee on a joint text approved by the Conciliation Committee for a European Parliament and Council directive amending Council Directive 95/21/EC concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port state control) (PE-CONS 3657/2001 — C5-0523/2001 — 2000/0065(COD)) (A5-0440/2001);


Mr Hatzidakis introduced his recommendation for second reading, drawn up on behalf of the Committee on Regional Policy, Transport and Tourism, on a common position adopted by the Council with a view to the adoption of a European Parliament and Council regulation on the accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers and repealing Council Regulation (EC) No 2978/94 (10221/1/2001 — C5-0389/2001 — 2000/0067(COD)) (A5-0344/2001).

The following spoke: Jarzembowski, on behalf of the PPE-DE Group, Piecyk, on behalf of the PSE Group, Pohjamo, on behalf of the ELDR Group, Bouwman, on behalf of the Verts/ALE Group, Souchet, Non-attached Member, Langenhanen, Mastorakis, Piétrassanta, Ripoll y Martínez de Bedoya, Savary, Stenmarck, Thors and de Palacio, Vice-President of the Commission.

The President closed the debate.

31. Cross-border provision of occupational pensions (debate)


The following spoke: Pronk, draftsman of the opinion of the EMPL Committee, Kauppi, on behalf of the PPE-DE Group, Thors, on behalf of the ELDR Group, and Blokland, on behalf of the EDD Group.

IN THE CHAIR: Mr PUERTA

Vice-President

The following spoke: Karas and Bolkestein, Member of the Commission.

The President closed the debate.


32. Financial collateral arrangements (debate)


The following spoke: Lehne, draftsman of the opinion of the JURI Committee, Karas, on behalf of the PPE-DE Group, and Bolkestein, Member of the Commission.

The President closed the debate.


33. Agenda for next sitting

The President referred Members to the document ‘Agenda’ (PE 312.111/OJE).

34. Closure of sitting

The sitting closed at 22.55.

Julian Priestley
Secretary-General

Nicole Fontaine
President
ATTENDANCE REGISTER

The following signed:

RESULT OF ROLL-CALL VOTES

Paasilinna recommendation A5-0435/2001

Amendment 38

For: 139

EDD: Belder, Blokland, van Dam

NI: Bonino, Cappato, Dell’Alba, Della Vedova, Martelli, Pannella


PSE: Dehousse

UEN: Andrews, Angelilli, Berlato, Bigliardi, Gallagher, Hyland, Muscardini, Mussa, Musumeci, Nobilia, Poli Bortone, Segni

Against: 365

EDD: Bonde, Krarup, Okking, Sandbæk


NI: Berthu, Garaud, de Gaulle, Gollnisch, Gorostiaga Atxalandabaso, Hager, Ilgenfritz, Kronberger, Lang, de La Perriere, Le Pen, Montfort, Souchet, Thomas-Mauro, Varaut


Abstention: 27

EDD: Bernié, Butel, Esclopé, Farage, Kuntz, Mathieu, Raymond, Saint-Josse, Tiftord

NI: Borghiezzo

PPE-DE: Atkins, Bastos, Bethell, Chichester, Cunha, Daul, De Sarnez, Glase, Goepel, Grönfeldt Bergman, Hannan, Langenhagen, Parish, Perry, Pirker, Poettering, Schiederhuber

Paasilinna recommendation A5-0435/2001
Amendment 39

For: 505

EDD: Belder, Blokland, Bonde, van Dam, Krarup, Okking, Sandbak


NI: Bonino, Cappato, Dell’Alba, Della Vedova, Hager, Ilgenfritz, Kronberger, Martelli, Pannella

Against: 16

NI: Berthu, de Gaulle, Gollnisch, Lang, de La Perriere, Le Pen, Montfort, Souchet, Thomas-Mauro, Varaut

PPE-DE: Gutiérrez-Cortines, Marqués

UEN: Gallagher, Marchiani, Poli Bortone

Abstention: 17

EDD: Bernić, Butel, Esclopé, Farage, Kuntz, Mathieu, Raymond, Saint-Josse, Titford

GUE/NGL: Krivine

NI: Borghezio, Garaud, Gorostiaga Axtaxlandabaso

PPE-DE: Atkins

Paasilinna recommendation A5-0435/2001

Amendment 40

For: 502

EDD: Belder, Blokland, Bonde, van Dam, Krarup, Okking, Sandbæk

GUE/NGL: Ainardi, Alavanos, Bakopoulos, Bertinotti, Boudjenah, Brie, Di Lello Finuoli, Eriksson, Fiebiger, Frahm, Fraissé, González Álvarez, Herzog, Jové Peres, Kaufmann, Kourouniotes, Markov, Marset Campos, Morgantini, Papayannakis, Puerta, Schmid Herman, Seppänänen, Sjöstedt, Sylla, Uca, Vinci, Wurtz

NI: Bonino, Cappato, Dell’Alba, Della Vedova, Hager, Ilgenfritz, Kronberger, Martelli, Pannella


PSE: Aparicio Sánchez, Balfe, Balsu, Barón Crespo, Berenguer Fuster, Berès, van den Berg, Berger, Blak, Bosch, Bowe, Burnell, van den Burg, Campos, Carlotti, Carrero González, Carrillo, Casaca, Cashman, Caudron, Cerasa, Cerdeira Morterero, Ceyhun, Colon, de i, Colom, Corbé, Corbey, Damián, Darras, Dávila, de Huesse, de Keyser, De Rossa, Desiré, Diez González, Dührkop, Duhrkop, Duhamel, Duin, Ett, Evans Robert J.E., Färni, Fava, Ferreira, Ford, Fruteau, Gabot, Gehr, Ghilardotti, Gill, Glante, Goebls, Görlach, Gröner, Guy-Quint, Häng, Hazan, Hedkvist Petersen, Honeybally, Howitt, Hughes, van Hulten, Hultén, Humle, Húme, Ivani, Izquierdo Collado, Izquierdo Rojo, Jöns, Junker, Karamanou, Karolssen, Katarina, Kindermann, Kinnmok, Koulakis, Krehl, Kreyss-Döfler, Kuhne, Lage, Lainé, Lange, Larvá, Leinen, Linkohr, Lund, McAvan, McCarthy, McNally, Mallor, Mann Erika, Marinho, Martin David W., Martin Hans-Peter, Martínez Martínez, Mastorakis, Medina Ortega, Mendiluce Pereiro, Menéndez del Valle, Miguel de Los Santos, Morillo, Møller, Morgan, Morgan, Muller, Muscardini, Mussa, Musumeci, Nobilia, Segni


Against: 6

NI: de Gaulle, Gollnisch, Lang, de La Perriere, Le Pen, Varaut

Abstention: 26

EDD: Bernt, Butel, Esclopé, Farage, Kuntz, Mathieu, Raymond, Saint-Josse, Titford

GUE/NGL: Alyssandrakis, Figueiredo, Korakas, Krivine
NI: Berthu, Borghezio, Garaud, Gorostiaga Atxalandabaso, Montfort, Souchet, Thomas-Mauro

PPE-DE: Atkins, Gutiérrez-Cortines

UEN: Camre, Caullery, Poli Bortone, Ribeiro e Castro

Harbour recommendation A5-0438/2001
Amendment 26

For: 209

EDD: Belder, Bernié, Blokland, Bonde, Butel, van Dam, Esclópé, Krarup, Kuntz, Mathieu, Okking, Raymond, Saint-Josse, Sandbak

ELDR: Lynne


NI: Berthu, Borghezio, Garaud, de Gaulle, Gollnisch, Lang, de La Perriere, Le Pen, Montfort, Souchet, Thomas-Mauro, Varaut


Against: 230


UEN: Andrews, Angelilli, Berlato, Bigiardo, Caullery, Crowley, Fitzsimons, Gallagher, Hyland, Marchiani, Muscardini, Masso, Musumeci, Nobilia, Pasqua, Poli Bortone, Ribeiro e Castro, Segni


NI: Hager, Igenfritz, Kronberger

Wednesday 12 December 2001


PSE: Goebbels, Görlich, Lage

**Abstention:** 91

EDD: Farage, Titford

GUE/NGL: Kaufmann

NI: Bonino, Cappato, Dell’Alba, Gorostiaga Atxalandabaso, Pannella

PPE-DE: Atkins, Laschet


Trakatellis recommendation A5-0420/2001

Amendment 37

*For:* 282

EDD: Bonde, Krarup, Okking, Sandbæk


NI: Borghezio, Gorostiaga Atxalandabaso, Hager, Ilgenfritz, Kronberger

PPE-DE: von Boetticher, Maji-Weggen, Schleicher, Schwager, Smet


Against: 247

EDD: Belder, Bernié, Blokland, Butel, van Dam, Esclópe, Kuntz, Mathieu, Raymond, Saint-Josse

ELDR: Malmström, Paulsen, Schmidt

NI: Berthu, Garaud, de Gaulle, Gollnisch, Lang, de la Perrière, Le Pen, Montfort, Souchet, Thomas-Mauro, Varaut


UEN: Angelilli, Berlato, Biglardi, Camre, Caullery, Crowley, Fitzsimons, Gallagher, Marchiani, Muscardini, Mussa, Musumeci, Nobilia, Pasqua, Poli Bortone, Ribeiro e Castro, Segni, Turchi

Absention: 8

EDD: Farage, Tiford

NI: Bonino, Cappato, Dell’Alba, Dupuis, Pannella, Turco

Trakatellis recommendation A5-0420/2001

Amendment 42

For: 288

EDD: Bernié, Bonde, Butel, Esclópe, Krarup, Kuntz, Mathieu, Okking, Raymond, Saint-Josse, Sandbaek

Wednesday 12 December 2001

**GUE/NGL:** Ainardi, Alavanos, Alyssandrakis, Bakopoulos, Boudjenah, Brie, Di Lello Finuoli, Fiebiger, Figueiredo, Fraisse, González Álvarez, Herzog, Jové Peres, Kaufmann, Korakas, Koulourianos, Krivine, Markov, Marset Campos, Morgantini, Papayannakis, Puerta, Sylla, Uca, Vinci, Wurtz

**NI:** Berthu, Borghelio, de Gaulle, Gollnisch, Gorostiaga Axtalandabaso, Hager, Ilgenfritz, Kronberger, Lang, de la Perriere, Le Pen, Montfort, Souchet, Thomas-Mauro

**PPE-DE:** Nisticò, Schwaiger


**Verts/ALE:** Ahern, Auroi, Bautista Ojeda, Boumediene-Thiery, Bouwman, Breyer, Buitenweg, Evans Jillian, Garthor, Gautala, Hudghton, Isler Béguin, Jonckheer, Lagendijk, Lambert, Lannoye, Lipietz, Lucas, MacCormick, McKenna, Maes, Mayol i Raynal, Messner, Onesta, Ortuedoa Larrea, Piétrasanta, Rod, de Roo, Rühle, Schröder, Schröder, Sörensen, Staes, Turnes, Vogenhuber, Wuori, Wyn

**Against:** 231

**EDD:** Belder, Blokland, van Dam

**ELDR:** Malmström, Paulsen, Schmidt

**NI:** Garaud, Varaut


**UEN:** Andrews, Angelilli, Berlato, Bigliardio, Caullery, Crowley, Gallagher, Hyland, Marchiani, Mucardini, Musa, Musumeci, Nobilia, Pasqua, Poli Bortone, Ribeiro e Castro, Segni, Turchi
**Abstention:** 13

**EDD:** Farage, Titford

**GUE/NGL:** Eriksson, Frahm, Schmid Herman, Schröder Ilka, Seppänen, Sjöstedt

**NI:** Dell’Alba, Dupuis, Pannella

**UEN:** Camre, Fitzsimons

**Trakatellis recommendation A5-0420/2001**

**Amendment 44**

**For:** 304

**EDD:** Bonde, Krarup, Okking, Sandbæk


**GUE/NGL:** Ainardi, Alavanos, Alyssandrakis, Bakopoulou, Boudjenah, Brie, Di Lello Finuoli, Eriksson, Fiebig, Figueiredo, Frahm, Fraisse, González Álvarez, Herzog, Jové Peres, Kaufmann, Korakas, Koulourianos, Krivine, Markov, Marsel Campos, Marganiti, Papayannakis, Puerta, Schmid Herman, Schröder Ilka, Seppänen, Sjöstedt, Sylla, Uca, Vinci, Wurtz

**NI:** Borghezio, Gorostiaga Axtsandabaso, Hager, Ilgenfritz, Kronberger

**PPE-DE:** Atkins, Bowis, Bradbourn, Brienza, Bushill-Matthews, Callanan, Chichester, Corrie, Deva, Doyle, Ells, Evans Jonathan, Goodwill, Hannan, Harbour, Heathon-Harris, Helmer, Jackson, Khanbhai, Kirkhope, Parish, Perry, Provan, Purvis, Scallon, Stevenson, Stockton, Sturdy, Tannock, Van Orden, Villiers


**UEN:** Camre

**Verts/ALE:** Ahern, Auroi, Bautista Ojeda, Boumediene-Thiery, Bouwman, Breyer, Buitenweg, Cohn-Bendit, Echerer, Evans Jillian, Gahrton, Hudghton, Isler Béguin, Jonckheer, Lagendijk, Lambert, Lannoye, Lipietz, Lucas, McKenna, Maes, Mayol i Raynal, Messner, Onesta, Ortuondo Larrea, Piétrusanta, Rod, de Roo, Ruhle, Schorling, Schroedter, Sörensen, Staes, Turmes, Voggenhuber, Wuori, Wyn

**Against:** 208

**EDD:** Belder, Bernié, Blokland, Butel, van Dam, Esclopé, Kuntz, Mathieu, Raymond, Saint-Josse

**ELDR:** Malmström, Paulsen, Schmidt

**NI:** Berthu, de La Perriere, Montfort, Souchet, Thomas-Mauro, Varaut

**25.7.2002**

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**Wednesday 12 December 2001**
PPE-DE:

UEN: Andrews, Angelilli, Berlato, Bigliard, Caullery, Crowely, Gallagher, Marchiani, Muscardini, Mussa, Musumeci, Nobilia, Pasqua, Poli Bortone, Ribeiro e Castro, Segni, Turchi

Abstention: 13

EDD: Farage, Titford

NI: Bonino, Cappato, Dell’Alba, Dupuis, Garaud, de Gaulle, Gollnisch, Lang, Le Pen, Pannella, Turco

Trakatellis recommendation A5-0420/2001 Amendment 49

For: 286

EDD: Belder, Blokland, Bonde, van Dam, Krarup, Okking, Sandbak


NI: Berthu, Gorostiaga Azlandabaso, Hager, Ilgenfritz, Kronberger, de La Perriere, Souchet, Varaut

PSE: Andersson, Aparicio Atxañadabaso, Balse, Baltas, Barón Crespo, Berenguer Fuster, Berès, van den Berg, Berger, Blak, Bösch, Bowe, Bullmann, Campos, Carlotti, Carnero González, Carraro, Carrilho, Casaca, Cashman, Caudron, Cercas, Cerdeira Morterero, Ceyhun, Colom i Naval, Corbett, Corbey, Damiaø, Darras, Dary, Dehouesse, De Keyser, De Rossa, Désir, Díez González, Dührkop Dührkop, Duhamel, Duin, Ettl, Evans Robert J.E., Fárm, Fava, Ferreira, Ford, Frateau, Garot, Gebhardt, Ghilardotti, Gill, Gillig, Glante, Görlich, Grüner, Guy-Quint, Hänsch, Haug, Hazan, Hedkvist Petersen, Honeyball, Hughes, van Hulten, Hultén, Hume, Hume, Ivkiznik, Ivanhoe, Jeuffroy, Jong, Juncker, Karamanou, Karlsson, Katalin, Kinnemann, Kinnock, Kouiadis, Kreil, Kreissl-Dörfler, Kuhnle, Lake, Lalumière, Lange, Larjavaara, Leinen, Linkohr, Lund, McAvan, McCarthy, McNally, Malliori, Mann Erika, Marinho, Martin David W., Martin Hans-Peter, Martínez Martinez, Medina Ortega, Mendiluce Pereiro, Menéndez del Valle, Miguel Ramos, Miller, Moraes, Morgan, Müller Rosemarie, Murphy, Müller, Napoletano, Napolitano, Obiols i Germà, O’Toole, Paasikuk, Paciotti, Pérez Royo, Piecyk, Pittella, Poignant, Poos, Prets, Rapkay, Read, Rocard, Rodríguez Ramos, Roth-Behrendt, Roth, Roure, Sacconi, Sakkari, dos Santos, Savary, Scabornchi, Schelle, Schmid Gerhard, Schulz, Simpson, Skinner, Sornosa Martínez, Souladakis, Sousa Pinto, Stihler, Stockmann, Swiebel,

UEN: Camre


Against: 238

EDD: Bernič, Butel, Esclópet, Kuntz, Mathieu, Raymond, Saint-Josse

NI: Garaud, Montfort, Thomas-Mauro


UEN: Andrews, Angellili, Biglardo, Caullery, Crowley, Fitzsimons, Gallagher, Hyland, Marchiani, Muscardini, Mussa, Musumeci, Nobilia, Pasqua, Poli Bortone, Ribeiro e Castro, Segni, Turchi

Abstention: 14

EDD: Farage, Titford

NI: Borghesezio, Cappato, Dell’Alba, Dupuis, de Gaulle, Gollnisch, Lang, Le Pen, Pannella, Turco

UEN: Berlato

Trakatellis recommendation A5-0420/2001

Amendment 52

For: 440

EDD: Bonde, Krarup, Sandbæk

ELDR: van den Bos, Riis-Jorgensen

GUE/NGL: Ainardi, Alavanos, Alyssandrakis, Bakopoulos, Boudjnah, Brie, Fiebig, Figueiredo, Fraisse, González Álvarez, Herzog, Jové Peres, Kaufmann, Korakas, Koulourianos, Krivine, Markov, Marset Campos, Morgantini, Papayannakis, Puerta, Sylla, Uca, Vinci, Wurtz
NE: Gorostiaga Atxalandabaso, Hager, Ilgenfritz, Kronberger


UEN: Fitzsimons


Against: 73

EDD: Belder, Blokland, van Dam


GUE/NGL: Di Lello, Finuoli, Eriksson, Frahm, Schmid Herman, Sjöstedt

NI: Montfort, Thomas-Mauro

PPE-DE: Arvidsson, Carlsson, Grünfeldt Bergman, Grosch, Kläs, Schieder, Steenmark
Trakatellis recommendation A5-0420/2001
Amendment 56, 1st part

For: 286

Against: 243
Abstention: 9

For: 509


UEN: Andrews, Angelilli, Berlato, Biglardo, Camre, Caullery, Crowley, Fitzsimons, Gallagher, Hyland, Marchian, Muscardini, Musa, Musumeci, Nobilia, Poli Bortone, Ribeiro e Castro, Segni, Turchi


**Against:** 7

EDD: Belder, Blokland, van Dam

NI: Varaut

PPE-DE: Schleicher, Sommer

**Abstention:** 24

EDD: Berní, Butel, Esclopé, Farage, Kunz, Mathieu, Okking, Raymond, Saint-Josse, Titford

NI: Bonino, Borghiezo, Cappato, Dell’Alba, Dupuis, de Gaulle, Gollnisch, Lang, Le Pen, Pannella, Souchet, Thomas-Mauro, Turco

PSE: Westendorp y Cabeza
Turchi report A5-0439/2001
Amendment 1

For: 86

EDD: Belder, Blokland, van Dam
ELDR: Maaten, Manders, Mulder, Sanders-ten Holte
GUE/NGL: Schmid Herman, Seppänen
NI: Hager, Ilgenfritz, Kronberger

PSE: Görlach


Against: 419

EDD: Bernié, Butel, Escopé, Farage, Kunzt, Mathieu, Raymond, Saint-Josse, Titford
NI: Garaud, Gorostiaga Atxalandabaso, de la Perriere, Montfort, Pannella, Thomas-Mauro, Turco, Varaut
NI: Garaud, Gorostiaga Atxalandabaso, de la Perriere, Montfort, Pannella, Thomas-Mauro, Turco, Varaut
NI: Garaud, Gorostiaga Atxalandabaso, de la Perriere, Montfort, Pannella, Thomas-Mauro, Turco, Varaut
Abstention: 12

For: 273
**Against:** 240

**EDD:** Belder, Blokland, Bonde, van Dam, Krarup, Okking, Sandbæk


**GUE/NGL:** Ainardi, Alavanos, Alyssandrakis, Bakopoulos, Boudjenah, Brie, Di Lello Finuoli, Eriksson, Fiebig, Figueiredo, Frahm, Fraisse, González Álvarez, Herzog, Jové Peres, Kaufmann, Korakas, Koulourianos, Krivine, Markov, Marset Campos, Papayannakis, Puerta, Schmid Herman, Schröder Ilka, Seppänen, Sylla, Vinci, Wurtz

**NI:** Thomas-Mauro, Varaut

**PPE-DE:** Cornillet, Ferrer, Gutiérrez-Cortines


**Verts/ALE:** Ahern, Bautista Ojeda, Jonckheer, Lannoye, Staes, Turmes

**Abstention:** 6

**EDD:** Farage, Titford

**NI:** Gorostiaga Atxalandabaso

**PSE:** Hulthén, Izquierdo Collado

**Verts/ALE:** Rühle

**Watson report A5-0396/2001**

**Amendment 25**

**For:** 72

**EDD:** Bonde, Krarup, Okking, Sandbæk

**GUE/NGL:** Ainardi, Alavanos, Alyssandrakis, Bakopoulos, Boudjenah, Brie, Di Lello Finuoli, Eriksson, Fiebig, Figueiredo, Frahm, Fraisse, González Álvarez, Herzog, Jové Peres, Kaufmann, Korakas, Koulourianos, Krivine, Markov, Marset Campos, Papayannakis, Puerta, Schmid Herman, Schröder Ilka, Seppänen, Sylla, Vinci, Wurtz

**PPE-DE:** Saiñi

**PSE:** Görlach, Mann Erika, Pérez Royo, Rapkay
**Verts/ALE:** Ahern, Auroi, Boumediene-Thiery, Bouwman, Breyer, Buitenweg, Echerer, Evans Jillian, Frassoni, Gahorton, Hautala, Hudghton, Lagendijk, Lambert, Lannoye, Lipietz, Lucas, MacCormick, McKenna, Maes, Mayol i Raynal, Messner, Onesta, Ortuondo Larrea, Piétrasanta, Rod, de Roo, Schörling, Schroedter, Sörensen, Staes, Voggenhuber, Wuori, Wyn

**Against:** 293

**EDD:** Belder, Bernié, Blokland, Butel, van Dam, Esclopé, Kuntz, Mathieu, Raymond, Saint-Josse


**NI:** Berthu, Bonino, Borghèzio, Cappato, de Gaulle, Gollnisch, Hager, Ilgenfritz, Lang, de La Perriere, Le Pen, Montfort, Pannella, Souchet, Thomas-Mauro, Turco, Varaut


**PSE:** Blak, Ceyhun, Dehousse, Geerbels, Lage, Lund, Thornming-Schmidt

**UEN:** Andrews, Angelilli, Berlato, Bigliardo, Camre, Caullery, Crowley, Fitzsimons, Gallagher, Hyland, Marchiani, Muscardini, Muss, Musumeci, Nobilia, Pasqua, Poli Bortone, Ribeiro e Castro, Segni, Turchi

**Verts/ALE:** Jonckheer

**Absention:** 152

**NI:** Garaud, Gorostiaga Atxaladabaso

**PPE-DE:** Bodrato

**PSE:** Andersson, Aparicio Sánchez, Bälke, Baltas, Barón Crespo, Berenger Fuster, Berès, van den Berg, Berger, Bösch, Bowe, Bullmann, van den Burg, Campos, Carlotti, Carnone González, Carraro, Carrilho, Casaca, Cashman, Caudron, Cercas, Cerdeira Morterero, Colom i Naval, Corbett, Corey, Damiá, Dary, De Keyser, De Rossa, Désir, Diez González, Dührkop Dührkop, Duhamel, Duff, Ett, Evans Robert J.E., Färn, Fava, Ferreira, Fruteau, Garot, Gebhard, Ghilardotti, Gill, Gills, Gröner, Guy-Quint, Hänsch, Haug, Hazan, Hedkvist Petersen, Honeyball, Hughes, van Hulten, Hultén, Hume, livai, Izquierdo Collado, Izquierdo Rojo, Junier, Karaman, Karlsson, Katiorski, Kiermann, Kinnock, Koukias, Kreil, Kreissl-Dörfler, Kuhne, Lalumière, Lange, Lavarra, Leinen, Linkohr, McAvan, McCarthy, McNally, Mallorri, Marinho, Martin David W., Martin Hans-Peter, Martínez Martínez, Mastorakis, Medina Ortega, Mendiluce Pereiro, Michele de Ferrer, Miguel Ángel, Miller, Moraes, Morgan, Muller Rosemarie, Murphy, Myller, Napoletono, Napoli, Oiobi i Germà, O'Toole, Pasilimina, Paciotti, Patrix, Piecyk, Pittella, Poignant, Poos, Prets, Read, Rockard, Rodríguez Ramos, Rohr-Behrendt, Rothe, Roure, Sacconi, Sakelariou, dos Santos, Savary,

**Verts/ALE:** Bautista Ojeda, Rühle

**Watson report A5-0396/2001**

**Amendment 28**

**For:** 74

**GUE/NGL:** Ainardi, Alavanos, Bakopoulou, Boudjenah, Brie, Di Lello Finuoli, Eriksson, Fiebiger, Frahm, Fraisse, González Álvarez, Herzog, Jové Peres, Kaufmann, Koulourianos, Krivine, Markov, Marset Campos, Papayannakis, Puerta, Schmid Herman, Schröder Ilka, Seppänen, Sylla, Vinci, Wurtz

**PPE-DE:** Agag Longo

**PSE:** Berès, Désir, Ferreira, Görlach, Mendiluce Pereiro, Paasilinna, Paciotti, Sorrosa Martínez, Sousa Pinto

**Verts/ALE:** Aherm, Auroi, Boumediene-Thiery, Bouwman, Breyer, Buitenweg, Evans Jillian, Frassoni, Gahrton, Hautala, Hudghton, Isler Béguin, Jonckheer, Lagendijk, Lambert, Lannoye, Lipietz, Lucas, MacCormick, McKenna, Maaes, Mayol i Raynal, Messner, Onesta, Ortuondo Larrea, Piétrarsanta, Rod, de Roo, Rühle, Schörling, Schroeder, Sörensen, Staes, Turmes, Voggenhuber, Wuori, Wyn

**Against:** 296

**EDD:** Belder, Bernié, Blokland, Bonde, Butel, van Dáni, Esclóp, Krapup, Kuntz Mathieu, Okking, Raymond, Saint-Josse, Sandbæk


**NI:** Berthu, Bonino, Borghiezo, Cappato, de Gaulle, Gollnisch, Hager, Ilgenfritz, Kronberger, Lang, de La Perriere, Le Pen, Montfort, Pannella, Souchet, Thomas-Mauro, Turco, Varaut

**PSE:** Ceyhun, Lage, Obiols i Germà

**UEN:** Andrews, Angelilli, Berlato, Camre, Caulley, Crowley, Fitzsimons, Gallagher, Hyland, Marchiani, Muscardini, Mussa, Musumeci, Nobilia, Pasqua, Poli Bortone, Segni, Turchi

**Verts/ALE:** Bautista Ojeda

**Abstention:** 150

**EDD:** Farage, Titford

**GUE/NGL:** Alyssandrakis, Korakas

**NI:** Garaud, Gorostiaga Atxalandabaso


**Watson report A5-0396/2001
Amendment 29
For:** 78

**EDD:** Bonde, Krarup, Okking, Sandbæk

**GUE/NGL:** Ainardi, Alavanos, Alyssandrakis, Bakopoulou, Boudjenah, Brie, Di Lello Finuoli, Eriksson, Fiebig, Figueiredo, Frahm, Fraisse, González Álvarez, Herzog, Jové Peres, Kaufmann, Korakas, Koulourianos, Krivine, Markov, Masset Campos, Papayannakis, Puerta, Schmid Herman, Röder Ilka, Seppänen, Sylla, Vinci, Wurtz

**NI:** Bonino, Cappato, Pannella, Turco

**PPE-DE:** Maij-Weggen

**PSE:** Görlich, Marinho, Mendiluce Pereiro

**UEN:** Andrews, Berlato

**Verts/ALE:** Ahem, Auroi, Boumediene-Thiery, Bouwman, Breyer, Buitenweg, Evans Jillian, Frassoni, Gahrton, Hudghton, Isler Béguin, Lagendijk, Lambert, Lannoye, Lipietz, Lucas, MacCormick, McKenna, Maes, Mayor i Raynal, Messner, Onesta, Ortuondo Larrea, Piétrassanta, Rod, de Roe, Rühle, Schöring, Schroedter, Sörensen, Staes, Turmes, Voggenhuber, Wuori, Wyn

**Against:** 293

**EDD:** Belder, Bernié, Blokland, Butel, van Dam, Esclóp, Farage, Kuntz, Mathieu, Raymond, Saint-Josse, Tittford

Wednesday 12 December 2001

**NI**: Berthu, Borghezio, Garaud, de Gaulle, Gollnisch, Hager, Ilgenfritz, Kronberger, Lang, de La Perriere, Le Pen, Montfort, Souchet, Thomas-Mauro, Varaut


**PSE**: Ceyhun, Junker, Lange, Lund, Mann Erika, Poos, Sakellariou, Thornning-Schmidt

**UEN**: Angelilli, Camre, Caullery, Crowley, Fitzsimons, Gallagher, Marchiani, Muscardini, Musa, Musumeci, Nobilia, Pasqua, Poli Bortone, Segni, Turchi

**Verts/ALE**: Cohn-Bendit, Echerer, Jonckheer

*Abstention: 149*

**NI**: Gorostiaga Atxalndabaso

**PPE-DE**: Bodrato


**UEN**: Hyland

**Verts/ALE**: Bautista Ojeda
Watson report A5-0396/2001
Amendment 19

For: 234

EDD: Bernié, Butel, Esclóp, Kuntz, Mathieu, Raymond, Saint-Josse

NE: Bonino, Borghetto, Cappato, de Gaulle, Gollnisch, Hager, Ilgenfritz, Kronberger, Lang, Le Pen, Pannella, Turco


PSE: Marinho

UEN: Andrews, Angelilli, Berlato, Crowley, Gallagher, Marchiani, Muscardini, Mussa, Musumeci, Nobilia, Pasqua, Poli Bortone, Segni, Turchi

Against: 269

EDD: Belder, Blokland, Bonde, van Dam, Farage, Karaup, Okking, Sandbæk, Titford


PPE-DE: Bethell, Garriga Polledo, Menrad

PSE: Andersson, Aparicio Sánchez, Balle, Bartos, Barón Crespo, Berenguer Fuster, Berès, van den Berg, Berger, Bösch, Bowe, Bullmann, van den Burg, Campos, Carlotti, Carnero González, Carrilho, Casaca, Cashman, Caudron, Cercas, Cerdeira Morterero, Ceyhun, Colom i Naval, Corbett, Corby, Damiao, Daly, Dehousse, De Keyser, De Rossa, Désir, Diez González, Dührkop Dührkop, Duhamel, Duin, Ettl, Evans Robert J.E., Färm, Fava, Ferreira, Ford, Fruteau, Garot, Gebhardt, Glaidolotti, Gill, Gillig, Glante, Goebels, Görlach, Grüner, Guy-Quint, Hänsch, Haug, Hazan, Hedkvist Petersen, Honeyball, Hughes, van Hulten, Hultén, ivari, Izquierdo Rojo, Jons, Junker, Karamanou, Karlsson, Katiforis, Kindermann, Kinnock, Krehl, Kreiss-Dörfler, Kuhne, Lage, Lalumière, Lange, Larvarra, Leinen, Linkohr, Lund, McAvan, McCarthy, McLoughlin, Malliori, Mann Erika, Martin David W., Martin Hans-Peter, Martinez Martinez, Mastorakis, Medina Ortega, Mendiluce Pereiro, Menéndez del Valle, Méguénez Ramos, Miller, Moraes, Morgan, Müller Rosemarine, Murphy, Myller, Napoletano, Napolitano, Obiols i Germà, O’Toole, Paasilinna, Pacciotti, Patrie, Pérez Royo, Piecyk...


Abstention: 15

NI: Berthu, Garaud, Gorostiaga Atxalandabaso, de La Perriere, Montfort, Souchet, Thomas-Mauro

PSE: Carraro, Koukiadis, Rodríguez Ramos, Savary, Scarbonchi, Volcic

UEN: Camre, Caullery

Watson report A5-0396/2001
Amendment 4
For: 277

EDD: Belder, Bernié, Blokland, Bonde, Butel, van Dam, Esclopé, Kranup, Kuntz, Mathieu, Okking, Raymond, Saint-Josse, Sandbaek

NI: Bonino, Borghezio, Cappato, Garaud, Hager, Ilgenfritz, Kronberger, Pannella, Turco


PSE: Corbett, Darras, Marinho

UEN: Andrews, Angelilli, Berlato, Camre, Caullery, Crowley, Fitzsimons, Gallagher, Hyland, Marchiani, Muscardini, Massa, Musumeci, Nobilia, Pasqua, Poli Bortone, Segni, Turchi

Against: 201

EDD: Farage, Titford


GUE/NGL: Alyssandrakis, Korakas, Marset Campos, Vinci

NI: Berthu, de La Perriere, Montfort, Souchet, Thomas-Mauro, Varaut

PPE-DE: Cornillet, Helmer, Horteufex


Abstention: 34

GUE/NGL: Ainardi, Alavanos, Bakopoulos, Boudjenah, Brie, Di Lello Finuoli, Eriksson, Fiebiger, Figueiredo, Frahm, González Álvarez, Herzog, Jové Peres, Kaufmann, Koulourianos, Krivine, Markov, Papavassiliou, Puerta, Schmid Herman, Schröder Ilka, Seppänen, Sylla, Wurtz

NI: de Gaulle, Gollnisch, Gorostiaga Atxaladabaso, Lang, Le Pen

PSE: Berger, Mendiluce Pereiro, Piccyl, Poos, Rodríguez Ramos

Watson report A5-0396/2001

Amendment 22

For: 240

EDD: Belder, Bernié, Blokland, Butel, Esclropé, Kuntz, Mathieu, Raymond, Saint-Josse

NI: Berthu, Borghezio, Garaud, de Gaulle, Gollnisch, Hager, Ilgenfritz, Kronberger, Lang, de La Perriere, Le Pen, Montfort, Souchet, Thomas-Mauro, Varaut


UEN: Andrews, Angelilli, Berlato, Camre, Caullery, Crowley, Fitzsimons, Gallagher, Hyland, Marchiani, Muscardini, Mussa, Musumeci, Nobilia, Pasqua, Poli Bortone, Segni, Turchi

Against: 252

EDD: Bonde, Farage, Krarup, Okking, Sandbæk, Tifford


GUE/NGL: Alyssandrakis, Fraisse, Herzog, Korakas, Markov, Marset Campos, Sylla

NI: Bonino, Cappato, Pannella, Turco

PPE-DE: Cornillet, Mennti


Abstention: 25

GUE/NGL: Ainardi, Alavanos, Bakopoulos, Boujenah, Brie, Di Lello Finuoli, Eriksson, Fiebiger, Figueiredo, Frahm, González Álvarez, Jové Peres, Kaufmann, Koulourianos, Krivine, Papayannakis, Puerta, Schmid Herman, Schröder Ilka, Seppänen, Vinci, Wurtz

NI: Gorostiaga Atxalandabaso

PPE-DE: Bodrato, Coelho
Watson report A5-0396/2001  
Paragraph 5, point 5  

For: 264


NI: Bonino, Cappato, Pannella, Turco

PPE-DE: Coelho, Cornillet, Ferrer, Vidal-Quadrás Roca


UEN: Fitzsimons


Against: 232

EDD: Belder, Bernié, Blokland, Butel, van Dam, Esclopé, Farage, Kuntz, Mathieu, Raymond, Saint-Josse, Titford

ELDR: Gasoliba i Böhm

NI: Berthu, Borghezio, Garaud, Hager, Ilgenfritz, Kronberger, de La Perriere, Montfort, Souchet, Thomas-Mauro, Varaut

Wednesday 12 December 2001


UEN: Angelilli, Berlato, Camre, Caullery, Crowley, Marchiani, Muscardini, Mussa, Musumeci, Nobilia, Pasqua, Poli Bortone, Segni, Turchi

Abstention: 17

EDD: Bonde, Krarup, Okking, Sandbæk

GUE/NGL: Alyssandrakis, Bakopoulos, Korakas, Schröder Ilka, Vinci

NI: de Gaulle, Gollnisch, Gorostiaga Atxalandabaso, Lang, Le Pen

PPE-DE: Deprez, Grosch, Gutiérrez-Cortines

Watson report A5-0396/2001

Recommendation

For: 255


GUE/NGL: Ainardi, Brie, Di Lello Finuoli, Fiebig, Fraisse, González Álvarez, Herzog, Jové Peres, Kaufmann, Koulourianos, Markov, Marset Campos, Papayannakis, Puerta, Sylla, Wurtz

NI: Bonino, Cappato, Pannella, Turco

PPE-DE: Coelho, Cornillet, Deprez, Ferrer


UEN: Segni

Against: 239

EDD: Belder, Blokland, van Dam, Farage, Titford

GUE/NGL: Alavanos, Alyssandrakis, Bakopoulos, Eriksson, Frahm, Korakas, Schmid Herman, Schröder Ilka, Seppänen, Vinci

NI: Berthu, Garaud, de Gaulle, Gollnisch, Hager, Ilgenfritz, Kronberger, Lang, de La Perriere, Le Pen, Montfort, Souchet, Thomas-Mauro, Varaut


UEN: Andrews, Angelilli, Berlato, Camre, Caullery, Crowley, Fitzsimons, Gallagher, Hyland, Marchiani, Muscardini, Massa, Musumeci, Nobilia, Pasqua, Poll Bortone, Turchi

Abstention: 23

EDD: Bernié, Bonde, Butel, Esclopé, Krarup, Kuntz, Mathieu, Okking, Raymond, Saint-Josse, Sandbæk

GUE/NGL: Boudjenah, Figueriredo, Krivine

NI: Borghezio, Gorostiaga Atxalandabaso

PPE-DE: Bodrato, Grosch, Gutiérrez-Cortines, Hansenne, Wijkman

Verts/ALE: Boumediene-Thiery, Rod
1. Setting-up of a delegation for relations with the NATO Parliamentary Assembly

B5-0752/2001

European Parliament decision setting up and establishing the membership of a delegation for relations with the NATO Parliamentary Assembly

The European Parliament,

- having regard to Rule 168 of its Rules of Procedure,
- having regard to the objectives of the Treaty on European Union in the area of the common foreign and security policy,
- having regard to recent developments regarding the gradual definition of a common defence policy,
- having regard to its decision of 21 July 1999 on the number and numerical strength of interparliamentary delegations and delegations to joint parliamentary committees (1),
- having regard to its status as an associate member of the NATO Parliamentary Assembly,

1. decides to set up the following additional interparliamentary delegation:

Delegation for relations with the NATO Parliamentary Assembly (10 members)


2. Agreements with the Republic of Croatia *** (procedure without debate)

A5-0401/2001


(Asent procedure)

The European Parliament,

- having regard to the proposal for a Council and Commission decision (COM(2001) 371),
- having regard to the draft Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part (11172/2001),
- having regard to the Council’s request for Parliament’s assent pursuant to the last sentence of the first subparagraph of Article 300(2) and the second subparagraph of Article 300(3) in conjunction with Article 310 of the EC Treaty (C5-0565/2001),
- having regard to Rules 86 and 97(7) of its Rules of Procedure,
- having regard to the recommendation of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy (A5-0401/2001),
1. Gives its assent to the conclusion of the agreement;

2. Instructs its President to forward its position to the Council and Commission, and the governments and parliaments of the Member States and of the Republic of Croatia.


(Assent procedure)

The European Parliament,

− having regard to the proposal for a Council decision (COM(2001) 429),

− having regard to the draft Interim Agreement between the European Community, of the one part, and the Republic of Croatia, of the other part (11941/2001),

− having regard to the Council's request for Parliament's assent pursuant to the first sentence of the first subparagraph of Article 300(2) and the second subparagraph of Article 300(3), in conjunction with Article 133 of the EC Treaty (C5-0564/2001),

− having regard to Rules 86 and 97(7) of its Rules of Procedure,

− having regard to the recommendation of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy (A5-0401/2001),

1. Gives its assent to the conclusion and provisional application of the agreement;

2. Instructs its President to forward its position to the Council and Commission, and the governments and parliaments of the Member States and of the Republic of Croatia.

3. Uniform format for visas *(procedure without debate)*

A5-0445/2001


The proposal was amended as follows:

<table>
<thead>
<tr>
<th>TEXT PROPOSED BY THE COMMISSION</th>
<th>AMENDMENTS BY PARLIAMENT</th>
</tr>
</thead>
</table>

Amendment 1

RECITAL −1 (new)

(−1) Article 62(2)(b)(iii) of the EC Treaty states that the Council, within a period of five years after the entry into force of the Treaty of Amsterdam, shall adopt rules on visas for intended stays of no more than three months, including a uniform format for visas;
Amendment 2
RE bât -1a (new)

(-1a) Measure No 38 of the Vienna Action Plan, adopted by the Justice and Home Affairs Council on 3 December 1998, states that attention must be given to new technical developments in order to ensure — where appropriate — greater security in the uniform format for visas;

Amendment 3
RE bât -1b (new)

(-1b) Conclusion No 22 of the Tampere European Council of 15/16 October 1999 states that a common active policy on visas and false documents should be further developed;

Amendment 4
RE bât -1c (new)

(-1c) The establishment of a uniform visa format is an essential element in the harmonisation of visa policy.

Amendment 5
RE bât 2

(2) It is necessary to make provision for the establishment of common standards relating to the implementation of the format in particular common rules on the technical methods and standards to be used for filling in the form.

Amendment 6
RE bât 4

(4) Common standards relating to the implementation of the uniform format of visas are essential to achieve a high technical standard and to facilitate detection of forged or falsified visa stickers.

Amendment 7
RE bât 4a (new)

(4a) Since the measures necessary for the implementation of the Regulation are measures of general scope and their objective is to apply essential elements of their legal basis, they should be adopted by use of the regulatory procedure provided for in Article 5 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (1).

Amendment 8

RECITAL 6

(6) Regulation (EC) No 1683/95 should therefore be amended accordingly.

Amendment 9

RECITAL 9

(9) This Regulation constitutes in relation to the implementation of the Agreement on the association of Norway and Iceland a development of the Schengen 'acquis' in the sense of the Protocol integrating the Schengen 'acquis' into the framework of the European Union;

Amendment 10

ARTICLE 1, POINT −1 (new)

Article 1 (Regulation (EC) No 1683/95)

−1. Article 1 is replaced by the following:

Article 1

1. Visas issued by the Member States in conformity with Article 5 shall correspond to a uniform format.

2. The uniform format may consist of a sticker or a stand-alone document, the specifications of which are shown in the Annex, together with the space for information.

3. The uniform format shall contain a space reserved for a photograph identifying the person concerned.

Amendment 11

ARTICLE 1, POINT 1

Article 2, paragraph 1, introduction and point (a) (Regulation (EC) No 1683/95)

1. Further technical specifications for the uniform format for visas relating to the following shall be established in compliance with the procedure referred to in Article 6(2):

(a) additional elements and security requirements including enhanced anti-forgery, counterfeiting and falsification standards;

1. Complementary technical specifications for the uniform format for visas relating to the following shall be established in compliance with the procedure referred to in Article 6(2):

(a) further elements and security requirements including high anti-forgery, counterfeiting and falsification standards.

Amendment 12

ARTICLE 1, POINT 1

Article 2, paragraph 1, point (ba) (new) (Regulation (EC) No 1683/95)

(ba) conditions of storage;
Amendment 13
ARTICLE 1, POINT 1
Article 2, paragraph 1, point (bb) (new) (Regulation (EC) No 1683/95)

(bb) arrangements and conditions for inserting the photograph of the person concerned in the uniform format for visas.

Amendment 14
ARTICLE 1, POINT 1a (new)
Article 3a (new) (Regulation (EC) No 1683/95)

1a. The following Article 3a is inserted:

Article 3a

This Regulation shall not affect Member States’ competences in the area of recognition of states and territories or of passports and identity or travel documents issued by the authorities concerned.

Amendment 15
ARTICLE 1, POINT 3
Article 8, new paragraph (Regulation (EC) No 1683/95)

The integration of the photograph provided for in point (2a) of the Annex shall be implemented at the latest five years after the adoption of the measures referred to in Article 2.

The integration of the photograph provided for in point (2a) of the Annex shall be implemented at the latest two years after the adoption of the measures referred to in Article 2.


(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2001) 577),
- whereas this proposal is a consolidated version of the modifications to be introduced and constitutes a modification of the initial proposal of 29 May 2001 (COM(2001) 157 – C5-0215/2001 – 2001/0080(CNS)) which abrogates that proposal and renders it null and void,
- having been consulted by the Council pursuant to Article 67 of the EC Treaty (C5-0511/2001),
- having regard to Rule 67 of its Rules of Procedure,
- having regard to the report of the Committee on Citizens’ Freedoms and Rights, Justice and Home Affairs and the opinion of the Committee on Petitions (A5-0445/2001),

1. Approves the Commission proposal as amended;

2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;

4. Calls for the conciliation procedure to be initiated should the Council intend to depart from the text approved by Parliament;

5. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;

6. Instructs its President to forward its position to the Council and Commission.

2.

Proposal for a Council regulation on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents which are not recognised by the Member State drawing up the form (COM(2001)157 — C5-0216/2001 — 2001/0081(CNS))

The proposal was amended as follows:

<table>
<thead>
<tr>
<th>TEXT PROPOSED BY THE COMMISSION (1)</th>
<th>AMENDMENTS BY PARLIAMENT</th>
</tr>
</thead>
</table>

Amendment 16
Recital −1 (new)

(−1) Article 62(2)(b)(iii) of the EC Treaty states that the Council, within a period of five years after the entry into force of the Treaty of Amsterdam, shall adopt rules on visas for intended stays of no more than three months, including a uniform format for visas;

Amendment 17
Recital −1a (new)

(−1a) Measure No 38 of the Vienna Action Plan, adopted by the Justice and Home Affairs Council on 3 December 1998, states that attention must be given to new technical developments in order to ensure — where appropriate — greater security in the uniform format for visas;

Amendment 18
Recital −1b (new)

(−1b) Conclusion No 22 of the Tampere European Council of 15/16 October 1999 states that a common active policy on visas and false documents should be further developed;

Amendment 19
Recital 1

(1) The harmonisation of visa policy is an important measure in relation to establishing progressively an area of freedom, security and justice, specifically as regards border crossing.

Amendment 20  
Recital 7

(7) The present Regulation constitutes in relation to the implementation of the Agreement on the association of Norway and Iceland a development of the Schengen 'acquis' in the sense of the Protocol integrating the Schengen 'acquis' into the framework of the European Union;

(7) This Regulation constitutes, in relation to the implementation of the Association Agreement concluded on 17 May 1999 by the Council of the European Union with Norway and Iceland, a development of the Schengen 'acquis', in accordance with Articles 2 and 6 of the Protocol annexed to the Amsterdam Treaty integrating the Schengen 'acquis' into the framework of the European Union;

Amendment 21  
Article 1, paragraph 3

3. Where the holder of a form for affixing a visa is accompanied by his or her dependant(s), it shall be for each Member State to decide whether separate visa sheets should be issued to the principal and each of their dependant(s).

3. Where the holder of a form for affixing a visa is accompanied by his or her dependant(s), each Member State shall issue separate sheets for affixing the visa to the principal and each of their dependant(s).

Amendment 22  
Article 2, point (a)

(a) security requirements including enhanced anti-forgery, counterfeiting and falsification standards;

(a) further security requirements including high anti-forgery, counterfeiting and falsification standards;

Amendment 23  
Article 2, point (b)

(b) conditions of storage to prevent theft;

(b) conditions of storage;

Amendment 24  
Article 2, point (d)

(d) other conditions necessary for the implementation of the uniform format.

(d) the conditions necessary to ensure the insertion of the photograph of the person concerned on the form of uniform format.

Amendment 25  
Article 5, paragraph 3

3. The period provided for in Article 5(6) of Decision 1999/468/EC shall be one month.

3. The period provided for in Article 5(6) of Decision 1999/468/EC shall be two months.

---

European Parliament legislative resolution on the proposal for a Council regulation on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents which are not recognised by the Member State drawing up the form (COM(2001)157 — C5-0216/2001 — 2001/0081(CNS))

(Consultation procedure)

The European Parliament,

— having regard to the Commission proposal to the Council (COM(2001)157) (1),
— having been consulted by the Council pursuant to Article 67 of the EC Treaty (C5-0216/2001),

having regard to Rule 67 of its Rules of Procedure,

having regard to the report of the Committee on Citizens’ Freedoms and Rights, Justice and Home Affairs and the opinion of the Committee on Petitions (A5-0445/2001),

1. Approves the Commission proposal as amended;

2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;

3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;

4. Calls for the conciliation procedure to be initiated should the Council intend to depart from the text approved by Parliament;

5. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;

6. Instructs its President to forward its position to the Council and Commission.

3.


The proposal was amended as follows:

<table>
<thead>
<tr>
<th>TEXT PROPOSED BY THE COMMISSION (1)</th>
<th>AMENDMENTS BY PARLIAMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amendment 27 Recital −1 (new)</td>
<td></td>
</tr>
<tr>
<td>(−1) In order to maintain and develop the European Union as an area of freedom, security and justice, in which the free movement of persons is guaranteed, the rules referring to documents proving the personal identity, nationality and residence of both citizens of the European Union and of third countries should, as a matter of necessity, be harmonised.</td>
<td></td>
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<tr>
<td>Amendment 28 Recital −1a (new)</td>
<td></td>
</tr>
<tr>
<td>(−1a) The Vienna Action Plan adopted by the Justice and Home Affairs Council on 3 December 1998 states, in measure 38(b)(ii), that rules must be drawn up on the procedures for the issue by Member States of visas and residence permits;</td>
<td></td>
</tr>
<tr>
<td>Amendment 30 Recital 10</td>
<td></td>
</tr>
<tr>
<td>(10) The present Regulation constitutes in relation to the implementation of the Agreement on the association of Norway and Iceland a development of the Schengen ‘acquis’ in the sense of the Protocol integrating the Schengen ‘acquis’ into the framework of the European Union;</td>
<td></td>
</tr>
</tbody>
</table>

Amendment 31

Article 1, paragraph 1

1. Residence permits issued by Member States to third country nationals shall be in a uniform format and provide space for the information set out in the annex hereto. The uniform format can be used as a sticker or a stand-alone document. Each Member State may add in the relevant space of the uniform format information of importance regarding the nature of the permit and the legal status of the person concerned, in particular information as to whether or not the person is permitted to work.

Amendment 32

Article 2, introduction, point (a)

Additional technical specifications for the uniform format for residence permits relating to the following shall be established in compliance with the procedure referred to in Article 6(2):

(a) further security requirements including anti-forgery, counterfeiting and falsification standards;

(b) conditions of storage to prevent theft;

(d) other conditions necessary for the implementation of the uniform format.

Amendment 33

Article 2, point (b)

(b) conditions of storage;

Amendment 34

Article 2, point (d)

(d) other conditions necessary for the implementation of the uniform format.

Deleted

Amendment 35

Article 6, paragraph 3

3. The period provided for in Article 5 (6) of Decision 1999/468/EC shall be one month.

3. The period provided for in Article 5 (6) of Decision 1999/468/EC shall be two months.


(Consultation procedure)

The European Parliament,

— having regard to the Commission proposal to the Council (COM(2001)157) (1),
— having been consulted by the Council pursuant to Article 67 of the EC Treaty (C5-0217/2001),

having regard to Rule 67 of its Rules of Procedure,

− having regard to the report of the Committee on Citizens’ Freedoms and Rights, Justice and Home Affairs and the opinion of the Committee on Petitions (A5-0445/2001),

1. Approves the Commission proposal as amended;
2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
4. Calls for the conciliation procedure to be initiated should the Council intend to depart from the text approved by Parliament;
5. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
6. Instructs its President to forward its position to the Council and Commission.

4. EC accession to Codex Alimentarius Commission * (procedure without debate)

A5-0383/2001


The proposal was approved.


(Consultation procedure)

The European Parliament,

− having regard to the Commission proposal to the Council (COM(2001) 287)({}),
− having been consulted by the Council pursuant to Article 37 and Article 300 (3), subparagraph 1 of the EC Treaty (C5-0310/2001),
− having regard to Rule 67 of its Rules of Procedure,
− having regard to the report of the Committee on the Environment, Public Health and Consumer Policy (A5-0383/2001),

1. Approves the Commission proposal;
2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
3. Asks to be consulted again should the Council intend to amend the Commission proposal substantially;
4. Instructs its President to forward its position to the Council and Commission.

5. COM in the banana sector * (procedure without debate)

A5-0443/2001


The proposal was amended as follows:

<table>
<thead>
<tr>
<th>TEXT PROPOSED BY THE COMMISSION (1)</th>
<th>AMENDMENTS BY PARLIAMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amendment 1</td>
<td></td>
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<tr>
<td>RECITAL 3a (new)</td>
<td></td>
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<tr>
<td>(3a) The terms of the Cotonou Agree-</td>
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<td>ment, which allow for a transition</td>
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<td>period within which to ensure com-</td>
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<td>pliance with the WTO rules, should</td>
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<td>also be borne in mind.</td>
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<td>Amendment 2</td>
<td></td>
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<tr>
<td>RECITAL 3b (new)</td>
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<tr>
<td>(3b) In establishing and managing</td>
<td></td>
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<tr>
<td>the licensing system for ‘C’ quota</td>
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<tr>
<td>(a readjustment of ‘C’ quota in</td>
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<td>favour of traditional operators)</td>
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<td>to achieve a minimum allocation of</td>
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<td>94% for traditional ACP producers,</td>
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<td>6% for non-traditional producers</td>
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<td>seems appropriate) and in defining</td>
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<td>historical reference periods (the</td>
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<td>1996-1998 period offers the best</td>
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<td>correlation between licence avail-</td>
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<td>ability and volume of production).</td>
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<td>Amendment 3</td>
<td></td>
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<tr>
<td>RECITAL 3c (new)</td>
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<tr>
<td>(3c) These rules should apply on a</td>
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<tr>
<td>transitional basis pending the en-</td>
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<td>try into force on 1 January 2006 of</td>
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<td>the common customs tariff rate appli-</td>
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<td>cable to products covered by the com-</td>
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<td>mon organisation of the market. Be-</td>
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<td>fore the conclusion of the nego-</td>
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Amendment 4
RECITAL 3d (new)

(3d) There may be occasions when special measures are needed to accommodate the adverse effects of hurricanes. The Council should give the Commission leave to discuss the nature of these measures with individual Member States.

Amendment 5
RECITAL 3e (new)

(3e) In the event of increased Community demand, quotas B and C should be increased proportionately.

Amendment 6
RECITAL 3f (new)

(3f) Technical and financial assistance should be introduced without delay for traditional suppliers of ACP bananas, under measures, laid down in Council Regulation (EC) No 856/1999 (1), which were adopted in 1999 with the aim of improving their competitiveness and easing their transition to the common customs tariff.


Amendment 7
RECITAL 4a (new)

(4a) Other aspects of the aid scheme for Community producers should also be modified so as to enable those producers to prepare for the 2006 deadline.

Amendment 8
RECITAL 4b (new)

(4b) It is unjustified that aid granted to Community producers for loss of earnings should be used to develop new crops which may cause widespread environmental damage in banana-producing areas; aid should be primarily maintained to support banana production in traditional growing areas with the aim of helping the rural populations living there.

Amendment 9
ARTICLE 1, POINT 1a (NEW)

Article 12, paragraph 2a (new) (Regulation (EEC) No 404/93)

1a. Paragraph 2a is inserted into Article 12:

2a. Member States that so wish shall be authorised, from 1 January 2002, to introduce national limits on the production for which compensation may be paid, on
the basis of quotas currently authorised, without prejudice to the possibility of future revision of the national limits should the quotas be modified.

Amendment 10
ARTICLE 1, POINT 1b (NEW)
Article 12, paragraph 6 (Regulation (EEC) No 404/93)

1b. In Article 12, paragraph 6 is replaced by the following:

6. Before 1 March of each year, the Commission shall determine compensatory aid for the previous year in accordance with the procedure laid down in Article 27. Supplementary aid shall be granted to one or more producer regions when average income from production is 5% lower than average Community income.

The supplementary aid shall amount to 75% of the difference between average Community income and the income recorded when the products of the regions concerned are sold on the market.

Amendment 11
ARTICLE 1, POINT 1c (NEW)
Article 12a (new) (Regulation (EEC) No 404/93)

1c. The following Article 12a is inserted after Article 12:

Article 12a

Aid shall be granted in respect of the sale of bananas produced in the outermost regions and placed on European Union markets. Such aid shall be granted to entities which market bananas, be they individual producers, producer associations, individual operators or groups of operators established within those regions. The rules governing the granting of such aid shall be adopted by the Commission in accordance with the procedure laid down in Article 27.

Amendment 12
ARTICLE 1, POINT 2
Article 16, paragraph 1 (Regulation (EEC) No 404/93)

1. This Article and Articles 17, 18, 19 and 20 shall apply to imports of fresh products falling within CN code 0803 00 19 up to the entry into force, no later than 1 January 2006, of the rate of the common customs tariff for those products established under the procedure provided for in Article XXVIII of the General Agreement on Tariffs and Trade.
the conclusion of negotiations with the Community’s trading partners on the rate of the common customs tariff, and in any case before 31 December 2004, the Commission shall submit a report to the European Parliament and Council on the foreseeable impact on the incomes of Community producers and ACP producers of the move to a common customs tariff, and shall propose appropriate compensatory measures.

Amendment 13
ARTICLE 1, POINT 3
Article 18, paragraph 2 (Regulation (EEC) No 404/93)
2. Imports under tariff quotas ‘A’ and ‘B’ and imports of bananas from third countries other than the ACP countries shall be subject to customs duty of €75 per tonne. Imports of products originating in the ACP countries shall be subject to a zero duty.

Amendment 14
ARTICLE 1, point 3
Article 18, paragraph 4 (Regulation (EEC) 404/93)
4. A tariff preference of €300 per tonne shall apply to imports originating in ACP countries.

Amendment 15
ARTICLE 1, point 3
Article 18, paragraph 6, subparagraph 1 (Regulation (EEC) 404/93)
6. The additional tariff quota provided for in paragraph 1(b) may be increased if demand in the Community increases as indicated by a balance sheet of production, consumption, imports and exports.


(Consultation procedure)

The European Parliament,

— having regard to the Commission proposal to the Council (COM(2001)477) (1),

— having been consulted by the Council pursuant to Article 37 of the EC Treaty (C5-0436/2001),

having regard to Rule 67 of its Rules of Procedure,

having regard to the report of the Committee on Agriculture and Rural Development and the opinions of the Committee on Legal Affairs and the Internal Market and the Committee on Development and Cooperation (A5-0443/2001),

1. Approves the Commission proposal as amended;

2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250, paragraph 2 of the EC Treaty;

3. Should the Council intend to depart from the text approved by Parliament, calls on the Council to notify Parliament;

4. Calls for the conciliation procedure to be initiated should the Council intend to depart from the text approved by Parliament;

5. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;

6. Instructs its President to forward this opinion to the Council and Commission.

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6. EAEC/KEDO agreement (procedure without debate)

A5-0448/2001


The European Parliament,

— having regard to the Commission communication (SEC(2001) 1349 — C5-0596/2001),

— having regard to the Euratom Treaty, in particular Article 101(2) thereof,

— having regard to its resolution of 23 March 1999 on the Agreement on terms and conditions of the Accession of the European Atomic Energy Community to the Korean Peninsula Energy Development Organisation (KEDO) (1),

— having regard to the resolution passed by the International Atomic Energy Agency (IAEA) in Vienna (2), calling for permission to carry out nuclear inspections in the DPRK,

— having regard to the report of its second ad hoc delegation which visited the Democratic People's Republic of Korea (DPRK) — and the KEDO site at Kumho — in October-November 2000 (3) and to its resolutions of 17 January 2001 and 31 May 2001 respectively on relations between the European Union and the DPRK following on from the above visit (4), and on the outcome of the Council and Commission mission to Korea (5),

(1) OJ C 177, 22.6.1999, p. 47.
(2) Resolution GC(44) RES/26, September 2000.
having regard to the conclusions of the General Affairs Council of 20 November 2000 on European Union Lines of Action Towards North Korea (1), and to the Göteborg Statement resulting from the EU-US Summit of 14 June 2001 (2),

having regard to the visit to Pyongyang of the EU troika in May 2001 and to the high-level EU visit in late October 2001,

having regard to Rule 47(1) of its Rules of Procedure,

having regard to the report of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy and the opinion of the Committee on Industry, External Trade, Research and Energy (A5-0448/2001),

A. whereas the European Union recognised KEDO as a major industrial project constituting a vital contribution to nuclear non-proliferation and peace and stability on the Korean Peninsula and, following negotiations with the founder members, signed an agreement of accession to KEDO, which entered into force on 19 September 1997,

B. whereas Community participation in KEDO was the subject of Joint Action (agreed within the CFSP Framework in March 1996), and a Common Position (July 1997) whereby the Commission represents the Community as the KEDO Executive Board Member but for matters falling outside Euratom competence the position in KEDO is expressed by the Presidency,

C. whereas the Accession Agreement is based on Article 101(2) of the Euratom Treaty, which does not provide for consultation of the European Parliament; and whereas Parliament's repeated calls for the Euratom Treaty to be revised to provide for parliamentary consultation have been ignored,

D. whereas the original Accession Agreement was concluded without the European Parliament having delivered an opinion thereon,

E. whereas the Accession Agreement which expired on 31 December 2000 provided for an annual EU financial contribution of € 15 million, a seat on the Executive Board, staff positions in the KEDO secretariat in New York, and access for EU companies to certain contracts for the construction of the two light water reactors (LWRs) on a transparent and equitable basis,

F. whereas the Commission made a recommendation to Council on 2 February 2000 that negotiations be undertaken for the renewal of the Accession Agreement for a further five years under enhanced terms,

G. whereas a 'gentlemen's agreement' has covered the interim period between the expiry of the Agreement and its renewal; whereas, however, no financial transfers have been made in 2001,

H. whereas the Community has indicated its intention to contribute to KEDO € 20 million annually for the five years 2001-2005 inclusive,

I. recalling the fact that an important element in the policy of the EU on the Korean peninsula is the political dialogue with the DPRK which started in 1998 and in which the EP has played an important role, and that since July 1999 the EU has followed an approach of constructive engagement in its relations with the DPRK,

J. recognising that KEDO is but one element of EU-DPRK cooperation, albeit a very important one, as it is a cornerstone of tension reduction in the region,

K. stressing that human rights in the DPRK continue to be an area of major concern to the EU and that it will need to see evidence of improvements,

(1) 2308th Council meeting — 13430/00 (Press release 435).
(2) 14 June 2001 — 9934/01 (Press Release 245).
L. recalling that the European Parliament had pointed out that formal normalisation of EU-DPRK relations would depend on effective progress made by the DPRK, in particular concerning UN pacts and protocols,

M. aware that the DRPK's energy infrastructure has virtually disintegrated,

N. aware, too, that the DPRK's economic decline during the 1990s has been both a result and a cause of substantial changes in energy demand and supply in the country,

O. whereas recalling the fact that KEDO provides for the supply of two LWRs and interim Heavy Fuel Oil (HFO) supplies until they come on line, in exchange for a freeze on the DPRK nuclear programme,

P. regretting the ongoing difficulties which have dogged the timely implementation of the KEDO project, putting the completion date in doubt,

Q. drawing attention, at the same time, to the DPRK's contribution to these delays and to the imperative need for the country to act responsibly with regard to nuclear and ballistic non-proliferation and to adhere to other non-proliferation arrangements,

1. Continues to strongly support the inter-Korean reconciliation process and President Kim Dae Jung's role and search for peace and stability in the region; considers that KEDO still remains the major cooperation project between the ROK and the DPRK;

2. Restates its view that the EU should play a role in reducing the risk of nuclear weapons proliferation, in increasing nuclear safety and in encouraging better relations between the DPRK and its neighbours, and that continued membership of KEDO will enable it better to play that role;

3. Acknowledging the fact that the Agreed Framework negotiated between the US and the DPRK, and the establishment of KEDO, which was set up to implement the framework's main aspects, is the underpinning of current US-DPRK relations;

4. Points out that, while the EU's intended future contribution to KEDO is less than those of the Republic of Korea and Japan, it will nonetheless enable KEDO to complete its reactor project in the longer term and to carry out its HFO deliveries in the shorter term;

5. Draws attention to the fact that the EU, in addition to its past KEDO contributions, has contributed humanitarian and food aid in the order of over € 200 million over the past four years, provides technical assistance in the non-nuclear and agriculture sectors, and has engaged in political dialogue with the DPRK to the extent that it has announced its intent to open full diplomatic relations with the DPRK;

6. Reiterates its demand of May 2001 that the European Union also provide support for the development of non-nuclear energy in the Korean peninsula;

7. Stresses, therefore, the importance of the EU’s continuing involvement in KEDO as a concrete manifestation of its willingness to maintain this dialogue, and its recognition of the DPRK’s desperate energy needs;

8. Deplores the interruption in dialogue between the DPRK and the United States and stresses the importance attached by the European Union to a recommencing and deepening of the dialogue between the DPRK and the Republic of Korea;

9. Stresses the fact that collaboration between the DPRK and the European Union and its KEDO partners would be greatly facilitated by progress in the ongoing dialogue on human rights;
10. Is aware of the arguments which have been raised against the KEDO project but, having considered these and the options very carefully, believes there is no realistic alternative to the LWRs for energy production at this point;

11. Is seriously concerned, however, about the absence of an adequate grid system in the DPRK and its implications for the utilisation of the LWRs; is aware that without an extensive modification of the existing grid and a connection to another system — whether the ROK, China or Russia — the LWRs cannot be used; while aware that under the 1995 KEDO-DPRK reactor supply contract, KEDO is not required to help the North to upgrade its grid, asks the Commission to ascertain from KEDO what realistic arrangements are foreseen for this vital, complementary element to the LWRs;

12. Welcomes the fact that the EU sought — and obtained — favourable terms for the renewal of the Accession Agreement;

13. Recommends, in the light of the above considerations, that the Commission take the necessary steps to conclude the renewal of the Accession Agreement;

14. Deplores, however, the continuing failure of the Commission to respect the undertaking given in a well-documented(1) exchange of letters providing for Parliament to express its opinion on all significant agreements based on the Euratom Treaty before their conclusion; is aware that the EP has on occasion blocked funding for KEDO pending the receipt of information requested from the Commission;

15. Is reluctant, however, to sacrifice the renewal of the EU’s involvement in this instrument for EU-DPRK cooperation to a principle which, though very important, has not yet been formalised;

16. Stresses, however, that it will continue to push for an appropriate Inter-Institutional Agreement (IIA) and that it reserves the right to block transfer of funds to KEDO at any point in the future;

17. Stresses, in conclusion, that the DPRK will have to show evidence of good faith as the KEDO project progresses, in particular when the final IAEA verification is due, just before the reactors are due to be delivered;

18. Instructs its President to forward this resolution to the Council and Commission, the governments of the Democratic People's Republic of Korea, the Republic of Korea, the United States of America, Japan and the KEDO Executive Board.

(1) Annex to the abovementioned resolution of 23.3.1999.

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7. **Precautionary principle and multiannual arrangements for setting TACs**

   **(procedure without debate)**

   **A5-0407/2001**

   European Parliament resolution on the communication from the Commission on application of the precautionary principle and multiannual arrangements for setting TACs (COM(2000)803 — C5-0106/2001 — 2001/2055(COS))

   The European Parliament,

   — having regard to the Commission communication (COM(2000) 803 — C5-0106/2001),

   — having regard to Rule 47(1) of its Rules of Procedure,

   — having regard to the report of the Committee on Fisheries (A5-0407/2001),
A. whereas the United Nations Convention on the Law of the Sea of 10 December 1982, to which the European Union is a party, requires that measures be adopted to guarantee sustainable fishing,

B. whereas the FAO Code of Conduct for responsible fishing and the United Nations Agreement on the conservation and management of straddling fish stocks and highly migratory fish stocks refer to the adoption of the precautionary principle in order to guarantee the conservation and management of marine resources and the marine environment, and whereas, in particular, Annex II of the UN Agreement provides a comprehensive, operational definition of the precautionary approach to fisheries management,

C. whereas the situation with regard to fishery resources is characterised by the fact that many commercial species are over-exploited and indeed face the risk of biological collapse, and whereas the Scientific, Technical and Economic Committee for Fisheries has itself noted that the vast majority of stocks do not conform to its definition of a precautionary approach,

D. whereas, in order to secure more accurate scientific assessments of the state of fisheries resources and with a view to removing any uncertainties more successfully, scientific experts from the countries and communities affected and representatives from the fisheries sector should be involved in the studies and research projects,

E. whereas the over-fished species and the sectors of the fishing fleet which are engaged in catching those species must be identified clearly and with scientific accuracy,

F. noting that fishing gears and practices as used at present lead to large quantities of quota species being discarded,

G. having regard to the emergency decisions which have had to be taken this year concerning cod in the North Sea and Scotland area and the northern hake stock, which demonstrate the failure of the measures for the rational management of fishery resources currently in force in the European Union,

H. whereas all the factors which affect the volume of fisheries resources and the sustainability thereof (in particular pollution, transport by sea and illegal fishing) must be evaluated,

I. having regard to the sweeping criticism voiced by the industry with regard to the system of total allowable catches (TACs) by the EU Council of Ministers each December, including its frequent practice of setting TACs at levels in excess of those recommended by the scientific advisory bodies,

J. whereas the application of the precautionary principle in setting TACs is a necessary measure to ensure the continuity of species and the rational exploitation of resources in the long term,

1. Notes the substance of the Commission communication on application of the precautionary principle and multiannual arrangements for setting TACs and shares its objectives;

2. Calls for the Commission to give a clear definition of multiannuality;

3. Considers that the system of TACs and quotas should be the cornerstone of the future common fisheries policy;
4. Trusts that measures to conserve resources will be a priority topic in the imminent reform of the common fisheries policy, and that decisions will be taken that are realistic when measured against the state of stocks, effective and consistent;

5. In that context, points out that the most important aspect of a rigorous precautionary approach to fisheries involves the choice of target and limit reference points which are sufficiently conservation oriented;

6. Calls on the Commission and Council, when setting TACs, to use available scientific data, duly verified, as a determining criterion and to take information from fishermen into consideration;

7. Urges the Council to take decisions on setting catches in line with the actual situation as regards stocks, avoiding the adoption of measures based more on socio-economic circumstances than on a rigorous analysis of the state of stocks, and avoiding arbitrary measures which are impossible to comply with;

8. Urges the Commission to carry out thorough research into fisheries resources so that better use can be made of data relating to stocks;

9. Stresses that setting multiannual and multi-species TACs, a measure which favours the conservation of resources, will not in itself be very effective unless coherent decisions are taken designed to improve the operation of other important aspects of the common fisheries policy such as restructuring the Community fleet, fisheries monitoring, reducing discards and improving the technical measures used; regrets in particular in this regard that the Commission has failed to take the opportunity, in devising a scheme for the allocation of resources, to put forward a comprehensive and workable plan to solve the problem of discards;

10. Urges the Commission and the Council to study the effect which industrial fishing for the purposes of fishmeal production (which these days absorbs one-third of the fish caught in Community waters) has on fisheries resources and, in doing so, to apply the precautionary principle right from the start;

11. Stresses that, with regard to the setting of multiannual TACs, it would be sensible to make the required mechanisms flexible so that they can be adjusted when necessary; they should be established for the purpose of achieving certain targets within a given period of time and should not serve solely to impose a ceiling on catches;

12. Is of the opinion that when fish of species for which TACs have been set are discarded at sea, the quantities discarded should be counted against quotas;

13. Takes the view that the Commission and Council must make provision for additional socio-economic measures to support the sector in order to compensate fisheries workers whose professional activity is significantly curtailed as a consequence of the cuts in catches which will have to be made owing to the unforeseeable decline in stocks; such support must be available on an equitable basis throughout the EU and in addition to financial structural measures for compensation and regeneration, there must be effective and practical measures to facilitate diversification;

14. Instructs its President to forward this resolution to the Council and Commission.
8. Electronic communications networks and services (framework directive) ***II

A5-0435/2001


(Codecision procedure: second reading)

The European Parliament,

– having regard to the Council common position (10420/1/2001 – C5-0415/2001) (1),

– having regard to its position at first reading (2) on the Commission proposal to Parliament and the Council (COM(2000)393) (3),


– having regard to Article 251(2) of the EC Treaty,

– having regard to Rule 80 of its Rules of Procedure,

– having regard to the recommendation for second reading of the Committee on Industry, External Trade, Research and Energy (A5-0435/2001),

1. Amends the common position as follows:

2. Calls on the Commission to communicate to the European Parliament as soon as possible the concrete steps the Commission will take to ensure the rapid adoption of an open European market for interactive digital television services, in line with the remarks made by Commissioner Liikanen, on behalf of the Commission, in the telecommunications debate held in the European Parliament in plenary session on 10 December 2001;

3. Instructs its President to forward its position to the Council and Commission.

COUNCIL
COMMON POSITION

AMENDMENTS
BY PARLIAMENT

Amendment 45
Recital 12

(12) Any party who is the subject of a decision by a national regulatory authority should have the right to appeal to a body that is independent of the parties involved. This appeal procedure is without prejudice to the rights of legal entities or natural persons under national law.

(12) Any party who is the subject of a decision by a national regulatory authority should have the right to appeal to a body that is independent of the parties involved. This body may be a court. Furthermore, any undertaking which considers that its applications for the granting of rights to install facilities have not been dealt with in accordance with the principles set out in this Directive should be entitled to appeal against such decisions. This appeal procedure is without prejudice to the rights of legal entities or natural persons under national law and to the division of competences within national judicial systems.

(1) OJ C 337, 30.11.2001, p. 34.
(2) OJ C 277, 1.10.2001, p. 91.
(15) It is important that national regulatory authorities consult all interested parties on proposed decisions and take account of their comments before adopting a final decision. In order to ensure that decisions at national level do not have an adverse effect on the single market or other Treaty objectives, national regulatory authorities should also notify certain draft decisions to the Commission and other national regulatory authorities to give them the opportunity to comment. It is appropriate for national regulatory authorities to consult interested parties on all draft measures which have a significant impact on the community of operators or users. In the case of measures that have to be consulted with the Commission and the other Member States, they should principally take the form of general decisions. The cases where Article 6 procedures apply are defined in this Directive and in the Specific Directives. This procedure is without prejudice to the notification procedure provided for in Directive 98/34/EC and the Commission’s prerogatives under the Treaty in respect of infringements of Community law.

(27) It is essential that ex-ante regulatory obligations should only be imposed where there is not effective competition and where national and Community competition law remedies are not sufficient to address the problem. It is necessary therefore for the Commission to draw up guidelines at Community level in accordance with the principles of competition law for national regulatory authorities to follow in assessing whether competition is effective in a given market and in assessing significant market power. National regulatory authorities should analyse whether a given product or service market is effectively competitive in a given geographical area, which could be the whole or a part of the territory of the Member State concerned or neighbouring parts of territories of Member States considered together. An analysis of effective competition should include an analysis as to whether the market is prospectively competitive, and thus whether any lack of effective competition is durable. Those guidelines will also address the issue of newly
emerging markets, where de facto the market leader is likely to have a substantial market share but should not be subjected to inappropriate obligations. The Commission should review the Guidelines regularly to ensure that they remain appropriate in a rapidly developing market. National regulatory authorities will need to cooperate with each other where the relevant market is found to be pan-European. A pan-European market means a trans-national market covering the Community or a substantial part thereof.

Amendment 46
Recital 30a (new)

(30a) Interoperability of digital interactive television services and enhanced digital television equipment, at the level of the consumer, should be encouraged in order to ensure the free flow of information, media pluralism and cultural diversity. It is desirable for consumers to have the capability of receiving, regardless of the transmission mode, all digital interactive television services having regard to technological neutrality, future technological progress, the need to promote the take-up of digital television, and the state of competition in the markets for digital television services. Digital interactive television platform operators should strive to implement an open Application Program Interface (API) which conforms to standards or specifications adopted by a European Standards Organisation. Migration from existing APIs to new open APIs should be encouraged and organised, for example by Memoranda of Understanding between all relevant market players. Open APIs facilitate interoperability, i.e. the portability of interactive content between delivery mechanisms, and full functionality of this content on enhanced digital television equipment. However, the need not to hinder the functioning of the receiving equipment and to protect it from malicious attacks, for example from viruses, should be taken into account.

Amendment 50
Recital 34

(34) National regulatory authorities and national competition authorities should have the right to exchange information, in order to allow them to cooperate fully together. National regulatory authorities should have the same rights and duties of confidentiality in respect of exchange of information as a
‘competent authority’ for the purposes of Council Regulation No 17 of 6 February 1962: First Regulation implementing Articles 81 and 82 of the Treaty (1).


Amendment 41
Recital 34a (new)

(34a) The Commission has indicated its intention to set up a European Regulators Group for Electronic Communications Networks and Services which would constitute a suitable mechanism for encouraging cooperation and coordination of national regulatory authorities, in order to promote the development of the internal market for electronic communications networks and services, and to seek to achieve consistent application, in all Member States, of the provisions set out in this Directive and the Specific Directives, in particular in areas where national law implementing Community law gives national regulatory authorities considerable discretionary powers in application of the relevant rules.

Amendment 42
Recital 34b (new)

(34b) National regulatory authorities should be required to cooperate with each other and with the Commission in a transparent manner to ensure consistent application, in all Member States, of the provisions of this Directive and the Specific Directives. This cooperation could take place, inter alia, in the Communications Committee or in a group comprising European regulators. Member States should decide which bodies are national regulatory authorities for the purposes of this Directive and the Specific Directives.

Amendment 43
Recital 34c (new)

(34c) Measures that could affect trade between Member States are measures that may have an influence, direct or indirect, actual or potential, on the pattern of trade between Member States in a manner which might create a barrier to the single European market. They comprise measures that have a significant impact on operators or users in other Member States, which include, inter alia: measures which
affect prices for users in other Member States; measures which affect the ability of an undertaking established in another Member State to provide an electronic communications service, and in particular measures which affect the ability to offer services on a pan-European basis; and measures which affect market structure or access, leading to repercussions for undertakings in other Member States.

Amendment 6
Article 2, point (a)

(a) ‘electronic communications network’ means transmission systems and, where applicable, switching or routing equipment and other resources which permit the conveyance of signals by wire, by radio, by optical or by other electromagnetic means, including satellite networks, fixed (circuit- and packet-switched, including Internet) and mobile terrestrial networks, networks used for radio and television broadcasting, and cable television networks, irrespective of the type of information conveyed;

Amendment 52
Article 2, point (la) (new)

(1a) ‘transnational markets’ means markets identified in accordance with Article 14 covering the Community or a substantial part thereof;

Amendment 47
Article 2, points (ma) and (mb) (new)

(ma) ‘enhanced digital television equipment’ means set-top boxes intended for connection to television sets or integrated digital television sets, able to receive digital interactive television services;

(mb) ‘API (Application Program Interface)’ means the software interface between applications, made available by broadcasters or service providers, and the resources in the enhanced digital television equipment for digital television and radio services;
5. National regulatory authorities and national competition authorities shall have the right to exchange information. In order to facilitate cooperation and the mutual exchange of information, national regulatory authorities shall have the same rights and duties of confidentiality in respect of exchange of information as a ‘competent authority’ as defined in Regulation No 17.

1. Member States shall ensure that effective mechanisms exist at national level under which a user or undertaking providing electronic communications networks and/or services has, where affected by a decision of a national regulatory authority, the right of appeal against the decision to an appeal body that is independent of the parties involved.

1. Member States shall ensure that effective mechanisms exist at national level under which any user or undertaking providing electronic communications networks and/or services who is affected by a decision of a national regulatory authority has the right of appeal against the decision to an appeal body that is independent of the parties involved. This body, which may be a court, shall have the appropriate expertise available to it to enable it to carry out its functions. Member States shall ensure that the merits of the case are duly taken into account and that there is an effective appeal mechanism. Pending the outcome of any such appeal, the decision of the national regulatory authority shall stand, unless the appeal body decides otherwise.

1. Except in cases falling within Article 18 or 19 Member States shall ensure that where national regulatory authorities intend to take measures in accordance with this Directive or the Specific Directives which have a significant impact on the market, they give interested parties the opportunity to comment on the draft measure within a reasonable period. National regulatory authorities shall publish their national consultation procedures.

2. In addition to the consultation referred to in paragraph 1, where a national regulatory authority intends to take measures which have a significant impact on the market under Article 14(3) or Article 15(3), (4) and (5) of this Directive or Article 8(3) of Directive 2001/…/EC (Access Dire-
(a) is significantly different in substance from the draft measure made available according to paragraph 2; or

(b) if the Commission has indicated to the national regulatory authority that it has serious doubts as to the compatibility of the draft measure made available according to paragraph 2 with Community law and in particular the objectives referred to in Article 7, then the measure shall not be adopted for a further one month. Within that period the Commission may, where appropriate, make public a detailed opinion which it shall communicate to the national regulatory authority concerned stating why it considers that the draft measure is not compatible with Community law, and in particular the objectives referred to in Article 7. The national regulatory authority may adopt the envisaged measures after the publication of the detailed opinion of the Commission, or after the one-month period has expired, and shall communicate them to the Commission. In any case the one-month period cannot be prolonged. If the national regulatory authority chooses not to follow the detailed opinion of the Commission, it shall communicate its reasoning to the Commission.

5. In exceptional circumstances, where a national regulatory authority considers that there is an urgent need to act, by way of derogation from the procedure set out in paragraphs 1, 2, 3 and 4, in order to safeguard competition and protect the interests of users, it may adopt measures immediately. It shall, without delay, communicate those measures, with full reasons, to the Commission and the other national regulatory authorities.
Amendment 40
Article 6a (new)

Article 6a

Consolidating the internal market for electronic communications

1. In carrying out their tasks under this Directive and the Specific Directives, national regulatory authorities shall take the utmost account of the objectives set out in Article 7, including insofar as they relate to the functioning of the internal market.

2. National regulatory authorities shall contribute to the development of the internal market by cooperating with each other and with the Commission in a transparent manner to ensure the consistent application, in all Member States, of the provisions of this Directive and the Specific Directives. To this end, they shall, in particular, seek to agree on the types of instruments and remedies best suited to address particular types of situations in the marketplace.

3. In addition to the consultation referred to in Article 6, where a national regulatory authority intends to take a measure which:

(a) falls within the scope of Article 14 or 15 of this Directive, Article 5 or 8 of Directive 2001/…/EC (Access Directive) or Article 16 of Directive 2001/…/EC (Universal Service Directive), and

(b) would affect trade between Member States,

it shall at the same time make the draft measure accessible to the Commission and the national regulatory authorities in other Member States, together with the reasoning on which the measure is based, in accordance with Article 5(3), and shall inform the Commission and other national regulatory authorities thereof. National regulatory authorities and the Commission may make comments to the national regulatory authority concerned only within one month or within the period referred to in Article 6 if that period is longer. The one-month period may not be extended.

4. Where an intended measure covered by paragraph 3 aims at:

(a) defining a relevant market which differs from those defined in the Recommendation in accordance with Article 14(1), or

(b) deciding whether or not to designate an undertaking as having, either individually or jointly with others, significant market power, under Article 15(3), (4) or (5),

and would affect trade between Member States and the Commission has indicated to the national regulatory authority that it considers that the draft measure would create a barrier to the single European market or if it has serious doubts
as to its compatibility with Community law and in particular the objectives referred to in Article 7, then the draft measure shall not be adopted for a further two months. This period may not be extended. Within this period the Commission may, in accordance with the procedure set out in Article 20(2), take a decision requiring the national regulatory authority concerned to withdraw the draft measure. This decision shall be accompanied by a detailed and objective analysis of why it considers that the draft measure should not be adopted together with specific proposals for amending the draft measure.

5. The national regulatory authority concerned shall take the utmost account of comments of other national regulatory authorities and the Commission and may, except in cases covered by paragraph 4, adopt the resulting draft measure and, where it does so, shall communicate it to the Commission.

6. In exceptional circumstances, where a national regulatory authority considers that there is an urgent need to act, by way of derogation from the procedure set out in paragraphs 3 and 4, in order to safeguard competition and protect the interests of users, it may adopt immediately proportionate and provisional measures. It shall, without delay, communicate those measures, with full reasons, to the Commission and the other national regulatory authorities. A decision by the national regulatory authority to render such measures permanent or extend the time for which they are applicable shall be subject to the provisions of paragraphs 3 and 4.

Amendment 53

Article 7, paragraph 3, point (b)

(b) encouraging the establishment and development of pan-European networks and the interoperability of pan-European services, and end-to-end connectivity.

Amendment 23

Article 7, paragraph 3, point (d)

(d) cooperating with each other and with the Commission in a transparent manner to ensure the consistent application of this Directive and the Specific Directives.

(d) cooperating with each other and with the Commission in a transparent manner to ensure the development of consistent regulatory practice and the consistent application of this Directive and the Specific Directives.

Amendment 25

Article 10, paragraph 2a (new)

2a. Member States shall ensure that effective mechanisms exist to allow undertakings to appeal against decisions on the granting of rights to install facilities to a body that is independent of the parties involved.
1. After consultation with national regulatory authorities the Commission shall adopt a Recommendation on Relevant Product and Service Markets (hereinafter 'the Recommendation'). The Recommendation shall identify in accordance with Annex I hereto those product and service markets within the electronic communications sector, the characteristics of which may be such as to justify the imposition of regulatory obligations set out in the Specific Directives, without prejudice to markets that may be defined in specific cases under competition law. The Commission shall define markets in accordance with the principles of competition law.

4. After consultation with national regulatory authorities the Commission may, acting in accordance with the procedure referred to in Article 20(3), adopt a Decision identifying pan-European markets.

5. In the case of pan-European markets identified in the Decision referred to in Article 14(4), the national regulatory authorities concerned shall jointly conduct the market analysis taking the utmost account of the Guidelines and decide on any imposition, maintenance, amendment or withdrawal of regulatory obligations referred to in paragraph 2 of this Article in a concerted fashion.

1. After public consultation and consultation with national regulatory authorities the Commission shall adopt a Recommendation on Relevant Product and Service Markets (hereinafter 'the Recommendation'). The Recommendation shall identify in accordance with Annex I hereto those product and service markets within the electronic communications sector, the characteristics of which may be such as to justify the imposition of regulatory obligations set out in the Specific Directives, without prejudice to markets that may be defined in specific cases under competition law. The Commission shall define markets in accordance with the principles of competition law.

4. After consultation with national regulatory authorities the Commission may, acting in accordance with the procedure referred to in Article 20(3), adopt a Decision identifying transnational markets.

5. In the case of transnational markets identified in the Decision referred to in Article 14(4), the national regulatory authorities concerned shall jointly conduct the market analysis taking the utmost account of the Guidelines and decide on any imposition, maintenance, amendment or withdrawal of regulatory obligations referred to in paragraph 2 of this Article in a concerted fashion.

Article 16a

Interoperability of digital interactive television services

1. In order to promote the free flow of information, media pluralism and cultural diversity, Member States shall encourage, in accordance with the provisions of Article 16(2):

(a) providers of digital interactive television services for distribution to the public in the Community on digital interactive television platforms, regardless of the transmission mode, to use an open API;
(b) providers of all enhanced digital television equipment deployed for the reception of digital interactive television services on interactive digital television platforms to comply with an open API in accordance with the minimum requirements of the relevant standards or specifications.

2. Without prejudice to Article 5(1)(b) of Directive 2001/.../EC (Access Directive) Member States shall encourage proprietors of APIs to make available on fair, reasonable and non-discriminatory terms, and against appropriate remuneration, all such information as is necessary to enable providers of digital interactive television services to provide all services supported by the API in a fully functional form.

3. Within one year after the date of application referred to in Article 26(1), second subparagraph, the Commission shall examine the effects of this Article. If interoperability and freedom of choice for users have not been adequately achieved in one or more Member States, the Commission may take action in accordance with the procedure laid down in Article 16(3) and (4).

Amendment 37
Annex I, point 3a (new)

3a. Additional markets

The national market for international roaming services on public mobile telephone networks.

9. Access to electronic communications networks and associated facilities (access directive) II

A5-0434/2001


(Codecision procedure: second reading)

The European Parliament,

— having regard to the Council common position (10418/1/2001 – C5-0416/2001) (¹),

— having regard to its position at first reading (²) on the Commission proposal to Parliament and the Council (COM(2000) 384) (³),

(²) OJ C 277, 1.10.2001, p. 72.
having regard to the Commission’s amended proposal (COM(2001) 369) (1),

having regard to Article 251(2) of the EC Treaty,

having regard to Rule 80 of its Rules of Procedure,

having regard to the recommendation for second reading of the Committee on Industry, External Trade, Research and Energy (A5-0434/2001).

1. Amends the common position as follows;

2. Instructs its President to forward its position to the Council and Commission.

COUNCIL
COMMON POSITION

AMENDMENTS
BY PARLIAMENT

Amendment 29
Recital 8a (new)

(8a) Interoperability is of benefit to end-users and is an important aim of this regulatory framework. Encouraging interoperability is one of the objectives for national regulatory authorities as set out in this framework, which also provides for the Commission to publish a list of standards and/or specifications covering the provision of services, technical interfaces and/or network functions, as the basis for encouraging harmonisation in electronic communications. Member States should encourage the use of the published standards and/or specifications to the extent strictly necessary to ensure interoperability of services and to improve freedom of choice for users.

Amendment 31
Recital 12

(12) The review should be carried out using an economic market analysis based on competition law methodology. The aim is to reduce ex-ante sector specific rules progressively as competition in the market develops. However the procedure also takes account of the possibility of new bottlenecks arising as a result of technological development, which may require ex-ante regulation, for example in the area of broadband access networks. It may well be the case that competition develops at different speeds in different market segments and in different Member States, and national regulatory authorities should be able to relax regulatory obligations in those markets where competition is delivering the desired results. In order to ensure that market players in similar circumstances are treated in similar ways in different Member States, the Commission should be able to ensure harmonised application of the provisions of this

Directive. National regulatory authorities and national authorities entrusted with the implementation of competition law should, where appropriate, coordinate their actions to ensure that the most appropriate remedy is applied. The Community and its Member States have entered into commitments on interconnection of telecommunications networks in the context of the World Trade Organisation agreement on basic telecommunications that need to be respected.

Amendment 30
Recital 21a (new)

(21a) In order to ensure that the pan-European electronic communications market is effective and efficient, the Commission should monitor and publish information on charges which contribute to determining prices to end-users.

Amendment 7
Recital 21b (new)

(21b) The development of the pan-European electronic communications market, with its associated infrastructure, could have adverse effects on the environment and the landscape. Member States should therefore monitor this process and, if necessary, take action to minimise any such effects by means of appropriate agreements and other arrangements with the relevant authorities.

Amendment 27
Article 6, paragraph 3

3. Notwithstanding the provisions of paragraph 1, Member States may permit their national regulatory authority, on entry into force of this Directive and periodically thereafter, to review the conditions applied in accordance with this Article, by undertaking a market analysis in accordance with the first paragraph of Article 15 of Directive 2001/…/EC (Framework Directive) to determine whether to maintain, amend or withdraw the conditions applied.

Amendment 28
Article 7, paragraph 3

3. Member States shall ensure that, immediately following the date of application referred to in Article 18(1), second subparagraph, and periodically thereafter, NRAs undertake a market analysis, in accordance with Article 15 of Directive 2001/…/EC (Framework Directive) to determine whether to maintain, amend or withdraw the conditions applied.

3. Notwithstanding the provisions of paragraph 1, Member States may permit their national regulatory authority, as soon as possible after the entry into force of this Directive, and periodically thereafter, NRAs undertake a market analysis, in accordance with Article 15 of Directive 2001/…/EC (Framework Directive) to determine whether to maintain, amend or withdraw the conditions applied.
market analysis, in accordance with Article 15 of Directive 2001/…/EC (Framework Directive) to determine whether to maintain, amend or withdraw these obligations.

In exceptional circumstances, when a national regulatory authority intends to impose on operators with significant market power obligations for access or interconnection that go beyond those set out in Article 9 to 13 in this Directive it shall submit this request to the Commission. The Commission, acting in accordance with Article 14(2) shall take a decision authorising or preventing the national regulatory authority from taking such measures.

In exceptional circumstances, when a national regulatory authority intends to impose on operators with significant market power other obligations for access or interconnection than those set out in Articles 9 to 13 it shall submit this request to the Commission. The Commission, acting in accordance with Article 14(2), shall take a decision authorising or preventing the national regulatory authority from taking such measures.

10. Authorisation of electronic communications networks and services (authorisation directive) ***II

A5-0433/2001


(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (10419/1/2001 – C5-0417/2001) (1),
- having regard to its position at first reading (2) on the Commission proposal to Parliament and the Council (COM(2000)386) (3),
- having regard to the Commission’s amended proposal (COM(2001)372) (4),
- having regard to Article 251(2) of the EC Treaty,
- having regard to Rule 80 of its Rules of Procedure,
- having regard to the recommendation for second reading of the Committee on Industry, External Trade, Research and Energy (A5-0433/2001),

1. Amends the common position as follows;
2. Instructs its President to forward its position to the Council and Commission.

(32) In addition to administrative charges, usage fees may be levied for the use of radio frequencies and numbers as an instrument to ensure the optimal use of such resources. Such fees should not hinder the development of innovative services and competition in the market. This Directive is without prejudice to the purpose for which fees for rights of use are employed. Such fees may for instance be used to finance activities of national regulatory authorities that cannot be covered by administrative charges.

(32) In addition to administrative charges, usage fees may be levied for the use of radio frequencies and numbers as an instrument to ensure the optimal use of such resources. Such fees should not hinder the development of innovative services and competition in the market. This Directive is without prejudice to the purpose for which fees for rights of use are employed. Such fees may for instance be used to finance activities of national regulatory authorities that cannot be covered by administrative charges. Where, in the case of competitive or comparative selection procedures, fees for rights of use of radio frequencies consist entirely or partly of a one-off amount, payment arrangements should ensure that such fees do not in practice lead to selection on the basis of criteria unrelated to the objective of ensuring optimal use of radio frequencies. The Commission may publish, on a regular basis, benchmark studies on best practices with regard to allocation of radio frequencies, assignment of numbers or rights of way.

Amendment 10
Recital 32

Amendment 11
Article 14, paragraph 1a (new)

1a. Member States shall not restrict or withdraw rights to install facilities before expiry of the period for which such rights were granted except where justified and where applicable in conformity with relevant national provisions regarding compensation for withdrawal of rights.

Amendment 6
Article 15, paragraph 2

2. Where information as referred to in paragraph 1 is held at different levels of government, in particular information regarding procedures and conditions on rights to install facilities, the national regulatory authority shall make all reasonable efforts to create a user-friendly overview of all such information, where the relevant authority deems this possible at proportionate costs, in order to facilitate applications for rights to install facilities.

2. Where information as referred to in paragraph 1 is held at different levels of government, in particular information regarding procedures and conditions on rights to install facilities, the national regulatory authority shall make all reasonable efforts, bearing in mind the costs involved, to create a user-friendly overview of all such information, including information on the relevant levels of government and the responsible authorities, in order to facilitate applications for rights to install facilities.
Amendment 7
Article 17, paragraph 2

2. Where application of paragraph 1 results in a reduction of the rights or an extension of the obligations under authorisations already in existence, Member States may extend the validity of those rights and obligations until at the latest 12 months after the date of application referred to in Article 18(1), second subparagraph, provided that the rights of other undertakings under Community law are not affected thereby. Member States shall notify such extensions to the Commission and state the reasons therefore.

2. Where application of paragraph 1 results in a reduction of the rights or an extension of the obligations under authorisations already in existence, Member States may extend the validity of those rights and obligations until at the latest 9 months after the date of application referred to in Article 18(1), second subparagraph, provided that the rights of other undertakings under Community law are not affected thereby. Member States shall notify such extensions to the Commission and state the reasons therefore.

11. Universal service and users’ rights relating to electronic communications networks and services

A5-0438/2001


(Codecision procedure: second reading)

The European Parliament,

— having regard to the Council common position (10421/1/2001 – C5-0418/2001) (1),
— having regard to its position at first reading (2) on the Commission proposal to Parliament and the Council (COM(2000) 392) (3),
— having regard to the Commission’s amended proposal (COM(2001) 503) (4),
— having regard to Article 251(2) of the EC Treaty,
— having regard to Rule 80 of its Rules of Procedure,
— having regard to the recommendation for second reading of the Committee on Legal Affairs and the Internal Market (A5-0438/2001),

1. Amends the common position as follows;

2. Instructs its President to forward its position to the Council and Commission.

Amendment 1

Recital 13

(13) Member States should take suitable measures in order to guarantee access to and affordability of all publicly available telephone services at a fixed location for disabled users and users with special social needs. Specific measures for disabled users could include, as appropriate, making available public text telephones or equivalent measures for deaf or speech impaired people, providing services such as directory enquiry services or equivalent measures free of charge for blind or partially sighted people, and providing itemised bills in alternative format on request for blind or partially sighted people. Specific measures may also need to be taken to enable disabled users and users with special social needs to access emergency services ‘112’ and to give them a similar possibility to choose between different operators or service providers as other consumers. The provider of universal service should not take measures to prevent users from benefiting fully from services offered by different operators or service providers, in combination with its own services offered as part of universal service.

Amendment 36

Recital 33

(33) It is desirable to enable consumers to achieve the fullest connectivity possible to digital television sets. Interoperability is an evolving concept in dynamic markets. Standards bodies should do their utmost to ensure that appropriate standards evolve along with the technologies concerned. It is likewise important to ensure that connectors are available on television sets that are capable of passing all the necessary elements of a digital signal, including the audio and video streams, conditional access information, service information, application program interface (API) information and copy protection information. This Directive therefore ensures that the func-
tionality of the open interface for digital television sets is not limited by network operators, service providers or equipment manufacturers and continues to evolve in line with technological developments.

For display and presentation of digital interactive television services, the realisation of a common standard through a market-driven mechanism is recognised as a consumer benefit. Member States and the Commission may take policy initiatives, consistent with the Treaty, to encourage this development.

Amendment 4
Recital 36

(36) It is important that users should be able to call the single European emergency number ‘112’, and any other national emergency telephone numbers, free of charge, from any telephone, including public pay telephones, without the use of any means of payment. Member States should have already made the necessary organisational arrangements best suited to the national organisation of the emergency systems, in order to ensure that calls to this number are adequately answered and handled. Caller location information, to be made available to the emergency services, will improve the level of protection and the security of users of ‘112’ services and assist the emergency services in the discharge of their duties, provided that the transfer of calls and associated data to the emergency services concerned is guaranteed. Steady information technology improvements will progressively support the simultaneous handling of several languages over the networks at a reasonable cost. This in turn will ensure additional safety for European citizens using the ‘112’ emergency call number.

Amendment 6
Recital 43

(43) Currently, Member States impose certain ‘must carry’ obligations on networks for the distribution of radio or television broadcasts to the public. Member States should be able to lay down proportionate obligations on undertakings under their jurisdiction, in the interest of legitimate public policy considerations, but such obligations should only be imposed where they are necessary to meet general interest objectives clearly
defined by Member States in conformity with Community law and should be proportionate, transparent and subject to periodical review. 'Must carry' obligations imposed by Member States should be reasonable, that is they should be proportionate and transparent in the light of clearly defined general interest objectives, and could, where appropriate, entail a provision for proportionate remuneration.

Amendment 7
Recital 47

(47) In the context of a competitive environment, the views of interested parties, including users and consumers, should be taken into account by national regulatory authorities when dealing with issues related to end-users’ rights. Effective procedures should be available to deal with disputes between at least consumers, on the one hand, and undertakings providing publicly available communications services, on the other. Member States should take full account of Commission Recommendation 98/257/EC of 30 March 1998 on the principles applicable to the bodies responsible for out-of-court settlement of consumer disputes.

Amendment 8
Recital 47a (new)

(47a) Co-regulation could be an appropriate way of stimulating enhanced quality standards and improved service performance. Co-regulation should be guided by the same principles as formal regulation, that is, it should be objective, justified, proportionate, non-discriminatory and transparent.

Amendment 9
Recital 47b (new)

(47b) This Directive provides for elements of consumer protection, including clear contract terms and dispute resolution, and tariff transparency for consumers. It also encourages the extension of such benefits to other categories of end-users, in particular small and medium-sized enterprises.
1. Member States shall ensure that national regulatory authorities can impose obligations on undertakings in order to ensure that public pay telephones are provided to meet the reasonable needs of end-users in terms of the geographical coverage, the number of telephones and the quality of services.

1. Member States shall ensure that national regulatory authorities can impose obligations on undertakings in order to ensure that public pay telephones are provided to meet the reasonable needs of end-users in terms of the geographical coverage, the number of telephones, the accessibility of such telephones to disabled users and the quality of services.

1. National regulatory authorities shall monitor the evolution of retail tariffs of the services identified in Articles 4, 5, 6 and 7 as falling under the universal service obligations and provided by designated undertakings, in particular in relation to national consumer prices and income.

1. National regulatory authorities shall monitor the evolution and level of retail tariffs of the services identified in Articles 4, 5, 6 and 7 as falling under the universal service obligations and provided by designated undertakings, in particular in relation to national consumer prices and income.

1. National regulatory authorities shall ensure that all designated undertakings with obligations under Articles 4, 5, 6, 7 and 9(2) publish adequate and up-to-date information concerning their performance in the provision of universal service, based on the quality of service parameters, definitions and measurement methods set out in Annex III. The published information shall also be supplied to the national regulatory authority. National regulatory authorities may specify, inter alia, the quality of service parameters to be measured, and the content, form and manner of information to be published, in order to ensure that end-users have access to comprehensive, comparable and user-friendly information.

1a. National regulatory authorities may specify, inter alia, additional quality of service standards, where relevant parameters have been developed, to assess the performance of undertakings in the provision of services to disabled end-users and disabled consumers. National regulatory authorities shall ensure that information concerning the performance of undertakings in relation to these parameters is also published and made available to the national regulatory authority.

1b. National regulatory authorities may, in addition, specify the content, form and manner of information to be published, in order to ensure that end-users and consumers have access to comprehensive, comparable and user-friendly information.
Amendment 15

Article 17, paragraph 1, point (b)

(b) the national regulatory authority considers that obligations imposed under Directive 2001/.../EC (Access Directive), or Article 19 of this Directive would not result in the achievement of the objectives set out in Article 7 of Directive 2001/.../EC (Framework Directive),

Amendment 16

Article 17, paragraph 4

4. National regulatory authorities shall ensure that, where an undertaking is subject to retail tariff regulation, the necessary and appropriate cost accounting systems are implemented. National regulatory authorities may specify the format and accounting methodology to be used. Compliance with the cost accounting system shall be verified by a qualified independent body. National regulatory authorities shall ensure that a statement concerning compliance is published annually.

Amendment 17

Article 20, paragraph 2, introduction

2. Member States shall ensure that at least consumers where subscribing to services providing connection and/or access to the public telephone network, shall have a right to a contract with an undertaking or undertakings providing such services. The contract shall specify at least:

Amendment 18

Article 20, paragraph 2, point (d)

(d) the means by which up-to-date information on all applicable tariffs and maintenance charges may be obtained;

(d) particulars of prices and tariffs and the means by which up-to-date information on all applicable tariffs and maintenance charges may be obtained;

Amendment 19

Article 20, paragraph 2, subparagraph 1a (new)

Member States may extend these obligations to cover other end-users.

Amendment 20

Article 20, paragraph 3

3. Where contracts are concluded between at least consumers and electronic communications services providers other than those providing connection and/or access to the public telephone network, the information in paragraph 2 shall also be included in such contracts. Member States may extend this obligation to cover other end-users.
Amendment 21

Article 21

Member States shall ensure that transparent and up-to-date information on applicable prices and tariffs, and on standard terms and conditions, in respect of access to and use of publicly available telephone services is available to member States shall ensure that transparent and up-to-date information on applicable prices and tariffs, and on standard terms and conditions, in respect of access to and use of publicly available telephone services is available to the public, and particularly to all consumers, in accordance with the provisions of Annex II.

Amendment 22

Article 21, paragraph 1a (new)

1a. National regulatory authorities shall encourage the provision of information to enable end-users, as far as appropriate, and consumers to make an independent evaluation of the cost of alternative usage patterns, for instance by means of interactive guides.

Amendment 27

Article 33

Member States shall ensure as far as appropriate that national regulatory authorities take account of the views of end-users, manufacturers, undertakings that provide electronic communications networks and/or services on issues which have a significant impact on the market related to all end-user rights concerning publicly available electronic communications services.

Amendment 28

Article 33, paragraph 1a (new)

1a. Where appropriate, interested parties may, with the guidance of national regulatory authorities, develop mechanisms involving consumers, user groups and service providers to improve the general quality of service provision, inter alia by developing and monitoring codes of conduct and operating standards.

Amendment 29

Article 34, paragraph 1

1. Member States shall ensure that transparent, simple and inexpensive out-of-court procedures are available for dealing with unresolved disputes, involving at least consumers, relating to issues covered by this Directive. Member States shall adopt measures to ensure that such procedures enable disputes to be settled fairly and promptly and may, where warranted, adopt a system of reimbursement and/or compensation.

Member States may extend these obligations to cover disputes involving other end-users.
Amendment 30
Article 34, paragraph 1a (new)

1a. Member States shall ensure that their legislation does not hamper the establishment of complaints offices and the provision of on-line services at the appropriate territorial level to facilitate access to dispute resolution by consumers and end-users.

Amendment 31
Annex I, Part B, point (b), paragraph 2a (new)

To the extent technically feasible, operators should provide data and signals to facilitate the offering of calling-line identity and tone dialling across Member State boundaries.

Amendment 32
Annex II, introduction

The national regulatory authority has a responsibility to ensure that the information in this Annex is published, in accordance with Article 21. It is for the national regulatory authority to decide which information is to be published by the undertakings providing public telephone networks and/or publicly available telephone services and which information is to be published by the national regulatory authority itself.

Amendment 33
Annex II, point 3a (new)

3a. Information about rights as regards universal service, including the facilities and services mentioned in Annex 1.

12. Radio spectrum policy ***II

A5-0432/2001


(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (12170/1/2001 – C5-0490/2001),
- having regard to its position at first reading (1) on the Commission proposal to Parliament and the Council (COM(2000) 407) (2),

− having regard to the Commission's amended proposal (COM(2001) 524),

− having regard to Article 251(2) of the EC Treaty,

− having regard to Rule 80 of its Rules of Procedure,

− having regard to the recommendation for second reading of the Committee on Industry, External Trade, Research and Energy (A5-0432/2001),

1. Amends the common position as follows;

2. Instructs its President to forward its position to the Council and Commission.

COUNCIL
COMMON POSITION

AMENDMENTS
BY PARLIAMENT

Amendment 8
Recital 1

(1) On 10 November 1999 the Commission presented a Communication to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions proposing the next steps in radio spectrum policy on the basis of the results of the Public Consultation on the Green Paper on Radio Spectrum Policy in the context of European Community policies such as telecommunications, broadcasting, transport and R & D. This Communication was welcomed by the European Parliament in a Resolution of 18 May 2000. It should be emphasised that a certain degree of further harmonisation of Community policy on the radio spectrum is desirable, in particular for pan-European services and applications, and that it is necessary to ensure the Member States make applicable in the required manner certain decisions of the European Conference of Postal and Telecommunications Administrations (CEPT).

Amendment 9
Recital 4a (new)

(4a) Any new Community policy initiative depending on radio spectrum should be agreed by the European Parliament and Council as appropriate, on the basis of a proposal from the Commission. Without prejudice to the right of initiative of the Commission, this proposal should include, inter alia, information on the impact of the envisaged policy on existing spectrum user communities as well as indications regarding any general radio frequency re-allocation that this new policy would require.
13. Public health (Community action programme) ***II

A5-0420/2001


(Codecision procedure: second reading)

The European Parliament,

having regard to the Council common position (10222/3/2001 — C5-0390/2001) (1),

having regard to its position at first reading (2) on the Commission proposal to Parliament and the Council (COM(2000) 285) (3),

having regard to the Commission's amended proposal (COM(2001) 302) (4),

having regard to Article 251(2) of the EC Treaty,

having regard to Rule 80 of its Rules of Procedure,

having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Consumer Policy (A5-0420/2001),

1. Amends the common position as follows:

2. Instructs its President to forward its position to the Council and Commission.

COUNCIL COMMON POSITION (5)

AMENDMENTS

BY PARLIAMENT

Amendment 1

Recital 1a (new)

(1a) Health should be a priority beyond political or financial compromises and cannot be regarded as a marketable commodity. Under Article 152 of the Treaty the Community is required to play an active role in this sector by taking measures which cannot be taken by individual states in accordance with the principle of subsidiarity.

Amendment 3

Recital 9a (new)

(9a) The programme should contribute to establishing quality standards in the field of public health. The same objective should apply to standards governing patients' rights, such as data protection and non-discrimination.

(10) It is essential to collect, process and analyse data at Community level in order to obtain objective, reliable and compatible and comparable information which could be exchanged and would enable the Commission and the Member States to improve information to the public and formulate appropriate strategies, policies and actions to achieve a high level of human health protection. Data from the private sector should also be taken into account for the completeness of the programme.

(10) It is essential to collect, process and analyse data at Community level for the purpose of effective public health monitoring at Community level and in order to obtain objective, reliable and compatible and comparable information which could be exchanged and would enable the Commission and the Member States to improve information to the public and formulate appropriate strategies, policies and actions to achieve a high level of human health protection. Data from the private sector should also be taken into account for the completeness of the programme.

(10a) The Community and its Member States have at their disposal certain means and mechanisms in relation to information and monitoring in the field of public health. It is therefore necessary to ensure a high level of coordination between actions and initiatives taken by the Community and the Member States to implement the programme, to promote cooperation between Member States and to ensure the effectiveness of existing and future networks in the field of public health.

(11) It is essential that the Commission ensure the effectiveness and the cohesion of measures and actions of the programme at both micro- and macro-level as well as the promotion of cooperation between the Member States. Any structural arrangements which would be established under the auspices of the Commission to this end should collect, monitor and evaluate data, and develop surveillance methods and a basis for a rapid and coordinated responses to health threats. Such structural arrangements would consist of a strengthened central resource and closely involve the relevant institutions designated by the Member States.

(11) It is essential that the Commission ensure the effectiveness and the cohesion of measures and actions of the programme at both micro- and macro-level as well as the promotion of cooperation between the Member States. Any structural arrangements which would be established under the auspices of the Commission to this end should collect, monitor and evaluate data, and develop surveillance methods and a basis for a rapid and coordinated responses to health threats. Such structural arrangements would consist of a strengthened central resource and closely involve the relevant institutions designated by the Member States. The Commission should, within one year from the date of entry into force of this Decision, take the necessary preparatory measures to achieve the general objectives and coordinate the measures contained in the programme, together with appropriate structural arrangements for comprehensive and ongoing coordination.
Amendment 7
Recital 11a (new)

(11a) The structural arrangements should facilitate effective monitoring of the public health sector at Community level, the evaluation of Community measures, and the efficient operation of existing and future networks in the field of public health in close cooperation with the Member States.

Amendment 8
Recital 13

(13) To enable such structural arrangements to operate smoothly and effectively, it is essential to establish sustained cooperation with the health authorities of the Member States, while respecting Member States' responsibilities.

(13) It is essential that the Commission, through appropriate structural arrangements, ensures the effectiveness and cohesion of measures and actions contained in the programme and promotes cooperation between the Member States. To enable such structural arrangements to operate smoothly and effectively, it is essential to establish sustained cooperation with the health authorities of the Member States, while respecting Member States' responsibilities.

Amendment 9
Recital 13a (new)

(13a) In order to increase the effectiveness of the programme, consultation with non-governmental organisations should be organised through health fora.

Amendment 10
Recital 15a (new)

(15a) The programme should pursue the following objectives:

- to improve information and knowledge for the development of public health;
- to enhance the capability of responding rapidly and in a coordinated fashion to threats to health;
- to address health determinants across all policies and activities through health promotion and disease prevention measures.

Amendment 11
Recital 15b (new)

(15b) In order to achieve these objectives, the programme should take into account the importance of education, training and networking.
(16) The Treaty requires that a high level of human health protection is ensured in the definition and implementation of all Community policies and activities. A strong link is to be established between Community policy in health-relevant areas and the Community strategy for public health. Within the public health programme, a priority task will be to develop criteria and methodologies for evaluating policy proposals and their implementation. In developing the measures under the programme, and joint strategies and actions with other relevant Community programmes and actions, it should be ensured that these other Community policies and actions incorporate the health aspect, and that they are underpinned by intersectoral policy.

(18) In accordance with the principles of subsidiarity and proportionality set out in Article 5 of the Treaty, Community action on matters which do not fall within the exclusive competence of the Community, such as public health, should be undertaken only if and in so far as, by reason of its scale of effects, its objective can be better achieved by the Community. The objectives of the programme cannot be sufficiently achieved by the Member States because of the complexity, transnational character and lack of complete control at Member State level over the factors affecting health, and therefore the programme should support and complement the Member States' actions and measures. The programme can provide a significant added value to health promotion in the Community through the support of structures and programmes which enhance the capabilities of individuals, institutions, associations, organisations and bodies in the health field by facilitating the exchange of experience and best practices and by providing a basis for a common analysis of the factors affecting public health. Also, the programme may have added value in the event of threats to public health of a cross-border nature, such as infectious diseases, to the extent that they promote joint strategies and actions. The programme will enable the Community to contribute towards fulfilling its Treaty obligations in the field of public health while fully respecting the responsibilities of the Member States for the organisation and delivery of health services and health care. This decision does not go beyond what is necessary to achieve those objectives.

(16) The Treaty requires that a high level of human health protection is ensured in the definition and implementation of all Community policies and activities. A strong link is to be established between all Community policies having an impact on health and the Community strategy for public health. Within the public health programme, a priority task will be to develop criteria and methodologies for evaluating policy proposals and their implementation. In developing the measures under the programme, and joint strategies and actions with other relevant Community programmes and actions, it should be ensured that these other Community policies and actions incorporate the health aspect, and that they are underpinned by intersectoral policy.

(18) In accordance with the principles of subsidiarity and proportionality set out in Article 5 of the Treaty, Community action on matters which do not fall within the exclusive competence of the Community, such as public health, should be undertaken only if and in so far as, by reason of its scale of effects, its objective can be better achieved by the Community. The objectives of the programme cannot be sufficiently achieved by the Member States because of the complexity, transnational character and lack of complete control at Member State level over the factors affecting health and health systems, and therefore the programme should support and complement the Member States' actions and measures. The programme can provide a significant added value to health promotion in the Community through the support of structures and programmes which enhance the capabilities of individuals, institutions, associations, organisations and bodies in the health field by facilitating the exchange of experience and best practices and by providing a basis for a common analysis of the factors affecting public health. Also, the programme may have added value in the event of threats to public health of a cross-border nature, such as infectious diseases, environmental pollution or food contamination, to the extent that they promote joint strategies and actions. The programme will enable the Community to contribute towards fulfilling its Treaty obligations in the field of public health while fully respecting the responsibilities of the Member States for the organisation and delivery of health services and health care. This decision does not go beyond what is necessary to achieve those objectives.
(20a) Effective implementation of the measures and actions and achievement of the desired impact of the programme require comparability of the data collected and compatibility and interoperability of the systems and networks for exchanging information and data on health. It is of prime importance that information is exchanged on the basis of comparable and compatible data.

(21a) The Feira European Council in June 2000 endorsed the ‘e-Europe 2002 Action Plan on an Information Society for All’, which under Health Online urges Member States to develop an infrastructure of user-friendly, validated and interoperable systems for health education, disease prevention and medical care. It is essential that the new information technology is harnessed to empower European citizens to play an active role in managing their health and to improve overall quality of health care while at the same time ensuring equity in health information.

(22) In the execution of the programme, full use should be made of the relevant results generated from the Community research programmes, which support research in areas covered by the programme.

(22a) The experience acquired in various public health domains and from different charters applicable in this area should be taken into account.

(28) This decision lays down, for the entire duration of the programme, a financial framework constituting the prime reference, within the meaning of point 33 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure, for the budgetary authority during the annual budgetary procedure. The financial framework should correspond to the needs and objectives of the programme.
Amendment 20
Recital 30

(30) It is essential that there should be flexibility to allow redeployment of resources and adaptation of activities while respecting the need for transparency as well as the criteria for selecting and ordering priorities according to magnitude of risk or potential of effect, the outcome of evaluation, public concerns, availability of interventions or potential for their development, subsidiarity, added value and impact on other sectors. There is a need, however, to maintain a balance between the three objectives of the programme, allocating budget resources fairly between them.

Amendment 21
Recital 30a (new)

(30a) Practical measures are essential in order to attain the objectives of the programme. Consequently, when implementing the programme and earmarking resources under it, the importance of practical measures should be emphasised.

Amendment 22
Recital 37

(37) The programme of Community action in the field of public health builds on the activities and the programmes under the previous framework, in order to ensure a smooth transition therefrom, while adapting and expanding on their actions where justified by the results of the evaluation. The decisions concerning those programmes are covered by the new programme and should therefore be repealed with effect from the date of entry into force of this Decision.

Amendment 23
Article 2, paragraph 1

1. The programme, which shall complement national policies, shall aim to protect human health and improve public health.
be guided by the need to increase life expectancy without disability or illness, improve the quality of life and reduce to a minimum the financial and social impact of ill-health, thereby evening out the inequalities regarding health, while also taking account of regional issues regarding health. Priority shall be given to health protection measures in respect of the most serious diseases. The programme shall support the development of an integrated intersectoral health strategy to ensure that Community policies and actions contribute to protecting and promoting health.

Amendment 24
Article 2, paragraph 2, point (c)

(c) **to promote health and prevent disease through action on health determinants and** across all policies and activities.

(c) **to address health determinants** across all policies and activities **through health promotion and disease prevention measures.**

Amendment 26
Article 3, paragraph 1

1. The general objectives of the programme as set out in Article 2 shall be pursued by means of the following actions, the operational content of which is described in the Annex:

(a) **Improving information and knowledge for the development of public health by:**

- developing and operating health monitoring and surveillance systems which would incorporate the work of existing Community networks in the field of public health, including the epidemiological surveillance network;

- developing and using mechanisms for analysis, advice, reporting, information and consultation on health issues in accordance with best practice, in order to identify the most appropriate public health strategies;

- promoting the right of people to be informed about illnesses, treatments and ways of improving the quality of their lives;

- supporting the development and implementation of activities to combat the most serious diseases and avert threats to the health of large sections of the population.
(b) Strengthening the capacity for rapid and coordinated response by:

- developing and providing assistance and support for the capacity, operation and interlinking of the monitoring, early warning and rapid response mechanisms for health threats;
- enhancing the capacity to tackle communicable diseases, notably by introducing vaccination and immunisation programmes;
- strengthening the capacity to tackle other, gender-specific, health threats;
- strengthening the capacity to counter health threats from physical, chemical or biological sources caused by unforeseen events, inadequate structures or facilities, human error, or even terrorist acts.

(c) Addressing health determinants across all policies and activities through health promotion and disease prevention measures by:

- supporting and developing broader interdisciplinary health promotion and disease prevention activities, such as vaccination campaigns, and specific instruments to reduce and eliminate risks, and measures to achieve equity in health-related matters;
- developing activities relating to the mental health and well-being of European citizens.

Amendment 27

Article 3, paragraph 2, point (b)

(b) Development and implementation of health promotion and disease prevention activities involving, as appropriate, non-governmental organisations, innovative or pilot projects and networks between national institutions and activities.

Amendment 28

Article 3, paragraph 2, point (d), indent (i)

(i) development and dissemination to competent authorities in Member States, to health and other professionals and, where appropriate, to other stakeholders and the general
public of health information, knowledge, including statistics, reports, reviews, analysis and advice on issues of common interest to the Community and to Member States; public of health information, knowledge, including statistics regarding health information under the Community statistical programme and in particular breakdown of collected data by gender, age, geographical location and income bracket, reports, reviews, analysis and advice on issues of common interest to the Community and to Member States;

Amendment 29
Article 3, paragraph 2, point (d), indent (iv)

(iv) relevant training activities;

(iv) encouraging, developing and coordinating education and vocational training in the field of public health;

Amendment 31
Article 3, paragraph 2, point (d), indent (via) (new)

(via) supporting and promoting activities by the Community and the Member States to define and determine good practice, sound guidelines for health and quality guidelines for medicine based on scientific data.

Amendment 32
Article 3, paragraph 2, point (da) (new)

(da) Activities related to promoting an integrated health strategy by means of an intersectoral approach

(i) creating links between the public health framework and other policies;

(ii) establishing criteria and methodologies for the assessment and realisation of proposed policies regarding their impact on health.

Amendment 33
Article 3, paragraph 2, point (db) (new)

(db) Activities related to non-profit- making European non-governmental organisations operating at European level in the field of public health, either singly or with several coordinated associations working at national or regional level.
Amendment 34
Article 5, paragraph 2, subparagraphs 1a and 1b (new)

Within one year of the date of entry into force of this Decision, the Commission shall take the necessary measures to prepare, adopt and implement the changes and practical arrangements required for the development of the general objectives of the programme, together with appropriate structural arrangements to set up a coordinating centre for comprehensive and ongoing coordination of the programme.

The Commission shall, if appropriate, table fresh proposals concerning the type of structural arrangements needed to implement the public health strategy, in particular as regards health monitoring and rapid response to threats to health.

Amendment 35
Article 5, paragraph 4a (new)

4a. In implementing the programme the Commission, together with the Member States, shall ensure compliance with all relevant legal provisions regarding personal data protection and the introduction of mechanisms to ensure the confidentiality and safety of such data.

Amendment 36
Article 7, paragraph 1, subparagraph 1

1. The financial framework for the implementation of the programme for the period specified in Article 1 is hereby set at €280 million.

Amendment 38
Article 8, paragraph 1, point (e)

(e) the arrangements for the preparation of any structural arrangements for the coordination of health monitoring and rapid reaction to health threats; Deleted

Amendment 39
Article 11

In the course of implementing the programme, cooperation with third countries and with international organisations competent in the sphere of public health, in particular the World Health Organisation as well as the Council of Europe and the Organisation for Economic Cooperation and Development, the WTO
shall be encouraged in accordance with the procedure laid down in Article 9(3). In particular, the health information system and the capacity to respond to health threats should be, where appropriate and possible, coordinated with the activities of the World Health Organisation.

Amendment 40
Article 11a (new)

Article 11a

Cooperation with relevant Community bodies

Cooperation shall be fostered with Community bodies in relevant areas of work, in particular those bodies responsible for food and feed safety, environmental protection and product safety.

Amendment 41
Article 12, paragraph 1

1. The Commission, in close cooperation with the Member States, shall regularly monitor, where appropriate with the help of experts, the implementation of the actions of the programme in the light of the objectives. It shall report annually to the Committee and the European Parliament.

Amendment 43
Annex, point 1.5

1.5. improving analysis and knowledge of the impact of health policy developments and of other Community policies and activities, such as the internal market as it affects health systems, in contributing to a high level of human health protection, including developing criteria and methodologies for assessing policies for their impact on health and developing other links between public health and other policies;

Amendment 45
Annex, point 1.7a (new)

1.7a. developing and operating a joint action with the plans drawn up under e-Europe to improve information on medicines available to the general public on the Internet, review-
ing sources of medical information available and examining the possibilities for establishing a system of recognisable Community seals of approval to designate sites as trustworthy.

Amendment 46
Annex, point 2.2a (new)

2.2a. Supporting the network’s operation by developing and implementing a system to inform the general public, health professionals, patients’ organisations and the sections of the population concerned in the Member States, as well as the candidate countries, about communicable diseases and, in particular, the dangers of the cross-border spread of resistant pathogens;

Amendment 47
Annex, point 2.3

2.3. Developing strategies and mechanisms for preventing, exchanging information on and responding to non-communicable disease threats, including gender-specific health threats and rare diseases;

2.3. Developing preventive strategies and mechanisms, a vaccination and immunisation strategy and mechanisms for exchanging information on and responding to non-communicable disease threats, including gender-specific health threats and rare diseases;

Amendment 48
Annex, point 2.3a (new)

2.3a. Developing preventive strategies and mechanisms in order to counter health threats from physical, chemical or biological sources caused by unforeseen events, inadequate structures or facilities, human error, or even terrorist acts;

Amendment 60
Annex, point 2.6a (new)

2.6a. Developing strategies for reducing antibiotic resistance;

Amendment 50
Annex, point 2.6b (new)

2.6b. Assisting candidate countries striving to raise the level of health provided to their populations, enhancing activities to combat communicable diseases in the European Union and Central and Eastern Europe, which together represent a threat of epidemic proportions, developing mechanisms to
educate doctors and patients with regard to treatment options and disease management, supporting non-governmental organisations working at local, national and European level to improve the health of particularly underserved groups heavily affected by communicable diseases and setting up health promotion and prevention programmes.

Amendment 51
Annex, point 3.1

3.1. preparing and implementing strategies and measures on life-style related health determinants, such as nutrition, tobacco, alcohol, drugs and other substances and on mental health, including measures to take in all Community policies and age- and gender-specific strategies;

Amendment 52
Annex, point 3.1a (new)

3.1a. developing a specific action to promote, by means of public awareness/information campaigns, an improved diet and eating habits which are better suited to the needs of the human body;

Amendment 53
Annex, point 3.2

3.2. analysing the situation and developing strategies on socio-economic health determinants, for instance in order to identify and combat health inequalities;

Amendment 54
Annex, point 3.3

3.3. analysing the situation and developing strategies on health determinants related to the environment;

Amendment 55
Annex, point 3.5a (new)

3.5a. developing and coordinating relevant training activities related to the above measures.
4.1. Community assistance may be provided to support the activities referred to in Article 3, paragraph 2(a).

The actions to be taken may be funded by service contracts following calls for tender (which shall not exceed 50% of total budget) or by subsidies for joint financing with other sources. In the latter case the amount of Community financial assistance may not exceed 80% of the expenditure actually incurred by the recipient. To support projects in candidate countries, the Community may finance up to 100% of costs.

4.3a. Within one year of the date of entry into force of this Decision, the Commission shall take the necessary measures to prepare, adopt and implement the changes and practical arrangements required for the implementation of the general objectives of the programme, together with appropriate structural arrangements to set up a coordinating centre for comprehensive and ongoing coordination of the programme. Expenditure on technical and administrative assistance in respect of the structural arrangements and activities arising therefrom shall be met from the overall budget of the programme. For this purpose, the committee referred to in Article 9 shall be consulted.

14. Undesirable substances in animal feed ***II

A5-0408/2001


(Codecision procedure: second reading)

The European Parliament,

– having regard to the Council common position (10593/1/2001 – C5-0413/2001),

– having regard to its position at first reading (1) on the Commission proposal to Parliament and the Council (COM(1999) 654) (2),

– having regard to the Commission’s amended proposal (COM(2000) 861) (3),

– having regard to Article 251(2) of the EC Treaty,

(2) OJ C 89 E, 28.3.2000, p. 70.
Jdash having regard to Rule 80 of its Rules of Procedure,

having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Consumer Policy (A5-0408/2001),

1. Amends the common position as follows;

2. Instructs its President to forward its position to the Council and Commission.

COUNCIL

COMMON POSITION

AMENDMENTS

BY PARLIAMENT

Amendment 4

Article 13, paragraph 2

2. Paragraph 1 shall not affect the right of Member States to authorise products intended for animal feed produced outside the Community which do not fulfil the requirements of this Directive to be returned to the exporting third country. This return of products intended for animal feed to the exporting third country may take place only after the competent authority of the exporting third country has been fully informed of the reasons why, and circumstances under which, the products concerned intended for animal feed could not be put into circulation in the Community.

Amendment 2

Article 14, paragraph 1

1. Directive 1999/29/EC is hereby repealed as from … (\(^{(*)}\), without prejudice to the obligations of the Member States to comply with the deadlines set out in Part B of Annex III thereto for the transposition of the Directives listed in Part A of that Annex.

© 18 months following the entry into force of this Directive.

1. Directive 1999/29/EC is hereby repealed as from … (\(^\)\(^{(*)}\), without prejudice to the obligations of the Member States to comply with the deadlines set out in Part B of Annex III thereto for the transposition of the Directives listed in Part A of that Annex.

\(^{(*)}\) 6 months following the entry into force of this Directive.

Amendment 3

Article 15, paragraphs 1 and 2

Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive before … (\(^{(*)}\)). They shall forthwith inform the Commission thereof.

The measures adopted shall apply as from … (\(^{(*)}\)).

\(^{(*)}\) 12 months as from the entry into force of this Directive.

\(^{(*)}\) 18 months as from the entry into force of this Directive.

Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive before … (\(^\)\(^{(*)}\)). They shall forthwith inform the Commission thereof.

The measures adopted shall apply as from … (\(^\)\(^{(*)}\)).

\(^{(*)}\) 6 months following the entry into force of this Directive.
15. Emissions from two and three-wheel motor vehicles

A5-0406/2001


(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (7598/1/2001 – C5-0386/2001) (1),
- having regard to its position at first reading (2) on the Commission proposal to Parliament and the Council (COM(2000)314) (3),
- having regard to the Commission's amended proposal (COM(2001)145) (4),
- having regard to Article 251(2) of the EC Treaty,
- having regard to Rule 80 of its Rules of Procedure,
- having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Consumer Policy (A5-0406/2001),

1. Amends the common position as follows;
2. Instructs its President to forward its position to the Council and Commission.

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<thead>
<tr>
<th>COUNCIL COMMON POSITION</th>
<th>AMENDMENTS BY PARLIAMENT</th>
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<td>Amendment 1</td>
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<td>Recital 7</td>
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<td>(7) Tricycles and quadricycles are equipped either with spark ignition or compression ignition engines; in line with emission limits for passenger cars, each category requires a separate set of limit values.</td>
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<tr>
<td>(7) Tricycles and quadricycles are equipped either with spark ignition or compression ignition (diesel) engines; in line with emission limits for passenger cars, each category requires a separate set of limit values. Particulate emission limit values should be laid down for vehicles with compression ignition engines.</td>
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| Amendment 2              |                           |
| Recital 9                |                           |
| (9) Member States should be allowed, by way of tax incentives, to expedite the placing on the market of vehicles which satisfy the requirements adopted at Community level and to promote more environmentally advanced technologies on the basis of permissive emission values; such incentives should |
| (9) Member States should be allowed, by way of tax incentives, to expedite the placing on the market of vehicles which satisfy the requirements adopted at Community level and to promote more environmentally advanced technologies on the basis of mandatory emission values; such incentives should |

(1) OJ C 301, 26.10.2001, p. 43.
(3) OJ C 337 E, 28.11.2000, p. 140.
satisfy certain conditions intended to avoid distortions of the internal market; this Directive does not affect the Member States’ right to include emissions of pollutants and other substances in the basis for calculating road traffic taxes on two and three-wheel vehicles.

Amendment 3

Recital 9a (new)

(9a) Member States should be able to take measures to encourage the retrofitting of older two and three-wheel motor vehicles with emission-control devices and components. These measures should not result in discrimination against owners of older vehicles.

Amendment 4

Recital 11

(11) It is necessary to establish a further stage of emission limits, comprising further substantial reductions with respect to the limit values for 2003: such limit values can be developed in detail only when the current test cycle has been revised and after further study of the technical feasibility and emission-reduction potential of the technology.

Amendment 5

Recital 11a (new)

(11a) In order to ensure compliance with emission limit values, conformity testing of in-service two and three-wheel motor vehicles (in-service tests) should be introduced from 1 January 2006. Specific requirements for the correct operation of emission-control devices during the normal life of two or three-wheel motor vehicles should be introduced, as from 1 January 2004 for up to five years or 30,000 km, whichever is the sooner, and as from 1 January 2006 for up to five years or 50,000 km, whichever is the sooner.

Amendment 6

Recital 11b (new)

(11b) It should also be ensured that operating conditions of two and three-wheel motor vehicles in use correspond to the settings for the test cycle and that no defeat devices or other by-pass arrangements are used.
Amendment 7
Recital 11c (new)

(11c) As two and three-wheel motor vehicles produce an increasing proportion of total CO₂ emissions from transport sources, CO₂ emissions and/or the fuel consumption of two and three-wheel motor vehicles should be established as soon as possible and incorporated in the Community strategy for reducing road-transport CO₂ emissions.

Amendment 8
Article 2, paragraph 2, subparagraph 2

For the type I test for mopeds, the limit values set out in the second row of the Table in Chapter 5, Annex I, Section 2.2.1.1.3 to Directive 97/24/EC shall be used.

For the type I test for motorcycles and tricycles, the limit values set out in rows A of the Table in Chapter 5, Annex II, Section 2.2.1.1.5 to Directive 97/24/EC shall be used.

Amendment 9
Article 2, paragraph 3, subparagraph 2

For the type I test for mopeds, the limit values set out in the second row of the Table in Chapter 5, Annex I, Section 2.2.1.1.3 to Directive 97/24/EC shall be used.

For the type I test for motorcycles and tricycles, the limit values set out in rows A of the Table in Chapter 5, Annex II, Section 2.2.1.1.5 to Directive 97/24/EC shall be used.

Amendment 10
Article 2a (new)

Article 2a

1. With effect from 1 January 2006, Member States shall refuse to grant EC type-approval pursuant to Article 4(1) of Directive 92/61/EEC for a new vehicle type on grounds relating to measures to be taken against air pollution, if it fails to comply with the provisions of Directive 97/24/EC.

For the type I test, the limit values set out in rows B of the Table in Chapter 5, Annex II, Section 2.2.1.1.5 to Directive 97/24/EC shall be used.
2. With effect from 1 January 2007, Member States shall:
   (a) consider certificates of conformity which accompany new vehicles pursuant to Directive 92/61/EEC as no longer valid, and
   (b) refuse the registration, sale or entry into service of new vehicles which are not accompanied by a certificate of conformity in accordance with Directive 92/61/EEC,

   on grounds relating to the measures to be taken against air pollution, if the vehicles fail to comply with the provisions of Directive 97/24/EC.

   For the type I test, the limit values set out in rows B of the Table in Chapter 5, Annex II, Section 2.2.1.1.5 to Directive 97/24/EC shall be used.

3. For vehicle types of which no more than 5000 units are sold annually in the European Union, the date shall be 1 January 2008.

Amendment 11
Article 3, paragraph 1, point (b)

(b) they shall apply to all new vehicles offered for sale on the market of a Member State which comply with the permissive limit values set out in row B of the Table in Chapter 5, Annex II, Section 2.2.1.1.5 of Directive 97/24/EC, as amended by this Directive.

Amendment 12
Article 3, paragraph 2a (new)

2a. Member States may inter alia offer fiscal or financial incentives for the retrofitting of older two and three-wheel motor vehicles, if they thereby meet the limit values contained in this Directive or in the earlier version of Directive 97/24/EC.

Amendment 13
Article 3a (new)

Article 3a

1. Type-approvals shall also confirm the correct operation of emission-control devices during the normal life of two and three-wheel motor vehicles.
(a) as from 1 January 2004 for new vehicle types and as from 1 January 2005 for all vehicle types for up to five years or 30,000 km, whichever is the sooner;

(b) as from 1 January 2006 for new vehicle types and as from 1 January 2007 for all vehicle types for up to five years or 50,000 km, whichever is the sooner.


Amendment 14
Article 3b (new)

Article 3b

1. With effect from 1 January 2006, for new two and three-wheel motor vehicle types, and from 1 January 2007 for all vehicle types, type-approvals granted to vehicles shall also require confirmation of the correct operation of emission-control devices during the normal life of the vehicle under normal conditions of use (conformity of in-service vehicles properly maintained and used).


Such provisions shall include inter alia:
(a) criteria for carrying out checks,
(b) criteria for selecting the vehicles to be tested,
(c) criteria for carrying out the tests,
(d) rules to eliminate possible errors,
(e) the criterion that there shall be no charge for the owner/holder of the vehicle.

Amendment 15
Article 3c (new)

Article 3c

1. With effect from 1 January 2004, for motorcycles and tricycles with an engine capacity of over 150 cc, Member States:
(a) may no longer grant EC type-approval, and
(b) shall refuse national type-approval,
on grounds relating to CO\textsubscript{2} emissions and fuel consumption, if the emission and fuel consumption values are not established pursuant to Council Directive 80/1268/EEC\textsuperscript{(1)}, as amended by Commission Directive 93/116/EC\textsuperscript{(2)}.

2. With effect from 1 January 2005 Member States shall:

(a) consider certificates of conformity which accompany new motorcycles with an engine capacity of over 150 cc pursuant to Directive 92/61/EEC as no longer valid, and

(b) refuse the registration, sale or entry into service of new vehicles which are not accompanied by a certificate of conformity in accordance with Directive 92/61/EEC,

on grounds relating to CO\textsubscript{2} emissions and fuel consumption, if the emission and fuel consumption values are not established pursuant to Directive 80/1268/EEC as amended by Directive 93/116/EEC.


Amendment 16

Article 4, paragraph 1, subparagraph 1, introduction

1. The Commission shall consider a further tightening of the emission standards of vehicles falling within the scope of this Directive, taking into account:

Amendment 17

Article 4, paragraph 2

2. The Commission shall, not later than 31 December 2002, submit to the Committee for Adaptation to Technical Progress a proposal setting out a test method for the measurement of particulate emissions from compression ignition engines and two-stroke spark ignition engines, to be applied to new type-approvals from 1 January 2004.

2. The Commission shall, not later than 31 December 2002, submit to the Committee for Adaptation to Technical Progress a proposal setting out a test method for the measurement of particulate emissions in accordance with paragraph 1(e), to be applied to new type-approvals from 1 January 2004.
<table>
<thead>
<tr>
<th>Amendment 18</th>
<th>Amendment 19</th>
<th>Amendment 20</th>
<th>Amendment 21</th>
<th>Amendment 22</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) a new dedicated test cycle to be used for measurement of emissions in the Type I test and mandatory emission limit values for motorcycles, including particulate emissions for compression ignition engines and two-stroke spark-ignition engines, to be applied from 2006;</td>
<td>(a) mandatory emission limit values to be used in the Type I test for tricycles and quadricycles for stage B from 2006 and mandatory emission limit values for particulate emissions in accordance with paragraph 1(e), to be applied from 2006;</td>
<td>(b) an obligation to measure specific CO₂ emissions in type approval;</td>
<td>(b) an obligation to measure specific CO₂ emissions in type approval in accordance with Article 3c. The Commission shall also submit proposals for the inclusion of two and three-wheel motor vehicles in the Community strategy for reducing transport CO₂ emissions (agreement to reduce average CO₂ emissions, labelling, tax incentives);</td>
<td>(d) a new set of limit values (stage III) for mopeds, including particulate emissions from two-stroke spark emission engines, to be applied from 2006. The provisions on durability requirements and the obligation to measure specific CO₂ emissions in type approval will also be applied to mopeds.</td>
</tr>
<tr>
<td>Article 4, paragraph 3, point (a)</td>
<td>Article 4, paragraph 3, point (b)</td>
<td>Article 4, paragraph 3, point (c)</td>
<td>Article 4, paragraph 3, point (ca) (new)</td>
<td>Article 4, paragraph 3, point (d)</td>
</tr>
<tr>
<td><strong>Amendments by Parliament</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
4. The Commission shall submit proposals to the European Parliament and Council, containing inter alia provisions on in-use compliance and, if appropriate, inspection and maintenance, OBD and evaporative emission control.

The Commission shall also ensure that only replacement and retrofit parts for exhaust systems which comply with Directive 97/24/EC and this Directive are placed on the market. The issuing of type-approval must be sufficiently verifiable and the data on the type-approvals issued must be quickly, efficiently and transparently retrievable and traceable in a European data system.

Amendment 24

ANNEX, POINT 1, POINT (c)
Chapter 5, Annex II, Section 2.2.1.1.5 (Directive 97/24/EC)

2.2.1.1.5. Subject to the requirements for 2.2.1.1.6, the test must be repeated three times. The resulting masses of gaseous emissions obtained in each test must be less than the limits shown in the table below (row A):

<table>
<thead>
<tr>
<th>Class</th>
<th>Mass of carbon monoxide (CO)</th>
<th>Mass of hydrocarbons (HC)</th>
<th>Mass of oxides of nitrogen (NOx)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>( L_1 ) (g/km)</td>
<td>( L_2 ) (g/km)</td>
<td>( L_3 ) (g/km)</td>
</tr>
</tbody>
</table>

Limit values for motorcycles (two-wheel) for type approval and conformity of production

A (2003)

| I (< 150 cc) | 5,5 | 1,2 | 0,3 |
| II (≥ 150 cc) | 5,5 | 1,0 | 0,3 |

Note (*): The values in row B are permissive and applicable for the purposes of Article 3 of Directive /.../EC.

B (**):

| I (< 150 cc) (UDC cold) (**1) | 2,0 | 0,8 | 0,15 |
| II (≥ 150 cc) (test cycle provided for in Directive 98/69/EC) (**2) | 2,0 | 0,3 | 0,15 |

Limit values for tricycles and quadricycles for type approval and conformity of production (positive ignition)

A (2003) All | 7,0 | 1,5 | 0,4 |

Limit values for tricycles and quadricycles for type approval and conformity of production (compression ignition)

A (2003) All | 2,0 | 1,0 | 0,65 |

Note (**1): Test cycle: test cycle provided for in this Directive without warming up, starting temperature 20-30°C (similar to that in Directive 98/69/EC).

Note (**2): Type I test procedure provided for in Directive 98/69/EC.
### Limit values for motorcycles (two-wheel) for type approval and conformity of production

<table>
<thead>
<tr>
<th>Class</th>
<th>Mass of carbon monoxide (CO)</th>
<th>Mass of hydrocarbons (HC)</th>
<th>Mass of oxides of nitrogen (NOx)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>L1 (g/km)</td>
<td>L2 (g/km)</td>
<td>L3 (g/km)</td>
</tr>
<tr>
<td>A (2003)</td>
<td>I (&lt; 150 cc)</td>
<td>5.5</td>
<td>1.2</td>
</tr>
<tr>
<td></td>
<td>II (≥ 150 cc)</td>
<td>5.5</td>
<td>1.0</td>
</tr>
<tr>
<td>B (2006)</td>
<td>I (&lt; 150 cc) (UDC cold) (*)</td>
<td>2.0</td>
<td>0.8</td>
</tr>
<tr>
<td></td>
<td>II (≥ 150 cc) (UDC+EUDC cold)</td>
<td>2.0</td>
<td>0.3</td>
</tr>
</tbody>
</table>

### Limit values for tricycles and quadricycles for type approval and conformity of production (positive ignition)

<table>
<thead>
<tr>
<th>Class</th>
<th>Mass of carbon monoxide (CO)</th>
<th>Mass of hydrocarbons (HC)</th>
<th>Mass of oxides of nitrogen (NOx)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>L1 (g/km)</td>
<td>L2 (g/km)</td>
<td>L3 (g/km)</td>
</tr>
<tr>
<td>A (2003)</td>
<td>All</td>
<td>7.0</td>
<td>1.5</td>
</tr>
</tbody>
</table>

### Limit values for tricycles and quadricycles for type approval and conformity of production (compression ignition)

<table>
<thead>
<tr>
<th>Class</th>
<th>Mass of carbon monoxide (CO)</th>
<th>Mass of hydrocarbons (HC)</th>
<th>Mass of oxides of nitrogen (NOx)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>L1 (g/km)</td>
<td>L2 (g/km)</td>
<td>L3 (g/km)</td>
</tr>
<tr>
<td>A (2003)</td>
<td>All</td>
<td>2.0</td>
<td>1.0</td>
</tr>
</tbody>
</table>

(*) Test cycle: ECE R40 (with emissions measured for all 6 modes — sampling starts at T=0).

(†) Test cycle: ECE R40+EUDC (emissions measured from all modes — sampling starts at T=0), with the maximum speed of 120 km/h.

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**Amendment 27**

ANNEX, POINT 1, POINT (c)

Chapter 5, Annex II, Section 2.2.1.1.5.1a (new) (Directive 97/24/EC)

2.2.1.1.5.1a. When testing for compliance with the limit values in rows B for 2006 for motorcycles with a permitted maximum speed of 110 km/h, the maximum speed for the extra-urban driving cycle will be restricted to 90 km/h.

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**Amendment 25**

ANNEX, POINT 1, POINT (k)

Chapter 5, Annex II, Appendix 1, Section 6.1.3a (new) (Directive 97/24/EC)

6.1.3a. When testing for compliance with the limit values in row BI (Table, Section 2.2.1.5) the following shall apply:

prior to the initiation of the test, a flow of air of variable speed is directed at the motorcycle or tricycle. The ventilation system must include a mechanism controlled by the speed of the bench roller so that, in the range from 10 km/h to 50 km/h, the linear air speed at the blower outlet is equal to the relative speed of the roller with an approximation of 10%. For roller speeds below 10 km/h, the air speed may be zero. The end section of the blower device must have the following characteristics:

(i) surface area of at least 0.4 m²;

(ii) lower edge between 0.15 and 0.20 m above ground level;

(iii) distance from the leading edge of the motorcycle or motor tricycle between 0.3 and 0.45 m;
16. Determination of Member States’ payments to VAT-based own resource **II

A5-0431/2001


(Codecision procedure: second reading)

The European Parliament,

— having regard to the Council common position (8793/1/2001 — C5-0385/2001) (¹),
— having regard to its position at first reading (²) on the Commission proposal to Parliament and the Council (COM(2000) 583) (³),
— having regard to Article 251(2) of the EC Treaty,
— having regard to Rule 78 of its Rules of Procedure,
— having regard to the recommendation for second reading of the Committee on Budgets (A5-0431/2001).

1. Approves the common position;
2. Notes that the act is adopted in accordance with the common position;
3. Notes the commitment of the Commission to provide Parliament early each year with a working document concerning the state of play regarding the collection of own resources, the forecasted level of own resources for the next financial year and topical problems related to the own resources system;
4. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
5. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Communities;
6. Instructs its President to forward its position to the Council and Commission.

(²) Texts Adopted, 3.4.2001, Item 5.
(³) OJ C 29 E, 30.1.2001, p. 266.
17. Community financial assistance in the field of trans-European Networks (1999)

A5-0439/2001

European Parliament resolution on the report from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on the Trans-European Networks 1999 annual report pursuant to Article 16 of Regulation (EC) No 2236/95 laying down general rules for the granting of Community financial assistance in the field of Trans-European-Networks (COM(2000) 591 — C5-0255/2001 — 2001/2120(COS))

The European Parliament,

- having regard to the Commission’s annual report (COM(2000) 591 — C5-0255/2001),

- having regard to the Göteborg European Council conclusions, and more specifically to paragraph 29 thereof,

- having regard to the White Paper on European transport policy (1),


- having regard to Rule 47(1) of its Rules of Procedure,

- having regard to the report of the Committee on Budgets and the opinions of the Committee on Industry, External Trade, Research and Energy and the Committee on Regional Policy, Transport and Tourism (A5-0439/2001),

A. whereas the trans-European networks account for almost half of total goods and passenger traffic in the European Union, and therefore they could and should play a key role in promoting sustainable transport, strengthening economic development and revitalising employment;

B. whereas the share of TEN activities financed under the general budget has gradually been reduced from 1997 to 1999; whereas the appropriation concerned should be increased, not least in view of the huge challenges which the sector will be called upon to meet in years to come,

C. whereas roads currently make up 79% of passenger transport, compared with 6% for rail and 5% for air; whereas road traffic congestion already amounts to 0.5% of Community GDP, and, if nothing is done, it is estimated that this ratio will reach 1% of Community GDP by 2010, amounting to €80 billion a year; whereas it is estimated that enlargement will further increase transport flows in the new Member States, particularly in the frontier regions,

D. whereas the European Council in Göteborg called for a sustainable transport policy, which would tackle rising volumes of traffic and levels of congestion, noise and pollution and encourage the use of environment-friendly modes of transport as well as the full internalisation of social and environmental costs,

E. whereas the Commission in its White Paper on European transport policy highlights the continued existence of bottlenecks, particularly in international corridors in which North-South trans-European traffic is highly concentrated, in natural barriers such as the Alps and the Pyrenees, on the outskirts of major urban and trading centres in which long-distance, regional and local traffic meets and is concentrated, as well as on a number of EU borders, in particular those with the candidate countries,

F. whereas the completion and effective operation of the internal market in gas and electricity are inevitably linked to the further development of the trans-European networks,

G. whereas environmental arguments should not serve as a pretext for obstructing this aim, hence the need for appropriate solutions to be devised,

H. whereas in some Member States liberalisation has been carried out in a limited manner without taking account of reciprocity,

I. whereas the increase in demand and in cross-border trade following the opening of the market could lead to network overload,

J. whereas a well-integrated network is a fundamental prerequisite for security of energy supply,

K. whereas the prospect of enlargement of the European Union calls for the creation of a connection between the energy networks of the candidate countries and those of the European Union,

L. noting the dependence of the EU on external resources for its energy supply, and stressing, therefore, the importance of extending energy networks and of developing external cooperation measures in general in areas such as the Baltic Sea, the Black Sea, the Balkans and the Mediterranean,

1. Considers that the Commission has implemented satisfactorily the appropriations and remarks stated in the 1999 budget; notes that 1999 was a crucial year as it led to the modification of the TEN financial regulation, the approval of the financial framework for the period 2000-2006, the establishment of ISPA, and the emergence of Galileo as a completely new and important TEN project;

2. Welcomes the fact that the proportion (47%) of transport TEN appropriations used on feasibility studies and related activities (which was criticised in its resolution of 4 May 2000(1) on the 1998 Annual report) has been reduced within one year to 28%, since a larger number of projects are now at the completion stage;

3. Notes the factual character of the report and regrets that it contains neither a historical analysis of the preceding years, nor forecasts regarding priorities in the field of trans-European networks; deplores also the fact that the annual report contains relatively little information on the qualitative assessment of TEN projects; urges the Commission to attach in its future evaluations more detailed information on the original plans, timetables and results of each project; considers that this would improve the transparency and monitoring of TENs;

4. Regrets the fact that the information on investment in transport TENs included in the Commission’s report is broken down by transport mode only for budget line B5-700 and the Cohesion Fund; calls on the Commission to provide information on investment in transport via the Structural Funds, EIB loans, the financial instruments for third countries and other public and private programmes that is also broken down by transport mode;

5. Calls on the Commission to ensure that Member States make real progress towards the completion of the internal market by fully transposing the gas and electricity liberalisation directives;

6. Calls on the Commission to submit as soon as possible its proposal for a revision of the guidelines applicable to trans-European energy networks, which should seek to achieve the optimum operation of energy networks in the framework of the internal market in energy, taking due account of its future enlargement;

(1) OJ C 41, 7.2.2001, p. 50.
7. Hopes that the Commission text will contain projects of environmental interest such as to reduce the losses on the networks;

8. Calls on the Commission to clarify its position on the Synergy programme, given that the completion of gas or electricity network connection projects in the candidate countries or other third countries meets a vital need of the European Union, as the Commission noted in its report;

9. Notes the delay in a number of projects, particularly in the field of electrical energy, and calls on the Member States to take all the necessary measures to overcome the difficulties involved, particularly the environmental difficulties; considers that the European Union should, where necessary, provide adequate funding to that end;

10. Suggests that in the future, the financial evaluation of TENs should also include information on activities financed through the local, regional and national budgets as well as private sources, in order to provide a global view of the development in this sector and to check whether the Member States have fulfilled their promises by providing the necessary funding to the TEN projects;

11. Considers that the financial resources available for TENs seem far too limited considering the current and future challenges faced by the transport sector; welcomes the fact that the amendments made by Parliament and the Council to the financial regulation (Regulation (EC) No 2236/95)(1), whereby the Community grants financial aid for the trans-European networks, increase the total appropriation compared with the amount allotted in the period from 1995 to 1999; points out, however, that the appropriation is modest, given the immense challenges that the sector will be called upon to meet in years to come and also the percentage of TEN funding provided by EIB loans, which in 1999 proved to be more than three-quarters of the total funding;

12. Calls on the Commission to formulate the funding rules in such a way that the disbursement of tranches of funding for projects takes place only after a report has been issued by the beneficiary on the proper utilisation of the appropriations already received, and to append to its reports a summary — with timetable — setting out original plans, achievements in practice and proposed completion, in order to permit greater transparency, better monitoring and improved scope for planning;

13. Points out that the constant increase in road traffic runs contrary to the objectives of transport TENs and sustainable development; considers that attention should be focused increasingly on the interoperability and promotion of rail networks, in particular by pursuing cross-border cooperation; welcomes the guidelines to that effect proposed by the Commission in the White Paper on European transport policy up to 2010;

14. Considers it appropriate to develop initiatives aimed at optimising the network capacity and promoting integration between different modes of transport, as well as at revitalising rail, short sea shipping and the use of inland waterways;

15. Therefore calls for priority to be given to the promotion of those projects which clearly demonstrate positive and long-term effects on the environment and employment and which help to remove bottlenecks in the trans-European transport network, particularly in rail and combined transport;

16. Urges the Commission to strengthen the development and promotion of intelligent transport systems aiming at a more efficient use of infrastructure, the removal of bottlenecks through better traffic management and high quality information services, and the enhancement of transport safety and efficiency; calls on it accordingly to treat the Galileo satellite navigation programme as a matter of the utmost importance;

17. Refers to the TINA report, according to which the construction of a future transport TEN network in 11 candidate countries in central and eastern Europe by 2015 would require a financial support of €92 billion; points out that the current financial perspective foresees an amount of €7 billion under the framework of ISPA up to 2006, and that only €3.64 billion would be available for transport infrastructure projects in heading 7; calls for a thorough reflection on the ambitions and priorities for TEN networks in the candidate countries and the financial envelope to be allocated;

18. Is of the opinion that Member States must pay back the funds allocated by the EU for a given project if that project has not been completed;

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

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18. Security measures for European Council meetings and other similar international events

A5-0396/2001

European Parliament recommendation to the Council on an area of Freedom, Security and Justice: security at meetings of the European Council and other comparable events (2001/2167(INI))

The European Parliament,

having regard to Article 39 (3) of the EU Treaty,

having regard to Articles 6 and 7 of the TEU, as amended by the Nice Treaty dealing with the protection of fundamental rights in the European Union,

having regard to the Charter of Fundamental Rights of the European Union (ECFR),

having regard to Rule 107 of its Rules of Procedure,

having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0396/2001),

A. aware of the growing concerns of European citizens about the impact of globalisation, which were expressed in the demonstrations that took place during the European Councils of Nice and Göteborg and the meetings in Salzburg, Davos, Prague and Genoa,

B. concerned at the violence of the demonstrations that took place during these international meetings, causing serious damage to public and private property and, more seriously, a number of injuries to police officers and demonstrators, as well as one death,

C. convinced that it is necessary to ensure a high level of mutual confidence between citizens and their institutions,

D. having taken note of:

– the conclusions adopted respectively by the JHA Council (on 13 July 2001 (doc. 10916/01) and on 27 September 2001) dealing with security aspects, and the General affairs Council (16 July 2001),


Wednesday 12 December 2001
— the debates with the Presidency-in-Office of Council in its Committee on Citizens’ Freedoms and Rights, Justice and Home Affairs and in plenary, and

— the related debates which have taken place in national parliaments and contributions from citizens and NGOs,

— the frequent and unambiguous claims by the leaders of anti-globalisation movements, especially in Genoa, that violence is against the spirit and objectives of their movements.

Political dialogue

1. Agrees with the Council that the demonstrations in Nice, Göteborg and Genoa express a growing political demand addressed to the European Union to make every effort to interpret the political dimension of globalisation and “… to address the concerns which globalisation is giving rise to in our societies, so as to properly manage the structural changes under way with the aim of contributing to the international community’s political, social and economic progress’, and that this ‘… is a task which the European Union must carry out in the coming years so that it can influence its repercussions and fully benefit from its advantages’;

2. Stresses that the political debate on the internal and external impact of globalisation and the dialogue with European civil society should be structured (as was the case for the Euro and for enlargement) and based on a multi-sectoral approach reaching beyond traditional policies. Asks the Commission, therefore, to:

— establish a working group of the Commissioners who are most involved (trade, development, external relations, environment, social affairs, agriculture) with the task of preparing a White Paper on this subject taking into account the negotiations on the Millennium Round at Doha and at the next World Summit on Sustainable Development in Johannesburg in September 2002,

— establish a permanent Forum on Globalisation with European and national parliament representatives,

— recognise globalisation strategy as the main topic to be dealt with in the governance debate and as a priority of the interinstitutional information strategy.

General recommendations to improve political dialogue and protection of fundamental rights and to promote efficient cooperation between Member States

3. Stresses that the universal right of dissent is a correlate of the freedoms of thought, religion, expression, information, assembly and association as referred to in Articles 10, 11 and 12 of the ECFR;

4. Considers that in a European Union destined to become an area of freedom, security and justice the use of violence to express political and other opinions is reprehensible and that dialogue with civil society must be maintained and improved, respecting the different actors, and should be based on the following prerequisites:

Representatives of civil society

— citizens must enjoy the right to express their opinions freely and to assemble peacefully. In a European Union founded on the rule of law and on democratic principles, demonstrations should aim to influence by peaceful methods involving no use of violence whatsoever the normal decision-making process of the institutions;

— demonstrations must take place in conditions which do not pose a threat to the security or property of other citizens, and should comply with preventive measures established by the Member States in accordance with Article 33 of the Treaty on European Union, with a view to ensuring citizens’ right to safety enshrined in Article 29 of the same Treaty;

— those responsible for acts of violence must be isolated and condemned and organisers should avoid cooperation with those who abuse democratic rights by initiating, planning and carrying out acts of violence to coincide with public demonstrations;
Member States

- citizens must enjoy the right of data protection in accordance with Article 8 of the ECFR;

- there should be a dialogue with the organisers of public demonstrations and every useful initiative should be taken which will avoid any discrimination between nationals and citizens of other Member States before, during or after the demonstrations;

- measures to ensure law and order must be effective and proportionate and respect fundamental rights, as outlined in the ECFR, common European standards for the police (see the recent Council of Europe recommendation for police services), as well as relevant provisions of Community law, especially in the field of public order (Council Directive 64/221/EEC (1) and data protection (European Parliament and Council Directive 95/46/EC (2));

- cooperation with other Member States should be promoted and made more effective to prevent acts of violence and violent behaviour by demonstrators, by resorting as often as possible to the existing acquis of the Union, both at Community level and in the sphere of judicial and police cooperation;

European institutions

- the need to deal with substantial flows across internal borders of persons who wish to participate in public demonstrations, since current rules are designed to deal with people on a case-by-case basis, in order to guarantee free movement and ensure high levels of security. Furthermore, the Commission should guarantee at least the same protection for the free movement of European citizens as that for the free movement of goods (see Council Regulation (EC) No 2679/98 of 7 December 1998 on the functioning of the internal market in relation to the free movement of goods among the Member States) (3);

- the need to establish a European concept of ‘law and order’ to ensure that common criteria for the definition of public order based on the case-law of the Court of Justice are taken into account, in order to avoid inconsistencies and overlap between European and national institutions, between the Schengen and the Europol Conventions, and between measures governing cooperation between national law and police services (Joint Action 97/339/JHA of 26 May 1997 (4) and Joint Action 97/827/JHA of 5 December 1997 (5);

- the need for comprehensive reform of European judicial and police cooperation instruments, based on the best standards and methods for democratic control over police services in the Member States and bringing about revision of the Europol Convention and the relevant provisions of the Schengen Convention. The reform, which the Commission should undertake to submit by the end of 2002, should seek gradually to communitarise the above instruments, to strengthen judicial control by the Court of Justice, and to finance the instruments under the Community budget;

- the need for a common legal framework between Member States ensuring data protection in justice and home affairs in accordance with Article 8 of the ECFR and the need for the creation of a single European data protection authority;

Specific recommendations to ensure better protection of fundamental rights

5. Considers that the demonstrations in Nice, Göteborg and Genoa revealed several weaknesses in the Member States; recommends, therefore, in order to improve the protection of the fundamental rights of European citizens, that Member States:

(1) OJ 56 B, 4.4.1964, p. 850.
5.1. avoid blocking borders or denying individuals or groups of people who seek to participate peacefully in legitimate demonstrations the right to cross borders. The increasingly frequent re-establishment by Member States of controls at internal borders, which was previously the exception, has become the rule, even for international events of minor importance. Article 2(2) of the Schengen Convention lays down the possibility for Member States to reintroduce border controls only where public policy or national security so require. It is therefore the exception to the general rule that internal borders may be crossed at any point without any checks being carried out on persons. However, the reintroduction of border controls does not affect existing Community law in the field of free movement. The stopping at borders of thousands of persons travelling by train or boat, without assessing if they are a serious threat to one of the fundamental interests of society (according to the case-law of the European Court of Justice), is disproportionate and contrary to Articles 11, 12 and 45 of the ECFR and to the provisions of Directive 64/221/EEC;

5.2. agree on a common definition of 'dangerous person' and dangerous behaviour, which may justify preventive measures by police services of another Member State as provided for in Articles 46 and 96 of the Schengen Convention. Many persons stopped at borders (notably at the Genoa summit) were filed in the Schengen Information System (SIS) by Member States for conduct (e.g. having taken part in anti-nuclear demonstrations) which is legitimate in other Member States. In any case it must be clearly stated that European citizens cannot be deported or expelled from any part of the territory of the European Union without a judicial decision;

5.3. avoid any new kind of 'black list' or new, specialised database between Member States, other than the SIS and Sirene databases, and ensure an effective right to rectify information by the individuals concerned (recognised by Article 8 of the ECFR) and the right to obtain judicial scrutiny in case of abuse, notably if it concerns personal data revealing political opinions (contrary to Articles 11 and 12 of the ECFR);

5.4. reinforce citizens' rights to safety as referred to in Article 29 of the TEU, by combating in an effective way at European level violent groups (such as the so-called 'black block') or criminal organisations which pursue urban violence in EU territory. Such an investigation needs to be launched as soon as possible to avoid further infiltration of future peaceful demonstrations.

5.5. to condemn unequivocally all types of violent acts or behaviour against citizens — both demonstrators and law-enforcement officers — since they are incompatible with the right to demonstrate peacefully;

5.6. avoid a disproportionate use of force and instruct national police forces to control violence and preserve individual rights even in confused crowd scenarios where violent lawbreakers are mixed with peaceful law-abiding citizens. Avoiding the use of guns and complying with the UN recommendation on a proportionate use of force and the Council of Europe ethical code for enforcement should be mandatory. Member States should support Council's demand for a common European Handbook for police involved in public demonstrations. It must be noted that, following the disorder in Genoa, several administrative, judicial and parliamentary inquiries have been launched in Italy to ascertain if inhuman or degrading treatment or punishment (Article 4 of the ECFR) took place. The European Parliament will pay particular attention to the follow-up to these inquiries in view of its 2001 annual report on the protection of fundamental rights in the European Union.

5.7. avoid any discrimination between national and European citizens in case of arrest or trial and ensure all European citizens have the right to use their own language and have immediate access to a lawyer, to consular protection as provided for in Article 36 of the Vienna Convention and, even in the
case of a ‘fast-track’ judicial procedure, the right to be defended by a lawyer of their choice, according to
the fundamental right of access to justice;

*  
*  

6. Instructs its President to forward this recommendation to the Council and, for information, to the
Commission, as well as the governments and parliaments of the Member States.

19. Justice and home affairs (external relations)

A5-0414/2001


The European Parliament,

having regard to the Council report (7653/2000 — C5-0102/2001),

having regard to Article 37 of the EU Treaty,

having regard to Rule 47(1) of its Rules of Procedure,

having regard to the report of the Committee on Citizens’ Freedoms and Rights, Justice and Home Affairs and the opinion of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy (A5-0414/2001),

A. having regard to the conclusions of the Tampere European Council of 15/16 October 1999, calling
for stronger external action in the area of justice and home affairs,

B. having regard to the worrying development of organised crime in all its forms (trafficking in human
beings, forgery, drug trafficking, cybercrime, etc.),

C. whereas the establishment of priorities for external relations in the area of justice and home affairs
must above all give impetus to a deepening of the European area of freedom, security and justice, inter
alia through firm support for moving forward preparations for the introduction of the instruments
provided for in these areas at Tampere,

1. Stresses the importance of the external dimension of EU policy in the area of justice and home
affairs, in establishing an area of freedom, security and justice, and reiterates the need to integrate justice
and home affairs issues into the implementation of other Union policies, most notably in the protection of
human rights;

2. Considers, as a matter of extreme urgency, that a synergistic approach should be taken in inter-
national cooperation in order to create a common front with effective operational means to combat inter-
national terrorism, which constitutes a global threat to peace and democracy;

3. Notes that, mainly as a result of the diversity of the legal bases and the multiplicity of institutional
players and procedures involved, the EU has hitherto restricted itself to isolated measures and has proved
incapable of implementing a genuine external strategy in the area of JHA;

4. Considers it essential, therefore, to take the measures needed to establish a coherent, coordinated and
proactive European strategy in this area and to integrate justice and home affairs issues into the definition
and implementation of other Union policies and measures;
5. Considers it important, despite the inherent complexity of distributing competencies in this area between the first, second and third pillars, to seek greater coherence between international activities in the area of JHA, particularly between initiatives of the Member States in accordance with Article 37 of the Treaty on European Union and the Commission's action programme;

6. Takes the view that it is also necessary rapidly to undertake a simplification of the existing administrative structures, inter alia by reducing the excessive number of committees involved;

7. Supports, therefore, the suggestion made in the report of mobilising all the human resources available in the EU institutions and the Member States (diplomatic and consular missions, Commission delegations) and of making them aware of JHA issues;

8. Wishes these administrative reforms to be put in place rapidly so that the EU can develop an external strategy in the area of JHA in accordance with clearly defined priorities;

9. Is of the opinion that this external strategy must be based on measures meeting the criteria of subsidiarity and Community added-value and forming part of a long-term plan, while nevertheless being capable of implementation within a reasonable time;

10. Takes the view that the priorities of the external JHA policy should include:

   a) coordination between the Member States and candidate countries as regards training for the judiciary and police in the candidate countries and countries undergoing transition to democracy;

   b) reinforcement of the dialogue between Member States and third countries examining the causes of migration, readmission clauses and external border controls, in addition to addressing the needs of asylum seekers; with this in mind, consideration could be given to establishing a policy of co-developing and expanding information measures and campaigns in and with countries of origin and transit;

   c) support for the development and implementation of a broad and coherent anti-discrimination policy on the basis of Article 13 of the EC Treaty, to include measures against racism and xenophobia, in cooperation with the NGOs working in these areas;

   d) preventing and effectively combating organised crime in all its forms (trafficking in arms, drugs and human beings, cybercrime, etc.);

   e) enhanced cooperation in aiming to prevent all forms of organised crime, especially trafficking in human beings;

   f) establishing close forms of cooperation with third countries in fighting racism, xenophobia and all forms of discrimination;

   g) extending the competence of Eurojust in coordinating anti-terrorist cooperation with third countries;

   h) developing joint efforts to protect children's rights, with a view to the full application of the International Convention on the Rights of the Child of 20 November 1989;

11. Considers that the EU's external policy is an important tool for exerting a positive influence over the development of non-Member State partners in the area of justice and home affairs and calls on the Commission to make full use of all the possibilities for judicial and police cooperation available within the various agreements (association agreements, partnership and cooperation agreements, Stability Pact, Cotonou Agreement); also hopes that these measures will be supplemented by other forms of flexible cooperation in which civil society is involved (citizens' and workers' organisations) in order to combat effectively scourges such as organised crime, trafficking in human beings, money laundering, illegal trafficking and fraud, which are a threat to the European Union, the States concerned and their societies;

12. Considers it vital to establish a strong link between the European Union's immigration policy and development aid policy by attempting to reduce, through international agreements, potential conflicts of interest between countries of origin, transit and destination and by promoting the economic and social development of the least developed countries;
13. Supports the idea of a European initiative to encourage the return of skilled immigrants working in the European Union to their countries of origin and of preventing, as far as possible, the 'brain drain' from these countries, particularly through the use of various instruments such as the integrated development aid programmes;

14. Stresses the need to adopt a common asylum policy containing minimum standards for the reception and temporary protection of asylum-seekers;

15. Notes with concern that a certain level of corruption persists in the administrations of the candidate countries, which, if care is not taken, may compromise the efforts made by these countries to achieve reform and also the impact of the Community's financial aid; in this respect, supports the joint initiative launched by the Council of Europe and the Commission (the Octopus project);

16. Considers that the fight against money-laundering at international level must be waged on all fronts simultaneously (legal, educational, political) and at all levels (national, European, international) in order to be effective;

17. Stresses the need to strengthen non-military aspects of security through police cooperation with regions in crisis.

18. Takes the view that it is the job of the European Parliament to exercise effective controls over external JHA policy, inter alia by means of:
- periodic consultation regarding the overall strategy pursued, priorities and results;
- specific democratic oversight of the activities of Europol;
- reinforcement of the role of Members of the European Parliament in EU delegations to international conferences;

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

PROCEEDINGS OF THE SITTING

IN THE CHAIR: Mrs FONTAINE
President

1. Opening of sitting

The sitting opened at 10.00.

2. Approval of Minutes of previous sitting

Mr Rübig referred to his remarks made the previous day (Item 2) on the fact that an Austrian lawyer was being held in Nicaragua and announced that the lawyer had now been authorised to leave the country; he thanked the President for bringing about his early release.

The Minutes of the previous sitting were approved.

3. Agenda (sitting of 17 December)

The President announced that the Conference of Presidents had decided the previous day to extend the sitting of Monday 17 December by one hour, which would now be held from 15.00 to 19.30.

Mr Di Lello Finuoli protested against this decision on behalf of the GUE/NGL Group.

4. Vote on request for urgent procedure

The next item was the vote on the request for urgent procedure on the proposal for a Council framework decision on the European arrest warrant and the surrender procedures between the Member States (14807/1/2001 – C5-0675/2001 – 2001/0215(CNS)).

The following spoke: Watson, chairman of the LIBE Committee, the committee responsible, Cohn-Bendit, on behalf of the Verts/ALE Group, and Terrón i Cusí, on behalf of the PSE Group.

The request was approved by EV (276 for, 84 against, 8 abstentions).

The item was added to the agenda of Monday 17 December.

The deadline for tabling amendments would be 16.00.

5. Documents received

The President had received the following documents:

(a) from the Council and/or Commission:

| referred to | responsible: | ENVI |
| opinion: | BUDG, CONT, JURI, ITRE, AGRI |
| legal basis: | Articles 95 and 152 EC |
  referred to responsible: ENVI
  opinion: BUDG, CONT, JURI, ITRE, AGRI
  legal basis: Articles 95 and 152 EC

  referred to responsible: ENVI
  opinion: BUDG, CONT, JURI, ITRE, AGRI
  legal basis: Articles 95 and 152 EC

  referred to responsible: RETT
  legal basis: Article 80(2) EC

  referred to responsible: AGRI
  opinion: BUDG
  legal basis: Article 37 EC

  referred to responsible: AFET
  opinion: BUDG, LIBE, ITRE, DEVE, FEMM

  referred to responsible: AFET
  opinion: CULT, all committees concerned

  referred to responsible: AFET
  opinion: BUDG, ITRE

  referred to responsible: AFCO, FEMM, PETI

  referred to responsible: LIBE
  opinion: ITRE

  referred to responsible: RETT
  opinion: BUDG, ECON, ITRE, ENVI

referred to responsible: AFET
opinion: ITRE, DEVE

legal basis: Articles 133, 181 and 300(2), first subparagraph EC

Preliminary draft supplementary and amending budget No 5 to the budget for 2001 — Section I — Parliament (14896/01 — C5-0660/2001 — 2001/2264(BUD))

referred to responsible: BUDG
opinion: all committees concerned

Amended proposal for a Council regulation on waste management statistics (presented by the Commission pursuant to Article 250(2) of the EC Treaty) (COM(2001)737 — C5-0661/2001 — 1999/0010(COD))

referred to responsible: ENVI
legal basis: Article 285 EC


referred to responsible: ITRE
opinion: CONT, ECON, RETT, CULT
legal basis: Article 156 EC


referred to responsible: ENVI
opinion: JURI
legal basis: Article 95(2) EC


referred to responsible: PECH
opinion: BUDG, ENVI
legal basis: Articles 37, 300(2), first subparagraph and (3), first subparagraph EC


referred to responsible: RETT
opinion: BUDG, ENVI
legal basis: Article 80(2) EC


referred to responsible: ENVI
opinion: ITRE, RETT
legal basis: Article 175 EC

Council of the European Union: Letter of Amendment No 3 to the draft general budget of the European Communities for the financial year 2002 (14901/01 — C5-0669/2001 — 2000/2324(BUD))

referred to responsible: BUDG
opinion: all committees concerned


referred to responsible: BUDG
6. Transfers of appropriations

The Committee on Budgets had considered proposal for transfer of appropriations 55/2001 (C5-0560/2001 — SEC(2001)1831/2 Final).

Pending receipt of the Council's opinion, it had authorised the transfer, pursuant to Article 26(5)(b) of the Financial Regulation, in accordance with the following breakdown:

FROM:

Chapter B7-91 — Emergency aid reserve

- Article B7-910 — Emergency aid reserve CA 10000000 €

TO:

Chapter B7-21 — Humanitarian aid

- Article B7-210 — Aid, including emergency food aid, to help the populations of the developing countries and other third countries hit by disasters or serious crises CA 10000000 €

* * *

It had decided to authorise the transfer, pursuant to Article 26(5)(a) and (b) of the Financial Regulation, in accordance, in accordance with the following breakdown:

FROM:
Chapter 10 — Members of the Institution
   − under Article 102 — Temporary allowances  CA/PA  170 000 €

TO:
Chapter 22 — Movable property and associated costs
   − under Item 2200 — New purchases of technical equipment and installations  CA/PA  170 000 €
   *  *  *


It had decided to authorise the transfer in part pursuant to Article 26(5)(a) and (b) of the Financial Regulation, in accordance with the following breakdown:

FROM:
Chapter 24 — Postal charges and telecommunications
   − under Article 241 — Telephone, telegraph, telex  CA/PA  20 000 €

TO:
Chapter 23 — Current administrative expenditure
   − under Article 230 — Stationery and office supplies  CA/PA  20 000 €
   *  *  *


It had decided to authorise the transfer, pursuant to Article 26(5)(a) and (b) of the Financial Regulation, in accordance with the following breakdown:

FROM:
Chapter A-100 — Provisional appropriations
   − Article A-360 — Anti-fraud Office (OLAF)  NDA  3 800 000 €

TO:
Chapter A-23 — Current administrative expenditure
   − Article A-234 — Damages
      − Item A-2340 — Damages  NDA  3 800 000 €
      *  *  *

It had decided to authorise the transfer, pursuant to Article 26(5)(a) and (b) of the Financial Regulation, in accordance with the following breakdown:

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 10 — Members of the institution</td>
<td></td>
</tr>
<tr>
<td>— Item 1002 — Family allowances</td>
<td>− 120 000 €</td>
</tr>
<tr>
<td>— Article 102 — Temporary allowances</td>
<td>− 472 000 €</td>
</tr>
<tr>
<td>— Item 1030 — Retirement pensions</td>
<td>− 185 000 €</td>
</tr>
<tr>
<td>— Item 1050 — Travel expenses (including family members)</td>
<td>− 18 000 €</td>
</tr>
<tr>
<td>— Item 1051 — Installation, resettlement and transfer allowances</td>
<td>− 210 000 €</td>
</tr>
<tr>
<td>— Item 1052 — Removal expenses</td>
<td>− 170 000 €</td>
</tr>
<tr>
<td>Chapter 11 — Staff in active employment</td>
<td></td>
</tr>
<tr>
<td>— Item 1100 — Basic salaries</td>
<td>− 800 000 €</td>
</tr>
<tr>
<td>— Item 1101 — Family allowances</td>
<td>− 260 000 €</td>
</tr>
<tr>
<td>— Item 1141 — Annual leave travel expenses from place of employment to place of origin</td>
<td>− 48 000 €</td>
</tr>
<tr>
<td>— Item 1182 — Installation, resettlement and transfer allowances</td>
<td>− 165 000 €</td>
</tr>
<tr>
<td>— Item 1183 — Removal expenses</td>
<td>− 140 000 €</td>
</tr>
<tr>
<td>— Item 1184 — Temporary daily subsistence allowances</td>
<td>− 145 000 €</td>
</tr>
<tr>
<td>Chapter 21 — Expenditure on data processing</td>
<td></td>
</tr>
<tr>
<td>— Article 210 — Electronic office equipment</td>
<td>− 80 000 €</td>
</tr>
<tr>
<td>Chapter 24 — Postal charges and telecommunications</td>
<td></td>
</tr>
<tr>
<td>— Article 241 — Telephone, telegraph, telex</td>
<td>− 71 849 €</td>
</tr>
</tbody>
</table>

TO:  |

| Chapter 20 — Investments in immovable property, rental of buildings and associated costs |  |
| — Item 2001 — Lease/purchase payments | + 2 884 849 € |


It had decided to authorise the transfer, pursuant to Article 26(5)(b) of the Financial Regulation, in accordance with the following breakdown:

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 10 — Members of the institution</td>
<td></td>
</tr>
<tr>
<td>— Article 106 — Vocational training and language courses for Members of the institution</td>
<td>− 6 000 €</td>
</tr>
</tbody>
</table>
Chapter 11 — Staff in active employment
- Item 1141 — Annual travel costs from the place of employment to the place of origin — 40 000 €
- Item 1184 — Temporary daily subsistence allowances — 40 000 €
- Item 1191 — Provisional appropriation — 449 000 €

Chapter 15 — Exchanges of civil servants and experts
- Item 1521 — Court of Auditors officials seconded to national or international civil services or to private or public-sector institutions or undertakings — 20 000 €

Chapter 18 — Interinstitutional cooperation
- Item 1841 — Conversion and replacement of restaurant and canteen equipment — 6 000 €

Chapter 22 — Movable property and associated costs
- Item 2203 — Maintenance, use and repair of technical equipment and installations — 6 000 €
- Item 2204 — Office machines — 16 000 €

TO:

Chapter 20 — Investments in immovable property, renting of buildings and associated costs
- Article 206 — Acquisition of immovable property — 583 000 €

7. Draft general budget 2002, modified by the Council (vote)

Draft amendments to the draft general budget modified by the Council

Mr Costa Neves, co-rapporteur, introduced a number of technical changes:
- amendments 885, 886 and 117, voted at first reading, were to be taken into consideration;
- in amendment 328 in line A-1100, the amounts for both commitment and payment appropriations should be €989 119 000 and in line A–950N the amounts should be €3 500 000, also for commitment and payment appropriations.

Mr Walter suggested that the technical changes be put to the vote straight away before the vote on the actual amendment.

The President supported this proposal and put these technical changes to the vote.

Parliament adopted them.

Section III — Commission

Amendments adopted: 1 by EV (315 for, 31 against, 10 abstentions); block 2 (306, 6, 13, 335, 17, 307, 336, 337, 24, 338, 26, 339, 340, 341, 342, 31, 32, 343, 34, 35, 36, 344, 38, 39, 40, 345, 42, 43, 346, 45, 347, 47, 48, 348, 50, 349, 52, 350, 54, 55, 351, 57, 58); 352 by RCV (UEN); block 3 (353, 61, 62, 63, 64, 65, 66, 67, 68, 354, 70, 355, 72, 356, 74, 357, 76, 77, 78, 79, 358, 81, 359, 308); 309 (1st part) (amounts); 309 (2nd part) (remarks); 310 (1st part) (everything except the words 'inter alia, €225 000 of this appropriation is to be spent for the environment organisation GLOBE'); 310 (2nd part) (these words) by RCV (Verts/ALE); block 4 (87, 360, 89); 90 (1st part) (amounts); block 5 (361, 92, 362); 94; block 6 (363, 364, 97, 365, 99, 100, 101, 366, 103, 104, 367, 368, 108, 109, 110, 369, 112, 370, 371, 372,
373, 374, 118, 375, 120, 121, 122, 376, 124, 125, 126, 127, 377); 129; block 7 (130, 131, 378, 133, 134, 379, 136, 380, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 152, 153, 381, 382, 383, 384, 385); 323; block 8 (387, 386); 388: block 9 (389, 390, 164, 165); block 10 (392, 391, 324, 393, 170, 394); block 11 (396, 395, 397, 398, 325, 178, 399, 400, 401, 326, 183, 184, 402): 403: block 12 (187, 188, 404, 327, 191, 192, 405, 406, 407, 196, 197, 198, 199, 408, 409, 410, 411, 412, 205, 206, 414, 209, 415, 416, 212, 417, 216, 217, 218, 418, 220, 419, 222, 420, 273, 225, 328); block 13 (227, 329, 230); block 14 (232, 233, 234, 235, 236, 237, 330, 239, 240, 241, 242, 243, 244): 245; block 15 (246, 247, 248, 249, 331, 251, 252, 253); 254: block 16 (255, 257, 258, 259, 260, 261, 262); 421 (1st part) (everything except the words 'not covered by the European Women's Lobby'); 421 (2nd part) (these words) by EV (331 for, 104 against, 11 abstentions); block 17 (263, 264, 265, 266, 422, 267, 268, 269, 332, 333, 272) (Amendment 427 replaced amendment 90)

Amendments rejected: block 1 (5, 7, 8, 9, 10, 11, 12, 14, 15, 16) by RCV (GUE/NGL); 90 (2nd part) (remarks) by RCV (Verts/ALE); 231 by EV (182 for, 252 against, 11 abstentions)

Section IV — Court of Justice

Amendments adopted: block 18 (280, 279, 278, 287, 295, 298)

Section V — Court of Auditors

Amendments adopted: block 19 (423, 282, 276, 283, 290, 292, 294)

Section VI — Economic and Social Committee

Amendments adopted: block 20 (285, 284, 288, 291, 297)

Section VII — Committee of the Regions

Amendments adopted: block 21 (277, 289, 293, 296)

Section VIII(A) — European Ombudsman

Amendment adopted: 286

Section VIII(B) — European Data Protection Supervisor

Amendment adopted: 334

* * *

Mr Terence Wynn, chairman of the BUDG Committee, asked for his report A5-0447/2001 to be voted at that point after the vote on the budget amendments as this was more logical.

The President approved the request.

8. **Mobilisation of the flexibility instrument** (vote)


(Simple majority; Qualified majority required for paragraph 10)

MOTION FOR A RESOLUTION:

*Requests for separate votes: paragraphs 9 (ELDR): 10 (adopted)*

Parliament adopted the resolution (Item 1 of 'Texts Adopted').
(vote)

(Simple majority; Qualified majority required for paragraph 8 and amendment 11)

MOTION FOR A RESOLUTION:

Amendments adopted: 8; 9; 10; 11; 2; 3; 4

Amendments rejected: 5 by RCV (EDD); 6; 7

Amendment withdrawn: 1

RCVs: paragraphs 5 (PPE-DE); 6 (PPE-DE, UEN); 10 (PPE-DE); 14 (UEN); 21, 25 (PPE-DE) (adopted)

The following spoke during the vote:

— Walter who withdrew amendment 1;
— The President, who pointed out that the last part of the end of amendment 4 should be added to the first sentence of paragraph 29, to read as follows ‘notes ... enlargement needs in Brussels and calls for all adaptation necessary to proceed in parallel at the two places where Parliament sessions are held; welcomes …’

Requests for separate votes: paragraphs 13 (UEN); 16 (PPE-DE, ELDR) (by EV (209 for, 239 against, 14 abstentions)); 21, 22 (UEN); 33 (PPE-DE) (by EV (268 for, 186 against, 14 abstentions)) (adopted)

Split vote:

Paragraph 6 (ELDR):
1st part: up to 'year after year': adopted by RCV (PPE-DE, UEN)
2nd part: remainder: adopted by RCV (PPE-DE, UEN)

Parliament adopted the resolution by RCV (PPE-DE, EDD) (Item 2 of 'Texts Adopted').

* * *

Mr Vande Lanotte, President-in-Office of the Council, made the following statement:

'President, ladies and gentlemen. You have now concluded the second reading of the budget. I note that, as a result of today's vote, the agreement our two institutions reached at the conciliation meeting on 21 November has been formally endorsed. I note that there are still differences of opinion concerning the classification of expenditure. The Council reserves its position on this point. Nevertheless the Council can approve the maximum rate of increase resulting from this second reading.'

The President thanked and congratulated the two rapporteurs and Parliament's services who had ensured that this work went smoothly.

The President invited Mr Vande Lanotte, President-in-Office of the Council, Mrs Schreyer, Member of the Commission, Mr Terence Wynn, chairman of the BUDG Committee, and Mr Costa Neves and Mrs Buitenweg, rapporteurs, to join her as she signed the budget.

* * *

Mr Sturdy announced that the Court of Justice of the European Communities had ruled that the French ban on British beef was illegal; he asked the President to do everything she could to fully compensate British farmers (the President took note of this request).
10. Financial Programming 2002-2006 (vote)

Report: Colom i Naval – A5-0427/2001
(Simple majority)

MOTION FOR A RESOLUTION:

Requests for separate votes: paragraphs 3 (GUE/NGL); 12, 13 (ELDR): adopted

Parliament adopted the resolution (Item 3 of Texts Adopted).

11. EC-UNRWA Convention (additional funding 1999-2001) (procedure without report) (vote)

(Simple majority)
referred to responsible: BUDG
opinion: AFET, DEVE


Parliament approved the Commission proposal (Item 4 of Texts Adopted).

12. Cross-border payments in euro ***II (vote)

(Qualified majority)


The President declared the common position approved (Item 5 of Texts Adopted).

13. Measures directed against certain persons and entities with a view to combating international terrorism * (procedure without report) (vote)

Draft Council regulation on specific restrictive measures directed against certain persons and entities with a view to combating international terrorism (4765/3/2001- C5-0665/2001 – 2001/0228(CNS)) – Committee on Citizens’ Freedoms and Rights, Justice and Home Affairs
(Simple majority)
referred to responsible: LIBE
opinion: AFET, ECON

Amendments adopted: 5; 2; 3; 4; 1

Amendment rejected: 6 by EV (195 for, 246 against, 8 abstentions)

Request for separate vote: amendment 6

Parliament approved the Council draft as amended (Item 6 of ‘Texts Adopted’).

14. Crisis in the Middle East and the role of the European Union (vote)

Proposal for a recommendation Brok — B5-0747/2001
(Simple majority)

PROPOSAL FOR A RECOMMENDATION:

Amendments adopted: 1, 15 and 25 (identical); 26; 4; 7 (amended orally)

Amendments rejected: 14, 16; 17; 18; 21; 6 by RCV (EDD); 22; 23; 24

Amendment fallen: 19

Amendment not put to the vote (Rule 140(1)(d)): 20

Amendments withdrawn: 13, 9, 8, 12, 2, 3, 10, 5, 11

Paragraph 3.3 was adopted as amended orally.

The following spoke during the vote:

— Mr Brok who moved oral amendments:
— paragraph 3, point 3 to add ‘demanding the Palestinian Authority to dismantle the terrorist networks, including the arrest and prosecution of all suspects’;
— in amendment 7 to replace the words ‘all the countries in the region’ with ‘Israel and the Palestinian Authority’.

The President established that there was no opposition to voting on these oral amendments.

Parliament adopted the recommendation (Item 7 of ‘Texts Adopted’).

15. Pollution prevention and shipboard living and working conditions (port state control) ***III (vote)

Report by Parliament’s delegation to the Conciliation Committee (rapporteur: Watts) — A5-0440/2001
(Simple majority for approval)


Parliament approved the joint text (Item 8 of ‘Texts Adopted’).
16. Rules and standards for ship inspection and survey organisations and maritime administrations ***III (vote)

Report by Parliament’s delegation to the Conciliation Committee (rapporteur: Ortuondo Larrea) — A5-0441/2001
(Simple majority for approval)


Parliament approved the joint text (Item 9 of 'Texts Adopted').

17. Hulls of oil tankers ***II (vote)

Recommendation for 2nd reading Hatzidakis — A5-0344/2001
(Qualified majority)


The President declared the common position approved (Item 10 of 'Texts Adopted').

18. Financial collateral arrangements ***I (vote)

(Simple majority)


Amendments adopted: 1 to 4, 6 to 8, 10 to 14 and 18 to 20 collectively; 5 by RCV (PSE); 15 by RCV (PSE); 17 by RCV (PSE); 9 by RCV (PSE)

Amendments rejected: 16 by RCV (PSE); 21 by RCV (PSE)

Request for separate vote: amendment 16 (PPE-DE)

Parliament approved the Commission proposal as amended by RCV (ELDR) (Item 11 of 'Texts Adopted').

DRAFT LEGISLATIVE RESOLUTION:

Parliament adopted the legislative resolution by RCV (ELDR) (Item 11 of 'Texts Adopted').

19. Presentation of Commission work programme for 2002 and the communication on the future of the European Union and strengthening the Community method (vote)

Motion for a resolution B5-0821/2001
(Simple majority)

MOTION FOR A RESOLUTION:

Amendments rejected: 1; 2

Parliament adopted the resolution (Item 12 of 'Texts Adopted').
20. EU judicial cooperation with the United States in combating terrorism (vote)

Motions for resolutions B5-0813 and 0820/2001
(Simple majority)

MOTION FOR A RESOLUTION B5-0813/2001:

Amendment adopted: 6
Amendments rejected: 1; 2 by EV (198 for, 228 against, 7 abstentions); 4; 5
Amendment cancelled: 3

The following spoke during the vote:

— Mr Watson, on behalf of the ELDR Group, moved an oral amendment to paragraph 4 to replace the words ‘extradition can take place only after the US guarantees not to apply capital punishment’ with the words ‘extradition cannot take place where the defendant could be sentenced to capital punishment’. The President established that there was no opposition to voting on this oral amendment.

Split votes:

Paragraph 3 (Verts/ALE):
1st part: text without the word ‘for the time being’: adopted by EV (236 for, 186 against, 5 abstentions)
2nd part: that word: rejected

Paragraph 4 (PPE-DE, PSE):
1st part: up to ‘Article 6 of the Treaty’: adopted
2nd part: up to ‘therefore be reached’: adopted by EV (259 for, 159 against, 24 abstentions)
3rd part: oral amendment: adopted

Parliament adopted the resolution (Item 13 of Texts Adopted).
(Motion for a resolution B5-0820/2001 fell.)

21. WTO meeting in Qatar (vote)

Motions for resolutions B5-0764, 0771, 0817 and 0819/2001
(Motion for a resolution B5-0748/2001 had been withdrawn.)
(Simple majority)

MOTION FOR A RESOLUTION RC B5-0764/2001 (replacing B5-0764 and 0817/2001):

tabled by the following Members:
Lucas and Lannoye, on behalf of the Verts/ALE Group,
Figueiredo and Alyssandrakis, on behalf of the GUE/NGL Group,

Parliament rejected the motion for a resolution.

MOTION FOR A RESOLUTION B5-0764/2001:

Parliament rejected the motion for a resolution.

MOTION FOR A RESOLUTION B5-0771/2001:

Parliament rejected the motion for a resolution.
MOTION FOR A RESOLUTION B5-0817/2001:
Parliament rejected the motion for a resolution.

MOTION FOR A RESOLUTION B5-0819/2001:
Amendments adopted: 1; 3 (1st part)
Amendments rejected: 2; 3 (2nd part) by EV (212 for, 230 against, 8 abstentions); 4 by EV (190 for, 235 against, 18 abstentions); 5

Split votes:
Amendment 3 (PSE):
1st part: text without the words ‘(11 words deleted)’
2nd part: these words
Parliament adopted the resolution (Item 14 of Texts Adopted).

22. Conflict prevention (vote)
(Simple majority)

MOTION FOR A RESOLUTION:
(The corrigendum to all language versions had been withdrawn.)
Amendments adopted: 2; 5; 6; 4; 8; 3; 1; 9
Amendment rejected: 7

The following spoke during the vote:
– The President pointed out that the Verts/ALE Group proposed to put amendment 8 after paragraph 19.
She established that there was no opposition to taking this proposal into consideration.
Parliament adopted the resolution (Item 15 of Texts Adopted).

23. EU relations with the Islamic Republic of Iran (vote)
Report: Gahler — A5-0418/2001
(Simple majority)

MOTION FOR A RESOLUTION:
Amendments adopted: 10; 11; 20; 22 and 27 (identical) by EV (230 for, 184 against, 10 abstentions); 21; 3; 12; 13 (1st part); 15; 2; 9; 1
Amendments rejected: 7; 24; 25; 26; 28; 29; 13 (2nd part); 6; 14; 31; 32; 16; 33; 17; 34; 35; 36; 18; 19
Amendments fallen: 4; 5
Amendments withdrawn: 30, 8
The following spoke during the vote:

- The rapporteur moved an oral amendment to paragraph 5 to word the paragraph as follows: ‘urges all neighbouring countries to adopt a constructive attitude as regards the delimitation ...’ (remainder unchanged).

The President established that more than twelve Members were against voting on this oral amendment, which was therefore not taken into consideration.

Split votes:

Amendment 13 (PPE-DE):
1st part: introduction
2nd part: remainder

Parliament adopted the resolution (Item 16 of Texts Adopted).

24. Cross-border provision of occupational pensions (vote)

(Simple majority)

MOTION FOR A RESOLUTION:

Amendment adopted: 1

Parliament adopted the resolution (Item 17 of Texts Adopted).

Mrs Muscardini complained at the organisation of proceedings (the President replied that the order of business had been established by the House).

Oral explanations of vote:

- Report: Gahler — A5-0418/2001
  Titley

Written explanations of vote:

Explanations of vote submitted in writing under Rule 137(3) appear in the verbatim report of proceedings for this sitting.

Corrections to votes:

The following Members had intended to vote as follows:
- Draft general budget 2002
  - block 1
    against: Cederschiöld, Arvidsson
  - amendment 352
    against: Cederschiöld, Berthu, Arvidsson, Grönfeldt Bergman
  - amendment 310, 2nd part
    against: Stenmarck
Members present but not voting:

Mr Fitzsimons had informed the Chair that he had been present but had not taken part in the budget votes.

Mr Sturdy had informed the Chair that he had been present but that he had not taken part in the roll-call votes.

END OF VOTING TIME

IN THE CHAIR: Mr IMBENI
Vice-President

25. Rights of homosexuals in EU institutions (debate)

Mr Lund moved the oral question he had tabled to the Commission with the following Members: Blak, Thorning-Schmidt, Howitt, Kuhne, Bösch, Gill, Gillig, Van den Berg, Färn, Cerdeira Morterero, Cashman, O’Toole, Swiebel, Corbey, Van den Burg, Evans, Myller, McCarthy, Andersson, Roth-Behrendt, Kinnock, Karlsson, Stihler, Ivani, Hulthén, Van Brempt, Hughes, Stockmann, Van Lancker, Weiler, Ghilardotti and Zrihen, on the rights of homosexuals in EU institutions (B5-0533/2001).
Mr Kinnock, Vice-President of the Commission, answered the question.

The following spoke: Harbour, on behalf of the PPE-DE Group, Cashman, on behalf of the PSE Group, De Roo, on behalf of the Verts/ALE Group, Eriksson, on behalf of the GUE/NGL Group, Banotti, Fraisse and Kinnock.

The President closed the debate.

26. Flags of convenience in fisheries (debate)

Mrs McKenna introduced her report, drawn up on behalf of the Committee on Fisheries, on the role of flags of convenience in the fisheries sector (2000/2302(INI)) (A5-0405/2001).

The following spoke: Varela Suanzes-Carpegna, deputising for Mr Ripoll y Martínez de Bedoya, draftsman of the opinion of the RETT Committee, who also spoke on behalf of the PPE-DE Group, Migueléz Ramos, on behalf of the PSE Group, Van Dam, on behalf of the EDD Group, Langenhagen and Fischler, Member of the Commission.

The President closed the debate.

Vote: Item 46.

27. EC/Islamic Republic of Mauritania fisheries agreement * (debate)

Mr Gallagher introduced his report, drawn up on behalf of the Committee on Fisheries, on a Council regulation on the conclusion of the Protocol setting out the fishing opportunities and the financial contribution provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006 (COM(2001) 590 — C5-0355/2001 — 2001/0246(CNS)) (A5-0426/2001).

The following spoke: Cunha, on behalf of the PPE-DE Group, Migueléz Ramos, on behalf of the PSE Group, McKenna, on behalf of the Verts/ALE Group, Farage, on behalf of the EDD Group, Varela Suanzes-Carpegna, and Fischler, Member of the Commission.

The President closed the debate.

Vote: Item 45.

28. Production and marketing of honey (debate)


The following spoke: Posselt, on behalf of the PPE-DE Group, Izquierdo Rojo, on behalf of the PSE Group, Souchet, Non-attached Member, Fischler, Member of the Commission, and Lulling, on Mr Fischler’s remarks.

The President closed the debate.

Vote: Item 47.

The following spoke: Dell’Alba, who complained that a meeting of the LIBE Committee that morning had only been announced half an hour before it was due to start; he asked the Bureau to look into the issue; and Posselt, deputy chairman of the Committee, who supported these remarks.

(The sitting was suspended at 13.00 and resumed at 15.00.)
TOPICAL AND URGENT DEBATE

The next item was the debate on topical and urgent subjects of major importance (for titles and authors of motions for resolutions, see Minutes of 11 December 2001, Item 4).

29. Zimbabwe (debate)

The next item was the joint debate on six motions for resolutions (B5-0759, 0774, 0787, 0788, 0799 and 0801/2001).

The following introduced motions for resolutions: Maes, Malmström and Van Orden.

The following spoke: Gahler, on behalf of the PPE-DE Group, Junker, on behalf of the PSE Group, Belder, on behalf of the EDD Group, Khanbhai and Nielson, Member of the Commission.

The President closed the debate.

Vote: Item 36.

30. Cluster bombs (debate)

The next item was the joint debate on four motions for resolutions (B5-0765, 0775, 0782 and 0789/2001).

The following introduced motions for resolutions: González Álvarez and Elisabeth Schroedter.

The following spoke: Van Orden, on behalf of the PPE-DE Group, Swoboda, on behalf of the PSE Group, Posselt, on behalf of the PPE-DE Group, and Nielson, Member of the Commission.

The President closed the debate.

Vote: Item 37.

31. Human rights (debate)

The next item was the joint debate on 28 motions for resolutions (B5-0763, 0766, 0776, 0784, 0790, 0802, 0762, 0767, 0783, 0791, 0798, 0803, 0777, 0796, 0800, 0805, 0760, 0768, 0778, 0786, 0793, 0804, 0769, 0779, 0792, 0797, 0806 and 0809/2001).

Women in Afghanistan

The following introduced motions for resolutions: Gröner, Fraisse, Thors and Thomas Mann.

The following spoke: Tannock, Izquierdo Rojo, Morgantini and Nielson, Member of the Commission.

Indonesia

The following introduced motions for resolutions: Belder, Van den Berg.
IN THE CHAIR: Mr PROVAN
Vice-President

The following spoke: McKenna and Maij-Weggen.

Mr Nielson spoke.

Immigration in Ireland

The President reminded the House of the immigration disaster in Ireland in which eight people including three children had died; he invited the House to observe a minute's silence.

Parliament observed a minute's silence.

The following introduced motions for resolutions: Sylla, De Rossa and Doyle.

The following spoke: Schulz, Malmström, McKenna and Nielson.

Togo

The following introduced motions for resolutions: Rod and Schwaiger.

Mr Nielson spoke.

Winners of the Sakharov Prize

The following introduced motions for resolutions: Fraisse, Malmström, Maij-Weggen and Wuori.

The following spoke: Schulz, on behalf of the PSE Group, and Nielson.

The President closed the debate.

Vote: Items 38 to 42.

32. Nepal (debate)

The next item was the joint debate on six motions for resolutions (B5-0761, 0772, 0780, 0794, 0807 and 0810/2001).

The following introduced motions for resolutions: Thors, Thomas Mann and Maes.

Mr Nielson, Member of the Commission, spoke.

The President closed the debate.

Vote: Item 43.

33. Congo (debate)

The next item was the joint debate on five motions for resolutions (B5-0773, 0781, 0785, 0795 and 0808/2001).

The following introduced motions for resolutions: Maes and Khanbhai.

Mr Nielson, Member of the Commission, spoke.

The President closed the debate.

Vote: Item 44.

END OF TOPICAL AND URGENT DEBATE
34. New European Labour Markets, Open to All, with Access for All (debate)

The next item was the report drawn up by Mr Nobilia, on behalf of the Committee on Employment and Social Affairs, on the Commission communication on New European Labour Markets, Open to All, with Access to all (COM(2001)116 — C5-0188/2001 — 2001/2084(COS)) (A5-0375/2001).

The following spoke: Weiler, on behalf of the PSE Group, and Nielson, Member of the Commission.

The President closed the debate.

Vote: Item 48.

35. Regional and lesser-used European languages (debate)

The next item was the joint debate on two oral questions to the Commission, by the following Members:
- Morgan and O'Toole, on behalf of the PSE Group, on minority languages (B5-0537/2001);
- Eurig Wyn, Echerer, Vander Taelen, Mayol i Raynal, Nogueira Román and Ortuondo Larrea, on behalf of theVerts/ALE Group, on language diversity (B5-0753/2001).

Mrs Morgan moved oral question B5-0537/2001.

Mr Eurig Wyn moved oral question B5-0753/2001.

Mr Nielson, Member of the Commission, answered the questions.

The following spoke: Pack, on behalf of the PPE-DE Group, Esteve, on behalf of the ELDR Group, Posselt and Nielson.

The President had received motions for resolutions pursuant to Rule 42(5) from the following Members:
- Fraisse, Alavanos, Cossutta, Figueiredo, Alyssandrakis and Papayannakis, on behalf of the GUE/NGL Group, on linguistic diversity in Europe (B5-0770/2001);
- Esteve, Andreasen, Sanders-ten Holte, Lynne, Caveri and Thors, on behalf of the ELDR Group, on linguistic diversity (B5-0811/2001);
- Pack, Gargani, Mauro, Graça Moura, Martens and Gutiérrez-Cortines, on behalf of the PPE-DE Group, on the promotion of linguistic diversity (B5-0812/2001);
- Eurig Wyn, MacCormick, Staes and Nogueira Román, on behalf of the Verts/ALE Group, on linguistic diversity (B5-0814/2001);
- O'Toole and Morgan, on behalf of the PSE Group, on minority languages (B5-0815/2001);
- Butel, on behalf of the EDD Group, on linguistic diversity (B5-0816/2001);
- Gallagher, on behalf of the UEN Group, on linguistic diversity (B5-0818/2001).

The President closed the debate.

Vote: Item 49.

(The sitting was suspended at 17.55 pending voting time and resumed at 18.30.)

VOTING TIME

TOPICAL AND URGENT DEBATE
(Simple majority)
36. Zimbabwe (vote)

Motions for resolutions B5-0759, 0774, 0787, 0788, 0799 and 0801/2001

MOTION FOR A RESOLUTION RC B5-0759/2001 (replacing B5-0759, 0774, 0787, 0788, 0799 and 0801/2001):

- tabled by the following Members:
  - Van Orden, Banotti, Corrie, Deva, Foster, Gahler, Korhola, Lehne, Maij-Weggen, Parish and Sacrédeus, on behalf of the PPE-DE Group
  - Kinnock and Van den Berg, on behalf of the PSE Group
  - Mulder, Van den Bos and Malmström, on behalf of the ELDR Group
  - Maes and Lucas, on behalf of the Verts/ALE Group
  - Sjöstedt, on behalf of the GUE/NGL Group
  - Andrews, on behalf of the UEN Group
  - Belder

Amendments rejected: 1 by EV (38 for, 43 against, 0 abstentions); 2; 3; 4 by EV (39 for, 50 against, 1 abstention)

Parliament adopted the resolution (Item 18 of 'Texts Adopted').

37. Cluster bombs (vote)

Motions for resolutions B5-0765, 0775, 0782 and 0789/2001

MOTION FOR A RESOLUTION RC B5-0765/2001 (replacing B5-0765, 0775, 0782 and 0789/2001):

- tabled by the following Members:
  - Sakellariou, Wiersma and Díez González, on behalf of the PSE Group
  - Van den Bos, on behalf of the ELDR Group
  - McKenna, Maes and Elisabeth Schroedter, on behalf of the Verts/ALE Group
  - Brie, Frahm, Marset Campos, Papayannakis and Seppänen, on behalf of the GUE/NGL Group

Parliament adopted the resolution (Item 19 of 'Texts Adopted').

38. Human rights: Women in Afghanistan (vote)

Motions for resolutions B5-0763, 0766, 0776, 0784, 0790, 0802/2001

MOTION FOR A RESOLUTION RC B5-0763/2001 (replacing B5-0763, 0766, 0776, 0784, 0790 and 0802/2001):

- tabled by the following Members:
  - Thomas Mann, Banotti, Maij-Weggen, de Sarnez, Avilés Perea and Kratsa-Tsaragopoulou, on behalf of the PPE-DE Group
  - Gröner, Theorin, Martínez-Orozco, Izquierdo Collado, Carlotti and Van den Berg, on behalf of the PSE Group
  - Dybkjær, Malmström, Van den Bos and Thors, on behalf of the ELDR Group
  - Jillian Evans, Sorensen and Isler Béguelin, on behalf of the Verts/ALE Group
  - Fraisse, Eriksson, Morgantini, González Álvarez, Ainardi, Uca and Figueiredo, on behalf of the GUE/NGL Group
  - Crowley, on behalf of the UEN Group

Amendment adopted: 1

Parliament adopted the resolution (Item 20 of 'Texts Adopted').
39. Human rights: Indonesia (vote)

Motions for resolutions B5-0762, 0767, 0783, 0791, 0798, 0803/2001

MOTION FOR A RESOLUTION RC B5-0762/2001 (replacing B5-0762, 0767, 0783, 0791, 0798 and 0803/2001):

tabled by the following Members:
Maij-Weggen, Deva and Posselt, on behalf of the PPE-DE Group
Van den Berg, on behalf of the PSE Group
Maaten, on behalf of the ELDR Group
McKenna and Lagendijk, on behalf of the Verts/ALE Group
Vinci, on behalf of the GUE/NGL Group
Ribeiro e Castro and Muscardini, on behalf of the UEN Group
Belder, on behalf of the EDD Group

Parliament adopted the resolution (Item 21 of Texts Adopted').

40. Human rights: Immigration in Ireland (vote)

Motions for resolutions B5-0777, 0796, 0800, 0805/2001

MOTION FOR A RESOLUTION RC B5-0777/2001 (replacing B5-0777, 0796, 0800 and 0805/2001):

tabled by the following Members:
Doyle, on behalf of the PPE-DE Group
De Rossa, Karamanou, Terrón i Cusí, on behalf of the PSE Group
Cox, Ludford, on behalf of the ELDR Group
McKenna, Ahern, Boumediene-Thiery, on behalf of the Verts/ALE Group
Di Lello Finuoli, Boudjenah, Frähm, Korakas, Herman Schmid, Miranda, Papayannakis, on behalf of the GUE/NGL Group
Hyland, Fitzsimons, on behalf of the UEN Group

Amendment adopted: 1
Amendment rejected: 2 amended orally by EV (40 for, 56 against, 0 abstentions)
RCVs: paragraph 5, 6 (Verts/ALE) (adopted)

The following spoke during the vote:
Mrs McKenna, co-signatory on behalf of the Verts/ALE Group, withdrew the second phrase of amendment 2, and Mr Sylla agreed, on behalf of the GUE/NGL Group.

Parliament adopted the resolution (Item 22 of Texts Adopted').

41. Human rights: Togo (vote)

Motions for resolutions B5-0760, 0768, 0778, 0786, 0793, 0804/2001

MOTION FOR A RESOLUTION B5-0760/2001:

Parliament rejected the motion for a resolution.

MOTION FOR A RESOLUTION RC B5-0768/2001 (replacing B5-0768, 0778, 0786, 0793 and 0804/2001):

tabled by the following Members:
Schwaiger, Maij-Weggen, Johan Van Hecke, Van Velzen and Posselt, on behalf of the PPE-DE Group
Carlotti and Van den Berg, on behalf of the PSE Group
Van den Bos and Dybkjær, on behalf of the ELDR Group
Rod and Maes, on behalf of the Verts/ALE Group
Sylla, Marset Campos, Cossutta and Sjöstedt, on behalf of the GUE/NGL Group

Parliament adopted the resolution (Item 23 of Texts Adopted').
42. Human rights: Winners of the Sakharov Prize (vote)

Motions for resolutions B5-0769, 0779, 0792, 0797, 0806 and 0809/2001

MOTION FOR A RESOLUTION RC B5-0769/2001 (replacing B5-0769, 0779, 0792, 0797, 0806 and 0809/2001):

tabled by the following Members:
Maij-Weggen and Lamassoure, on behalf of the PPE-DE Group
Van den Berg and Swoboda, on behalf of the PSE Group
Malmström, on behalf of the ELDR Group
Vuori, Colm-Bendit and Maes, on behalf of the Verts/ALE Group
Vinci, Uca, Ainardi, Figueiredo, Eriksson, Frahm and Seppänen, on behalf of the GUE/NGL Group
Ribeiro e Castro and Muscardini, on behalf of the UEN Group

Parliament adopted the resolution (Item 24 of 'Texts Adopted').

43. Nepal (vote)

Motions for resolutions B5-0761, 0772, 0780, 0794, 0807 and 0810/2001

MOTION FOR A RESOLUTION RC B5-0761/2001 (replacing B5-0761, 0772, 0780, 0794, 0807 and 0810/2001):

tabled by the following Members:
Thomas Mann, on behalf of the PPE-DE Group
Van den Berg, Erika Mann and Fruteau, on behalf of the PSE Group
Malmström and Thors, on behalf of the ELDR Group
Messner and McKenna, on behalf of the Verts/ALE Group
Vinci and Herman Schmid, on behalf of the GUE/NGL Group
Collins, on behalf of the UEN Group

Amendment adopted: 1

Parliament adopted the resolution (Item 25 of 'Texts Adopted').

44. Congo (vote)

Motions for resolutions B5-0773, 0781, 0785, 0795 and 0808/2001

MOTION FOR A RESOLUTION RC B5-0773/2001 (replacing B5-0773, 0781, 0785, 0795 and 0808/2001):

tabled by the following Members:
Johan Van Hecke and Posselt, on behalf of the PPE-DE Group
Van den Berg and Sauquillo Pérez del Arco, on behalf of the PSE Group
Van den Bos and Dybkjær, on behalf of the ELDR Group
Maes and Rod, on behalf of the Verts/ALE Group
Andrews, on behalf of the UEN Group

Parliament adopted the resolution (Item 26 of 'Texts Adopted').

END OF VOTE ON TOPICAL AND URGENT DEBATE
45. EC/Islamic Republic of Mauritania fisheries agreement *(vote)*

Report: Gallagher — A5-0426/2001
(Simple majority)


Amendments adopted: 1 to 5 collectively

Amendment rejected: 6

Parliament approved the Commission proposal as amended *(Item 27 of Texts Adopted)*.

DRAFT LEGISLATIVE RESOLUTION:

Parliament adopted the legislative resolution by RCV (PPE-DE) *(Item 27 of Texts Adopted)*.

46. Flags of convenience in fisheries *(vote)*

(Simple majority)

MOTION FOR A RESOLUTION:

Parliament adopted the resolution *(Item 28 of Texts Adopted)*.

47. Production and marketing of honey *(vote)*

(Simple majority)

MOTION FOR A RESOLUTION:

Parliament adopted the resolution by RCV (PPE-DE) *(Item 29 of Texts Adopted)*.

48. New European Labour Markets, Open to All, with Access for All *(vote)*

Report: Nobilia — A5-0375/2001
(Simple majority)

MOTION FOR A RESOLUTION:

Amendments adopted: 1; 2

Request for separate vote: paragraph 15 (PPE-DE, ELDR): (rejected)

Parliament adopted the resolution by RCV (PPE-DE) *(Item 30 of Texts Adopted)*.
49. Regional and lesser-used European languages (vote)

Motions for resolutions B5-0770, 0811, 0812, 0814, 0815, 0816, 0818/2001
(Simple majority)

MOTION FOR A RESOLUTION RC B5-0770/2001 (replacing B5-0770, 0812, 0811, 0814 and 0815/2001):

  tabled by the following Members:
  Martens and Pack, on behalf of the PPE-DE Group,
  Morgan, on behalf of the PSE Group,
  Esteve, on behalf of the ELDR Group,
  Eurig Wyn, on behalf of the Verts/ALE Group,
  Fraisse, on behalf of the GUE/NGL Group.

Amendments adopted: 1; 3; 2

Amendments rejected: 4 by EV (42 for, 53 against, 1 abstention); 5; 6 by EV (35 for, 54 against, 4 abstentions)

The following spoke during the vote:
  At the beginning of the vote, Mrs Morgan proposed modifying the title of the resolution and replacing ‘language diversity’ with ‘regional and lesser-used languages’.
  The following spoke on this proposal: Pack, who wished to include ‘European Union’, Lulling, who was opposed, Morgan, who noted that these words already appeared in the text of the resolution, Pack, Esteve and Pack, who proposed ‘regional and lesser-used European languages’.
  The President established that there was no opposition to this last proposal, which was thereby approved;
  Mr Ebner proposed an oral amendment to the German version of recital C.
  The President established that there was no opposition to voting on this oral amendment which was incorporated in recital C;
  Mrs Pack on the procedure for voting amendment 3.

Parliament adopted the resolution (Item 31 of Texts Adopted).
(Motions for resolutions B5-0816 and 0818/2001 fell.)

*  *

Oral explanations of vote:


Mr Ebner on resolution B5-0753/2001.

Written explanations of vote:

Explanations of vote submitted in writing under Rule 137(3) appear in the verbatim report of proceedings for this sitting.

END OF VOTING TIME
50. Communication of common positions of the Council

Pursuant to Rule 74(1), the President announced that he had received from the Council the following common positions, together with the reasons which led to their adoption, and the Commission's positions on:

  referred to responsible: ENV, asked for opinion at first reading: ITRE

  referred to responsible: ENV, asked for opinion at first reading: ITRE

  referred to responsible: ENV, asked for opinion at first reading: JURI

  referred to responsible: ENV, asked for opinion at first reading: ITRE, JURI

  referred to responsible: RETT, asked for opinion at first reading: BUDG, ECON, EMPL, ITRE, JURI

  referred to responsible: ENV, asked for opinion at first reading: AFET, BUDG

The three-month period available to Parliament to deliver its opinion would therefore begin tomorrow, 14 December 2001.

51. Referral to committees — Cooperation between committees — Authorisation to draw up own-initiative reports — Changes to titles of reports already authorised by the Conference of Presidents

Referral to committees

The PETI Committee was asked for an opinion on:

- fundamental rights in the European Union for 2001 (2001/2014(INI))
  (committee responsible: LIBE)

- conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities (2001/0154(CNS))
  (committee responsible: LIBE, already asked for opinions: CULT, EMPL, JURI)
adopting an action programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO) (2001/0230(CNS))
(committee responsible: LIBE, already asked for opinions: BUDG, JURI)

minimum standards for conditions to be fulfilled by third-country nationals and stateless persons claiming refugee status, in accordance with the 1951 Convention (2001/0207(CNS))
(committee responsible: LIBE, already asked for opinions: AFET, BUDG, EMPL, FEMM, JURI)

The JURI Committee was asked for an opinion on:

  (committee responsible: ENVI, already asked for opinions: BUDG, ITRE)
- pedestrian protection: Commitment by the European automobile industry (2001/2216(COS))
  (committee responsible: RETT, already asked for opinions: ECON, ENVI, ITRE)

The ECON Committee was asked for an opinion on:

- spring Summit 2002: Lisbon process and the way to follow (2001/2196(INI))
  (Committee responsible: EMPL)
  (see also: title change)

The FEMM Committee was asked for an opinion on:

- civil judicial cooperation: parental responsibility, recognition and enforcement of judgments (2001/0204(CNS))
  (committee responsible: LIBE, already asked for an opinion: JURI)

The AFCO Committee was asked for an opinion on:

- information, communication: framework for cooperation between institutions and with the Member States (COM(2001)295) (C5-0464/2001) 2001/2193(COS)
  (asked for an opinion: DEVE)
  Hughes procedure between FEMM and DEVE

Cooperation between committees

In accordance with Rule 26(2), the Conference of Presidents had noted at its meeting of 12 December 2001 the following recommendations on cooperation between committees under the provisions of Rule 162 (application of the Hughes and Enhanced Hughes Procedures as referred to in the Conference of Committee Chairmen's decisions of 13 June 1995 and 8 June 2000 respectively)

The Hughes procedure was applied to the following reports.

AFCO:

- implementing financial services legislation (2001/2247(INI))
  (asked for an opinion: ECON)
  Hughes procedure between AFCO and ECON

FEMM:

  (asked for an opinion: DEVE)
  Hughes procedure between FEMM and DEVE
Authorisation to draw up own-initiative reports

CULT:

- the importance and dynamics of theatre and spectacle arts in the enlarged Europe (2001/2199(INI))
  (Decision of the Conference of Presidents of 15 November 2001)

Changes to titles of reports already authorised by the Conference of Presidents

EMPL:

- Spring Summit 2002: Lisbon process and the way to follow
  (Authorisation of the Conference of Presidents of 13 December 2001)
  (2001/2196(INI) — Minutes of 28.11.2001)
  (former title: 'From Stockholm to Barcelona: employment and social protection in the preparation of
  the Spring 2002 summit'

52. Written declarations (Rule 51)

Pursuant to Rule 51(3), the President announced the number of signatures to these declarations:

<table>
<thead>
<tr>
<th>Document No</th>
<th>Author</th>
<th>Signatures</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/2001</td>
<td>Poli Bortone</td>
<td>11</td>
</tr>
<tr>
<td>13/2001</td>
<td>Tannock, Bowis, Davies, Lambert, Skinner</td>
<td>27</td>
</tr>
<tr>
<td>14/2001</td>
<td>Montfort, Breyer, Varaut, Hermange, Howitt</td>
<td>24</td>
</tr>
</tbody>
</table>

53. Forwarding of texts adopted during the sitting

The President informed Parliament, pursuant to Rule 148(2), that the Minutes of that day's sitting would be
submitted to Parliament for its approval at the beginning of its next sitting.

With Parliament's agreement, he stated that he would forward the texts that had just been adopted forth-
with to the bodies named therein.

54. Dates for next sittings

The President announced that the next sitting would be held on 17 December 2001.

55. Adjournment of session

The sitting closed at 18.55.

Julian Priestley
Secretary-General

Nicole Fontaine
President
ATTENDANCE REPORT

The following signed:

RESULT OF ROLL-CALL VOTES

Draft general budget 2002
Block 1

For: 27

EDD: Berniè, Butel, Esclópé

GUE/NGL: Ainardi, Bakopoulos, Fiebig, Fraisse, González Álvarez, Herzog, Jové Peres, Kaufmann, Koulourianos, Puerta

NI: Gorostiaga Axalanda-bas, Thomas-Mauro

PPE-DE: Arvidsson, Banotti, Hansenne, Langen, Lulling, Oomen-Ruijten, Quisthoudt-Rowohl

PSE: Lage

UEN: Caullery, Poli Bortone, Ribeiro e Castro

Verts/ALE: Hautala

Against: 371

EDD: Belder, Blokland, Bonde, van Dam, Farage, Krarup, Kuntz, Okking, Sandbaek, Titford


GUE/NGL: Di Lello Finuoli, Eriksson, Morgantini, Schmid Herman

NI: Berthu, Dell’Alba, Dupuis, Gollnisch, Hager, Ilgenfritz, Kronberger, Lang, Le Pen, Vanhecke


Lund, McAvan, McCarthy, McNally, Malliori, Martin David W., Martínez Martínez, Mastorakis, Medina Ortega, Mendiluce Pereiro, Menéndez del Valle, Mugüémez Ramos, Miller, Moraes, Morgan, Müller Rosemarie, Murphy, Nair, Napoletano, Obiols i Germà, Paaslinna, Paciotti, Piecyk, Pittella, Poignant, Poos, Prets, Rapkay, Read, Rodr-Behrendt, Rothe, Roure, Sacconi, Sakellarious, dos Santos, Sasquillón Pérez del Arco, Savary, Scarbarchi, Scheele, Schmid Gerhard, Schulz, Simpson, Sornosa Martínez, Souladakis, Stihler, Stockmann, Swiebel, Swoboda, Terrón i Cuí, Thorniing-Schmidt, Titley, Torres Marques, Tsatsos, Valenciano Martínez-Orozco, Vattimo, Volcic, Walter, Watts, Weiler, Westendorp y Cabeza, Wiersma, Wynn, Zorba, Zrihen

UEN: Andrews, Angelilli, Berlato, Crowley, Gallagher, Hyland, Mussa, Nobilia, Turchi

Abstention: 37

EDD: Mathieu, Saint-Josse

GUE/NGL: Frahm, Schröder Ilka, Seppänen

NI: Garaud

UEN: Camre

Verts/ALE: Ahern, Auroi, Bautista Ojeda, Boumediene-Thiery, Bouwman, Buitenweg, Cohn-Bendit, Evans Jillian, Hudghton, Isler Béguin, Lagendijk, Lambert, MacCormick, McKenna, Maes, Mayol i Raynal, Messner, Onesta, Ortuondo Larrea, Piétrassanta, Rod, de Roo, Rühle, Schörling, Schroeder, Staes, Turmes, Voggenhuber, Wuori, Wyn

Draft general budget 2002

Amendment 352

For: 385

EDD: Kuntz


NI: Dell’Alba, Dupuis, Hager, Ilgenfritz, Kronberger


PSE: Adam, Andersson, Aparicio Sánchez, Bálf, Baltas, Barón Crespo, Berenguer Fuster, van den Berg, Berger, Blak, Bösch, Bullmann, van den Burg, Carlotti, Carnero González, Cashman, Caudron, Cercas, Cerdeira Morterero, Ceyhun, Colom i Naval, Corbett, Corbey, Damiao, Darra, Dary, Dehousse, De Rossa, Diez González, Dührkop Dührkop, Duhamel, Duin, Evans Robert J.E., Farm, Fruteau, Garot, Gebhardt, Gill, Gillig, Glante, Görlach, Gröner, Guy-Quint, Hänsch, Haug, Hedkvist Petersen, Honeyball, van Hulten, Ilvari,

**UEN:** Andrews, Angelilli, Berlato, Crowley, Gallagher, Hyland, Mussa, Nobilia, Poli Bortone, Ribeiro e Castro, Turchi

**Verts/ALE:** Ahern, Auroi, Bautista Ojeda, Boumediene-Thiery, Bouwman, Buitenweg, Cohn-Bendit, Echerer, Evans Jillian, Hautala, Hudghton, Isler Béguin, Lagendijk, Lambert, MacCormick, Maes, Mayol i Raynal, Messner, Onesta, Ortuondo Larrea, Pňtrasanta, Rod, de Roo, Rühle, Schroedter, Staes, Turmes, Voggenhuber, Wuor, Wyn

**Against:** 34

**EDD:** Belder, Blokland, van Dam, Krarup, Okking, Sandbæk

**GUE/NGL:** Ainardi, Bakopoulos, Di Lello Finuoli, Eriksson, Fiebiger, Frahm, Fraisse, González Álvarez, Herzog, Jové Peres, Kaufmann, Koulourianos, Morgantini, Puerta, Schmid Herman, Schroder Ilka, Seppänen

**NI:** Gollnisch, Gorostiaga Atxalandabaso, Lang, Le Pen, Thomas-Mauro, Vanhecke

**PPE-DE:** Stenmarck

**UEN:** Camre, Caullery

**Verts/ALE:** McKenna, Schörling

**Abstention:** 12

**EDD:** Berntie, Butel, Esclopé, Mathieu, Saint-Josse, Titford

**NI:** Berthu, Garaud

**PPE-DE:** Grossetête, Heaton-Harris, Helmer

**PSE:** Campos

**Draft general budget 2002**

**Amendment 310, 2nd part**

**For:** 362


**GUE/NGL:** Eriksson, Frahm, Schmid Herman, Seppänen

**NI:** Dell’Alba, Dupuis, Hager, Ilgenfritz, Kronberger, Raschhofer


UEN: Andrews, Crowley, Gallagher, Hyland

Verts/ALE: Evans Jillian, Graefe zu Baringdorf

Against: 73

EDD: Belder, Bernié, Blokland, Bonde, Butel, van Dam, Esclopé, Krarup, Kuntz, Mathieu, Okking, Saint-Josse, Sandbæk

GUE/NGL: Ainardi, Bakopoulos, Di Lello Finuoli, Fiebiger, Fraisse, González Álvarez, Herzog, Jové Peres, Kaufmann, Koulourianos, Morgantini

NI: Berthu, Gollnisch, Lang, Le Pen, Thomas-Mauro, Vanhecke

PPE-DE: Arvidsson, Cederschiöld, Grönfeldt Bergman

UEN: Angelilli, Berlato, Camre, Caullery, Mussa, Nobilia, Poli Bortone, Turchi


Abstention: 8

EDD: Titford

GUE/NGL: Puerta, Schroder Ilka

NI: Garaud, Gorostiaga Atxalandabaso

PPE-DE: Klaß

PSE: Campos

UEN: Ribeiro e Castro
Draft general budget 2002
Amendment 90, 2nd part

For: 233


NI: Berthu, Dell’Alba, Dupuis, Hager, Ilenfritz, Kronberger, Raschhofer, Thomas-Mauro


PSE: Valenciano Martínez-Orozco

UEN: Andrews, Camre, Caullery, Crowley, Gallagher, Hyland, Poli Bortone, Ribeiro e Castro

Against: 194

GUE/NGL: Ainardi, Bakopoulos, Di Lello Finuoli, Eriksson, Fiebiger, Frahm, Fraisse, González Álvarez, Herzog, Józep Peres, Kaufmann, Koulourianos, Morgantini, Puerta, Schmid Herman, Schröder Ilka, Seppänen

NI: Gollnisch, Gorostiaga Atxalandabaso, Lang, Le Pen, Vanhecke


Abstention: 23

EDD: Belder, Bernié, Blokland, Bonde, Butel, van Dam, Esclopé, Farage, Krarup, Kuntz, Mathieu, Okking, Saint-Josse, Sandhæk, Titford

NI: Garaud

PSE: Casaca, Zimeray

UEN: Angelilli, Berlato, Mussa, Nobilia, Turchi

Costa Neves/Buitenweg report A5-0400/2001

Paragraph 5

For: 440

EDD: Belder, Bernié, Blokland, Butel, van Dam, Esclopé, Kuntz, Mathieu, Saint-Josse


GUE/NGL: Di Lello Finuoli, Eriksson, Frahm, González Álvarez, Schmid Herman, Schröder Ilka, Seppānen

NI: Dell’Alba, Dupuis, Hager, Ilgenfritz, Kronberger, Raschhofer, Thomas-Mauro


Thursday 13 December 2001

UEN: Angelilli, Berlato, Caullery, Crowley, Gallagher, Hyland, Mussa, Nobilia, Poli Bortone, Ribeiro e Castro, Segni, Turchi


Against: 15

GUE/NGL: Ainardi, Bakopoulos, Fiebiger, Fraisse, Herzog, Jové Peres, Kaufmann, Koulourianos, Morgantini, Puerta

NI: Gollnisch, Lang, Le Pen, Vanhecke

UEN: Camre

Abstention: 13

EDD: Bonde, Farage, Krarup, Okking, Sandbaek, Titford

NI: Berthu, Borghezio, Garaud, Gorostiaga Atxalandabaso, Souchet

PSE: Balle, Campos

Costa Neves/Buitenweg report A5-0400/2001
Paragraph 6, 1st part
For: 446

EDD: Belder, Bernié, Blokland, Butel, van Dam, Esclopé, Kuntz, Mathieu, Saint-Josse


GUE/NGL: Ainardi, Bakopoulos, Di Lello Finuoli, Eriksson, Fiebiger, Frahm, Fraisse, González Álvarez, Herzog, Jové Peres, Kaufmann, Koulourianos, Morgantini, Puerta, Schmid Herman, Schroder Ilka, Seppänen

NI: Dell’Alba, Dupuis, Hager, Ilgenfritz, Kronberger, Raschhofer


UEN: Andrews, Angelilli, Berlato, Crowley, Mussa, Nobilia, Poli Bortone, Ribeiro e Castro, Segni, Turchi


Against: 10

NI: Berthu, Garaud, Gollnisch, Lang, Le Pen, Souchet, Thomas-Mauro, Vanhecke

UEN: Camre, Caullery

Abstention: 10

EDD: Bonde, Farage, Kranar, Okking, Sandbaek, Titford

NI: Borghezio, Gorostiaga Atxalandabaso

PSE: Campos, Martin Hans-Peter

Costa Neves/Buitenweg report A5-0400/2001
Paragraph 6, 2nd part

For: 380

GUE/NGL: Ainardi, Bakopoulos, Di Lello Finuoli, Eriksson, Fiebiger, Frahm, Fraise, González Álvarez, Herzog, Jové Peres, Kaufmann, Kouroutianos, Morgantini, Puerta, Schmid Herman, Schröder Ilka, Seppänen

NI: Dell’Alba, Dupuis, Hager, Ilgenfritz, Kronberger

Against: 64

Abstention: 8

Costa Neves/Buitenweg report A5-0400/2001

Paragraph 10

For: 438
Against: 15

**GUE/NGL:** Di Lello Finuoli, Eriksson, Frahm, Schmid Herman, Schröder Ilka, Seppänen

**NI:** Berthu, Dell’Alba, Dupuis, Hager, Ilgenfritz, Kronberger, Raschhofer, Thomas-Mauro


**UEN:** Angelilli, Berlato, Caullery, Crowley, Gallagher, Hyland, Mussa, Nobilia, Poli Bortone, Ribeiro e Castro, Segni, Turchi


**Against: 15**

**GUE/NGL:** Ainardi, Bakopoulos, Fiebiger, Fraisse, González Álvarez, Herzog, Jové Peres, Kaufmann, Koulourianos, Morgantini, Puerta, Vinci

**NI:** Gollnisch, Gorostiaga Atxlandabaso, Vanhecke

**Abstention: 15**

**EDD:** Bonde, Farage, Kraparu, Okking, Sandbæk, Titford

**PSE:** Campos, Martin Hans-Peter

**UEN:** Andrews, Camre
For: 413

EDD: Belder, Blokland, van Dam


NI: Dell’Alba, Dupuis, Hager, Ilgenfritz, Kronberger


UEN: Angellilli, Mussa, Nobilia, Ribeiro e Castro, Segni, Turchi

Against: 40

EDD: Bernié, Butel, Esclopé, Kuntz, Mathieu, Saint-Josse

GUE/NGL: Ainardi, Bakopoulos, Di Lello Finuoli, Eriksson, Fiebiger, Frahm, Fraisse, González Álvarez, Herzog, Jové Peres, Kaufmann, Koulourianos, Morgantini, Puerta, Schmid Herman, Schröder Ilka, Seppänen, Vinci

NI: Berthu, Garaud, Gollnisch, Gorostiaga Atxalandabaso, Lang, Le Pen

PPE-DE: Arvidsson, Cederschiöld, Grönlund Bergman, Stenmarck

UEN: Andrews, Camre, Caullery, Crowley, Gallagher, Hyland

Abstention: 10

EDD: Bonde, Farage, Krarup, Okking, Sandbæk, Titford

NI: Borghezio, Vanhecke

PSE: Campos, Martin Hans-Peter

Costa Neves/Buitenweg report A5-0400/2001

Amendment 5

For: 53

EDD: Belder, Bernié, Blokland, Bonde, Butel, van Dam, Esclopé, Farage, Krarup, Kuntz, Mathieu, Okking, Saint-Josse, Sandbæk, Titford

ELDR: Väyrynen

GUE/NGL: Ainardi, Bakopoulos, Di Lello Finuoli, Eriksson, Fiebiger, Frahm, Fraisse, González Álvarez, Herzog, Jové Peres, Kaufmann, Koulourianos, Morgantini, Schmid Herman, Schröder Ilka, Seppänen, Vinci

NI: Berthu, Dell’Alba, Dupuis, Gollnisch, Gorostiaga Atxalandabaso, Hager, Ilgenfritz, Kronberger, Lang, Souchet, Thomas-Mauro, Vanhecke

PPE-DE: Arvidsson, Cederschiöld, Grönfeldt Bergman, Matikainen-Kallström, Stenmarck

PSE: Balfe

Verts/ALE: McKenna, Schörling

Against: 400


For: 426


GUE/NGL: Ainardi, Bakopoulous, Fiebig, Fraisse, González Álvarez, Herzog, Jové Peres, Kaufmann, Koulourianos, Morgantini, Puerta, Schroeder Ilka, Vinci

NI: Dell’Alba, Dupuis, Hager, Ilenfritz, Kronberger, Raschhofer

UEN: Andrews, Angelilli, Camre, Crowley, Gallagher, Hyland


UEN: Angelilli, Berlato, Mussa, Nobilia, Poli Bortone, Ribeiro e Castro, Segni, Turchi


Against: 31

EDD: Belder, Bernié, Blokland, Butel, van Dam, Esclopé, Kuntz, Mathieu, Saint-Josse

GUE/NGL: Di Lello Finuoli, Eriksson, Frahm, Schmid Herman, Seppänen

NI: Berthu, Garaud, Gollnisch, Lang, Le Pen, Souchet, Thomas-Mauro, Vanhecke

PPE-DE: Arvidsson, Cederschiöld, Grönfeldt Bergman, Stenmarck

PSE: Adam

UEN: Andrews, Camre, Caullery, Crowley
Abstention: 10

EDD: Bonde, Farage, Krarup, Okking, Sandbæk, Titford

NI: Borghèzio, Gorostiaga Atxalandabaso

PSE: Campos, Martin Hans-Peter

Costa Neves/Buitenweg report A5-0400/2001

Paragraph 25

For: 445

EDD: Belder, Bernié, Blokland, Butel, van Dam, Esclóp, Kuntz, Mathieu, Saint-Josse


GUE/NGL: Ainardi, Bakopoulos, Di Lello Finuoli, Fiebiger, Fraisse, González Álvarez, Herzog, Jové Peres, Kaufmann, Koulourianos, Morgantini, Puerta, Schröder Ilka, Vinci

NI: Berthu, Dell’Alba, Dupuis, Hager, Ilgenfritz, Kronberger, Souchet, Thomas-Mauro


The 25.7.2002
Official Journal of the European Communities

UEN: Andrews, Angelilli, Berlato, Caulkery, Crowley, Gallagher, Mussa, Nobilia, Poli Bortone, Ribeiro e Castro, Segni, Turchi


Against: 5

GUE/NGL: Eriksson, Frahm, Schmid Herman, Seppänen

Verts/ALE: Maes

Abstention: 17

EDD: Bonde, Farage, Krarup, Okking, Sandbæk, Titford

ELDR: Mulder, Sanders-ten Holte

NI: Borghezio, Garaud, Gorostiaga Atxalandabaso, Vanhecke

PSE: Campos, Martin Hans-Peter

UEN: Camre

Verts/ALE: McKenna, Schörling

Costa Neves/Buitenweg report A5-0400/2001

Resolution

For: 429

EDD: Belder, Blokland, van Dam


NE: Dell’Alba, Dupuis, Hager, Ilgenfritz, Kronberger

Amendement 6

B5-0747/2001 – Crisis in the Middle-East and the role of the European Union

For: 62

EDD: Belder, Blokland, van Dam, Okking
ELDR: Davies, De Clercq, Ries, Schmidt
GUE/NGL: Di Lello Finuoli, Eriksson, Frahm, Schmid Herman, Seppänen
NI: Berthu, Garaud, Kronberger, Souchet, Thomas-Mauro
PPE-DE: Atkins, Bowis, Bradbourn, Chichester, Corrie, Deva, Dover, Goodwill, Hannan, Harbour, Heaton-Harris, Helmer, Jackson, Kirkhope, Nicholson, Parish, Perry, Pronk, Purvis, Sacrédeus, Scallon, Stevenson, Sturdy, Tannock, Van Orden
PSE: Cercas, Zrihen


Verts/ALE: Lipietz, Staes

Against: 368

EDD: Kuntz


GUE/NGL: Ainardi, Bakopoulos, Fiebiger, Fraisse, González Álvarez, Herzog, Jóv Peres, Kaufmann, Koulourianos, Morgantini, Puerta, Vinci

NI: Hager, Ilgenfritz, Raschhofer


Abstention: 18

EDD: Bernié, Bonde, Butel, Esclopé, Farage, Krarup, Mathieu, Saint-Josse, Sandbæk, Titford

NE: Borghezio, Gollnisch, Gorostiaga Atxalandabaso, Lang, Le Pen

PPE-DE: Beazley, Bushill-Matthews

PSE: Carrilho

Pérez Royo report A5-0417/2001

Amendment 5

For: 354

EDD: Belder, Bernié, Blokland, Butel, van Dam, Esclopé, Kuntz, Mathieu, Saint-Josse


NI: Garaud, Ilgenfritz, Raschofer


UEN: Andrews, Hyland, Poli Bortone

Verts/ALE: Evans Jillian
Against: 79

GUE/NGL:
Ainardi, Bakopoulos, Di Lello Finuoli, Eriksson, Fiebiger, Frahm, González Álvarez, Herzog, Jové Peres, Kaufmann, Koulourianos, Morgantini, Puerta, Schröder Ilka, Seppänen, Vinci

NI:
Berthu, Gollnisch, Gorostiaga Atxalandabaso, Lang, Le Pen, Souchet, Thomas-Mauro

PSE:
Berger, Bösch, Darras, Dary, Duhamel, Ferreira, Fruteau, Gillig, Guy-Quint, Kuckelkorn, Pittella, Pognaïnt, Rocard, Savary, Scarbonchi, Scheele, Swoboda

UEN:
Berlato, Camre, Muscardini, Mussa, Nobilia, Segni

Verts/ALE:
Ahern, Auroi, Bautista Ojeda, Boumediene-Thiery, Bouwman, Breyer, Buitenweg, Gahrton, Graefe zu Baringdorf, Hautala, Hudghton, Isler Béguin, Lagendijk, Lambert, Lipietz, Lucas, McKenna, Maes, Mayol i Raynal, Messner, Onesta, Ortuondo Larrea, Piétrassanta, Rod, de Roo, Rühle, Schöring, Schroedter, Staes, Turmes, Voggenhuber, Wuori, Wyn

Abstention: 9

EDD:
Bonde, Farage, Krarup, Okking, Sandbaek, Titford

NI:
Borghezio

PSE:
Martin Hans-Peter

UEN:
Ribeiro e Castro

Pérez Royo report A5-0417/2001

Amendment 15

For: 387

EDD:
Belder, Bernié, Blokland, Butel, van Dam, Esclopé, Kuntz, Mathieu, Saint-Josse

ELDR:

NI:
Berthu, Hager, Ilgenfritz, Kronberger, Raschhofer, Souchet, Thomas-Mauro

PPE-DE:

PSE:
Andersson, Aparicio Sánchez, Balfe, Baltas, Barón Crespo, Berenger Fuster, van den Berg, Blak, Bowe, Bullmann, van den Burg, Campos, Camero González, Carrilho, Casaca, Cashman, Caudron, Cercas, Cerdeira Morterero, Ceyhun, Corbett, Corbey, Damiaño, Dehousse, De Rossa, Diez González, Diukkop Dührkop, Duin, Evans Robert J.E., Farm, Gebhardt, Gill, Görlach, Grüner, Hansch, Haug, Hedkvist Petersen, van Hulten, livari, Imbeni, Izquierdo Collado, Izquierdo Rojo, Jons, Karamanou, Karlsson,
Katiforis, Kindermann, Kinnock, Koukiadis, Krehl, Kreissl-Dörfler, Kuckelkorn, Kuhne, Lange, Lavarra, Leinen, Linkohr, Lund, McAvan, McCarthy, McNally, Malloni, Martin David W., Martínez Martínez, Mastorakis, Medina Ortega, Mendiluce Pereiro, Menéndez del Valle, Miguélez Ramos, Miller, Moraes, Morgan, Müller Rosemarie, Murphy, Myller, Nair, Napoletano, Obiols i Germà, Paciotti, Pérez Royo, Piecyk, Pittella, Poos, Prets, Rapkay, Rodríguez Ramos, Roth-Behrendt, Rothe, Roure, Sacconi, Sakellarious, dos Santos, Sauquillo Pérez del Arco, Schmid Gerhard, Schulz, Simpson, Sørensen, Soultadakis, Sousa Pinto, Stihler, Stockmann, Swiebel, Thornberg-Schmidt, Torres Marques, Trentin, Valenciano Martínez-Orozco, Vattimo, Volcic, Walter, Weiler, Westendorp y Cabeza, Wiersma, Wyn, Zimeray, Zorba, Zrihen


Against: 40

GUE/NGL: Ainardi, Bakopoulos, Di Lello Finuoli, Eriksson, Fiebiger, Frahm, Fraise, González Álvarez, Herzog, Jové Peres, Kaufmann, Koulourianos, Morgantini, Puerta, Schmidt Herman, Schröder Ilka, Seppänen, Vinci

NI: Gollnisch, Lang, Le Pen

PSE: Berès, Berger, Bösch, Carlotti, Darras, Dary, Duhamel, Ferreira, Fruteau, Gillig, Guy-Quint, Hazan, Honeyball, Howitt, Lage, Poignant, Rocard, Savary, Swoboda

Abstention: 10

EDD: Bonde, Farage, Krarup, Okking, Sandbæk, Titford

NI: Garaud, Gorostiaga Atxalandabaso

PSE: Adam, Martin Hans-Peter

Pérez Royo report A5-0417/2001
Amendment 16

For: 81

EDD: Bernièt, Butel, Kuntz, Saint-Josse

ELDR: Esteve, Gasoliba i Böhm, Pesilä, Plooij-van Gorsel, Väyrynen

NI: Berthu, Dell’Alba, Garaud, Hager, Ilgenfritz, Kronberger, Raschhofer, Souchet, Thomas-Mauro

PPE-DE: Bourlanges, Bowis, Corrie, Gemelli, Jackson, Varela Suanzes-Carpegna

PSE: Balfe, Campos, Casaca, Görlich, Read, Soultadakis, Trentin, Zimeray, Zorba

UEN: Andrews, Berlato, Camre, Caullery, Crowley, Fitzsimons, Gallagher, Hyland, Muscardini, Mussa, Nobilia, Poli Bortone, Ribeiro e Castro, Segni, Turchi

Against: 355

EDD: Belder, Blokland, van Dam


GUE/NGL: Ainardi, Bakopoulos, Di Lello Finuoli, Eriksson, Frahm, Herzog, Jové Peres, Kaufmann, Koulourianos, Morgantini, Puerta, Schmid Herman, Schröder Ilka, Seppänen, Vinci

NI: Gollnisch, Gorostiaga Atxalandabaso, Lang


Abstention: 8

EDD: Bonde, Farage, Krarup, Okking, Sandbaek, Titford

NI: Borghezio

PPE-DE: Matikainen Kallström
For: 381

EDD: Belder, Bernié, Blokland, Bonde, Butel, van Dam, Esclopé, Krarup, Kuntz, Mathieu, Okking, Saint-Josse, Sandbak


NI: Berthu, Hager, Ilgenfritz, Kronberger, Raschhofer, Souchet, Thomas-Mauro


UEN: Andrews, Angelilli, Berlato, Camre, Caullery, Crowley, Fitzsimons, Gallagher, Hyland, Muscardini, Mussa, Nobilia, Poli Bortone, Ribeiro e Castro, Segni, Turchi

Against: 82

GUE/NGL: Ainardi, Bakopoulos, Di Lello Finuoli, Eriksson, Fiebiger, Frahm, Fraisse, González Álvarez, Herzog, Jové Peres, Kaufmann, Koulourtzianos, Morgantini, Puerta, Schmid Herman, Schröder Ilka, Seppänen, Vinci

NI: Garaud, Gollnisch, Gorostiaga Atxalandabaso, Lang, Le Pen

PSE: Berès, Berger, Bösch, Carlotti, Carrilho, Darras, Dary, Duhamel, Ferreira, Fruteau, Gillig, Guy Quint, Hazan, Hedkvist Petersen, Lage, Poignant, Prets, Rocard, Roure, Savary, Scarbonchi, Scheele, Swoboda

Abstention: 5

EDD: Farage, Titford

NI: Borghezio, Dell’Alba

PSE: Martin Hans-Peter

Pérez Royo report A5-0417/2001
Amendment 21

For: 123

EDD: Bernié, Bonde, Butel, Esclopé, Krarup, Kuntz, Mathieu, Okking, Saint-Josse, Sandbæk

GUE/NGL: Ainardi, Bakopoulos, Di Lello Finuoli, Eriksson, Fiebiger, Frahm, Fraisse, González Álvarez, Herzog, Jové Peres, Kaufmann, Koulourianos, Morgantini, Puerta, Schmid Herman, Schröder Ilka, Seppänen, Vinci

NI: Berthu, Souchet, Thomas-Mauro

PPE-DE: Avilés Perea, De Sarnez, Ebner, Fatuzzo, Grossetête, Hatzidakis, Maij-Weggen, Martin Hugues, Mayer Xaver, Sudre, Tajani, Vlasto

PSE: Berès, Berger, Bösch, Carlotti, Darras, Dary, Duhamel, Ferreira, Frateau, Garot, Gillig, Görlich, Guy-Quint, Hazan, Imbeni, Izquierdo Collado, Lage, Martin David W., Martin Hans-Peter, Mendiluce Pereiro, Menéndez del Valle, Nair, Poignant, Prees, Rocard, Roure, Savary, Scarbonchi, Swoboda, Zrihen

UEN: Andrews, Angelilli, Berlato, Camre, Caullery, Crowley, Fitzsimons, Gallagher, Hyland, Muscardini, Mussa, Nobilia, Poli Bortone, Segni, Turchi


Against: 328

EDD: Belder, van Dam


NI: Hager, Ilgenfritz, Kronberger, Raschhofer


PSE:

Abstention: 11

EDD: Farage, Titford

NI: Borghèzio, Dell’Alba, Garaud, Gollnisch, Gorostiaga Atxalandabaso, Lang, Le Pen

PPE-DE: Folas

UEN: Ribeiro e Castro

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Amendment 9

For: 390

EDD: Belder, Bernié, Blokland, Bonde, Butel, van Dam, Esclopé, Krarup, Kuntz, Mathieu, Okking, Saint-Josse, Sandbæk


NI: Garaud, Hager, Ilgenfritz, Kronberger, Raschofer


**UEN:** Fitzsimons

**Verts/ALE:** Ahern, Auroi, Bautista Ojeda, Boumediene-Thiery, Bouwman, Breyer, Buitenweg, Echerer, Evans Jillian, Frassoni, Gahrton, Graefe zu Baringdorf, Hautala, Hudghton, Isler, Béguna, Lagendijk, Lambert, Lipietz, Lucas, MacCormick, McKenna, Maes, Mayol i Raynal, Messner, Onest, Ortuondo Larrea, Piresatanta, Rod, de Roo, Rühle, Schörling, Schroedter, Staes, Turmes, Voggenreiner, Wuiri, Wyn

**Against:** 74

**GUE/NGL:** Ainardi, Bakopoulos, Di Lello Finaulli, Eriksson, Fiebiger, Frahm, Fraisse, González Álvarez, Herzog, Jové Peres, Kaufmann, Koulouranis, Morgantini, Puerta, Schmid Herman, Schröder Ilka, Seppanen, Vinci

**NI:** Berthu, Gollnisch, Gorostiaga Atxalanda, Lang, Le Pen, Souchet, Thomas-Mauro

**PPE-DE:** Brok, Cunha, Galeote Quecedo, Gargani, Grossetête, Martin Hugues, Saïfi, Salafranca Sánchez-Neyra, Sudre

**PSE:** Berès, Berger, Bösch, Carlotti, Darras, Dary, Duhamel, Ferreira, Fruteau, Garot, Gillig, Guy-Quint, Hazan, Lage, Martin Hans-Peter, Nair, Poignant, Pres, Rocard, Roure, Savary, Scarbonchi, Scheele, Skinner, Swoboda

**UEN:** Andrews, Angelilli, Berlato, Camre, Caullery, Crowley, Gallagher, Hyland, Muscardini, Mussa, Nobilia, Poli Bortone, Ribeiro e Castro, Segni, Turchi

**Abstention:** 4

**EDD:** Farage, Titford

**NI:** Borghezio, Dell’Alba

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**Pérez Royo report A5-0417/2001**

**Resolution**

**For:** 421

**EDD:** Belder, Bernié, Blokland, Boorde, Butel, van Dam, Esclopé, Krarup, Kuntz, Mathieu, Okking, Saint-Josse, Sandhauk

Thursday 13 December 2001

**Against:** 19

**Abstention:** 26

**Against:**

- Farage, Titford

**Abstention:**

- Gollnisch, Lang, Le Pen

**PSE:**

- Berès, Berger, Carlotti, Ferreira, Fruteau, Garot, Gillig, Guy-Quint, Nair, Poignant, Rocard, Roure, Savary, Swoboda

**GUE/NGL:**

- Ainardi, Bakopoulois, Di Lello Finuoli, Eriksson, Fiebiger, Frahm, Fraisse, González Álvarez, Herzog, Jové Peres, Kaufmann, Koulourianos, Morgantini, Puerta, Schmid Herman, Schröder Ilka, Seppänen, Vinci

**NI:**

- Borghesio, Gorostiaga Atxalandabaso

**Lisi**
Joint resolution — B5-0777/2001 — Immigration in Ireland

Paragraph 5

For: 90

ELDR: Attwooll, Esteve, Jensen, Malmström, Väyrynen

GUE/NGL: Bakopoulos, Kaufmann, Koulourianos, Sylla

NI: Hager


PSE: Baltas, Casaca, De Rossa, Färn, Ferreira, Gillig, Izquierdo Rojo, Kindermann, Lage, Malliori, Martínez Martínez, Mastorakis, Medina Ortega, Miguélez Ramos, Miller, Morgan, Prets, Rothe, dos Santos, Scheele, Schulz, Souladakis, Swoboda

Verts/ALE: MacCormick, Maes

Against: 7

EDD: Belder, van Dam, Okking

Verts/ALE: Lagendijk, McKenna, Schroedter, Wyn

Abstention: 2

NI: Berthu, Souchet

Joint resolution — B5-0777/2001 — Immigration in Ireland

Paragraph 6

For: 99

EDD: Belder, van Dam, Okking

ELDR: Attwooll, Esteve, Jensen, Malmström, Väyrynen

GUE/NGL: Bakopoulos, Kaufmann, Koulourianos, Sylla

NI: Berthu, Hager, Souchet


PSE: Baltas, Casaca, De Rossa, Färn, Ferreira, Gillig, Izquierdo Rojo, Kindermann, Lage, Malliori, Martínez Martínez, Mastorakis, Medina Ortega, Miguélez Ramos, Miller, Morgan, Prets, Rothe, dos Santos, Scheele, Schulz, Souladakis, Swoboda

Verts/ALE: Lagendijk, MacCormick, McKenna, Maes, Schroedter, Wyn
Thursday 13 December 2001

Gallagher report A5-0426/2001
Resolution

For: 90

GUE/NGL: Bakopoulos, Kaufmann, Koulourianos, Sylla
NI: Berthu, Hager, Souchet


PSE: Baltas, Casaca, De Rossa, Färn, Ferreira, Gillig, Izquierdo Rojo, Kindermann, Lage, Malliori, Martínez Martínez, Mastorakis, Medina Ortega, Miguélez Ramos, Miller, Morgan, Prets, Rothe, dos Santos, Scheele, Schulz, Souladakis, Swoboda

Verts/ALE: MacCormick, Maes, Wyn

Against: 6

EDD: Belder, van Dam, Okking

Verts/ALE: Lagendijk, McKenna, Schroedter

Abstention: 5

ELDR: Attwooll, Esteve, Jensen, Malmström, Väyrynen

Lulling report A5-0381/2001
Resolution

For: 96

EDD: Belder, van Dam

GUE/NGL: Bakopoulos, Kaufmann, Koulourianos, Sylla
NI: Berthu, Hager, Souchet


PSE: Baltas, Casaca, De Rossa, Färn, Ferreira, Gillig, Izquierdo Rojo, Kindermann, Lage, Linkohr, Malliori, Martínez Martínez, Mastorakis, Medina Ortega, Miguélez Ramos, Miller, Morgan, Prets, Rothe, dos Santos, Scheele, Schulz, Souladakis, Swoboda

Verts/ALE: Lagendijk, MacCormick, McKenna, Maes, Schroedter, Wyn

Against: 6

EDD: Okking

ELDR: Attwooll, Esteve, Jensen, Malmström, Väyrynen
Nobila report A5-0375/2001
Resolution

For: 97

ELDR: Attwooll, Esteve, Jensen, Malmström, Väyrynen

GUE/NGL: Bakopoulos, Kaufmann, Koulourianos, Sylla

NI: Hager


PSE: Baltas, Casaca, De Rossa, Färm, Ferreira, Gillig, Izquierdo Rojo, Kindermann, Lage, Linkohr, Malliori, Martínez Martínez, Mastorakis, Medina Ortega, Miguel Ramos, Miller, Morgan, Prets, Rothe, dos Santos, Scheele, Schulz, Souladakis, Swoboda

Verts/ALE: Lagendijk, MacCormick, McKenna, Maes, Schroedter, Wyn

Against: 3

EDD: Belder, van Dam, Okking

Abstention: 1

NI: Berthu
1. Mobilisation of the flexibility instrument

A5-0447/2001


The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2001) 625 – C5-0557/2001),
- having regard to the conclusions of the Nice European Council of 7 December 2000,
- having regard to the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure (1),
- having regard to the outcome of the trialogue of 19 November 2001,
- having regard to the results of the conciliation meeting of 21 November 2001 with the Council,
- having regard to the report of the Committee on Budgets (A5-0447/2001),

1. Recalls that, since the adoption of the present financial framework, the 2000, 2001 and 2002 budget procedures have necessitated recourse to the flexibility instrument to cover needs not provided for in the financial perspective;

2. Recalls that the conclusions of the Nice European Council called on the Member States to display solidarity both towards the regions which would suffer losses because of the lack of a fisheries agreement with Morocco and towards the regions bordering on the candidate countries;

3. Considers that neither the conversion of the fleet which operated in Moroccan waters nor the needs of cross-border regions were taken into account in the financial perspective approved by Parliament and the Council in May 1999;

4. Considers that, at the very least in the case of cross-border regions, measures extending over several years will be necessary;

5. Stresses that those programmes are intended to help regions which are among the most disadvantaged in the European Union;

6. Calls therefore on the Commission:
   - to find the rest of the funding for the programme for conversion of the fleet which operated in Moroccan waters either by means of a transfer of appropriations at the end of the financial year 2002 or in the 2003 budget;
   - to ensure continuity of the programme for the regions bordering on the candidate countries over the next few financial years;

7. Notes that there is no link between the additional funding committed under heading 2 of the financial perspective and the use of the appropriations initially earmarked for the fisheries agreement with Morocco under heading 4 of the financial perspective;

8. Notes that appropriations made available by this instrument will again be used to fund multiannual measures;

9. Considers nonetheless that the Commission proposal reflects better use of the flexibility instrument than in the past, given that requirements relating to these two measures have not been taken into account in the financial perspective currently in force;

10. Approves the decision, annexed to this resolution, to use the flexibility instrument provided for in paragraph 24 of the Interinstitutional Agreement to make available a total of EUR 200 million, within heading 2 of the financial perspective, which is intended to fund a specific action to promote the conversion of the Community fleet and a specific action to assist the regions bordering the candidate countries;

11. Instructs its President to forward this resolution, together with its annex, to the Council and Commission.

ANNEX

EUROPEAN PARLIAMENT AND COUNCIL DECISION
OF 21 NOVEMBER 2001
ON THE MOBILISATION OF THE FLEXIBILITY INSTRUMENT
(paragraph 24 of the Interinstitutional Agreement of 6 May 1999 on budgetary discipline and improvement of the budgetary procedure)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the interinstitutional agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure (1), and in particular paragraph 24 thereof,

Having regard to the proposal for a Council regulation aiming to promote the conversion of vessels and of fishermen that were, up to 1999, dependent on the fisheries agreement with Morocco (COM(2001) 384 Odash 2001/0163(CNS)) (2),

Having regard to the conclusions of the conciliation meeting between the Council and the European Parliament delegation, in which the Commission also took part, held on 21 and 22 November 2001 on the Council's second reading of the draft general budget of the European Union for the 2002 financial year,

Whereas:

(1) Following the non-renewal of the fisheries agreement between the European Union and the Kingdom of Morocco, the Nice European Council called on the Commission to put forward proposals with a view to restructuring the Community fleet which operated in Moroccan waters.

(2) The targeted measure for the conversion of the Spanish and Portuguese fleets proposed by the Commission on 18 July 2001, valued at €197 million, provides for measures similar to those financed by the Financial Instrument for Fisheries Guidance (FIFG) and is modelled on its working methods, although it proposes special arrangements for the fleets concerned.

(3) This measure comes under heading 2 ('Structural operations'), subheading 'Structural Funds', of the financial perspective and supplements the compensatory amounts earmarked in this context since January 2000.

(4) Measures to assist regions bordering on the applicant countries are planned with a budget of €30 million in 2002 under heading 2 ('Structural operations') as part of the Community Initiative Interreg.

(5) In accordance with paragraph 12, second subparagraph, of the Interinstitutional Agreement, the amounts to be earmarked for all the measures covered by heading 2 ('Structural operations') of the financial perspective do not allow for a margin.

(6) The conditions for the use of the flexibility instrument, as set out in paragraph 24 of the Interinstitutional Agreement, are therefore met.

(2) OJ C 270 E, 23.9.2001, p. 266.
HAVE DECIDED AS FOLLOWS:

Article 1

For the general budget of the European Union for the 2002 financial year, the flexibility instrument shall be used to provide the sum of €200 million in commitment appropriations.

Article 2

Of this sum, €170 million shall be used to finance the targeted measure for the promotion of the conversion of the vessels and fishermen that were, up to 1999, dependent on the fisheries agreement with Morocco, which is covered by the ‘Structural operations’ heading in the financial perspective, under the new line B2-200 N of the general budget of the European Union for the 2002 financial year.

The remaining €30 million shall be used to finance measures for strengthening the competitiveness of regions bordering on the candidate countries under Chapter B2-14, ‘Community Initiatives’ as part of the Interreg programme.

Article 3

This decision shall be published in the Official Journal of the European Communities (L series) at the same time as the general budget of the European Union for the 2002 financial year.

Done at Strasbourg, 13 December 2001

For the European Parliament For the Council
The President The President

2. Budget 2002 (modified by the Council)/Amending letter 2/2002

A5-0400/2001


The European Parliament,

— having regard to Article 272 of the EC Treaty, Article 78 of the ECSC Treaty and Article 177 of the Euratom Treaty,

— having regard to Council Decision 2000/597/EC, Euratom of 29 September 2000 on the system of the European Communities’ own resources (1),

— having regard to the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure (2),

— having regard to the draft general budget of the European Union for the financial year 2002, which the Council established on 20 July 2001 (C5-0300/2001),


having regard to its resolution of 25 October 2001 on the draft general budget of the European Union for the financial year 2002, Section I — European Parliament, Section II — Council, Section IV — Court of Justice, Section V — Court of Auditors, Section VI — Economic and Social Committee, Section VII — Committee of the Regions, Section VIII(A) — European Ombudsman, Section VIII (B) — European Data Protection Supervisor (C5-0300/2001 — 2000/2325(BUD)), and Letter of amendment No 1/2001 to the draft general budget of the European Union for the financial year 2002 (12733/2001 — C5-0495/2001 — 2000/2324(BUD) — 2000/2325(BUD)) (1),

— having regard to Letter of amendment No 2 to the draft general budget of the European Union for the financial year 2002 (14340/2001 — C5-0615/2001),

— having regard to Letter of Amendment No 3/2002 to the draft general budget of the European Union for the financial year 2002 (14901/2001 — C5-0669/2001),

— having regard to its amendments and proposed modifications of 25 October 2001 to the draft general budget (2),

— having regard to the Council's modifications to the amendments and proposed modifications adopted by Parliament to the draft general budget (14341/2001),

— having regard to the statement by the Council on the outcome of its deliberations on the proposed modifications adopted by Parliament,

— having regard to Rule 92 and Annex IV to its Rules of Procedure,

— having regard to the report of the Committee on Budgets and the opinion of the Committee on Committee on Agriculture and Rural Development (A5-0400/2001),

A. whereas Letter of amendment No 2 deals with:

(a) agricultural expenditure;

(b) the creation of the necessary structure for the programme to restructure the Spanish and Portuguese fishing fleets under the Structural Funds;

(c) an update on the international fisheries agreements concluded under the external actions; and

(d) a provisional estimation of the 2001 budget surplus,

B. whereas the Commission had to present Letter of Amendment No 3/2002 because a number of Member States did not manage in 2001 to ratify Council Decision 2000/597/EC, Euratom on which the Commission's calculation of the own resources for the 2002 financial year was based,

**General remarks**

1. Notes that, at its second reading, the Council has, without providing any convincing arguments, rejected most of Parliament's amendments, and considers that the Council's second reading is mainly a repetition of its first reading; points out that the purpose of the Interinstitutional Agreement of 6 May 1999 is to 'implement budgetary discipline and to improve the functioning of the annual budgetary procedure and co-operation between the institutions on budgetary matters', and that Parliament will regularly evaluate cooperation with the Council in this light;

2. Notes Parliament's decision to confirm the vast majority of the budgetary amendments it adopted at its first reading, as well as to approve the changes to some of the first reading budgetary amendments resulting from the agreement reached with the Council on a number of issues;

3. Has adopted an amount of €98 635 million in commitment appropriations, which represents an increase of 1,7% over the commitments in the 2001 budget;

(1) 'Texts Adopted', point 2.
(2) 'Texts Adopted', annex.
4. Following difficult negotiations with the Council, has adopted an amount of €95,655 million in payment appropriations, which represents a very modest increase of 2% over the payments in the 2001 budget and which is based on a perhaps overly cautious estimation of the payment needs by the Commission; points out that this increase represents only 1.03% of estimated GNP in 2002, compared to the 1.08% established in the financial perspective; urges the Commission to monitor carefully whether additional payment needs arise in 2002, and expects it to submit a supplementary budget if such needs arise;

5. Reaffirms Parliament's priority of improving implementation of the budget and further reducing the payments backlog; emphasises the indispensable need for a reasonable level of payments in relation to commitments so as to meet the operational requirements of each policy, especially in headings 3 and 4, in order to ensure a budget which better serves the citizen, which provides value for money and which assures credibility of the Union's policy;

6. Points out that the appropriations needed for expenditure under headings 3, 4 and 5 are subject to significant and increasing pressure year after year, and considers the Council's unwillingness to address this problem through a revision of the financial perspective to be a denial of the Union's real political objectives;

7. Believes in particular that the ceiling for heading 5 will most likely prove to be too low to cover additional costs related to enlargement, in particular as regards the financial year 2003; notes the report submitted by the secretaries-general of Parliament, the Council and the Commission on the evolution of expenditure under heading 5 which shows that potential savings could be achieved through enhanced interinstitutional cooperation; considers it indispensable for both arms of the budgetary authority jointly to analyse the long-term needs and the economies of scale resulting from the strengthening of interinstitutional cooperation within heading 5; welcomes the Council's agreement to join Parliament in this approach and to open a discussion at political level early in 2002;

8. As a result of difficult negotiations with the Council during conciliation, agrees with Letter of amendment No 2 to the 2002 draft budget, as modified and approved by both Parliament and Council; recognises that the 'very exceptional circumstances' referred to in Article 14 of the Financial Regulation apply this year; stresses, however, that the inclusion of an amount for the estimated budget surplus of the current year (2001), which has not yet ended, is in principle not appropriate, and stresses that this should not become the normal practice;

9. Deplores the fact that Letter of Amendment No 3/2002 was presented by the Commission only on 5 December 2001 and adopted by Council on 7 December 2001, which did not leave Parliament sufficient time to discuss the effects of the re-calculation presented by the Commission;

10. Agrees to adopt in one reading Letter of Amendment No 3/2002 which was not modified by the Council,

11. Welcomes the joint declaration of the European Parliament, the Council and the Commission on additional funding for the fleet restructuring programme and the border regions in the 2003 budget and the joint declaration on the recovery of export refunds for beef and veal (1);

12. Welcomes the fact that a central part of the progress report, which the European Parliament asked the Commission to submit as part of the 2001 budgetary procedure, has become an integral element of future budgetary policy as laid down in the joint declarations with the Council and the Commission on the implementation profile for the 2002 budget and the reduction of the payments backlog (1);

(1) See Annex 2 to this resolution.
13. Notes the declaration by the Spanish delegation in the Council, stating that adoption of the recast Financial Regulation is a priority for the incoming Spanish Presidency, that all measures will be taken to achieve this objective and that it has indicated that in this context a conciliation meeting, under the 1975 conciliation procedure for decisions with appreciable financial implications, might be held before 1 July 2002;

Section III

Heading 1: Agriculture

14. Expresses its satisfaction with the implementation of the procedure established in the Interinstitutional Agreement concerning compulsory expenditure, which has enabled Parliament to take an active part in the agricultural expenditure decision-making process;

15. Considers that the mid-term review of the CAP should be launched in 2002, taking into account the requirements of enlargement, food safety and environmental compatibility; believes that the Community should reconsider the breakdown of agricultural resources, which currently stands at 90% for subheading 1a and 10% for subheading 1b; proposes that these resources should be gradually shifted from market support to rural development, so that farmers would be rewarded for providing multifunctional services;

16. Calls once again for a greater degree of flexibility in agricultural expenditure; asks in this connection for the way to be cleared for the transfer of appropriations from the compulsory to the non-compulsory sector of CAP expenditure through the revision of the Interinstitutional Agreement at the earliest possible juncture;

17. Notes the Commission’s working document on the assessment of the Agenda 2000 agricultural reforms submitted in October 2001 and requested by Parliament in paragraph 3 of its resolution of 5 July 2001 on the 2002 budget in view of the conciliation procedure before the Council’s first reading (2001/2063 (BUD)) (1);

Heading 2: Structural actions

18. Stresses its decision to mobilise the flexibility instrument for the financial year 2002, involving an amount of €170 million in commitment appropriations to finance the conversion of the Spanish and Portuguese fisheries sectors and to offset the impact of the failure to sign the fisheries agreement with Morocco, and an amount of €30 million in commitment appropriations to finance projects in regions bordering candidate countries which will be affected by enlargement; takes note of the joint declaration by the three institutions, expressing their will to enter in the 2003 budget the €27 million not included in the 2002 budget out of the €197 million proposed by the Commission in the financial statement concerning the fleet restructuring programme, as well as €15 million for the regions bordering the candidate countries;

Heading 3: Internal policies

19. Welcomes the Council’s support for Parliament’s priorities, such as the European Refugee Fund, and the new e-learning initiative, for which it calls for a legal basis to be established in due time to transform this preparatory action into a multiannual programme;

20. Welcomes the Council support for Parliament’s initiative for a pilot project on the impact of enlargement on the border regions of the Community; urges the Commission to define the term ‘border regions’ more clearly, including both land and sea border regions;

Heading 4: External actions

21. Stresses that the Community has to make a considerable effort to alleviate the human suffering in Afghanistan and neighbouring countries, to contribute to the reconstruction of infrastructure in Afghanistan and to build up democratic structures; has therefore decided, as an immediate, provisional and first

measure, to adopt an amount of € 488 million for budget chapter B7-30 ('Cooperation with Asian developing countries') and to leave a margin of € 70 million in heading 4 to cover possible further needs in this area in 2002; awaits more accurate estimates of these needs from the Commission, as called for in Parliament's resolution on the first reading of the 2002 draft budget;

22. Emphasises the need for reliable and sustainable engagement with our partners in the framework of the external policies; opposes the Council approach consisting in accepting more and more responsibilities while simply reducing other existing commitments; points out that any further commitments in external policies with implications for the European Union budget — especially for multiannual programmes — will require additional resources;

23. Welcomes the increase in the MEDA line decided by Parliament, and urges the Commission to implement these additional appropriations to support the regional dimension in the MEDA programme; considers that this will also improve the climate for a peaceful development in this region;

24. Underlines the political importance of the Union Analysis Centre for Active Crisis Prevention, known as the Conflict Prevention Network, in particular at a time of geopolitical turmoil; insists on the fact that it has to remain one Centre which should implement the tasks as outlined in its resolution of 14 June 1995(1) and should have the full amount provided for as its financial basis;

25. Welcomes the decision by the two arms of the budgetary authority to allocate, in accordance with paragraph 39 of the Interinstitutional Agreement, an amount of € 30 million to the European Common Security and Defence Policy, having taking account of the remarks of the Court of Auditors on the implementation of the expenditure for this policy in the financial year 2000;

26. Calls on the Commission to ensure participation for recognised political foundations in all appropriate programmes, in particular those promoting democracy and human rights in the world;

Heading 5: Administrative expenditure

27. Stresses that, while supporting the general reform process, both arms of the budgetary authority have indicated, in connection with the Commission's request to increase its establishment plan, that a rigorous, properly monitored approach is required;

28. Reiterates its support for the Commission's proposal for an early retirement scheme for 600 officials, provided that the scheme is extended to other institutions and to temporary staff;

29. Notes the decision to enter appropriations in the reserve (B0-40 and A-100) for certain headings, in accordance with the Financial Regulation; invites the Commission to fulfil the conditions for the release of the relevant reserves set out in the annex to this resolution;

Heading 6: Reserves

30. Points out that the emergency reserve may be mobilised to meet immediate needs and welcomes the decision of the budgetary authority to earmark € 35 million for aid to Afghanistan and neighbouring countries;

Other sections

31. Reiterates that Parliament's and the Court of Auditors' policy of advance payments for the acquisition of their premises needs to be continued, as it creates relevant savings for the European taxpayer;

32. Notes its Bureau's decision of 12 November 2001 on the selection of a building project to meet Parliament's enlargement needs in Brussels and calls for all adaptations necessary to proceed in parallel at the two places where Parliament part-sessions are held; welcomes the Bureau's decision, in this context, to

re-examine Parliament’s needs in consultation with the appropriate political authorities, as this will ensure
greater transparency; invites its Bureau to critically analyse which needs can be met by the current prem-
ises, in particular as regards meeting rooms; stresses that any unnecessary duplication of Parliament’s exist-
ing infrastructure should be avoided;

33. Considers that a comprehensive evaluation of all options of acquisition should be undertaken;
expects the new premises to provide the best value for money for the European taxpayer and to be
designed in accordance with the highest environmental and disability standards; stresses that the Parlia-
ment has foreseen to take into account the views and interests of the neighbours and to cooperate with the
federal, regional and local authorities, with the aim to ensure good neighbourly relations and the best
integration in the area;

34. Emphasises the need to implement the mobility management plan and develop further measures for
sustainable mobility in the framework of the May 1997 ‘environment permit’ for using the car parks in the
Espace Léopold buildings;

35. Has decided to introduce a remark in Title II of Section I (Parliament) concerning the possibility of
insuring itself against industrial disputes and terrorist attacks on its premises;

36. Calls upon all institutions, in particular those in which the average age of staff is high, such as
Parliament and the Economic and Social Committee, to ensure that staff (both permanent and temporary)
use up all of their annual leave before retiring;

37. Has decided to make the necessary appropriations available for the creation of 19 posts (one A3,
nine A7, six B5 and three C5) in the establishment plan of the Court of Auditors; points out that these
posts, together with the five A7 posts created by the Council, are intended to enable the Court to assess
the performance of financial control systems in the candidate countries, to improve its cooperation with
national audit institutions and to establish more detailed specific DAS assessments;

38. Can agree with the nomenclature for the new section created for the European Data Protection
Supervisor; has decided to place €100 000 against Article 100 (Salaries, allowances and payments related
to salaries) and €100 000 against Item 1100 (Basic salaries) in the reserve; notes that consideration can
be given to releasing these appropriations once a report is submitted to the budgetary authority on the
likely workload of the new body, the precise job descriptions for all the posts authorised and a clear
demarcation of tasks vis-à-vis the European Ombudsman;

* *

39. Instructs its President to declare that the budget has been finally adopted and arrange for its pub-
lication in the Official Journal;

40. Instructs its President to forward this resolution to the Council, the Commission, the Court of
Justice, the Court of Auditors, the Economic and Social Committee, the Committee of the Regions, the
European Ombudsman, and the other institutions and bodies concerned.

ANNEX 1

Conditions for the release of the reserves

Adoption of legal basis

B2-700 (European Aviation Safety Agency) and B2-700A (European Aviation Safety Agency — Expen-
diture on administrative management)

B2-701 (European Maritime Safety Agency) and B2-701A (European Maritime Safety Agency — Expen-
diture on administrative management)
B3-4105 (Preparatory measures combating and preventing exclusion) and B3-4105A (Preparatory measures combating and preventing exclusion – Expenditure on administrative management)

B4-305 (Community framework for cooperation to promote sustainable urban development)

B5-806 (European Year of People with Disabilities) and B5-806A (European Year of People with Disabilities – Expenditure on administrative management)

B5-826 (Cooperation measures resulting from Member States’ initiatives) and B5-826A (Cooperation measures resulting from Member States’ initiatives – Expenditure on administrative management)

B5-911 (Pericles)

Specific reserves

B3-300 (General information work concerning the European Union); B3-303 (Communication work)

Parliament has entered part of the appropriations in the reserve, pending the outcome of the process of setting up, in a balanced and satisfactory fashion, the interinstitutional cooperation structures provided for in the communication on a new framework for cooperation on activities concerning the information and communication policy of the European Union (COM(2001) 354 final). The appropriations will be released on the basis of an assessment by the working party.

B3-4309 (Expenditure related to the creation of the Food Safety Authority) and B3-4309A (Expenditure related to the creation of the Food Safety Authority – Expenditure on administrative management)

The appropriations will be transferred from the reserve once a satisfactory solution for both the location and effective operation has been agreed according to the legislative resolution of 12 June 2001.

B5-822 (Europol) (Amendment 129)

The appropriations shall not be released from the reserve until the Parliament has received satisfactory assurances concerning:

– the nature of the expenditure involved (whether operational or administrative), and its coverage by the financial perspective;

– the arrangements concerning the exercise by the Commission of its responsibility, under the Treaty, for the implementation of the budget;

– the arrangements concerning the exercise by the Parliament of its powers to grant discharge in accordance with the Treaty.

B5-825 (Eurojust) (Amendment 130)

The appropriations shall not be released from the reserve until the Parliament has received satisfactory assurances concerning:

– the nature of the expenditure involved (whether operational or administrative), and its coverage by the financial perspective;

– the arrangements concerning the exercise by the Commission of its responsibility, under the Treaty, for the implementation of the budget;

– the arrangements concerning the exercise by the Parliament of its powers to grant discharge in accordance with the Treaty.
A-950 (Global reserve for the Reform of the Commission) (Amendment 328)

Appropriations in the reserve in connection with Commission reform

The appropriations for 70 posts and the related reform actions are entered in the reserve in order to put Parliament in the position to assure the speedy success of the Commission reform. The conditions for their release are the following:

Early retirement schemes

The Commission shall undertake to present a proposal for a regulation to put in place a permanent early retirement scheme for both officials and temporary agents employed by all the institutions.

Better matching of legislative and budgetary procedures

A commitment that the Commission shall present a plan of all major legislative and policy initiatives with budgetary implications that it intends to take in 2002 so as to enable the budgetary authority to evaluate how the Commission has taken account of the budgetary authority's priorities.

The remaining appropriations (for 70 posts at headquarters) will be released once the remaining conditions above are fulfilled.

A-11 (Staff in active employment) (Amendment 225)

In the course of 2002 the institutions will appoint a director for the Interinstitutional Recruitment Office that they intend to establish. To that end 1 permanent A3 post in the establishment plan of the Commission is upgraded and converted into 1 temporary A2 post for the future director of the Office. However, the appropriations for the upgrading remain in the reserve, and the post may not be filled until the participating institutions have agreed on the person that will be appointed as director of the Office.

A-3042 (Subsidy to cultural organisations advancing the idea of Europe) (Amendment 259)

The amount in the reserve will be released in favour of the Pegasus Foundation once the Commission has provided a report on the financial and operational aspects of this organisation.

A-7003 (National and international civil servants and private-sector staff temporarily assigned to the institution) (Amendment 333)

The amount placed in the reserve will be released once the Commission has informed the Budgetary authority about:

- the number of the 670 authorised posts that have been filled;
- the geographical breakdown of those posts;
- the current provisions to guarantee a geographical balance.

A-7031 (Expenditure on meetings of committees) (Amendment 272)

The appropriations for this budget line are entered in the reserve. The conditions for their release are the following:

Shortening and simplification of implementation procedures and comitology

Parliament notes the efforts made in the context of single programmes. The positive development has to continue. Before the final reading of the 2002 budget the Commission should present a concrete proposal to systematically shorten and simplify the implementation procedures covering the programmes in all headings.
ANNEX 2

JOINT DECLARATION
ON THE RECOVERY OF EXPORT REFUNDS
FOR BEEF AND VEAL

Parliament and the Council, recognising the importance of protection of animals during transport, request the Commission to submit to the Budget Authority an annual report by 31 May 2002 on the implementation of and compliance with Community legislation and in particular on the recovery of refunds due to non-compliance with Commission Regulation (EC) No 615/98 of 18 March 1998 laying down specific detailed rules of application for the export refund arrangements as regards the welfare of live bovine animals during transport (OJ L 82, 19.3.1998, p. 19).

JOINT DECLARATION
BY THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION

The European Parliament, the Council and the Commission undertake to enter in the 2003 Budget, within the Berlin ceilings, the €27 million which has not been included in the 2002 Budget out of the amount of €197 million proposed by the Commission in the financial statement concerning the fleet restructuring programme, as well as €15 million for the border regions.

JOINT DECLARATION
BY THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION

1. Concerning the implementation profile for the 2002 budget

Parliament, the Council and the Commission recognise the Commission’s responsibility for implementing the Community budget (Section III) and agree that its implementation should, as far as is possible, be spread out evenly over the year and that, in particular, a pile-up of implementation operations at the end of the year must be prevented.

The Commission will endeavour to implement the 2002 budget taking into account the implementation of the 2001 budget, and, where necessary, make efforts to improve it.

The Commission will forward the implementation plan for the 2002 budget, broken down by financial perspective heading, at the latest when presenting the 2003 preliminary draft budget. The implementation plan will include the implementation profiles for the budget titles and chapters set out below.

Should implementation of one of the budget headings as at 31 August diverge significantly from the profile presented, or risk doing so, the Commission shall inform the budgetary authority, stating the reasons for the divergence and indicating the steps it intends to take in order to rectify the situation. Furthermore, the Commission will present a new, updated, implementation profile.

The Commission will also examine implementation as at 31 October, comparing it with the implementation profile, and inform the budgetary authority of the outcome.

| B2-5 | Other agricultural operations (B2-5) |
| B2-6 | Other regional operations (B2-6) |
| B2-7 | Transport (B2-7) |
| B2-9 | Other measures concerning fisheries and the sea (B2-9) |
| B3-1 | Education, vocational training and youth (B3-1) |
| B3-2 | Culture and audiovisual media (B3-2) |
| B3-3 | Information and communication (B3-3) |
| B3-4 | Social dimension and employment (B3-4) |
| B4-1 | Energy (B4-1) |
The Commission, Parliament and the Council share the same desire to bring the situation regarding outstanding commitments under control and to put an end to abnormal outstanding commitments. In this connection, they emphasise the fact that the amount of abnormal outstanding commitments can be reduced both by increasing payment appropriations and by decommitting expenditure on a large scale. Potentially abnormal outstanding commitments are defined by common accord as being dormant commitments in respect of which no payment has been made for the last two financial years and old commitments that have been in the budget for at least five financial years.

The budgetary authority notes that the Commission undertakes to submit, at the latest at the same time as the preliminary draft budget for 2003, an action plan under which all potentially abnormal items in the budget at the beginning of the 2002 financial year will be examined. This plan will set out for each of the budget headings listed below:

- the number of potentially abnormal items as at 31 December 2001, together with the amounts involved;
- the number of items that have been examined over the previous twelve months;

2. Concerning an action plan to put an end to abnormal outstanding commitments
— and, for the other items, a schedule for examination on the following dates:
— 30 April 2002
— 31 August 2002
— 31 December 2002
— 30 April 2003.

The budgetary authority will be notified of the outcome of the examination carried out on each of these dates and of the decisions taken on the items concerned (payment, closure, decommitment and special follow-up measures).

A working document setting out the situation as regards normal and abnormal outstanding commitments, broken down by budget heading, will subsequently be forwarded each year to the budgetary authority at the same time as the preliminary draft budget. This document will also provide details of the action which the Commission has taken to prevent abnormal outstanding commitments from re-emerging in the future.

<table>
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<tr>
<th>Reference</th>
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<td>B2-511</td>
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<td>B2-515</td>
<td>Forestry</td>
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<td>B4-304</td>
<td>Legislation, awareness-raising and other general actions based on the Community action programmes in the field of the environment</td>
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<td>B5-3002</td>
<td>Operation and development of the internal market, particularly in the field of notification, certification and sectoral approximation</td>
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<td>B5-303</td>
<td>Customs 2002</td>
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<td>B5-3120</td>
<td>Subsidy for the European Agency for the Evaluation of Medicinal Products</td>
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<td>B5-313</td>
<td>Standardisation and approximation of legislation</td>
</tr>
<tr>
<td>B5-334</td>
<td>Promotion of the European digital presence in global networks</td>
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<tr>
<td>B5-700</td>
<td>Financial support for projects of common interest in the trans-European transport network</td>
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<td>B5-710</td>
<td>Financial support for energy infrastructures</td>
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<td>Networks for the interchange of data between administrations (IDA))</td>
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<td>B7-200</td>
<td>Products mobilised under the Food Aid Convention</td>
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<td>Other aid in the form of products, support operations and transport, distribution, flanking measures and measures to monitor implementation</td>
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<td>B7-301</td>
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<td>Aid to uprooted people in Asian countries</td>
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<td>B7-310</td>
<td>Financial and technical cooperation with Latin American developing countries</td>
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<tr>
<td>B7-311</td>
<td>Political, economic and cultural cooperation with Latin American developing countries</td>
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<td>Rehabilitation and reconstruction operations in developing countries in Latin America</td>
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<td>B7-320</td>
<td>European programme for reconstruction and development (EPRD)</td>
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<td>B7-410</td>
<td>MEDA</td>
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<td>B7-420</td>
<td>Community operations connected with the Israel/PLO Peace Agreement</td>
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</tbody>
</table>
The incoming Spanish Presidency has informed Parliament, the Council and the Commission that it considers the adoption of the recast Financial Regulation a priority and that all measures have been taken to achieve this objective, and has indicated that in this context a conciliation meeting under the 1975 procedure relating to the Financial Regulation might be held before 1 July 2002.

It recalls that the Council has urged Parliament to deliver its opinion as soon as possible in order to allow the Council to give it due consideration during its deliberations, and the Commission to present an amended proposal on which the Council will continue to work.


The European Parliament,

– having regard to Articles 272 and 274 of the EC Treaty,
– having regard to the Treaty of Nice,
– having regard to the Interinstitutional Agreement of 6 May 1999 and the financial perspective annexed thereto (1),
– having regard to Article 3 of the Financial Regulation,

having regard to its resolution of 26 October 2000 on the Interinstitutional Agreement on financial statements and the statement on Financial Programming annexed thereto (1),

having regard to the general budget of the European Union for the financial year 2001 (2),

having regard to the report of the Committee on Budgets (A5-0427/2001),

A. whereas since 1995 the Commission has undertaken to send the budgetary authority a half-yearly report on financial programming in headings 3 and 4 of the Financial Perspective,

B. whereas the communication for the first half of 2001 is the first to have been sent officially, thus giving rise to a consultation procedure,

C. whereas, for its part, its committee responsible has drawn up a financial programming schedule on the basis of the 2001 budget adopted on 14 December 2000,

D. having regard to the growing interest expressed by the institutions in an assessment of programmes in progress and monitoring implementation in year N,

E. having regard to the new tools and new programming methods introduced by the Commission and to the additional human resources which the budgetary authority has been asked for in the context of the reform,

F. whereas Parliament, the Council and the Commission have undertaken to assess the compatibility of new actions, without scaling down existing policies, with the Financial Perspective ceilings,

1. Hails the programming efforts made by the Commission, which, by virtue of Article 274 of the EC Treaty, is responsible for implementing the budget;

2. Points out that the budget is adopted as part of the annual procedure, in accordance with the principle of unity, and that financial programming must be brought into line with the budgetary authority’s decisions;

3. Reaffirms its wish to comply with the Financial Perspective ceilings as annexed to the Interinstitutional Agreement of 6 May 1999 and with the provisions of the Interinstitutional Agreement on budgetary discipline;

4. Stresses, however, that the latest GNP growth forecast put forward by the Commission for the whole of the EU for 2001 is appreciably lower than the 2,5% implicit in the financial perspective table;

5. Points out that successive treaties (Maastricht, Amsterdam and Nice) have increased the legislative powers of Parliament without prejudice to its budgetary powers;

6. Restates its intention of complying with the budget allocations adopted by the legislative authority for multiannual codecision programmes and of exercising its power of oversight over the Commission’s implementation thereof;

7. Points out that the two arms of the budgetary authority have undertaken to improve their follow-up and assessment methods with the aim of exercising precise and effective oversight over budget implementation;

8. Stresses the tentative nature of financial programming and the primacy of the annual budget decision via which it voices its priorities and its wish to maintain traditional activities that have proven their benefit to citizens and European added value;

9. Calls for the Commission, in tandem with legislative consultation to establish or renew budget-funded measures, to consult the budgetary authority on any new non-legislative initiative or any shedding of activities with a budget-related financial programming impact;

10. Invites its Secretary-General to put in place the technical and administrative support machinery needed by the portfolio committees to prepare legislative and budgetary decisions, so as to take account of a qualitative and quantitative assessment of measures in progress;

11. Takes note of the financial programming for headings 3 and 4, sent to the budgetary authority, for the period 2002-2006;

12. Stresses that presenting multiannual-programme amounts including a future inflation rate estimated a priori (in euro at current prices) makes the Union's financial efforts less visible and makes estimating the unused margins below the ceilings for headings 3 and 4 less reliable;

13. Calls therefore on the Commission to specify in its proposals whether multiannual spending amounts are expressed in constant-price euro or in euro at current prices and, if the latter is the case, to specify all figures in the financial statement in both current and constant euro;

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

4. EC-UNRWA Convention (additional funding 1999-2001) * (procedure without report)

C5-0663/2001


(Consultation procedure)

The proposal was approved.

5. Cross-border payments in euro ***II (procedure without debate)

A5-0453/2001


(Codecision procedure: second reading)

The European Parliament,

— having regard to the Council common position (14562/2001 — C5-0639/2001),

— having regard to its position at first reading (¹) on the Commission proposal to Parliament and the Council (COM(2001)439) (²),

— having regard to Article 251(2) of the EC Treaty,

Gdash having regard to Rule 78 of its Rules of Procedure,
− having regard to the recommendation for second reading of the Committee on Economic and Monetary Affairs (A5-0453/2001),

1. Approves the common position;
2. Notes that the act is adopted in accordance with the common position;
3. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
4. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Communities;
5. Instructs its President to forward its position to the Council and Commission.

6. Measures directed against certain persons and entities with a view to combating international terrorism *(procedure without report)*

C5-0665/2001

Draft Council regulation on specific restrictive measures directed against certain persons and entities with a view to combating international terrorism (4765/3/22001 — C5-0665/2001 — 2001/0228(CNS))

(Consultation procedure: renewed consultation)

The draft was approved with the following amendments:

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**TEXT PROPOSED**

BY THE COUNCIL

**AMENDMENTS**

BY PARLIAMENT

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**Amendment 5**

Citation 4, footnote (new)

An Annex is a part of the legislative act to which it pertains and, consequently the consultation of the European Parliament during the procedure leading to the adoption of this Act was not complete. The European Parliament expects to be consulted in defining and modifying the future list of natural or legal persons, groups and entities linked to terrorist activities. The European Parliament reserves the right to defend its prerogative before the Court of Justice of the European Communities if Council does not involve the European Parliament in that way.

**Amendment 2**

Article 1, paragraph 4

(4) For the purposes of this Regulation, the definition of ‘terrorist act’ shall be the one contained in Article 1(3) of Common Position …

(4) For the purposes of this Regulation, the definition of ‘terrorist act’ shall be the one referred to in Council Framework Decision … on combating terrorism.
Amendment 3
Article 2, paragraph 3

3. The Council, acting by unanimity, shall establish, review and amend the list contained in Annex I in conformity with the provisions laid down in Article I(4), (5) and (6) of Common Position.

3. The Council, on a reasoned proposal from the Commission or a Member State, and, after having consulted a select committee of the European Parliament, if necessary on a confidential and expedited basis, shall adopt and publish in the Official Journal of the European Communities a list of natural or legal persons, groups and entities concerned by this Regulation.

Amendment 4
Article 11, paragraph 2a (new)

2a. This Regulation shall expire on 31 December 2003.

Amendment 1
Annex I
Annex 1

List of natural or legal persons, groups and entities referred to in Article 2
(To be completed)

Deleted
(All references to Annex I shall be replaced by a reference to a list to be established and amended by Council in accordance with Article 2(3)).

7. Crisis in the Middle East and the role of the European Union

B5-0747/2001

European Parliament recommendation on the crisis in the Middle East and the role of the European Union in the region

The European Parliament,

having regard to Rule 104 of its Rules of Procedure,

having regard to Articles 11, 12 and 13 of the Treaty on European Union,

having regard to its resolutions of 20 January 2000 on the Middle East peace process (1) and 17 May 2001 on the situation in the Middle East (2),

A. whereas, in the aftermath of 11 September 2001, a settlement of the Middle East conflict is of key relevance as regards restoring worldwide stability and security and succeeding in the fight against international terrorism,

1. Recommends the Council:

(a) to adopt a common strategy for the Middle East and implement all relevant conflict prevention and crisis management instruments, the ultimate goal of which should be to achieve a fair, comprehensive and lasting peace, ensuring stability and security in the region;

(b) to take the diplomatic initiative in order to ensure, in the short term, the immediate withdrawal of the Israeli army from the re-occupied Palestinian territories;

(c) to base this common strategy and its implementation on the following principles and objectives:

- respect for international law and UN Security Council Resolutions 242 and 338;
- commitment of both parties to democracy, the rule of law and human rights and transparency in the use of international aid;
- firm condemnation, rejection and combating of any act of terrorism and the requirement for the Palestinian Authority to dismantle terrorist networks, including by arresting and prosecuting all suspects;
- renunciation of the use of force and all forms of violence, as required by the relevant international conventions and the Oslo Agreements;
- the right of the Palestinians to a sovereign, safe, democratic, viable and peaceful State and the right of the State of Israel to exist in safety within secure, recognised and respected borders;
- full and effective application of all agreements and undertakings signed in the past by the two parties and based on the ‘land for peace’ principle;
- adoption of new initiatives to help bring an end to the violence, in view of the intolerable situation of the Palestinians in the Occupied Territories and of the Israeli victims of mindless terrorism;
- condemnation of the Israeli policy of extrajudicial executions and kidnappings and of the acts of terrorism perpetrated by Palestinian organisations;

(d) to reaffirm in this context the European Union’s active political commitment and unreserved support for all efforts to negotiate a comprehensive and just peace in the Middle East in line with its current pre-eminent economic and humanitarian role in the region, and in close cooperation with the other players from the international community;

(e) in order to fulfil the aforementioned objectives and principles, to do its utmost to ensure that negotiations resume as soon as possible, without any prerequisites and conditions, according to the provisions of the Mitchell Report;

(f) to insist that the Palestinian Authority immediately reinforce all necessary measures to prevent acts of terrorism emanating from its territory and to demand that Israelis and Palestinians assess with great care any reaction to the present situation;

(g) to call for an immediate end, on both sides, to all acts that constitute serious breaches of international law and lead to a worsening and escalation of the situation and intolerable violence against the civilian population;

(h) to consider it essential in this context that the European Union and its Member States, in close cooperation with the USA and all the partners in the peace process, as established at the Madrid Conference in 1991, take a politico-diplomatic initiative at the earliest opportunity, which could take the form of a new conference with all the countries concerned and favour the use of all relevant diplomatic channels to encourage both sides to resume negotiations in the search for a just and lasting peace; the implementation of any agreement should be monitored by an international observer mission;

(i) to welcome President Bush’s public statement in favour of the constitution of a Palestinian State, on condition that the right of the sovereign State of Israel to exist is respected, which is is the aim of EU policy; encourages the US President to act decisively to put his statement into practice;

(j) to make available to the conflicting parties and to the United Nations all appropriate EU military and civil crisis management instruments, which are currently being developed within the evolving framework of the ESDP;

(k) to increase the diplomatic presence of the European Union in the region in keeping with the activities of EU Special Representative Moratinos and by strengthening his team;

(l) to draw up a blueprint for large-scale international economic assistance for the region, addressing tangible concerns, that would directly benefit the people on both sides and which should be based on the implementation of peace proposals and a non-return to violence during the settlement of the conflict;
(m) to give priority to the Barcelona Process, which would unquestionably facilitate the search for a peaceful solution to the conflict; to call on the Member States to coordinate all their bilateral policies in the region at European level;

(n) to encourage improved mutual understanding between society and religions through a dialogue between cultures and civilisations;

(o) to launch immediate and large-scale use of the MEDA regional programme to fund projects in the Middle East, aimed in particular at building up a stronger EU-Israeli-Palestinian partnership, especially in social, cultural and human spheres with a 'people to people' perspective; to call on the budgetary authority to ensure that the additional financial commitments are provided by means of an increase in the MEDA programme;

(p) to call on the Commission to continue to support the Palestinian National Authority and its institutions; to continue to ensure, in cooperation with the Palestinian Authority, that resources are used correctly, in accordance with the general principles of the European Union and the UN Charter of Human Rights, which should govern relations with all third countries;

(q) to call, at the same time, on the Commission, together with the Council, to make a specific link between cooperation with Israel and the Palestinian Authority and respect for the commitments and principles underlying EU human rights policy and the Euro-Mediterranean policy;

(r) to urge the Commission to check and implement carefully all the clauses of the Association Agreement with Israel, in particular those concerning rules of origin;

2. Considers it vitally important to intensify all types of contact at political and parliamentary level by holding more regular meetings with the region’s parliaments and the political parties and with its civil society;

3. Decides, in order to ensure implementation of the above-mentioned recommendations, to send a very high-level European Parliament delegation to the region to meet the Israeli and Palestinian authorities and convey the message of peace to them and to the Israeli and Palestinian public and to show them that the Union is willing to contribute towards the relaunching of credible negotiations between the two parties;

4. Instructs its President to forward this recommendation to the Council, the Commission, the Israeli government and the Palestinian National Authority.

8. Pollution prevention and shipboard living and working conditions (port state control) ***III

A5-0440/2001


(Codecision procedure: third reading)

The European Parliament,

– having regard to the joint text approved by the Conciliation Committee (PE-CONS 3657/2001 – C5-0525/2001),

– having regard to its position at first reading (1) on the Commission proposal to the European Parliament and the Council (COM(2000) 142) (2),

(2) OJ C 212 E, 23.7.2000, p. 102.
having regard to the amended proposal (COM(2000) 850)(1),

having regard to its position at second reading (2) on the Council common position (3),

having regard to the Commission’s opinion on Parliament’s amendments to the common position 

having regard to Article 251(5) of the EC Treaty,

having regard to Rule 83 of its Rules of Procedure,

having regard to the report of its delegation to the Conciliation Committee (A5-0440/2001),

1. Approves the joint text;

2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;

3. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Communities;

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


9. Rules and standards for ship inspection and survey organisations and maritime administrations ***III

A5-0441/2001


(Codecision procedure: third reading)

The European Parliament,

– having regard to the joint text approved by the Conciliation Committee (PE-CNS 3656/2001 — C5-0526/2001),

– having regard to its position at first reading (1) on the Commission proposal to the European Parliament and the Council (COM(2000) 142)(2),


– having regard to its position at second reading (4) on the Council common position (5),

– having regard to the Commission’s opinion on Parliament’s amendments to the common position (COM(2001) 338 — C5-0265/2001),

having regard to Article 251(5) of the EC Treaty,

having regard to Rule 83 of its Rules of Procedure,

having regard to the report of its delegation to the Conciliation Committee (A5-0441/2001),

1. Approves the joint text;

2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;

3. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Communities;

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

10. Hulls of oil tankers ***II

A5-0344/2001


(Codecision procedure: second reading)

The European Parliament,

— having regard to the Council common position (10221/1/2001 — C5-0389/2001) (1),

— having regard to its position at first reading (2) on the Commission proposal to the European Parliament and the Council (COM(2000)142) (3),

— having regard to the Commission’s amended proposal (COM(2000)848) (4),

— having regard to Article 251(2) of the EC Treaty,

— having regard to Rule 78 of its Rules of Procedure,

— having regard to the recommendation for second reading of the Committee on Regional Policy, Transport and Tourism (A5-0344/2001),

1. Approves the common position;

2. Notes that the act is adopted in accordance with the common position;

3. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;

4. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Communities;

5. Instructs its President to forward its position to the Council and Commission.

(3) OJ C 212 E, 25.7.2000, p. 121.
11. Financial collateral arrangements ***I

A5-0417/2001

Proposal for a European Parliament and Council directive on financial collateral arrangements

The proposal was amended as follows:

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**Amendment 1**

Recital 11

(11) The sound market practice favoured by regulators where participants in the financial market use top-up collateral arrangements to manage and limit their credit risk to each other by mark-to-market calculations of the current market value of the credit exposure and the value of the collateral and accordingly ask for top-up collateral or return the surplus of collateral should be protected. However, there should be no protection for the provision of top-up collateral which is required upon deterioration of the credit rating of the collateral provider because this could contradict the basic insolvency law policy of Member States, which discourages provisions under which a creditor’s position is improved as a result of an insolvency-related event.

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**Amendment 2**

Recital 14

(14) Since the measures necessary for the implementation of this Directive are measures of general scope within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (1) they should be adopted by use of the regulatory procedure provided for in Article 5 of that Decision.

Deleted


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**Amendment 3**

Article 2, paragraph 2

2. The arrangement must be in writing or evidenced in writing and signed by or on behalf of the collateral provider.  

Amendment 4

Article 2, paragraph 3, introduction

3. The arrangement must contain the following provisions:

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Amendment 5
Article 2, paragraph 4, introduction

4. The collateral provider and the collateral taker must each be: 4. Either the collateral provider or the collateral taker must belong to one of the following categories:

Amendment 6
Article 2, paragraph 4, point (a)

(a) a public authority or a central bank; (a) a public authority including:

(i) public sector bodies of Member States charged with or intervening in the management of public debt and

(ii) public sector bodies of Member States authorised to hold accounts for customers, but excluding publicly guaranteed undertakings, except as they fall under (c); or

Amendment 7
Article 2, paragraph 4, point (aa) (new)

(aa) a central bank, the European Central Bank, the Bank of International Settlements, a multilateral development bank as defined in the nineteenth indent of Article 1 of European Parliament and Council Directive 2000/12/EC of 20 March 2000 relating to the taking up and pursuit of the business of credit institutions (1), the International Monetary Fund, the European Investment Bank; or


Amendment 8
Article 2, paragraph 4, point (b)

(b) a financial institution under prudential supervision; or (b) a financial institution under prudential supervision including:

(i) a credit institution as defined in Article 1(1) of Directive 2000/12/EC, including the institutions listed in Article 2(2) of that Directive;

(ii) an investment firm as defined in Article 1(2) of Council Directive 93/22/EEC of 10 May 1993 on investment services in the securities field (1);

(iii) a financial institution as defined in Article 1(5) of Directive 2000/12/EC;

(iv) a central counterparty as defined in Article 2(c) of Directive 98/26/EC;

(v) a settlement agent as defined in Article 2(d) of Directive 98/26/EC;
(vi) a clearing house as defined in Article 2(e) of Directive 98/26/EC;


(ix) a management company as defined in Article 1a(2) of Council Directive 85/611/EEC, or


Amendment 9

Article 2, paragraph 4, point (c)

(c) a person other than a natural person whose capital base exceeds €100 million or whose gross assets exceed €1,000 million, at the time where financial collateral is actually delivered, according to the most recently prepared account published within a period no greater than two years prior to that time.

(c) a person other than a natural person, including unincorporated firms, partnerships and persons acting in a trust or representative capacity on behalf of bondholders or holders of other forms of securitised debt, provided that the other party is an institution as defined in points (a) and (b).

Amendment 10

Article 2, paragraph 5

5. Except as provided by Article 9, this Directive shall not apply in respect of any financial collateral unless and until that financial collateral is actually delivered, transferred, held or designated in accordance with the collateral arrangement.

Deleted
Amendment 11
Article 3, paragraph 1a (new)

1a. References in this Directive to financial collateral being ‘provided’ mean the financial collateral being delivered, transferred, held, registered or otherwise designated so as to be in the possession or under the control of the collateral taker or of a person acting on the collateral taker’s behalf.

Amendment 12
Article 3, paragraph 2

2. References to ‘writing’ include recording in electronic form and references to ‘signature’ include electronic signature with authentication.

2. References in this Directive to ‘writing’ include recording in electronic form and any other durable medium.

Amendment 13
Article 5, paragraph 1, point (a)

(a) financial instruments by sale without any requirement:

(i) that notice of the intention to sell shall have been given;

(ii) that the terms of the sale be approved by any court, public officer or other person;

(iii) that the sale be conducted by public auction or in any other prescribed manner; or

(iv) that any additional time period shall have elapsed.

(a) financial instruments by sale or appropriation without any requirement:

(i) that notice of the intention to realise shall have been given;

(ii) that the terms of the realisation be approved by any court, public officer or other person;

(iii) that the realisation be conducted by public auction or in any other prescribed manner; or

(iv) that any additional time period shall have elapsed.

Amendment 14
Article 5, paragraph 1a (new)

1a. Appropriation is only possible if:

(a) this has been foreseen in the security financial collateral arrangement;

(b) the parties have agreed in the security financial collateral arrangement on the valuation of the financial instruments.

Amendment 15
Article 6, paragraph 1

1. Where a collateral taker exercises a right of use, he thereby incurs an obligation to cause equivalent collateral to be transferred so as again to be held subject to the security financial collateral arrangement in the manner referred to in Article 2(3) or, subject to the discharge of the relevant financial obligations, to be transferred to the collateral provider.

1. If and to the extent that the terms of a security financial collateral arrangement so provide, Member States shall ensure that the collateral taker is entitled to exercise a right of use on financial collateral held under the security financial collateral arrangement. Where a collateral taker exercises a right of use, he thereby incurs an obligation to ensure that equivalent collateral replaces the original financial collateral at the latest on the due date for the performance of the relevant financial obligations covered by the security financial collateral arrangement.
Amendment 17
Article 10, paragraph 2

2. A relevant account shall be treated for the purposes of this Article as maintained at any given time:
   (a) at the office or branch of the relevant intermediary identified in the agreement governing the relevant account, provided that the relevant intermediary allocates the relevant account to that office or branch for purposes of reporting to its account holders or for regulatory or accounting purposes;
   (b) where the relevant intermediary is legally established or, where the relevant intermediary is acting in relation to the relevant account through a branch, where that branch is legally established, in any other case.

Amendment 18
Article 11

Article 11

Updating of thresholds

The Commission shall update the thresholds relating to capital base and gross assets in Article 2(4)(c) in order to adjust to development in the market practice. In updating those thresholds the Commission shall act in accordance with the procedure referred to in Article 12(2).

Amendment 19
Article 12

Article 12

Committee

1. The Commission shall be assisted by the [Securities Committee], instituted by …/EC.

2. Where reference is made to this paragraph, the regulatory procedure laid down in Article 5 of Decision 1999/468/EC shall apply, in compliance with Article 7 [and Article 8] thereof.

3. The period provided for in Article 5(6) of Decision 1999/468/EC shall be [maximum of three months].

Amendment 20
Article 13, paragraph 1

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [31 December 2004] at the latest. They shall forthwith inform the Commission thereof.

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [31 December 2003] at the latest. They shall forthwith inform the Commission thereof.

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2001)168) (1),
- having regard to Article 251 and Article 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0131/2001),
- having regard to Rule 67 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 Legal Affairs and the Internal Market (A5-0417/2001),

1. Approves the Commission proposal as amended;
2. Asks to be consulted again should the Commission intend to amend the proposal substantially or replace it with another text;
3. Instructs its President to forward its position to the Council and Commission.


12. Presentation of Commission work programme for 2002

B5-0821/2001

European Parliament resolution on the presentation of the Commission's programme for 2002

The European Parliament,

- deeply concerned at the non-implementation as at 30 November 2001 of over half the legislative programme and the fact that half of the legislative initiatives for 2001 were not included in the initial programme,
- having regard to the work programme submitted by the Commission for 2002,
- having regard to the framework agreement on Parliament/Commission relations,
- having regard to the need for Parliament to exercise its power of codecision in more acceptable conditions,

1. Does not consider the work programme for 2002 to be a legislative programme, and deplores the Commission’s failure to submit, in good time, a legislative programme for 2002;
2. Instructs its President to forward this resolution to the Commission and Council.

———
13. EU judicial cooperation with the United States in combating terrorism

B5-0813/2001

European Parliament resolution on EU judicial cooperation with the United States in combating terrorism

The European Parliament,

A. recalling

5dash the democratic values shared by the EU and the US, which are the foundation of their solid commitment to the common fight against terrorism and of the trans-Atlantic solidarity manifested following the attacks on 11 September 2001 in the framework of UN Security Council Resolution 1373,

5dash the commitment to respect human rights, as enshrined in the Charter of Fundamental Rights of the European Union, as well as the principles of democracy and the rule of law contained in the TEU, in particular Articles 2, 6, 11, 29 and 31 thereof,

5dash the relevant international legal instruments, in particular the United Nations Convention against Torture and other cruel, inhuman or degrading treatment or punishment and the European Convention on Human Rights and especially Protocol 6 of the ECHR on the death penalty, as well as the Geneva Convention on refugee status (1951),

5dash the relevant international and European legal instruments on data protection, namely the 1981 Council of Europe convention and Directives 95/46/EC of 24 October 1995 (1) and 97/66/EC of 15 December 1997 (2),

B. in the expectation that, with due respect for the principles mentioned above, the European Union will seek to establish before the end of the year a coherent legal framework, founded notably on the following texts:

5dash framework decisions on combating terrorism and creating a European arrest warrant,

5dash Joint Investigation Teams and Eurojust,

5dash extending Europol’s powers to exchange data with third countries the first of which will be the USA,

5dash freezing of assets,

5dash list of terrorist organisations,

C. whereas, on the basis of this legal framework, the Union will therefore be in a position to negotiate a judicial and police cooperation agreement in criminal matters with the USA, pursuant to Articles 24 and 38 of the TEU, aimed in particular at strengthening the common fight against terrorism,

D. taking into account the requests made by the USA by letter of 16 October 2001 from President Bush to the President-in-Office of Council, Guy Verhofstadt, and to Commission President, Romano Prodi, and the fact that the list of 40 US proposals notably includes requests on:

5dash revision of EU rules on data protection and privacy,

5dash authorisation for police authorities to deal directly with US law enforcement authorities,

5dash authorisation of exchange of information on the basis of an oral request,

expansion of alternatives to extradition, including expulsion and deportation,

- establishment of procedures to share information on immigration alerts for individuals associated with terrorist organisations,

- improvement of cooperation on the removal of status violators, criminals and ‘inadmissible persons’.

E. taking into consideration the fact that the USA has adopted some extraordinary acts such as the Patriot Act and the President’s executive order on military tribunals,

F. concerned that in some respects the American and European approaches are incompatible and that this weakens the common fight against terrorism,

1. Underlines that any international agreement on police and judicial cooperation signed by the European Union and its Member States must fully respect the ECHR and, consequently, the minimum procedural guarantees that are common to all Member States in their respective legal systems; the following principles, in particular, must be observed:

- not to limit in a disproportionate manner data protection standards (even if under a sunset clause) on electronic surveillance provisions,

- not to admit any discrimination between third-country and non-third country citizens that would be contrary to the ECHR,

- to guarantee the protection of fundamental rights as regards the monitoring of communications between a prisoner and an attorney,

- the procedural guarantees to a fair trial, as consolidated by the European Court of Human Rights;

2. Considers that the US Patriot Act, which discriminates against non-US citizens, and President Bush’s executive order on military tribunals are contrary to the principles established above;

3. Considers that, such being the legal situation, legal problems could arise from the fact that the USA considers terrorists as war criminals, whereas this is not the case in the EU; considers that, therefore, no extradition could be allowed to the US from Member States for people who are to be tried before military tribunals;

4. Expresses concern at the fact that the President’s executive order does not specify the limits on the court’s jurisdiction, makes no provision for the presumption of innocence and the right to an impartial judge and, above all, allows sentences, including capital punishment, to be decided by a two-thirds majority;

5. Reiterates its request for a complete abolition of the death penalty in the USA and reminds Member States that they are bound not only on the basis of their individual ratification of Protocol 6 of the ECHR but also as members of the Union, in accordance with Article 6 of the Treaty; a general EU-USA agreement cannot therefore be reached; extradition cannot take place if the defendant could be sentenced to death;

6. Requests that expulsion or deportation proceedings should not be used as ‘disguised’ extradition proceedings, and calls on the EU to guarantee European data protection standards that are proportionate, effective and of limited duration and to ensure that no mandatory retention of data be allowed, which would undermine rights and guarantees;

7. Asks for the European Parliament to be fully informed and consulted before the adoption of any EU-USA cooperation agreement in the field of JHA, and that the conclusion of such an agreement be conditional upon a ruling confirming its conformity with EC law, established by the Court of Justice;
8. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States, the US Congress, and the US administration.

14. WTO meeting in Qatar

B5-0819/2001

European Parliament resolution on the WTO meeting in Qatar

The European Parliament,

— having regard to its resolution of 25 October 2001, on the Fourth Ministerial Conference (1),

1. Welcomes the outcome of last month’s WTO Ministerial Conference in Qatar, which represents an important step towards a new WTO, more responsive to the needs and interests of citizens;

2. Welcomes in particular the commitment in the Qatar declarations to redressing the imbalances between developed and developing countries; notes with pleasure that the cohesion and assertiveness of developing countries in Qatar and in the preceding weeks had a major impact both on the agreements reached in Qatar and on the wider politics of the WTO, and urges the Commission to ensure that the work programme is translated into outcomes which deliver real benefits to developing countries;

3. Congratulates the Commission on the extent to which the agreements reached in Qatar reflected the priorities laid down by the European Parliament, and acknowledges both the Council’s determined efforts to support the Commission’s negotiations and the close cooperation with its delegation;

4. Welcomes the Qatar declaration on the TRIPS agreement and public health, reflecting a worldwide recognition of the need to address appropriately urgent health needs, and the possibilities of a more flexible application of intellectual property rights, and expects to see this agreement respected in practice by all concerned; also welcomes the approval of the WTO waiver for the ACP-EU Cotonou Agreement;

5. Welcomes the prospect of greater opportunities for EU producers and gains for EU consumers, through the opening of negotiations on more open markets; notes with approval that the text on agriculture recognises non-commercial aspects and therefore permits the European Union to proceed with reform of the CAP, shifting away from trade-distorting subsidies, especially where they penalise agricultural exports from developing countries, whilst safeguarding instruments to ensure multifunctionality, and underlines the importance in these negotiations of special and differential treatment for developing countries, to take account of their needs, such as rural development and food security; welcomes the inclusion in the negotiations of all forms of agricultural export support as well as the protection of geographical indications concerning agricultural products, namely wine;

6. Considers that the Qatar agenda represents a significant first step towards taking proper account in the WTO of the relationship between trade and the environment, but emphasises the need for progress on the clarification of the precautionary principle in WTO rules as an important protection for environment and food safety standards;

7. Notes the reaffirmation in Qatar of the Singapore Ministerial’s commitment on labour rights; believes that further progress is essential and calls on the WTO to cooperate with the ILO’s initiative on the social dimension of globalisation;

8. Recalls that Qatar is just the start of a long process of negotiation and review; underlines that the final result must reflect a balance between the interests of all WTO Members; hopes therefore that significant progress will be made on the items to be negotiated in the second stage, after the next WTO Ministerial;

9. Calls again for greater openness and transparency and insists that these aspects form an important part of negotiations on the reform of the disputes settlement procedure; considers that the next few years are crucial for obtaining support from Member States of the EU and the WTO for a parliamentary dimension to the WTO; welcomes the agreement reached among Parliamentarians meeting in Doha on 11 November 2001 to set up a steering group to prepare options for the establishment of such a body, for submission to the Parliamentary Conference during the Fifth WTO Ministerial Conference; underlines its important role as the initiator of this project;

10. Looks forward to continuing cooperation with the Commission, insists on continued, comprehensive briefings, makes clear its intention to follow closely the negotiations and reserves its right to make recommendations;

11. Instructs its President to forward this resolution to the Commission, the Council and the Director-General of the WTO.

15. Conflict Prevention

A5-0394/2001


The European Parliament,

- having regard to the Commission communication (COM(2001) 211 – C5-0458/2001),
- having regard to its recommendation of 10 February 1999 on the establishment of a European Civil Peace Corps (1),
- having regard to its resolution of 15 June 2000 on the establishment of a common European security and defence policy with a view to the European Council in Feira (2),
- having regard to its resolution of 30 November 2000 on the establishment of a common European security and defence policy after Cologne and Helsinki (3),
- having regard to its resolution of 15 March 2001 on developing the Union's capabilities in conflict prevention and civil crisis management (4),
- having regard to the Presidency Conclusions of the Göteborg European Council which endorsed the European Union Programme for the prevention of violent conflicts as well as the EU-UN cooperation in the field of conflict prevention and crisis management,
- having regard to the Council Decision of 22 May 2000 setting up a committee for civilian aspects of crisis management (6), and to the development of concrete targets for civilian crisis management in the fields of police, rule of law, civilian administration and civil protection during the Swedish Presidency;

(1) OJ C 150, 28.5.1999, p. 164.
(2) OJ C 67, 1.3.2001, p. 283.
having regard to the Council Decisions of 22 January 2001 setting up the Political and Security Committee (1), the Military Committee of the European Union (2) and on the establishment of the Military Staff of the European Union (3), thus setting up the permanent bodies of the CESDP, in particular the Political and Security Committee (PSC), which will play a central role in the definition of and follow-up to the EU’s response to crises,

having regard to Council Regulation (EC) No 381/2001 of 26 February 2001 creating a rapid-reaction mechanism (4),

having regard to Rule 47(1) of its Rules of Procedure,

having regard to the report of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy and the opinion of the Committee on Development and Cooperation (A5-0394/2001),

A. whereas the most important elements of the European Parliament’s views on conflict prevention have already been expressed in several official positions, most of them still being valid,

B. whereas the scale of any possible conflict in the modern world underlines the necessity to maintain both a parallel global and European approach simultaneously,

C. whereas there is no reference in the Commission communication to the conflicting impact that several common policies of the European Union could have on the origin and development of local conflicts in some areas,

D. whereas the European Parliament’s proposal, submitted to the 1996 IGC, to establish a European Civil Peace Corps has not yet merited any comment from the Commission or Council, despite being examined at the abovementioned 1996 IGC, and supported by some countries,

E. whereas sole reliance on the traditional resources associated with political, diplomatic or military strategies is inadequate for conflict prevention and there is a need for a comprehensive peace-building approach, involving humanitarian aid, development cooperation, trade and foreign and security policies, restoration and maintenance of the internal legal order, the creation or re-creation of administrative structures, inter-ethnic dialogue and other approaches to conflict settlement,

F. whereas security and solidarity are increasingly two sides of the same coin in today’s world and a massive programme promoted by the international community for poverty eradication must, for this reason, also be a priority for the EU,

G. whereas it is essential to highlight as potential causes of conflicts, among others, ethnic, religious, ideological and economic tensions, any form of terrorism, organised crime and drug trafficking, the fight for the control of trade in raw materials, particularly of diamonds, lack of democracy as well as environmental degradation and water issues,

H. whereas in a post-violence period such interventions need to contribute to rehabilitation and reconciliation, involving as much as possible all members of the civil society, anticipating conflict or solving it with non-military instruments, such as civilian crisis management and also post-conflict action,

I. whereas interventions to prevent conflicts need to be coordinated at international level, related to the needs of the population in the conflict area, compatible with civil society and other actors in the field, non-violent and distinct from enforcement actions, flexible and practical, and capable of counteracting violent escalations at an early and timely stage,

J. whereas the need for an enhanced relationship and institutional coordination in this area is greater than ever, with regard to both the system of the United Nations and the regional level, with particular reference to the activities and bodies of the OSCE and the Council of Europe,

K. whereas it is necessary to avoid any possible duplication between the Commission and Council to ensure that the Union's approach to conflict prevention is effective,

L. whereas the European Union has a number of options available to it under its code of conduct on arms exports and its programmes on halting the transfer of small arms with a view to banning the flow of arms to conflict zones; recalling in this connection its resolution of 15 March 2001 on the UN Conference on illicit trade in small arms and light weapons in all its aspects (1), which has since taken place, and in particular its call for the development of a binding code of conduct including the prohibition of arms transfers to government and non-state perpetrators that systematically violate human rights or international humanitarian law,

M. whereas the UN Charter is the ultimate international legal and political basis for guaranteeing international security and for the security policy of the European Union and its Member States, and has universal validity,

1. Welcomes the recent Commission communication on conflict prevention, as a substantial step forward identifying ways in which EU policy can be made more coherent and informed by conflict prevention objectives;

2. Considers, nevertheless, that the Communication does not adequately address the rigidities of the current pillar system for conflict prevention, the need for strengthened interinstitutional cooperation and to overcome fragmented pillar policies, the difficulties of securing the cooperation of Member States, the difference in timing of civilian and military programmes, the need for significant internal capacity-building, and the lack of real strategic and operational coordination with NGOs and other actors in civil society, to name but a few obstacles;

3. Welcomes the Commission's plans to work closely with the Council to identify and monitor potential conflict zones, encourages both parties to make use of the information gathered by third parties, such as specialised NGOs and the academic community;

4. Urges the Commission to evaluate systematically the impact of EU actions targeted to prevent conflict in specific regions of tension; or if the Commission makes any use of the wide range of such analytical studies produced by third parties;

5. Calls for the two-pillar structure and the resulting inconsistency of European foreign policy to be fundamentally called into question in the Laeken Declaration and the subsequent Convention;

6. Stresses that both long and short-term conflict prevention requires stronger commitment and political direction on the part of the Member States, as the Community instruments alone are not enough to resolve all possible sources of conflict, and also requires stronger Commission delegations to ensure that conflict prevention is mainstreamed in EU programmes; considers that the EU's external policy budget needs to be raised in order to give the Union an opportunity to realise its ambitions;

**EU Programme for the prevention of violent conflicts**

7. Welcomes the programme for the prevention of violent conflicts decided by the Göteborg European Council on 15/16 June 2001; welcomes in particular the concept of a 'culture of prevention' as expressed in that programme;

8. Invites the future Presidencies, the Commission and the Secretary-General/High Representative to pay greater attention to the proposals submitted by the European Parliament, including the proposal calling for the establishment of a European Civil Peace Corps, and to guarantee that resources are set aside for this Peace Corps;

9. Underlines the need to raise awareness of conflict prevention and to provide appropriate training to Commission staff at headquarters and in the delegations to enable them to overcome obstacles to the mainstreaming of conflict prevention;

10. Welcomes the new Council common position of 14 May 2001 concerning conflict prevention, management, and resolution in Africa (1), and recommends a similar approach for each geographical zone where a risk of conflict is apparent;

11. Invites Members States to strictly abide to the code of conduct on arms exports and to work in order to give this code a binding value as soon as possible;

Conflicting impact of the common policies of the EU — the need for conflict prevention assessment

12. Considers it necessary to ensure that decisions linked to the common policies of the European Union do not have an undesirable and even harmful impact on local conflicts by distorting or even annihilating the market as well as the economic, social and ecological structure of non-member countries;

13. Believes, therefore, that greater consideration be given to the proposal to make the concept of conflict prevention a horizontal issue in all common policies of the European Union (environment, trade, agriculture, energy, etc.) in order to mainstream conflict prevention, and to the proposal of more closely integrating conflict indicators and the objectives of Conflict Prevention into the programming of Community external aid programmes;

14. Proposes that the harmful influence which certain private and public undertakings have in unstable regions should be acknowledged by creating a legally binding framework with sanctions for companies which contribute to conflicts;

15. Proposes to carry out a ‘Conflict Prevention Assessment’ when examining major decisions concerning the common policies of the Union as well as when launching any type of programme in non-member countries, in order to establish the eventual impact that these decisions or programmes could have from a conflict prevention perspective;

16. Stresses the importance of integrating political analysis and conflict prevention objectives in the Country Strategy Papers;

17. Reiterates, as an additional contribution to local conflicts prevention, its resolution of 15 March 2001 on EU election assistance and observation in non-member countries (2) and, in particular, the attention paid to the need to complete EU’s involvement in the country concerned by providing long-term sustainable support of the democracy process;

18. Is of the opinion that the EU needs an appropriate structure, which should consists of a ‘non-military rapid reaction unit’, to select technicians and economists who have received specific training to be used in all relevant sectors, ranging from prevention activities to technical operations, and also a well-trained police force;

Establishing a European Civil Peace Corps

19. Regrets that none of the recent communications from the Commission, the Council or the European Council have given any kind of follow-up to the proposal submitted by this Parliament in its resolution of 17 May 1995 on the functions of the Treaty on European Union with a view to the 1996 IGC — Implementation and development of the Union (3), and in its Recommendation to the Council of 10 February 1999, on the establishment of a European Civil Peace Corps;

(1) OJ L 132, 15.5.2001, p. 3.
20. Reiterates the necessity of establishing, in the framework of the Commission’s rapid reaction mechanism, such a European Civil Peace Corps, whose task would be to coordinate at a European level the training and deployment of civilian specialists to carry out practical peace-making measures such as arbitration, mediation, distribution of non-partisan information, de-traumatization, and confidence-building between the warring parties, humanitarian aid, reintegration, rehabilitation, reconstruction, education, and monitoring and improving the human rights situation, including human rights accompaniment measures;

21. Proposes that full attention be paid to the training of monitors, mediators and specialists in conflict transformation; underlines in particular the need to continue to set up databases to mobilise when needed professional individuals and groups at any stage of a crisis; in this light calls on the Commission and the Member States to approach the Canadian Government which has set an excellent example with ‘Canadem’;

22. Urges, in this regard, the Council and the Commission to make the most of the expertise in the EU bodies; calls on the Council to make a full and critical evaluation of the work of the European Union Monitoring Mission (EUMM) outlining the future perspectives, the possibilities of a flexible and effective common action of EU-observers with those from other international organisations, in particular those of the OSCE, the shortcomings and the possible new tasks in relation to the establishment of a European Civil Peace Corps; calls on the Council to report this evaluation to Parliament;

23. Outlines that the ECPC’s tasks would be exclusively civilian in nature and devoted to preventing crisis situations from escalating into violence, by making full use of the resources of civil society;

24. Underlines the need, in this perspective, for NGO’s specialised in conflict prevention and crisis-management, both international and region-based, to be allowed to make their own social and scientific contributions to conflict prevention where these are necessary and desirable, with the support of the Commission;

**Enhanced relations with the United Nations and the OSCE**

25. Recommends strengthening the operational links between the different institutions and organs who play a role in Conflict Prevention within the EU institutional framework with the OSCE REACT mechanism, the OSCE High Commissioner for National Minorities, the Office for Democratic Institutions and Human Rights, the OSCE Representative of Media Freedom, as well as the OSCE Conflict Prevention Centre;

26. Welcomes the General Affairs Council conclusions on EU/UN cooperation in conflict prevention and crises management presented to the Göteborg European Council and strongly recommends a similar approach in order to establish the modalities of enhanced cooperation between the European Union and the OSCE in the same areas;

27. Recommends strengthening the operational links between the different institutions and organs who play a role in conflict prevention within the EU institutional framework with the OSCE REACT mechanism, the OSCE High Commissioner for National Minorities, the Office for Democratic Institutions and Human Rights, the OSCE Representative of Media Freedom, and the OSCE Conflict Prevention Centre;

**Other initiatives**

28. Suggests that extensive use of the knowledge and expertise available from the academic Conflict Prevention Network (CPN) continue to be made; recalls that the CPN was proposed by the European Parliament and has been built up over the past five years; considers, in line with the original idea, that the Network should assist not only the Commission but also the Parliament and the Council by providing a coherent, inter-institutional approach to an ambitious and successful conflict prevention policy; underlines, therefore, that the Network should extend its future activities by also assisting with the best implementation of preventive policies and the monitoring of their outcomes;
29. Reiterates that the proliferation of light weapons and small arms is a major force for instability in all crisis regions and therefore asks the EU to continue to call for an effective control of arms exports, including licensed production, industrial cooperation agreements and arms brokering; reiterates, to this end, the need to make legally binding the European Union code of conduct on arms exports;

30. Requests that more attention and resources should be devoted to education as a key instrument for conflict prevention and to this end calls upon the Commission to contribute to the activities of the UN Decade for a Culture of Peace and Non-violence by promoting the inclusion of peace-building and training in non-violence, mutual respect and non-hatred into the educational curricula throughout the world; and in particular in specific conflict areas such as the Balkans, the Middle East and the Great Lakes;

31. In this perspective, stresses that the empowerment of women should be encouraged as much as possible;

32. Requests its President to forward this resolution to the Council, the Commission, the governments of the Member States, as well as to the Secretaries-General of the United Nations and the OSCE

16. EU relations with the Islamic Republic of Iran

A5-0418/2001


The European Parliament,

— having regard to the Commission communication (COM(2001)71 – C5-0338/2001),

— having regard to Resolution 2001/17 of 20 April 2001 of the UN Human Rights Commission on the human rights situation in the Islamic Republic of Iran,

— having regard to the final report of 12 November 2001, as well as the interim report of 10 August 2001 (A/56/278) and the report of 16 January 2001 (E/CN.4/2001/39) of the Special Envoy of the UN Committee on Human Rights for Iran, Maurice Copithorne, on the human rights situation in the Islamic Republic of Iran,

— having regard to its previous resolutions of 18 May 2000 in Iran (1), 13 April 2000 on the prisoners facing trial in Iran on charges of espionage on behalf of Israel and the United States (2), and 16 September 1999 on the situation of the prisoners accused of spying in Iran (3),

— having regard to the draft resolution on the situation of human rights in the Islamic Republic of Iran tabled by the Member States and others for the 56th UN General Assembly on 20 November 2001 (A/C.3/56/L.50),


(2) OJ C 40, 7.2.2001, p. 421.
(3) OJ C 54, 25.2.2000, p. 112.
(4) 'Texts Adopted', item 13.
having regard to the dialogue established in 1995 and extended in October 1998 through an exchange of views between the European Union and Iran on global issues such as terrorism and human rights, regional issues and the areas of cooperation such as drugs, refugees and energy,

having regard to the Commission's regret at the extension by five years of the sanctions imposed on Iran and Libya (ILSA, HR 1954) by the US Congress on 26 July 2001,

having regard its resolution of 25 October 2001 (1) on the progress achieved in the implementation of the common foreign and security policy which recommends opening the way to the conclusion of a trade and cooperation agreement with Iran,

having regard to the Commission's statement in its communication that it 'goes without saying that the scope for promoting bilateral relations will depend on the progress of political, economic and legislative reform in Iran',

having regard to the condemnation by President Khatami and other senior figures in Iran of the terrorist attacks on the USA of 11 September 2001,

having regard to the visit by the Iranian Foreign Minister, Kamal Kharrasi, to the European Union institutions on 10 September 2001, which represents a major step forward in diplomatic contacts between Iran and the EU since the Islamic Revolution of 1979,

having regard to the ad hoc visit by the EU's Foreign Policy Troika to the Islamic Republic of Iran, the Mashreq States and Pakistan, which resulted from the action plan adopted at the special summit of Foreign Ministers on 21 September 2001 in Brussels (2) on measures to increase the fight against terrorism,

having regard to Rule 47(1) of its Rules of Procedure,

having regard to the report of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy and the opinion of the Committee on Industry, External Trade, Research and Energy (A5-0418/2001),

A. whereas virtually all Iran's neighbours are sources of permanent instability and it is very much in the EU's interest, as part of a foreign policy strategy for conflict prevention, that Iran should become a factor for stability in the region,

B. whereas the EU can help Iran to develop good-neighbourly relations with all the countries in the area and contribute effectively to the development of regional cooperation,

C. whereas the EU should do everything within its power to further the continuation of Iran's constructive participation in the international coalition against terrorism under the auspices of the UN,

D. whereas Iran is already host to some 2.8 million refugees, mainly from Afghanistan and Iraq, who pose a threat to the stability of Iran and beyond and who therefore need substantially increased international humanitarian aid, which is all the more urgent in view of the massive increase in the influx of refugees into Iran as a consequence of the fighting in Afghanistan,

E. whereas Iran has now had a government for 22 years which persecutes and oppresses adherents of other faiths; disappointed that the election of President Khatami, which for the first time seemed to give grounds for hope, did not bring about substantial democratic and political changes,

F. whereas more democracy and greater respect for human rights would allow the human resources in Iran to be tapped on a large scale and thereby substantially boost Iran's position as a regional economic player, which might make it a more stable partner in the region,

(1) 'Texts Adopted', Item 15.
(2) SN 140/01 of 21.9.2001.
G. whereas the EU, with an annual volume of exports in excess of €4 billion, is Iran's main trading partner and Iran exports goods with a value of €4.5 billion to the EU every year, with oil accounting for 75% of these exports, and whereas there still remains a great potential for expansion of cooperation in other areas,

H. whereas the peaceful development of civil society and of the economy depends on the continued evolution of domestic political, legislative and economic framework conditions in Iran, away from autocratic and repressive structures, towards more democracy and economic and political liberalisation,

I. whereas a large majority of Iran's electorate, through its extremely high turnout at the parliamentary, presidential (67% turnout in 2001) and municipal elections since 1996, has shown not only an acceptance of political institutions, but also a considerable desire to press ahead with both political and economic reform (77% majority for President Khatami in 2001), in contrast with the desire of a majority of the Shiite religious leaders to consolidate an Islamic theocracy,

J. having regard to President Khatami's declaration of 8 August 2001, inaugurating his second term of office, that he intends to strengthen the civil institutions of the country,

K. whereas any EU policy vis-a-vis Iran must take into account the contradictions in the social and political system, and a policy of closer cooperation therefore makes sense only if further progress in political, economic and social reforms in Iran is encouraged,

L. whereas a 'cultural dialogue' will have an important part to play in this context in promoting understanding and exchange between religions and societies; whereas the European Union intends to intensify its relations with the Arab States and Iran along these lines,

M. whereas, despite the progress made, the human rights situation in Iran is still a serious matter for concern; whereas the Special Envoy of the UNCHR for Iran, Maurice Copithorne, in his most recent report of 12 November 2001 stated that 'in some important areas such as punishments, and other aspects of the legal system there has been a serious backsliding' since his last report in August; whereas the promised reform of the press and the judicial system has not taken place and, particularly in the last few months, freedom of the press and freedom of assembly have again been severely curtailed, the last example of this development being the arrest of the film director Tahmineh Milani on 31 August 2001 for 'insulting Islamic values',

N. associates itself with the concerns expressed by the Member States in the UN draft resolution,

O. particularly concerned about the imprisonment of Ali Afshari, Akbar Ganji, Ezzatollah Sahabi, Yusefi Eshkevari, Khalil Rostamkhani and Said Sadr for participating in the Conference 'Iran after elections — The dynamics of reform in the Islamic Republic', which took place in Berlin in April 2000, and about the fate of Abbas Amir Entezam, Iran's longest-serving prisoner of conscience,

P. whereas women continue to be subject to severe restrictions, despite the fact that their situation is substantially better than in most countries in the region; whereas female members have been elected to Parliament, with the highest proportion so far of 5.5% in the 2000 parliamentary elections; whereas there are some women in leading positions in ministries and business, and female students represent over 50% of enrolments at university level,

Q. whereas Iran is a multi-ethnic country in which minorities amount to approximately 50% of the whole population, and whereas minorities' rights are not fully respected with regard, in particular, to the Azeri minority, who represent a large part of Iranian society,

R. whereas President Khatami has appealed to ethnic minorities, offering the prospect of a relaxation of cultural restrictions,
S. whereas Iran faces substantial economic and social problems, such as high inflation and unemployment, foreign debts, low production output and low levels of industrial capacity utilisation, rapid demographic growth and alarming environmental pollution and is therefore, in view of its high economic potential and rich energy resources, interested in increased foreign investments and closer trade and cooperation ties with the EU,

T. whereas the cultivation of drugs in Afghanistan, formerly sponsored by the Taliban, is responsible not only for between 1,5 and 2 million Iranian drug addicts — which is a tragedy in itself — and for causing serious economic, social, cultural and security-related harm in Iran, but is also making Iran, because of its geographical location, a transit country for the bulk of EU drug imports,

U. whereas Iran, a partner of the United Nations Drugs Control Programme, has made considerable efforts to fight against drug smugglers equipped with military weapons such as armoured vehicles and anti-aircraft missiles, and has paid a heavy price for its fight against drugs with more than 3 000 law enforcement officials killed over the last 10 years,

1. Is in favour of closer cooperation between the EU and Iran, and advocates a two-pronged policy for this, comprising on the one hand a critical dialogue to raise the issues of the human rights situation, nuclear, chemical and biological weapons of mass destruction and the need for economic reforms in Iran and, on the other hand, arrangements for cooperation in various fields with a view, inter alia, to promoting the rule of law and democracy, which would provide a more solid base for this cooperation in the abovementioned areas;

2. Stresses this need once again in the light of the events of 11 September 2001 and the associated far-reaching changes in foreign policy, and calls on the Commission, in view of the extraordinary circumstances, to make humanitarian assistance available to Afghan refugees in Iran without delay;

3. Hopes that the readiness for political action displayed by the international community after the terrorist attacks will remain in evidence;

4. Calls on Iran to reconsider its policy in the Middle East and help to reconcile two objectives: firstly, the creation of a viable and democratic Palestinian State and the end of the occupations, and secondly, the right of Israel to live in peace and security within internationally recognised borders; calls on Iran, furthermore, to confirm this right and use its influence in the Middle East to persuade those movements with which it maintains relations to refrain from the use of violence; calls on Iran to further use its influence to secure the release of Israeli soldiers being held by these groups;

5. Urges Iran to adopt a constructive attitude vis-à-vis the other coastal countries as regards the delimitation of boundaries in the Caspian, refraining from unilateral initiatives which could endanger the ongoing process that should lead to a new international agreement on the matter;

6. Supports the desire for political, economic and social reform democratically expressed by the people of Iran and its recently elected representatives at the presidential, parliamentary and municipal elections, and hopes that efforts to achieve political, economic and judicial reform will finally bear fruit during this second term of office;

7. Considers that the readiness expressed by Iran to discuss human rights issues is a positive development with a view to the normalisation of relations between the EU and Iran, and expects that, in consequence, the rights of the individual in criminal cases and minority rights, for instance, will no longer
be denied in future on grounds of national security; expects improvements, notably concerning the release of prisoners of conscience and compliance with international standards for fair trial, the prohibition of torture, the abolition of special courts such as Revolutionary and Press Courts and the Special Court for the Clergy for offences which can be dealt with in the normal judicial framework, freedom of belief for all religions (not only those recognised in the Constitution) and the abolition of the death penalty;

8. Assumes that any future trade and cooperation agreement with Iran will contain a substantive human rights clause based on the corresponding articles in the Cotonou Agreement;

9. Advocates a selective rapprochement between the EU and Iran with the aim, inter alia, of strengthening the existing moves towards democratic institutions and the development of civil society, asks to be kept fully informed of the specific rapprochement measures chosen in the future by the Commission;

10. Believes, in this respect, that the Commission should implement ad-hoc programmes in order to help civil society, independent media and non-governmental organisations enhance their profile and play a decisive role in the process of democratisation of Iranian society;

11. Considers that closer trade and economic cooperation between the EU and Iran is possible if Iran adopts a policy of economic liberalisation, as provided for in the five-year plan launched in 1999; recommends a reinforced economic liberalisation and privatisation process and a greater openness to foreign investment and economic activities through the removal of tariff and non-tariff trade barriers;

12. Welcomes, therefore, the exploratory talks between the Commission and the Iranian Government in the fields of energy, trade and investment, drugs and refugee and asylum issues, and advocates extending these talks to other fields of mutual interest, especially in the field of the fight against drugs, which requires further steps in order to meet Iran's technical and educational needs; calls on the Council and Commission to urge the future rulers of Afghanistan to put an immediate end to the widespread production of drugs in their country and their illegal export;

13. Takes the view that it is necessary to embark on a dialogue on further areas of mutual interest, such as human rights, foreign and security policy, weapons of mass destruction and the proliferation of nuclear weapons;

14. Draws attention to the importance of cultural dialogue in this context, for example by the establishment of a forum for dialogue and other mutual cultural contacts;

15. Underscores the need to sensitively and effectively improve the precarious human rights situation, and calls for the rights of religious minorities and the dignity of women to be respected, the violation of which is apparent in the imposed dress code, as well as in the numerous provisions of family law which discriminate against women; supports therefore the proposal by the UN Special Envoy, Mr Copithorne, to draw up a timetable for implementing the requisite legal and administrative changes in order to ensure equal legal status for women;

16. Notes the existence of many ambitious young people in Iran and recognises their role in Iran's reform process; wishes to strengthen contacts and relations between young Iranians and young people from other countries, as well as access by young Iranians to the world outside their country, in particular through the development of academic exchanges; wishes the cultural, scientific and cooperation departments of the EU and its Member States to be given more facilities to set up missions in Iran;

17. Hopes that, for the first time since 1996, the UN General Assembly's special human rights envoy will be invited back to the country;

18. Calls also on Iran to empower the Islamic Human Rights Commission to carry out impartial and thorough investigations into allegations of human rights violations including torture, disappearances and extrajudicial executions, and calls for the methods and findings of such investigations to be made public;
19. Hopes that further efforts will be made to carry out the promised reform of the press and judiciary; calls for the abolition of the present measures, many of which are arbitrary and punitive, by a predictable, judicially based system with suspension provisions limited to six months;

20. Encourages the forces of reform in parliament and in civil society to continue to address boldly the task entrusted to them by the electorate of consolidating democratic structures and building an open democratic society; notes, however, that since President Khatami's re-election in his second term of office there have been no signs of any significantly more far-reaching approach to reform and that, on the contrary, the number of executions, for example, has drastically increased since then; believes that the return of an almost unchanged cabinet has reduced the hopes of the reformist parliament;

21. Considers that the conclusion of a trade and cooperation agreement with Iran is possible if it makes substantive progress in amending its legislation governing the market and investments to comply with WTO requirements; welcomes in consequence the forwarding of a proposal from the Commission to the Council on 19 November 2001 concerning such a trade agreement between the EU and Iran and the positive evaluation of and support for this expressed at the General Affairs Council on 17 October 2001;

22. Favours converting Iran's current observer status within the Commission-funded Inogate programme into full-member status, in the light of the importance attached in the Green Paper on the security of energy supply to establishing ongoing dialogue with producer countries with a view to achieving greater transparency on the market and price stability;

23. Welcomes the adoption by Iran, on 16 July 2000, of Regulation 14.4 establishing a list of 77 mainly industrial products to which import liberalisation is to apply; urges the Iranian Government to pursue this liberalisation process further, since it is certain to be conducive to the start of its negotiations on WTO membership;

24. Welcomes further the Iranian Parliament's approval of the Bill on foreign investment in Iran in May 2001, which is more flexible than the 1955 Act currently in force, as well as its recent approval of a law enabling Iran to join the New York Convention on international arbitration, which will help build the climate of confidence required to attract investment from abroad;

25. Recommends that the Commission and the Council call on Iran to participate in the Sixth Framework Programme in order to encourage the country's research and innovation activities, as well as promoting research relations between the EU and Iran;

26. Welcomes, at all events, the progress made to date in the area of rights and freedoms, and encourages Iran to make further progress in liberalisation in such areas as the rule of law, the rights of minorities and freedom of the press;

27. Recognises the very large economic and financial burden of Iran's refugee population and regrets the relatively low commitment of the EU and international institutions to help; believes that the new pressure of Afghan refugees calls for immediate EU action; encourages the Commission to launch a humanitarian aid programme to help Afghan and Iraqi refugees in Iran and to coordinate technical aid from the EU Member States to secure Iran's borders;

28. Encourages the Commission to launch a humanitarian aid programme to help Afghan and Iraqi refugees in Iran and to coordinate technical aid from the EU Member States to secure Iran's borders;

29. Proposes, therefore, to send an ad hoc delegation to Teheran, and to invite the Iranian Parliament to send a delegation to Brussels in return, in order to prepare future parliamentary relations between the European Parliament and the Majlis, for example in the form of Iran's inclusion in a parliamentary delegation for the Persian Gulf;

30. Instructs its President to forward this resolution to the Council and Commission.
17. Cross-border provision of occupational pensions *

A5-0388/2001


The European Parliament,

− having regard to the Commission communication (COM(2001) 214 — C5-0533/2001),

− having regard to the Commission proposal for a directive on the activities of institutions for occupational retirement provision (COM(2000) 507 — C5-0596/2000 — 2000/0260(COD))(1) and the resolution by Parliament's position of 4 July 2001(2),

− having regard to the Commission communication on the future evolution of social protection from a long-term point of view: safe and sustainable pensions (COM(2000) 622),

− having regard to the Green Paper on Supplementary pensions in the single market (COM(1997) 283),

− having regard to the OECD Ageing Working Papers: ‘Maintaining prosperity in an ageing society’: the OECD study on the policy implications of ageing,

− having regard to the conclusions of the Stockholm and Göteborg European Councils,

− having regard to the conclusions of the Nice European Council,

− having regard to the growing number of petitions to Parliament on the problem of fiscal obstacles to cross-border occupational pension schemes;

− having regard to Rule 47(1) 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 Employment and Social Affairs and the Committee on Petitions (A5-0388/2001),

A. whereas proper provision for old-age pensions is essential for the well-being and prosperity of the people of the Member States; whereas occupational pension schemes will play an increasingly important role to that end, whereas the cross-border mobility of workers must not be hindered by fiscal obstacles to the accumulation, management and payment of occupational pensions; whereas, therefore, coordination with regard to the fiscal treatment of occupational pensions in the Member States is of the greatest importance,

B. whereas the debate on the future of pensions in the European Union cannot be confined to a discussion on financeability and transferability of rights acquired; whereas a broad debate is therefore needed on the future of pension systems in the European Union, taking as the starting point the duty which pension systems place on society; whereas the view that difficulties in implementing national tax provisions in the internal market by no means justifies the sealing of national markets in occupational pension schemes; whereas compliance with national fiscal rules to which Member States rightly attach great importance should, in the case of cross-border pensions, be made consistent with the opening of the market regarding the second pillar,

C. whereas the coordination of the taxation of occupational pensions will also lead to greater comparison of pension systems in general,

(2) 'Texts Adopted', Item 8.
D. whereas the coordination of occupational pension schemes will enhance labour mobility and thus enhance employment,

E. whereas the diversity of tax schemes in the various Member States regarding occupational pensions is leading to cases of dual taxation which European citizens regard as an injustice and an infringement of the fundamental rights and freedoms recognised by the Union,

F. whereas work on the broad guidelines of economic policy means that pensions systems are playing an ever greater role in terms of their effect on national budgets; whereas the content, quality and form of pension schemes, and policy with regard to taxation, are the responsibility of the Member States and whereas the harmonisation of the fiscal treatment of pensions is very difficult to achieve through European legislation in view of the requirement for unanimity on decisions regarding tax legislation; whereas an effective and transparent coordination process must therefore be developed which can contribute to the elimination of tax obstacles and improve coordination,

G. whereas the granting of tax incentives by exempting pension contributions from tax will stimulate the accumulation of occupational pensions; whereas the taxation of pension payments will generate more tax income in future when there will be a larger group of retired people and greater demands will be made on public funds than at present; whereas the EET system for the taxation of occupational pensions is already used by most Member States,

H. whereas bilateral or multilateral treaties for the levying and collection of taxes, as proposed by the Commission and encouraged by the OECD, are an important means to that end, but whereas enhanced cooperation by a number of Member States in the context of the opportunities offered by the Treaty amendments of Nice could provide greater clarity and transparency,

I. whereas tax treatment of pensions also may have wide-ranging effects on other areas of law (social security, labour, contract and financial supervision law, enforceability of administrative and judicial orders); whereas the unrestricted deductibility of payments for all workers made to foreign pension funds would be tantamount to the unconditional recognition of foreign legal provisions in the above-mentioned fields, such issues should also be involved in the process of open coordination,

J. whereas the automatic and full exchange of the information necessary for the levying of taxes is in the interest of all Member States, and whereas mutual assistance in tax collection is a logical corollary of this; whereas, under Articles 1, 3 and 9 of Council Directive 77/799/EEC of 19 December 1977 concerning mutual assistance by the competent authorities of the Member State in the field of direct taxation (1), automatic exchange of information can be implemented without further legislative measures,

K. whereas Member States must allow migrant workers to continue with an existing pension scheme, in accordance with the rules of European law and the Commission's analysis of their interpretation and application,

L. whereas the refusal by an EET or ETT State of tax deductibility in respect of a worker's pension contributions paid to a foreign pension scheme is in conflict with EU law and constitutes a serious obstacle to cross-border worker mobility; whereas the Court of Justice of the European Communities has ruled against such discrimination; whereas the Commission is rightly considering proceedings for Treaty infringement,

M. whereas the transfer of accumulated pension rights with the aim of continuing to accumulate the best possible pension for a migrant worker in his country of establishment may not be hindered by disproportionate tax obstacles in the Member States; whereas at the same time Member States have the right to impose certain requirements regarding the transfer of accumulated pension rights in order to prevent abuse of the rules and evasion of tax,

N. whereas the proposal for the establishment of pan-European pension funds is worthy of support, but can only overcome administrative barriers, and does not absolve the Commission and Member States of the duty of tackling the substantive problems too,

O. whereas an intensive dialogue with the social partners and other operators in the pensions field is necessary in view of the importance of fiscal problems to the content and structure of occupational pension schemes for which they are responsible and which they manage,

1. Welcomes the Commission communication as a first step towards an internal market free of tax obstacles to the accumulation, management and payment of occupational pensions;

2. Notes that the requirement for unanimity on decisions in the field of taxation makes it hard to achieve effective legislative measures rapidly at European level;

3. Concurs with the Commission's analysis that Member States sometimes act in contravention of EC law regarding participation in pension schemes in cross-border situations; calls on the Commission to initiate proceedings as soon as possible before the Court of Justice of the European Communities on the basis of Article 226 of the EC Treaty in response to every case of tax discrimination regarding cross-border pension entitlements, and in the mean time to prepare other measures, including legislation, if it notes that insufficient progress has been made;

4. Urges the Commission and Member States to develop, in cooperation with the European Parliament, a process of open coordination regarding the taxation of occupational pensions, with a view to the elimination of double taxation and double non-taxation, and with a view to the broadest possible application of the EET principle, by devising objectives, benchmarks and reporting and evaluation procedures, in the context of the agreements reached at the Stockholm and Göteborg European Councils on policy with regard to the ageing of the population and the mobility of workers. This coordination could relate to:
   - the tax levying system,
   - the extent of tax levied and the possibility of agreeing on a band width regarding the level of taxation of pension benefits,
   - the qualifying conditions for granting tax concessions,
   - mutual adjustments between Member States in respect of migrant workers,
   - transitional measures,
   - a so-called ‘European Test’ to examine changes in Member States' rules with a cross-border impact,

5. Calls on the non-EET Member States to take steps as quickly as possible to introduce the EET system for occupational pensions, in order to promote convergence, reduce the opportunities for undesirable tax behaviour, avoid double taxation and remove obstacles to freedom of movement;

6. Calls on Member States using the EET or ETT system not to allow the situation to reach the stage of infringement proceedings before the Court of Justice of the European Communities, but to permit migrant workers the deductability of pension contributions paid to the pension scheme which they were already subscribed to before they emigrated, and to permit non-migrant workers the deductability of pension contributions to pension institutions established in other Member States which are comparable in motive and intention, taking account of the requirements imposed by Member States;

7. Calls on the Commission and the relevant Committee under Directive 77/799/EEC to make the proposal for automatic exchange of information operational as soon as possible;

8. Calls on the Member States to consider, alongside bilateral and multilateral agreements for the avoidance of the double taxation and non-taxation of pensions, a process of enhanced cooperation of the type made possible by the Treaty amendments of Nice, and calls on the Commission to carry out preparatory work to investigate the possibilities to that end;
9. Strongly urges the Council and the Member States to make rapid progress with the proposal for a directive on the activities of institutions for occupational retirement provision, which will ensure mutual recognition of occupational pension schemes and will significantly contribute to effective tax coordination action;

10. Calls on the Member States to make progress in assessing the possibilities for co-ordination of their tax policy in respect of occupational pension provision while continuing to respect the Member States’ specific conditions for the granting of tax concessions for non-migrant workers;

11. Calls on the Commission, together with the Member States and the Pension Forum, to find an adequate solution to the tax obstacles hindering the transfer of accumulated pension rights to pension funds within and outside the Member States, a solution which combines the maintenance of pension rights with greater worker mobility;

12. Supports the proposal for pan-European pension institutions as reflected in the Commission’s communication; calls on firms wishing to set up pan-European pension funds to launch initiatives to that end; calls on the Member States to facilitate and encourage this in other firms and sectors; asks the Commission to address the specific situation of frontier workers in the framework of this proposal; calls furthermore for a statute for a pension fund to be set up for migrant and frontier workers;

13. Calls on the Commission and the Member States to grant migrant and frontier workers easier access to information on the benefits and the drawbacks of cross-border pension schemes, so as to enable them to become more aware of their rights and also the difficulties which they might encounter concerning the tax treatment of cross-border occupational pension schemes; considers that such information should be provided inter alia within the framework of EURES; calls for the EURES network to be strengthened to enable those tasks to be carried out more effectively;

14. Urges the Commission to submit to the special European Council in Barcelona next spring an action plan for the coordination of taxation on pensions, as a follow-up to the plans which are to be prepared at the Laeken European Council;

15. Suggests that the Commission set up a scoreboard, adjusted regularly, to assess progress with the automatic exchange of information, assistance with collection and mutual recognition and supervision;

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

18. Zimbabwe

B5-0759, 0774, 0787, 0788, 0799 and 0801/2001

European Parliament resolution on Zimbabwe

The European Parliament,

− having regard to its resolutions of 13 April 2000 (¹), 18 May 2000 (²), 6 July 2000 (³), 15 March 2001 (⁴) and 6 September 2001 (⁵) on the situation in Zimbabwe,

− having regard to the Agreement reached in Abuja on 6 September 2001 between the Committee of Commonwealth Foreign Ministers, including a number of African States, and the Zimbabwean Government to return Zimbabwe to the rule of law and end all illegal occupations of farmland,

having regard to the General Affairs Council conclusions of 25 June 2001, 8 October 2001, 29 October 2001 and 10 December 2001, which noted that no visible progress had been made to end political violence, expressed its hope that the Government of Zimbabwe would invite the EU to send observers to monitor the presidential elections in March 2002 and launched the consultation procedure provided for in Article 96 of the Cotonou Agreement (1),

having regard to further repressive legislation put forward by the Mugabe regime since September 2001, including the Land Acquisition Act, the Public Order and Security Bill, amendments to the Electoral Act, and the Access to Information and Privacy Bill,

having regard to the meeting of the SADC Task Force on developments in Zimbabwe which took place in Harare on the 10/11 December 2001,

having regard to the Zimbabwe Democracy and Economic Recovery Bill passed by the US Congress on 4 December 2001, which paves the way for the US Administration to introduce targeted travel and financial sanctions against Mugabe and his associates, including the freezing of assets,

having regard to UN Security Council Resolution 1376, adopted on 9 November 2001, which called for all states to withdraw their forces from the Democratic Republic of Congo (DRC) and condemned all illegal exploitation of natural resources in that country,

having regard to the visit of the EU Troika to Harare on 23 November 2001, when President Mugabe refused to accept EU monitors at the forthcoming presidential elections,

having regard to the proposed meeting of the EU Presidency and Commission with representatives of the Government of Zimbabwe in Brussels during the week beginning 17 December 2001, under the terms of Article 96 of the Cotonou Agreement,

A. whereas the further deterioration in the rule of law and human rights in Zimbabwe is the direct result of the deliberate and reprehensible actions of the Mugabe regime, taken in flagrant defiance of the commitments it made at the Abuja Conference, with at least 20 new farm invasions,

B. whereas mobs of ZANU-PF activists have been running riot, unconstrained by police intervention, for example in Bulawayo on 16 November 2001, when two people were killed, hundreds injured and the headquarters of the Movement for Democratic Change set on fire,

C. whereas the Mugabe regime has systematically pursued a policy of persecution against the MDC in recent months, including trumped-up charges against its leader Morgan Tsvangirai and imprisonment of its treasurer and member of parliament, Fletcher Dulini, with members being routinely subjected to harassment and violent intimidation, and going in fear of their lives,

D. whereas the various legislative measures and actions taken in recent months by the Mugabe regime are clearly designed to intimidate the political opposition and to subvert the democratic process in Zimbabwe in the run-up to next year’s presidential elections,

E. whereas the Supreme Court judgement of 3 December 2001, that supported President Mugabe’s Land Acquisition Act, indicates the extent to which the rule of law has been subverted by the partisan appointment of a new Chief Justice and three new judges to the Supreme Court in recent months,

F. whereas on 29 November 2001 the Government of Zimbabwe approved the Access to Information and Protection of Privacy Bill, which is designed to impose significant restrictive and punitive measures on the media, with licensing of Zimbabwean journalists, penalties for those who breach a strict code of conduct and restrictions on foreign journalists, and has the potential to destroy the independent press,

G. whereas amendments to the Electoral Act are clearly designed to disenfranchise groups like itinerant farm-workers and will effectively deny the vote to hundreds of thousands of young people without jobs, and whereas calls for Zimbabweans living overseas to return home to claim their right to vote should be supported,

H. whereas a disproportionate share of land taken from the 1 700 white-owned farms has gone to supporters of President Mugabe, and whereas a UNDP technical team is currently in Zimbabwe assessing the possibility of a credible land reform programme,

I. whereas Mugabe's policies have created a humanitarian disaster that is impoverishing Zimbabwe as nearly three-quarters of Zimbabwe's 12.5 million people live in abject poverty, inflation is at 98%, the economy is set to shrink by 7.3% in 2001, arrears on foreign debt stand at €766 million, and a dramatic decline in food production has forced the World Food Programme to mount a massive relief operation to feed over 500 000 Zimbabweans, who now face hunger and starvation,

J. whereas on 2 December 2001 President Mugabe arrived in Spain to receive medical treatment,

K. whereas the international criticism and reaction to recent events in Zimbabwe has grown increasingly resolute, as seen in the refusal of traditional allies like South Africa, Botswana, Mozambique, Lesotho and Zambia to back Zimbabwe at the most recent ACP-EU Joint Parliamentary Assembly session,

1. Deplores the intensification of violence, intimidation and murder which President Mugabe and the ruling Zanu-PF party have unleashed against political opponents and farmers in spite of pledges at Abuja;

2. Abhors the measures to restrict freedom of expression, particularly the Public Order and Security Bill and the death threats against journalists in Zimbabwe, which are little more than a cynical attempt to gag the activities of the media and opposition;

3. Condemns the Government's ongoing attacks on the lives and livelihoods of farmers, particularly the amendment to the Land Acquisition Act of 12 November 2001 that requires farmers issued with acquisition orders by the government to stop farming immediately and to remain confined to their houses until their forced departure from their property three months later;

4. Condemns the actions of the Mugabe regime to control the judiciary for selfish political ends and urges the Zimbabwean Government to do what is necessary to guarantee the independence of the judiciary system;

5. Demands that the Mugabe regime immediately fulfil its international obligations to withdraw its troops from the DRC and cease its involvement in the exploitation of the mineral resources of that country;

6. Applauds those politicians and citizens of Zimbabwe who, often in fear of their lives, continue to stand up for freedom of expression and democratic values;
7. Urges the Presidency of the Council and the Commission now to take urgent and resolute action and, in their forthcoming dealings with Zimbabwean Government representatives, to insist upon:
   (i) an immediate end to political violence and a return to the rule of law in Zimbabwe, with guarantees for the basic democratic and human rights, including the safety of opposition politicians,
   (ii) free and fair presidential elections to be held in March 2002 at the latest, with full support for international monitoring, including by the EU,
   (iii) an end to the arbitrary seizure of farms and the initiation of a fair process of land redistribution in accordance with the Abuja Agreement,
   (iv) measures to guarantee the independence of the judiciary and the impartiality of the police,
   (v) concrete action to protect the freedom of expression of the media,
   (vi) guarantees that international agencies and NGOs will not be impeded in the distribution of food and other humanitarian aid;

8. Calls on the Presidency of the Council and Commission to commence the 60-day countdown to further action, as stipulated in Article 96 of the Cotonou Agreement, and to seek the widest possible international agreement for tough action against the Mugabe regime;

9. Calls on the European Council urgently to adopt so-called ‘smart sanctions’ against Zimbabwe including the identification and freezing of assets held in European countries and countries closely associated by President Mugabe, his family, and named close associates, and EU-wide visa restrictions on President Mugabe, his family, and named close associates;

10. Condemns the Zimbabwe Government’s refusal to establish an Independent Electoral Commission (IEC) to conduct next year’s presidential election announced for March 2002, stresses that the establishment of an IEC is a minimum condition for a free and fair election, and calls for Electoral Commissioners to be vetted by a bipartisan Parliamentary Select Committee before confirmation;

11. Calls on the Commission and the Member States to urge President Mugabe to implement urgently the recommendations adopted by all SADC countries at the SADC Parliamentary Forum in March 2000, on norms and standards for elections, including the establishment of an Independent Electoral Commission, equal access to the state-owned media, the impartiality of government security forces, foreign observers, the introduction of new secure ballot boxes, and the preparation of an accurate and transparent voters’ roll;

12. Congratulates the SADC for its resolute stance in recent months against the excesses of the Mugabe regime and urges the heads of government of the neighbouring states to increase their pressure upon Mr Mugabe by refusing to recognise a victory for Mr Mugabe if he fails to abide by the norms and standards on elections agreed in March 2000;

13. Instructs its President to forward this resolution to the Commission, the Council, the governments of the Member States and of the candidate countries, the Government and Parliament of Zimbabwe, the Secretary-General of the United Nations, the ACP-EU Joint Parliamentary Assembly, the Secretary-General of the OAU, the Secretary-General of the SADC, the Secretary-General of the Commonwealth and the President of the World Bank.
19. Cluster bombs

B5-0765, 0775, 0782 and 0789/2001

European Parliament resolution on cluster bombs

The European Parliament,

— having regard to the 1980 UN Convention on Certain Conventional Weapons (CCW),

— having regard to international humanitarian law,

— having regard to the forthcoming second review conference of the Convention to be held in Geneva from 10 to 21 December 2001, welcoming the recent confirmation by the EU General Affairs Council of its commitment to the Convention on Conventional Weapons,

A. whereas over the past 35 years unexploded cluster bomb submunitions killed and maimed people in conflict and post-conflict regions,

B. whereas people in Vietnam, Laos, Cambodia, Lebanon, Sudan, Ethiopia, Iraq, Kuwait, Russia/Chechnya, Yugoslavia/Kosovo and Afghanistan can testify that their fields, villages and cities are not accessible because of the existence of cluster bombs and other unexploded submunitions,

C. recalling Article 35 of the Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 8 June 1977, which states in paragraph 2: ‘It is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering’,

D. whereas nearly half of all the 500 persons involved in mine and unexploded ordnances (UXO) accidents in Kosovo have suffered as a result of unexploded cluster bomb submunitions,

E. whereas since the end of the war in Laos (1973), over 11 000 persons, 30% of them children, have been killed or injured by UXO,

F. whereas the use of cluster bombs is an obstacle to the return of refugees and displaced persons to their homes because of the risk of becoming involved in submunitions accidents,

G. whereas the use of cluster bombs, in addition to resulting in the loss of human life, especially among the civilian population, represents a serious obstacle to the social and economic recovery of affected countries,

H. recalling that cluster bombs are extremely dangerous and difficult to clear and therefore constitute a long-term problem for post-conflict reconstruction and development,

I. whereas the use of cluster bombs puts the staff of humanitarian aid agencies and UN peacekeeping forces at a high risk of becoming involved in accidents,

J. extremely concerned at the difficulty in accurately targeting cluster bombs during conflict, the high proportion of cluster bomblets which are found to have failed to detonate on impact, and the wide area coverage of the bomblets, all of which means they pose a serious long-term threat to the civilian populations,
1. Calls upon the CCW States Parties to declare an immediate moratorium until an international agreement has been negotiated on the regulation, restriction or banning of the use, production, and transfer of cluster munitions under the CCW, including air-dropped cluster munitions and submunitions delivered by missiles, rockets, and artillery projectiles;

2. Underlines the responsibility of users of cluster munition systems for the cleaning of affected areas;

3. Recommends that CCW Review Conference establish a group of government experts to examine the issue of explosive remnants of war, and in particular the problems caused by cluster bomb submunitions both during and after an armed conflict; experts from mine-clearance and other relevant organisations should be permitted to participate in the group’s work;

4. Urges all states possessing and/or using cluster munitions to undertake other measures, such as improving the reliability of fusing mechanisms by way of dual-event fuses and incorporating self-destruct or self-neutralising mechanisms into munitions, in order to reduce the threat that these weapons pose to civilian populations;

5. Urges all states not party to the Convention to become so, and states parties to the CCW Convention who have not already signed up to the amended Protocol II and/or Protocol IV to do so as soon as possible;

6. Instructs its President to forward this resolution to the Commission, the Council, the governments of the Member States, the UN Secretary-General, the International Committee of the Red Cross, and all States Parties to the Convention.

20. Human rights: Women in Afghanistan

European Parliament resolution on women in Afghanistan

The European Parliament,

having regard to its previous resolutions on Afghanistan and, in particular, on the situation of Afghan women and the Declaration of the Afghan Women’s Summit held in Brussels on 4/5 December 2001,

having regard to the Universal Declaration of Human Rights,

having regard to the measures taken by the Afghanistan Support Group in Bonn on 5/6 December 2001 for the coordination of the humanitarian and development efforts for Afghanistan,

A. stressing that the Taliban regime has perpetrated the most deliberate form of violation of women’s rights in recent history, imposing an apartheid based on sex that has denied women’s identity itself,

B. whereas there are almost 5 million Afghan refugees abroad, mostly in Pakistan and Iran; whereas the majority of these refugees are women and children,

C. having regard to the high mortality rate among women and children,

D. whereas it is estimated that less than 5% of Afghan women can read and write, while the literacy rate for girls reaching school age during the period of Taliban rule is substantially lower, standing at approximately 1 to 2%,
1. Welcomes the agreement reached at the UN talks on Afghanistan in Bonn on 5 December 2001 and the fact that the transitional government thereby created will include, at least for the time being, two women, one of them as deputy prime minister;

2. Calls for women's rights to be fully guaranteed by the new Constitution; calls on the interim Afghan authority to implement as quickly as possible measures making provision for free movement, education and health care for women and allowing them to work, and to adopt laws recognising equal rights for men and women in all areas;

3. Warmly welcomes the planned establishment of a Ministry for Women's Affairs within the new Government, as well as the announcement that the special commission provided for under the agreement for the organisation of a Loya Jirga will ensure the presence of a significant number of women at the constituent assembly to be held in six months' time;

4. Welcomes the request made by the participants in the UN talks on Afghanistan to the UN Security Council to consider authorising the early deployment of a UN-mandated force to Afghanistan, which should assist in the maintenance of security for Kabul and the surrounding areas and could, as appropriate, be progressively expanded to other urban centres and areas of the country;

5. Suggests that the UN appoint a woman rapporteur for gender equality with the task of supervising compliance with the undertakings entered into concerning women during the transition and reconstruction process in Afghanistan;

6. Calls on all the political forces to recognise the role of women, in particular by instituting specific programmes encouraging women to take part in political activity, both as voters and as candidates in elections at all levels;

7. Reiterates its belief that the interim authority and the other bodies set up must make formal provision for the inclusion of local civil organisations, especially women's organisations, and must respect the rights of the person and international humanitarian law;

8. Calls for girls and women to have full access to programmes for education, health care, jobs and job training and housing, and stresses that these programmes must reach women in disadvantaged rural areas, widows, and women who are disabled, displaced or illiterate;

9. Calls for the granting of international aid for the reconstruction of Afghanistan to be made conditional on the participation of women in decision-making and in the use of such aid;

10. Calls on the donor countries and, in particular, the EU to ensure that Afghan women are the direct beneficiaries of between 25% and 30% of the economic aid provided for reconstruction in Afghanistan;

11. Calls on the Afghan authorities and the international organisations to take rapid steps to set up medical structures which can meet the specific medical needs of women and children in Afghanistan and in the refugee camps;

12. Calls on the authorities concerned to ensure that widows and women without family can benefit from the future programmes for the construction of shelters and housing;

13. Recommends the establishment of specific programmes for women who have been the victims of violence;

14. Recommends that the new Afghan authorities consider setting up education programmes for young men who were enlisted in combatant groups at a tender age and have never known family life;

15. Calls on the neighbouring countries to actively secure the Afghan refugee camps and to isolate and bring to justice the extremists who violate women's fundamental rights;
21. Human rights: Indonesia

B5-0762, 0767, 0783, 0791, 0798 and 0803/2001

European Parliament resolution on Papua (Irian Jaya) and Sulawesi in Indonesia

The European Parliament,

I. On Papua (Irian Jaya)

− having regard to its previous resolutions on Indonesia, Timor and the Moluccas,
− having regard to the democratisation process which was launched two years ago following the general elections in June 1999 in Indonesia,
− having regard to the ratification of the international human rights conventions by the Indonesian government,
− having regard to the recognition by the European Union of Indonesia as a unitary and democratic state in which human rights have to be respected, the safety of the population has to be protected, democratic principles have to be guaranteed and freedom of expression has to be safeguarded,
− having regard to the statement by the Council Presidency, expressing its deep concern following the assassination of Theys Eluay,

A. whereas on 10 November 2001 the assassination took place of Theys Eluay, a Papuan leader and tribal Chief who, in stating the wishes of the Papuan people, had opted for a peaceful dialogue with the Indonesian government,
B. whereas it is feared that further assassinations are being planned and that this might give rise to a situation which could be exploited by other elements, such as Jihad fighters, to cause more chaos, as is still happening in the Moluccas and now also on Sulawesi,
C. whereas the peaceful co-existence and safety of the people of Papua is still being threatened by the army, special Kopassus units and the Indonesian mobile police,
D. whereas, during Indonesia’s administration of Irian Jaya (Papua), no human rights violation has ever yet been punished; welcoming, however, the fact that the Indonesian government is to set up a special court for human rights abuses which will start its work no later than January 2002,
E. having regard to the commercial interests of the Indonesian army in Papua,
F. whereas Papua is currently a rich province which has a very poor population and whereas, of the 17 000 workers currently employed, less than 10% are Papuans,
G. having regard to the Indonesian national parliament’s adoption in October 2001 of a special act
granting the province of Papua (Irian Jaya) autonomy within Indonesia,

H. whereas this act will enable Papua to use 80% of the taxes raised from fishing and forestry and 70%
of those paid by mining and oil companies,

1. Strongly condemns the assassination of the Papuan leader and tribal Chief Theys Eluay on 10 November 2001;

2. Calls on the Indonesian government to have an objective and thorough investigation conducted by a
special police team and medical staff from Jakarta, if necessary, supported by an international investigation
team, and to ensure protection for these workers;

3. Calls for a written report to be submitted to the Indonesian government, the EU and the UN immediately
following this investigation;

4. Asks the Indonesian government to bring the accused to justice, to try and to punish them;

5. Asks the Indonesian government to protect witnesses from intimidation and murder and also to
protect the staff of the Elsham human rights organisation and other organisations from intimidation and
murder;

6. Also urges the Indonesian government to replace the Kopassus units, seen as a daily threat by the
Papua people, with Papua’s own police force;

7. Asks the Indonesian government to call a halt to the army’s commercial activities in Papua;

8. Expresses its confidence that the Indonesian government headed by President Megawati Sukarnoputri
will ensure respect for human rights and will make every effort to guarantee the peaceful co-existence and
the safety of the population of Papua;

9. Expresses its appreciation to the Indonesian government headed by President Megawati Sukarnoputri
for agreeing on a constitutional draft in the form of a special act on autonomy for the province of Papua
(Irian Jaya);

10. Expresses its appreciation also to the Indonesian parliament for adopting a special act on autonomy
for the province of Papua (Irian Jaya);

11. Stresses its wish to see the indigenous cultural identity of the Papuan people respected and pro-
tected;

12. Wants to see the Indonesian government and the Indonesian parliament provide concrete support
and assistance for the development of the province of Papua and its population, and of the other prov-
inces;

13. Calls on the Commission and Council to:
   − condemn the assassination of Papuan leader and tribal Chief Theys Eluay;
   − offer international support to the national investigation if and when requested;
   − draw attention to the continuing human rights violations in Papua;
   − urge that Kopassus Units be replaced by a Papuan police force;
   − urge that the commercial interests of the Indonesian army in Papua be discontinued;
   − in accordance with earlier agreements between the European Union and the Indonesian government,
to agree to the supply of aid for the development of the province of Papua.
II. On Sulawesi

A. whereas Sulawesi has for more than two years been ravaged by fighting groups, leaving at least a thousand people dead,

B. whereas, after a period of decreasing violence, violence has suddenly flared up again in recent weeks, claiming a number of victims and destroying houses and churches,

C. whereas the fighters of the Islamic terror group Laskar Jihad, after leaving behind a trail of blood and destruction on the Moluccan islands from 1999 onwards, have now become active on Sulawesi, and whereas thousands of Christians have had to flee their villages following attacks by them,

D. whereas these fighters have recently fought their way from Poso, the capital of Sulawesi, to the mostly Christian-populated town of Tentena in central Sulawesi and besieged it,

E. whereas more than 10,000 citizens have fled the town and more than 50,000 remain behind, fearing for their lives,

F. whereas the 39-year-old Jafar Umar Talib from Jogjakarta, leader of the Laskar Jihad, which was established in the late 1990s, states that he has 10,000 fighters under his command and that he received his 'education' as a Jihad fighter in Pakistan, and whereas, according to an Indonesian police source, Afghans and other foreigners are engaged in battle alongside the Muslim militia, fighting Christians,

G. considering the constitutional obligations of the Indonesian government under international law to respect and guarantee human rights, including religious minorities' rights,

1. Deplores deeply the loss of human life as a result of the continuing conflict and calls on the Indonesian government to do its utmost to put an end to the violence in order to re-establish peaceful co-existence between the Muslim and Christian populations, as proved possible for many years;

2. Is pleased that the coordinating Minister for Political and Security Affairs, Susilo Bambang Yudhoyono, and Home Affairs Minister Hari Sabarno have visited both Poso and central Sulawesi to find out about the situation for themselves; urges the government to continue to take an active interest in the situation;

3. Is also pleased that a start is being made on sending extra troops in order to try to end the slaughter and to relieve Tentena;

4. Calls on the Indonesian authorities to ensure the safety of the population, of whatever ethnic origin or religion;

5. Calls also on the Indonesian authorities to dismantle the Laskar Jihad terror organisation, which is for the most part responsible for the cruelties of the past years in the Moluccas, and to bring the perpetrators to justice;

6. Calls on the Indonesian government to consider appointing a special prosecutor for the special court for human rights abuses in order to conduct these investigations and prosecute the perpetrators;

7. Asks the Council and Commission to examine the ways in which they can support a process of reconciliation and to examine what action they can take to improve the economic development of this region;

* *

III. Instructs its President to forward this resolution to the Commission, the Council, the governments of the Member States, the Security Council of the United Nations, the Indonesian government and parliament and the Governor and the regional parliament of Papua.
European Parliament resolution on the tragedy involving immigrants in Ireland

The European Parliament,

- having regard to the Universal Declaration of Human Rights of 10 December 1948,
- having regard to the Geneva Convention on the Status of Refugees of 28 July 1951, as modified by the New York Protocol of 31 January 1967,
- having regard to the European Convention on Human Rights and Fundamental Freedoms of 4 November 1950,
- having regard to Title IV, Article 61 et seq., of the EC Treaty,
- having regard to Articles 2 and 6 of the EU Treaty,

A. appalled at the tragic deaths of the eight people, including four children, who were found, at Wexford in Ireland on 8 December 2001, in a freight container which had been shipped from the Belgian port of Zeebrugge,

B. recalling that similar incidents occur daily at the Union’s frontiers, with countless immigrants and refugees losing their lives while attempting to enter the countries of the Union illegally, and that those involved in the trafficking of human beings have perpetrated yet another atrocity involving victims of organised gangs of traffickers, who demand substantial sums for their services,

C. whereas the international trade in human beings has become a fast-growing, well-organised and highly profitable business,

D. appalled at the practice of trafficking in human beings, which exploits the despair of people in Eastern Europe, Africa and Asia in order to profit from illegal immigration networks, with a total disregard for the dignity of human life,

1. Expresses its dismay at the events in Ireland; extends its sympathy to the victims’ families and expresses its grief for all the victims of this intolerable human tragedy;

2. Condemns firmly the criminal acts perpetrated by all those who profit from the trafficking in human beings;

3. Regards it as essential that the fight against the often transnational criminal networks involved in the trafficking of human beings and the individuals who exploit illegal labour should be stepped up, in particular by strengthening cooperation among European countries and introducing exemplary penalties, drawing a clear distinction between the victims and the perpetrators of the crimes involved;

4. Recognises that the survivors have been through a terrible trauma, and invites the Irish Government to grant refugee status and enable the survivors of the Wexford tragedy to remain in Ireland, if they so wish, and to help them to rebuild their lives;

5. Calls for the adoption and implementation of all legal instruments based on the conclusions of the Tampere European Council, including the adoption of the Framework Decision on Trafficking in Human Beings, the establishment of common EU policies on asylum and immigration and the enhancement of judicial and police cooperation;

6. Calls on the Council to foster immigration and asylum policies which respect human rights and are based on the free movement of persons, in accordance with the Fourth Geneva Convention, and improvements to the right of asylum, the protection of refugees and the conditions for the reception of migrants.
7. Takes the view that European policies on the control of immigration must go beyond the imposition of frontier checks and attack the political, economic and social reasons which, in the developing world, prompt millions of people to flee their countries;

8. Instructs its President to forward this resolution to the Council, the Commission and the government and parliament of Ireland.

23. Human rights: Togo

B5-0768, 0778, 0786, 0793 and 0804/2001

European Parliament resolution on the human rights situation in Togo

The European Parliament,

having regard to its previous resolutions on Togo, and in particular that of 6 September 2001 (1),

having regard to the resolution adopted by the ACP-EU Joint Parliamentary Assembly on the situation in West Africa, with particular reference to the paragraphs on Togo,

A. whereas the political and economic situation in Togo calls for a climate of confidence to be re-established without delay; whereas this is the only means of securing the economic development and democratisation of Togolese society which the Lomé framework agreement was intended to foster,

B. whereas the new threats of legal action against Mr Agboyibo, chairman of the Action Committee for Renewal, stem solely from his political activities,

C. whereas the Togolese President, General Eyadema, has stated his willingness to grant a pardon to Mr Agboyibo should he ask for one,

D. whereas Mr Agboyibo is refusing to apply for a presidential pardon until such time as the Court of Appeal has given its ruling,

E. having regard to the imprisonment of the leader of the students' union, Hounjo Mawudzuro,

F. deploring the fact that the President of the National Assembly has expressed the wish to amend the electoral code and change the Constitution, which is incompatible with President Eyadema's commitment, repeated on several occasions, to respect Article 59 of the Constitution limiting the number of presidential terms,

G. deploring the violent acts of aggression by militants of the ruling RTP party against opposition parties whenever they attempt to campaign in the north of the country,

H. whereas the decree setting the date for the next parliamentary elections in March 2002 and the release of a budget for their organisation must be seen as a step forward,

1. Calls on President Eyadema not to wait until Yawovi Agboyibo applies for a pardon before having him released, so as to demonstrate that the presidential alliance will allow the Togolese opposition to express itself fully and freely during the forthcoming elections;

2. Reiterates its condemnation of human rights abuses by President Eyadema's regime;

3. Deplores the fact that Mr Mawudzuro, who was released on 28 November 2001, is still facing charges of character defamation and false accusation;

4. Requests that Mr Agoyibo's conviction be removed from his police record, so as to enable him to stand as a candidate in the forthcoming elections;

(1) 'Texts Adopted', Item 16.
5. Calls on President Eyadema to ensure that his government and the National Assembly comply with the Lomé framework agreement signed by the opposition parties and the President’s regime in July 1999;

6. Calls on the Togolese authorities to put an end to the climate of impunity in Togo and to identify and bring to justice those responsible for human rights violations as established by the UN-OAU inquiry;

7. Calls on the EU to continue scrutinising respect for human rights and democratic principles in Togo and to make the resumption of normal cooperation relations conditional on substantial progress being achieved in these areas;

8. Draws the Togolese authorities’ attention to the fact that the only way of normalising cooperation relations between Togo and the European Union is to guarantee respect for human rights and to promote the rule of law;

9. Calls on the ACP-EU Joint Parliamentary Assembly to send a joint mission to Togo to look into human rights issues and to hold talks with the regime and the opposition, including Mr Agboyibo;

10. Calls for all obstacles to freedom of expression to be removed and for an end to be put to repressive action and threats against the opposition;

11. Welcomes the decrees recently issued by the Togolese Presidency, which set new dates for the revision of the electoral rolls and for the first round of the parliamentary elections, which is now to be held on 10 March 2002;

12. Calls on the government to guarantee all political parties free access to the media, and to guarantee the members of all political parties freedom of movement throughout the country;

13. Reiterates its support for the electoral process, provided that all candidates are able to participate freely in the elections, and stresses that EU financial aid is conditional upon this requirement being met;

14. Calls on Togo to sign the memorandum of understanding required for the deployment of European electoral observers;

15. Calls on the Commission to report to it on the European Union’s contribution to the electoral process;

16. Instructs its President to forward this resolution to the Commission, the Council, the Government of Togo and the Co-Presidents of the ACP-EU Joint Parliamentary Assembly.

24. Human rights: Winners of the Sakharov prize

B5-0769, 0779, 0792, 0797, 0806 and 0809/2001

European Parliament resolution on Aung San Suu Kyi and Leyla Zana, winners of the Sakharov prize

The European Parliament,

A. whereas the Treaty on European Union refers to the development and consolidation of democracy and the rule of law and respect for human rights and fundamental freedoms as some of the principal objectives of the Common Foreign and Security Policy;

B. whereas since 1988 the Sakharov Prize has been awarded to personalities and organisations which have made a decisive contribution to the struggle for human rights and freedoms in their respective countries,
I. Aung San Suu Kyi

A. whereas Aung San Suu Kyi was awarded the Sakharov Prize in 1990,

B. whereas Aung San Suu Kyi, the winner of the 1990 Burmese elections, is still held under house arrest by the military regime in Rangoon, and some 1 600 political prisoners remain in detention,

1. Calls for the immediate release of Aung San Suu Kyi and for the full exercise of her rights to be guaranteed;

2. Considers that Aung San Suu Kyi is a prisoner of conscience who is being prosecuted for expressing her peaceful beliefs;

3. Calls for the immediate release of all the other political prisoners in Burma;

4. Calls on the Council and the Commission closely to monitor the human rights situation in Burma and to press the Burmese authorities and government for information about the personal situation of Aung San Suu Kyi, the Sakharov prize-winner;

5. Calls on its President to assure Aung San Suu Kyi once again that the entire European Parliament stands behind her;

6. Considers Aung San Suu Kyi the only legitimate elected leader of the Burmese people and insists that the Burmese regime demonstrate its intention to restore democracy and bring about national reconciliation by initiating a broad political dialogue and rapidly releasing the political prisoners;

7. Demands that the NLD led by Aung San Suu Kyi be guaranteed full freedom to organise itself and engage in political activity and calls for all restrictions on her freedom of movement to be lifted;

II. Leyla Zana

A. whereas Leyla Zana was awarded the Sakharov Prize in 1995,

B. whereas Leyla Zana is still in prison in Turkey, although the European Court of Human Rights, in its decision of 17 July 2001 in the Sadak, Zana, Dicle and Dogan case, concluded unanimously that the legal procedure that had led to Leyla Zana being sentenced to a prison sentence of 15 years had not respected her fundamental right to a fair trial, as provided in the European Convention on Human Rights,

1. Calls for the immediate release of Leyla Zana;

2. Considers that Leyla Zana is a prisoner of conscience who has been prosecuted for expressing her peaceful beliefs;

3. Calls for the immediate release of all the other political prisoners in Turkey, and notably Selim Sadak, Hatip Dicle and Orhan Dogan, the three other former Turkish MPs of Kurdish origin sentenced together with Leyla Zana;

4. Calls on the Council and the Commission closely to monitor the human rights situation in Turkey and to press the Turkish authorities and government for information about the personal situation of Leyla Zana, the Sakharov prize-winner;

5. Calls on its President to assure Leyla Zana once again that the entire European Parliament stands behind her;

6. Calls on Turkey to implement all the recommendations made in the decision in the case concerning Sadak and others, and notably to abrogate the ‘anti-terror legislation’ which is the basis for massive human rights violations and to thoroughly reform the Turkish penal code by bringing it in line with the European Convention on Human Rights which has been ratified by Turkey;
7. Calls on its President, the Commission, the Council and the governments and parliaments of the Member States to intervene with the Council of Europe's Committee of Ministers to ensure that Turkey implements the letter and spirit of the decision in the case concerning Sadak, Zana and others, as some personalities have already done;

* * *

III. Instructs its President to forward this resolution to the Commission and the Council, the parliament and government of Turkey and the military junta of Burma.

25. Nepal

B5-0761, 0772, 0780, 0794, 0807 and 0810/2001

European Parliament resolution on Nepal

The European Parliament,

A. deeply concerned at the breaking of the four-month cease-fire by the Maoist rebels and the resulting violence in Nepal, which has claimed well over 1,000 lives,

B. recalling the optimism expressed by the European Union as recently as September 2001 that negotiations between the Government and the CPN (Maoists) would result in a peaceful resolution of the conflict between the Maoist opposition forces and the government of Nepal within the framework of the rule of law, respect for human rights and multi-party democracy,

C. whereas it is the first time since 1990, when the constitutional monarchy was established, that a state of emergency has been declared and that the army has been deployed to combat the Maoist insurgents,

D. whereas, also for the first time, the declaration of a state of emergency has had the effect of suspending freedom of speech, assembly and movement, restricting freedom of the press and suspending Article 23 of the Constitution on judicial guarantees,

E. concerned that the army will be allowed to detain people for up to 48 hours, possibly at undisclosed locations and without safeguards, and that the new Terrorist and Disruptive Activities Ordinance could lead to people being detained without charge for up to 180 days simply for expressing their peaceful political ideas,

F. alarmed at the planting of several bombs in various locations in Kathmandu, including industrial areas, and at the finding of one of the bombs in Thamel, where the highest concentration of tourists is to be found,

G. whereas the fight against ‘terrorism’ must not affect respect for human rights, which is the best means of guaranteeing the rule of law,

H. aware and concerned that since the start in 1995 of the conflict, which has claimed thousands of lives, the domestic political situation in Nepal has become increasingly unstable and there is now the danger of a civil war,

I. concerned at the fact that children as young as 14, including girls, are being recruited by members of the armed opposition group,

J. whereas the higher castes (12% of the population) hold 70% of administrative power and 95% of the kingdom’s wealth,

K. whereas the future of Nepal, which is one of the poorest countries in the world and has benefited from EU support since 1977, and whose main source of foreign currency revenue is tourism, is being seriously jeopardised by the escalation of violence,
1. Expresses its deep regret at the breaking of the cease-fire by the Maoist rebels and condemns the violence which has since occurred;

2. Demands a swift end to the violence, so that the population, most of whom have been impoverished for decades, is no longer deprived of urgently needed sources of revenue, including revenue lost as a result of the absence of tourists;

3. Calls on the Nepalese government and parliament to fight against corruption and to introduce lasting economic and structural reforms leading to sustainable and equitable development for the benefit of the citizens of Nepal;

4. Calls on the CPN to desist at once from all acts of violence and to lay down its arms, and calls on the Government of Nepal and the CPN, once these conditions have been met, to resume the search for a negotiated settlement leading to a lasting peace;

5. Recalls its commitment to the multi-party democracy that was established in 1990;

6. Calls on the EU to make additional financial aid available in the light of progress towards a negotiated peace settlement;

7. Instructs its President to forward this resolution to the Commission, the Council, and the parliament and government of Nepal.

26. Congo

B5-0773, 0781, 0785, 0795 and 0808/2001

European Parliament resolution on the situation in the Democratic Republic of Congo (DRC)

The European Parliament,

— having regard to its previous resolutions on the situation in the Democratic Republic of Congo (DRC),

— having regard to the resolution adopted by the ACP-EU Joint Parliamentary Assembly on the situation in Central Africa,

— having regard to the Council statement calling for the withdrawal of foreign armed forces and for the disarming and demobilisation of the combatants,

A. deeply shocked by the UN 2002 Consolidated Inter-Agency Appeal for the DRC which reveals horrendous figures, since nearly 3 million children, women and men have been killed as a result of foreign occupation, more than 2 million people have been displaced within the borders of their own country and 16 million people are threatened with death as a result of malnutrition, the absence of medical care and the abuses of the armed factions who plunder the local populations,

B. whereas, according to the Food and Agriculture Organisation (FAO), the situation in Congo-Kinshasa has contributed to a tragic 22% increase in malnutrition rates worldwide over the last ten years,

C. reaffirming the sovereignty, territorial integrity and political independence of the DRC and of all States in the region,

D. reaffirming also the sovereignty of the DRC over its natural resources and having regard to UN Security Council resolution 1376, adopted on 9 November 2001, which called for all States to withdraw their forces from the DRC and reiterated condemnation of all illegal exploitation of natural resources in that country,

E. whereas the illegal exploitation of these resources has already been described as 'systematic looting' in a recent United Nations report,
F. whereas the second UN report on the illegal exploitation of the DRC’s natural resources shows that the underlying reasons for the conflict have proved to be access to, control over and trade in the resources of the country;

G. whereas some of these products are being brought into Member States;

H. whereas the hostilities are fuelled by this illegal exploitation;

I. whereas the history which the former European powers shared with Africa and the values which the European Union has vigorously defended since the end of the Second World War transform the duty of memory into a duty of assistance;

J. welcoming the progress that has been made in some areas of implementation of the Lusaka Cease-fire Agreement, which constitutes the consensual basis for peace in the DRC, but noting the many problems still facing the peace process;

K. welcoming in particular the advanced state of deployment of the MONUC in accordance with UNSC Resolution 1341, but recalling the responsibilities of all parties to cooperate in the full deployment of the UN force;

L. concerned however about certain obstructions to foreign troop disengagement and reaffirming that the primary responsibility for implementing the Lusaka Ceasefire Agreement lies with the parties;

M. deploring the fact that the meeting of the inter-Congolese dialogue held on 15 October 2001 in Addis Ababa could not build on the success of the pre-dialogue held in Gaborone, Botswana, from 20 to 24 August 2001, which had given a new impetus to national reconciliation by reflecting the participants’ shared desire to put an end to the war, preserve the country’s independence and unity and establish democracy;

1. Urges governments, organisations and, in particular, health-related companies to take part in the UN Consolidated Inter-Agency Appeal 2002, launched on 26 November 2001 in New York by the Nobel Peace Prize Winner, Mr Kofi Annan;

2. Expresses its grave concern with regard to the humanitarian situation in the DRC and calls on the international community, and the EU in particular, to increase without delay its support for humanitarian activities;

3. Considers that what has turned into an unprecedented humanitarian catastrophe should be monitored and investigated at international level;

4. Calls on the media and the international press to break the silence on this humanitarian tragedy;

5. Insists on the need to restore the DRC’s local economies, to secure access of the civilian population to food, medical and health-care centres and urges the international community to provide the necessary assistance;

6. Reaffirms its support for the 1999 Lusaka agreement, which provides a consensus on the basis of which peace can be restored in the DRC and the region as a whole; urges all parties concerned to comply with UNSC Resolution 1304 to the letter;

7. Calls on the Spanish Presidency to organise at the beginning of 2002 a meeting between all the parties to prepare for the implementation of the Lusaka agreement;

8. Welcomes the fact that Namibia has withdrawn its troops from DRC territory and insists that all foreign forces in the DRC do the same in conformity with UN resolution 1304;

9. Calls on the Council to consider the recommendations for sanctions against countries which are pillaging the resources of the DRC;
10. Calls on the World Bank and the IMF to cease to fund the budgets of the offending countries;

11. Calls on all the parties to refrain from any offensive action during the process of disengagement and withdrawal of foreign forces, and expresses concern at recent reports of military operations in the Kivus;

12. Reiterates its condemnation of all illegal exploitation of the natural resources of the DRC, in particular diamonds and coltan, demands that such exploitation cease and stresses that the natural resources of the DRC should not be exploited to finance the conflict in that country;

13. Welcomes the positive spirit in which all participants in the inter-Congolese pre-dialogue meeting approached the discussions in Gaborone and, while deploring the lack of progress in Addis Ababa, strongly urges all Congolese parties to continue working in the same spirit of compromise and conciliation at the next meeting of the inter-Congolese dialogue scheduled to resume at the end of January 2002 in Sun City, South Africa;

14. Welcomes the deployment of UN troops to help monitor the cease-fire and urges the rapid launch of the next phase of the UN operation, involving the deployment of more troops to begin the programme of voluntary disarmament;

15. Calls on the Council and Commission to step up efforts to implement the Lusaka agreement and continue to support mediation efforts, and urges them to take the necessary political and economic measures without delay to ensure that the agreement can be properly implemented;

16. Calls on the Member States to honour their commitments concerning the monitoring of arms exports and the prevention of illicit sales of arms and of the trafficking activities through which the necessary funding for the continuation of the war is obtained;

17. Demands that the international economic community enforce an ethical code of conduct;

18. Instructs its President to forward this resolution to the Council, the Commission, the ACP-EU Council of Ministers, the United Nations Secretary-General, the African Union, and the governments of Burundi, DRC, Rwanda, Uganda, Angola, Zimbabwe and Namibia.

27. EC/Islamic Republic of Mauritania fisheries agreement *

A5-0426/2001

Proposal for a Council regulation on the conclusion of the Protocol setting out the fishing opportunities and the financial contribution provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006 (COM(2001) 590 — C5-0555/2001 — 2001/0246(CNS))

The proposal was amended as follows:

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(2a) It is important to improve the information supplied to the European Parliament and therefore the Commission should draw up a yearly report on the state of implementation of the Agreement.
Amendment 2  
Article 2, paragraph 2

If licence applications from these Member States do not cover all the fishing opportunities fixed by the Protocol, the Commission may take into consideration licence applications from any other Member State.

Amendment 3  
Article 3a (new)

Article 3a

During the final year of the Protocol’s validity and before any agreement on the renewal thereof is concluded, the Commission shall submit to the European Parliament and the Council a report on the application of the Agreement and the conditions under which it was implemented. This report shall also include a cost benefit analysis.

Amendment 4  
Article 3b (new)

Article 3b

On the basis of the report referred to in Article 3a and following consultation of the European Parliament, the Council shall, where appropriate, grant the Commission a negotiating mandate with a view to the adoption of a new protocol.

Amendment 5  
Article 3c (new)

Article 3c

The Commission shall forward to the European Parliament and the Council a copy of the report on the targeted measures which the authorities of the Islamic Republic of Mauritania shall provide on the basis of Article 6 of the Protocol.

European Parliament legislative resolution on the proposal for a Council regulation on the conclusion of the Protocol setting out the fishing opportunities and the financial contribution provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006 (COM(2001) 590 — C5-0555/2001 — 2001/0246(CNS))

(Consultation procedure)

The European Parliament,

— having regard to the Commission proposal to the Council (COM(2001) 590),

— having been consulted by the Council pursuant to Article 37 in conjunction with Article 300(2) and the first subparagraph of Article 300(3) of the EC Treaty (C5-0555/2001),
having regard to Rules 67 and 97(7) of its Rules of Procedure,

having regard to the report of the Committee on Fisheries and the opinions of the Committee on Budgets and the Committee on Development and Cooperation (A5-0426/2001),

1. Approves the Commission proposal as amended;

2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;

3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;

4. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;

5. Instructs its President to forward its position to the Council and Commission.

28. Role of flags of convenience

A5-0405/2001

European Parliament resolution on the role of flags of convenience in the fisheries sector (2000/2302(INI))

The European Parliament,

− having regard to Rule 163 of its Rules of Procedure,

− having regard to the report of the Committee on Fisheries and the opinion of the Committee on Regional Policy, Transport and Tourism (A5-0405/2001),

A. noting with alarm the increasing use being made of flags of convenience in the fishing industry, with severe impact for the marine ecosystem and for social and working conditions for the crews on board,

B. recognising the ways in which the Agreement on the implementation of the provisions of the UN Convention on the Law of the Sea of 10 December 1982 which relate to the conservation and management on straddling fish stocks and highly migratory fish stocks will provide increased pressure upon flag states to assume their responsibilities by monitoring and controlling the activities of vessels flying their flag, and hence the importance of the entry into force as soon as possible of the Agreement,

C. whereas the Member States should act to discourage the transfer of fishing vessels from their registers to registers of FOC countries,

D. whereas public money should not be used to fund the transfer of fishing vessels to FOC registers,

E. noting the import bans imposed by the International Commission for the Conservation of Atlantic Tunas (ICCAT) on tuna and swordfish caught by vessels flying certain flags of convenience, as well as other undertakings such as the establishment of registers listing vessels which are authorized to fish in the ICCAT Regulatory Area,

F. recognising that FOC fishing vessels rely heavily on transport vessels at sea, in order to avoid the need to go into harbours to resupply or to offload their catches,
1. Points out that the use of flags of convenience is generally motivated by a desire to minimise costs and circumvent certain tax regulations by means of complex legal devices and results in numerous difficulties with regard to the attribution of responsibility in the event of illegal fishing, accidents at sea and, in general, with regard to compliance with the competition rules to which sea transport is subject;

2. Strongly condemns all those engaged in the FOC fishing industry, including its attendant transport vessels, for its impact on fish stocks and species caught as bycatch, for its treatment of crew in terms of working conditions, wages and safety standards, and for the unfair competition it poses to those legitimate fishing vessels which respect the relevant management measures;

3. Urges those Member States which have not completed ratification procedures of the UN Fish Stocks Agreement to do so as rapidly as possible;

4. Welcomes the FAO International Plan of Action on Illegal, Unreported and Unregulated Fishing and encourages all governments, including those of the Member States, to implement it rapidly and in its entirety;

5. Calls on the Member States to refuse to remove vessels from their shipping registers if they are being exported to non-member countries which have been identified by the relevant regional fisheries organisations as countries that permit fishing in a manner which jeopardises the effectiveness of international conservation measures;

6. Calls on the Commission and the Council to look again at the possibility of establishing a European system for the registration of ships (a European shipping register), to operate in tandem with port State control;

7. Congratulates the governments and fishing industries of Japan and Taiwan for the innovative programme that they have introduced to repatriate or scrap over 125 large-scale tuna longliners which have been fishing under flags of convenience; congratulates also the government of South Africa for banning the landing of fish in its ports and harbours by FOC vessels; notes in addition the innovative proposal incorporated by Spain into its domestic law which specifies the countries and territories which, on account of their failure to assume their responsibilities under international law by not effectively exercising the requisite jurisdiction and control over their fishing vessels, are to be regarded as providing flags of convenience for fishing purposes;

8. Condemns the practice of some states, of temporarily incorporating in their register vessels known to have engaged in FOC fishing, a practice tantamount to laundering; considers that such practice is unacceptable in a situation with excess of fishing capacity;

9. Calls on the Commission, in the context of the accession negotiations, to ensure that the candidate countries incorporate into their national law Community rules on safety at sea;

10. Urges all Member States to vigorously apply all provisions of Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy, including comprehensive inspections in harbours before allowing fish to be offloaded;

11. Calls on the European Union to draw up and implement, as soon as possible, a regulation designed to prevent ships flying flags of convenience from circumventing strict rules and controls with regard to safety at sea, the protection of the marine environment in general and fish stocks in particular, and Community rules, compliance with which is also a guarantee of safety and compliance with international competition rules;

12. Calls for a strict reinforcement of control measures and Community compulsory minimum safety rules;

13. Calls on the EU and the Member States to ask the International Maritime Organisation (IMO) to review, as a priority and a matter of urgency, control measures on the application of international rules, both with respect to flag states and port states, in line with the measures proposed by the Commission that are about to be adopted in the ‘Erika’ I and II packages;

14. Recalls that, although a year and a half has passed since the Erika accident and despite the acceleration of the relevant process by the European Parliament, the Erika I package of measures on safety at sea and, in particular, the directives on shipping registers and port State control, have still not been implemented; calls, therefore, on the Council, in cooperation with the European Parliament, to adopt and implement these measures as soon as possible;

15. Calls on the Commission to propose, within three months, amendments to Regulation (EEC) No 2847/93 to allow landing of fish only after it has been demonstrated that it was caught in compliance with the management measures adopted by any relevant regional fisheries organisation and other relevant international instruments such as the UN Agreement;

16. Calls on the Commission to incorporate into its internal rules the list of FOC states and territories which has been drawn up by the regional fisheries organisations (CICCA, NAFO, CEPANE and CCRVMA) as a necessary source of legal security and to ensure that the list is also used to prevent the payment of subsidies in respect of the setting up of joint ventures involving vessels to be registered in the states and territories which appear on that list; calls for bilateral talks to be initiated with the states and territories in question with a view to discouraging flagging by countries which do not intend to assume their international responsibilities as a flag state;

17. Urges the Commission to adopt Community trade and customs laws which will seal off all the Member States’ markets against the products of illegal fishing, which may arrive by sea (either directly in fishing vessels or in merchant vessels), by air or over land; considers that for this purpose, customs control procedures will have to be established which will enable a tally to be kept in real time of imports of the fisheries resources regulated by the regional fisheries organisations, so as to ensure that the quotas allocated within those organisations are not exceeded;

18. Calls on the Commission and the Council to lend their support to any initiative which, pursuant to the International Right of the Sea, leads to the establishment of transparent and non-discriminatory criteria indicating the minimum requirements for recognising the assumption of responsibility and duties by a flag state for fishing purposes and which should, a sensu contrario, enable flags of convenience to be identified at international level;

19. Urges the Commission to propose, within three months, measures to make it a violation for natural or legal persons in the Community to trade in fish or fish products which have been derived by fishing under flags of convenience;

20. Encourages ICCAT and other regional fisheries organisations, for tuna and other species, to cooperate in their attempts to eliminate fishing under flags of convenience; approves, in particular, of the establishment and dissemination of lists of vessels which are authorized to fish in the respective zones as well as the imposition of non-discriminatory trade restrictive measures;

21. Calls on the Commission and the Council to use the revision of the Multiannual Scheme of Generalised Tariff Preferences for the period 1 July 1999 to 31 December 2001, in order to establish the highest possible tariffs for products coming from third countries which have been identified as FOC states;

22. Requests the Commission to propose an amendment to add to the list of serious offences under the CFP those infringements of fisheries management measures which are committed by Community nationals on board FOC fishing and transport vessels;

23. Instructs its President to forward this resolution to the Council and Commission.
29. Production and marketing of honey

A5-0381/2001


The European Parliament,

- having regard to the Commission report (COM(2001)70 — C5-0398/2001),
- having regard to Rule 47(1) of its Rules of Procedure,
- having regard to the report of the Committee on Agriculture and Rural Development (A5-0381/2001),

A. having regard to the noteworthy and essential contribution which bees make to the environment and farming through pollination, and, hence, to the multifunctional role of bee-keeping in the agricultural economy, rural development and environmental equilibrium,

B. whereas the situation of bee-keepers has seriously deteriorated over the past year, and whereas this is not yet reflected in the statistics provided in the Commission's report,

C. whereas the European Union's degree of self-sufficiency in honey has been in steady decline for several years now (47.4% in 1999),

D. having regard to the urgent cries for help sent out by the European bee-keeping sector, which is increasingly facing structural problems that are forcing an alarming number of bee-keepers out of business and jeopardising the establishment and improvement of apiaries, which are of essential importance both in social and environmental terms, given that they enable wild and cultivated plants throughout the Union to be pollinated,

E. whereas the Commission does not appear to be aware of the implications of the real threat this poses to the balance of the European ecosystem,

F. whereas the fact that production costs for European bee-keepers are higher than those of their competitors in non-member countries and there is no Community preference in the sector is steadily undermining the economic viability of apiaries; whereas the EU cannot cope with the keener competition from cheap imported honeys without casting doubt on its agricultural and social model,

G. whereas extremely serious damage has been caused to bee populations in several Member States by systemic insecticides with extremely long residual activity periods used in arable seed coatings, which have led to the mass poisoning of colonies,

H. whereas it has been established that the continued use of these arable crop treatment products contaminates plants and the soil and causes behavioural alterations in bees and the loss of up to 60% of bee populations and the same percentage of honey production,

I. whereas varroasis is considered by the World Organisation for Animal Health to be a transmissible disease 'of socio-economic and/or public health importance' that is 'significant in the international trade of animals and animal products',

J. whereas honey is a quality agricultural product and one of the few products listed in Annex I to the Treaty not to be covered by a complete regulatory framework and direct support under the CAP,
K. whereas honey and the other apiculture products, namely royal jelly, pollen and propolis are high-quality agricultural products of great value to human beings both in nutritional terms and as a means of guarding against illness,

L. whereas the national programmes implemented under Regulation (EC) No 1221/97 in order to improve the conditions under which honey is produced and marketed are to date still the only (indirect) support measures applying to the sector,

M. whereas an analysis of these national programmes to improve the conditions under which honey is produced and marketed shows that Regulation (EC) No 1221/97 is interpreted in a far from uniform way by the various Member States; whereas, at the same time, the appropriations are underused by some Member States and used to replace national funding already granted with Community funding,

1. Notes that the programmes cofinanced by the EU under Regulation (EC) No 1221/97 have qualitative and quantitative shortcomings and have proved incapable of preventing the deterioration of the situation facing European beekeepers as markets open up and become more global;

2. Expresses concern at the fact that the production and marketing of honey in the Union are hampered by long-standing structural deficiencies, while the pollination of plants by bees, which must continue in all areas in order to obviate any adverse effects on the environment and rural development, is under threat; maintains that urgent action should be taken to enable the sector to cope financially with the genuine crisis which it is currently experiencing, involving for example a more flexible interpretation of Regulation (EC) No 1221/97, which would allow programmes which meet the need to ensure the sector’s survival to be cofinanced;

3. Condemns the US trade authorities’ imposition of anti-dumping duties on imports of honey from Argentina and China – the EU’s main suppliers – which is resulting in greater pressure from such products on the Community market, leading to falling prices and lower income levels for European beekeepers;

4. Deplores the fact that the Commission sees no need to alter Council Regulation (EC) No 1221/97 or Commission Regulation (EC) No 2300/97 and that the only proposal put forward in report COM(2001) 70, subsequently implemented under Regulation (EC) No 704/2001, is to simplify the management of the existing budgetary framework;

5. Calls for honey to be incorporated into veterinary policy, particularly as regards the appropriations allocated to combating varroasis;

6. Considers that honey ought to be covered by Community-funded specific promotion and marketing support measures in view of the nutritional value of apiculture products and the official statements advocating a food policy laying the emphasis on quality;

7. Insists that the marketing and quality standards applicable to all types of honey marketed in the EU should provide for proper consumer information as regards blended and non-Community honeys, whereby, for example, the labelling would have to state the country of origin and bear specific quality indications;

8. Believes that, in anticipation of the forthcoming mid-term review of Agenda 2000, the Commission must study and propose new ways to promote the production and marketing of honey to enable European apiaries to survive and make a profit, thus helping to place Community support on a more comprehensive, effective, and fairer footing;

9. Calls in particular on the Commission, when it carries out the mid-term review of Agenda 2000, to submit a financial and economic impact study, together with legislative proposals if necessary, on the implementation of the following measures: funding to help control varroasis and other bee diseases as part of veterinary policy, so as to offset the significant implications of ad hoc health costs; a per-hive
pollination premium for all European bee-keepers to maintain the bee population at a sufficient level for bees to perform their environmental function; and an annual premium, to be paid through the producer organisations, to compensate for income losses, which would be calculated by multiplying the average honey production per hive in the European Union by the difference between average production prices and export prices;

10. Calls, pending the introduction of these measures, for aid for all action aimed at rebuilding bee populations — such as the purchase of queen bees, the purchase of queen bee rearing equipment, support for training apiaries and the specialisation of some apiaries in the rearing of bees — to be declared eligible under the current regulation;

11. Believes, bearing in mind its role in the EU’s less favoured rural areas, that bee-keeping needs to be encompassed within the system of compensatory allowances per hectare provided for in Regulation (EC) No 1259/1999, to be achieved by converting hives into large animal units (LUs);

12. Calls for the scope of the existing regulatory framework to be widened to include specific (internal and external) promotion measures for high-grade honey and measures to improve the joint marketing of honey;

13. Considers that the budget resources allocated to bee-keeping under Regulation (EC) No 1221/97 fall short of what is required and, pending the forthcoming review and the new financial perspective to be drawn up, believes that the overall budget must gradually be increased both to finance new measures and to raise the percentage of Community funding and enable measures to be implemented more consistently and fairly;

14. Calls on the Commission to ensure compliance with the principle of additionality of Community funds for bee-keeping and that Member States do not use Community support to replace the national funding already granted by their official bodies to aid the sector;

15. Calls for more broadly defined criteria to be used to determine which expenditure and investment are eligible for aid under the national programmes, on the understanding that the Commission must ensure that all the Member States show the same degree of flexibility in their interpretations so as to enable the production and marketing of honey to proceed without distortions;

16. Considers it essential to improve and standardise national statistical tools, with a view to quoting producer prices, calculating production costs and supplying real-world data on population trends, which take account of the rebuilding of populations between January and December each year by setting up national monitoring centres in which producer organisations should be called upon to play a role;

17. Calls on the Commission and the Member States to ensure that procedures for the approval of plant protection products take account of the effects on bees (death or behavioural alterations), and that the precautionary principle is applied in this area;

18. Looks to the Member States to make the proper authorities work together more actively with representative organisations and cooperatives in the bee-keeping sector for the purposes of drawing up and administering the national programmes in order to enhance their effectiveness and provide transparency;


20. Calls on the Commission to launch a large-scale awareness-raising and information campaign aimed at the Member States and bee-keeper organisations, with a view to ensuring that better use is made of the opportunities afforded both by Regulation (EC) No 1221/97 and by the appropriations available under rural development programmes;

21. Instructs its President to forward this resolution to the Council and Commission.
30. New European labour markets

A5-0375/2001


The European Parliament,

– having regard to the communication from the Commission (COM(2001) 116 — C5-0188/2001),
– having regard to its resolution of 31 May 2001 on that communication (1),
– having regard to the communication from the Commission entitled ‘Acting locally for employment — a local dimension for the European employment strategy’ (COM(2000) 196),
– having regard to its resolution of 30 November 2000 on that communication (2),
– having regard to the communication from the Commission entitled ‘An action plan for free movement of workers’ (COM(1997) 586),
– having regard to its resolution of 16 July 1998 on that communication (3),
– having regard to the conclusions of the European Councils of Lisbon of 23/24 March 2000 and of Stockholm of 23 and 24 March 2001,
– having regard to Articles 39 and 40 of the EC Treaty,
– having regard to the opinion of the Economic and Social Committee,
– having regard to Rule 47(1) of its Rules of Procedure,
– having regard to the report of the Committee on Employment and Social Affairs and the opinion of the Committee on Culture, Youth, Education, the Media and Sport (A5-0375/2001),

A. whereas the free movement of persons is a fundamental right of citizens of the European Union, which is also stated as an individual right in the Charter of Fundamental Rights of the European Union, and which has not yet been fully carried into effect,

B. whereas the free movement of persons is an essential prerequisite for the creation of a European labour market, with particular reference to frontier workers and also in anticipation of the Union’s forthcoming enlargement,

C. whereas the free movement of persons within the European Union can only be fully achieved if people who move from one country to another can be certain that they will not lose their social security entitlements,

D. whereas, according to the Commission’s communication, mobility of European Union nationals within the EU is a phenomenon that involves fewer than 0.4% of the resident population, of whom 0.2% are returning nationals,

E. whereas, however, the concept of mobility in Europe, and hence the phenomenon itself, is not comparable with its counterpart in the US because of linguistic differences, differences in circumstances and, above all, cultural differences,

F. whereas as a general rule, however, the free movement of persons between the States of the European Union offers increased opportunities to employers and to employees, given the existence of certain rights in relation to employment, remuneration and social services which are recognised in principle at least throughout Union territory, in line with the admirable precepts set out in the Charter of Fundamental Rights; whereas the aim is to ensure that workers are not placed at a disadvantage, irrespective of whether their work falls into the category of ‘typical’ or ‘atypical’,

G. whereas the above considerations are particularly relevant in the light of the forthcoming enlargement of the Union, which raises the question of the mobility of residents of the current CEECs (and prospective Member States) and the strong possibility of migration into the current CEECs, in particular from neighbouring non-member countries,

H. whereas, moreover, arrangements to encourage labour mobility within individual Member States and, indeed, within their constituent regions are not strongly developed or likely to give rise to what the Commission calls ‘virtual mobility’,

I. whereas, therefore, there are still serious obstacles to the free movement of workers, starting with the accessibility and transparency of economic and social information, which are compounded, in the case of persons moving to a state other than their state of residence, by linguistic, cultural and educational obstacles and others connected with the recognition of skills and qualifications,

J. whereas the Commission has already analysed these obstacles on various occasions, inter alia in connection with the 1997 Action Plan (report of the High Level Group chaired by Simone Veil) which culminated in the report on obstacles to cross-border mobility of February 2001,

K. whereas the objective must not be to create greater mobility of labour solely for particular highly-qualified workers in categories in which there is a shortage, but whereas the obstacles to freedom of movement must be removed in all strata and sectors of the labour market;

L. whereas the decisions taken at the Lisbon European Council (March 2000), reinforced by the plan submitted to the Stockholm European Council (March 2001) to remove obstacles to the free movement of labour in the European Union by 2005, call for a new Commission initiative specifically to promote mobility,

M. whereas, however, the Commission’s action in this field should aim to improve the situation of workers taking advantage of freedom of movement while also significantly increasing the number of such workers, bearing in mind that mobility should be a choice freely decided upon by the person concerned, who should not be penalised if he decides not to opt for mobility and to remain in his country of residence instead,

N. whereas, furthermore, the encouragement of mobility should not imperil the development of less-favoured regions by encouraging a ‘brain drain’ which could aggravate existing imbalances between the regions of the European Union, thus undermining the European Community’s declared objective of reducing disparities between the various regions’ respective levels of development as laid down in Article 158 of the EC Treaty,

O. whereas, finally, encouraging mobility could be an additional factor in the fight against unemployment and a means of redressing the skills shortage in certain sectors by complementing or supplementing — but certainly not replacing — local, regional or national initiatives to promote employment,

P. whereas the need to promote mobility should be borne actively in mind when all legislation is being considered, including especially employment and social legislation,

Q. whereas improving citizens’ proficiency in Community languages other than their mother tongue(s) is an essential step towards creating a more integrated European employment market,
R. whereas, given that the population of Europe is ageing, mobility must embrace all age groups,

S. whereas, if Europe is to become ‘the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion’, more Europeans must become competent in the new information and communications technologies,

T. whereas the sharing of best practice would help to improve the quality of education and training systems in the Member States,

U. whereas, as many of the petitions received by the Parliament make plain, some obstacles to free movement of workers stem from shortcomings in the application of Community law by Member States,

V. whereas the European institutions should themselves set a good example in eliminating obstacles to transnational mobility,

1. Welcomes this new initiative by the Commission to promote mobility; stresses, however, that the abovementioned 1997 Action Plan had the same objective but was only partially implemented; hopes that this initiative will go beyond the stage of identifying obstacles and will lead to an action plan with clear objectives which will have a substantial and more obvious impact on citizens’ lives;

2. Calls on the Commission to draw up summaries of existing Community legislation on free movement, the right of residence and mutual recognition of professional, academic and vocational qualifications, and to ensure that, through its information campaign, these are disseminated widely;

3. Calls on the Commission to submit, well ahead of the European Council in Spring 2002, an action plan of this type together with proposals for legislation on, inter alia, the recognition of qualifications and skills and the ‘portability’ of social security entitlements, with particular reference to supplementary pensions, as the gaps in provision in these areas were identified long ago;

4. Calls on the Commission to enforce more rigorously existing Community law on mutual recognition of qualifications by more speedy referral to the Courts of First Instance and Justice of persistent breaches of such law by the public authorities in Member States;

5. Welcomes the Council’s Mobility Action Plan, which presents proposals for removing barriers to mobility, and the priority which the Council intends to accord to it; points out that mobility must be a choice freely decided upon by the person concerned, who shall not be penalised if she or he decides not to opt for mobility and to remain in her or his country of residence instead;

6. Welcomes the Commission’s intention to submit proposals designed to create a more transparent system for mutual recognition of professional, academic and vocational qualifications;

7. Calls on the Commission to present its proposals for ‘further policy initiatives and recommendations’ in the form of a proposal for a recommendation or a series of recommendations rather than in the form of an action plan;

8. Hopes that by the end of 2002, in line with the conclusions of the European Councils of Santa Maria da Feira and Nice and in response to the conclusions of the Stockholm European Council, the Member States will reach agreement on the question of the ‘fiscal package’ and the tax disadvantages affecting cross-border workers;

9. Urges the Council to take a decision as soon as possible on the mandate given by the Stockholm European Council to draw up parameters with a view to modernising Regulation (EEC) No 1408/71 on the coordination of social security systems, in order to enable the Council and the European Parliament to accelerate final adoption, and also to include third country nationals by the end of 2002;
10. Notes the setting up of a Skills and Mobility Task Force; asks to be informed regularly of the work of the task force; asks the Commission also to forward to Parliament the action plan which it intends to submit to the Spring 2002 European Council so that it can deliver an opinion before the Council;

11. Asks the Commission to instruct the Skills and Mobility Task Force to study the impact of the new information technology and innovations in the organisation of work which enable undertakings to practise tele-working; asks also for more specific ideas on promoting mobility for the elderly, the handicapped, and other disadvantaged groups;

12. Calls on the Commission to require the Task Force, set up to examine the drivers and characteristics of the new European labour markets, to provide a set of policy initiatives to ensure that these markets are open to all;

13. Calls on the Commission also to produce as a matter of urgency a thorough qualitative study on the possible distortions of the labour market which might result from the significant increase in labour migration which is principally emerging and may be expected to develop further in particular regions (especially border regions) and sectors (those with a high degree of mobility such as the construction and transport sectors); considers that such a study must not confine itself to what goes on within the legal forms of freedom of movement for workers, but must take particular account of those forms of free movement of services and establishment (particularly by self-employed people who are not really self-employed or independent), forms of subcontracting and cross-border temporary work, and illegal moonlighting, which are a serious obstacle to the proper treatment of migrant or border workers;

14. Suggests to the Commission that it is appropriate for the Member States’ national action plans to contain forecasts of and practical support for mobility within national territory and within national regions, while providing for regional and local bodies to be involved to a more significant extent in the drafting of the national action plans in question;

15. Calls on the Commission, now that the time available to the social partners to come to an agreement in the context of the social dialogue has expired, to submit as a matter of urgency a legislative proposal on temporary work, based on the principle that temporary workers should receive the same treatment as those in regular employment with the firms making use of their services; considers that a directive on temporary work is important, in the same way as the directives on part-time work and fixed-term contracts, in order to create a level playing field in the European Union as regards ‘atypical employment’;

16. Asks the Council and the Commission for the opportunity to assess in advance of the Spring 2002 European Council the planned report containing the detailed programme of work concerning the objectives of the education and training systems, with particular reference to the accessibility of the latter to migrant workers from non-member countries or to workers moving between Member States;

17. Also asks, by the end of 2002, to be instructed by the Council and the Commission to assess the indicators specified by the Stockholm European Council with a view to setting up in the Member States welfare services for children and family protection schemes;

18. Calls on the Commission to submit a proposal, in conjunction with the Sixth Framework Programme on Research which is due to be adopted by June 2002 in codecision with Parliament, to formulate a specific strategy on mobility inside the European Research Area, while urging the Member States to pool their ideas and experience and to strengthen research and development, inter alia by means of economic incentives and EIB actions, with particular reference to disadvantaged regions of the Union;

19. Welcomes the Commission’s proposal to overhaul the European Employment Service (EURES) network; calls also on Member States to ensure that the careers advisory services they support are able to advise their clients about careers opportunities in other Member States;
20. Welcomes the idea of setting up a ‘one-stop’ site for information on mobility in Europe; stresses, however, that care should be taken when setting up such a site to ensure that it is integrated with EURES and e-SCHOLA and, to help the network become operational more swiftly, with any existing systems in the Member States, which are similar in some or all respects, while offering regional and local bodies and their employment offices greater possibilities of actively participating;

21. Calls on the Commission to suggest to the candidate countries that they participate in the project in question, possibly by incorporating it in the action plan for e-Europe 2002;

22. Calls on the Commission, in view of the fact that the activities of the third sector already have a significant international dimension, the impact the sector has at local level and the significant contribution it makes to increasing typical and atypical employment, to consider the possibility of laying down, in concert with the representatives of the sector, a basic system of Community rights for persons working in the sector;

23. Welcomes the Commission’s commitment to proposing an action plan on lifelong education and training;

24. Welcomes the Commission’s action plan on e-Learning, which seeks to help schools and educational institutions in Europe adapt to the new information and communications technologies and to promote wider access to these technologies;

25. Welcomes the adoption by the Council of the Commission’s report on ‘The concrete future objectives of education systems’ and the commitment of Member States to an exchange, through the open coordination method, of best practice in reforming educational systems;

26. Welcomes the initiative to establish a Task Force with a view to implementing programmes in connection with the Recommendation on ‘mobility of students, persons undergoing training, young volunteers, teachers and trainers within the Community’;

27. Calls on the European institutions to set a good example by reforming the conditions of employment and remuneration of officials and other employees of the European institutions, so as to facilitate, for example, the transfer to the Community pension scheme of pension rights acquired in previous employment;

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

31. Regional and lesser-used European languages

B5-0770, 0811, 0812, 0814 and 0815/2001

**European Parliament resolution on regional and lesser-used European languages**

The European Parliament,

— having regard to Decision No 1934/2000/EC of the European Parliament and the Council of 17 July 2000, establishing the European Year of Languages 2001 (¹),

— having regard to the Council Resolution of 23 November 2001 on Linguistic Diversity and Language Learning,

— having regard to Article 22 of the Charter of Fundamental Rights of the European Union, which guarantees linguistic diversity,

having regard to its previous resolutions on regional or minority languages, including those on:

- a Community Charter of Rights of Ethnic Minorities (16 October 1981) (1),
- measures in favour of minority languages and cultures (11 February 1983) (2),
- languages and cultures of regional and ethnic minorities in the European Community (30 October 1987) (3),
- the situation of languages in the Community and the Catalan language (11 December 1990) (4),

A. whereas all the European languages are equal in value and dignity and are an integral part of European culture and civilisation,

B. whereas linguistic diversity must be preserved and multilingualism promoted in the Union, with equal respect for the languages of the Union, and with due regard to the principle of subsidiarity,

C. whereas at least 40 million citizens in the Union regularly use a regional or lesser-used language, accounting for more than 60 European regional or lesser-used language communities,

D. having regard to the initiative of the Council and the Commission on promoting the European Year of Languages, and welcoming in particular the participation of regional or lesser-used language communities across the European Union,

E. whereas the principal objectives of the European Year of Languages were to raise awareness of the richness of linguistic diversity within the European Union, to bring to the notice of the widest possible public the advantages of competencies in a range of languages as a key element in personal development and intercultural understanding, to encourage lifelong learning of languages and related skills by all persons legally residing in the Member States, whatever their age, background or education, and to collect and disseminate information about the teaching and learning of languages,

F. whereas languages must be used in order to stay alive; this includes their use in new technologies and the development of new technologies such as translation software,

G. having regard to the important contribution lesser-used language communities will be able to make in the context of the Future of Europe debate,

H. whereas the Commission has agreed to look into the possibility of presenting a draft programme with the objective of promoting and safeguarding minority and regional languages,

1. Reaffirms that the Member States and the Commission must take measures to enable all citizens to learn languages for purposes of communication as a basis for improved mutual understanding and tolerance, personal mobility and access to information in a multilingual and multicultural Europe;

2. Stresses the importance for Europe of ensuring provision of lifelong language learning;

3. Urges the Commission to submit, by 31 December 2002 at the latest, a detailed report evaluating the results of the European Year of Languages and giving an overall assessment thereof, including factual information, with particular emphasis on regional and lesser-used languages;

(2) OJ C 68, 14.3.1983, p. 103.
4. Calls on the Commission to propose measures to promote linguistic diversity and language learning;

5. Calls for the Commission to build on the work done as part of the European Year of Languages (2001) towards a multiannual programme on languages before the end of 2003, and to earmark funding within this programme for regional or lesser-used languages;

6. Requests that, with reference to enlargement of the European Union, the Council and the Commission require candidate countries to respect regional or minority languages and cultures and to respect fully Article 22 of the Charter of Fundamental Rights, and to adhere to paragraphs 1.1 and 1.2 of the Annual Reports on Progress towards Accession; considers also that the European Union has a responsibility to support the member and candidate countries in developing their cultures and protecting linguistic diversity within their borders;

7. Points to the fact that it has voted EUR 1 million for preparatory action on the promotion and safeguarding of regional and lesser-used languages, dialects and cultures in the 2002 Budget; insists that the Commission ensure that it is put to good use, and calls on the Commission to find a basis for the continued funding of promotion and safeguarding of regional and lesser-used languages, dialects and cultures;

8. Calls on the Council to ensure that implementation of Article 22 of the Charter of Fundamental Rights is on the agenda for the next Intergovernmental Conference;

9. Calls on those Member States that have not done so to sign and ratify the European Charter on Regional and Minority Languages;

10. Instructs its President to forward this resolution to the Commission, the Council, the Committee of the Regions and the parliaments and assemblies of the Member States, as well as to the European Bureau for Lesser-Used Languages.
2001-2002 SESSION

Sitting of 17 December 2001

PAUL-HENRI SPAAK BUILDING — BRUSSELS

MINUTES

PROCEEDINGS OF THE SITTING

IN THE CHAIR: Mrs FONTAINE

President

1. Resumption of session

The sitting opened at 15.05.

2. Approval of Minutes of previous sitting

The Minutes of the previous sitting were approved.

Concerning the vote on the agenda for the beginning of the sitting, Mrs Buitenweg asked exactly what text Parliament would be voting on, whether the text was the same as the one in respect of which urgent procedure had been adopted at the sitting of Thursday 13 December (Item 4 of that day’s Minutes), whether it had in the meantime been altered by the European Council, and whether there would be a debate on this subject.

The President replied that the text was the one dealing only with the European arrest warrant.

3. Agenda

The President announced that a corrigendum to that day’s agenda had been distributed, pursuant to Rule 110.

4. European arrest warrant and the surrender procedures between the Member States * (procedure without report)

Proposal for a Council Framework Decision on the European arrest warrant and the surrender procedures between the Member States (14867/1/01 — C5-0675/2001 — 2001/0215(CNS)) — Committee on Citizens’ Freedoms and Rights, Justice and Home Affairs

(Simple majority)

referred to responsible: LIBE
opinion: JURI

The President announced that she had received under Rule 114(2) a motion from 34 Members opposing application of the procedure without debate on this subject.

Having examined the matter carefully, she considered, given that it had been decided to apply the procedure without report under Rule 158(1), that the proposal should be referred back to the committee responsible.
5. End of Mrs Fontaine’s term of office

The President, who was chairing the sitting for the last time as her term of office was coming to an end, thanked Parliament for entrusting her with the Presidency, the Secretary-General and all those in Parliament who had worked with her during her term of office.

(Parliament gave the President a standing ovation).

The following thanked and congratulated the President for her endeavours throughout her Presidency: Verhofstadt, President-in-Office of the European Council, Prodi, President of the Commission, Poettering, on behalf of the PPE-DE Group, Barón Crespo, on behalf of the PSE Group, Cox, on behalf of the ELDR Group, Hautala, on behalf of theVerts/ALE Group, Wurtz, on behalf of the GUE/NGL Group, Collins, on behalf of the UEN Group, Bonde, on behalf of the EDD Group, and Garaud, Non-attached Member.

6. European Council meeting of 14/15 December 2001 in Laeken — Belgian Presidency

The next item was a joint debate on a European Council report and Council and Commission statements.

Mr Verhofstadt, President-in-Office of the European Council, introduced the European Council report on the European Council meeting of 14 and 15 December 2001 in Laeken and made a statement outlining the activities of the Belgian Presidency, and Mr Prodi, President of the Commission, made a statement on the European Council meeting in Laeken.

The following spoke: Poettering, on behalf of the PPE-DE Group, Barón Crespo, on behalf of the PSE Group, Cox, on behalf of the ELDR Group, Lannoye, on behalf of theVerts/ALE Group, Wurtz, on behalf of the GUE/NGL Group, Collins, on behalf of the UEN Group, Bonde, on behalf of the EDD Group, Dupuis, Non-attached Member, and Thyssen.

IN THE CHAIR: Mr IMBENI

Vice-President

The following spoke: David W. Martin, Duff, Staes, Kaufmann, Angelilli, Saint-Josse, Frank Vanhecke, Jonathan Evans, Dehousse, Sterckx, Frassoni, Frahm, Belder, Berthu, Nissauer and Hânsch.

IN THE CHAIR: Mrs FONTAINE

President

The following spoke: Mr Verhofstadt, who first apologised for not being able to stay until the end of the debate as he and the President of the Commission had to attend the Canada-EU Summit and then answered questions put by Members, and Mr Prodi.

Mr Caveri spoke.

IN THE CHAIR: Mr David W. MARTIN

Vice-President


The President closed the debate.
7. Dates for next sittings

The President announced that the next sittings would be held from 14 to 17 January 2002.

8. Closure of sitting

The sitting closed at 19.45.

Julian Priestley  
Secretary-General

Mário Soares  
Oldest Member
ATTENDANCE REGISTER

The following signed: