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EUROPEAN PARLIAMENT

2012-2013 SESSION

Sittings of 10 to 13 December 2012

The Minutes of this session have been published in OJ C 77 E, 15.3.2013.

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Key to symbols used

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

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

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EUROPEAN PARLIAMENT

2012-2013 SESSION

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TEXTS ADOPTED
Completing the digital single market


The European Parliament,

— having regard to the Commission communication of 3 October 2012 to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions entitled ‘Single Market Act II’ (COM(2012)0573),

— having regard to the proposal of 4 June 2012 for a Regulation of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market (COM(2012)0238),

— having regard to the Commission communication of 29 May 2012 entitled ‘Consumer Scoreboard shows where consumer conditions are best in Europe — Seventh edition of the Consumer Conditions Scoreboard’ (SWD(2012)0165),

— having regard to its resolution of 22 May 2012 on a strategy for strengthening the rights of vulnerable consumers (1),

— having regard to its resolution of 22 May 2012 on the Internal Market Scoreboard (2),

— having regard to the Commission communication of 22 May 2012 to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions entitled ‘A European Consumer Agenda — Boosting confidence and growth’ (COM(2012)0225),


— having regard to the Commission communication of 2 May 2012 entitled ‘European Strategy for a Better Internet for Children’ (COM(2012)0196),

— having regard to the Commission communication of 20 April 2012 entitled ‘A strategy for e-procurement’ (COM(2012)0179),

— having regard to the proposal of 25 January 2012 for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) (COM(2012)0011),

having regard to the Commission communication of 11 January 2012 entitled ‘A Coherent framework for building trust in the Digital Single Market for e-commerce and online services’ (COM(2011)0942),

— having regard to its resolution of 15 November 2011 on a new strategy for consumer policy (1),

— having regard to its resolution of 15 November 2011 on online gambling in the internal market (2),


— having regard to its resolution of 25 October 2011 on mobility and inclusion of people with disabilities and the European Disability Strategy 2010-2020 (4),

— having regard to the proposal of 19 October 2011 for a Regulation of the European Parliament and of the Council establishing the Connecting Europe Facility (COM(2011)0665),


— having regard to its resolution of 5 July 2011 on a more efficient and fairer retail market (5),

— having regard to the Commission Staff Working Paper of 7 April 2011 entitled ‘Consumer Empowerment in the EU’ (SEC(2011)0469),


— having regard to the Commission communication to the European Council entitled ‘Europe 2020, a strategy for smart, sustainable and inclusive growth’ (COM(2010)2020),

— having regard to its resolution of 15 December 2010 on the impact of advertising on consumer behaviour (6),

— having regard to its resolution of 21 September 2010 on completing the internal market for e-commerce (7),


— having regard to the ECJ judgments on Google (Joined Cases C-236/08 to C-238/08, judgment of 23 March 2010) and BergSpecht (Case C-278/08, judgment of 25 March 2010), which define the notion of the ‘normally informed and reasonably attentive internet user’ as being the standard internet consumer,

— having regard to Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (9),

(1) Texts adopted, P7_TA(2011)0491.
(2) Texts adopted, P7_TA(2011)0492.
(3) OJ L 304, 22.11.2011, p. 64.
— having regard to its resolution of 9 March 2010 on consumer protection (1),

— having regard to its resolution of 25 October 2011 on mobility and inclusion of people with disabilities and the European Disability Strategy 2010-2020 (2),


— having regard to the Monti report of 9 May 2010 on a new strategy for the single market,

— having regard to the analytical report entitled ‘Attitudes towards cross-border sales and consumer protection’ published by the Commission in March 2010 (Flash Eurobarometer 282),

— having regard to the Commission communication of 22 October 2009 on cross-border business to consumer e-commerce in the EU (COM(2009)0557),

— having regard to the ‘Mystery shopping evaluation of cross-border e-commerce in the EU’, a study conducted on behalf of the Commission’s DG SANCO by YouGovPsychonomics and published on 20 October 2009,

— having regard to the Commission Staff Working Document of 22 September 2009 on the follow up in retail financial services to the Consumer Markets Scoreboard (SEC(2009)1251),

— having regard to the communication of 7 July 2009 from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a harmonised methodology for classifying and reporting consumer complaints and enquiries (COM(2009)0346), and to the accompanying draft Commission recommendation (SEC(2009)0949),

— having regard to the Commission communication of 2 July 2009 on the enforcement of the consumer acquis (COM(2009)0330),


— having regard to its resolution of 5 February 2009 on international trade and the internet, (3)


— having regard to its resolution of 3 September 2008 on how marketing and advertising affect equality between women and men (5),

— having regard to its resolution of 21 June 2007 on consumer confidence in the digital environment (6),

(2) Texts adopted, P7_TA(2011)0453.
(3) OJ C 67 E, 18.3.2010, p. 112.


— having regard to Article 20(2) of Directive 2006/123/EC of 12 December 2006 on services in the internal market (3),

— having regard to its resolutions of 23 March 2006 on European contract law and the revision of the acquis: the way forward (4) and of 7 September 2006 on European contract law (5),

— having regard to the Commission communication on the review of the EU regulatory framework for electronic communications networks and services (COM(2006)0334),


— having regard to Directive 2004/113/EC of the Council of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services (7),

— having regard to Special Eurobarometer No 342 on consumer empowerment,

— having regard to the UNCITRAL Convention on the Use of Electronic Communications in International Contracting 2005, the UNCITRAL Model Law on electronic signatures (2001) and the UNCITRAL Model Law on electronic commerce (1996) (8),


— 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 (12),

(8) http://www.un.or.at/unictral
— having regard to the Charter of Fundamental Rights of the European Union, as incorporated into the Treaties by Article 6 of the Treaty on European Union (TEU), and in particular its Articles 7 (respect for private and family life), 21 (non-discrimination), 24 (the rights of the child), 25 (the rights of the elderly), 26 (integration of persons with disabilities) and 38 (consumer protection),

— having regard to Article 9 TFEU, which stipulates that ‘in defining and implementing its policies and activities, the Union shall take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health’,

— having regard to Article 11 TFEU, which stipulates that ‘environmental protection requirements must be integrated into the definition and implementation of the Union policies and activities, in particular with a view to promoting sustainable development’,

— having regard to Article 12 TFEU, which stipulates that ‘consumer protection requirements shall be taken into account in defining and implementing other Union policies and activities’,

— having regard to Article 14 TFEU and Protocol 26 thereto on services of general (economic) interest,

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

— having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinions of the Committee on Industry, Research and Energy, the Committee on Development, the Committee on Culture and Education and the Committee on Legal Affairs (A7-0341/2012),

A. whereas completing the Digital Single Market is a key factor in making the EU the most competitive and dynamic knowledge-based economy in the world;

B. whereas e-commerce and online services are a vital force of the internet and are crucial to the aims of the EU 2020 strategy for the internal market, benefiting both citizens and businesses through intelligent, sustainable and inclusive growth;

C. whereas 99% of all European businesses are SMEs, providing 85% of employment, and SMEs are thus the driving force in the European economy, having the prime responsibility for wealth creation, employment and growth, as well as innovation and R&D;

D. whereas e-commerce has become an essential part of commerce and an important driver of consumer choice, competition and technological innovation, given that consumers and businesses differentiate less and less between online and offline in their daily life;

E. Recalls that a Digital Single Market where services can flow freely within a market of 500 million consumers is a crucial driver for competitiveness and economic growth, providing highly-qualified jobs and facilitating the EU’s convergence into a knowledge-driven economy;

F. Emphasises that broadband and the internet are important drivers for economic growth, the knowledge society, job creation, innovation and European competitiveness, as well as boosting online commerce and services; stresses that consumers and businesses need broadband access to take full advantage of the internet;

G. Emphasises the importance of ‘one-stop-shops’ for VAT in order to facilitate crossborder e-commerce for SMEs and promote e-invoicing; points out, however, that such ‘one-stop shops’ should be created only within the framework of existing institutions, without increasing the burden on the taxpayer;

H. whereas companies which have developed their internet economy have progressed far more than others, and in the current economic and financial crisis with the generation of employment practically depending on SMEs, it is essential to remove barriers to online commerce so that they can benefit from all its advantages;

I. whereas online markets need to be as flexible as possible in order to create better business and development opportunities in this sector;
J. whereas e-commerce is an important complement to offline trade, providing opportunities for small companies to grow and offering greater access to goods and services, including in remote areas and in the countryside and for people with disabilities and reduced mobility;

K. whereas, in some G-8 countries the internet has accounted for 20% of economic growth and 25% of jobs created in the last five years;

L. whereas the benefits of globalisation can be more evenly distributed among consumers and SMEs thanks to the internet and e-commerce;

M. whereas achieving an effective functioning internal market would be an important step towards fulfilling the Lisbon agenda goals of increasing growth, employment and competitiveness to serve the 500 million consumers in the EU;

N. whereas the Digital Single Market offers a wider choice at more competitive prices to consumers, especially to those living in less accessible, remote or outlying areas, as well as those with reduced mobility who would otherwise not have access to a wide choice of goods; whereas the internet allows new businesses, in particular SMEs, to start up and enables existing companies to flourish by finding new market niches;

O. whereas there are 75 million persons with disabilities in Europe, and these persons should also have full access to the internal market, paying particular attention to the challenges of digital interfaces in the case of people with visual impairments;

P. whereas the internet and technology constitute tools enabling the internationalisation of SMEs and their increased engagement in international markets and trade; calls for an integrated European market for card, internet and mobile payments; calls, at the same time, for a facilitated framework for e-invoicing; stresses in both these regards the importance of interoperability and open standards so as to facilitate maximum market potential and competition;

Q. whereas consumers benefit from e-commerce in terms of lower prices and wider choice, allied to the convenience of being able to shop without leaving their homes; whereas this is particularly beneficial for disabled consumers and consumers in rural or remote areas;

R. whereas a well-functioning digital economy is imperative for a well-functioning EU economy; whereas, however, the free movement of digital services is currently severely hindered by fragmented rules at national level, owing to which businesses face numerous barriers to selling across borders in the EU, mainly because of the different rules applying at Member State level in such areas as consumer protection, VAT, product-specific regulations and payment transactions; whereas it is necessary to call on the EU institutions to reinforce their commitment to removing the key regulatory obstacles to crossborder online transactions by 2015, and to call on the Commission to continue to propose targeted legislative action in order to address key impediments;

S. whereas e-commerce allows consumers to benefit from lower prices and a wider choice, but 60% of websites are currently unsuitable for crossborder online shoppers, and consumer and business confidence in the digital environment is still low;

T. whereas access to reliable information and transparency should be enhanced, allowing consumers to compare not only prices but also quality and sustainability of goods and services online;

U. whereas the fragmentation of the EU digital market endangers rights under the acquis communautaire, as consumers and businesses have little legal certainty as regards crossborder e-commerce, thanks to the existence of too many legal provisions setting divergent requirements, a circumstance which does not allow business operators, authorities or consumers to benefit from clear and enforceable rules;

V. whereas most disputes are actually resolved out of court and the time periods conceded to ADR can be too short — an effective ODR system is required;
W. whereas it is vital to overcome the legal fragmentation now existing in a number of areas, in order to achieve a complete and real Digital Single Market;

X. whereas e-commerce and online services encourage the development of a sustainable single market, through the use of low-carbon and environment-friendly technologies, standards, labels, products and services;

**A Digital Single Market for growth and employment**

1. Stresses that in times of economic and financial crisis it is essential to take measures to stimulate growth and create employment, and emphasises that completing the Digital Single Market would be a crucial step forward in terms of achieving this goal; calls on the Commission, therefore, to implement its plan for the launching and completion of the Digital Single Market; highlights the fact that the digital single market is the easiest way for businesses and citizens to reap the benefits of the single market;

2. Welcomes the Commission's new communication on e-commerce and online services, published on 11 January 2012, which aims to develop a coherent framework for e-commerce via the building of trust and the extension of e-commerce and online services to the B2B, B2C, C2C and G2G sectors; calls on the Commission to report by the end of 2012 on the progress made on the 16 'Main Actions' as set out under the five priority areas of the communication;

3. Welcomes the Commission's new communication on 'a Single Market Act II', which includes key actions to support the development of a European digital economy; emphasises the need to fully reap the benefits of the Digital Single Market;

4. Calls on the Commission to implement, develop, and effectively follow up its action plan for facilitating crossborder access to online products and content, and, to this end, to supply a roadmap for the implementation of a transversal plan ensuring the development of the Digital Single Market and the promotion of long-term growth, competitiveness and job creation while adapting the European economy to the challenges of today's global economy;

5. Stresses that fragmentation and lack of legal certainty are primary concerns in the Digital Single Market, and that inconsistent enforcement of rules in Member States needs to be dealt with in order to increase choice for consumers; considers that fragmentation is also partly due to the poor or late transposition of directives by Member States, a factor which should be subject to more rigorous scrutiny by the EU institutions;

6. Stresses that all relevant new single market legislation should be submitted to a Digital Single Market Test; invites the Commission to examine the viability of implementing such a test within its impact assessment framework, so as to ensure that it neither hinders the development of the Digital Single Market nor gives rise to additional obstacles or fragmentation for offline and online commerce;

7. Welcomes the Commission's announcement of a new notice and action scheme, and recalls in this context that under the e-commerce directive, information society service providers have a duty to act under certain circumstances with a view to preventing or stopping illegal activities online;

8. Agrees with the Commission that the current legal framework provided by the e-commerce directive requires no review; underlines, however, the need for further clarification with a view to the implementation of notice-and-action procedures to deal with illegal content;

9. Highlights the need to modernise and facilitate the procedures for recognition of professional qualifications, and to extend the scope for automatic recognition beyond the professions currently covered, targeting in particular the new professions needed by green and digital industries; notes that this will facilitate the mobility of highly skilled workers;

10. Emphasises the importance of developing a European cloud computing strategy, given its potential for EU competitiveness, growth and job creation; stresses that cloud computing, since it involves minimal entry costs and low infrastructure requirements, represents an opportunity for the European IT industry, and, especially, for SMEs, to develop and become leaders in areas such as outsourcing, new digital services and data centres;
11. Notes the importance of the link between the e-commerce directive and the Internal Market Information System; SMEs

12. Stresses that SMEs form the backbone of the European economy, and that it is therefore vital to develop an action plan for their integration into the Digital Single Market; also stresses the urgent need for all European SMEs to have broadband access; emphasises that taking advantage of the possibilities of the digital economy and the Digital Single Market through innovation and the smart use of ICT would be of great help in enabling SMEs to exit the present crisis and create growth and employment;

13. Supports the Commission's determination to strengthen and facilitate the development of ICT infrastructure in order to bridge the digital divide; recalls that the development of ICT infrastructure impacts positively on social cohesion, economic growth and competitiveness in the EU, as well as on communication, creativeness and citizens' access to education and information; welcomes the initiatives within the framework of the programmes for regional and rural development, as well as the initiatives of the EIB for improving the integration of rural areas into ICT infrastructures;

14. Underlines the fact that eliminating remaining legal barriers to e-commerce, providing businesses with the necessary information and skills, and offering them the necessary tools to develop their business online more easily and effectively are crucial to achieving the goal of creating growth and employment;

15. Stresses that achieving a fully operational Digital Single Market requires a coordinated effort to ensure that all citizens, regardless of their age, location, education or gender, have access to the internet and the necessary skills to use it;

16. Insists that digital competences are crucial for the development of a competitive Digital Single Market, and that all Europeans should be empowered with the appropriate digital skills; stresses the crucial nature of the commitment to reducing digital literacy and competence gaps by half by 2015;

17. Calls, accordingly, on the Commission and the Member States to develop such an action plan, to be based on promoting of the integration of SMEs into the digital value chains by taking measures and initiatives encouraging the smart use of ICT for innovation and competitiveness and the development of e-skills, as well as making more information available on the advantages and potential of the internet economy, e.g. via the European e-Business Support Network (eBSN), while also providing financial support for innovative SMEs, among other actions;

18. Stresses the importance of developing a strategy to boost digital entrepreneurship in Europe, promote training for online traders and encourage SME development programmes focusing on innovative and dynamic SMEs from all sectors so as to ensure high growth potential and innovation and create new jobs in Europe, while also enhancing consumer trust, as well as developing new niche markets for SMEs which would not otherwise exist;

19. Calls on the Commission and the Member States to implement the existing legislation in order to tackle barriers which hinder the growth of SMEs, such as high market entry costs, cost of building brand awareness in multiple countries, and IT system limitations;

20. Calls on the Commission and the Member States to introduce measures aimed at offering financial support to innovative SMEs, through existing programmes such as the Competitiveness and Innovation Programme (CIP), the new Programme for the Competitiveness of Enterprises and SMEs (COSME), and the Research and Innovation Programme ‘Horizon 2020’, or through the creation of specific programmes, as well as the proposed regulation on venture capital funds;

21. Considers that, alongside consistent deployment of ICT, it is essential for the development of the Digital Single Market to promote ICT research excellence and foster public and private investment in high-risk, collaborative ICT research and innovation; stresses that Europe should be at the cutting edge in the development of internet technologies and standards; proposes that under the upcoming financial perspective and the Horizon 2020 programme there should be a substantial increase in the EU’s ICT research budget;
Overcoming the remaining barriers in the Digital Single Market

22. Supports the possibility of collaborating with research centres; welcomes the Commission’s plans to promote public and private investment in telecommunications networks as part of the Connecting Europe Facility (CEF), and underlines the importance of the sustained launch of the trans-European digital network for economic growth and competitiveness in the EU;

23. Notes that the rapid deployment of ultra-fast broadband is crucial for Europe’s global competitiveness, the development of European productivity and the emergence of new and small enterprises that can be leaders in different sectors, for example healthcare, manufacturing and the services industry;

24. Calls for specific measures to be taken to ensure that SMEs can fully enjoy the potential of broadband in the fields of e-commerce and e-procurement; calls on the Commission to support Member States’ initiatives to develop e-skills in SMEs and to stimulate innovative, internet-based business models through the Competitiveness and Innovation Programme (CIP) and its future successor, the Programme for the Competitiveness of Enterprises and SMEs (COSME);

25. Calls on the Commission to identify the existing barriers to cross-border delivery services, and to take appropriate actions to address them, taking account of the findings of the new study that has been conducted and in a way that will allow both businesses and consumers to fully benefit from the Digital Single Market; stresses that such factors as accessibility, reliability, speed of delivery, friendly service, an efficient and transparent returns system, and lower prices of cross-border delivery services are best promoted by free and fair competition, so as not to hinder cross-border trade and to increase consumer trust; considers that cross-border delivery services should not just be based on physical borders, but, where feasible, should also take account of the distance from the consumer; considers it essential to ensure innovative forms of delivery allowing greater flexibility in terms of choosing a time or place of collection or a possible pick-up point with no additional costs attached; believes it is crucial to consider measures guaranteeing reasonably priced delivery to more remote or outlying areas;

26. Recalls the need for an integrated policy approach regarding the completion of the single market in transport for all modes (including road cabotage, rail freight, etc) and environmental legislation, in order to avoid inefficiencies in the supply chain or unnecessary cost increases for both distance sellers and e-commerce customers;

27. Calls on the Member States and the Commission to reduce administrative burdens by making it possible to use the system either of the country of the seller or the country of the buyer, in order to avoid duplication of procedures and confusion as to which rules apply, for both online retailers and online consumers;

28. Calls on the Commission to find solutions to the difficulties experienced by SMEs in relation to handling returns and shipping infrastructure problems, and to reduce the costs involved in the crossborder resolution of complaints and conflicts;

29. Stresses that, as website content can be roughly machine-translated quite easily, an added advantage of the digital world is that it can help break down language barriers in the single market;

30. Stresses the importance to consumers of efficient delivery, better feedback on delivery, and receiving products on time, all of which factors are identified as top concerns of consumers in the latest Consumer Conditions Scoreboard;

31. Calls on the Commission and the Member States to examine the possibilities of simplifying and standardising VAT rules in the context of crossborder online transactions; points out that the existing European VAT framework is a barrier to the development of new digital services, and that encouraging companies to develop and offer new Europe-wide online services should be a priority in the revision of the VAT rules; considers that digitally distributed cultural, journalistic or creative content should be subject to the same VAT rate as the equivalent product in a physical format or offered offline, in order to avoid market distortion; calls on the Commission and the Member States to seize the opportunity offered by the 2015 changes to the VAT rules in order to create and extend a ‘European One-Stop Shop’ for e-commerce, at least for SMEs;
32. Calls on the Commission to propose a revision of Directive 2006/112/EC in order to introduce a new category of electronically provided cultural content services which would benefit from a reduced rate of VAT; suggests that cultural works and services sold online — such as digital books — should benefit from the same preferential treatment as comparable products in traditional form such as paperbacks, and should therefore be subject to a reduced VAT rate; considers, in this context, that the application of the reduced VAT rate for digital publications could encourage the development of legal offers and significantly boost the attractiveness of digital platforms;

33. Calls on the Commission, in its review of VAT legislation, to address the anomaly of the possible application of reduced VAT rates to printed books and other cultural content but not to identical goods available in electronic format;

34. Welcomes the Commission's green paper on card, internet and mobile payments; calls on the Commission and the Member States to develop and implement appropriate measures with a view to achieving a fully and effectively integrated, competitive, innovative, neutral and safe EU regulatory framework for online and mobile payments;

35. Emphasises the importance of addressing micropayments and the high administrative costs often incurred when paying small amounts; notes the increasingly widespread use of payment via mobile phones, smartphones and tablets, and believes this calls for new responses;

36. Stresses that micropayments are increasingly used to pay for media and cultural content online, and considers this a useful tool in ensuring that rights holders are remunerated;

37. Points out that domestic and crossborder multilateral interchange fees (MIFs) in the Single Euro Payments Area (SEPA) vary significantly between Member States; believes that both domestic and crossborder multilateral interchange fees in the SEPA should be harmonised in order to allow consumers to benefit from the single market; calls on the Commission to conduct an impact assessment, by the end of 2012, on setting a cap for MIFs and progressively reducing it; calls on the Commission to propose a regulation harmonising MIFs and progressively decreasing them so that they are aligned with real costs by the end of 2015; believes that surcharges, rebates and other steering practices should also be phased out, thus paving the way for a more transparent European single market for payments;

38. Emphasises that privacy and data security are major concerns among consumers and tend to discourage them from buying online; considers it necessary to adapt the existing data protection legislation to new challenges and innovations in the area of present and future technological developments, e.g. cloud computing;

39. Recognises the economic and social potential which cloud computing has demonstrated thus far, and calls on the Commission to adopt initiatives in this area in order to reap the benefits of such technology once it is more fully developed; acknowledges, however, the many technical and legal challenges arising from the development of cloud computing;

40. Recognises the major potential of cloud computing, and calls on the Commission to propose without delay a European strategy on the matter;

41. Calls on the Commission to enforce the Data Breach Notification provisions in the telecoms package, and to make those provisions available for all consumers in Member States;

42. Recalls the provisions in the Universal Service and Users’ Rights Directive under which telecoms operators should oblige internet service providers to deliver public service messages to all their customers; calls on the Commission to monitor the issue of how many telecoms regulators are complying with these rules, and to report back to Parliament on the matter;

43. Welcomes, therefore, the Commission’s proposed new data protection regulation, highlights the need to give citizens better control over the processing of their personal data, and stresses the need to approve and implement a new regulation on the subject in a form that, while protecting privacy and safeguarding fundamental rights, guarantees legal certainty, and allows sufficient flexibility to companies to enable them to develop their business without taking on huge costs while also offering them a simplification and reduction of administrative burdens whilst maintaining strong commitments to adhering to the obligations already in place;
44. Welcomes the Commission’s proposal for a legal framework for the collective management of copyright and related rights with a view to ensuring better accountability, transparency and governance of collective rights management societies, establishing efficient dispute resolution mechanisms, and clarifying and simplifying licensing; believes it essential that internet users are provided with clear and understandable information about which personal data are to be gathered, for what purpose, and for how long, with a view to strengthening users’ rights and bolstering their confidence in the internet; emphasises that legal certainty and clarity and a very high level of data protection must be assured when reviewing the data protection acquis; welcomes the announcement of a general European strategy on the issue of cloud computing for 2012 and, in particular, expects matters of jurisdiction, data protection and areas of responsibility to be clarified in this regard;

45. Believes firmly that the protection of privacy not only constitutes a core value of the European Union but, in addition, plays a central role in promoting the necessary user confidence in the digital environment that will enable full development of the Digital Single Market; welcomes, therefore, the Commission’s proposals for adapting the Data Protection Directive to the current digital environment, thereby promoting the innovative character of the online environment and boosting the development of promising new technologies such as cloud computing;

46. Reiterates that a global approach is essential when addressing challenges such as data protection and piracy; encourages, in this regard, close cooperation between the EU and the Internet Governance Forum;

47. Requests clarification regarding the obligation of internet service providers to act in compliance with the EU legislation on data protection and competition, with intellectual property rights protection and with e-Commerce Directive (1) and the Telecoms Package (2) when dealing with and/or gathering data within the EU, irrespective of where these data are stored and/or processed; considers that a higher level of transparency regarding the identification of internet service providers should play a key role in fostering consumer confidence, and will also encourage best practice in this area and constitute a key criterion for the creation of a European trustmark;

48. Recalls that under Article 5 of Directive 2000/31/EC, providers of online services are obliged to clearly indicate their identity, and that compliance with this requirement is vital to ensuring consumer confidence in e-commerce;

49. Calls on the Commission to modernise the legal framework for intellectual property rights in the context of completion of the Digital Single Market, and to propose and rapidly implement the European Strategy for Intellectual Property Rights with a view to adaptation to the online reality of the 21st century; looks forward to the Commission’s proposals for legal tools in this area, such as legislation to simplify the collective management of copyright in Europe and a directive on Enforcement of IPR and Fight Against Counterfeiting and Piracy; further believes that innovative business models and different licensing structures need to be considered and further developed, in order to increase availability while also maintaining copyright and ensure rightholders’ remuneration;

50. Emphasises the importance of a harmonised approach to exceptions and limitations in the field of copyright, as well as harmonised statutory exceptions in the area of trademarks and patents — for the benefit, in many cases, of researchers and developers — given that the aim is to facilitate the development, deployment and consumer uptake of new and innovative services and ensure the legal certainty for research teams, innovators, artists and users that is required if a flourishing European digital environment is to emerge;

51. Points to the need to continue working on the regulatory harmonisation of intellectual property rights, whilst respecting citizens’ rights and freedoms, in order to facilitate the completion of the Digital Single Market;

52. Calls on the Commission to propose agreed sector-specific solutions that respect copyright, ensure fair remuneration for authors, and promote public access to a wide range of lawful cultural products;


53. Urges the Commission to accelerate its preparatory work on a legislative proposal regarding ‘collective rights management’, with a view to ensuring better accountability, transparency and governance of collective rights management societies, establishing efficient dispute resolution mechanisms, and clarifying and simplifying licensing systems in the music sector;

54. Stresses that micropayments are becoming increasingly important in terms of paying for media and cultural content online, but that there is still scope to further optimise ease of use, and sees this as a useful tool in ensuring that creators are remunerated since they make legal content accessible to the public in an affordable way; considers, therefore, micropayments to be an effective means of combating illegal content; emphasises, however, that problems associated with online payment systems, such as lack of interoperability and high costs of micropayments for consumers, need to be tackled with a view to developing simple, innovative and cost-effective solutions that are of benefit to consumers and digital platforms; emphasises that expanding the legal range of online cultural content at affordable prices will succeed in reducing illegal platforms in the long term;

55. Emphasises that new and expanding internet technologies and online services have increased demand for audiovisual and other cultural and creative digital content, and provide new and innovative ways of customising and enriching supply, particularly among young people; notes, however, that there is currently insufficient legal supply to meet this demand, which circumstance motivates users to access illegal content; believes that innovative business models and different licensing structures need to be considered in order to increase availability; calls for better exploitation of digital technologies, which should constitute a springboard for both differentiation and multiplication of legitimate offers, thereby maintaining consumer confidence and growth whilst ensuring that artists are remunerated fairly and proportionately;

56. Strongly supports measures both at Member State and European level to prevent product counterfeiting and product piracy on the internet;

57. Welcomes the proposals for increasing availability and developing legal online content services, but highlights the need for a modernised and more harmonised EU copyright at Union level; emphasises, therefore, the need for a copyright law which provides the appropriate incentives, ensures balance and keeps abreast with modern technology; considers that the encouragement, promotion and sustainability of multiterritorial licensing in the digital single market should, above all, be facilitated by market-driven initiatives in response to consumer demand; calls on the Commission, accordingly, to implement the IPR strategy initiatives without delay;

58. Condemns strongly all discrimination against customers on grounds of nationality and residence, recalling Article 20(2) of the services Directive 2006/123/EC, and calls on the Commission and the Member States to ensure the full implementation of that directive;

Building confidence and trust in the Digital Single Market

59. Stresses that the consumer rights directive marked an important step forward in terms of increasing legal certainty for consumers and businesses in online transactions, and today constitutes the main consumer protection instrument for online services; calls on the Member States to ensure its effective and rapid implementation; calls for a code of good practice for online businesses, and supports the proposals for model contracts in this regard; believes that implementation of the CRD would form an important part of model contracts, while existing retail practices would also need to be respected; furthermore, calls on the Member States to decide whether — in the long run — they favour the full harmonisation of single market legislation or a second national regime; in the latter case, encourages the Member States to step up their efforts to constructively advance dossiers such as the Common European Sales Law, with a view to facilitating crossborder trade in the EU to the benefit of consumers and businesses alike;

60. Believes that the recently proposed regulation on a Common European Sales Law, which could be agreed on by contracting parties as an alternative to national sales law regulations, has great potential for countering the fragmentation of the single market and making internet business more accessible and legally reliable for consumers and businesses alike;

61. Recalls that Member States also have a role to play in terms of ensuring the rapid and non-bureaucratic implementation of the EU rules, in order to make consumers’ rights a reality;
62. Calls on the Commission and the Member States to develop and give adequate resources to effective instruments such as the Consumer Protection Cooperation (CPC) network, in order to ensure that online traders apply the EU rules on transparency and unfair commercial practices, thus affording a high level of consumer protection;

63. Stresses the need for initiatives in the Member States to improve e-skills among the general public; notes the importance of equipping EU citizens with digital skills in order to help them take full advantage of the benefits of being online and participating in the digital society;

64. Calls on the Commission to include a consumer accessibility element in terms of implementing a barrier-free environment and a full range of accessible services for people with disabilities in all Digital Single Market policies, in order to ensure that all citizens’ groups have access to and can fully benefit from the Digital Single Market;

65. Stresses the need for initiatives in the Member States to improve e-skills among the general public, especially among the socially disadvantaged and also with particular attention being given to older people in order to promote the notion of active ageing;

66. Recognises the importance of a European charter of users’ rights that would clarify the rights and obligations of citizens in the information society;

67. Stresses the importance of fomenting the creation of transparent and trustworthy price comparison websites which can be accessed in various languages, as a means of increasing consumer trust in crossborder trade;

68. Stresses the need to create a European Trustmark, which would guarantee that a business operating online fully respects EU law; it should be simple and well-structured, and should be rich with content that provides added value for ecommerce, thus boosting confidence and transparency, as well as legal certainty for both consumers and businesses, and should provide information in a form compliant with the existing, non-legally binding W3C standards, in the interests of people with disabilities;

69. Stresses, furthermore, the need for an integrated approach in order to improve consumer confidence as regards accessing legal crossborder online services;

70. Stresses the urgent need for the EU to provide business and consumers with confidence and the means to trade online in order to increase crossborder trade; calls, therefore, for the simplification of licensing systems and the creation of an efficient framework for copyright;

71. Welcomes the Commission’s initiative addressing the obstacles to the completion of the digital single market, most importantly the barriers inhibiting the development of legal crossborder online services; stresses, furthermore, the need to improve consumer confidence as regards accessing legal crossborder services; emphasises that the Digital Single Market will allow citizens to have access, throughout the EU, to all forms of digital content and services (musical, audiovisual, video games);

72. Shares the Commission’s view that the online single market is being hampered in reaching its full potential largely because of the existence of a patchwork of different legal provisions and barely ‘interoperable’ standards and practices;

73. Welcomes the Commission’s legislative proposals on Alternative Dispute Resolution (ADR) and Online Dispute Resolution (ODR), and underlines the importance of their effective adoption to help resolve complaints and conflicts crossborder; also stresses the need for these mechanisms to be made widely known to consumers and traders so that they can reach the desired level of practical effectiveness; recalls the importance of an effective redress mechanism as a means of ensuring that consumers can pursue their rights, while stressing that citizens should be better informed of the details of such a mechanism and other problem-solving tools; believes this should enhance crossborder purchases of goods and services and contribute to the removal of the remaining bottlenecks that are hampering growth and innovation, particularly within the Digital Market, and which are currently holding the single market back from realising its full potential; stresses that the existence of the online dispute resolution platform for domestic and crossborder e-commerce will increase consumers’ trust in the Digital Single Market;
74. Recognises the need to create ways of enhancing citizens’ trust and confidence in the online environment and to guarantee the protection of personal data and privacy and freedom of expression and information, including the removal of the geographical, technical and organisational barriers now affecting redress mechanisms; views the speedy and cost-effective settlement of disputes, particularly in relation to online transactions, as a central requirement for user confidence; therefore welcomes the Commission’s proposals in relation to the extrajudicial settlement and online settlement of disputes under consumer law and the announced legislative initiative for the settlement of disputes between businesses;

75. Notes the Commission’s proposals for measures for cooperation with payment services to combat unauthorised or illegal content; stresses that any cooperation with private parties should be firmly grounded in a legal framework characterised by respect for data privacy, consumer protection, right of redress and access to justice for all parties; emphasises that the first step must be the effective implementation of ‘notice action’ measures ensuring respect for the fundamental right to a fair trial before an independent and impartial tribunal established by law, unequivocally and for all; stresses that all operators, including payment providers and advertisers, have a role to play in the fight against unauthorised and illegal content;

76. Strongly welcomes the new Commission communication on a ‘Strategy for a Better Internet for Children’; encourages the Commission, the Member States and the industry to promote the use of new technological developments for education and for the protection for minors, and to cooperate closely and efficiently in order to deliver a safe internet for minors; calls on the Commission and the Member States to support projects for literacy and familiarisation as regards digital technologies, to be targeted on adults responsible for education and training and for the future of new generations, so as to make them aware of the opportunities and risks that ITC represents for children and minors while also helping reduce the technological divide between generations; calls on the Commission and Member States to develop information technology training programmes regarding consumer rights, obligations and risks in connection with the internal digital market;

77. Urges stakeholders to commit to responsible advertising towards minors, in particular by refraining from aggressive and misleading TV and online advertising and by respecting and fully implementing existing codes of conduct and similar initiatives;

78. Considers it necessary to support the digitisation of educational and cultural works in as many official EU languages as possible, in order to offer valuable and useful content to the public;

79. Stresses the importance of establishing clear principles for regulating relations with third countries’ digital markets, especially as regards Union-level projects such as the digitisation of the world cultural heritage;

80. Calls on the Commission to ensure that the rules on selective distribution are properly applied, in order to avoid abuses and discrimination;

81. Calls on the Commission to propose legislation to ensure net neutrality;

82. Points out that more competition and transparency with regard to traffic management and quality of service, as well as ease of switching, are among the minimum necessary conditions to ensure net neutrality; reiterates its support for an open internet where content and individual commercial services cannot be blocked; recalls the recent findings of the Body of European Regulators for Electronic Communications (BEREC), and considers that additional measures are needed to ensure net neutrality;

83. Re-emphasises the potential challenges arising from departures from network neutrality, such as anti-competitive behaviour, blockage of innovation, restriction of freedom of expression, lack of consumer awareness and infringement of privacy, as well as the fact that lack of net neutrality hurts businesses, consumers and society as a whole;

84. Calls on the Commission and the Member States to ensure free and fair competition online, by taking action against unfair B2B commercial practices, such as online restrictions, price controls and quotas;

85. Regards the further expansion of the broadband network and, in particular, the connection of rural, isolated and outermost areas to electronic communication networks, as a central priority; calls on the Commission, therefore, to check continuously and, if necessary, ensure by means of regulatory intervention that network neutrality is maintained and that internet providers are not hampered or hindered in accessing network infrastructure;
Setting up the basis for a more competitive and inclusive Europe

86. Calls on the Member States to strengthen and facilitate the development of information and communications infrastructures, since, while all Member States have a national broadband strategy, only a few have a fully-fledged operational plan which includes the targets required to fully realise the flagship initiative for a digital agenda for Europe as laid down in the Europe 2020 strategy; welcomes the new ‘Connecting Europe Facility’ initiative, since it will be crucial for the effective implementation of the Digital Agenda for Europe targets set for 2020 promising broadband access for all, and the intermediate objective of every EU citizen having access to a basic internet connection by 2013;

87. Stresses that internet services are offered on a crossborder scale, and that, accordingly, they require concerted action in line with the Digital Agenda for Europe; points out that a European market with nearly 500 million people connected to high-speed broadband would act as a spearhead for the development of the internal market; stresses the need to connect the digital agenda with the provision of new services such as e-trade, e-health, e-learning, e-banking and e-government services;

88. Stresses the importance for the development of the European Digital Single Market of continuing efforts aimed at providing ubiquitous and high-speed access for all consumers, through the promotion of fixed and mobile internet access and the deployment of next-generation infrastructures; emphasises that this requires policies that promote access on competitive terms; urges the Commission and the Member States to provide new impetus to the European fast and ultra-fast broadband strategy by updating the relevant targets;

89. Emphasises the potential value for consumers and businesses of the digital switch over of public services, and calls on Member States to develop national plans to that effect, which should include targets and measures for making all public services accessible online by 2015; recognises that high-speed networks are a prerequisite for the development of online services and for economic growth; calls on the Commission to develop world-leading digital agenda targets in order to ensure that Europe becomes the global leader in internet speed and connectivity; invites the Member States to further develop national broadband plans and adopt operational plans with concrete measures to implement the ambitious broadband targets, and underlines the strategic and crucial importance of the instruments proposed by the Commission in the Connecting Europe Facility;

90. Regrets that the EU is lagging behind with regard to fibre-based internet connections; calls on the Member States and the Commission, therefore, to accelerate the spread and adoption of ultra-high-speed broadband, and calls for a European strategy for the large-scale deployment of FTTx (fibre to the x);

91. Calls on the Member States to draw up cyber incident contingency plans in order to cope with cyber disruptions or cyber attacks having crossborder implications, including critical information infrastructure plans at both European and national level, and also to develop strategies for a more resilient and reliable infrastructure; stresses that international cooperation in this area should be intensified; recalls that network and information security is the responsibility of all stakeholders, including users at home, service providers and product developers; recommends encouraging cybersecurity-related training and education for both citizens and professionals;

92. Emphasises that the internet is increasingly being used on mobile devices, and calls for action to ensure increased radio spectrum availability for the mobile internet and improve the quality of the e-services provided on those mobile devices; stresses that the future allocation of radio spectrum must pave the way for European leadership in wireless applications and new services, in order to boost Europe’s growth and global competitiveness;

93. Notes that both fixed and mobile data traffic are growing exponentially and that a number of actions, such as further harmonised spectrum allocations for wireless broadband, increased spectrum efficiency and the rapid rollout of next-generation access networks, will be crucial for managing this increase;

94. Notes that assessing the need to open up the 700 MHz band for mobile data traffic is a necessary first step towards meeting future capacity requirements;

95. Welcomes the new Commission communication on e-procurement, published on 20 April 2012; stresses that e-procurement will simplify the way procurement is conducted, provide transparency, reduce burdens and costs, increase the participation of SMEs, and deliver better quality and lower prices;
96. Welcomes the Commission’s legislative proposal for a regulation on electronic identification and trust services for electronic transactions in the internal market, which will strengthen trust and convenience in the context of a secure digital environment, and, by covering the mutual recognition and acceptance at EU level of notified electronic identification schemes, has the potential to enable secure and seamless electronic interactions between businesses, citizens and public authorities, thereby increasing the effectiveness of public and private online services, e-business and electronic commerce in the EU; stresses the importance of e-signatures and the mutual recognition of eIDs at the European level, so as to ensure legal certainty for European consumers and businesses; underlines the importance of simultaneously ensuring both EU-wide interoperability and the protection of personal data.

97. Points out that the public sector’s use of information and communication technologies is the cornerstone for the development of the digital and knowledge society, and therefore urges the Commission and the Member States to further develop secure and effective e-services; notes, particularly where e-identification and e-signatures are concerned, that crossborder interoperability is a prerequisite for the adoption of crossborder e-invoicing solutions.

98. Recalls that in its resolution of 20 April 2012 on ‘a competitive digital single market — e-government as a spearhead’, Parliament stressed the importance for the facilitation of mass adoption of factors including legal certainty, a clear technical environment, and open and interoperable e-invoicing solutions based on common legal requirements, business processes and technical standards; calls on the Commission to assess the need for uniform, open Union-wide standards for e-identification and e-signatures; notes that the major obstacles to crossborder access to the electronic services provided by public administrations are linked to the use of electronic signatures and identification and to the problem of non-compatibility of e-government systems at EU level; welcomes the Commission’s proposal for a regulation on electronic identification and trust services for electronic transactions in the internal market.

99. Instructs its President to forward its position to the Council, the Commission and the national parliaments.
— having regard to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled ‘Trade, Growth and World Affairs — Trade Policy as a core component of the EU’s 2020 Strategy’ (COM(2010)0612),

— having regard to the Agreement on Technical Barriers to Trade (TBT Agreement) adopted in 1994 as part of the Uruguay Round of Multilateral Trade Negotiations under the GATT (1),

— having regard to Council Regulation (EC) No 3286/94 of 22 December 1994 laying down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community’s rights under international trade rules, in particular those established under the auspices of the World Trade Organisation (2) (Trade Barriers Regulation, TBR),

— having regard to the UNCTAD 2011 Report on World Investments,

— having regard to the OECD/WTO/UNCTAD reports on G20 trade and investment measures (mid-October 2010 to April 2011),

— having regard to the OECD Policy Framework for Investment (PFI),

— having regard to its position of 13 September 2011 on the proposal for a regulation of the European Parliament and of the Council on the application of certain guidelines in the field of officially supported export credits (3),

— having regard to its earlier resolutions, in particular the resolution of 13 October 2005 on prospects for trade relations between the EU and China (4), the resolution of 1 June 2006 on EU-US transatlantic economic relations (5), the resolution of 28 September 2006 on the EU’s economic and trade relations with India (6), the resolution of 12 October 2006 on economic and trade relations between the EU and Mercosur with a view to the conclusion of an Interregional Association Agreement (7), the resolution of 22 May 2007 on ‘Global Europe — external aspects of competitiveness’ (8), the resolution of 19 June 2007 on EU economic and trade relations with Russia (9), the resolution of 19 February 2008 on the EU’s Strategy to deliver market access for European companies (10), the resolution of 24 April 2008 on ‘Towards a reform of the World Trade Organisation’ (11), the resolution of 3 February 2009 on trade and economic relations with China (12), the resolution of 26 March 2009 on an EU-India Free Trade Agreement (13), the resolution of 21 October 2010 on the European Union’s trade relations with Latin America (14), the resolution of 17 February 2011 on the Free Trade Agreement between the EU and the Republic of Korea (15), the resolution of 6 April 2011 on European international investment policy (16), the legislative resolution of 10 May 2011 on the proposal for a regulation of the European Parliament and of the Council establishing transitional arrangements for bilateral investment agreements between Member States and third countries (17), the resolution of 11 May 2011 on the state of play in the EU-India free trade agreement negotiations (18), the resolution of 11 May 2011 on EU-Japan trade relations (19), the resolution of 8 June 2011 on EU-Canada trade relations (20), and the resolution of 27 September 2011 on a New Trade Policy for Europe under the Europe 2020 Strategy (21).

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13) OJ C 117 E, 6.5.2010, p. 166.
14) OJ C 70 E, 8.3.2012, p. 79.
16) OJ C 296 E, 2.10.2012, p. 34.
— having regard to the report from the Commission to the European Council entitled 'Trade and Investment Barriers Report 2011 — Engaging our strategic economic partners on improved market access: Priorities for action on breaking down barriers to trade' (COM(2011)0114),

— having regard to its resolution of 13 December 2011 on trade and investment barriers (1),

— having regard to the Commission Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'Small Business, Big World — a new partnership to help SMEs seize global opportunities' (COM(2011)0702),

— having regard to the Commission Communication on an action plan to improve access to finance for SMEs (COM (2011)0870),

— having regard to the report from the Commission to the European Council entitled 'Trade and Investment Barriers Report 2012' (COM(2012)0070),


— having regard to its resolution of 3 July 2012 on the attractiveness of investing in Europe (2),

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

— having regard to the report of the Committee on International Trade (A7-0367/2012),

A. whereas since the entry into force of the Treaty of Lisbon, the common commercial policy (CCP) has, pursuant to Article 207 TFEU, included foreign direct investment (FDI), and falls under the exclusive competence of the EU; whereas Member States may negotiate and conclude bilateral investment agreements only when empowered to do so by the Union; whereas Parliament’s assent is required for all trade and investment agreements negotiated by the Commission on behalf of the Union;

B. whereas according to the UNCTAD report for 2011, the EU remains a key destination that attracts FDI; whereas, in contrast, Eurostat figures show that total EU-27 FDI outflows fell by 30% in 2008, by a further 28% in 2009 and by an additional 62% in 2010;

C. whereas, according to the Doing Business 2012 index, Member States represent only 40% (and eurozone members just 26%) of the top 35 countries in terms of entrepreneurship at global level;

D. whereas the Commission estimates that 99% of all enterprises in the EU are small and medium-sized enterprises (SMEs) and whereas 92% of these SMEs are micro-firms employing one to nine employees; 6.7% are small firms employing 10 to 49 employees and 1.1% are medium-sized firms employing 50 to 249 employees; whereas SMEs number 23 million and form the backbone of the Union’s economy, providing two-thirds of private-sector jobs;

E. whereas micro, small and medium-sized enterprises (MSMEs), are diverse in nature and have different needs stemming from the specific nature of the industrial or services sector they operate in, the Member State or even region they operate from, their size, their business model, the entrepreneurial culture and business environment, whether it be internationally or within the single market; whereas they face disparate challenges across their respective business cycles;

F. whereas lack of finance, alongside a weaker entrepreneurial spirit than in other industrialised economies, remains one of the main challenges to EU enterprises’ competitiveness and entrepreneurship, and whereas persistent regulatory fragmentation and red tape continue to limit SMEs’ capacity, especially that of small and microenterprises, to adapt to an energy- and resource-efficient economy and expand into markets beyond their home country, both within the single market and worldwide;

G. whereas 44% of SMEs have reported a lack of adequate information as an important barrier to internationalisation;

(1) Texts adopted, P7_TA(2011)0565.
H. whereas the reluctance of European SMEs to develop their international activities is mainly due to the lack of analysis or pre-analysis of their export opportunities;

I. whereas a considerable number of European SMEs are engaged in international export activities (25 % of the total), and whereas only 13 % of European SMEs conduct activities in markets outside the EU and only 4 % of internationally inactive SMEs have specific plans to start up international activities in the foreseeable future; whereas certain SMEs are incapable of internationalisation due to their business profiles and size;

J. whereas only 10 % of micro firms make use of the 300+ public support programmes that are already available, and whereas the large number of support programmes makes it difficult for SMEs to identify and make use of the assistance that is actually available;

K. whereas European SMEs have been particularly affected by the worldwide economic and financial crisis and whereas their internationalisation beyond the single market should also be promoted;

L. whereas consistently over the last two years almost a third of SMEs which applied for a bank loan did not obtain any credit, or obtained less than they applied for; and whereas the highest rejection rate was among microenterprises;

M. whereas the Competitiveness and Innovation Framework Programme (CIP) enabled financial institutions to provide EUR 30 billion in new finance to more than 315 000 SMEs in the period of 2007-2013; and whereas the European Investment Bank (EIB) provided around EUR 40 billion in lending to SMEs, which benefitted more than 210 000 SMEs in the period 2008-2011;

N. whereas the Commission’s proposed new Programme for the Competitiveness of Enterprises and SMEs (COSME) will provide enterprises and SMEs with a Loan Guarantee Facility, offering guarantees for debt financing via ordinary loans, subordinated and participating loans or leasing to reduce the particular difficulties SMEs face in accessing finance for their growth, will offer securitisation of SME debt finance portfolios, aimed at mobilising additional debt financing for SMEs, and will run from 2014 to 2020, with a planned budget of EUR 2,5 billion;

O. whereas the experience gained by Member States from policies supporting the internationalisation of SMEs and microenterprises, plus that of civil society institutions (chambers of commerce, employers’ associations, etc.), constitutes a formidable pool of lessons learned with a view to designing efficient and successful new policies in this field;

P. whereas any SME support policy undertaken at European level should be subsidiary, supplementary and complementary to the existing policy, provide European added value, avoid duplication and overlap with existing national, regional and local programmes and optimise planning and operational coordination;

Q. whereas the Commission’s Trade and Investment Barriers reports list examples of how the EU’s market access to different countries around the world, including industrialised economies and major emerging economies in the WTO, is being constrained more by various non-tariff barriers (NTBs) than by trade tariffs, the latter tending to be waived substantially as globalisation progresses; whereas WTO rules prohibit unjustified NTBs;

R. whereas the EU, whenever necessary, needs to support and actively defend its industries and companies, including SMEs, against violations of agreed rules, WTO standards and principles by its trading partners, using all appropriate and proportionate means; whereas using multilateral and bilateral dispute settlement mechanisms, and in particular WTO-compatible trade defence instruments (TDIs), should be a measure of last resort;

S. whereas legal insecurity of investment is a key disincentive for SMEs to internationalise and whereas a legal framework with our trade partners which guarantees legal security is absolutely essential; whereas the EU must defend the interests of European companies, especially SMEs, against violations of the legal security of investments in non-EU countries;
1. Urges the Commission, and where appropriate the Member States, to foster the participation of SMEs, and where relevant microenterprises, in global markets by implementing appropriate measures for their internationalisation and in particular their further integration into the EU single market, including easier access to capital and regularly updated information on business opportunities abroad, as well as efficient TDIs aimed at ensuring their rightful protection against unfair dumping and subsidies in order to safeguard fair competition with third countries, while ensuring that human, labour and social rights and the environment in third countries are protected;

2. Notes that SMEs are also facing difficulties as a result of the decline in domestic demand due to the economic crisis;

I. Access to information

3. Stresses the need to improve enterprise-level data collection in order to raise awareness of the needs of MSMEs, share best practice and provide them with better targeted support at both national and EU level; calls also for regular cost-benefit analyses to assess the effectiveness of such support, with a focus on increasing MSMEs’ innovativeness and competitiveness, both in the single market and globally;

4. Stresses the need, first of all, for a mapping exercise to identify existing and missing support programmes at national and EU level in order to avoid overlaps or gaps, incorporating existing service providers and support strategies in cooperation with national agencies; encourages Member States’ authorities to create similar single online databases of national and regional sources of finance;

5. Stresses the need to evaluate the available market for growing internationalisation and further promote SME development within the internal market, and consider the development of SMEs within the internal market to be equally important as the development of SMEs abroad;

6. Considers it essential for the EU’s competitiveness and growth to create a network, as part of a digital platform, bringing together national SME helpdesks, chambers of commerce, Export Credit Agencies (ECAs), business associations and the Commission, in order to provide enterprises in the EU, especially exporters and importers, with precise, timely and reader-friendly information on a one-stop-shop basis, so that they can fully benefit from the Union’s new common commercial policy;

II. Access to capital

7. Stresses that recurrent difficulties in accessing capital are one of the key reasons preventing SMEs’ internationalisation; calls on the national governments to support SMEs by means of officially supported export credits, without distorting intra-EU competition, and also to earmark sufficient funding for SMEs (e.g. special loans, cofinancing and venture capital), so as to help overcome disinvestment and deleveraging by banks; stresses that such funding should be provided to SMEs that are already exporting and which can present a viable business plan for improving or consolidating their existing market share and creating jobs, especially for young people;

8. Considers that, in order to bolster the EU economy, support for start-ups offering innovative goods and services and for SMEs in need of initial or further investment should not be overlooked, either when they are operating within the single market or when they want to grow through internationalisation;

9. Calls, therefore, on the national governments to help SMEs by exploring the possibility of creating, among other things, investment funds for SMEs in which any European citizen could invest savings;

10. Calls for officially supported export credits to comply with OECD guidelines and foster projects that comply with international labour and environmental standards;

11. Calls for the support made available to SMEs for accessing capital to be modulated in accordance with respective and specific SME demands, in order to avoid a one-size-fits-all approach; notes, in this regard, that industry in the EU displays a wide range of business profiles and necessities reflecting SMEs’ size, structure, sector of activity and geographic location;
12. Considers that a holistic strategy for trade finance, aimed at fostering internationalisation of SMEs, is urgently needed; believes that the EU should promote and support incentives to develop SMEs in strategic sectors in a proactive fashion, especially in the case of high-value-added manufacturing activities that offer a competitive edge over emerging economies as well as high-quality jobs for European citizens; stresses the need, therefore, to identify promising niche markets and foster their development;

13. Calls on the Commission to study the European business angel market and similar markets worldwide in order to learn from and build up the capacity of business angel network managers in the EU; encourages banks and other financial institutions to provide their SME clients with regularly updated information on available financial instruments, including SME support networks and business angels; calls also on the Commission to provide relevant information in this respect;

14. Recognises the existence of well-established and experienced systems of SME support at the national level offering access to export credits through ECAs, and considers it reasonable to continue this support; takes the position, however, that in the medium term the establishment of systematic support for export credits at EU level, with the establishment of an SME export/import facility to disburse additional support to SMEs via ECAs on the basis of national best practice, requires further discussion; notes that this additional support could possibly involve soft and fixed-interest-rate loans, short-term working capital and refinancing, equity funding and business insurance solutions;

15. Draws attention to the regulatory and legal steps that need to be taken in order to improve SMEs’ access to collateral, i.e.:

— reducing barriers to property registration (e.g. by establishing credit bureaux);

— lowering enforcement costs for lenders and raising the overall quality of financial information concerning SMEs, in order to enhance their creditworthiness in the eyes of lenders;

16. Highlights the need to provide SMEs with financial and technical assistance focused on market research, project and export finance advice, legal counselling (e.g. on escape clauses or penalties for late payment or default), customs and tax obligations, the fight against counterfeiting, and company presentations at trade fairs and business networking events (e.g. to find distributors in a third country);

17. Insists that it is also necessary to focus on closing the credit gap for microenterprises; stresses the beneficial role of small loans in enabling such enterprises to establish themselves; reiterates that even where a niche market is concerned, small amounts of FDI can also spur grassroots business initiatives in terms of generating growth and sustainable development at local level (e.g. developing craftsmanship);

18. Calls for increased public-private partnerships in the provision of seed money and venture capital to MSMEs in the EU, while sharing the entrepreneurial risk; points, in this regard, to the positive role that both micro-finance institutions and social entrepreneurship funds can play in developing business opportunities that also have strong social, ethical and environmental goals;

III. Recommendations for concrete actions

19. Calls for endeavours at national and EU level to simplify the business environment for SMEs, in close consultation with EU SME associations and chambers of commerce and industry, as well as other relevant stakeholders, in support of both cutting red tape and internationalising SMEs;

20. Urges the Member States to adopt single enterprise helpdesks at the local level, run in cooperation with EU businesses, so that SMEs can receive information, in their own language and for immediate use, regarding export/import opportunities, existing barriers to trade (both tariffs and NTBs), investment protection, dispute settlement provisions and competitors, and gain a knowledge and understanding of cultural and human practices in third markets;

21. Calls for a network to be set up between SMEs and large European companies to enable SMEs to reap the benefits of these companies’ expertise and export and innovation capacities;
22. Calls on the Commission to promote exchanges between the heads of EU and third-country SMEs along the lines of the 'Erasmus for Young Entrepreneurs' programme that currently exists at European Union level;

23. Stresses the need to foster cooperation between European SMEs and third-country enterprises in order to facilitate market entry as well as integration into third-country markets;

24. Calls on the Commission and the Member States to make European SMEs more aware of trade agreements that are being negotiated and international investment opportunities open to SMEs;

25. Encourages EU businesses and exporters to actively use TDIs, such as TBR complaints or the complaints register in the Market Access Database, in order to report to the Commission material injuries resulting from trade barriers and enable, where appropriate, ex officio initiation of anti-dumping (AD) and countervailing duties (CVD) investigations by the Commission, in close collaboration with industry, so as to minimise the risk of retaliation;

26. Considers that the effective protection of SMEs against unfair trading practices by EU partner states is just as important as helping SMEs wishing to internationalise; considers internationalisation and protection to be two sides of the same coin in the globalisation process;

27. Calls on the Commission to pay due consideration to improved SME access to anti-dumping and anti-subsidy procedures when reforming the EU's Trade Defence Instruments;

28. Calls on the Commission to involve SMEs in the establishment of international standards (e.g. ISO), since changes in regulatory regimes directly impact their profitability; insists that tackling unjustified NTBs must be regarded as one of the Commission's top priorities, in particular through the harmonisation of technical rules based on relevant global standards;

29. Calls on the Commission to address these widespread and persistent issues in all multilateral and bilateral trade agreements, and especially in free trade agreements with both industrialised and emerging economies, and to ensure that in the WTO, NTBs receive, at the very least, as much attention as is currently paid to tariff elimination;

30. Regrets the lack of specific means available to European businesses, and particularly SMEs, to counter intellectual property rights (IPR) infringements effectively; welcomes the Commission's decision to propose a review of the directive on the enforcement of IPR; calls on the Commission and the Member States to improve the defence of IPR in all relevant multilateral organisations (WTO, World Health Organisation, World Intellectual Property Organisation);

31. Points out that SMEs are vulnerable to price fluctuations; calls, therefore, on the Commission to work actively at EU level and in international forums such as the G20 to tackle harmful financial speculation on food and raw materials;

32. Calls on the Union to fully exploit the investment opportunities for EU SMEs stemming from the European Neighbourhood Policy, with particular focus on cross-border investment in the countries of the Eastern and Southern Mediterranean partnerships; points out that investment opportunities in those areas should contribute substantially towards meeting the socioeconomic needs of the populations of the countries concerned and promoting sustainable economic development, deeper regional cooperation and regional stability;

33. Considers that the Commission and the European External Action Service should develop synergies in order to further enhance the Union's commercial diplomacy worldwide;

34. Calls on the EU to develop an ambitious common industrial policy based on fostering research and innovation that benefits from innovative financing arrangements, such as project bonds, and supports the development of SMEs, via access
to public procurement, in order to maintain its competitiveness vis-à-vis major players in industry and research;

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

P7_TA(2012)0470

A digital freedom strategy in EU foreign policy

European Parliament resolution of 11 December 2012 on a Digital Freedom Strategy in EU Foreign Policy (2012/2094(INI))

(2015/C 434/03)

The European Parliament,

— having regard to the resolution of the UN Human Rights Council of 5 July 2012 entitled ‘The promotion, protection and enjoyment of human rights on the Internet’, which recognises the importance of human rights protection and the free flow of information online (1);

— having regard to the reports of the UN Special Rapporteur Frank La Rue, of 16 May 2011 (A/HRC/17/27) and 10 August 2011 (A/66/290), on the promotion and protection of the right to freedom of opinion and expression, which underline the applicability of international human rights norms and standards regarding the right to freedom of opinion and expression on the internet, seen as a communications medium,

— having regard to the resolution of the UN Human Rights Council of 28 March 2008 (7/36) establishing the mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression,

— having regard to the UN report of 16 June 2011 entitled ‘Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework’ (reflecting the work of UN Special Representative John Ruggie),

— having regard to the resolution adopted by the Inter-Parliamentary Union Governing Council on 19 October 2011 (2),

— having regard to the Strategic Framework on Human Rights and Democracy, adopted by the Council on 25 June 2012 (3),

— having regard to its recommendation to the Council of 13 June 2012 concerning the EU Special Representative for Human Rights (4),

— having regard to its resolution of 12 June 2012 entitled ‘Critical information infrastructure protection — achievements and next steps: towards global cyber-security’ (5),

(2) Resolution adopted unanimously by the IPU Governing Council at its 189th session (Berne, 19 October 2011) - http://www.ipu.org/english/issues/hrdocs/189/is01.htm
— having regard to its resolution of 20 April 2012 entitled ‘A competitive digital single market — eGovernment as a spearhead’ (1),

— having regard to its resolution of 18 April 2012 on the Annual Report on Human Rights in the World and the European Union’s policy on the matter, including implications for the EU’s strategic human rights policy (2),

— having regard to its resolution of 16 February 2012 on access by blind people to books and other printed products (3),

— having regard to the 2012 General Budget of 29 February 2012, in particular the call for creating a ‘Global Internet Freedom Fund’ (4),

— having regard to the communication of 12 December 2011 by the Commissioner for the Digital Agenda on the ‘No Disconnect Strategy’,

— having regard to the joint communication of the High Representative of the Union for Foreign Affairs and Security Policy and the Commission to the European Parliament and the Council of 12 December 2011 entitled ‘Human Rights and Democracy at the Heart of EU External Action — Towards a more effective approach’ (COM(2011)0886)),

— having regard to its resolution of 17 November 2011 on the open internet and net neutrality in Europe (5),


— having regard to the UN Guiding Principles on Business and Human Rights,

— having regard to its resolution of 13 September 2011 on an effective raw materials strategy for Europe (6),

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

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

— having regard to its resolution of 12 May 2011 on the cultural dimensions of the EU’s external actions (8),

— having regard to its resolution of 25 November 2010 on corporate social responsibility in international trade agreements (9),

— having regard to its resolution of 15 June 2010 entitled ‘Internet governance: the next steps’ (10),

— having regard to its resolution of 15 June 2010 on the Internet of Things (11),

— having regard to its resolution of 14 February 2006 on the human rights and democracy clause in European Union agreements (12),

— having regard to its resolution of 20 April 2012 entitled ‘A competitive digital single market — eGovernment as a spearhead’ (1),

— having regard to its resolution of 18 April 2012 on the Annual Report on Human Rights in the World and the European Union’s policy on the matter, including implications for the EU’s strategic human rights policy (2),

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

— having regard to its resolution of 12 May 2011 on the cultural dimensions of the EU’s external actions (8),

— having regard to its resolution of 25 November 2010 on corporate social responsibility in international trade agreements (9),

— having regard to its resolution of 15 June 2010 entitled ‘Internet governance: the next steps’ (10),

— having regard to its resolution of 15 June 2010 on the Internet of Things (11),

— having regard to its resolution of 14 February 2006 on the human rights and democracy clause in European Union agreements (12),
— having regard to its resolutions on urgent cases of breaches of human rights, democracy and the rule of law, where they raise concerns regarding digital freedoms,


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

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

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

— having regard to the Universal Declaration of Human Rights and to all relevant international human rights instruments, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

— having regard to the UN Convention of 17 April 2003 for the Safeguarding of Intangible Cultural Heritage (4),

— having regard to the United Nations Charter,

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

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

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

— having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on International Trade (A7-0374/2012).

A. whereas technological developments enable individuals all over the world to use new information and communication technologies (ICTs) and to connect to the internet, thus fostering revolutionary changes in societies, the functioning of democracy, governance, the economy, business, media, development and trade;

B. whereas the internet is a key enabler of access to information, freedom of expression, freedom of press, freedom of assembly, and economic, social, political and cultural development;

C. whereas there is a global consensus, reflected in international law, that restrictions on fundamental rights must be foreseen by law;

D. whereas human rights need to be protected and promoted by the EU, both offline and online;

(1) Texts adopted, P7_TA(2011)0406.
(4) http://unesdoc.unesco.org/images/0013/001325/132540e.pdf
E. whereas inclusion, the fostering of e-skills and bridging digital divides are key in harnessing the empowering potential of the internet and ICTs;

F. whereas ICTs, while they have been key instruments in organising social movements and protests in various countries, notably with regard to the Arab Spring, are also used as tools of repression through (mass) censorship, surveillance and tracing and tracking of information and individuals;

G. whereas ICTs may also play the role of a useful tool for terrorist organisations to prepare and perform attacks;

H. whereas the context in which technologies are used determines, to a great extent, the impact they can have as a force for positive developments or for repression instead;

I. whereas these changes create new contexts which call for the adapted application of existing laws, on the basis of a strategy to mainstream the internet and ICTs in all EU external action;

J. whereas the internet has flourished and developed organically as a platform of huge public value; whereas, however, the misuse of the new opportunities and instruments made available by the internet also creates new risks and dangers;

K. whereas the internet has also become a factor in the development of international trade which demands continuing vigilance, particularly in relation to consumer protection;

L. whereas restrictions should only exist in cases of use of the internet for illegal activities, such as incitement to hatred, violence and racist attitudes, totalitarian propaganda, and children’s access to pornography or their sexual exploitation;

M. whereas the global and borderless nature of the internet requires new forms of international cooperation and governance with multiple stakeholders;

N. whereas Article 21 of the Treaty on European Union states: ‘The Union shall ensure consistency between the different areas of its external action and between these and its other policies. The Council and the Commission, assisted by the High Representative of the Union for Foreign Affairs and Security Policy, shall ensure that consistency and shall cooperate to that effect’;

O. whereas net neutrality is an essential principle for the open internet, ensuring competition and transparency;

P. whereas digital security and digital freedom are both essential and cannot replace one another;

Q. whereas the EU only leads by example on digital freedoms when these are safeguarded in the EU;

**Human rights and development**

1. Recognises that uncensored access to the open internet, mobile phones and ICTs have impacted on human rights and fundamental freedoms, exerting an enabling effect, by expanding the scope of freedom of expression, access to information, the right to privacy and freedom of assembly across the world;

2. Recognises the vast enabling, creating and catalysing potential of the open internet and ICTs for community-building, civil society, and global economic, social, scientific, cultural and political development, contributing as such to the progress of humankind as a whole; is aware, nevertheless, of the new risks and dangers for human rights arising from the misuse of ICTs;

3. Recognises that the internet and social media enable governments to engage in direct diplomacy and the facilitation of increased people-to-people contact around the world; stresses that open debates on ideas can help refute extremism and improve intercultural engagement and understanding;
4. Considers culture to be a facilitator of access and contact where political relations are blocked or troubled; recognises that freedom and culture are closely intertwined and that digital cultural diplomacy is of strategic interest to the EU;

5. Recognises the role of artistic freedom, and the freedom to imitate and reuse, as cornerstones for creativity and freedom of expression and ideas; is aware of the significant presence of exceptions and limitations in the copyright ecosystem, especially in the areas of journalism, quotation, satire, archives, libraries and ensuring access to and usability of the cultural heritage;

6. Calls on the Commission to duly address the fact that there are countries practising the repression and control of citizens, civil society organisations and activists, while business in some countries involves a growing technological component in terms of the blocking of content and the monitoring and identification of human rights defenders, journalists, activists and dissidents; further calls on the Commission to act against the criminalisation of legitimate expression online and the adoption of restrictive legislation to justify such measures; reaffirms, therefore, that such practices are contrary to the Copenhagen criteria;

7. Stresses that the recognition and implementation of the principles of Corporate Social Responsibility by internet service providers, software developers, hardware producers, social networking services/media, etc., is necessary to guarantee the freedom of action and safety of human rights defenders as well as freedom of expression;

8. Stresses that the promotion and protection of digital freedoms should be mainstreamed and annually reviewed so as to ensure accountability and continuity, in all the EU’s external actions, financing and aid policies and instruments, under the leadership of the High Representative and the EEAS; calls for a proactive approach in this regard, and for action to ensure that there is horizontal cooperation and coordination between and within the relevant EU institutions and agencies;

9. Endorses the Commission’s recognition that safe access to the internet is part of the Copenhagen criteria and that limitations on freedom of expression, including on the internet, should be justified by a pressing social need and, in particular, should be proportionate to the legitimate aim pursued;

10. Is aware of the concerns over the protection and promotion of human rights and freedoms online which exist in all countries, while recognising the critical distinctions affecting the context within which ICTs are used, as in the cases of the existence of the rule of law and the right of redress;

11. Calls on the Commission to ensure coherence between the EU’s external actions and its own internal strategies when defending strictly necessary and proportionate restrictions on fundamental rights, and particularly when upholding basic principles of international law, such as that restrictions must be based on law and not introduced in an ad hoc manner by the industry;

12. Encourages the EU Special Representative for Human Rights to name digital freedoms and the ‘No Disconnect Strategy’ among his key priorities;

13. Stresses that effective EU development and human rights policies require mainstreaming ICTs and bridging the digital divide, by providing basic technological infrastructures and facilitating access to knowledge and information and promoting digital literacy all over the world;

14. Considers ICTs to be enablers of transparency and good governance, literacy, education, sexual and reproductive healthcare, effective election monitoring and disaster relief, especially in remote areas and developing societies;

15. Stresses that EU development and human rights programmes should include aid programmes fostering digital freedoms, above all in societies in non-democratic countries, as well as in countries going through post-conflict or political transitions; believes that EU regulatory experts are essential interlocutors for purposes of training counterparts and
embedding basic rights and principles in new (media) regulation and legislation in third countries; stresses that aid in the form of building ICT infrastructures should be made conditional on the implementation and preservation of open access to the internet and information online; as well as on digital freedom more broadly;

16. Draws attention to the importance of developing ICTs in conflict areas to promote peace-building activities at civil society level, with a view to providing secure communications between parties involved in peaceful resolution of conflicts, thereby actively overcoming physical hindrances and risks affecting bilateral contacts for people and organisations in such areas;

17. Hopes that the appropriate use of new communications technologies, and in particular social media, will help to reinforce direct democracy among citizens of the EU and of third countries by creating social platforms for formulating legislation;

18. Stresses that the digital collection and dissemination of evidence of human rights violations can contribute to the global fight against impunity; considers that these materials should be admissible under international (criminal) law as evidence in court proceedings;

19. Emphasises the need to ensure that rare earth materials used in the production of ICTs are obtained under conditions of respect for human, labour and environmental rights, and are not subject to monopolistic practices or to limitations on trade access introduced on purely political grounds; believes that a multilateral approach to ensuring access to rare earth materials in humane circumstances is a requisite for achieving these goals;

Trade

20. Recognises that the internet has become a part of the public space where new forms of crossborder trade are realised, along with innovative market development and social and cultural interaction; believes that digital freedoms and crossborder trade should go hand in hand in order to create and optimise business opportunities for European companies in the global digital economy;

21. Is aware that there is concern that some people increasingly hear the word 'copyright' and hate what lies behind it; acknowledges the important role that foreign trade policy has played in shaping copyright enforcement mechanisms;

22. Deplores the fact that EU-made technologies and services are sometimes used in third countries to violate human rights through censorship of information, mass surveillance, monitoring, and the tracing and tracking of citizens and their activities on (mobile) telephone networks and the internet; urges the Commission to take all necessary steps to stop this 'digital arms trade';

23. Calls for a ban on exports of repressive technologies and services to authoritarian regimes; believes that such a ban should set a precedent for structural restrictive measures; considers it prudent, however, to specify that any such bans must be decided on a case-by-case basis, taking into account specifics when dealing with conflict zones or authoritarian regimes;

24. Regards certain targeted jamming, surveillance, monitoring and interception technology products and services as 'single-use' items, and therefore calls for the establishment of a list, to be regularly updated, of countries which are violating freedom of expression in the context of human rights and to which the export of the above 'single-use' items should be banned;

25. Stresses the need to implement and monitor EU sanctions relating to technologies at Union level, so as to ensure that Member States comply equally and the level playing field is preserved;

26. Stresses that the Commission should be able to provide companies that are in doubt as to whether to apply for an export licence with real-time information on the legality or potentially harmful effects of trade deals; this should also apply to EU or EU-based companies entering into contractual relations with third-country governments, whether in order to win
operating licenses or negotiate standstill clauses or by accepting public involvement in business operations or public use of networks and services;

27. Stresses the importance of the protection of consumers’ rights in the context of international agreements concerning ICTs;

28. Urges the Commission to submit, during 2013 at the latest, proposals requiring increased transparency and accountability on the part of EU-based companies, as well as the disclosure of human rights impact assessment policies, with a view to improving the monitoring of exports of ICTs, products and services aimed at blocking websites, mass surveillance, tracking and monitoring of individuals, breaking into private (email) conversations or the filtering of search results;

29. Calls on the Commission to submit proposals for an EU legal framework that would oblige companies engaging in public procurement in Member States to perform human rights impact assessments on the relevant ICTs, starting at the R&D phase, and ensure non-complicity in possible human rights violations in third countries;

30. Believes companies should design and implement business practices aimed at monitoring the possible impact of new ICT products on human rights, including at the research and development phase, and ensuring non-complicity in possible human rights violations in third countries; calls on the Commission to provide EU businesses with a wide range of information so that they can strike the right balance between business interests and corporate social responsibility;

31. Deplores, in this respect, the active involvement of European companies and international companies operating in the EU in countries deploying repressive government policies against human rights activists and political dissidents with regard to digital rights, internet access and ICTs; urges the Commission to exclude companies engaging in such activities from EU procurement procedures and calls for tender;

32. Calls on the Commission to provide EU businesses with a wide range of information and guidance, based on the UN’s ‘Ruggie principles’, so as to ensure compliance with both business interests and corporate social responsibility;

33. Stresses the need to consider the effect of technological standard-setting for ICT and telecom products and services in the EU, where such goods and services are exported to third countries where concepts such as ‘lawful interception’ have different implications, for example where the rule of law does not exist;

34. Recognises that the internet has become a public space as well as a marketplace, for which the free flow of information and access to ICTs are indispensable; therefore takes the stance that digital freedoms and free trade must be promoted and protected simultaneously in order to encourage and support the free exchange of ideas, as well as increased business opportunities for EU citizens in an increasingly digital global economy;

35. Calls for the inclusion of conditionality clauses in EU FTAs, stipulating transparent safeguards, preserving unrestricted access to the internet, and ensuring the free flow of information;

36. Calls on the Commission and Council to ensure that mandates for multilateral and bilateral trade negotiations, as well as the conduct of the negotiations themselves, are effectively conducive to the achievement of important objectives of the EU, in particular the promotion of its values of democracy and the rule of law, the completion of a true digital single market and respect for development cooperation policy;

37. Calls on the EU to provide political backing to European companies which are faced with requests to remove user-generated content or provide personal information in ways that breach fundamental rights and curtail the freedom to conduct business;

38. Calls on the EU to challenge and minimise the extraterritorial impact of third-country legislation on EU citizens and businesses online;
39. Notes that e-commerce has developed outside of traditional trade regulatory frameworks; stresses the importance of increased international cooperation in the WTO and WIPO in order to protect and ensure the development of the global digital market; calls for the revision and updating of the current Information Technology Agreement (ITA) in the WTO and for the EU to explore the possibilities of an International Digital Economy Agreement (IDEA);

40. Calls on the Commission not to transfer enforcement and copyright claims to economic operators in future trade agreements, and also to ensure that actions that interfere with internet freedom in law may only be carried out under the rule of law and judicial authority;

41. Considers that restrictions on access for EU businesses and online consumers to (digital) markets arising through mass censorship in third countries constitute protectionist measures and trade barriers; calls on the Commission to present a strategy to challenge measures by third countries that restrict access for EU businesses to their online markets;

42. Calls on the EU to strive to ensure that regulation of the internet and ICTs is kept at a justified and adequate level and is undertaken only when the EU deems it necessary;

43. Calls for the inclusion of targeted repression technologies in the Wassenaar Arrangement;

44. Calls on the Council, the Commission and the European External Action Service to provide political backing to EU companies operating in third countries where they face requests to remove user-generated content, curtail the freedom to provide services or provide personal information in ways that breach fundamental rights; points out that digital enterprises often operate without borders, and that third-country legislation may negatively affect European users and consumers; also calls, therefore, on the Council and the Commission to ensure that the impact of third-country legislation on natural or legal persons operating in the EU is minimised;

45. Notes that increased governmental involvement and regulation hampers the open and unrestricted nature of the internet, thereby limiting the potential for increased e-commerce and constraining EU businesses operating in the digital economy; believes that a multi-stakeholder approach is the best means of striking a balance between public and private interests on the internet and in the global marketplace; calls for an international effort to build the necessary infrastructure to allow the expansion of the digital economy, including liberal regulatory regimes, and calls on developing countries to increase mutual benefits in line with the trade-off-change principle;

46. Considers that the restriction of EU businesses’ access to digital markets and online consumers through, among other things, mass state censorship or restricted market access for European online service providers in third countries constitutes a trade barrier; calls on the Commission and Council to include a safeguard mechanism in all future trade agreements, especially those which contain provisions affecting online services and online communities of users who share information, in order to ensure that EU ICT companies are not required by third parties to restrict website access, remove user-generated content or provide personal information, such as personal IP addresses, in ways that contravene fundamental rights and freedoms; calls, additionally, on the Council and Commission to develop a strategy for challenging measures by third countries which restrict EU companies’ access to global online markets;

47. Urges the Commission to present a new draft regulatory framework on dual-use exports, addressing potentially harmful exports of ICT products and services to third countries and providing for a coordinating and monitoring role for the Commission;

**Internet governance**

48. Considers transparent and collaborative decision-making to be essential in order to ensure respect for the open and participatory nature of the internet; considers that any debate on regulations concerning the internet should be open and involve all stakeholders, especially those specialised in fundamental rights protection, as well as everyday internet users; believes the EU should play a leading role in the development of digital freedom groundrules and norms of behaviour in
cyberspace, including dispute settlement mechanisms and taking account of conflicting jurisdictions;

49. Notes that the structure of the internet is currently relatively unregulated and is governed through a multi-stakeholder approach; stresses the need for the EU to ensure that the multi-stakeholder model is inclusive and that small businesses as well as civil society actors and users are not overruled by a few large business and government players;

50. Considers that cooperation between governments and private actors on ICT issues should not be based on placing direct and indirect obligations on ISPs to adopt devolved law enforcement roles by policing and regulating the internet;

51. Stresses the importance of an overall EU strategy for internet governance, as also for issues related to telecom regulation, recalling that the sector is internationally governed through the International Telecom Union, in which EU Member States each have one vote;

52. Is concerned at the proposals by coalitions of governments and business seeking to introduce regulatory oversight and increased governmental and private control over the internet and telecom operations;

53. Calls on the EU to address and resist the extraterritorial impact of third-country laws, notably IPR laws of the United States, on EU citizens, consumers and businesses; in this context, calls on the Commission to swiftly present its EU-wide Cloud Computing Strategy, as highlighted in the Digital Agenda for Europe:

54. Recalls that the internet, data connection and storage and ICTs are essential parts of the EU’s critical infrastructure;

55. Regrets the push in the EU for more powers to block websites, given that this should always be a measure of last resort;

56. Strongly supports the principle of net neutrality, namely that internet service providers do not block, discriminate against, impair or degrade, including through price, the ability of any person to use a service to access, use, send, post, receive or offer any content, application or service of their choice, irrespective of source or target;

57. Considers that more global cooperation is needed in order to uphold and modernise intellectual property rights in the future, this being vital to ensure innovation, employment and open world trade;

58. Calls on the Member States and the Commission to develop IPR policy in order to continue to allow those who wish to create their own content and share it without acquiring IPRs to do so;

59. Calls on the Commission to propose a new regulatory framework for crossborder online trade, an evaluation and revision of the Information Society Directive 2001/29/EC to ensure predictability and flexibility in the EU copyright regime, and a revision of the Intellectual Property Rights Enforcement Directive (IPRED), which would balance the need for relevant copyright reform and protection with the need to protect fundamental rights online and preserve the open internet, and would serve as a basis for IPR provisions and commitments in future FTAs;

A digital freedom strategy

60. Recognises that human rights must also be protected online, and believes that ICTs should be mainstreamed in all EU programmes, especially in the European Neighbourhood Policy and the strategic partnerships, in order to advance this effort;
61. Calls for the recognition by the EU of digital freedoms as fundamental rights and as indispensable prerequisites for enjoying universal human rights such as privacy, freedom of expression, freedom of assembly and access to information and ensuring transparency and accountability in public life;

62. Calls on the Commission and Council to support, train and empower human rights defenders, civil society activists and independent journalists using ICTs in their activities and to assert the related fundamental rights of privacy, freedom of expression, freedom of assembly and freedom of association online;

63. Asks Member States not to use the exception of public order as a restrictive measure to limit civil society organisations' fundamental rights of assembly and demonstration, and recalls that any such exception must be motivated and proportional;

64. Calls for political and diplomatic support for digital freedoms in recipient countries of EU aid, in addition to assistance programmes;

65. Considers that the restriction of digital freedoms should be taken into full consideration in the EU's relations with third countries, while those receiving EU assistance and aid, other than countries in acute conflict, suffering from disasters or in immediate post-conflict and post-disaster situations, should be required to use ICTs in ways that increase transparency and accountability;

66. Urges the Council and Commission to include, in accession negotiations and negotiations of framework agreements with third countries, human rights dialogues, trade negotiations and all forms of contact relating to human rights, conditionality clauses stipulating the need to guarantee and respect unrestricted access to the internet and digital freedoms;

67. Calls on the Commission and Council to promote and preserve high standards of digital freedom in the EU, in particular by codifying the principle of net neutrality by means of appropriate regulation, so as to strengthen the Union's credibility in terms of promoting and defending digital freedoms around the world;

68. Considers that synergising the EU's trade, security and foreign policies and aligning its values and interests are indispensable if the Union is to fully leverage its economic power and act as a global player in defending digital freedoms;

69. Considers coordination and joint diplomatic initiatives with other OECD countries in developing and executing a digital freedom strategy to be essential for efficient and agile action;

70. Calls on the Commission and Council to adopt a Digital Freedom Strategy in EU foreign policy as soon as possible;

71. Instructs its President to forward this resolution to the Council, the Commission, the High Representative of the Union for Foreign Affairs and Security Policy/Vice President of the Commission, and the EEAS.
P7_TA(2012)0476

Jurisdictional system for patent disputes

European Parliament resolution of 11 December 2012 on jurisdictional system for patent disputes (2011/2176 (INI))

(2015/C 434/04)

The European Parliament,

— having regard to the Council Decision 2011/167/EU of 10 March 2011 authorising enhanced cooperation in the area of the creation of unitary patent protection (1),

— having regard to the proposal for a Regulation of the European Parliament and of the Council implementing enhanced cooperation in the area of the creation of unitary patent protection (COM(2011)0215),

— having regard to the proposal for a Council Regulation implementing enhanced cooperation in the area of the creation of unitary patent protection with regard to the applicable translation arrangements (COM(2011)0216),

— having regard to Opinion 1/09 of the Court of Justice of 8 March 2011 (2),

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

— having regard to the report of the Committee on Legal Affairs and the opinions of the Committee on Industry, Research and Energy and the Committee on Constitutional Affairs (A7-0009/2012),

A. whereas an efficient patent system in Europe is a necessary prerequisite for boosting growth through innovation and to help European business, in particular small and medium-sized enterprises (SMEs), to face the economic crisis and global competition;

B. whereas pursuant to Council Decision 2011/167/EU authorising enhanced cooperation in the area of the creation of unitary patent protection, Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, France, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden and the United Kingdom were authorised to establish enhanced cooperation between themselves in the area of the creation of unitary patent protection, by applying the relevant provisions of the Treaties;

C. whereas on 13 April 2011, on the basis of the Council’s authorising Decision, the Commission adopted a proposal for a Regulation of the European Parliament and the Council implementing enhanced cooperation in the area of the creation of unitary patent protection, and a proposal for a Council Regulation implementing enhanced cooperation in the area of the creation of unitary patent protection with regard to the applicable translation arrangements;

D. whereas on 8 March 2011 the Court of Justice gave its opinion on the European and Community Patents Court proposal raising the point of its incompatibility with Union law;

E. whereas effective unitary patent protection can only be ensured through a functioning patent litigation system;

F. whereas, following the opinion of the Court of Justice, the Member States participating in the enhanced cooperation engaged in the creation of a Unified Patent Litigation Court by means of an international agreement;

(1) OJ L 76, 22.3.2011, p. 53.
(2) OJ C 211, 16.7.2011, p. 2.
G. whereas, in this context, there is a substantial difference between ordinary international agreements and the founding treaties of the European Union, the latter having established a new legal order, possessing its own institutions, for the benefit of which the States have limited their sovereign rights in ever wider fields, to which not only Member States but also their nationals are subject, with the guardians of that legal order being the Court of Justice of the European Union and the ordinary courts and tribunals of the Member States;

H. whereas the Unified Patent Court must fully respect and apply Union law, in cooperation with the Court of Justice of the European Union as is the case for any national court;

I. whereas the Unified Patent Court should rely on the case-law of the Court of Justice by requesting preliminary rulings in accordance with Article 267 TFEU;

J. whereas respect for the primacy and proper application of Union law should be ensured on the basis of Articles 258, 259 and 260 TFEU;

K. whereas the Unified Patent Court should be part of the judicial systems of the Contracting Member States, with exclusive competence for European patents with unitary effect and for European patents designating one or more Contracting Member States;

L. whereas an efficient court system needs a decentralised first instance;

M. whereas the efficiency of the litigation system depends on the quality and experience of the judges;

N. whereas there should be one set of procedural rules applicable to proceedings before all divisions and instances of the court;

O. whereas the Unified Patent Court should strive to provide high quality decisions without undue procedural delays, and should help, in particular, SMEs to protect their rights or to defend themselves against unsubstantiated claims or patents which merit revocation;

1. Calls for the establishment of the Unified Patent Litigation System, as a fragmented market for patents and disparities in law enforcement hamper innovation and progress in the internal market, complicate the use of the patent system, are costly and prevent the effective protection of patent rights, particularly those of SMEs;

2. Encourages Member States to conclude the negotiations and to ratify the international agreement ('the Agreement') between these Member States ('Contracting Member States') creating a Unified Patent Court ('the Court') without undue delays, and encourages Spain and Italy to consider joining in the enhanced cooperation procedure;

3. Insists that the Court of Justice, as guardian of Union law, must ensure uniformity of the Union legal order and the primacy of European law in this context;

4. Considers that the Member States which have not yet decided to participate in the enhanced cooperation in the area of the creation of unitary patent protection may participate in the Unified Patent Litigation System in respect of European patents valid on their territories;

5. Stresses that the Unified Patent Court's priority should be to enhance legal certainty and to improve the enforcement of patents while striking a fair balance between the interests of right holders and parties concerned;

6. Stresses the need for a cost-efficient litigation system which is financed in such a way as to secure access to justice for all patent holders, particularly for SMEs, individuals and not-for-profit organisations;

**General approach**

7. Acknowledges that the establishment of a coherent patent litigation system in the Member States taking part in the enhanced cooperation should be accomplished by the Agreement;
8. Accordingly stresses that:

(i) the Contracting Member States can only be Member States of the European Union;

(ii) the Agreement should come into force when a minimum of thirteen Contracting Member States, including the three Member States in which the highest number of European patents was in force in the year preceding the year in which the Diplomatic Conference for the signature of the Agreement takes place, have ratified the Agreement;

(iii) the Court should be a Court common to the Contracting Member States and subject to the same obligations as any national court with regard to compliance with Union law; thus, for example, the Court shall cooperate with the Court of Justice by applying Article 267 TFEU;

(iv) the Court should act in line with the body of Union law and respect its primacy; in the event that the Court of Appeal infringes Union law, Contracting Member States should be jointly liable for damages incurred by the parties to the respective procedure; infringement proceedings pursuant to Articles 258, 259 and 260 TFEU against all Contracting Member States should apply;

9. Welcomes the establishment of a mediation and arbitration centre within the framework of the Agreement;

Structure of the Patent Litigation System

10. Considers that an efficient court and litigation system needs to be decentralised and is of the opinion that:

(i) the litigation system of the Court should consist of a first instance (‘Court of First Instance’) and an instance for appeal (‘Court of Appeal’); in order to avoid inefficiencies and lengthy proceedings, no further instances should be added;

(ii) a decentralised first instance should consist, in addition to a central division, also of local and regional divisions;

(iii) additional local divisions of the first instance should be set up in a Contracting Member State upon its request when more than 100 cases per calendar year have been commenced in that Contracting Member State during three successive years prior to or subsequent to the date of entry into force of the Agreement; further proposes that the number of divisions in one Contracting Member State should not exceed four;

(iv) a regional division should be set up for two or more Contracting Member States upon their request;

Composition of the Court and qualification of the Judges

11. Underlines that the efficiency of the litigation system depends most of all on the quality and experience of the judges;

12. To that extent:

(i) acknowledges that the composition of the Court of Appeal and the Court of First Instance should be multinational; considers as regards their composition that account should be taken of the existing court structures, while bearing in mind that the overriding objective is to ensure that the new court is genuinely unified; proposes, therefore, that the composition of the local divisions should become multinational as soon as possible but that reasoned exceptions to this general principle may be made after approval from the Administrative Committee during a transitional period of no more than five years, while it has to be ensured that the standard of quality and efficiency of the existing structures is not reduced; considers that the period of five years should be used for intensive training and preparation for the judges;

(ii) believes that the Court should be composed of both legally qualified and technically qualified judges; the judges should ensure the highest standards of competence and proven capacity in the field of patent litigation and antitrust law; this qualification should be proven inter alia by relevant work experience and professional training; legally qualified judges should possess the qualifications required for judicial offices in a Contracting Member State; technically qualified judges should have a university degree and expertise in a field of technology as well as knowledge of civil and civil procedural law;
proposes that the provisions of the Agreement on the composition of the Court, once in force, should not be amended unless the objectives of the litigation system, i.e. highest quality and efficiency, are not fulfilled because of these provisions; proposes that decisions regarding the composition of the Court should be taken by the competent body acting unanimously;

(iv) is of the opinion that the Agreement should contain safeguards ensuring that judges are only eligible if their neutrality is not in question, especially if they have served as Members of boards of appeal of a national patent office or the EPO;

**Procedure**

13. Considers, with regard to the procedural issues, that:

(i) one set of procedural rules should be applicable to proceedings before all divisions and instances of the Court;

(ii) the proceedings before the Court, consisting of a written, interim and oral procedure, shall incorporate the appropriate elements of flexibility, taking into account the objectives of speed and efficiency of proceedings;

(iii) the language of proceedings before any local or regional division should be the official language of the Contracting Member State hosting the division or the official language designated by the Contracting Member States sharing a regional division; the parties should be free to chose the language in which the patent was granted as language of proceedings subject to the approval of the competent division; the language of proceedings before the central division should be the language in which the patent concerned was granted; the language of proceedings before the Court of Appeal should be the language of proceedings before the Court of First Instance;

(iv) the Court should have the power to grant preliminary injunctions to prevent any impending infringement and to forbid the continuation of the alleged infringement; such power must, however, not lead to inequitable forum shopping; and

(v) the parties should be represented only by lawyers authorised to practise before a court in any of the Contracting Member States; the representatives of the parties might be assisted by patent attorneys who should be allowed to speak at hearings before the Court;

**Jurisdiction and effect of the Court decisions**

14. Underlines that:

(i) the Court should have exclusive jurisdiction in respect of European patents with unitary effect and European patents designating one or more Contracting Member States; this will necessitate the amendment of Regulation (EC) No 44/2001 (1);

(ii) the plaintiff should bring the action before the local division hosted by a Contracting Member State where the infringement has occurred or may occur, or where the defendant is domiciled or established, or to the regional division in which this Contracting Member State participates; if the Contracting Member State concerned does not host a local division and does not participate in a regional division, the plaintiff shall bring the action before the central division; the parties should be free to agree before which division of the Court of First Instance (local, regional or central) an action may be brought;

(iii) in the event of a counterclaim for revocation, the local or regional division should have the discretion to proceed with the infringement proceeding independently of whether the division proceeds as well with the counterclaim or whether it refers the counterclaim to the central division;

(iv) rules on the jurisdiction of the Court, once in force, should not be amended unless the objectives of the litigation system, i.e. highest quality and efficiency, are not fulfilled because of these rules on jurisdiction; proposes that decisions regarding the jurisdiction of the Court should be taken by the competent body acting unanimously;

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(v) decisions of all divisions of the Court of First Instance as well as decisions of the Court of Appeal should be enforceable in any Contracting Member State without the need for a declaration of enforceability;

(vi) the relationship between the Agreement and Regulation (EC) No 44/2001 should be clarified in the Agreement;

**Substantive law**

15. Is of the opinion that the Court should base its decisions on Union law, the Agreement, the European Patent Convention (EPC) and national law having been adopted in accordance with the EPC, provisions of international agreements applicable to patents and binding on all the Contracting Member States and national law of the Contracting Member States in the light of applicable Union law;

16. Stresses that a European Patent with unitary effect should confer on its proprietor the right to prevent direct and indirect use of the invention by any third party not having the proprietor’s consent in the territories of the Contracting Member States, that the proprietor should be entitled to compensation for damages in case of an unlawful use of the invention and that the proprietor should be entitled to recover either the profit lost due to the infringement and other losses, an appropriate licence fee or the profit resulting from the unlawful use of the invention;

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

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**Prevention of age-related diseases of women**

European Parliament resolution of 11 December 2012 on prevention of age-related diseases of women (2012/2129(INI))

(2015/C 434/05)

The European Parliament,

— having regard to Article 168 of the TFEU,

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


— having regard to the Commission report on the state of women’s health in the European Union,

— having regard to the Commission Communication on telemedicine for the benefit of patients, healthcare systems and society (COM(2008)0689),

— having regard to the Commission Communication entitled ‘Dealing with the impact of an ageing population in the EU’ (COM(2009)0180),

— having regard to the Commission Communication entitled ‘Solidarity in health: reducing health inequalities in the EU’ (COM(2009)0567),
— having regard to the Commission Communication entitled ‘Action Against Cancer: European Partnership’ (COM(2009) 0291),

— having regard to the report entitled ‘Empower Women — Combating Tobacco Industry Marketing in the WHO European Region’ (WHO, 2010),


— having regard to Decision No 940/2011/EU of the European Parliament and of the Council of 14 September 2011 on the European Year for Active Ageing and Solidarity between Generations (2),

— having regard to the Council conclusions ‘Innovative approaches for chronic diseases in public health and healthcare systems’ of 7 December 2010,

— having regard to the Belgian Presidency’s report of 23 November 2010 on the gender pay gap,

— having regard to the conclusions of the UN Summit of 19—20 September 2011 on Non-communicable Diseases,

— having regard to the ‘Horizon 2020’ research and innovation framework programme (COM(2011)0808),

— having regard to the Eurostat report entitled ‘Active ageing and solidarity between generations — A statistical portrait of the European Union 2012’,

— having regard to the Eurobarometer survey on ‘Active Ageing’ (2012),

— having regard to the Commission Communication entitled ‘Taking forward the Strategic Implementation Plan of the European Innovation Partnership on Active and Healthy Ageing’ (COM(2012)0083),

— having regard to the White Paper on ‘An Agenda for Adequate, Safe and Sustainable Pensions’ (COM(2012)0055),

— having regard to its resolution of 26 October 2006 on breast cancer in the enlarged European Union (3),

— having regard to its resolution of 1 February 2007 on promoting healthy diets and physical activity: a European dimension for the prevention of overweight, obesity and chronic diseases (4),

— having regard to its resolution of 12 July 2007 on action to tackle cardiovascular disease (5),

— having regard to its resolution of 19 February 2009 on mental health (6),

(1) OJ L 301, 20.11.2007, p. 3.
(2) OJ L 246, 23.9.2011, p. 5.
— having regard to its resolution of 6 May 2009 on the active inclusion of people excluded from the labour market (1),

— having regard to its resolution of 12 November 2009 on joint programming of research to combat neurodegenerative diseases, in particular Alzheimer’s disease (2),

— having regard to its resolution of 19 January 2011 on a European initiative on Alzheimer’s disease and other dementias (3),

— having regard to its resolution of 6 May 2010 on the Commission communication on ‘Action Against Cancer: European Partnership’ (4),

— having regard to its resolution of 7 September 2010 on the role of women in an ageing society (5),

— having regard to its resolution of 11 November 2010 on the demographic challenge and solidarity between generations (6),

— having regard to its resolution of 8 March 2011 on the face of female poverty in the European Union (7),

— having regard to its resolution of 13 September 2011 on the situation of women approaching retirement age (8),

— having regard to its resolution of 15 September 2011 on the European Union position and commitment to the UN high-level meeting on the prevention and control of non-communicable diseases (9),

— having regard to its resolution of 14 March 2012 on addressing the EU diabetes epidemic (10),

— having regard to its resolution of 24 May 2012 with recommendations to the Commission on application of the principle of equal pay for male and female workers for equal work or work of equal value (11),

— having regard to its resolution of 13 March 2012 on equality between women and men (12),

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

— having regard to the report of the Committee on Women’s Rights and Gender Equality (A7-0340/2012),

**General context**

A. whereas the European Union promotes human dignity and recognises that every person is entitled to have access to preventive health care and medical treatment and Article 168(7) of the Treaty of the Functioning of the European Union clearly states that Member States are responsible for the organisation, management and delivery of health services and medical care, including the allocation of resources. It is vital that older people have the right to live a decent, independent life and play their part in culture and society;

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(3) OJ C 136 E, 11.5.2012, p. 35.
(4) OJ C 81 E, 15.3.2011, p. 95.
B. whereas population ageing is one of the main challenges facing Europe; whereas there are more than 87 million people aged over 65 in the EU (17.4% of the total population) and whereas, according to projections, their number in 2060 will exceed 150 million (roughly 30%);

C. whereas, despite a substantial increase in life expectancy accompanied by steadily rising living standards in the industrialised countries, enabling the elderly of today to be far more active than in previous decades, negative stereotyping and prejudices with regard to the elderly are continuing to form major obstacles to their social integration, resulting in social exclusion directly impacting on their quality of life and mental health;

D. whereas women have a longer life expectancy at birth than men (82.4 years for women as opposed to 76.4 years for men); whereas the gap in healthy life expectancy is more narrow being 61.7 years for men and 62.6 years for women;

E. whereas in 2010 the employment rate among women for the age group 55-64 was 38.6%, compared with 54.5% for men in that age group; whereas following EU targets 75% of the population in the age group 20-64 should be employed by 2020;

F. whereas women earn less than men (the average gender pay gap in the EU is 17.5%); whereas the gender pay gap for the age group 55-64 is more than 30% in some Member States and is as high as 48% for over-65s; whereas the gender pay gap leads to a pension pay gap which often results in correspondingly lower pensions and women finding themselves below the poverty line;

G. whereas, in order to achieve work-life balance, women choose flexible home-based, part-time, temporary or atypical employment, thereby compromising their career advancement, with major consequences in terms of their pension contributions, making them particularly vulnerable to situations of insecurity and poverty;

H. whereas the generation of women aged fifty plus often described as the ‘sandwich generation’ or as ‘working daughters and working mothers’, tend to have fewer possibilities to take care of their own health as they often take care of their parents and their grandchildren;

I. whereas in Europe 23.9% of the population in the age group 50-64 are at risk of poverty, the exact percentages being 25.9% for women compared with 21.7% of men; whereas figures in the European Union range from 39% to 49% depending on the country and is as high as 51% in one EU country;

J. whereas not least as a result of divorce, separation, or widowhood, 75.8% of women aged over 65 live alone and whereas on average three in ten households in the European Union are single-person households, the majority of them comprising women living alone, particularly elderly women, and this percentage is rising; whereas single-person or single-income households in most Member States are treated unfavourably, both in absolute and relative terms, with regard to taxation, social security, housing, health care, insurance and pensions; whereas public policies should not penalise people for — voluntarily or involuntarily — living alone;

K. whereas in 2009, 7.6% of women aged over 65 suffered severe material hardship, compared with 5.5% of men in the same age group;

L. whereas older women as a disadvantaged group often face multiple discrimination (e.g. their age, gender or ethnic background); whereas older women, who often have low socio-economic status and encounter numerous difficulties, would benefit from social protection measures and access to national health care systems;

M. whereas in rural areas health care is harder to come by than in urban areas, particularly in view of the shortage of health care professionals and hospital facilities, including emergency medical services;

N. whereas elderly women, particularly those living in isolation, frequently find themselves in difficult social and economic situations affecting their quality of life and state of physical and mental health;
O. whereas, to meet the needs of elderly women properly, a better understanding of the illnesses affecting them is necessary;

P. whereas all these factors, including isolation, affect older women's ability to create and/or maintain social networks and thus lead active lives;

Age-related diseases

Q. whereas, due to longer life expectancy and gender sensitivity of certain diseases, women are affected to a greater extent by chronic and disabling diseases and are correspondingly more vulnerable to deterioration in their quality of life;

R. whereas there are differences between men and women regarding the impact, progression and consequences of many disorders;

S. whereas according to the most recent figures available (IARC), the most frequent types of tumour diagnosed in women are breast cancer (29.7%), colorectal cancer (13.5%), and lung cancer (7.4%);

T. whereas cardiovascular diseases kill more than two million people a year in the Member States, accounting for 42% of all deaths in the EU and are the cause of 45% of deaths among women compared with 38% among men;

U. whereas diabetes, one of the most common non-communicable diseases, affects more than 33 million citizens in the EU, a figure that is likely to rise to 38 million by 2030; whereas in 2010 approximately 9% of adults (aged between 20 and 79) in the EU population were diabetic;

V. whereas age is a risk factor for the development of neurodegenerative diseases such as Alzheimer's disease (the most common form of dementia); whereas neurodegenerative diseases are more frequent in the over-65s (they affect about 1 person in 20 over 65, 1 in 5 over 80 and 1 in 3 over 90); whereas over 7.3 million people in Europe suffer from dementia; whereas studies show that the Alzheimer's disease rate among women over 90 is 81.7% (compared with 24% for men); whereas stigma and lack of awareness about neurodegenerative diseases such as dementia leads to delayed diagnosis and a poor treatment outcome;

W. whereas dementia is more common in the over-65s, it affects about 1 person in 20 over 65, 1 in 5 over 80, and 1 in 3 over 90; whereas generally, prevalence is higher among old women than among old men;

X. whereas women are at greater risk of developing diseases of the bones and joints (e.g. osteoarthritis, rheumatoid arthritis, osteoporosis, and brittle bones); whereas about 75% of hip fractures caused by osteoporosis occur in women;

Y. whereas the main risk factors involved in cardiovascular diseases, tumours, diabetes, obesity, and chronic obstructive diseases are smoking, lack of exercise, poor diet, alcohol abuse, and environmental pollution;

Z. whereas depression and anxiety are serious forms of mental disorders that affect women to a greater extent than men; whereas for women the WHO estimates that its incidence in Europe ranges between 2% and 15% in the over-65 age group;

AA. whereas hearing impairment and eye disorders also contribute heavily to the burden of years lived with functional limitations, timely and adequate diagnosis, quality treatment and access to quality medical devices can prevent further decline or partially restore functioning;

AB. whereas around 600 000 Europeans suffer from multiple sclerosis, most of them women; whereas this is the most common form of neurodegenerative disorder and one of the main causes of non-traumatic disability among elderly women;
**Access to health services**

AC. whereas equal access to health for women and men must be guaranteed and the quality of health care needs to be improved with more attention being paid to the particular situation of women in rural areas, many of whom live alone; while respecting Article 168(7) of the Treaty on the Functioning of the European Union;

AD. whereas the economic situation of elderly women affected by gender-based inequalities with regard to earnings, pensions and other forms of income leaves them particularly vulnerable with regard to situations of insecurity and poverty and with less to spend on the health care and medical treatments which they need;

AE. whereas telemedicine can improve access to medical assistance unavailable in inaccessible areas and may improve the quality and frequency of the specialist medical care required by certain elderly people, given their particular state of health;

**Research and prevention**

AF. whereas investments in research and innovation are essential to maintain a high quality of life making it possible to meet the major challenge of growing old;

AG. whereas prevention and early detection result in the improvement of the physical and mental health of men and women which could lengthen the expectancy of life in good health and reduce health care expenditure, thus making for sustainability in the long-term;

AH. whereas preventive measures need to be a priority in health care, with special attention being paid to disadvantaged groups;

AI. whereas health literacy is necessary to enable the public to navigate complex health systems and gain a better understanding of what they themselves can do throughout their lives to prevent age-related disorders;

AJ. whereas gender sensitivity of diseases and medicines is currently not sufficiently studied because clinical trials focus mostly on young men;

AK. whereas, according to the IARC, if the mammography coverage rate were above 70%, breast cancer deaths among women aged over 50 could be reduced by 20% to 30%;

AL. whereas women make greater use of medicines and herbal remedies, the impacts of which need more research in order to minimise the risks of interaction;

AM. whereas during their lives women undergo many hormonal changes and take pharmaceuticals specifically related to their age in terms of fertility and the menopause;

AN. whereas 9% of women take antidepressants frequently, compared with 5% of men;

AO. whereas according to the World Health Organization (WHO), 4-6% of older people have experienced some form of abuse in their own homes, ranging from physical, sexual, and psychological abuse, to financial exploitation, neglect, and abandonment;

**General context**

1. Recognises that, although women live longer than men, they do not enjoy more years of good health, that is to say, without being impeded in their activities or suffering from any major incapacity (women: 62.6 years; men: 61.7 years);

2. Notes that elderly women need sufficient access to health care and home help to enable them to enjoy equal rights and live independent lives;

3. Calls on the Commission to publish a new report on the state of women’s health, focusing in particular on the over-65 age group and active ageing indicators;
4. Maintains that policies aimed at promoting work-life balance and social participation put women in a better position to perform active and healthy ageing, and therefore calls on the Member States to intensify their efforts in that direction;

5. Calls on the Member States to encourage full integration, greater involvement and active participation of older women in social life;

6. Stresses the importance of cultural and educational facilities for the elderly;

7. Calls for concrete and effective measures, such as the adoption of the directive on equal treatment, to tackle the multi-discrimination often faced by older women;

8. Supports initiatives to achieve more effective prevention of illnesses and improvement of health among the elderly and to help them remain independent;

9. Calls on the Commission and the Council to publish a report on the measures taken by Member States in support of active ageing and on their impact with a view to identifying best practice and determining what action might be taken in the future at European level;

10. Calls on the Commission and the Member States to create a more positive attitude towards ageing as well as raising EU citizens' awareness of ageing issues and its real effects, something which has been one of the main messages of the year 2012 as a year of active ageing and intergenerational solidarity;

11. Sees adopting a life course approach, in which the interconnections of ageing and gender are taken into account, as the way forward in ageing policies;

12. Notes that public spending on health accounts for 7.8% of EU GDP and that, because of population ageing, expenditure on long- and short-term assistance is predicted to rise by 3% by 2060;

13. Calls on Member States to devote attention to older women immigrants, who suffer from harsh economic and social conditions and often encounter difficulties in gaining access to social protection measures and health care services; considers that particular attention should be devoted to individual women, widows and separated women whose quality of life and health have been affected as a result;

14. Calls on the Commission and the Member States to fully recognise the gender dimension in health as an essential part in EU health policies and national health policies;

15. Calls upon the Member States to strike a fine balance between implementing drastic measures to fight the financial and economic crisis and providing sufficient and adequate funding for health and social care to help manage the demographic trend of an ageing population;

16. Calls on the Commission to publish an assessment of the impact of the economic and financial crisis on elderly women, focusing on access to preventive health care and treatment;

17. Notes that comprehensive and in-depth strategies in the health sector require the cooperation of governments, healthcare professionals, non-governmental organisations, public health organisations, organisations representing patients, the mass media and other parties concerned with healthy ageing;

18. Reiterates the need to build and promote a European Union more sensitive to the needs and interests of elderly women and men and for gender mainstreaming with regard to all information and awareness measures and policies in order to ensure active and healthy ageing for all;
**Age-related diseases**

19. Points out that many disorders are often underestimated where women are concerned for example heart diseases which are considered to be a male problem; regrets that many women's heart attacks go undiagnosed because the symptoms are generally different from those occurring in men; stresses also that treatment should take into account specific gender-related biological differences;

20. Calls on the Member States to carry out public information campaigns targeted at women and aimed at raising awareness of the risk factors involved in cardiovascular diseases and to implement specialised in-service training programmes for health professionals;

21. Regrets the lack of attention being given to the problem of increased alcohol consumption among older women in Europe and calls on the Commission and Member States to launch studies to tackle this problem and its impact on their physical and mental health;

22. Notes with anxiety that the number of female smokers is rising, resulting in a greater risk of women developing lung cancer and heart and circulatory disorders; calls on the Member States and the Commission to adopt programmes to discourage smoking, aimed especially at young women (the WHO estimates that the percentage of female smokers in Europe will increase from the present 12% to roughly 20% by 2025);

23 Calls on the Commission to encourage initiatives to promote better health, not least with the aid of the necessary information on the risks associated with smoking and drinking and on the benefits of a proper diet and sufficient exercise, these being ways to prevent obesity, high blood pressure, and the related complications;

24. Calls on the Commission and Member States to launch information campaigns targeted at pre-menopausal or menopausal women;

25. Calls on Member States to increase public awareness of diseases of the bones and joints by organising public information and education campaigns on their prevention and cure;

26. Calls on the Commission to initiate an EU action plan on non-communicable diseases as a follow-up to the outcomes of the UN Summit on Non-Communicable Diseases in September 2011 and the public consultation process launched by the Commission in March-April 2012;

27. Urges the Commission to focus on young people in particular regarding the forthcoming review of Directive 2001/ 37/EC on the approximation of the laws regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products;

28. Calls on the Commission to draw up and implement a specific EU strategy in the form of a Council recommendation on the prevention, diagnosis and management of diabetes, also covering information and research, including a cross-cutting gender approach and equality between men and women; while respecting Article 168(7) of the Treaty on the Functioning of the European Union;

29. Calls on the Commission and the Member States to adopt a holistic and gender sensitive approach to Alzheimer's disease and other dementias in order to improve the quality of life and dignity of patients and their families;

30. Calls on the Commission and Member States to formulate public information campaigns regarding Alzheimer's disease (that is to say the disease itself and possibilities of treatment and care) in cooperation with national and European Alzheimer associations;

31. Calls for the Member States to urgently create national plans and strategies for Alzheimer's diseases if they haven't yet done so;

32. Notes with concern that the suicide rate in the EU is highest among the over-65s and the numbers of suicide attempts are higher for women than for men and are increasing because of the economic downturn's aggravated impact on elderly women; urges the Commission to publish a study on the link between these statistics and the economic crisis' disproportionate impact on older women;
33. Calls on the Member States, working in collaboration with the Commission and Eurostat, to improve data collection, with a view to obtaining breakdowns by sex and age, and to produce more accurate information about mental health and the relationship between mental health and a healthy lifetime;

34. Calls on the Member States to organise specific training courses for general practitioners and mental health professionals, including doctors, psychologists, and nurses, on the prevention and treatment of neurodegenerative diseases and depressive disorders, paying specific attention to the additional challenges faced by older women;

35. Calls on the Member States to prioritise actions in the field of memory disabling diseases, such as dementia, and increase their efforts in medical and social research in order to increase the quality of life of people with the disease and that of their carers, and ensure the sustainability of the health and care services and boost growth at European level;

36. Calls on Member States to ensure that public and private sector staff providing care for the elderly take part in ongoing training programmes and undergo regular assessment;

37. Calls on Member States to encourage specialist medical studies in gerontology at public universities;

Access to health services

38. Calls on the Member States to support the initiatives needed to help older women access medical and health services, including women living far from larger centres and in areas difficult to access, regardless of their personal, economic and social circumstances, laying emphasis on individualised assistance, including the longest possible period of care at home, on specific forms of support and assistance for caregivers and telemedicine, in so far as it can improve the quality of life of those suffering from chronic diseases and help cut waiting lists;

39. Calls on Member States, when planning health service budgets, also to analyse, monitor and guarantee the gender dimension;

40. Calls on the Member States to further develop eHealth services and gender sensitive ambient-assisted living solutions in order to promote independent living at home, and to make health services more efficient and accessible for older women who are isolated for reasons of mobility and who are more often excluded from the benefits of these facilities, and to establish a 24-hour telephone advice network;

41. Calls for a rights-based approach to be taken in order to enable older people to play an active role when decisions are made on the choice and the design of the care and social services provided for them;

42. Calls on Member States to ensure that welfare protection schemes, including health insurance, takes account of unemployment and social difficulties affecting women so that they are not left unprotected;

43. Considers it is important to support and facilitate access to medical, healthcare and other forms of assistance for women who, notwithstanding their own health problems, are required to care for dependants;

44. Urges that public and private institutions providing health care for the elderly and run along hospital lines to be reorganised in a manner more congenial to inmates, not only providing them with medical care but also giving priority to any form of independent or creative activity in order to prevent them becoming institutionalised;

45. Firmly believes that elderly inmates in public or private residential care must be consulted on the running of these institutions;
46. Maintains that the increasing amount of medical and paramedical personnel have to be highly trained and prepared to adopt an approach which, given the gender- and age-specific factors involved, should allow for the special psychological, interpersonal, and information needs of older women;

47. Calls for medical studies to include wider training in listening skills and psychology; calls for social workers also to be more closely involved in this policy of prevention;

48. Encourages associations and telephone help-lines providing care, protection and psychological support for the elderly;

49. Calls on the Member States and the Commission to collect data and exchange good practices, taking care to include gender-related elements, serving to identify good practice regarding access to health services, in particular avoiding cumbersome administrative procedures and formulating specific measures and policies improving the quality of life for elderly women and also to advise governments on creating an environment conducive to spreading awareness of age-related illnesses in the Member States;

50. Encourages Member States to strengthen preventive healthcare for older women by providing, for example, accessible and regular mammograms and cervical smear tests, to erase age limits in access to health prevention such as breast cancer screening, and to raise awareness of the importance of screening;

51. Calls on the Commission to intensify its efforts to disseminate an EU-wide culture of prevention and on Member States to step up information and awareness campaigns aimed at schools, universities, workplaces and centres for the elderly, drawing on the cooperation of professionals, local authorities, and NGOs;

Research and prevention

52. Notes with concern EU research results published in April 2011 showing that some 28% of women aged 60 years or older have been mistreated in the last 12 month; Takes the view that priority must be given to the protection of the elderly from abuse, mistreatment, neglect and exploitation, whether intentional and deliberate or resulting from carelessness; calls on the Member States to strengthen their actions to prevent elder abuse at home and in institutions;

53. It is important to adopt an approach to medical research which takes account of problems specifically relating to men and women respectively;

54. Points out that the strategy for equality between men and women (2010-2015) recognises that women and men are subject to specific illnesses and health risks which must be suitably taken into account with regard to medical research and health services;

55. Calls for the development in the context of Horizon 2020 of a strategic plan of research into health care for women over the next decade and the creation of a women’s health research institute to ensure implementation thereof;

56. It is important to ensure the presence of female experts on national consultative technology and science committees for the assessment of pharmaceuticals;

57. Calls on the Council, the Commission and the Member States to include elder abuse as a research topic in the Joint Programme on Neurodegenerative Diseases to measure its prevalence and impact on people with dementia;

58. Supports the European innovation partnership on active and healthy ageing as a pilot initiative seeking to achieve a two-year increase in expectancy of life in good health for EU citizens by 2020 and resolves to achieve three objectives for Europe in terms of improving standards of health and quality of life for the elderly and the sustainability and effectiveness of care arrangements;
59. Welcomes projects and initiatives nutrition and lifestyle (EATWELL project, EU Platform on Diet, Physical Activity and Health Salt Reduction Framework), and the European partnership for action against cancer;

60. Stresses that all objectives and actions under the second EU programme of action regarding health should help increase understanding and acceptance of the different needs of men and women and corresponding approaches to health issues;

61. Welcomes the Commission proposal concerning a cohesion policy package (2014-2020) identifying active and healthy ageing and innovation amongst its investment priorities;

62. Regrets the fact that 97% of health budgets is earmarked for the treatment of non-communicable diseases and only 3% for investment in prevention at a time when the cost of treating and managing non-communicable diseases is increasing dramatically owing to the wider availability of diagnostics and treatments; calls in this respect on Member States to increase their health budget to include prevention activities;

63. Calls on the Commission to place more emphasis on tackling the causes of illnesses and, to that end, to promote prevention across sectors and at all levels of society; calls on the Commission to promote health through the timely diagnosis of illnesses, maintaining a healthy lifestyle, adequate healthcare, and ensuring that older workers enjoy suitable working conditions;

64. Calls on the Member States to put more focus on osteoporosis awareness campaigns and to provide clearer information about osteoporosis screening to prevent fractures, including bone densitometry scans, which should be made more widely available;

65. Endorses the WHO 'gender challenge', implying as it does a need for better assessment of the risk factors affecting women's health; welcomes in this context recommendations by the WHO to build age-friendly environments and increase opportunities for older women to contribute productively to society including intersectoral collaboration to identify and promote actions outside the health sector that can enhance health outcomes for women;

66. Calls on the Member States, as far as the training of medical and paramedical personnel is concerned, to highlight the differences in the clinical signs and symptoms of cardiovascular diseases occurring in women, stressing the benefits of prompt intervention;

67. Calls on the Commission and the Council to encourage within the framework of Horizon 2020 closer scientific collaboration and comparative research on multiple sclerosis within the European Union so as to make it easier to provide suitable treatment for the prevention of this disease, which causes serious disruption of motor functions particularly in elderly women;

68. Calls on the Commission to continue to support awareness campaigns targeting elderly women more specifically and focusing on gender and age sensitive recommendations concerning correct nutrition and the importance of physical exercise, given that these can play a role in fall prevention and help reduce the incidence of heart and circulatory disorders, osteoporosis, and some types of cancer;

69. Calls for action to be taken accordingly, in the form of information and education at school and through health messages, regarding the importance of ensuring correct nutrition and the health risks of the failure to do so;

70. Calls on the Commission to consult with the Council with a view to reactivating, and giving proper effect to, the recommendation on cancer screening; focused on sections of the population who are disadvantaged in social and economic terms, with a view to reducing health disparities; calls on Member States which have not yet done so to implement the recommendation in accordance with the European quality assurance guidelines;
71. Calls on the Commission and the Council to adapt the limit for screening programmes, at least in countries with a higher incidence of disease and in cases where patients’ family history puts them particularly at risk, and also to include older women in such programmes, bearing in mind their longer life expectancy;

72. Calls on the Commission and Member States to promote women’s rights with a view to combating all forms of age- and gender-based violence and discrimination, for example through awareness and information campaigns targeted at the entire European populace from a very early age;

73. Calls on the Member States to intensify clinical research on women and believes that the recent proposal for a regulation of the European Parliament and of the Council concerning clinical trials on medicinal products for human use repealing Directive 2001/20/EC could be revised with that end in view;

74. Calls on the Member States to develop innovative solutions directly through cooperation with patients in order to meet the needs of older people more effectively:

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

Rising threats from antimicrobial resistance

European Parliament resolution of 11 December 2012 on the Microbial Challenge — Rising threats from Antimicrobial Resistance (2012/2041(INI))
(2015/C 434/06)

The European Parliament,

— having regard to the Council conclusions of 22 June 2012 on ‘The impact of antimicrobial resistance in the human health sector and in the veterinary sector — a “One Health” perspective’,

— having regard to the Commission communication of 15 November 2011 on an action plan against the rising threats from antimicrobial resistance (COM(2011)0748),

— having regard to the Commission recommendation of 27 October 2011 on the research Joint Programming Initiative ‘The Microbial Challenge — An Emerging Threat to Human Health’ (C(2011)7660),

— having regard to its resolution of 27 October 2011 on the public health threat of antimicrobial resistance (1),

— having regard to its resolution of 12 May 2011 on antibiotic resistance (2),

— having regard to the staff working paper of the Commission’s services of 18 November 2009 on antimicrobial resistance (SANCO/6876/2009r6),

(1) Texts adopted, P7_TA(2011)0473.
— having regard to the Joint Technical Report by the European Centre for Disease Prevention and Control (ECDC) and the European Medicines Agency (EMA) of 17 September 2009 on ‘The bacterial challenge: time to react — A call to narrow the gap between multidrug-resistant bacteria in the EU and the development of new antibacterial agents’ (1),

— having regard to the second joint report of the European Food Safety Authority (EFSA) and the European Centre for Disease Prevention and Control (ECDC) of 14 March 2012 on antimicrobial resistance in zoonotic bacteria affecting humans, animals and food (2),

— having regard to the 2876th Council Conclusions of 10 June 2008 concerning Antimicrobial resistance,

— having regard to the 2980th Council Conclusions of 1 December 2009 concerning innovative incentives for effective antibiotics,

— having regard to the Council recommendation of 9 June 2009 on patient safety, including the prevention and control of healthcare-associated infections (3),

— having regard to the third revision of the World Health Organisation (WHO) list of critically important antimicrobials for human medicine (Report of the third meeting of the WHO Advisory Group on Integrated Surveillance of Antimicrobial Resistance in Oslo, Norway, on 14—17 June 2011, and to the World Organisation for Animal Health (OIE) List of Antimicrobial Agents of Veterinary Importance (OIE List, May 2007) and subsequent refinements to this list,

— having regard to the second report from the Commission to the Council of 9 April 2010 on the basis of Member States’ reports on the implementation of the Council recommendation (2002/77/EC) on the prudent use of antimicrobial agents in human medicine (COM(2010)0141), and to the Commission staff working document accompanying that report (SEC(2010)0399),


— having regard to Council Recommendation (2002/77/EC) of 15 November 2001 on the prudent use of antimicrobial agents in human medicine (5) and to the European Parliament resolution of 23 October 2001 on the proposal for that recommendation (6),

— having regard to the Commission communication of 20 June 2001 on a Community strategy against antimicrobial resistance (COM(2001)0333),

— having regard to its resolution of 5 May 2010 on evaluation and assessment of the Animal Welfare Action Plan 2006-2010 (7),

— having regard to the recommendations for future collaboration between the US and EU of the Transatlantic Taskforce on Antimicrobial Resistance (TATFAR) (8),

— having regard to the CODEX Alimentarius Guidelines for Risk Analysis of Foodborne Antimicrobial Resistance (9),

— having regard to the CODEX Code of practice to minimise and contain antimicrobial resistance (CAC/RCP 61-2005),

(10) O J C 81, 15.3.2011, p. 25.
(12) CAC/GL 77-2011.
— having regard to the preparatory action ‘Antimicrobial resistance (AMR): Research on the causes of high and improper antibiotic usage’ approved by Parliament in the framework of the EU Budget for the financial year 2012, which aims at studying the issue of inappropriate use and sales of antimicrobial agents, with or without prescription, throughout the chain — from the doctor and the pharmacist to the patient — in terms of the behaviour of all actors involved,

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

— having regard to the report of the Committee on Environment, Public Health and Food Safety and the opinion of the Committee on Agriculture and Rural Development (A7-0373/2012),

A. whereas the development of drug resistance is a natural and unavoidable consequence of antimicrobial treatment; whereas this process can be accelerated by inordinate and indiscriminate use in human and veterinary medicine, which, combined with insufficient hygiene and infection control, can compromise the effective use of an already limited number of existing antimicrobials;

B. whereas resistance to antibiotics for certain bacteria is as high as 25 % or more in several Member States;

C. whereas much of the antimicrobial resistance problem stems from the misuse — in particular excessive use — of antibiotics;

D. whereas many Member States do not have a solid legal and regulatory framework to mandate and support the rational use of medicines;

E. whereas in the EU, Iceland and Norway alone antimicrobial resistant bacteria cause some 400 000 infections and 25 000 deaths annually, with at least EUR 1.5 billion spent on extra healthcare costs and productivity losses;

F. whereas the rise of antimicrobial resistance (AMR) is a complex issue of cross-border nature driven by a variety of interconnected factors; whereas numerous intervention measures at various levels are necessary that require a strong collaboration between countries and sectors;

G. whereas there is a growing gap between rising AMR and the development of new antimicrobials; whereas since the 1970s only three new systemically-administered antibiotics for multidrug-resistant Gram-positive bacteria (1) have been developed; whereas two-thirds of antimicrobial resistance-related deaths in the Union are due to Gram-negative bacteria, with no new agents planned to enter the market soon;

H. whereas, given the lack of new antibacterial drug development, it is of paramount importance that the effective exploitation of existing antimicrobials is maintained for as long as possible via prudent use, preventive measures to contain infection, vaccinations, alternative treatments and controlled antimicrobial dosage;

I. whereas, the only tuberculosis (TB) vaccine currently available (BCG), was developed over 90 years ago, and whereas it does not offer protection against the most common form of TB — pulmonary TB;

J. whereas, treatment of tuberculosis relies on antibiotics developed decades ago, many of which have serious toxic side effects;

(1) Refers to the retention or rejection of the violet colour of the stain used in Gram's method of staining micro-organisms; the staining property is a common method of classifying bacteria.
K. whereas AMR affects both humans and animals and has dangerous implications for human and animal health; whereas there is a link between the use of antimicrobials in animals and the spread of resistance in humans which requires further research as well as a coordinated, multisectoral policy approach to AMR, based on the ‘One Health’ principle, targeting both practitioners and users in each sector;

L. whereas there is still a lack of sufficiently detailed and comparable data at European level for purposes of comprehensive cross-country monitoring and analysis linking antimicrobial use and resistance;

M. whereas, despite farmers’ primary objective to keep their livestock healthy and productive through good agricultural practices (hygiene, proper feed, appropriate husbandry and good animal management), animals can still become ill, and appropriate therapy and veterinary medicines should be available for treatment of disease;

N. whereas no standard definition of ‘preventive treatment’ has been adopted to date and different interpretations of the term are giving rise to constant disagreement;

O. whereas there is a need to educate and raise awareness among those involved in antimicrobial use, including policy-makers, health professionals and the general public, in order to bring about necessary changes in the behaviour of prescribers, dispensers and citizens;

P. whereas antibiotics are still available without prescription in certain Member States, and whereas this practice aggravates the problem of antimicrobial resistance;

Q. whereas failure to respect basic rules of hygiene in human environments such as homes, and not only in hospitals, causes further spread of antimicrobial pathogens;

R. whereas diagnostics have a vital role to play in combating AMR by encouraging more targeted approaches to treatment;

1. Considers that, while almost all Member States have developed national AMR strategies in accordance with the Council Recommendation on prudent use of antimicrobial agents in human medicine, progress with regard to meeting set objectives has been slow and uneven; calls for firm governmental commitment to full and timely implementation at national level;

2. Welcomes the Commission’s five-year strategic Action Plan on tackling AMR, but expresses concern that many of the action points reiterate measures prescribed over a decade earlier in Council Recommendation of 15 November 2001 on the prudent use of antimicrobial agents in human medicine;

3. Notes that, although the Commission’s Action Plan goes in the right direction, it does not go far enough to contain the rising global threat from antimicrobial resistance; considers that the measures recommended in the Action Plan need to be implemented as soon as possible; calls, therefore, on the Commission for an integrated roadmap outlining relevant policy responses, including possible legislative action;

4. Underlines that the Action Plan should cover all animals under the EU animal welfare strategy, including, for instance, companion animals and animals used for sports, and should emphasise the logical connection between animal health and the use of antimicrobials, as well as the link between animal health and human health;
Prudent use of antimicrobials in human and veterinary medicine

5. Underlines that the key objective of any AMR strategy is to maintain the efficiency of existing antimicrobials by using them responsibly at the correct therapeutic level only when strictly necessary and prescribed over a specific time at the appropriate dosage, and reducing the use of antimicrobials in general and especially of Critically-Important Antimicrobials (CIAs) (1) in human and veterinary medicine, thereby also taking into account the OIE List; underlines the absolute need for an active holistic approach, based on a ‘One Health’ perspective, in order to achieve better and more efficient coordination between the human health sector and the veterinary sector; calls for enhanced surveillance of the use of antimicrobials in babies and young children, as well as in clinical treatment, where there is a need to control and measure antimicrobial use;

6. Points out that the use of antimicrobials in sub-therapeutic levels is prohibited in the EU;

7. Stresses that more efforts are needed to control the use of antimicrobials in human and veterinary medicine; strongly disapproves of the regular prophylactic use of antimicrobials in animal husbandry; endorses the Council conclusions of 22 June 2012 which call on the Member States to limit the prophylactic use of antimicrobials to cases with defined clinical needs and to limit the prescription and use of antimicrobials for herd treatment of animals to cases where a veterinarian has assessed that there is a clear clinical and, where appropriate, epidemiological justification to treat all animals; stresses that livestock farming and aquaculture should focus on disease prevention through good hygiene, housing and animal husbandry, as well as through strict bio-security measures, rather than through the prophylactic use of antimicrobials; believes that controls on food imports from non-Member States should be enhanced, in particular in light of the risk that such imports contain irregular traces of antimicrobials;

8. Points out that AMR in animals differs between species and between different forms of animal husbandry;

9. Calls on the European Food Safety Authority (EFSA) to give special attention to the task of monitoring and analysing the situation as regards AMR in livestock across the EU;

10. Calls for prudent and responsible use of antimicrobials in animals, and for more information to veterinarians and farmers that helps them minimise the development of antimicrobial resistance; calls for the exchange of best practices for combating the development of antimicrobial resistance, such as guidelines on the prudent use of antimicrobials;

11. Calls on the Member States to use electronic recording systems to ensure that usage patterns on individual farms are appropriate, thus ensuring responsible and minimal use;

12. Stresses the need to review provisions pertaining to farm animal welfare measures to improve animal health, with the aim of reducing the use of veterinary pharmaceuticals; calls on the Commission to re-evaluate current provisions on maximum animal density in livestock farming, as herd sizes today often present obstacles to the treatment of individual or smaller groups of animals, providing incentives for the prophylactic use of antimicrobials; believes that focusing on livestock strains that are resistant to disease could help ensure that fewer veterinary pharmaceuticals will be needed for rearing purposes but considers that this should not replace sound farm management and animal husbandry;

13. Agrees with the Commission that the regulatory framework for veterinary medicines and medicated feed needs to be strengthened, and demands that consistency be maintained in the formulation and maintenance of EU rules;

14. Calls for the introduction of reliable approaches to rearing animals for effecting a significant decrease in AMR; notes that particular attention should be paid to the rearing of young animals, as they often come from different breeders and are therefore exposed to risks of infection when brought together;

15. Calls on the Commission to come up with a legislative proposal for the veterinary sector to limit the use of third- and fourth-generation CIAs for humans; stresses that any such proposal must be founded on evidence-based European guidelines on the prudent use of antimicrobials in veterinary medicine;

16. Considers that the pending revision of Directive 2001/82/EC offers an important opportunity to take effective measures to reduce AMR through strengthening the provisions for veterinary medicines, such as:

— limiting the right to prescribe antimicrobials to professionally qualified veterinarians only;

— separating the right to prescribe from the right to sell antimicrobials, thereby eradicating economic incentives to prescribe;

17. Calls on the Commission to follow up on its AMR Action Plan with concrete initiatives to implement the 12 actions and to publish its progress report on implementation of the AMR Action Plan by the end of 2013, stressing that the report should include an overview of the reductions in the use of veterinary antimicrobials achieved in each Member State;

18. Stresses that there are substantial differences amongst Member States in how antibiotics are used and distributed; calls on the Commission to assess and monitor the Member States’ implementation of relevant EU legislation on antimicrobials, in particular with regard to the prescription-only use of antibiotics in the human health and veterinary sectors, and the ban on antimicrobials as growth promoters in animal feed;

19. Calls on the Commission to examine the condition for prescription and sale of antimicrobials in order to ascertain whether practices in human and animal healthcare may lead to over-prescription, overuse or misuse of antimicrobials;

20. Calls on the Commission and the Member States to encourage efforts to ensure that hospital epidemiologist are employed at all hospitals;

21. Calls on the Commission to monitor the use of nanosilver in consumer products as it may increase the resistance of micro-organisms to silver, including nanosilver and silver-based compounds, which in turn can limit the usefulness of nanosilver in medical devices and other medical applications;

22. Underlines that in order to allow a reduction in the use of antimicrobials, the accuracy of diagnoses needs to be improved and, therefore, the use of diagnostics must be increased;

23. Calls on the Commission and the Member States to encourage efforts, maintained on a routine basis, to study hospital outbreaks and the possible role that the spread of drug-resistant clones plays in these outbreaks;

Prevention

24. With a view to limiting inappropriate use and uncontrolled access to antimicrobial agents, including through increasing illegal internet sales, welcomes Member States’ initiatives to review the legal status of all oral, inhaled and parenteral antimicrobials (including antimalarial, antiviral and antifungal drugs) that remain available to patients without a prescription; stresses that antimicrobials should not be freely available without a prescription as this encourages self-treatment, often based on inaccurate assumptions; calls on the Member States to raise awareness against over-the-counter and illegal sales of antimicrobials in both the human health and the veterinary sector;

25. Notes the important role of vaccines in limiting the development of AMR by reducing the amounts of antimicrobial agents required to treat infections in both humans and animals, but believes that, with respect to the veterinary sector, this should not replace sound farm management and animal husbandry; calls on the Commission to examine what further preventive measures could be taken so as to reduce the spread of infections and diseases in livestock farming;
26. Proposes that measures be taken to promote sustainable livestock systems, based on good management practices, that maximise the efficient use of resources and reduce farmers’ dependency on costly and unsustainable inputs that pose a high risk to the environment and to public health;

27. Calls on the Commission and the Member States, in cooperation with the competent EU Agencies, to devise and promote prudent use guidelines aimed at reducing non-essential and inappropriate exposure to antimicrobials as part of a holistic approach to human and veterinary medicine, livestock farming, agriculture, aquaculture and horticulture;

28. Calls on the Commission to classify, in the forthcoming review of the European veterinary pharmaceuticals legislation, medicated feeding stuffs as ‘pharmaceuticals’ and not as ‘feeding stuffs’, in order to ensure that, in future, the sensitive area of medicated foodstuffs is monitored under pharmaceuticals legislation and that official inspections are carried out accordingly, while ensuring that medicated foodstuffs fall into the ‘prescription only’ category;

29. Underlines that infection prevention and control is a vital cornerstone in the fight against AMR; calls on the Member States to improve infection control, and to raise and promote good standards of hygiene — especially hand hygiene, particularly in sensitive environments, such as healthcare institutions — in order to prevent the spread of infections and reduce the need for antibiotics; calls on the Commission and the Member States to increase the exchange of best practices for preventing and reducing healthcare-associated infections (HAIs) and to broaden research into the epidemiology of HAIs due to MRSA, C. difficile and other emerging multidrug-resistant organisms;

**Development of new antimicrobials or alternatives for treatment**

30. Calls on the Commission and the Member States to encourage efforts to develop new and innovative public-private partnership (PPP) business models that delink investment in R&D for new antibiotics and diagnostic tools from sales transactions, in order to promote greater access and affordability and limit the unnecessary use of antimicrobials;

31. Calls for more and better-coordinated research on new antimicrobials, on other alternatives (vaccination, biosecurity, breeding for resistance) and on evidence-based strategies to avoid and control infectious diseases in animals;

32. Calls on the Commission and the Member States to accelerate R&D activities in order to provide new tools to fight tuberculosis and drug-resistant tuberculosis;

33. Calls on the Commission to invest in R&D aimed at alternatives for antimicrobial use in livestock production and to support innovation in agriculture practices, in line with the goals of the future European Innovation Partnership on Agricultural Productivity and Sustainability;

34. Highlights the need to be restrictive with the use of CIAs and newly developed antimicrobial agents and technologies for use in human and veterinary medicine; stresses the importance of appropriately targeting the use of CIAs to specific cases;

35. Calls on the Commission and the Member States to examine new regulatory approaches, including transferable intellectual property rights and patent term extensions, with a view to encouraging private-sector investment in antimicrobial development;

36. Notes the importance of access to rapid, reliable and affordable diagnostic tools in the development of new treatment strategies;

37. Calls on the Commission and the Member States to examine new regulatory approaches oriented towards subsidising research for the development of new antimicrobials which can have a fiscally beneficial result for both the public and the private sector;
38. Calls on the Commission and Member States to strengthen incentives for public and private sector cooperation to reinvigorate antimicrobial R&D; believes that sharing knowledge and pooling resources through innovative public-private partnerships (PPPs) will be critical to ensuring the clinical efficacy and availability of existing antimicrobials.

39. Calls on the Commission to ensure that, as part of the EU 2020 strategy, farmers across all EU Member States can have access to smart, effective and alternative tools to cure their animals, including for minor uses and minor species (MUMS), which currently face a substantial lack of veterinary medicines;

40. Calls on the Commission to ensure the development and availability of more on-farm tools for early, rapid diagnosis and control of diseases, as well as for a broad and effective diagnostic system at Member State level which can ensure the timely delivery of results in case bacteriological examinations are performed;

**Monitoring and reporting**

41. Calls on the Commission and Member States to seek greater cooperation and coordination on early detection, alert and coordinated response procedures regarding pathogenic antimicrobial resistant bacteria in humans, animals, fish and foodstuffs in order to continuously monitor the extent and growth of AMR; urges the Member States in this context, to set up national databanks, conforming to uniform standards, in which dealers, veterinary surgeons and farmers are required to document the administration and use of antibiotics;

42. Stresses that sound information on the use of antimicrobials in some Member States is still lacking; emphasises the importance of establishing an effective European network of national surveillance systems in the human health and veterinary sectors, based on uniform standards for all Member States, in order to compile clear, comparable, transparent and timely reference data on antimicrobial drug usage; believes this should be based on the existing monitoring networks operated by EFSA, the ECDC European Surveillance of Antimicrobial Consumption Network (ESAC-net), the ECDC European Antimicrobial Resistance Surveillance Network (EARS-net), the ECDC Food- and Waterborne Disease Network (FWD-Net), and the EMA European Surveillance of Veterinary Antimicrobial Consumption (ESVAC);

43. Is of the view that data gathered on the use of antibiotics should be made accessible only to the experts, authorities and decision-makers concerned.

44. Recalls that, in its resolution of 12 May 2011 on antibiotic resistance, it stressed the need to get a full picture of when, where, how and on which animals antimicrobials are used; believes that such data should be collected, analysed and made public by the Commission without delay; and that the data collected should be harmonised and made comparable in order to allow proper analysis and effective, co-ordinated, species-specific action, tailored to different types of animal husbandry, in order to combat AMR on both EU and Member State level;

45. Calls on the Commission to include in its progress report on the implementation of the AMR action plan an overview of the reductions achieved by each Member State in the use of veterinary antimicrobials;

46. Calls on the Commission to oblige the Member States to monitor the use of antibiotics in animal husbandry more efficiently, and in an integrated way, through the use of databases; points out that registering the use of antibiotics on farms is obligatory;

47. Calls on the Member States to ensure separate monitoring and control of resistance among livestock, domestic animals, racing animals, etc., and to do so without causing additional financial or administrative burdens for farmers, breeders or veterinarians;

48. Calls on the Member States to promote closer inter-sectoral collaboration between relevant authorities and sectors, in order to encourage a more integrated veterinary-human health approach, and to monitor the implementation of national AMR strategies;
49. Emphasises the need to support sustainable food production systems which, in contrast to ‘factory farming’, are potentially less exposed to AMR;

50. Calls on the Commission and the Member States to ensure that future measuring and reporting on the use of antimicrobials in both the human and veterinary sectors will be broadened out, showing not only the total amount of antimicrobials used but also the types of antimicrobials, the treatment times, etc.;

**Communication, education and training**

51. Notes that the encouragement of appropriate antimicrobial use depends on a change of attitude, practice and education among patients, farmers, pharmacists, medical doctors, veterinarians and other practitioners in the spheres of human and veterinary medicine; considers that more effective and continuous educational and training measures, as well as comprehensive information in schools, starting generally at an early age, should be taken at both national and European levels to raise awareness of the consequences of the improper consumption of antimicrobials;

52. Notes that one of the most common uses for antibiotics is as treatment against the common cold, and that much would be gained if the public could be made aware of the fact that the common cold is a viral infection whereas antibiotics only provide protection against bacterial infections;

53. Welcomes the annual European Antibiotic Awareness Day (18 November) instituted to promote the responsible use of antimicrobials; considers, however, that its visibility and potential could be more effectively maximised through strengthened political support at national and European levels, a broader approach which covers also animals, and coordinated, innovative and high-impact campaigns based on the experience derived from successful European and international initiatives; calls on the Commission to provide year-round information on the correct dosages of prescribed antibiotics;

54. Calls on the Commission — in recognition of the fact that sharing information among citizens, and not just among health and veterinary professionals, is key to better awareness and hence prevention — to compile a best practice list with regard to the implementation of effective communication campaigns and professional training courses aimed at raising AMR awareness, such as the work of the multi-stakeholder European Platform for the Responsible Use of Medicines in Animals (EPRUMA), with a view to supporting the effective implementation of such awareness campaigns;

55. Takes the view that effective information and awareness campaigns must be developed with a view to heightening awareness of the dangers of the unintentional spread of antimicrobial pathogens in hospitals and in the home, and awareness of the means of avoiding this;

56. Calls on the Commission to examine, in the study on the improvement of the package leaflet and the drug fact box, the idea of providing patients with better information about the antibiotic in question, for example by ensuring that it contains a warning such as: ‘Please take this antibiotic medicine only if it is prescribed by a doctor to you and take it as prescribed. Improper use of antibiotics can create resistance which harms yourself and other people.’

**International cooperation**

57. Highlights that burgeoning international travel and, more significantly, global food and feed trade could increase the crossborder spread of AMR; believes that concerted and timely international action that avoids overlap and builds critical mass is the only way forward in minimising the threat to public health that AMR poses globally;

58. Acknowledges the importance of adopted international initiatives by WHO, OIE, FAO and other relevant global organisations; stresses, however, the importance of global adherence to adopted international standards and guidelines; calls on the Commission, in its evaluation of the implementation of the current AMR Action Plan, to report on Member States’ progress on key international AMR commitments;
59. Welcomes the establishment of the Transatlantic Task Force on Antimicrobial Resistance (TATFAR) and the set of recommendations, adopted in September 2011, for future EU-US cooperation; stresses, in particular, the importance of specific actions for:

— comparable data collection and data sharing for human and veterinary antimicrobials;
— the development of common blueprints based on best practice for the management of healthcare-associated infections;
— enhanced cooperation between the US Food and Drug Administration and EMA on coordinated approaches facilitating antibacterial drug development and regulation, specifically with regard to the clinical trials stage;

60. Calls on the Commission to build on the work of the TATFAR and to promote similar multilateral and bilateral commitments for the prevention and control of AMR with other global partners;

61. Urges the Commission and the Member States to encourage and promote global risk management initiatives, such as the WHO list of CIAs for human medicine and the OIE List of Antimicrobials of Veterinary Importance;

62. Supports an international approach to the control of counterfeit antimicrobials in line with the WHO guidelines;

63. Instructs its President to forward this resolution to the Council, the Commission and the Member States.
Protection of animals during transport

European Parliament resolution of 12 December 2012 on the protection of animals during transport (2012/2031 (INI))

(2015/C 434/07)

The European Parliament,


— having regard to Article 13 of the Treaty on the Functioning of the European Union, which stipulates that in formulating and implementing the EU’s policies, the EU and its Member States shall, since animals are sentient beings, always pay full regard to the welfare requirements of animals,

— having regard to its resolution of 12 October 2006 on a Community Action Plan on the Protection and Welfare of Animals 2006-2010 (1),

— having regard to its resolution of 22 May 2008 on a new animal health strategy for the European Union 2007-2013 (2),

— having regard to its resolution of 5 May 2010 on the evaluation and assessment of the Community Animal Welfare Action Plan 2006-2010 (3),


— having regard to its position of 30 March 2004 (5) on the proposal for a Council Regulation on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97, which suggested a maximum journey time of 9 hours or 500 km for animals transported for the purpose of being slaughtered,


— having regard to its Declaration No 54/2009 of 25 February 2010 on the transportation of horses to slaughter in the European Union (7),

— having regard to its Declaration No 49/2011 of 30 November 2011 on the establishment of a maximum 8-hour journey limit for animals transported in the European Union for the purpose of being slaughtered (8),

— having regard to the scientific opinion of the European Food Safety Authority (EFSA) concerning the welfare of animals during transport, published in January 2011 (9).

(2) OJ C 279 E, 19.11.2009, p. 89.
(3) OJ C 81 E, 15.3.2011, p. 25.
having regard to the 8hours.eu petition signed by over one million EU citizens calling for the maximum transport time for animals destined for slaughter to be limited to eight hours,

having regard to Rule 48 of its Rules of Procedure,

having regard to the Report of the Committee on Agriculture and Rural Development and the opinions of the Committee on the Environment, Public Health and Food Safety and of the Committee on Transport and Tourism (A7-0331/2012),

A. whereas the protection of animals in the 21st century is an expression of humanity and a challenge facing European civilisation and culture; whereas all action designed to ensure the protection and welfare of animals should be based on scientific findings, as well as on the principle that animals are sentient beings whose specific needs should be taken into account, as laid down in Article 13 of the Treaty on the Functioning of the European Union;

B. whereas the transport of animals is a result of economic and logistical factors, while at the same time it can give rise to additional social and environmental costs (increased road traffic, additional CO₂ emissions);

C. whereas the transport of animals needs to be dealt with from both within and outside the EU, and animals coming from third countries must be thoroughly controlled and monitored, thus ensuring both a more balanced competitive situation for European producers and an incentive for improving standards of animal transport in third countries;

D. whereas EU rules on animal welfare must not give rise to distortions in free trade in goods or result in disproportionate financial costs, and it is necessary to bear in mind the particular disadvantageous geographical situation of the peripheral and outermost regions;

E. whereas the transport of meat and other animal products is technically easier and ethically more rational than the transport of live animals for the sole purpose of being slaughtered;

F. whereas the transport of animals over significant distances in unhygienic and unfavourable conditions may increase the risk of transmission and spread of diseases;

G. whereas maintaining the principles of animal welfare can influence the quality of animal products;

H. whereas animal slaughter and meat processing at the closest possible proximity to the breeding location can help stimulate rural areas and their sustainable development; whereas it should be recognised that there is not always a variety of appropriate slaughterhouses available in sufficient proximity and there are serious economic challenges involved in sustaining small local slaughterhouses; whereas high standards of hygiene and other requirements under EU legislation on this type of installation have brought about a restructuring of slaughterhouses and a decline in their numbers; whereas, therefore, it is necessary to investigate ways of making local slaughterhouses economically viable;

I. whereas limitations on transport time and overly restrictive conditions may compromise regular market supply in certain countries and peripheral regions in EU territory, resulting in some companies ceasing to be economically viable, with all the consequences associated with that loss of competitiveness,

J. whereas the conditions under which animals are transported are a matter of interest to all;

Overall assessment of the Commission report

1. Takes note of the Commission report presenting the state of implementation of Council Regulation (EC) No 1/2005, which contains the conclusion that the Regulation has had a positive impact on the welfare of animals during transport, but notes that severe problems during animal transport persist, due mainly to poor compliance and implementation in the Member States;
2. Calls on the Commission to ensure an effective and uniform enforcement of existing EU legislation on animal transport across all Member States; considers that better enforcement is central to ensuring the effectiveness and workability of the existing legislation in order to improve transport conditions and avoid distortion of competition across EU Member States.

3. Strongly condemns the weak scientific basis and data on which the Commission report is based, such as a study from an external contractor based mainly on a survey to be completed by parties directly involved in or having a direct interest in the transport of animals;

4. Expresses concern that there is a risk that in some instances the data from the Member States contained in the report, without any possibility of exact verification, may not fully reflect the actual state of affairs with regard to the transport of animals because of the differing methods and control mechanisms used in individual Member States;

5. Is concerned that the degree of implementation of the rules governing the transport of animals varies significantly between individual Member States, and therefore calls on the Commission to adopt measures to secure full and uniform monitoring of adherence to the transport conditions;

6. Urges the Commission to take measures to increase cooperation and communication between the competent authorities in different Member States;

7. Points out that the Commission report does not contain a full evaluation of all the costs of animal transport, limiting itself to the impact on intra-EU trade, regional and socioeconomic implications, effects on animal welfare, scientific underpinning and control, and compliance with and enforcement of Regulation (EC) No 1/2005; therefore calls on the Commission to present a full evaluation of all the economic, environmental and social costs and benefits incurred by the transport of animals, including a comparison between the transport of animals for slaughter and the transport of carcasses and food products, as well as the effect of transport on the price of meat products, paying particular attention to the outermost regions and involving all stakeholders;

8. Calls on the Commission to implement an extensive consumer information campaign on the subject of the European regulations on animal welfare, providing continuous information on the changes being required of European producers for the purposes of raising the profile of their work and improving the added value of their production;

9. Points out that during the 2005-2009 reporting period the number of animals transported increased significantly: cattle by 8 %, pigs by 70 % and sheep by 3 %, and that only for horses was there a decrease of 17 %; stresses that two-thirds of consignments concern transport periods of less than 8 hours, while 4 % of transports are longer than the maximum journey time and thus require offloading and resting before continuing the journey; regrets that for nearly 2 % of consignments journey times were not available, which represents a more than fivefold increase compared to 2005;

10. Believes that animals should as a principle be slaughtered as close to their place of rearing as possible; notes in this connection that consumers are in favour of shorter transport times for animals destined for slaughter, but at the same time prefer to buy fresh meat; calls on the Commission, therefore, to explain what consequences are to be drawn from this; acknowledges that owing to lack of enforcement the Regulation has not fulfilled the aim of limiting the transport of live animals for slaughter, but that it has made a contribution to improving animal welfare during transport; calls on the Member States to properly implement the existing legislation on animal transport, and calls on the Commission to promote, where possible, local processing; believes that EU policy should aim at helping create short and transparent supply chains, while safeguarding market supply in all Member States and in the outermost regions; stresses that EU hygiene legislation, while ensuring the highest level of protection for consumers, should not unnecessarily hamper the development of mobile or small-scale regional slaughter and processing facilities;

11. Calls on the Commission to come up with a clear definition of what local slaughterhouses are;
12. Recalls that Article 32 of the aforementioned regulation states that the Commission report must take into account ‘scientific evidence on welfare needs of animals’, and may be accompanied if necessary by appropriate legislative proposals concerning long journeys;

13. Acknowledges Written Declaration No 49/2011 of the European Parliament supporting an eight-hour journey limit for animals to be slaughtered, but recognises that such a demand alone has no scientific basis; considers that animal welfare during transport in some instances depends more on proper vehicle facilities and on the proper handling of animals, as documented in the EFSA opinion of December 2010; nevertheless, asks the Commission and the Member States to lay down guidelines for best practice with a view to improving the implementation of Regulation (EC) No 1/2005, and to reinforce control mechanisms in order to guarantee animal welfare;

14. Insists on a reconsideration of the issue of limiting the transport time of animals destined for slaughter to eight hours taking account of loading time, irrespective of whether this takes place on land or at sea, with some exceptions taking into account geographic conditions in the outermost regions, sparse road networks, remote location or the option of longer transport of some animal species confirmed by scientific research results, provided that the rules on animal welfare are complied with; points out that it should be possible to extend transport times in the event of unforeseeable transport delays (traffic jams, breakdowns, accidents, diversions, force majeure, etc), while complying with animal welfare principles and after taking account of all the possibilities available;

15. Highlights the fact that the Commission’s report stresses in particular in its conclusions, in agreement with the opinion of EFSA, that ‘it appears that parts of the Regulation are not fully in line with the current knowledge’; believes that for this reason it is important to underline the need to consider the latest scientific knowledge in preparing regulations on animal welfare; highlights the fact that the EFSA opinion stresses that other aspects come into play in the welfare of animals aside from the duration of the journey, such as proper loading and unloading, as well as the design of the vehicles;

**Economic, social and environmental costs of transport and the level playing field**

16. Is aware of the considerable investments made by many transporters under difficult economic conditions and, welcomes the improvements in terms of the training of drivers, enhanced vehicle specifications and the quality of animal transport noted in the Commission’s report; regrets, however, that the Commission’s findings lack sufficient reliable data; takes note that owing to the considerable investments required, many producers and slaughterhouses, most of them small ones, have ceased activity, especially in isolated and peripheral areas of Europe;

17. Points to the considerable differences existing between Member States as regards the costs of upgrading vehicles (for example a range of € 250 to € 6 000 for the installation of satellite navigation), which seriously affect the level playing field within the Internal Market, and criticises the Commission for not having investigated the reasons for these differences;

18. Calls on the Commission, in view of the situation described above, to present a full evaluation of all the economic, environmental and social costs incurred by the transport of animals;

19. Believes that animal welfare legislation, as a matter of principle, should be based on science; calls on the Commission, therefore, to update the rules on animal transport in relation to the gaps existing between the legislation and the latest scientific evidence as identified by EFSA;

20. Welcomes the fact that in its report the Commission used the scientific research presented by EFSA, which highlights the need to significantly reduce the length of transport time for horses and correlates with the suggestions advanced in Parliament’s Declaration of 25 February 2010;

21. Regrets that despite the new scientific evidence on horse transportation times submitted by EFSA, no recommendations for legislative changes were included in the Commission’s report; requests that the Commission propose a considerably shortened maximum journey limit for all movements of horses for slaughter, in accordance with Council Directive 2009/136/EC; insists furthermore on a thorough, science-based review of welfare standards for horses, if necessary accompanied by legislative proposals, including a reconsideration of vehicle design standards, space allowances and water provision;
22. Points out that Recital 9 of Council Regulation (EC) No 1/2005 requires that suitable provisions should be proposed for poultry as soon as the relevant EFSA assessments are available; regrets, therefore, that the Commission's report does not take the transport of poultry into account, despite the fact that poultry constitute the main category of animals transported in Europe; calls on the Commission, accordingly, to review the existing EU legislation on the transport of poultry on the basis of the latest scientific evidence;

23. Calls on the Commission and Council to review Council Regulation (EC) No 1/2005 in the light of the latest scientific evidence published by EFSA, and to introduce improvements relating in particular to space allowances, such as using a kg/m² calculation for horses and an algometric equation relating size to body weight for cattle and sheep, and linking the maximum stocking density of broilers in containers to thermal conditions;

24. Requests the Commission, in its bilateral trade negotiations with third countries, to demand implementation of the EU's animal welfare rules and to defend the internationalisation, within the framework of the World Trade Organisation, of the Community provisions on the subject;

Control and implementation

25. Welcomes the information on the introduction of a navigation system for monitoring the transport of animals, but is disappointed that large differences in implementation exist between Member States and that overall this system is being used only to a limited extent for the purposes of monitoring the transport of animals; requests that the Commission make legislative proposals before 1 January 2014, aimed at creating an EU-wide common framework for data collection and control through satellite navigation, based on the uploading of data in real time;

26. Expresses disappointment that better use has not been made of emerging technologies which would assist in this area and reduce costs in the long run;

27. Calls for a transition to electronic technologies so that Member States can make things easier for companies by facilitating the storage and communication of data requested by the various administrative offices;

28. Calls on the Commission to undertake research into how new and existing technology can be applied in livestock vehicles to regulate, monitor and register temperature and humidity, which are essential elements for controlling and protecting the welfare of specific categories of animals during transport, in line with the EFSA recommendations;

29. Stresses that inspections must be carried out uniformly throughout the Union and on an adequate proportion of the animals transported each year within each Member State, in order to guarantee and maintain the proper functioning of the internal market and avoid distortions of competition within the EU; calls, in addition, on the Commission to increase the number of unannounced FVO spot inspections focused on animal welfare and the transport of animals; believes that differing methods of data collection and control mechanisms make it difficult to establish an accurate picture of compliance in individual Member States; calls therefore on the Commission to adopt a more harmonised reporting structure and to undertake further analysis of the data generated by FVO inspection reports and from Member States' returns relating to their Multiannual National Control Plan (MANCP);

30. Urges the Commission to ensure that veterinary controls on animals to be transported take place at the end of their transport.

31. Is concerned that significant differences have arisen in individual Member States' interpretation of the rules, since this threatens the aims of the Regulation and distorts competition; calls on the Commission, therefore, to publish appropriate clarification and guidance documents for the Regulation so as to eliminate the possibility of it being interpreted arbitrarily;

32. Notes that any deficiencies in implementation are frequently the result of legal requirements which cannot be implemented in practice or which are incompatible with national law; calls on the Commission to check the current Regulation for such incompatibilities;

33. Is concerned that certain Member States are prepared to tolerate blatant infringement of the provisions of the Regulation, such as the acceptance of transport schedules which are impossible to fulfil, overstocked vehicles and inadequate space allowances;
34. Calls also on the border authorities of each Member State to collaborate and share information regarding the crossborder transportation of animals;

35. Calls on the Member States to introduce effective, proportionate and dissuasive sanctions for infringements of the Regulation, pursuant to Article 25 thereof; draws attention to the differing levels of penalties and sanctions for the same infringement in different Member States, and calls for a greater harmonisation of sanctions across the EU to ensure better enforcement of the Regulation; requests that the Commission present, before 1 July 2013, a report analysing the penalties for serious infringements relating to animal welfare in road transport in all Member States, comparable to its report on penalties in the area of social rules in road transport (1);

36. Draws attention to the rules on responsibility, in which responsibility for the transport of unfit animals is not sufficiently clearly defined to ensure that animals unfit for transport are not transported, while the persons sanctioned are not necessarily in a position to prevent the transport;

37. Calls on the Commission to pursue legal action against, and impose sanctions on, those Member States which fail to apply the Regulation correctly;

38. Calls on the Member States to strengthen controls across the entire production chain in order to halt practices that infringe the Regulation and worsen the conditions for the transport of animals, such as allowing overstocked vehicles to continue their journeys, or permitting control posts with inadequate facilities for resting, feeding and watering the animals to continue in use;

39. Is of the opinion that the appropriate education and training of freight carriers and transporters is indispensable for the proper treatment of animals, thus forming a basis for their protection and wellbeing; calls on all Member States to improve or extend their education and training programmes, as obligatory under Regulation (EC) No 1/2005; notes that the duration and standard of training courses vary greatly between Member States; demands, therefore, the preparation of clear EU guidelines with a view to developing better and more uniform training courses for drivers and animal handlers;

40. Stresses the key role to be played by retailers, food service companies and food manufacturers in ensuring that in their private standards meat originates from animals which have been reared and slaughtered locally and have been transported in conditions that respect their welfare;

41. Expresses concern at the number of reports of inappropriate vehicles being used to transport live animals both on land and at sea, and calls for the monitoring of such practices to be stepped up;

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

P7_TA(2012)0500

Fundamental rights in the European Union (2010-2011)


(2015/C 434/08)

The European Parliament,

— having regard to the preamble of the Treaty on European Union, notably its second and its fourth to seventh indents,
— having regard to Articles 2, 3(3) second indent, and Articles 6 and 7 of the Treaty on European Union,

— having regard to the Charter of Fundamental Rights of the European Union of 7 December 2000 (‘the Charter’), as proclaimed on 12 December 2007 in Strasbourg,

— having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR),

— having regard to the UN Convention on the Rights of Persons with Disabilities,

— having regard to the 1949 UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,

— having regard to Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (1),

— having regard to the 2010 and 2011 Commission Reports on the Application of the EU Charter of Fundamental Rights (COM(2011)0160 and COM(2012)0169) and to the accompanying staff working documents,

— having regard to the Commission Communication on the EU Citizenship Report 2010: Dismantling the obstacles to EU citizens’ rights (COM(2010)0603),

— having regard to the Commission’s Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union (COM(2010)0573) and the Operational Guidance on taking account of Fundamental Rights in Commission Impact Assessments (SEC(2011)0567),

— having regard to the Stockholm Programme — An open and secure Europe serving and protecting citizens (2),

— having regard to the Council conclusions on the Council’s actions and initiatives for the implementation of the Charter of Fundamental Rights of the European Union, adopted at the 3 092nd General Affairs Council meeting in Brussels on 23 May 2011, and to the Council’s Guidelines on methodological steps to be taken to check fundamental rights compatibility at the Council’s preparatory bodies (3),

— having regard to the Commission Communications entitled ‘An EU Framework for National Roma Integration Strategies up to 2020’ (COM(2011)0173) and ‘National Roma Integration Strategies: a first step in the implementation of the EU Framework’ (COM(2012)0226),

— having regard to the body of United Nations conventions on human rights to which Member States are party, the conventions and recommendations of the Council of Europe, the reports by the bodies of the Council of Europe, in particular the reports on the human rights situation drawn up by the Parliamentary Assembly and the Commissioner for Human Rights, and the decisions, guidance and judgments of specialised monitoring and judicial bodies,

— having regard to the decisions and case law of the Court of Justice of the European Union (CJEU) and of the European Court of Human Rights (ECHR),

— having regard to the case law of the national constitutional courts, which uses the Charter as a reference for interpreting national law as well,

— having regard to the activities, annual reports and studies of the Fundamental Rights Agency of the European Union (FRA),

— having regard to NGO reports and studies on human rights and to the relevant studies requested by the Committee on Civil Liberties, Justice and Home Affairs,

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Wednesday 12 December 2012

— having regard to its resolutions on fundamental rights and human rights, notably that of 15 December 2010 on the situation of fundamental rights in the European Union (2009) — effective implementation after the entry into force of the Treaty of Lisbon (1),

— having regard to its resolution of 8 June 2005 on the protection of minorities and anti-discrimination policies in an enlarged Europe (2),

— having regard to its resolution of 9 March 2011 on the EU strategy on Roma inclusion (3),

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

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Women’s Rights and Gender Equality and the Committee on Petitions (A7-0383/2012),

A. whereas Article 2 of the Treaty on European Union (TEU) founds the Union on a community of indivisible and universal values of respect for human dignity, freedom, democracy, gender equality, non-discrimination, solidarity, the rule of law and respect for human rights and civil liberties, for all persons on the territory of the EU, including those belonging to minorities, stateless persons and those who are temporarily or irregularly on the territory of the European Union; whereas these values are common to the Member States, in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail;

B. whereas respecting and promoting these values is an essential element of the European Union’s identity and a condition for becoming an EU member and for fully preserving membership prerogatives;

C. whereas Article 6(3) of the TEU confirms that fundamental rights, as guaranteed by the ECHR and as arising from the constitutional traditions common to the Member States, constitute general principles of Union law,

D. whereas, with the entry into force of the Treaty of Lisbon, the Charter has, pursuant to Article 6 of the TEU, the same legal value as the Treaties, and is binding on the institutions, bodies and agencies of the EU, as well as on Member States when implementing EU law; whereas the Charter has transformed values and principles into tangible and enforceable rights,

E. whereas accession by the EU to the ECHR, as required by the TEU, will allow EU acts to be subject to review by the European Court of Human Rights, creating greater accountability for the EU and improving access to justice for individuals;

F. whereas the effective safeguarding and promotion of rights must constitute an overall objective of all EU policies, including their external dimension, and whereas observing the duty to protect, promote and fulfil does not require new competences for the EU but rather proactive institutional engagement with human rights, developing and reinforcing a genuine culture of fundamental rights in the institutions of the Union and in Member State; whereas the EU needs to foster a coherent EU human rights policy and a mechanism bringing together the various fundamental rights actors within the EU structure;

G. whereas citizens can enjoy their rights fully only if fundamental values and principles, such as the rule of law, the independence of the judiciary, media freedom of the media and non-discrimination are upheld;

H. whereas the gap between fundamental rights and their implementation undermines the credibility of the EU and of its Member States and effective respect for and promotion of human rights, within its territory and throughout the world;

(3) OJ C 199 E, 7.7.2012, p. 112.
I. whereas the obligations incumbent on candidate countries under the Copenhagen criteria continue to apply to the
Member States after joining the EU by virtue of Article 2 of the TEU, and whereas in light of this all Member States
should be assessed on an ongoing basis in order to verify their continued compliance with the EU’s basic values of
respect for fundamental rights, democratic institutions and the rule of law;

J. whereas the effective protection and the promotion of fundamental rights call for Member States to accept, in a spirit of
solidarity and sincere cooperation with the other Member States. EU scrutiny of respect for the Union’s values in their
legislation, policies and practices;

K. whereas, together with Article 2 of the TEU, Article 7 grants the EU institutions the power to assess whether there is a
breach of common values such as respect for human rights, democracy and the rule of law in the Member States, and to
engage politically with the countries concerned in order to prevent and redress violations;

L. whereas the May 2012 joint study by the EU Agency for Fundamental Rights (FRA), the United Nations Development
Programme (UNDP) and the World Bank on the situation of the Roma confirms that the Roma suffer discrimination
throughout Europe and that their situation is worse than that of all non-Roma in comparable situations; whereas the
discrimination and increased violence against them in EU Member States are rooted in latent anti-Gypsy attitudes,

M. whereas the current economic crisis is challenging the principle of solidarity, which is an essential component of the
EU’s history and identity, as well as the underlying bond bringing together EU citizens as members of the same political
community (1);

N. whereas social and economic rights are essential elements of the Charter and, as such, should be given prominent
recognition in any analysis of the situation of fundamental rights in the Union;

**General recommendations**

1. Calls on the Commission, the Council and the Member States to fully assume their responsibilities in relation to the
proper and full application of the EU’s mandate and competences with regard to fundamental rights, on the basis of both
the Charter and the articles of the Treaties dealing with fundamental rights and citizens’ rights issues, in particular
Articles 2, 6 and 7 of the TEU; believes that this is the only way to ensure that the European Union equips itself — as it has
done in other areas of common interest and importance, such as economic and budgetary matters — to deal with the
democracy, rule of law and fundamental rights crisis and tensions that are affecting it and its Member States; calls for the
urgent strengthening of European mechanisms to ensure that democracy, the rule of law and fundamental rights are
respected in the European Union;

2. Notes, while welcoming the steps taken by the Commission to ensure that its legislative proposals comply with the
Charter, that there remains room for improvement, as proposals continue to emerge that fail to consider at all, or fail to
counter adequately, the impact of proposed measures on fundamental rights; calls on the Commission to take tangible
steps towards improving the verification of its proposals with the Charter, including ensuring adequate expertise across all
Commission services;

3. Urges the Commission to ensure that the impact on fundamental rights of EU legislation and its implementation by
the Member States systematically form part of the Commission’s evaluation reports on the implementation of EU legislation
and its annual report on monitoring the application of EU law; recommends that the Commission revise the existing Impact
Assessment Guidelines to give greater prominence to human rights considerations, widening the standards to include UN
and Council of Europe human rights instruments;

4. Welcomes the Commission’s proposal for a permanent scoreboard on justice, the rule of law, democracy and
fundamental rights, which will cover all Member States included in the European Semester; calls on the Commission to

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(1) See notably the Charter articles on social rights and the relevant specific Treaty articles on solidarity: Articles 80 and 122 TFEU.
ensure that the European Parliament and the national parliaments are fully involved in the procedure and that the scoreboard is regularly presented to, and assessed and monitored by the European Parliament’s Committee on Civil Liberties, Justice and Home Affairs;

5. Calls on the Council to ensure effective implementation of its commitment to check both its proposed amendments to Commission proposals and proposals put forward on its own initiative with the Charter; recalls that in order to ensure the effective implementation of fundamental rights the Member States too must ensure the full application of the provisions of the Charter when implementing EU legislation;

6. Calls on the Commission — and the Council, where it initiates legislation — to make systematic use of external independent expertise, notably from the Fundamental Rights Agency, during the preparation of impact assessments;

7. Views favourably the measures taken by the Commission, the European Ombudsman and other bodies to boost citizens’ awareness about exercising their rights under the Charter of Fundamental Rights; urges the Commission to continue providing information to citizens and to assess the results of providing such information;

8. Highlights Parliament’s fundamental role in checking and controlling the drawing-up and implementation of European law and insists, therefore, that Parliament should also strengthen its autonomous impact assessment on fundamental rights in relation to legislative proposals and amendments under examination in the legislative process and make it more systematic;

9. Calls on the Commission to draft an annual report on the situation of fundamental rights in the EU, on the basis inter alia of Articles 2 and 6 TEU and of the Charter; believes that such a report should include an analysis of the situation in the Member States, including on the basis of international organisations’, NGOs’, EP and citizens’ concerns in relation to violations of fundamental rights, the rule of law and democracy; calls for the report to address the implementation, protection and promotion of, and respect for, fundamental rights in the EU and its Member States, as referred to in the Charter, the ECHR and international treaties on fundamental rights, and to contain specific recommendations; recalls that the Commission has a duty to conduct such activity as guardian of both the Treaties and the Charter and on the basis of Articles 2, 6 and 7 of the TEU;

10. Calls on the Commission to ensure that its annual report on the implementation of the Charter adopts a more balanced and self-critical analysis, to include not only positive developments but also analysis of where it could strengthen its approach in the future;

11. Regrets that the 2010 and 2011 Commission reports on the application of the EU Charter of Fundamental Rights do not emphasise social and economic rights, particularly in the current context of economic crisis, where such rights are all the more relevant;

12. Calls on the Commission to ensure that its annual report on the application of the Charter addresses the situation of social and economic rights in the Union and, in particular, how these are implemented in the Member States;

13. Recommends that Parliament, the Commission and the Council jointly and formally recognise the existence of positive obligations to protect and promote human rights as part of EU law; emphasises that respect for fundamental rights and freedoms implies actions at various levels (international, European, national, regional and local) and stresses the role that regional and local authorities can play in this area in connection with human rights associations; urges the Commission and the Council to improve cooperation with international organisations dealing with fundamental rights, NGOs and civil society in pre-legislative and legislative processes;

14. Calls on the Commission and the Council to ensure that a sufficient level of funding is ensured in funding programmes dedicated to fundamental rights and anti-discrimination during the coming Multiannual Financial Framework for civil society organisations at all levels;
15. Calls on the Council to include in its annual reports on human rights in the world an analysis of the situation in the Member States by also taking into account the measures to be taken to implement ECtHR judgments and to adapt domestic legislation and practice accordingly;

16. Calls on the Commission to revise the EU legislative acquis by duly taking into account the rights outlined in the EU Charter; considers that the possible tensions between economic freedoms and fundamental rights should be addressed already at legislative level and not only by the EU judiciary;

17. Calls on the Commission to revise the former third pillar domain (police and judicial cooperation in criminal matters) in the light of the Charter; recalls the recommendation made in its resolution of 25 November 2009 on the Stockholm Programme (1) asking for a consistent revision of this legislation and reminds the Commission that on 1 December 2014 all legislation adopted in a totally different constitutional framework will be applied as such in the EU and will unduly affect the rights of the individual under EU jurisdiction;

18. Regrets

— the lack of transparency in the Commission's dialogue with Member States when fundamental rights or the interests of European citizens are at stake; considers that such a lack of transparency with regard to the transposition of EU law is contrary to the EU rules on transparency and the principle of legal certainty, is extremely prejudicial for the other EU countries, for EU citizens and for the other institutions, particularly when Citizens' social and economic rights are at stake; welcomes the initiatives announced by the Commission to improve transparency with regard to Member States' action or inaction in connection with the implementation of the internal market and considers that the transparency announced for fiscal policy should even be improved when fundamental rights are at stake;

— the lack of transparency in the EU agencies, which makes it difficult to ascertain whether or not their actions comply with the principles of transparency, good administration, personal data protection and antidiscrimination, as well as of necessity and proportionality; regrets the Commission's persisting lack of interest in a legislative framework guaranteeing an open, independent and efficient administration, as required by Article 41 of the Charter and Article 298 of the TFEU;

— the lack of transparency and openness, as well as of appropriate respect for, and protection and promotion of, fundamental rights and of democratic and parliamentary oversight, in international negotiations, which has led Parliament to reject international agreements such as ACTA, which will lead EU institutions and Members States to change their current practices and respect citizens' rights;

19. Suggests more transparency in the Commission's dialogue with Member States and in the work of EU agencies, when fundamental rights or the interests of European citizens are at stake;

20. Calls for the launch of a 'European fundamental rights policy cycle', detailing on a multiannual and yearly basis the objectives to be achieved and the problems to be solved; considers that this cycle should foresee a framework for institutions and the FRA, as well as Member States, to work together by avoiding overlaps, building on each others' reports, taking joint measures and organising joint events with the participation of NGOs, citizens, national parliaments, etc.;

21. Proposes that steps be taken to ensure continuous channels of information-sharing on fundamental rights in the EU between the relevant bodies and within the EU institutions and EU agencies, and to hold a yearly interinstitutional forum in order to assess the EU fundamental rights situation; considers that such a forum should be a preparatory step for Parliament's annual debate on fundamental rights and on the development of the European area of freedom security and justice; considers that this interinstitutional forum should convene representatives of the Commission, the Council Working Group on Fundamental Rights, Citizens' Rights and Free Movement of Persons (FREMP), Parliament's Committee on Civil Liberties, Justice and Home Affairs, Committee on Petitions, Committee on Employment and Social Affairs, and Committee on Regional Development, and representatives of the European Ombudsman, the Fundamental Rights Agency, Eurofound, and the European Data Protection Supervisor;

22. Urges national parliaments to enhance their role in human rights scrutiny of EU activities and national implementation of EU law and invites them to hold periodic meetings focused on the strategies to be developed to implement the Charter and the case-law of the EU Courts;

23. Deplores the delays in the EU’s accession to the ECHR; calls on the Council to act under the terms of Article 265 of the TFUE so that the procedures for EU accession to the ECHR are concluded; urges the Commission to conclude the procedure at the earliest opportunity, and Member States to launch procedures for ratifying the accession to the ECHR as soon as possible, as this will provide an additional mechanism for enforcing the human rights of its citizens;

24. Considers that, even before the conclusion of the negotiations for the EU’s accession to the ECHR, the EU and its Member States should consider transposition by the Member States of the Strasbourg case-law as a matter of common interest;

25. Considers that the Commission and the Council should create a mechanism to ensure that the EU and its Member States respect, implement and transpose the ECtHR’s case-law, since this is a matter of common interest and an obligation as regards respect for fundamental rights in the EU;

26. Reminds all Member States to comply with their obligations to respect fundamental freedoms and rights; notes that participation in international treaties for the protection and promotion of human rights can only serve to strengthen the protection of fundamental rights within the EU and welcomes the fact that the EU has acceded to the Convention on the Rights of Persons with Disabilities and will accede to the ECHR; calls on the Council and the Commission to take steps towards becoming a party to other international human rights treaties, such as the UN Convention on the Rights of the Child;

27. Is extremely worried about the situation of democracy, the rule of law, checks and balances, media and fundamental rights in some Member States and, in particular, about the practice by those in power of selecting, appointing or dismissing people occupying independent positions in, for example, constitutional courts, the judiciary, public broadcasting media, media regulatory bodies and the offices of ombudsmen or commissioners, merely on the basis of political affiliation rather than on that of competence, experience and independence;

28. Regrets the Commission’s weak response to specific violations of fundamental rights and the weakening of democratic checks and balances and the rule of law in Member States, and calls on the Commission to ensure that infringement proceedings secure the effective protection of human rights, rather than aiming for negotiated settlements with Member States;

29. Considers that, in order to maintain the credibility of the accession conditions, Member States should also be continuously assessed on their continued compliance with the EU’s fundamental values and the fulfilment of their commitments regarding the functioning of democratic institutions and the rule of law; calls on the Commission to ensure that infringement proceedings secure the effective protection of fundamental rights and to launch objective investigations and start infringement proceedings if well grounded, thus avoiding double standards, whenever a Member State violates the rights enshrined in the Charter when implementing EU legislation;

30. Recalls the Commission’s commitment to giving priority to those infringement proceedings which raise issues of principle or which have a particularly far-reaching negative impact on citizens (1);

31. Calls, therefore, on the Commission to update its 2003 communication (COM(2003)0606) and draw up before the end of 2012 a detailed proposal for a clear-cut monitoring mechanism and early warning system, as well as a freezing procedure, as already called for by Parliament, to ensure that Member States, at the request of EU institutions, suspend the adoption of laws suspected of disregarding fundamental rights or breaching the EU legal order, associating, in particular, the national fundamental rights bodies created in compliance with the Paris principles and building on the provisions of Articles 2, 6 and 7 of the TEU and Article 258 of the TFEU;

(1) COM(2010)0573.
32. Underlines its commitment to use its powers to act as a human rights litigant, in particular to ensure that EU acts respect, protect, promote and fulfil human rights;

33. Calls for the revision of the procedural rules of the CJEU and General Court in order to facilitate third-party interventions, by human rights NGOs in particular;

34. Calls for the setting-up of appropriate national human rights institutions (NHRIs) in all Member States and for measures to facilitate networking between these bodies across the EU with the support of the FRA; invites the EU institutions and the Member States to develop the capacity of equality bodies, data protection bodies, NHRIs and the FRA as human rights litigants;

35. Calls for closer cooperation between Union institutions and other international bodies, particularly with the Council of Europe and its European Commission for Democracy through Law (Venice Commission), and to make use of their expertise in upholding the principles of democracy, human rights and the rule of law; encourages the Commission and the Member States to intensify their cooperation, including with the European Parliament and the national parliaments, in order to improve the implementation of EU human rights legislation and ensure that complaints are followed up and that any irregularities are rectified;

36. Regrets the worsening situation of media freedom in various Member States; calls on the Member States to respect, and the Commission to take appropriate measures to monitor and enforce, media freedom and media pluralism; welcomes the initiative of the European Parliament to draft a report on standard-setting for media freedom across EU;

37. Is concerned at the deteriorating situation as regards media freedom and pluralism, in particular the freedom and pluralism of the press, in the Union, including as a result of the current economic crisis; condemns the conditions under which some journalists work and the obstacles they face, especially when covering demonstrations; is particularly concerned that some Member States are tempted to challenge the principle of the protection of journalistic sources and the ability of investigative journalists to investigate circles close to government; regrets deeply the attitude of the Commission, which refuses to make any legislative proposal to ensure media freedom and pluralism in accordance with Article 11 of the Charter;

38. Calls the Commission to entrust the FRA with the task of issuing a yearly report monitoring the situation of media freedom and pluralism in the European Union;

39. Welcomes the adoption by the UN Human Rights Council of a resolution recognising internet rights, particularly concerning access to the internet and freedom of expression; stresses in particular the appeal to strive for ‘the promotion, protection and enjoyment of human rights, including the right to freedom of expression, on the internet and in other technologies’, noting that these rights must be respected regardless of frontiers and through any media; calls on the EU and Member States to implement this resolution in domestic law and ensure its promotion at international level;

40. Reiterates its call to the Commission for a swift revision of the EU acquis in police and criminal matters, in compliance with the Lisbon Treaty and the Charter, before the deadline of 1 December 2014;

41. Calls for the parliamentary evaluation of FSJA-related policies through the creation of a permanent link between the Parliament’s Committee on Civil Liberties, Justice and Home Affairs, the Council Working Group on Fundamental Rights, Citizens’ Rights and Free Movement of Persons (FREMP) and national parliamentary committees dealing with fundamental rights in order to assess the relevant legislation at EU and national level;

42. Calls on the Member States to properly fulfil their obligations under international law, which they have so far failed to do, to investigate serious human rights violations carried out in the context of cooperation with the CIA counter-terrorism programme, to step up the fight against trafficking in human beings and organised crime and to afford full redress to victims;

43. Calls on EU institutions to ensure that the FRA is consulted on any legislative proposal having an impact on fundamental rights, and to respect the independence and competences of the FRA;
44. Stresses that the mandate of the European Union Agency for Fundamental Rights should be enhanced to include regular monitoring of Member States’ compliance with Article 2 of the TEU, the publishing of annual reports on its findings and presentation of such reports in the European Parliament;

45. Considers it unacceptable—

— that Parliament, the only directly elected EU institution and EU co-legislator for most EU policies, has not been permitted to define the thematic areas for the multi-annual framework (MAF) of the FRA;

— that police and judicial cooperation in criminal matters, which has become standard EU policy, as well as social and economic rights, which are essential elements of the Charter, are still not explicitly included in the mandate of the FRA; asks the Council to include the above matters in the next multiannual framework of the FRA;

46. Points to shortcomings in the current mandate of the FRA, in particular the limited number of comparative evaluations between Member States and the lack of assessments of the whole human rights, rule of law and democracy landscape of Member States;

47. Points out that the Paris Principles on NHRI should be used as a model for reforming the national institutions and the FRA, and calls on the Commission and the Council, together with the European Parliament, to revise, as a matter of urgency, the founding regulation of the FRA under the ordinary legislative procedure, so that the remit of the FRA is broadened to cover the full scope of Articles 2, 6 and 7 of the TEU and, in particular, the European Charter’s implementation by the EU institutions, agencies, offices and bodies, as well the activities of Member States; considers that the independence of the FRA should be strengthened, as well as its powers and competences; considers that the FRA Scientific Committee and the FRANET network should submit to the European Parliament and the national parliaments and publish annually a thematic and more focused report assessing the situation in the Member States, as was done until 2006 by the former Network of Experts on Fundamental Rights; calls on the FRA to fully respect Article 15 of the TFEU by making its proceedings open and by giving access to its documents via a publicly accessible register, as foreseen by Regulation (EC) No 1049/2001;

48. Is concerned about the ‘opt-outs’ of some Member States, which risk affecting the rights of their citizens, who will suffer more from discrimination than other EU citizens and recalls that, in accordance with the case-law of the ECJ, the ‘opt-outs’ are not intended to exempt the Member States from the obligation to comply with the provisions of the Charter or to prevent a court of one of those Member States from ensuring compliance with those provisions;

49. Stresses that, beyond informing individuals of their Charter rights, the Commission must ensure they are aware of how to exercise their right of access to justice and enforce their rights in relevant fora; considers that informal networks, such as those successfully developed for the internal market (SOLVIT), should be established at national and regional level to assist and advise people whose rights risk being violated (such as migrants, asylum seekers, vulnerable people); considers that these support structures for right restoration and economic and social integration should be a priority for regional funds;

50. Calls on the Commission to informing those citizens contacting it in relation to fundamental rights violations of these additional or more appropriate possibilities in detail, to keep record of these indications and to report on this in full detail in its annual reports on fundamental rights in the EU and on the implementation of the Charter; underlines that citizens’ correspondence is extremely relevant in revealing possible structural, systemic, serious violations of fundamental rights in the EU and its Member States and consequently relevant to ensure the genuine application of Articles 2, 6 and 7 of the TEU by the Commission;

**Discrimination**

51. Calls on Member States to collect disaggregated data for all grounds of discrimination, as well as to develop fundamental rights indicators in cooperation with the FRA, in order to ensure properly informed and targeted legislation and policies, particularly in the field of non-discrimination and in the context of national Roma integration strategies;
52. Calls on the Commission to propose a review of the Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law to include other forms of bias-motivated crime, including on grounds of sexual orientation, gender identity and gender expression;

53. Deplores the fact that not all Member States have properly transposed the Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law; calls on Member States to prosecute xenophobia, racism, anti-gypsyism and other forms of violence and hatred against any minority groups, including hate speech; calls on the Member States to ensure that bias-motivated offences, such as those with racist, xenophobic, anti-Semitic, Islamophobic, homophobic or transphobic intent are punishable within the criminal law system, that these offences are properly registered and investigated effectively, that offenders are prosecuted and punished, and that victims are offered proper assistance, protection and compensation; recalls that on 1 December 2014 this framework decision will become fully enforceable;

54. Stresses that the principles of human dignity and equality before the law are the foundations of democratic society; deplores the current blockage of Council negotiations on the Commission’s proposal for a horizontal directive extending comprehensive protection against discrimination on all grounds; calls on the Council to act, on the basis of Article 265 of the TFUE and to adopt the directive;

55. Stresses that, in accordance with the Charter of Fundamental Rights of the EU, European citizens should also be protected from discrimination on linguistic grounds;

56. Calls on Member States to establish complaints procedures that ensure that a victim of multiple discrimination, taking into account that women are specially targeted by these, can lodge a single complaint addressing more than one ground of discrimination; considers appropriate to support the activities of human rights defenders and the development of collective actions by marginalised people and communities;

57. Calls on Member States to protect freedom of religion or belief, including the freedom of those without a religion not to suffer discrimination as a result of excessive exemptions for religions from laws on equality and non-discrimination;

58. Stresses that, in the area of the fight against discrimination, the specificity of discrimination on grounds of disability should be fully taken into account;

Protection of individuals belonging to minorities

59. Stresses that the situation of stateless persons permanently resident in Member States needs to be addressed, on the basis of the recommendations of international organisations;

60. Underlines the importance of respect for the rights of persons belonging to national minorities; encourages the Member States that have not yet done so to ratify the Council of Europe Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages without further delay and, where relevant, to withdraw reservations and restrictive declarations; calls on Member States to take action to combat discrimination suffered by members of linguistic minorities and to document the results of action taken to protect the right of members of linguistic minorities to use their own language; urges Member States not to discriminate against persons belonging to national or ethnic minorities and to ensure that such people enjoy the rights conferred on them by international and EU law;

61. Calls on Member States to address racial and ethnic discrimination in employment, housing, education, health, access to goods and services; is particularly concerned about the rise of political parties which are openly racist, xenophobic, Islamophobic and anti-Semitic, owing to an economic and social crisis which is encouraging a frantic search for scapegoats, and whose violent practices should be condemned; is also concerned at the adoption of repressive measures against the homeless in the context of the current crisis;
62. Stresses that, owing to divergences in the implementation of EU law and complex administrative procedures, some categories of persons encounter discriminatory obstacles in the exercise of their right to freedom of movement and residence; calls on the Commission to bring infringement procedures against Member States violating Directive 2004/38/EC;

63. Regrets that citizens of Roma origin are subjected to collective expulsion procedures by Member States and deplores the weak reaction of the Commission in certain cases;

64. Calls on the Commission to evaluate the tangible results of the EU Framework for National Roma Integration Strategies and the progress achieved in each Member State; recognises the efforts made by some Member States, but above all the many gaps in most of the strategies presented to the Commission; calls on the Commission to recommend improvements so as to meet more effectively the objectives set out in the EU Framework for National Roma Integration Strategies; calls for an analysis to be made of the financial feasibility and sustainability of these strategies and the progress achieved in each Member State in its annual reports to Parliament and the Council;

65. Stresses the importance of implementing properly the national Roma integration strategies by developing integrated policies involving local authorities, non-governmental bodies and Roma communities in ongoing dialogue under the provisions of the EU Framework; calls on Member States to provide an effective response to Roma exclusion by implementing the measures presented in their national Roma integration strategies and to cooperate with representatives of the Roma population in the management, monitoring and evaluation of projects affecting their communities, by making use of all available EU financial resources;

66. Believes that the fight against anti-Roma discrimination should do more to involve the Roma community, whose representatives are best placed to testify to the lack of access to the rights to employment, education, housing, health, and goods and services, and to find solutions to address these problems;

67. Calls on the Member States to eliminate the spatial segregation, forced evictions and homelessness faced by the Roma, to set up effective and transparent housing policies and to avoid the criminalisation of homelessness;

68. Calls on the Member States to address the high levels of unemployment among the Roma by removing barriers to accessing employment;

69. Calls on the Member States to reform their national educational systems in order to address the needs of minorities, including Roma children, and to dismantle segregated educational arrangements, without prejudice to education in minority languages existing in many Member States;

70. Urges Member States to adopt the necessary legislative changes with regard to sterilisation and to financially compensate the victims of coercive sterilisations performed on Roma women and women with mental disabilities, in line with the case-law of the ECtHR;

71. Reiterates its call for a targeted approach to the social inclusion of Roma women in order to avoid multiple discrimination and ethnic segregation;

72. Calls on Member States to allocate sufficient budgetary resources for realising the objectives identified in their national Roma integration strategies; calls on the Council to support and adopt the proposals of the Commission and Parliament regarding the next Multiannual Financial Framework, in particular those enabling the European Social Fund and the European Regional Development Fund to better contribute to the social inclusion of Roma by broadening the range of ex ante conditionalities in order to include the development of national strategies and the mapping of the territorial concentration of poverty;

73. Points out that the latest and future enlargements have led and will lead to an even greater number of Member States characterised by cultural and linguistic diversity; believes, therefore, that the EU has a particular responsibility to safeguard the rights of minorities; calls on the Commission to step up its action to involve enlargement countries in its efforts aimed at the social inclusion of Roma, as well as to mobilise the Instrument on Pre-Accession Assistance and to urge enlargement countries through the mechanism of the Stabilisation and Association process to work to this end;
Is alarmed by the rising tide of hate speech and stigmatisation of minorities and of other groups of people and by the growing influence of these phenomena in the media and in many political movements and parties, reflected at high political level and in restrictive legislation; calls on Member States to adopt adequate measures in order to promote, in economic, social, political and cultural life, effective equality between persons, taking due account of the specific circumstances of the persons belonging to these minority communities; points to the inconsistency of policy towards national minorities, noting that, while the protection of minorities is a part of the Copenhagen criteria, there is no standard for minority rights in Community policy; emphasises the fact that minority rights are an integral part of basic human rights;

Considers that no single solution exists for improving the situation of national minorities in all the Member States, but that some common and minimum objectives for public authorities in the EU should be developed, taking account the relevant international legal standards and existing good practices; calls on the Commission to establish a policy standard for the protection of national minorities;

Considers that traditional national minority communities represent a special contribution to European culture, that public policies should therefore be more focused on their protection and that the Union itself must address these needs in a more appropriate way;

Suggests efforts to promote confidence building between, and the co-existence of, communities traditionally living next to each other by teaching and learning about one another’s identity, regional identities, one another’s languages and one another’s history, heritage and culture, with a view to better understanding and greater respect for diversity;

Considers that effective participation in decision-making, based on the principles of subsidiarity and self-governance, is one of the most effective ways of handling the problems of national minorities, following the best practices existing within the Union;

**Equal opportunities**

Regrets the limited impact of EU and national initiatives in the area of inequality between men and women, particularly in the context of employment; calls on the Member States to set specific employment targets and strategies in the framework of their National Reform Programmes and Action Plans for gender equality, to ensure equal access of women and men to enter and stay in the labour market; considers that, with a view to closing the entrenched gender pay and pension gaps, these targets must address the persistent concentration of women in part-time, low-pay and precarious jobs; calls on Member States to adopt measures for better reconciliation of family and working life for all generations of women, including the provision of quality care facilities for children and other dependents;

Considers that women's underrepresentation in political decision-making is a deficit for fundamental rights and democracy; welcomes the positive measures introduced in France, Spain, Belgium, Slovenia, Portugal and Poland, such as legislated parity systems and gender quotas, as essential good practices, and calls on Member States with particularly low representation of women in political life to consider introducing binding legislative measures;

Points to the fact that women continue to suffer discrimination in various areas of everyday life, in spite of the legislation in force on combating discrimination, and is deeply disappointed to note that, after almost 40 years of legislation, the gender pay gap has hardly closed at all;

Considers that violence against women is the most pervasive violation of girls’ and women’s human rights worldwide, including in the EU; calls on the Commission to establish 2015 as the European Year to End Violence against Women, and to deliver a related EU-wide strategy to end violence against women, as announced in the Council Conclusions of March 2010, comprising legally binding instruments, awareness-raising actions, data collection and funding for women’s NGOs;
83. Reiterates its position on sexual and reproductive health rights, as stated in its resolutions of 10 February 2010 (1), 8 March 2011 (2) and 13 March 2012 (3) on equality between women and men in the European Union — 2009, 2010 and 2011; expresses concern, in this connection, about recent restrictions on access to sexual and reproductive health services in some Member States, in particular safe and legal abortion, sexuality education and funding cuts to family planning;

84. Calls on the EU institutions to explore the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in the EU legal framework;

85. Calls on the EU to put an end to policies establishing dependency between family members in the framework of family reunion, and calls on the EU and its Member States to grant migrant women an autonomous residence status, especially in cases of domestic violence;

86. Urges the EU and the Member States to step up efforts to achieve the objectives of the European Pact for Equality between women and men 2011-2020 and to take measures to tackle the gender pay gap, occupational segregation and all forms of violence against women;

87. Calls on the Member States to take effective measures to protect pregnant workers and women on maternity leave;

88. Urges Member States to address the issue of violence against women, domestic violence and sexual exploitation in all its forms and to combat trafficking in human beings;

89. Calls on the Member States to ensure that national action plans address multiple discrimination and protect women belonging to ethnic minorities and immigrant women;

**Sexual orientation and gender identity**

90. Calls on the Commission to propose a recast of the Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law including other forms of bias crime, including on grounds of sexual orientation, gender identity and gender expression;

91. Calls on Member States to adopt the national legislative framework to address discriminations experienced by LGBT people and same-sex couples on grounds of their sexual orientation or gender identity, and urges them to guarantee effective implementation of the existing EU legal framework and CJEU case-law;

92. Calls on Member States to register and investigate hate crimes against gay, lesbian, bisexual and transgender people (LGBT) and adopt criminal legislation prohibiting incitement to hatred on grounds of sexual orientation and gender identity;

93. Welcomes the Commission proposals (4) on jurisdiction and applicable law for the property effects of marriages and registered partnerships; considers, however, that the choice of two different instruments and of a separate approach for registered partnerships and marriages is unjustified; considers that the same choice of jurisdiction and applicable law should apply in both cases;

94. Calls on Member States which have adopted legislation on same-sex partnerships to recognise provisions with similar effects adopted by other Member States; recalls the Member States' obligation to fully implement Directive 2004/38/EC of the European Parliament and of the Council on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, including for same-sex couples and their children; welcomes the

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(2) OJ C 199 E, 7.7.2012, p. 65.
fact that more and more Member States have introduced and/or adapted their laws on cohabitation, civil partnership and marriage to overcome the discriminations based on sexual orientation lived by same-sex couples and their children and calls on other Member States to introduce similar laws;

95. Calls on the Commission to bring forward a proposal for the full mutual recognition of the effects of all civil status documents across the EU, including legal gender recognition, marriages and registered partnerships, in order to reduce discriminatory legal and administrative barriers for citizens who exercise their right to free movement;

96. Calls on the Commission and the Council to intervene more forcefully against homophobia, violence and discrimination based on sexual orientation, including by calling on Member States’ mayors and the police to protect freedom of expression and demonstration on the occasion of LGBT pride marches; calls on the Commission to use the results of the ongoing FRA survey in order to finally follow up the repeated calls by Parliament and NGOs and issue, as a matter of urgency, the EU Roadmap for equality on grounds of sexual orientation and gender identity, with a view to its adoption by 2014;

97. Calls on Member States to ensure the effective protection of participants in LGBT public events, including pride marches, and to ensure that these events can take place lawfully;

98. Deplores that transgender people are still considered mentally ill in a number of Member States; calls on Member States to introduce or review legal gender recognition procedures, on the model of Argentina, and review conditions (including forced sterilisation) set for legal gender recognition; calls on the Commission and the World Health Organisation to withdraw gender identity disorders from the list of mental and behavioural disorders and to ensure a non-pathologising reclassification in the negotiations on the 11th version of the International Classification of Diseases (ICD-11);

99. Welcomes the new set of asylum rules introduced in the Qualification Directive, which includes gender identity as a ground of persecution; maintains that the asylum package must remain coherent and include sexual orientation and gender identity in the Asylum Procedure Directive;

100. Calls on Member States to ensure access to employment and goods and services without discrimination on grounds of gender identity, in line with EU law (1);

101. Welcomes the launch of an FRA survey that will gather comparable data on the experience of LGBT people in the European Union and Croatia;

102. Calls on Member States to fully transpose Council Directive 2003/86/EC on the right to family reunification, without any discrimination on the grounds of sex or sexual orientation; recalls that, according to the case-law of the European Court of Human Rights, same-sex couples fall under the scope of family life (2);

103. Considers that LGBT people’s fundamental rights are more likely to be safeguarded if they have access to legal institutions such as cohabitation, registered partnership or marriage; welcomes the fact that 16 Member States currently offer these options, and calls on other Member States to consider doing so;

(2) Schalk and Kopf v Austria, Application No. 30141/04, ECHR.
**Youth, the elderly and people with disabilities**

104. Calls on the Member States to tackle age discrimination in employment, in line with the case law of the CJEU on the recruitment and dismissal of elderly workers;

105. Calls on the Member States to ensure the inclusion of younger workers, particularly those affected by the economic crisis, on the labour market, including through the organisation and provision of training for the social advancement of young people;

106. Regrets that young people in some Member States are still being prosecuted and sentenced to imprisonment because the right to conscientious objection to military service is still not adequately recognised, and calls on the Member States to stop persecution of and discrimination against conscientious objectors;

107. Welcomes the decision to declare 2012 as the European Year of Active Ageing and Solidarity between Generations; calls on the Member States to recognise and respect the rights of the elderly so as to enable them to enjoy a life of dignity and good quality by providing adequate social services, lifelong learning and other programmes for their social and cultural inclusion; calls on the Member States to adopt measures to combat abuse and all forms of violence against the elderly and to promote their independence by supporting the renovation and accessibility of housing; recalls that elderly women live more often under the poverty line due to the gender pay gap and later the pension gap; stresses that men and women over 65 years of age who are active and willing contribute fully and in many different ways to the daily life of society;

108. Calls for people’s dignity to be respected at the end of life, in particular by ensuring that decisions expressed in living wills are recognised and respected;

109. Calls on the Member States to combat discrimination against persons with disabilities, particularly regarding labour market integration;

110. Calls on the EU and on the Member States to improve access to employment and training of persons with disabilities, including persons with psycho-social disabilities, using existing EU funds;

111. Calls on all the Member States to ratify the UN Convention on the Rights of Persons with Disabilities (CRPD) and the Optional Protocol thereto, and to ensure that all national action plans are in line with the European Disability Strategy 2010-2020 and aimed at improving accessibility, employment, inclusive education and training, as well as independent living for the disabled;

112. Calls on the European Institute for Gender Equality, in coordination with the Fundamental Rights Agency, to conduct research and provide guidance at European and national level as regards the specific situation of women and girls with disabilities; stresses that particular attention should be paid to practices of forced sterilisation and coerced abortion, which may amount to torture or inhuman or degrading treatment and which should, therefore, be prosecuted and punished;

113. Calls on an innovative solution on info-communication accessibility regarding access for deaf and hard-of-hearing citizens to the EU institutions and conferences, based on the Parliament’s resolutions of 17 June 1988 on sign languages for the deaf (1), of 18 November 1998 on sign languages (2) and of 25 October 2011 on mobility and inclusion of people with disabilities and the European Disability Strategy 2010-2020 (3), in accordance with Articles 2, 21, 24 and 30 of the CRPD;

114. Calls on the Member States to fund organisations providing support for independent living conditions for disabled people and de-institutionalisation programmes;

115. Calls on the Commission and the Member States to ensure that EU funding for internal and external actions is not used to create barriers or to generate discrimination against persons with disabilities and to put in place adequate measures for the adoption of new funding programmes to prevent this;

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116. Calls on the Commission and Member States to ensure that EU funds are not directed towards renovating existing or building new institutions for persons with disabilities but are used instead to facilitate community living, in accordance with Articles 5 and 19 of the CRPD and Articles 21 and 26 of the Charter of Fundamental Rights;

117. Stresses the need to increase the political participation of persons with disabilities in elections by accommodating their special needs;

Data Protection

118. Reaffirms that the right of self-determination over personal data and the right to privacy constitute fundamental elements of a person's personality, human dignity and liberty;

119. Stresses that the reform of the EU's data protection regime should increase transparency and awareness of data protection rights, make remedies and sanctions more effective and empower data protection authorities with competence to impose fines on violators of EU data protection law; urges the Council to commit to a comprehensive data protection framework with a uniform and high level of harmonisation, building on Directive 95/46/EC; stresses that derogations and exceptions to the principles governing the protection of personal data, in particular the principle of purpose limitation, and the transfer of data to third countries, must be avoided; stresses that it is of crucial importance that comprehensive data protection standards envisaged in the area of law enforcement also cover the domestic processing of data;

120. Is concerned about the existing tendency to undermine the independence of data protection authorities, and welcomes the Commission's vigilance; calls on Member States to comply with existing provisions and the relevant case-law;

121. Expresses its concern regarding the shortcomings of the Data Retention Directive highlighted by the Commission's report, the EDPS, several national parliaments and the constitutional courts of several Member States, which have declared it unconstitutional; stresses the need to review the Data Retention Directive or at least explore alternatives to data retention, such as expedited data preservation and targeted collection of traffic data;

122. Is concerned at the lack of progress made in the negotiations for an Agreement between the European Union and Canada for the transfer and use of PNR data to prevent and combat terrorism and other serious transnational crime; points out that the agreement signed in 2005 is no longer valid, owing to the expiry of the Adequacy Decision in September 2009, and that the transfer of PNR data has taken place since that date on the basis of unilateral undertakings by Canada to the Member States;

123. Welcomes the fact that, under the EU-Australia PNR agreement, data is collected only for the purpose of preventing, detecting, investigating and prosecuting terrorist offences or serious transnational crime, and that effective redress and protection safeguards are ensured;

124. Regrets that, in the EU-US PNR Agreement, the purposes for the collection of PNR data are not explicit and that data protection safeguards provided for in the agreement are not fully in line with EU standards; stresses that the Commission has not properly explored less intrusive alternatives to the analysis of PNR data, such as that provided by using Advanced Passenger Information or by restricting the use of PNR data to cases where a lead or initial suspicion has already been established;

125. Is concerned that the EU-US TFTP Agreement may not have been implemented in accordance with the provisions laid down in the agreement; stresses that the first and second inspections performed by the Europol Joint Supervisory Body (JSB) raise serious concerns about the compliance of the EU-US TFTP Agreement with data protection principles;
126. Points out with concern that the first inspection performed by the Europol Joint Supervisory Body (JSB) raises serious concerns about the EU-US TFTP Agreement’s compliance with data protection principles;

127. Calls on the Commission to address the concerns expressed by the EDPS, the Article 29 Working Party, the European Economic and Social Committee, the FRA and several national parliaments on the proposed directive on the European Passenger Name Record (PNR) (1), by limiting the scope of application to flights to and from third countries, the fight against international terrorism, the length of data retention and the list of data stored and by ensuring an effective evaluation of the system;

128. Does not consider the Commission’s communication on a European terrorist finance tracking system as an adequate basis for negotiation; calls on the Commission to present a legislative proposal for a legal and technical framework for the extraction of data on EU territory, ensuring full compliance with European data protection standards;

129. Stresses that a European terrorist finance tracking system (2) should be an efficient and targeted extraction system with clear access rights ensuring the termination of the current transfers of bulk data to the US as soon as possible;

130. Calls on the Commission and the Member States to abrogate or review the rules on liquids and body scanners, and calls the Commission to bring infringement proceedings against those Member States violating EU regulations protecting citizens’ fundamental rights on the matter;

Migrants and refugees

131. Calls on the Member States to set up a procedure for more coordinated rules governing asylum seekers, in compliance with the case law of the CJEU and the ECtHR;

132. Reminds Member States that they must fully respect the Geneva Convention on refugees, in particular Article 33 thereof, which prohibits any ‘refoulement’ to their frontiers;

133. Strongly condemns the extensive use by most Member States of detention to facilitate removal of immigrants, including minors, and urges Member States to introduce alternatives to detention in national legislation;

134. Calls on Member States to reform their asylum procedures in order to comply with the requirement to ensure an effective remedy, as laid down by the ECtHR and CJEU case-law, notably on applicable timelines to lodge an appeal against a decision, a negative decision and provisions on the right to stay in the host country during the appeal process;

135. Notes that there is a huge disparity in recognition of gender-based persecution in asylum procedures in the EU: calls on Member States to adopt and implement gender guidelines for initial decision-makers and judges, based on UNHCR gender-relevant guidelines, and on the European Asylum Support Office to develop tools to ensure a gender equality perspective in the Common European Asylum System;

136. Calls on the Member States to focus on effective legal migration policies and to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; stresses that special attention should be given to women migrants who are particularly vulnerable;

137. Recalls the importance of the directive on seasonal workers (3) for reducing irregular working conditions and the risk of exploitation, and urges the swift conclusion of negotiations;

(1) COM(2011)0032.
(2) COM (2011)0429.
138. Recalls that access to health care is a fundamental right and calls, in particular, on Member States to make this right accessible in practice, including for irregular migrants, especially pregnant women and minors, thus taking up the concerns expressed by the Agency for Fundamental Rights in its report of 11 October 2011;

139. Welcomes the EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016 and the work of the EU Anti-Trafficking Coordinator; recalls that Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of mass rapes, human trafficking and other forms of sexual abuse of women and children or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, and Directive 2009/52/EC of the European Parliament and the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals are useful tools for the protection of victims of trafficking and should be fully implemented;

140. Deplores the slow progress in adopting the Common European Asylum System (CEAS) and regrets that the Union’s approach has focused on migration control rather than on access to international protection to meet the needs of intended beneficiaries; calls on the Council and Member States to ensure that the CEAS is implemented by the end of 2012 as planned, in accordance with the international obligations of Member States on asylum;

141. Welcomes the improvements in the revised Qualification Directive (1), in particular a greater acknowledgment of gender-specific forms of persecution, the inclusion of gender identity as a ground of persecution for which protection should be granted, and the commitment to take the best interest of the child into account;

142. Urges Member States to implement the Qualification Directive in a manner which ensures full consistency with international human rights law, and calls on the Member States that wish to do so to go beyond the minimum level of benefits and rights ensured by the text;

143. Stresses that the broadened scope of the Directive on Long-term Residents (2) to include refugees and beneficiaries of subsidiary protection will contribute to their effective integration, which carries benefits for the European Union and the Member States;

144. Welcomes the revised Commission proposal recasting the Reception Conditions Directive (3) and stresses that basic reception conditions should be offered from the moment asylum seekers arrive and that they should be encouraged to contribute to the host community, irrespective of the length of their stay;

145. Stresses that gaps and ambiguities in the amended proposal for a Directive on common procedures for granting and withdrawing international protection status (4) must be addressed in a manner which can enable Member States to avoid the risk of increased costs and potential misuse, while ensuring access to fair and high-quality asylum decisions for those in need of protection;

146. Recommends the setting-up of asylum expert teams to assist states with insufficient asylum infrastructures; takes the view that the existence of minimum standards and of quality-assessment mechanisms can raise the quality of asylum decision-making;

147. Emphasises that asylum seekers do not enjoy equivalent levels of procedural and substantive protection in all Member States, due to inadequate transposition of EU law or to differing approaches to implementation;

148. Expresses concern at the current Dublin system’s impact on the legal rights of asylum seekers, including their right to have their claim to asylum examined fairly and, where recognised, to effective protection, as well as at the uneven distribution of asylum claims among Member States;

149. Highlights the importance of negotiations with a view to amending the Dublin II Regulation, and stresses that more efficient procedures should not be sought at the expense of the rights of applicants;

(3) COM(2011)0320l.
(4) COM (2011)0319.
150. Stresses the need to complete negotiations on an effective mechanism for suspending transfers to Member States under the Dublin II Regulation, where there is a risk of a violation of the fundamental rights of the persons concerned, in line with recent ECtHR and CJEU case-law;

151. Calls for fundamental rights-sensitive border controls, and stresses the need for democratic oversight by Parliament of Frontex operations;

152. Stresses its commitment to ensuring full parliamentary scrutiny of the EU’s JHA agencies, in particular Europol, Frontex, Cepol, Eurojust, and the Agency for the operational management of large-scale IT systems; calls on these agencies to enhance the fundamental rights dimension of their activities;

153. Stresses the need to monitor the practical implementation of EASO’s mandate, and points out that the fundamental rights-related aspects of Europol’s work should be addressed in the renegotiation of its mandate in 2013;

154. Calls for the effective implementation of the fundamental rights provisions of the Schengen Borders Code and of the Community Code on Visas in the context of future Schengen evaluations;

155. Stresses that the principles of necessity and proportionality of the data collected and stored should apply to the new technologies for storing personal data and for border surveillance;

156. Stresses that freedom of movement within the Schengen area is one of the EU citizens’ most concrete rights; strongly disagrees with new grounds for proposals relating to the reintroduction of Schengen border controls, as this would undermine free movement within the European Union and the functioning of Schengen area;

157. Expresses its concern at increasing non-compliance by Member States with the Schengen acquis, thereby undermining freedom of movement in the European Union and accordingly stresses the importance of an EU-driven evaluation and monitoring mechanism to verify the application of the Schengen acquis, adopted in line with Article 77 of the TFEU and with fundamental rights principles;

158. Is concerned about the lack of harmonised procedural guarantees when contesting the lawfulness and proportionality of issuance of an alert in the Schengen Information System or comparable national databases;

159. Calls on the Commission, in the light of its evaluation of European Readmission Agreements (1) (EURAs), to refrain from supporting the hasty conclusion of new agreements that lead to violations of fundamental rights; calls on the Council to observe the ‘no agreement at any cost’ principle;

160. Calls on those Member States that have not yet done so to ratify the Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level, and on those that have ratified it to put into effect Article 6 of the Convention, which provides for the right to vote and stand in local authority elections to be granted to all third-country nationals who have resided lawfully and habitually in the host country for the five years preceding the elections;

**Rights of the child**

161. Calls on all EU institutions to effectively address challenges such as the removal of children from the custody of one or both parents, missing children, sexual exploitation of children and child pornography, protection of unaccompanied migrant children and the situation of institutionalised children with disabilities, as well as the protection of children who have suffered domestic abuse and workplace exploitation;

162. Welcomes the Commission’s EU Agenda for the Rights of the Child, the Commission’s efforts to ensure respect for, and promotion of, the rights of the child in judicial proceedings, and the fact that the Directive on victims of crime ensures a higher level of protection of children as vulnerable victims;

(1) COM(2011)0076.
163. Calls on the EU institutions and on all Member States to elaborate child-friendly policies in areas such as employment, the environment, security and migration, as well as in relation to judicial matters, education and data protection; stresses the importance of investing in child-oriented actions by re-orienting existing budgetary lines and through new investments; calls on all Member States to prohibit the employment of children under the minimum school-leaving age; stresses that young people at work must be protected against economic exploitation, anything that may harm their safety, health or physical, mental, moral and social development and working conditions that may interfere with their education;

164. Recalls that the European Union and its Member States must take into account the rights and duties of the parents, legal guardians or other individuals legally responsible for the child;

165. Calls on the Member States to ensure the adequate implementation of the Directive on combating the sexual abuse of children and child pornography (1) and of the Directive on preventing and combating trafficking in human beings (2);

166. Calls on all EU Member States that have not yet done so to ratify the Optional Protocol to the UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the 2007 Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse;

167. Emphasises that no unaccompanied minors should be detained since they are vulnerable persons who need special reception arrangements;

168. Welcomes the Commission’s Action Plan on Unaccompanied Minors (2010-2014); calls on the Commission to inform Parliament of the findings of the expert group on unaccompanied minors in the migration process;

169. Calls on the Commission to mainstream children’s rights in all EU activities and to assess the work to date of the Children’s Rights Coordinator and the European Forum on the Rights of the Child;

170. Encourages the use of the children’s rights indicators elaborated by the FRA in the reviewing of EU actions; calls for the elaboration of practical guidelines on how such indicators could best be used;

171. Expresses concern about the recent scandals involving cases of paedophilia, and calls on the EU and the Member States to ensure that impunity is not tolerated in investigations of paedophilia;

**Victims’ rights and access to justice**

172. Calls on other stakeholders, including EU agencies such as EUROPOL and Member States, while making human rights a paramount issue, to secure EU-level cooperation in a holistic, coordinated and integrated approach; calls on Member States to adopt appropriate legal frameworks and an appropriate and uniform definition of trafficking in human beings and to ensure national coordination among state actors responsible for the protection and promotion of the human rights of victims of trafficking; calls on Member States to encourage research in the field of trafficking in human beings in order to adjust government policies properly in areas such as migration, the labour market and the economy;

173. Stresses the need to evaluate the progress made in the fight against trafficking in human beings in the light of the findings of the EU Anti-Trafficking Coordinator;

174. Regrets that EU citizens resident in a Member State other than their own are not effectively informed about their rights, and urges Member States to improve their information systems;

175. Stresses that both the ECtHR and the CJEU have highlighted in their rulings obstacles in the way of the right to a fair hearing and of access to justice, such as the length of proceedings and the lack of effective remedies;

176. Calls on the Member States to address remaining barriers, such as time limits, legal standing, the length of proceedings, legal costs and procedural formalities;

177. Urges Member States to restructure their court systems, review the level of court fees, reform the legal aid system and provide alternative dispute settlement mechanisms so as to facilitate equal access to justice to the maximum extent possible;

178. Urges the EU institutions and the Member States to examine how common legal principles on collective redress could fit into the EU legal system and into the legal orders of the Member States;

179. Expresses concern in relation to respect for a fair trial in the European Union and its Member States and, in particular, in relation to recent proposals on 'secret evidence' allowing the government to use evidence against individuals which they would be unable to challenge, or even to see, which would be in striking contradiction with European fundamental rights and standards;

180. Calls on the Commission to complete the Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings, ensuring that fair trial rights may be effectively exercised in practice;

181. Welcomes the Roadmap on criminal procedures and calls on the Commission and the Member States to step up efforts in order to achieve strong EU-wide standards for the procedural rights of both defendants and victims;

182. Calls Member States to ensure that extradition to third countries does not infringe fundamental rights, and invites them to review the international treaties to which they are parties in this respect;

183. Urges the Commission to examine the effective implementation in the European Union of the right of access to justice in the context of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being;

184. Calls on Member States to deal with gender-specific crimes and to propose effective means for tackling domestic violence, if necessary by adopting legislation on protection measures;

185. Welcomes the Roadmap for strengthening the rights and protection of victims, adopted by the Council, and the Commission proposal for a victims' package that addresses specifically the needs of child victims and of victims of terrorism;

186. Calls on the Member States to provide the financial resources for crime victim services, taking into account the upcoming assessment by the FRA of options and promising practices in the Member States;

187. Draws attention to the remaining deficiencies regarding minimum guarantees for rights of defence, and points out that the Council of Europe's Commissioner for Human Rights has questioned the absence of effective remedies against the European Arrest Warrant and its use for minor crimes;

188. Expresses serious concern about the situation of detainees in the European Union; calls on the Commission, the Council and the Member States to bring forward proposals, together with the Council of Europe and the Committee for the Prevention of Torture, to ensure that prisoners' rights are respected and that reintegration into society is promoted; calls for the implementation of the requests contained in its resolution of 15 December 2011 on detention conditions in the EU (1) and, in particular, for a legislative initiative on minimum common standards of detention in the European Union and for appropriate monitoring mechanisms;

189. Stresses that international cooperation in the fight against terrorism should be based on full compliance with international standards and obligations in the area of human rights;

(1) Texts adopted, P7_TA(2011)0585.
190. Welcomes the investigations into illegal CIA activities that have already taken place in some Member States, as called for in Parliament's 2007 reports and in its 2012 follow-up report; calls for further investigations and invites Member States fully to meet their obligations under international law;

191. Calls for the strengthening of democratic and judicial oversight of secret services at national level, which is extremely urgent and necessary; calls for the European Union to strengthen its oversight in relation to cooperation at EU level between these agencies, including via EU bodies, and between these and third countries;

192. Expresses concern about the instances of police in the EU using disproportionate force at public events and demonstrations; calls on the Member States to ensure that the democratic and judicial oversight of law enforcement agencies and personnel is strengthened, that accountability is ensured and that impunity has no place in Europe, especially with regard to disproportionate use of force or acts of torture or inhuman or degrading treatment; calls on the Member States to ensure that police personnel carry an identification number;

**Citizenship**

193. Recalls that the 1992 Treaty of Maastricht introduced the concept of 'citizenship of the Union', conferring on every citizen of the Union the right to move and reside freely within the territory of the Union, the right to vote and to stand as a candidate in municipal elections and in elections to the European Parliament in the Member State in which he or she resides, protection by the diplomatic or consular authorities of any Member State, the right to petition the European Parliament and to apply to the European Ombudsman, and a series of rights in various fields such as the free movement of goods and services, consumer protection and public health, equal opportunities and equal treatment, and access to employment and to social protection; notes that the Treaties of Amsterdam (1997) and Lisbon (2009) further strengthened the rights associated with Union citizenship;

194. Calls on the Commission to make a comparative study of electoral rights at national and EU level in order to identify divergences that have an unfair impact on certain categories of persons in the European Union, and to accompany it with appropriate recommendations on overcoming discrimination; recalls the importance of preferential treatment and special measures in promoting the representation of people from different backgrounds and disadvantaged groups in decision-making positions;

195. Recalls the European Court of Human Rights's judgments in relation to electoral procedures, based, inter alia, on the Venice Commission's Code of Good Practice in Electoral Matters, and calls on the EU and the Member States to implement them;

196. Calls on the Commission to address the situation of non-citizens, in particular, in the Citizenship Report and the Report on the Application of the EU Charter of Fundamental Rights;

197. Calls on Member States to launch information and awareness-raising campaigns in order to inform EU citizens about their right to vote and stand in elections while taking into consideration the needs of more specific audiences and vulnerable groups; calls for the necessary reforms of the European election procedures to be carried out in all Member States in order to promote active EU citizenship; considers that active and participatory EU citizenship should also be encouraged through access to documents and information, transparency, good governance and administration, democratic participation and representation, with decision-making as close as possible to Union citizens;

198. Welcomes the fact that 2013 has been designated the European Year of Citizens, thus giving visibility to Union citizenship and its concrete benefits for Union citizens, and calls on the Commission and the Member States to ensure that information campaigns are conducted on European citizenship and the rights connected to it;

199. Calls on the Commission and the Member States to distribute information on the right to diplomatic and consular protection; calls on Member States to cooperate actively in order to secure the protection of EU citizens outside the European Union, including in times of crisis or disaster;
200. Calls on the Member States to prepare information campaigns to promote citizens’ active participation by exercising their right of petition and their right to submit complaints to the European Ombudsman about acts of maladministration committed by a European institution or body, and through citizens’ initiatives;

201. Calls on the European Union and the Member States to increase public awareness of the Citizens’ Initiative, a means of direct democracy aimed at enhancing the Union’s democratic functioning;

202. Points to the need to launch effective information campaigns that promote EU citizenship rights among young people, such as setting up an ‘active citizenship programme’ in schools and universities;

203. Underlines the need for swift reform of the European Parliament’s electoral system, ensuring the active participation of EU citizens in the EU’s functioning:

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204. Instructs its President to forward this resolution to the European Council, the Council and the Commission, the governments and parliaments of the Members States and the candidate countries, the United Nations, the Council of Europe and the Organisation for Security and Cooperation in Europe.
Annual report on human rights and democracy in the world 2011 and the European Union’s policy on the matter


(2015/C 434/09)

The European Parliament,

— having regard to the Universal Declaration of Human Rights (UDHR), to the European Convention on Human Rights, to the Charter of Fundamental Rights of the European Union and to other key international human rights treaties and instruments,


— having regard to its resolution of 18 April 2012 on the Annual Report on Human Rights in the World and the European Union’s policy on the matter, including implications for the EU’s strategic human rights policy (1),

— having regard to the EU Strategic Framework and Action Plan on Human Rights and Democracy (11855/2012) as adopted by the Foreign Affairs Council on 25 June 2012,

— having regard to the Council Decision 2012/440/CFSP of 25 July 2012 appointing the European Union Special Representative for Human Rights,


— having regard to the European Union Human Rights Guidelines,

— having regard to its position of 8 July 2010 (2) on the European External Action Service,

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

— having regard to the United Nations Millennium Declaration of 8 September 2000 (A/Res/55/2) and the resolutions adopted by the United Nations General Assembly,

— having regard to its resolution of 17 November 2011 on EU support for the ICC: facing challenges and overcoming difficulties (3), and its resolution of 19 May 2010 on the first Review Conference of the Rome Statute of the ICC held in Kampala, Uganda, 31 May–11 June 2011 (4), as well as the pledges made by the EU on this occasion (5).

(3) Texts adopted, P7_TA(2011)0507.
(4) OJ C 161 E, 31.5.2011, p. 78.
— having regard to Council Decision 2011/168/CFSP of 21 March 2011 on the International Criminal Court (1), and the revised action plan of 12 July 2011 to follow up on the Council Decision on the International Criminal Court,

— having regard to its resolution of 14 December 2011 on the review of the European Neighbourhood Policy (2),

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

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

— having regard to the Foreign Affairs Council Conclusions on the European Neighbourhood Policy adopted on 20 June 2011 at its 3 101st meeting,

— having regard to the Foreign Affairs Council Conclusions on the European Endowment for Democracy adopted on 1 December 2011 at its 3 130th meeting, and the Declaration on the establishment of a European Endowment for Democracy agreed by COREPER on 13 December 2011,

— having regard to its recommendation of 29 March 2012 to the Council on the modalities for the possible establishment of a European Endowment for Democracy (EED) (3),

— having regard to its resolution of 7 July 2011 on EU external policies in favour of democratisation (4),

— having regard to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions from 25 October 2011 entitled ‘A renewed EU strategy 2011-14 for Corporate Social Responsibility’,

— having regard to its recommendation to the Council of 2 February 2012 on a consistent policy towards regimes against which the EU applies restrictive measures, when their leaders exercise their personal and commercial interests within EU borders (5),

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

— having regard to the communication of 12 December 2011 by the Commissioner for the Digital Agenda on the ‘No Disconnect Strategy’,

— having regard to the Report of the UN Special Rapporteur of 28 July 2011 (A/66/203) on the situation of human rights defenders,

— having regard to the UN General Assembly Resolution of 21 December 2010 (A/RES/65/206), Moratorium on the use of death penalty,

— having regard to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

(1) OJ L 76, 22.3.2011, p. 56.
(2) Texts adopted, P7_TA(2011)0576.
— having regard to its resolution of 11 September 2012 on alleged transportation and illegal detention of prisoners in European countries by the CIA (1),

— having regard to the interim report of the UN Special Rapporteur of 5 August 2011 on torture and other cruel, inhuman or degrading treatment or punishment, solitary confinement, including psychiatric clinics (A/66/268),

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

— having regard to the Report on the EU indicators for the Comprehensive Approach to the EU implementation of the UN Security Council UNSCRs 1325 & 1820 on Women, Peace and Security, adopted by the EU Council on 13 May 2011,

— having regard to the Council conclusions of 1 December 2011 on Common Security and Defence Policy,

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

— having regard to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol,

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

— having regard to the United Nations resolutions on the rights of the child, most recently its resolution of 4 April 2012,

— having regard to the UN Human Rights Council Resolution of 17 June 2011 on human rights, sexual orientation and gender identity,

— having regard to the European Union's accession on 22 January 2011 to the UN Convention on the Rights of Persons with Disabilities (CRPD), being the first UN human rights convention ratified by the European Union as a ‘regional integration organisation’,

— having regard to the draft UN Principles and Guidelines on effective elimination of discrimination based on Work and Descent published by the Human Rights Council (A/HRC/11/CRP.3),

— having regard to observations and recommendations on caste discrimination by the UN High Commissioner for Human Rights, UN Treaty Bodies and UN Special Procedures, noting in particular the Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance of 24 May 2011 (A/HRC/17/40),

— having regard to the Council Conclusions of 21 February 2011 on intolerance, discrimination and violence on the basis of religion or belief, and having regard to United Nations General Assembly resolution 66/167 on combating intolerance, negative stereotyping and stigmatisation of, and discrimination, incitement to violence and violence against, persons based on religion or belief,

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

— having regard to the report of the Committee on Foreign Affairs and the opinions of the Committee on Development and the Committee on Women’s Rights and Gender Equality (A7-0377/2012),

The 2011 EU Annual Report

1. Welcomes the adoption of the EU Annual Report on Human Rights and Democracy in 2011; welcomes the fact that the Vice-President of the Commission/High Representative (VP/HR) was able to present the Annual Report in the June plenary of Parliament and thereby return to the normal practice;

2. Notes the positive steps taken in recent years to develop the Annual Report, but stresses the potential for further improvement;

3. Believes that the Annual Report should be an important tool in communicating the EU’s work in this field and should help raise the visibility of the EU’s actions; invites the VP/HR, when drafting future Annual Reports, to consult actively and systematically with Parliament, and to report on the way that Parliament’s resolutions have been taken into account;
General considerations

4. Welcomes the adoption of the EU strategic framework for human rights on 25 June 2012; urges the EU institutions to work together to ensure its timely and proper implementation in order to credibly meet the EU treaty commitment to pursue external policies based on human rights, democratic values and the rule of law in a principled and unflagging manner by avoiding double standards;

5. Urges the Council, the Commission, the European External Action Service (EEAS) and Parliament to maintain and honour EU’s role as a leading defender of human rights by cooperating closely in implementing a coherent, ambitious and effective EU human rights policy in the world based on this strategic framework, making use of our development aid and opportunities offered by EED;

6. Recommends that the Council and the EEAS carry out a mid-term assessment of the new human rights package, particularly of the Action Plan; insists that Parliament be extensively consulted and regularly informed and that civil society be integrated in this process;

7. Welcomes the mandate of the thematic EU Special Representative (EUSR) on Human Rights and the planned creation of a Brussels-based Council Working Party on Human Rights (COHOM); looks forward to their close co-operation with Parliament, in the first case also in line with the provisions of Article 36 of the TEU;

8. Expects COHOM to enhance co-operation with the Council Working Party on Fundamental Rights (FREMP) to address the issue of consistency between the EU’s external and internal human rights policy; underlines the importance of having within the European Union coherent, consistent and exemplary policies in line with fundamental values and principles in order to maximise the European Union’s credibility globally and the effectiveness of EU human rights policies and to show genuine respect for the universality of human rights;

9. Welcomes the positive impact on coherence of EU internal and external policies of the EU’s exercise of its legal personality created by the Lisbon Treaty to ratify the United Nations Convention on the Rights of Persons with disabilities (UNCRPD) in December 2010; calls for a similar approach to be taken to other international human rights treaties and conventions; calls for the Council and Commission to take a proactive approach in this area in order to address the negative effects of the piecemeal signature and ratification among EU Member States of other important external treaties and conventions;

10. Urges the VP/HR, the EEAS, the Council and the Commission, for the sake of efficiency, to ensure coherence and consistency between the various external financial instruments and existing or planned EU benchmarking, monitoring and evaluation activities and methodologies regarding human rights and democracy situations in third countries, including: the human rights and democracy sections in the enlargement and neighbourhood policy progress reports; the assessment of the ‘more for more’ human rights and democracy principle set out for the European Neighbourhood Policy; the planned inclusion of human rights in impact assessments carried out for legislative and non-legislative proposals and for trade, partnership and association and cooperation agreements, both regional and bilateral; the Commission plan to introduce human rights assessment in the deployment of EU aid modalities (in particular regarding budget support); the strengthened implementation of the monitoring mechanism to scrutinise respect for human rights conventions in the GSP+ countries; the aim of systematising the follow-up use of EU Election Observation Mission reports; and the EU Council’s emphasis on benchmarking as well as on continued and systematic consideration of aspects relating to human rights, gender and children affected by armed conflict in the lessons-learned documents of the CSDP missions;

11. Welcomes the adoption of human rights country strategies for individual countries to implement policies in the most appropriate and effective way; recognises the key role played by the local EU delegations in developing and following up on the country strategies tailored for the specific circumstances, but stresses the coordinating responsibility of the EEAS in ensuring the coherent application of EU human rights policy priorities set out in the human rights strategic framework.
and in the EU Guidelines; stresses the importance of completing the network of focal points on human rights and democracy in EU Delegations and CSDP missions and operations; urges the VP/HR and the EEAS and the Member States to adopt as best practice the method of working on human rights issues locally through human rights working groups formed among EU delegations and embassies of EU Member States; urges also that regular contacts be maintained with civil society representatives, human rights defenders and members of national parliaments; supports the EEAS aim to provide training on human rights and democracy for all EEAS, Commission, EU delegation and CSDP mission staff, and for the staff of European Union agencies — FRONTEX in particular — that have relationships with third countries; asks for great attention to be paid, in particular, to protecting human rights defenders; takes the view that human rights country strategies should be mainstreamed in the EU’s CFSP, CSDP, trade and development policies, both in geographic and thematic programmes, to ensure greater efficiency, effectiveness and coherence;

**EU action in the United Nations**

12. Welcomes EU efforts to support and revitalise the human rights work within the UN system, including the conclusion of the review of the UN Human Rights Council in 2011; stresses the continued importance of supporting the independence of the Office of the High Commissioner for Human Rights, and the role of the thematic and country-specific UN Special Rapporteurs on human rights, and looks forward to their close cooperation with the newly appointed EU Special Representative for Human Rights; emphasises the significance of the European Union accession of 22 January 2011 to the UN Convention on the Rights of Persons with Disabilities (CRPD) as the first UN human rights convention ratified by the European Union as a legal entity;

13. Stresses the importance of, and strong support for, the EU’s active participation in the work of the UNHRC by means of co-sponsoring resolutions, issuing statements and participation in interactive dialogues and debates;

14. Welcomes the leadership shown by EU Member States to support the credibility of the UN human rights system by jointly extending a standing invitation to all UN Special Procedures on Human Rights, by initiating a UN Human Rights Council (HRC) Special Session on Libya, where the historic recommendation of Libya’s suspension from the HRC was made, and by taking the lead in efforts that led to the establishment of the Independent Commission of Inquiry on the human rights situation in Syria;

15. Recognises the EU’s potential for outreach and creative coalition-building as exemplified by EU action which paved the way to the passing of the landmark HRC resolution on human rights, sexual orientation and gender identity, which was supported by states from all regions, and the consensus-building in Geneva and New York regarding the need to fight religious intolerance and protect freedom of religion or belief whilst avoiding a potential detrimental effect on other core human rights, such as freedom of expression;

16. Reiterates its opposition to the practice of regional groups arranging uncontested elections to the Human Rights Council;

17. Recommends following up on the Universal Periodic Review (UPR) recommendations by including them systematically in EU human rights country strategies as well as in human rights dialogues and consultations;

18. Recalls the need for sufficient funding to keep the regional offices of the Office of the United Nations High Commissioner for Human Rights (OHCHR) open;

19. Recalls the adoption by the UN General Assembly of Resolution 65/276 on the participation of the EU in the work of the UN, recognising it as a modest start to the greater endeavour of upgrading the role of the Union in the human rights work of that organisation;
EU policy on international criminal justice, the fight against impunity and the International Criminal Court (ICC)

20. Regrets that selective justice frequently manifests itself in new and transitional democracies under the guise of the rule of law and war on corruption; regrets that selective justice has become little more than a means to seek political revenge and to settle accounts with political dissenters by intimidating and marginalising opposition, media workers and human rights defenders, especially in the run-up to elections; remains concerned about the crime allegations and politically motivated charges against members of the opposition in Ukraine, and urges the Ukrainian authorities to put an end to the ongoing harassment of the opposition which is a serious obstacle in the country’s efforts to guarantee rule of law and democratic values;

21. Regrets that, despite many calls from international bodies to Russian authorities, no progress has been made in the investigation of Sergei Magnitsky death; urges, therefore, the Council to impose and implement an EU-wide visa ban on officials responsible for the death of Sergei Magnitsky and to freeze any financial assets they or their immediate family may hold inside the EU;

22. Remains disappointed about the proceedings against Mikhail Khodorkovsky and Platon Lebedev, which proceedings are perceived internationally as being of a political nature;

23. Celebrates the 10th anniversary of the entry into force of the Rome Statute of the International Criminal Court (ICC); welcomes its ratification by Cape Verde and Vanuatu; recognises the ICC as a mechanism of ‘last resort’, which is responsible for the enforcement of justice for the victims of crimes against humanity, genocide and war crimes, as laid down by the principle of complementarity in the Rome Statute;

24. Reiterates its strong support for ICC in the fight against impunity for the most serious crimes of international concern; calls on the EU and its Member States to continue their political, diplomatic, logistical and financial backing of the ICC and other international criminal tribunals, including the ad hoc international tribunals for the former Yugoslavia and Rwanda, the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, and the Special Tribunal for Lebanon;

25. Welcomes the inclusion in the EU Strategic Framework and Action Plan on Human Rights and Democracy of reference to the need to fight vigorously against impunity for serious crimes, not least through a commitment to the ICC, and the understanding that it is the primary duty of states to investigate grave international crimes, promote and contribute to strengthening the capacity of national judicial systems to investigate and prosecute these crimes;

26. Welcomes the commitments made in the Council Decision 2011/168/CFSP on the ICC, adopted on 21 March 2011, and the subsequent Action Plan adopted on 12 July 2011, and recommends that the EU and its Member States ensure their implementation through effective and concrete measures to promote the universality and integrity of the Rome Statute, to support the independence of the Court and its effective and efficient functioning and to support the implementation of the principle of complementarity; calls on the EUSR for human rights to implement the actions related to the ICC contained in the EU Strategic Framework on Human Rights and Democracy;

27. Recognises the efforts of the Commission to establish an ‘EU Complementarity Toolkit’ aimed at supporting the development of national capacities and generating political will for the investigation and prosecution of alleged international crimes, and stresses the importance of thorough consultations with the Member States, Parliament and civil society organisations in order to finalise the toolkit;

28. Reiterates its recommendation that the Rome Statute be added to the package of international treaties on good governance, and that the rule of law be ratified by third countries admitted to the System of Generalised Preferences Plus (GSP+); supports consistent inclusion of an ICC clause in EU agreements with third countries; calls for the mainstreaming of the ICC in all EU foreign policy priorities, by, in particular, systematically taking into account the fight against impunity and the principle of complementarity;
29. Stresses the importance of strong EU action to anticipate and thereby avoid or condemn instances of non-cooperation, such as invitations of individuals subject to an ICC arrest warrant and failure to arrest and surrender such individuals; calls again on the EU and its Member States to comply with all the requests by the Court to provide assistance and cooperation in a timely manner, to ensure, inter alia, the execution of pending arrest warrants; reaffirms the need for the EU and its Member States, with the help of the EEAS, to put in place a set of internal guidelines outlining a code of conduct for contact between EU/Member State officials and persons wanted by the ICC;

30. Expresses its deep concern over the outcome of the budget discussions of the 10th session of the Assembly of State Parties (ASP) on 12—21 December 2011, which threatened to leave the Court underfunded; deeply regrets that some European States Parties to the Rome Statute push for the adoption of a zero growth budget/lower budget, and that the Assembly did not agree to provide the Court with sufficient resources to effectively fulfil its judicial mandate and deliver justice in a robust, fair, effective and meaningful manner; calls on the Member States to show robust support for the functioning of the Court at the ASP, and reject the proposals for a zero nominal growth of the Court’s budget as this would undermine its ability to deliver justice and to respond to new situations;

31. Emphasises that the EU’s support to the fight against impunity should cover a number of initiatives that include, among others: increased efforts to promote wider ratification and implementation of the Rome Statute and of the Agreement on Privileges and Immunities (APIC) in order to make the Court truly global and universal; enhanced efforts to secure full cooperation with the Court, including through enacting relevant national legislation on cooperation and concluding framework agreements with the ICC for the enforcement of the Court’s sentences, the protection and relocation of victims and witnesses, etc, in order to facilitate adequate and timely cooperation with the Court; and determined political and diplomatic support, in particular with regard to the execution of pending arrest warrants;

32. Underlines, further to the Arab Spring, the importance of developing a coherent and nuanced EU policy on transitional justice in addition to the reinforcement of the independence of the judiciary, including the linkage to the ICC as a court of last resort, to help countries in transition address the past human rights violations, fight against impunity and avoid recurrence of human rights violations;

33. Stresses that the digital collection of evidence and dissemination of images of human rights violations can contribute to the global fight against impunity; considers that assistance is needed in making materials admissible under international (criminal) law as evidence in court proceedings;

UE action in international humanitarian law (IHL)

34. Welcomes the inclusion, for the first time, of a dedicated section on IHL in the 2011 Annual Report on Human Rights and Democracy and the EU’s efforts to ensure accountability by documenting any abuses of IHL and supporting accountability mechanisms, as well as its pledges to combat enforced disappearances, continue support for the ICC, work towards further participation in the principal IHL instruments, promote respect for fundamental procedural guarantees for all persons detained in armed conflict, and support international instruments seeking to address humanitarian hazards of explosive remnants of war, cluster munitions, improvised explosive devices and anti-personnel landmines;

35. Regrets, however, that overall awareness and implementation of EU guidelines on promoting compliance with international humanitarian law remain markedly lower compared with other guidelines; calls on the EU to give more political prominence, and devote more resources, to the implementation of these guidelines, especially by ensuring that IHL is mainstreamed in crisis-management operations, and by proactively fighting impunity and ensuring individual responsibility;
36. Recalls that in order to avoid human rights breaches in the first place, respect for international law must be at the core of any EU strategy aiming to enhance human rights and democracy in the world, particularly in its relationships with those partners that are parties to an armed or frozen conflict; recalls the need to end any EU support to parties to a conflict, whether financial, logistical or tactical, including through the supply of weapons, munitions or any other type of military equipment, as laid down in the EU Common Position on arms exports;

37. Further emphasises the need to ensure that the issue of the fight against impunity for crimes against humanity, war crimes and genocide is addressed more systematically in the EU's bilateral relations with relevant countries, including by raising it in public statements, and that the EU addresses impunity more consistently at multilateral level, for instance at the UN General Assembly and Human Rights Council;

38. Reiterates its commitment to the principle of the 'Responsibility to Protect' (R2P), stressing the importance that the international community, including the EU, assumes responsibility for addressing gross human rights violations in third countries when the governments of these countries are unable or unwilling to protect their own citizens; stresses that this action of the international community implies humanitarian intervention and appropriate diplomatic pressure and, only as a last resort, the collective use of force, under the auspices or authorisation of the UN; urges the EU to actively engage and promote the urgent reform of the UN Security Council, so as to avoid the obstruction of R2P;

39. Commends, in this context, the actions of the European Union and the several EU Member States which took the lead in preventing further violence against civilians in Libya during the course of 2011, but regrets the lack of a concerted response at EU level;

40. Is deeply concerned about the human rights situation in Libya, notably regarding the conditions of detention and the treatment of detainees held by various militias without effective and serious control by the Interim Government over these brigades, and requires increased alertness and sustained assistance by the international community, as stated by the High Commissioner for Human Rights before the UN Security Council on 25 January 2012;

41. Notes the efforts made by the European Union and the international community in Syria but regrets that those efforts have not translated into an improvement of the situation on the ground; expresses again its deep concern over the situation in Syria, especially regarding the continuing human rights and humanitarian emergency; condemns in the strongest terms the widespread brutal repression and systematic violations of human rights and fundamental freedoms by the Syrian regime against its population, including children and women; calls on the Syrian authorities to bring an immediate end to human rights violations and to comply with their obligations under international human rights law in order to allow a peaceful and democratic transition; reiterates its strong support for the UN-Arab League Special Envoy, and urges the UN Security Council to take necessary steps to end the massacre of civilians and to refer to the ICC those responsible for the grave war crimes and human rights violations in Syria;

42. Welcomes the new EU Aid Volunteers initiative that, in the initial programme period of 2014-2020, will create opportunity for some 10 000 Europeans to participate worldwide in humanitarian operations in areas where aid is most urgently needed and to demonstrate European solidarity by providing practical assistance to communities struck by natural or man-made disasters;

43. Argues that private military and security companies (PMSCs) should be held accountable for any violations of human rights and humanitarian laws committed by their personnel; calls on the EU and the Member States, in light of the widespread use of PMSCs, to step up their efforts to find a credible regulatory solution to avoid legal loopholes in terms of accountability;
European Neighbourhood Policy and the Arab Spring

44. Emphasises the significance of the 2011 uprisings in the Arab world both as an expression of the desire for freedom, justice and dignity and as a major challenge to EU policy in the region and beyond; recognises that the EU has stepped up its political engagement in both the Eastern and Southern Neighbourhood, but stresses the need to learn from past policy mistakes and chart a new policy aligned with respect of human rights and support of democratic values;

45. Welcomes the new emphasis in EU policy towards the Southern Neighbourhood on mutual accountability and a shared commitment to the universal values of human rights, democracy and the rule of law; calls for consistency in EU's human rights policy approach to the South and the East; underlines the need to avoid in the East the same kinds of policy mistakes that were made in the South prior to the Arab Spring of 2011;

46. Recalls its resolutions of 25 November 2010 on the situation in Western Sahara (1) and of 18 April 2012 on the Annual Report on Human Rights in the World and the European Union's policy on the matter, including implications for the EU's strategic human rights policy (2); expresses its concern at the deterioration of human rights in Western Sahara; calls for the fundamental rights of the people of Western Sahara, including freedom of association, freedom of expression and the right to demonstrate, to be respected; demands the release of all Sahrawi political prisoners; demands the opening of the territory to independent observers, NGOs, and the media; reiterates its support for the establishment of an international mechanism to monitor human rights in Western Sahara; supports a fair and lasting settlement of the conflict, on the basis of the right to self-determination of the Sahrawi people, in accordance with the relevant United Nations resolutions;

47. Underlines the importance of the role of women, and of their full participation in political and economic decision-making, especially in post-war peace-building processes, democratic transition negotiations and conflict resolution, reconciliation and stabilisation processes, in terms of the goal of increasing awareness and attention with a view to eliminating the discrimination suffered by women in the democratisation processes under way in many third countries;

48. Reiterates its view that the ‘more for more’ approach should be based on clearly defined criteria with specific, measurable, achievable and transparent time-bound benchmarks; calls on the EEAS and the Commission to implement this approach systematically in the Neighbourhood Policy progress reports;

49. Welcomes the enhanced EU outreach to civil society, and emphasises the need for civil society to contribute more systematically and regularly to the elaboration of human rights country strategies and assessments required for a proper implementation of the new ‘more for more’ approach in EU policy;

50. Welcomes also activities undertaken under the Eastern Partnership initiative in promoting human rights, democracy, fundamental freedoms and the rule of law in partner countries; calls on the European Union to use the transitional experience of its own Member States of moving from authoritarian to democratic regimes, and to translate the lessons learned from these experiences into concrete, results-oriented programmes in the Union’s Eastern partner countries; urges the EU to take a more active and coherent stance while promoting human rights, democracy and the rule of law in partner countries;

51. Regrets, however, that the Eastern Partnership policy at times remains open to misinterpretations, becoming rather a policy of all-permissiveness and forgiveness, and of double standards that are frequently applied with regard to the Eastern partner countries;

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(1) OJ C 99 E, 3.4.2012, p. 87.
Remains extremely concerned at the lack of democracy, rule of law, fundamental freedoms and the respect for human rights in Belarus, the only European Neighbourhood country not to fully participate in the Eastern Partnership and the work of the Euronest Parliamentary Assembly, especially in the aftermath of the presidential elections in December 2010 and the subsequent violent crackdown on protesters and political opposition, including trials of activists in 2011 which did not conform to international standards and saw disproportionately harsh sentences handed down; commends the EU's unity in response to the expulsion of EU diplomats from Belarus in February 2012; urges the Union and all of its Member States to remain coherent and consistent in their policies towards Belarus, and to keep up the pressure on the political regime, including through sanctions, among others against enlisted officials, while reaching out to civil society through such tools as enhanced visa facilitation and increased education, training and other exchange opportunities; expresses strong concern over Ales Bialiatski's imprisonment since 4 August 2011; regrets the actions of the Polish and Lithuanian officials who allowed Ales Bialiatski to be arrested through the forwarding of banking information, and calls for utmost efforts by all actors in the EU to prevent a repetition of such mistakes;

Urges the EU to apply the same consistent approach towards human rights abuses in all third countries, both partner countries and countries with which the EU has a less-developed relationship; insists that the EU be vocal in pointing out and condemning human rights violations whenever and wherever they occur, regardless of the level or strategic importance of partnership with the country concerned; emphasises that the EU should use financial aid and economic relations as a leverage mechanism to ensure the commitment to the universal values of human rights of all its partners;

EU policies to support democratisation and elections

Emphasises the mutually reinforcing nature of human rights and democracy, as it is through respect for human rights that societies create the free political space needed for peaceful democratic contestation; welcomes in this regard the increased EU focus on democracy support as illustrated by the recently established European Endowment for Democracy;

Underlines that a longer-term approach covering the whole election cycle is required to appropriately follow up on the reports and recommendations of the EU Election Observation Missions; stresses the importance of drawing up realistic and achievable recommendations and of ensuring that these recommendations are monitored — and become part of the political dialogue and assistance offered — by the EU delegations; considers that Parliament's standing delegations and the joint parliamentary assemblies should also play an enhanced role in following up these recommendations and analysing progress with regard to human rights and democracy; encourages EU election observation missions (EOMs) to reinforce their coordination with other international election observation missions so as to improve the coherence of EU action in this respect; stresses that the EU needs to invest in the training of local observers in order to build sustainable and autonomous electoral processes in third countries; outlines the fact that the transition to democracy, as well as progress in promoting human rights, calls for long-term strategies and may not yield visible results in the short term; encourages, therefore, the Commission and the EEAS to monitor more than one election cycle in detail by deploying EU EOMs to countries that move from authoritarian regimes to democratic regimes or that register serious lapses in their progress towards democracy;

Reiterates its call on the Council and the Commission to develop a coherent, long-term strategy in relation to each EU election observation mission, followed up by an assessment of democratic progress two years after the mission, with due involvement of the concerned election observation Chief Observer, to be debated during Parliament's annual human rights debate with the VP/HR; recalls the commitment of the VP/HR to focus, in election observation missions, on the participation — both as candidates and as voters — of women and national minorities as well as of persons with disabilities;

Emphasises that the EU must engage with political parties, so as to allow stakeholders to share tools and techniques that can be used to develop stronger ties to the public, mount competitive electoral campaigns and perform more effectively in the legislature; underlines that democratisation is a process which must also engage citizens, grass roots movements and civil society; believes, therefore, that the EU should finance programmes that foster civic participation, voter education, organisation of advocacy actions, freedom of the press and of expression, and that generally ensure political oversight and help citizens exercise their rights;
58. Considers that equitable participation of women in politics and government is essential to building and sustaining democracy; stresses, therefore, that EU programmes in the field of human rights and democratisation should consider, as a priority, the engagement and build-up of capacities of women in legislatures, political parties and civil society as leaders, activists and informed citizens; takes the view that the EU must continue to support and encourage women to run for political office and participate meaningfully in every facet of civic and political life; points out that the full participation of women in politics is not limited to statistical objectives regarding the number of candidates and elected officials, and that ensuring gender equality entails both taking the problems of women’s rights into consideration in policymaking and ensuring the free and effective participation of women in all aspects of public, political and economic life;

59. Recalls that building legitimate democratic foundations, a properly functioning civil society and a democratic, rights-based community is a long-term process that needs to be built up from below and requires national, regional, local and international support;

60. Welcomes the creation of the Democracy Support Directorate within Parliament and the broadening of the mandate of its Election Coordination Group (ECG), which has now become the Democracy Support and Election Coordination Group (DSECG); expects Parliament’s democracy support activities, including the political groups, to be further enhanced, not least via its Office for the Promotion of Parliamentary Democracy and its Election Observation Unit;  

Human rights dialogues and consultations with third countries

61. Recognises the potential inherent in comprehensive human rights dialogues with third countries, especially if they are effectively combined with the implementation of the human rights country strategies; emphasises that the dialogues should not, however, be instrumentalised in order to marginalise human rights discussions at other, higher levels of political dialogue such as summits; urges, likewise, that human rights considerations be central to relations with third countries;

62. Recommends that human rights country strategies be made public; stresses that public strategies would provide visibility to the EU’s commitment to human rights in third countries and provide support to those struggling to exercise and protect their human rights;

63. Stresses that it is important that the EU uses these dialogues to raise individual cases of concern, particularly for prisoners of conscience who have been imprisoned for practising the peaceful right to freedom of speech, assembly and religion or belief, and calls upon the EU to effectively follow up these cases with the countries in question;

64. Reiterates its concern, however, with the persistently disappointing lack of progress in a number of human rights dialogues, and the lack of transparent benchmarks to genuinely assess improvements or deterioration in human rights; notes the continued EU difficulties to negotiate improved modalities for its human rights dialogues in particular with China and Russia; calls on the newly appointed EUSR for Human Rights to take the lead in these and other human rights dialogues and to pursue a new, result-driven approach in this regard through ongoing cooperation with Parliament;

65. Stresses the fact that, while the Chinese authorities have taken some steps in the right direction, the human rights situation in China continues to deteriorate and is marked by widening social unrest and the tightening of control and repression of human rights defenders, lawyers, bloggers, and social activists, as well as by targeted policies aimed at marginalising Tibetans and their cultural identity; urges the Chinese authorities to engage seriously with the Tibetan people in order to assess the underlying causes of the self-immolations of Tibetan monks and nuns, to cease harassing and intimidating Tibetans who exercise their rights to freedom of expression, assembly and association, to end all use of unnecessary excessive force in facing protestors, to investigate all instances of human rights violations, and to allow independent monitors into areas of protest;

66. Reiterates its call for the need to appoint an EU Special Representative for Tibet who would be responsible for the defence of human rights and, among other topical issues, the right to freely practice one’s religion and culture in China;
67. Remains disappointed that there has been no systematic involvement of Parliament in the assessment of human rights dialogues, including those with Russia and China; calls for Parliament’s access to these assessments to be formalised, and recalls that the EU Guidelines on Human Rights Dialogues state that ‘civil society will be involved in this assessment exercise’;

68. Reiterates that the situation for and promotion of women’s rights, gender equality and efforts to combat violence against women must be taken into account, in a systematic manner, in all human rights dialogues conducted by the EU with third countries with which cooperation or association agreements have been signed;

**EU sanctions and the human rights and democracy clauses in EU agreements**

69. Welcomes the commitment in the EU Human Rights Action Plan to develop a methodology to improve the analysis of the human rights situation in third countries in connection with the launch or conclusion of trade and/or investment agreements; calls on the EU to ensure that the granting of GSP+ status is linked to a country’s ratification and implementation of key international human rights instruments, enabling a regular evaluation of such obligations, paying particular attention to the respect of freedom of expression, assembly, association, and religion or belief, and the rights of minorities, women and children; stresses in particular the need for transparency in defending immigrants’ human rights;

70. Welcomes the EU’s efforts to include a human rights and democracy clause in all EU political framework agreements, but reiterates its call for all contractual relationships with third countries — both industrialised and developing, and including sectoral agreements, trade and technical or financial aid agreements — to include clearly worded conditionality and clauses on human rights and democracy, without exception; considers that the current threshold in Generalised System of Preferences (GSP) schemes that could trigger action on the human rights clauses is high but should be adjusted to each country concerned; notes the new GSP reform proposal from 2011 which suggests that the consultation procedure should be widened and which contains provisions to ease investigations of human rights violations in the GSP Committee; expresses, in this regard, deep concern about the deteriorating human rights situation in Cambodia where land grabbing has lead to increasing poverty and to the violation of human rights clauses which are part of agreements in force between EU and Cambodia; warns that the lack of consistency in the implementation of the human rights clause can undermine the credibility and effectiveness of the EU’s conditionality policy;

71. Welcomes the measures undertaken and plans developed in 2011 by EU institutions and Member States aimed at creating a more coherent and coordinated policy as regards corporate social responsibility (CSR), i.a. in support of human rights in the world, and the implementation of the UN Guiding Principles on Business and Human Rights from 2011;

72. Stresses the importance of anchoring CSR in free trade agreements with third or developing countries in order to promote human rights and social and environmental standards; suggests including a comprehensive human rights chapter, in addition to social and environmental chapters, in all future free trade agreements; calls on the Commission to use free trade agreements to promote the four core labour standards, namely the freedom of association and the right to collective bargaining; the elimination of all forms of forced labour; the abolition of child labour; and the elimination of discrimination in the area of employment; stresses also that the monitoring and enforcement mechanisms of the GSP+ scheme should be further strengthened;

73. Reiterates that the consistent application of the human rights clause of agreements is fundamental in relations between the European Union and its Member States and third countries; stresses the importance of reviewing how Member States have cooperated with the apparatus of repression in the name of countering terrorism; underlines, in this respect, the need for the newly revised European Neighbourhood Policy to focus on providing support for security sector reform and, in particular, to ensure a clear separation of intelligence and law enforcement functions; calls on the VP/HR, the EU Special Representative on Human Rights, the EEAS, the Council and the Commission to step up their cooperation with the Committee for the Prevention of Torture, and with other relevant Council of Europe mechanisms, in the planning and
implementation of counter-terrorism assistance projects with third countries, and in all forms of counter-terrorism dialogues with third countries:

74. Emphasises the importance of continuing the work on global practices relating to secret detentions in the context of countering terrorism; stresses that combating terrorism can under no circumstances be used as a justification for violations of human rights, whether in third countries or in the EU; draws attention, in this respect, to the adoption of its resolution of 11 September 2012 entitled 'Alleged transportation and illegal detention of prisoners in European countries by the CIA: follow-up to the European Parliament TDIP Committee report at the request of the Member States and implementation of its recommendations';

75. Insists on the importance for the EU to fully abide by and implement its international obligations, policies and foreign policy instruments, such as the torture guidelines and human rights dialogues, so that it can be more credible in its call for the rigorous implementation of human rights clauses in association agreements, and to urge its major allies to respect their own domestic and international laws;

76. Recommends, in order to enhance the credibility of the human rights clause and the predictability of EU action, that the clause be further developed to include political and legal procedural mechanisms to be used in the event of a request for the suspension of bilateral cooperation on the grounds of repeated and/or systematic human rights violations in breach of international law;

77. Calls on the European Union to ensure that all trade agreements it signs with third countries include clauses which promote social cohesion, ensure respect for social, environmental and labour standards and the sound management of natural resources, in particular land and water; notes that the EU is developing a human rights monitoring mechanism to be included as part of new partnership and cooperation agreements, and other trade agreements, with a number of countries; stresses that these monitoring mechanisms are not ambitious enough and not clearly defined, compromising the EU’s treaty commitment to the promotion of human rights and democracy in the world; is particularly concerned in this regard about the Partnership and Cooperation Agreement (PCA) with Uzbekistan and the pending PCA with Turkmenistan;

78. Reiterates its recommendation that the EU adopt a more consistent and efficient policy on EU sanctions and restrictive measures, providing clear criteria for when these are to be applied and what type of sanctions should be applied, and including transparent benchmarks for their lifting; calls on the Council to ensure that there are no double standards when deciding on restrictive measures or sanctions and that these are applied regardless of political, economic and security interests;

79. Calls on the Commission and the Member States to address violence against women and the gender-related dimension of human rights violations internationally, in particular in the context of the bilateral association and international trade agreements in force and those under negotiation;

**Freedom of expression (social media/digital freedoms)**

80. Notes that the Arab Spring demonstrated how the new global information and communication architecture is not only creating new channels for freedom of expression but also enabling new forms of political mobilisation that bypass traditional methods; points out, in this context, that rural areas are often inadequately connected to modern communication technologies; calls on the EU institutions and the Member States to harness the positive potential of the new technologies in EU foreign policy while stressing that only organised groups disposing of a clear and coherent political agenda shall be granted financial assistance; calls on the EU institutions and the Member States to address the danger of internet censorship and repression; welcomes the launch, in December 2011, of the ‘No Disconnect Strategy’ to develop tools that allow the EU, in appropriate cases, to assist civil society organisations or individual citizens to circumvent arbitrary disruptions to access to electronic communications technologies, including the internet;
81. Recognises that increasing dependence on information and communications technology infrastructure is likely to create new vulnerabilities and security concerns internationally; recalls, however, that many of the decentralised characteristics that make the internet a cyber-security concern are also the very reasons that it is a powerful tool for human rights defenders living under repressive regimes; stresses, therefore, the importance of a comprehensive Digital Freedom Strategy with a clear human rights dimension, including an impact assessment on human rights consequences, in the development of policies and programmes relating to cyber security, the fight against cyber crime, internet governance and other EU policies in this area; calls in this regard on the Commission and the EEAS to take a proactive approach and to mainstream the aspect of cyber security in its interaction with third countries;

82. Stresses that the repression and control of citizens and businesses involves a growing technological component, through the blocking of content and the monitoring and identification of human rights defenders, journalists, activists and dissidents, as well as through the criminalisation of legitimate expression online and the adoption of restrictive legislation to justify such measures; recommends that the promotion and protection of digital freedoms should be mainstreamed, and reviewed annually, so as to ensure accountability and continuity in all EU external actions and financing and aid policies and instruments; calls on the Commission and Council to unequivocally recognise digital freedoms as fundamental rights, and as indispensable prerequisites for enjoying universal human rights such as freedom of expression, freedom of assembly and access to information, and for ensuring transparency and accountability in public life;

83. Welcomes the commitment of the EU Human Rights Action Plan to develop new public guidelines on freedom of expression online and offline, including the protection of bloggers and journalists, human rights defenders and opposition-parties;

84. Stresses the importance of encouraging an independent free press and media, which are crucial actors in preserving the rule of law and fighting corrupt practices;

85. Notes with concern the worrying trend of increased attacks and intimidation against journalists and media workers in the world; calls for a stepping up of EU efforts to promote their safety in dialogues with the Union's partners and other countries;

86. Is gravely concerned about developments which restrict the freedom of expression and assembly for reasons based on misconceptions about homosexuality and transgenderism; recalls that laws and proposals to such effect are inconsistent with the International Covenant on Civil and Political Rights, which precludes discriminatory laws and practices based on sexual orientation; calls on the VP/HR and the Special Representative for Human Rights to raise these concerns systematically;

87. Deplores the use of EU-made technologies and services in third countries to violate human rights through censorship of information, mass surveillance, monitoring and the tracing and tracking of citizens and their activities on (mobile) telephone networks and the internet; is concerned by reports of certain EU companies cooperating with authoritarian regimes in providing them with free unlimited access to their networks and databases under the excuse of following the local law, as was the case with the EU-based company TeliaSonera in several former Soviet countries; is convinced that European companies and their subsidiaries and subcontractors should play a key role in the promotion and dissemination of social standards worldwide, and they should therefore act in accordance with European values and never compromise human rights in their efforts to expand their markets abroad;

88. Welcomes Council decisions to ban the export of certain information technologies and services to Syria and Iran, and urges the EU to consider these cases as precedents for future restrictive measures against other repressive regimes; strongly supports the proposal to include human rights violations in the EU dual-use export control system as a reason for which non-listed items may be subject to export restrictions by Member States; draws attention, in this context, to its position to adopt Regulation amending Council Regulation (EC) No 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items;
EU support to civil society and human rights defenders

89. Emphasises the development of a strong and vibrant civil society as a key factor allowing for democratic progress and improved protection of human rights; stresses that the mobilisation of civil society was at the root of the historic changes of the Arab Spring;

90. Acknowledges EU efforts to step up support to civil society organisations; values particularly the ability of the European Union to engage directly with civil society through the EIDHR, the Civil Society Facility and the EED; regrets, however, that EU does not have a stronger systematic policy to persuade partner countries to abolish undue legal and administrative restrictions that limit the universal rights of assembly and association; calls for such policy guidelines be developed;

91. Reiterates its support for the implementation of the concept of democratic ownership in EU development cooperation, and considers the role of civil society crucial in that context; emphasises the need for all EU staff to work closely with civil society in the countries of their posting; outlines the fact that a closer cooperation with the civil society would considerably contribute to drawing up feasible and realistic human rights country strategies, tailored to the priorities of these countries;

92. Regrets that persecution and marginalisation of human rights defenders remain a widespread tendency all over the world, particularly in China and Russia, and in all other countries that still mistakenly regard high human rights standards as an imposition by the EU and the UN and by global human rights organisations; regrets that the fate of disbarred lawyers and politically persecuted journalists and media workers in China is regarded as an internal affair; notes the restrictions of democratic space;

93. Welcomes the EU co-sponsored UN General Assembly Third Committee resolution of November 2011 on human rights defenders, and the public support given by the EU to the UN Special Rapporteur on Human Rights Defenders and relevant regional mechanisms to protect human rights defenders;

94. Supports the plans to establish a voluntary European initiative to provide temporary shelter to human rights defenders in need of urgent relocation from their countries of origin under the EIDHR; stresses that this initiative should be carried out in a manner that will complement the shelter schemes which already exist;

95. Notes that it is the human rights defenders working in remote areas and conflict zones that are the most exposed to threats and dangers, and in least contact with EU staff; urges all EU delegations to develop local human rights strategies for maintaining regular contacts with human rights defenders on the ground and for providing them with necessary assistance and protection, as required by the EU Guidelines on Human Rights Defenders (HRDs);

96. Stresses the importance for the EU to take proactive action (reaction and support to HRDs under threat; observation of trials brought against HRDs; prompt, vocal and visible reaction to restrictions to the freedoms of expression, association and assembly) and systematically to provide HRDs and/or their families with information on actions undertaken on their behalf, as prescribed in the EU Guidelines on HRDs; calls, in this context, for a reinforcement of the EIDHR mechanism aimed at providing urgent protection measures with human rights defenders in danger or at risk;

97. Regrets that its call to enhance visibility of the annual Sakharov Prize is not taken on board as the Sakharov Prize is only mentioned in a declarative manner in the section on the European Parliament in the Annual Report; underlines once more that a proper follow-up by the EEAS is needed on the well-being of the candidates and laureates, and on the situation in their respective countries; reiterates its call on the EEAS and the Commission to stay in regular touch with the candidates and laureates of the Sakharov Prize to ensure continuous dialogue and monitoring of the situation of the human rights situation in the respective countries, and to offer protection to those suffering persecution; calls on the EEAS to include the Sakharov Prize in the section on human right defenders in the Annual Report on Human Rights;
98. Calls on the Commission and Council to support, train and empower human rights defenders, civil society activists and independent journalists, to ensure their security and freedom online and to assert the fundamental rights of free expression, freedom of assembly and freedom of association online:

**EU action against the death penalty**

99. Reiterates its unflagging stance against the death penalty in all cases and circumstances, and strongly supports EU efforts to pass a strong resolution on the death penalty moratorium at the 67th session of the UN General Assembly, also with a view to gaining momentum in the run-up to the World Congress against the Death Penalty; underlines the fact that the EU is the leading actor in and the largest donor to the fight against death penalty;

100. Calls on Member States to refrain from marketing or promoting equipment that is prohibited under the Regulation (EC) No 1236/2005 of 27 June 2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment; calls for regular and updated control of exports of drugs manufactured by EU pharmaceutical companies which might be used in the execution of death sentences in third countries; welcomes, in this context, the Commission’s 2011 decision to amend Regulation (EC) No 1236/2005 to strengthen export controls on certain drugs capable of being used in capital punishment; welcomes the proactive steps taken by certain EU pharmaceutical companies to halt exports to third countries where there is a foreseeable risk of such drugs being used for executions; urges more EU pharmaceutical companies to take similar steps; calls on the Commission to establish a catch-all clause in Regulation (EC) No 1236/2005 that would, inter alia, require prior export authorisation of any drug capable of being used for torture or executions;

101. Welcomes the assessment by human rights organisations that the use of the death penalty in 2011 broadly confirms the global trend towards abolition; welcomes Thailand’s abolition of the death penalty for offenders under 18; regrets, however, that there was a significant increase in executions in Iran, Iraq, Afghanistan and Saudi Arabia; expresses serious disappointment at the refusal of China to disclose credible information about its use of death penalty and executions that, according to Amnesty International, number in the thousands; welcomes the abolition of the death penalty in the US state of Illinois but regrets that the United States continues to execute people despite being the only G8 country to do so in 2011; recalls with concern that Belarus is the only European country to continue use the death penalty; urges the EU and its Member States consistently to bring this issue up as a matter of priority in their dialogues with these countries;

102. Declares that the EU, which has in the past been successful in fighting the death penalty in specific cases, should take a more decisive stand and call on the institutions and the Member States to maintain and step up their commitment to this cause and their political will, in order to see the death penalty finally abolished worldwide;

**Torture and other cruel, inhuman and degrading treatment or punishment**

103. Welcomes the adoption of the updated Guidelines on EU policy towards third countries on torture and other cruel, inhuman or degrading treatment or punishment; recalls, however, that the challenges of awareness-raising and implementation have to be overcome to achieve genuine advances in EU policy;

104. Welcomes the extension in the updated guidelines of the groups requiring special protection to persons facing discrimination based on sexual orientation or gender identity, as well as the commitment to urge third countries to provide domestic procedure for complaints and reports that are gender and child-sensitive; regrets, however, that EU’s coordinated efforts to counter torture do not address its gender dimension in a more comprehensive manner, mainly due to a lack of substantive information on all forms of torture and ill-treatment;

105. Stresses the importance of linking EU guidelines with the implementation modalities of the Optional Protocol to the UN Convention Against Torture (OPCAT), with particular attention to the National Preventive Mechanisms;
106. Points out that the definition of slavery provided by the UN is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised; deplores the fact that modern forms of slavery survive, including within the EU; calls, therefore, on the Commission to pursue a much stronger policy on this subject, particularly with regard to domestic staff, the socio-professional group most affected by these forms of slavery;

107. Regrets that the political abuse of psychiatry still remains a painful problem in a number of countries which have a history of using violent psychiatric methods in support of antidemocratic regimes trying to intimidate and stop dissenting segments of society and individuals; emphasises with concern that this tendency goes hand in hand with vague and elusive forms of torture, including psychological terror and degrading conditions of prisons;

108. Calls attention to the significance of the report of the UN Special Rapporteur of 5 August 2011 (A/66/268) on torture and other cruel, inhuman or degrading treatment or punishment, focusing on the effects of solitary confinement, including the use of that method in psychiatric clinics; expresses serious concern over the evidence from different countries that psychiatric hospitals are being used as de facto detention centres; calls on the VP/HR, the EU Special Representative on Human Rights, the EEAS and the Commission to pay appropriate attention to this problem;

109. Expresses concern over the future operation of rehabilitation centres for torture victims; calls on the EEAS and Commission services to work across the dividing line of external and internal policies to ensure that administrative competency lines do not endanger EU support to rehabilitation centres, both outside and inside the Union;

110. Regrets that human rights violations still remain a painful problem in the occupied areas of Cyprus; notes that thousands of refugees, who have been forced to abandon their homes and properties, are being denied by the Turkish military forces to live in their homeland until today; notes further that families and relatives of missing persons are still denied the right to have answers regarding the fate of their loved ones, as Turkey does not facilitate access to the military zones or to archives containing relevant investigation reports by the Committee on Missing Persons in Cyprus;

Discrimination

111. Insists that the political dialogue on human rights between the EU and third countries must cover a more inclusive and comprehensive definition of non-discrimination, inter alia on the basis of religion or belief, sex, racial or ethnic origin, age, disability, sexual orientation and gender identity;

112. Underlines that for the EU’s foreign policy to be credible and coherent in the field of fundamental rights, equality and anti-discrimination, the Council should adopt the directive on equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, and enlarge the application of the Framework Decision on Racism and Xenophobia to cover other targeted groups, such as LGBT persons;

113. Requires the Member States to vigorously oppose any attempt to undermine the concept of universality, indivisibility and interdependence of human rights and to actively encourage the UNHRC to pay equal attention to the question of discrimination on all grounds, including gender, gender identity, race, age, sexual orientation and religion or belief; Strongly regrets that homosexuality remains criminalised in 78 states, including five in which it is subject to the death penalty; calls on these states to decriminalise homosexuality without delay, to free those imprisoned on the basis of their sexual orientation or gender identity and not to execute them; calls on the EEAS to make full use of the LGBT Toolkit to protect the rights of LGBTI people; calls on the Council to work towards binding guidelines in this area; calls on the EEAS and Member States to assist LGBTI human rights defenders in countries where they are at risk, and calls on the VP/HR and the EU Special Representative on Human Rights to continue making clear the European Union’s firm commitment to equality and non-discrimination based on sexual orientation, gender identity and gender expression in the world, including by launching and supporting initiatives at bilateral, international and UN level on these matters; repeats its call on the Commission to issue a roadmap for equality on grounds of sexual orientation and gender identity;
114. Calls on the Member States to grant asylum to people fleeing persecution in countries where LGBTI people are criminalised, on the basis of applicants' well-founded fears of persecution, and relying on their self-identification as lesbian, gay, bisexual, transgender or intersex;

115. Reasserts that the principle of non-discrimination, including on grounds of sex and sexual orientation, is a fundamental element in the ACP-EU partnership;

116. Underlines the ratification by the EU of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the adoption of the European Disability Strategy 2010-2020, in particular area of action 8; condemns all forms of discrimination based on disability, and calls for all states to ratify and implement the UNCRPD; points out that the EU also needs to monitor the implementation of the UNCRPD on its own territory; calls on the EU and its Member States to promote the International Convention on the Rights of Persons with Disabilities established in 2006 within the framework of the UN both within and outside the European Union;

117. Condemns the continued human rights violations committed against people suffering from caste-based discrimination, including the denial of equality and access to justice, continued segregation and caste-induced barriers to the achievement of basic human rights; requests the Council, the EEAS and the Commission to take joint action on caste-based discrimination, including in EU human rights communications, frameworks and country-based strategies and dialogues, wherever appropriate, and to promote the draft UN Principles and Guidelines for the elimination of discrimination based on Work and Descent as a guiding framework to eliminate caste discrimination, and work for their endorsement by the UN Human Rights Council;

118. Requests the VP/HR and the Special Representative for Human Rights to give full recognition to caste discrimination as a cross-cutting issue of human rights and poverty with severe implications, in particular for women;

119. Is pleased that the United Nations Human Rights Council's driving principles on extreme poverty and human rights are based on the interdependence and indivisibility of all human rights, as well as on the principles of the participation and empowerment of people living in extreme poverty; emphasises the indissociability of extreme poverty and human rights; on the one hand, people living in extreme poverty are often also deprived of their civil, political, economic and social human rights; on the other hand, in the fight against extreme poverty an approach based on human rights is essential if the situation is to be understood and combated; urges the Council to support this approach with the United Nations Economic and Social Commission;

120. Notes with concern that indigenous people are in particular danger of being discriminated against, and that they are especially vulnerable to political, economic, environmental and labour-related changes and disturbances; notes that most live below the poverty threshold and have little or no access to either representation, political decision-making or justice systems; is particularly concerned about reported widespread land-grabbing, forced displacement and human rights abuses resulting from armed conflict;

121. Calls on the Commission and the Council to promote ‘climate refugee’ as an official, legally recognised term (indicating a person forced to flee his or her home to seek refuge abroad as a consequence of climate change), as is not yet recognised in international law or in any legally binding international agreement;

122. Emphasises the importance of the right to citizenship as one of the most fundamental rights, since in many countries only full citizens are granted the possibility fully to enjoy and exercise their basic human rights, including the rights to public security, wellbeing and education;

123. Emphasises that traditional national minorities have specific needs that differ from those of other minority groups, and there is a need to safeguard the equal treatment of these minorities with regard to education, healthcare, social services and other public services, and to promote, in all areas of economic, social, political and cultural life, the full and effective equality between persons belonging to a national minority and those belonging to the majority;
Women and children in armed conflict situations

124. Appreciates the focused attention given to the challenge of the implementation of women, peace and security-related resolutions in the EU policies, as evidenced in the Report on the EU indicators for the Comprehensive Approach to the EU implementation of the UN Security Council Resolutions 1325 & 1820, adopted by the EU Council on 13 May 2011; welcomes the political action taken by the EU to ensure the prolonging of the mandate of the UN Secretary General’s Special Representative on children and armed conflict at the UN General Assembly; shares the view expressed in the Council conclusions of 1 December 2011 on Common Security and Defence Policy that continued and systematic attention to aspects relating to human rights, gender and children affected by armed conflict should be a key consideration in all phases of the CSDP missions;

125. Believes that, in order to ensure the effective participation of women where they are currently under-represented in political or civil society bodies, it is important to provide training and support modules, both for European staff dealing with gender issues and for the women on the ground, so as to enable them to make an effective contribution to the peace and conflict resolution processes;

126. Recognises that concrete progress in improving the situation of women and children in armed conflict situations is often dependent on achieving clear and unified accountability structures in military and security services under civilian control; urges, therefore, the relevant EU institutions to seek and implement more effective methods to carry out security sector reforms in conflict and post-conflict countries, with strong emphasis on women’s and children’s rights, inclusion and empowerment in that context; calls on the EEAS and the Commission to take this into account in the programming and implementation of external assistance instruments addressing security sector reform, including the importance of women’s empowerment in post-conflict reconstruction;

127. Calls for the disarmament, rehabilitation and reintegration of child soldiers as a core element in EU policies that aim at strengthening human rights, child protection and the replacement of violence with political conflict-resolution mechanisms;

128. Expresses its deep concern regarding the Great Lakes region of Africa, where rape is a weapon of warfare to eradicate whole population groups;

Women’s rights

129. Urges the EU to enhance its action to end the practices of female genital mutilation (FGM), early and forced marriages, honour killings, forced and gender-selective abortion; insists that these policies should be essential elements in EU approach to development cooperation; stresses the importance of adequate access to medical means, and of information and education about sexual and reproductive health and rights, to the wellbeing of women and girls in all countries;

130. Notes that there continues to be insufficient attention given to sexual and reproductive rights violations that undermine efforts towards fulfilling the Cairo Programme of Action commitments adopted at the 1994 United Nations International Conference on Population and Development (ICPD), and to addressing discrimination — including gender discrimination and inequality — in population and development strategies; underlines that progress on reproductive health has been limited in some contexts by violations such as child, early and forced marriage and failure to enforce a legal minimum age of marriage, coercive practices such as forced sterilisation or FGM, as well as denial of autonomy to women and girls to make decisions about their sexual and reproductive health free of discrimination, coercion and violence; Calls for the Cairo Programme of Action to be implemented in its human rights and development policy aspects, to promote gender equality and women’s and children’s rights, including sexual and reproductive health and rights;
131. Urges the EU and its Member States to ensure that the ICPD+20 operational review process results in a comprehensive review of all aspects related to the full enjoyment of sexual and reproductive rights, that it reaffirms a strong and progressive approach to sexual and reproductive rights for all that is consistent with international human rights standards and increases the accountability of governments to achieve the agreed objectives; calls, in particular, on the EU and its Member States to ensure that the review process is conducted in a participatory manner and that it provides opportunity for different stakeholders, including civil society as well as women, adolescents and young people, to participate in a meaningful manner; recalls that the framework for such a review must be based on human rights and have a specific focus on sexual and reproductive rights;

132. Recalls the UN Human Rights Council Resolution 11/8 entitled ‘Preventable maternal mortality and morbidity and human rights’, which affirms that the prevention of maternal mortality and morbidity requires the effective promotion and protection of the human rights of women and girls, in particular their rights to life, education, information and health; stresses that the EU must therefore play an important role in contributing to the decline of preventable complications occurring before, during and after pregnancy and childbirth;

133. Calls on the EU to work closely with UN Women both bilaterally and at international, regional and national level to enforce women’s rights; stresses, in particular, the need not only to promote health education and appropriate programmes for sexual and reproductive health and rights, which are a prominent part of the EU’s development and human rights policy towards third countries, but also to ensure that women have fair access to public health care systems and adequate gynaecological and obstetric care as defined by the World Health Organisation.

134. Urges the Commission and the EEAS to give specific attention to female genital mutilation (FGM) as part of an overall strategy for combating violence against women, including the development of an EU plan of actions on FGM pursuant to the due diligence principle; encourages the EEAS and the Member States to continue to address the issue of FGM in their political and policy dialogues with partner countries where the practice is still perpetrated, and to include in these dialogues human rights defenders already working on ending the practice, along with girls and women directly affected by the practice, community leaders, religious leaders, teachers, health workers, and government officials both at local and national level; stresses the need for the EEAS to develop a specific toolkit on FGM as part of its actions to implement the EU strategic framework on human rights and democracy;

135. Underlines that progress on reproductive health has been limited in some contexts by violations such as child marriages, early and forced marriage and the failure to enforce a legal minimum age of marriage, coercive practices such as forced sterilisation or FGM;

136. Welcomes the commitment of several Member States to combat violence against women, domestic violence and FGM, in particular its cross-border aspects; reiterates the need for coherence on EU internal and external policies on these issues, and urges the Commission to make it a priority to end violence against women and girls, as well as feminism, and, through the allocation of appropriate financial resources, to support targeted and innovative programmes both within the EU and in third countries; encourages the EU and its Member States to sign and ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence;

137. Welcomes the adoption of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims (1), and the introduction of a new strategy by the Commission entitled ‘The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016’; points out that trafficking in human beings is a complex transnational phenomenon rooted in vulnerability to poverty, lack of democratic cultures, gender inequality and violence against women; emphasises the need to place greater emphasis on the gender dimension in dialogue with third countries on this issue; calls, finally, on Member States that have not yet ratified the UN ‘Palermo’ Protocol on Trafficking in Persons and the Council of Europe Convention on Action against Trafficking in Human Beings to do so as soon as possible;

138. Emphasises the crucial role played by women in the political life of the Southern Neighbourhood; welcomes election results that have resulted in a considerable increase in the number of women in political fora;

139. Calls on the Council, the Commission and Member States to promote, in particular, the ratification and implementation by the Members States of the African Union the African Union Protocol on the Rights of Women in Africa;

Rights of the child

140. Recalls the specific commitment made in the Lisbon Treaty to focus on children’s rights in EU’s external policies; points out that the near-universal adoption of the UN Convention of the Rights of the Child provides a particularly solid international legal foundation to pursue progressive policies in this area; recommends that the rights of the child should be taken into account in all EU policies and actions; calls, therefore, on those countries that have not yet ratified the Convention to do so and to enforce it and its optional protocols as soon as possible;

141. Draws attention to the serious problem that exists in several countries in sub-Saharan Africa of children being accused of witchcraft, with grave consequences ranging from social exclusion to infanticide, and to the ritual murder of children as forms of sacrifice; notes that the state has a responsibility to protect children from all forms of violence and abuse and, consequently, urges the HR/VP, the EU Special Representative on Human Rights, the Commission and the EEAS to pay particular attention to the protection of children from all forms of violence and to the fate of these children in the human rights dialogues with the governments of the countries concerned and in the programming of the external financial instruments;

142. Calls on the EEAS and the Commission to safeguard, in the context of the Union’s external policies, the rights of children during criminal proceedings by establishing their need for specific protection, in recognition of their vulnerability to secondary and repeat victimisation, and to give primary consideration to the child’s best interest, as stipulated in Directive 2012/29/EU on Minimum Standards on Victims’ Rights;

143. Welcomes the Commission Communication ‘An EU Agenda for the Rights of the Child,’ integrating both internal and external policy objectives in a single policy document; recalls the commitment of VP/HR in the Commission Communication ‘Human Rights and Democracy at the Heart of EU External Action’ to focus on the rights of the child as one of three campaign priorities; stresses, however, the importance of translating these commitments into budgeted actions and monitoring their efficient implementation;

144. Calls on a consistent inclusion of the rights of the child in EU Human Rights Country Strategies in line with the Lisbon Treaty commitment; supports the plans to make further advances in developing rights-based approaches to development cooperation as stated in the EU human rights strategy action plan; emphasises the urgency to do so in the case of children’s rights in order to ensure longer-term sustainable progress; reiterates that girls are particularly vulnerable in certain countries;

145. Stresses the need to combat all forms of forced child labour, child exploitation and trafficking; calls for the better implementation of existing national and international rules that foster awareness of child abuse in the labour market; emphasises the fact that children and adolescents should participate only in work that does not affect their health and personal development or interfere with their schooling;

Freedom of thought, conscience, religion or belief

146. Stresses that the right to freedom of thought, conscience, religion or belief is a fundamental human right (1), encompassing the right to believe or not to believe and the freedom to practice theistic, non-theistic or atheistic beliefs alike, either in private or public, alone or in a community with others; stresses that the enjoyment of this right is fundamental to the development of pluralistic and democratic societies; calls on the EU systematically to defend the right to freedom of religion or belief for all, in accordance with UN human rights conventions, in political dialogues with third countries;

147. Condemns any intolerance, discrimination or violence on the grounds of religion or belief wherever and to whomever it occurs, whether directed at religious people, apostates and non-believers; expresses its profound concern about the increasing number of such acts in various countries, perpetrated against religious minority representatives as well as against those modest voices in majority religious traditions promoting pluralist and diverse societies based on mutual respect between individuals; expresses worry about the impunity for such violations, the bias on the part of the police and judiciary systems in dealing with such matters, and the lack of appropriate victim compensation schemes, that is evidenced in many countries in the world; notes that, paradoxically, the events of the Arab Spring, which were expected to bring about a pro-democratic transformation, in many cases rather brought about the deterioration of the freedoms and rights of religious minorities and, therefore, strongly condemns all acts of violence against Christian, Jewish, Muslim and other religious communities; recognises the growing need in a number of countries for conflict transformation and reconciliatory efforts, including inter-faith dialogue at various levels; urges the EU and VP/HR, the EU Special Representative on Human Rights, the Commission and the EEAS to address discriminatory and inflammatory content in, e.g., the media, as well as obstacles to the free profession of faith in EU dialogues with third countries concerning human rights; considers that in third countries where religious minorities are faced with violations of their rights, such problems cannot be solved by isolating them from the surrounding societies in order to protect them, thereby creating ‘parallel societies’;

148. Is particularly concerned by the situation in China, where individuals who practise their religion outside officially sanctioned channels, including Christians, Muslims, Buddhists and Falun Gong practitioners, systematically face persecution; calls on the Chinese Governments to put an end to its campaign of ill-treatment and harassment of Falun Gong practitioners, who face long prison terms as punishment for exercising their right to freedom of religion and belief, and are subjected to ‘re-education through labour’ aimed at forcing them to renounce their spiritual beliefs, notwithstanding China’s ratification of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; urges China to ratify the International Covenant on Civil and Political Rights (ICCPR), as it has promised; urges the Chinese authorities to suspend and subsequently amend, through genuinely consultative processes with Tibetans, those policies that have the most negative impact on Tibetan Buddhism, culture and tradition; is deeply concerned about the situation as regards freedom of religion in Cuba, in particular the increased persecution of both leaders and followers of Catholic and Protestants churches;

149. Stresses that international human rights law recognises freedom of thought, conscience, religion, belief and political affiliation regardless of registration status, so registration should not be a precondition for practising one’s religion or exercising one’s right to political affiliation; points out with concern that in China all individuals wishing to practice a religion, including the five official religions — Buddhism, Taoism, Islam, Roman Catholicism and Protestantism — are required to register with the Government, and must operate under Government-controlled management boards, and that this interferes with their religious autonomy and restricts their activity; notes further with concern that unregistered religious groups, including house churches and Falun Gong practitioners, face different forms of ill-treatment that restrict their activities and gatherings, including confiscation of property and even detention and imprisonment;

150. Welcomes the fact that freedom of religion or belief is included as a subject matter in the training provided to the EU staff; strongly reiterates its call for an ambitious toolkit to advance the right to freedom of religion or belief as part of EU external policy; welcomes, in this context, the EU’s commitment to develop guidelines on freedom of religion or belief in accordance with section 23 of the EU Action Plan on Human Rights and Democracy; notes that these guidelines should be in line with EU Human Rights country strategies and include a checklist on the necessary freedoms pertaining to the right of freedom of religion or belief, in order to assess the situation in a given country, as well as a methodology to help identify infringements of freedom of religion or belief; stresses the need for Parliament and civil society organisations to be involved in the preparation of these guidelines; encourages the EU to ensure coherence between the new guidelines and the priorities listed in EU human rights country strategies; stresses the importance of mainstreaming freedom of religion or belief in the EU’s development and other external policies;

151. Urges the EU to respond proactively to the increased use of apostasy, blasphemy and anti-conversion laws and to the role they play in increasing religious intolerance and discrimination; emphasises that international law includes the right to have, adopt and change a religion or belief; invites the VP/HR and the EU institutions to take action against unacceptable
practices by applying pressure on those third countries, with a particular focus on those EU partners that still carry out such practices, to ensure that they are eliminated; encourages the EU to speak out against the use by governments of such laws and to support the right of individuals to change religion, in particular in those countries where apostasy is punishable by death;

152. Stresses the importance of the protection of freedom of thought, conscience, religion or belief, including atheism and other forms of non-belief, under international human rights conventions, and insists that such freedom should not be undermined by the application of blasphemy laws used to oppress and persecute those of a differing religion or belief; underlines that while blasphemy laws are often promoted with the pretext of reducing social tensions, in reality they only contribute to an increase in such tensions and to the rise of intolerance, in particular towards religious minorities; recalls, in this regard, that in a number of countries the prohibition, confiscation and destruction of both places of worship and religious publications, and prohibition of the training of clergy, are still common practice; urges the EU institutions, in their contacts with the relevant governments, to counter such violations; calls for a firm stance against the instrumentalisation of blasphemy laws for the purpose of persecuting members of religious minorities;

153. Stresses the importance of mainstreaming freedom of religion or belief in EU development, conflict prevention, and counterterrorism policies; welcomes inclusive efforts of intercultural and interfaith dialogue and cooperation at various levels, involving community leaders, women, youth and ethnic minority representatives, in fostering societal cohesion and peaceful societies; welcomes the EU’s commitment to presenting and promoting the right to freedom of religion or belief within international and regional fora including the UN, the OSCE, the Council of Europe and other regional mechanisms, and calls for a constructive dialogue with the Organisation of Islamic Countries (OIC) on moving away from terminology related to combating defamation of religions; encourages the EU to continue tabling its yearly resolution on freedom of religion or belief at the UN General Assembly;

154. Welcomes the Joint Statement by the VP/HR, the OIC Secretary General, the Arab League Secretary General and the African Union Commissioner for Peace and Security of 20 September 2012 reaffirming the respect for all religions and the fundamental importance of religious freedom and tolerance, while at the same time fully recognizing the importance of freedom of expression; condemns any advocacy of religious hatred and violence, and deeply regrets the loss of human lives as result of the recent attacks on diplomatic missions; expresses its condolences to the families of the victims;

155. Notes that freedom of religion or belief is inter-related with issues pertaining to recognition, equal citizenship and equal enjoyment of rights in a given society; encourages the EU to work for equality and equal citizenship as a matter of priority for representatives of marginalised or discriminated groups in society; stresses, moreover, the importance of supporting initiatives and enabling funding for civil society and human rights defenders in their efforts to combat discrimination, intolerance and violence on the grounds of religion or belief;

156. Urges the EEAS to develop a permanent capacity within its structure to monitor and analyse the role of religion or belief in contemporary societies and international relations, and to mainstream the issue of freedom of religion or belief across the geographical and thematic directorates and units; encourages the EEAS to report to Parliament on an annual basis on progress on freedom of religion or belief in the world;

157. Stresses the importance of supporting initiatives of and enabling funding for civil society and human rights defenders in their efforts to combat discrimination, intolerance and violence on the grounds of religion or belief; believes that EIDHR Country-Based Support Schemes should prioritise funding for protecting and promoting freedom of religion or
belief in countries where the EU country strategy has identified this right as a priority issue;

158. Instructs its President to forward this resolution to the Council, the Commission; the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative on Human Rights, the European External Action Service, the governments and parliaments of the Member States and the candidate countries, the United Nations, the Council of Europe and the governments of the countries and territories referred to in this resolution.

P7_TA(2012)0504

EU’s human rights strategy

European Parliament resolution of 13 December 2012 on the review of the EU’s human rights strategy (2012/2062(INI))

(2015/C 434/10)

The European Parliament,

— having regard to Articles 2, 3, 6, 8, 21, 33 and 36 of the Treaty on European Union (TEU),

— having regard to the joint communication of the High Representative of the Union for Foreign Affairs and Security Policy and the Commission to the European Parliament and the Council of 12 December 2011 entitled ‘Human Rights and Democracy at the Heart of EU External Action — Towards a more effective approach’ (COM(2011)0886),


— having regard to the Commission communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 20 April 2010 entitled ‘Delivering an area of freedom, security and justice for Europe’s citizens — Action Plan Implementing the Stockholm Programme’ (COM(2010)0171),

— having regard to the Commission communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 25 October 2011 entitled ‘A renewed EU strategy 2011-14 for Corporate Social Responsibility’ (COM(2011)0681),

— having regard to the EU Strategic Framework on Human Rights and Democracy and the EU Action Plan on Human Rights and Democracy as adopted at the 3179th Foreign Affairs Council meeting of 25 June 2012,

— having regard to the UN Guiding Principles on Business and Human Rights,

— having regard to its resolution of 18 April 2012 on the Annual Report on Human Rights in the World and the European Union’s policy on the matter, including implications for the EU’s strategic human rights policy (1),

Thursday 13 December 2012

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

— having regard to its resolution of 7 July 2011 on EU external policies in favour of democratisation (2),

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

— having regard to the EU Guidelines on Human Rights,

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

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

— having regard to its recommendation to the Council of 13 June 2012 on the EU Special Representative for Human Rights (4),

— having regard to the Foreign Affairs Council Conclusions on the European Endowment for Democracy (5) adopted at its 3130th meeting on 1 December 2011, and to the Declaration on the establishment of a European Endowment for Democracy (6), agreed to by Coreper on 15 December 2011,

— having regard to its recommendation of 29 March 2012 to the Council on the modalities for the possible establishment of a European Endowment for Democracy (EED) (7),

— having regard to the recent establishment of the European Endowment for Democracy (EED),

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

— having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on Development (A7-0378/2012),

A. whereas the EU is founded on the principle of respect for human rights and has a legal obligation, as outlined in its Treaties, to place human rights at the core of all EU and Member State policies, without exception, and at the core of all international agreements; whereas dialogues between the EU, its Member States and third countries must be followed by concrete measures designed to ensure that human rights remain at the core of those policies;

B. whereas the EU has developed an extensive toolbox of instruments as a policy framework to support this obligation, including human rights guidelines, a global financial instrument on human rights and democracy (the European Instrument for Democracy and Human Rights (EIDHR)), a requirement for all external financial instruments — such as the Development Cooperation Instrument (DCI), the Instrument for Stability (IFS), the European Neighbourhood Instrument (ENI), the Pre-Accession Instrument (IPA) and the Partnership Instrument (PI) — to promote human rights and democracy within their remit, the establishment of the EED, the appointment of the new EU Special Representative for Human Rights, Council declarations and conclusions, statements by the High Representative, EU démarches, EU sanctions in the event of severe human rights violations and, more recently, human rights country strategies:

(2) Texts adopted, P7_TA(2011)0334.
C. whereas, in accordance with the variable nature of contractual relations between the EU and third countries, the EU has established a wide variety of tools — such as the European Neighbourhood Policy (ENP), the Cotonou Agreement, human rights dialogues and consultations with third countries — to promote human rights and democracy and improve cooperation within international bodies in the context of discussions on issues of common interest; whereas the ENP monitors the implementation of agreed commitments and the Cotonou Agreement provides for consultations in the event of human rights violations; whereas the EU's role in supporting and observing electoral processes also has a substantial impact in terms of fostering human rights and democracy and strengthening the rule of law;

D. whereas the cumulative effect of these policies has resulted in a piecemeal approach whereby the principle of coherence and consistency between the different areas of EU external action and between these and other policies has not been duly respected; whereas these different instruments have consequently become stand-alone elements and do not serve either the legal obligation to monitor the implementation of human rights clauses or the associated policy goal, such that there is a need for harmonisation and the creation of synergies between these instruments;

E. whereas several factors prevent the implementation of an effective EU policy on human rights and democracy, and whereas the joint communication of December 2011 did not effectively address those factors, such as the lack of an integrated approach based on a linkage between all EU external instruments and the adequate incorporation of country priority objectives, the absence of a benchmarking policy for all instruments (including geographical policies and strategies) which should be able to measure and monitor respect for human rights and democratic principles based on specific, transparent, measurable, achievable and time-bound indicators, and the weakness of human rights dialogues, which should be enshrined in the wider political dialogue at the highest level;

F. whereas the events of the 'Arab Spring' and the experience gained with Eastern Partnership countries both during and prior to their respective transition periods have demonstrated the need to reshape the Neighbourhood Policy in order to give higher priority to dialogue with, among others, NGOs, human rights defenders, trade unions, the media, universities, democratic political parties and other elements of civil society, and to defending fundamental freedoms, which are indispensable to democratisation and transition processes; welcomes, in this regard, the setting-up of the EED as a tangible response by the EU to the challenges of democratisation, initially, although not exclusively, in EU neighbourhood countries;

G. whereas this renewed policy should aim at further engaging partner countries in deeper democratic reforms and respect for fundamental rights, in particular core fundamental rights such as freedom of expression, conscience, religion or belief, assembly and association, on the basis of the ‘more for more’ approach and of mutual accountability between partner countries, the EU and its Member States;

H. whereas, as part of the review process, the Council rationalised and reframed the EU’s policy on human rights and democracy in the context of its external action; whereas this redefinition is embodied in the EU Strategic Framework on Human Rights and Democracy, which was adopted by the Foreign Affairs Council of 25 June 2012 and complemented by an Action Plan clearly setting out specific objectives, a timeline, milestones for action and the allocation of responsibilities; whereas the Council nominated a Special Representative for Human Rights to enhance the visibility, effectiveness and coherence of EU human rights policy and to contribute to the implementation of its objectives by assessing the current human rights instruments, consulting different partners and institutions in the field and focusing on substantive issues that require immediate attention;

I. whereas the current economic crisis, its perceived effects on the strength of the European project and changes in the global balance of power have demonstrated the insufficiency of lofty proclamations on human rights issues if they are not matched by a principled human rights policy implemented through agile and concrete measures and underpinned by an obligation to respect the coherence and consistency of the internal and external dimensions of all EU policies;
J. whereas promoting human rights and democracy is a joint responsibility shared by the EU and its Member States; whereas progress in this area can only be made by means of coordinated, coherent action by both parties; whereas economic and social rights have formed an integral part of human rights since the adoption of the Universal Declaration of Human Rights in 1948;

K. whereas it is therefore necessary that the EU help implement these rights in the least-developed and developing countries with which it signs international agreements, including trade agreements;

L. whereas developments in technology, new ICT tools, increasing levels of education throughout many regions of the world, the advent of certain developing countries as regional powers, the creation of new multilateral forums such as the G-20 and the emergence of an informed and interconnected global civil society all point to the need to strengthen the consistency and coherence of current instruments under international law and to boost cooperation in the context of global governance in order to secure respect for human rights, put an end to impunity for human rights violations and improve the prospects for democracy across the world;

M. whereas free access to the internet and telecommunications encourages free and democratic debate and may be a means of giving rapid warning of human rights violations, and should therefore be a priority in the EU’s external action in support of democracy and the defence of human rights;

N. stresses that the broad thrust and main elements of the new EU Strategic Framework on Human Rights and Democracy call for a high degree of consistency and of political will to obtain tangible results;

EU Strategic Framework on Human Rights and Democracy

1. Considers that the strategic review initiative strives to respond to the main challenges identified by Parliament and other stakeholders; welcomes the comprehensive and inclusive approach adopted by the Council in this regard and, in particular, the Action Plan on Human Rights and Democracy as a concrete expression of the EU’s commitment and accountability, along with the appointment of an EU Special Representative for Human Rights, which was something Parliament had called for in previous reports;

2. Reaffirms that the universal human rights and freedoms stipulated in the Universal Declaration of Human Rights apply to every human being, regardless of all circumstances or situations and of religion or belief, sex, racial or ethnic origin, age, disability, sexual orientation or gender identity;

3. Calls on the EU to move from words to action and to implement the pledges made in a swift and transparent manner;

4. Stresses that the Strategic Framework and Action Plan represent a floor, not a ceiling, for EU human rights policy and insists that the EU institutions and the Member States adopt a firm and coherent approach to human rights abuses worldwide, in a transparent and accountable manner;

5. Welcomes the fact that the Vice-President/High Representative has proposed to promote women’s rights, children’s rights and justice (focusing on the right to a fair trial) as the three cross-cutting campaign themes, and is confident that the new EU Special Representative for Human Rights will have a positive role in the implementation of the Action Plan in that respect;

6. Strongly believes that the creation of the post of Special Representative of the European Union for Human Rights should reinforce human rights policy in all EU external policy strategies;

7. Seeks to ensure ongoing communication and collaboration between the EP and the EU Special Representative for Human Rights;
8. Expresses Parliament’s wish, as the only directly elected EU institution, to be closely associated with this reshaped policy framework, and its determination to continue to play a key role in improving the democratic legitimacy of EU policy-making, while respecting the role of each institution in accordance with the Treaty;

9. Reiterates its will to intensify interinstitutional cooperation, including as part of a contact group on human rights — bringing together the European External Action Service (EEAS), the relevant services of the Council and the Commission, the EU Special Representative for Human Rights and the EP’s Subcommittee on Human Rights and Committee on Foreign Affairs — entrusted with the follow-up to the review and the Action Plan;

10. Insists on the need for all institutions to combine their efforts in this process and calls, therefore, for a joint declaration committing them to common founding principles and objectives;

11. Welcomes the ambitious nature of the Strategic Framework; stresses the need, however, for better coordination and greater clarification in respect of procedures and the division of tasks between the EU and its Member States, with a view to implementing the Action Plan more efficiently and effectively;

Coherence and cooperation in policy areas and between the EU and its Member States

12. Stresses the need for coherence and consistency across all policy areas as an essential condition for an effective and credible human rights strategy and considers it regrettable that there is no specific reference to these principles in the Strategic Framework; reminds the Commission of its repeated commitments, as set out in its 2001 communication and its 2010 Communication on an Action Plan Implementing the Stockholm Programme (COM(2010)0171), to take practical steps to ensure greater coherence and consistency between its external and internal policies; recalls that the full involvement of Parliament and greater coordination in this area were agreed in 2001; reminds the Member States and the EU institutions that respect for fundamental rights begins at home and must not be taken for granted, but continually assessed and improved, so that the EU can be heard as a credible voice on human rights in the world;

13. Calls for more effective coordination between the EU and its Member States with a view to making policies and programmes on human rights, security and development more consistent and complementary;

14. Calls on the Commission and the EEAS to live up to the pledge of a ‘human rights-based approach’ across the entire development cooperation process;

15. Urges the EU to maintain and honour its role as a leading defender of human rights in the world, through the effective, consistent and considered use of all available instruments for the promotion and protection of human rights and the effectiveness of our development aid policy;

16. Highlights the importance of Policy Coherence for Development with a view to ensuring that EU policies in all areas permit human rights to be increasingly realised, while ensuring that no human right is violated by any EU policy;

17. Emphasises that the new EU Special Representative for Human Rights must take the development agenda into account in all actions aimed at promoting human rights in the world; expects, in this respect, close collaboration with Parliament and its relevant committees on this issue;

18. Invites the Commission and the EEAS, in the context of the UN Convention on the Rights of the Child and the need to ensure the fullest possible protection of the rights established by that convention and prevent their erosion, to provide particular support for prioritising the needs of children of both sexes for special safeguards and care, on the basis of that convention and of the Declaration of the Rights of the Child;
19. Strongly condemns female genital mutilation as a breach of the bodily integrity of women and girls, and urges the Commission and the EEAS to pay specific attention to such harmful traditional practices in their strategy for fighting violence against women;

20. Considers that the EU will only be seen as a credible defender of human rights and democracy if its policies abroad are consistent with its actions within its own borders;

21. Points out that the Strategic Framework must be given sufficient visibility to enhance its legitimacy, credibility and accountability in the eyes of the public;

22. Urges the Commission to issue a communication on a human rights action plan in order to promote the EU’s values in the external dimension of justice and home affairs policy, as announced in the Action Plan Implementing the Stockholm Programme in 2010 and in line with the EU Action Plan on Human Rights and Democracy;

23. Insists that all Commission directorates-general and the EEAS carry out detailed assessments of the legal implications of the Charter of Fundamental Rights for the EU’s external policies, as the Charter applies to all action taken by the EU institutions; commits itself to the same exercise; encourages its parliamentary committees to make use of the relevant provision under Rule 36 of its Rules of Procedure, allowing them to verify the conformity of a proposal for a legislative act with the Charter of Fundamental Rights, including proposals relating to external financial instruments;

24. Stresses the need to increase the level of cooperation and consultation between the Council’s Working Party on Fundamental Rights (FREMP) and Human Rights Working Group (COHOM); calls for this cooperation and consultation to be extended to the EU Special Representative for Human Rights; calls on both bodies to make full use of the Council of Europe’s expertise and instruments and of UN special procedures, including when preparing new initiatives with a view to articulating and promoting common values and international standards;

25. Welcomes increased policy coherence with international and regional conventions and mechanisms such as those of the UN and the Council of Europe; calls for systematic inclusion of these standards in the human rights country strategies, which should be the reference document for geographical and thematic policies, action plans, strategies and instruments; suggests that cooperation on human rights, in particular through human rights dialogues timed to coincide with international summits, should be extended to all regional partners and organisations and followed up by specific statements after meetings with these partners and also after meetings with third countries, in particular the BRICs and other emerging economies;

26. Considers that the inclusion of countries in North Africa and the Middle East in the Council of Europe Neighbourhood Policy will provide complementary tools for an approximation of their legislative framework and best practices in the area of human rights; notes that the recently agreed EU-Council of Europe joint programme for strengthening democratic reforms in the Southern neighbourhood is an example of the Council of Europe’s complementary expertise on constitutional, legal and institutional reforms;

27. Invites the competent EU institutions to work towards improving respect for and protection of freedom of religion or belief when dealing with international human rights standards;

28. Calls on its relevant committees, such as the Subcommittee on Human Rights, the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women’s Rights and Gender Equality, to intensify their cooperation with the relevant Council of Europe bodies and instruments and to establish structured dialogues so as to develop an effective and pragmatic synergy between the two institutions and make full use of existing expertise in this field;
Towards an inclusive and effective approach

29. Acknowledges the review’s goal of placing human rights at the centre of the EU’s relations with all third countries; considers it essential that the EU adopt an effective approach to its partners by advancing selected key priorities relating to human rights, democracy and the rule of law, and that it concentrate its efforts on this approach so as to channel them into deliverable and achievable outcomes; notes that, in the area of human rights, these key priorities should include core fundamental rights such as non-discrimination and freedom of expression, religion or belief, conscience, assembly and association;

30. Suggests that the EU and its Member States should adopt as key priorities human rights, the fight against the death penalty and efforts to combat discrimination against women, areas in which the EU has achieved admirable results and in which its experience is relevant enough to share and to generate practical outcomes;

31. Recalls that development, democracy and the rule of law are prerequisites for, but not identical to, the realisation of human rights and that they interact with and support one another; calls on the EU to support the establishment of democratic and human-rights-based ideals throughout society, especially with a view to promoting gender equality and children’s rights;

32. Welcomes the pivotal role of the human rights country strategies, which were a long-standing request from Parliament, and the fact that they have been developed as an inclusive process encompassing EU delegations, heads of mission and the COHOM; deems it essential to organise broad consultation, especially with local civil society organisations, representatives of national parliaments, human rights defenders and other stakeholders, and stresses that they must be protected by implementing measures to this effect;

33. Considers that country-specific identification of priorities, realistic objectives and forms of political leverage is essential to more effective EU action and measurable achievements; takes the view that human rights country strategies should be mainstreamed in the Common Foreign and Security Policy and the EU’s trade and development policies (in both geographical and thematic programmes) in order to ensure greater efficiency, effectiveness and coherence;

34. Requests the Commission to integrate human rights country strategies into the programming and implementation of all assistance to third countries, and into strategy papers and multiannual indicative programmes;

35. Recommends that key priorities of the human rights country strategies be made public, without putting at risk the safety of human rights defenders and civil society in the countries concerned; stresses that these public priorities would demonstrate the EU’s commitment to human rights in third countries and provide support to those struggling to exercise and protect their human rights; believes that Parliament should have access to the human rights country strategies and to all information relating to them;

36. Underlines the role of corporate social responsibility (CSR) in the field of human rights as expressed in the Commission communication of 25 October 2011, which refers inter alia to the UN Guiding Principles on Business and Human Rights; stresses the need to include CSR in EU human rights strategies; recalls that European and multinational companies also have responsibilities and obligations and welcomes the reaffirmation of CSR by the EU; urges all enterprises to fulfill their corporate responsibility to respect human rights in line with the UN Guiding Principles; welcomes the Commission’s readiness to develop human rights guidance for small and medium-sized enterprises; calls on the Member States to develop their own national plans for the implementation of the UN Guiding Principles and to insist on the need for partner countries too to adhere to internationally recognised CSR standards, such as the OECD Guidelines for Multinational Enterprises and the ILO Tripartite declaration of principles concerning multinational enterprises and social policy;
37. Believes that the Strategic Framework and the accompanying Action Plan, which has a three-year timeframe, will rationalise country priority objectives, inter alia by covering thematic EU guidelines and related local strategies so as to provide a coherent framework for all EU action; calls for prompt finalisation of all human rights country strategies, their rapid implementation and an assessment of best practices; is convinced that these strategies will allow accurate annual assessments of the implementation of the human rights clauses set out in framework agreements;

38. Recommends that, as part of the human rights country strategies, the EU agree on a list of 'minimum items' that its Member States and the EU institutions should raise with their relevant counterparts in third countries during meetings and visits, including at the highest political level and during summits;

39. Urges the EU institutions and the Member States further to encourage third countries to make express provision for women's rights in their legislation and to guarantee respect for those rights;

40. Invites the competent EU institutions to engage with and provide assistance to religious actors and faith-based organisations in support of religious freedom and conflict resolution;

41. Welcomes the commitment made in the Strategic Framework to place human rights at the centre of EU relations with third countries, including strategic partners; calls on the EU, therefore, to adopt annual Foreign Affairs Council conclusions on the EU’s strategic partners, in order to establish a common threshold for the Member States and for EU officials in terms of the human rights concerns that they have to raise, as a minimum, with their relevant counterparts;

42. Calls for renewed efforts to protect and support human rights defenders in third countries, especially those living under threat or in fear because of their commitment; looks forward to the more flexible, targeted measures which it will be possible to take to protect human rights defenders within the framework of the EED;

**EU Action Plan on Human Rights and Democracy**

*Human rights clause*

43. Urges the Commission to propose legislation requiring EU companies to ensure that their purchases do not support perpetrators of conflicts and grave human rights violations, namely by carrying out checks and audits on their mineral supply chains and publishing the findings; asks the Commission to produce and make public a list of EU companies which have been directly complicit in human rights violations in their dealings with authoritarian regimes; takes the view that mandatory due diligence by EU companies, in line with the guidelines published by the OECD, would protect the reputation of European businesses and make EU human rights and development policies more coherent, especially in areas plagued by conflict;

44. Recommends that the High Representative base this mechanism on recognition of the potential risk of a partner country breaching international human rights standards, by including specific features of a genuine ‘early warning’ system in the clause, and on the establishment of a graduated framework based on consultation, steps and consequences, similar to the one provided for in the Cotonou Agreement and along the lines of the monitoring mechanism put in place under the EU-Turkmenistan Partnership and Cooperation Agreement; notes that such a system, based on dialogue, would help to identify and address a deteriorating environment and repeated and/or systematic human rights violations in breach of international law, and make it possible to discuss corrective measures within a binding framework; calls, therefore, for the review also to assess the role, mandate and objectives of human rights dialogues and consultation, which should be improved;

45. Calls for the protection of the fundamental rights of migrants in host countries to be regularly evaluated and given special attention;
46. Welcomes the setting-up by Parliament of the mechanism for monitoring human rights situations, established as part of the conclusion of the Partnership and Cooperation agreement with Turkmenistan; recommends that similar monitoring mechanisms be systematically envisaged for other agreements as well;

47. Highlights the Council’s 2009 decision to extend the human rights and democracy clause to all agreements and to provide for a linkage between these agreements and free trade agreements by including a ‘passerelle clause’ where necessary; notes the reference in the EU Action Plan on Human Rights and Democracy to the development of criteria for the application of this element; notes that the extension of the coverage of the human rights clause necessarily requires a clear mechanism for its implementation at the institutional and political levels, and that it therefore needs to be complemented by an operational enforcement mechanism; insists that enforceable and non-negotiable human rights clauses must be included in all agreements concluded by the EU with both industrialised and developing countries, including sectoral agreements and agreements on trade and investment; considers it essential that all partner countries, in particular like-minded countries and strategic partners with which the EU is negotiating agreements, subscribe to this binding commitment;

48. Notes that Parliament is not involved in the decision-making process as regards initiating consultation or suspending an agreement; considers that in the event that Parliament adopts a recommendation calling for the application of the human rights clause and of the provisions of the sustainable development chapter, the Commission should carefully examine whether the conditions under this chapter are fulfilled; notes that in the event that the Commission considers that these conditions are not fulfilled, it should present a report to Parliament’s responsible committee;

49. Encourages the High Representative to expand the annual report on the EU’s action in the field of human rights and democracy in the world, by adding a progress report on the implementation of the EU Action Plan for Democracy and Human Rights which also covers the application of the human rights and democracy clause in agreements in force, containing a case-by-case analysis of each consultation process and other appropriate measures initiated by the Council, the EEAS and the Commission, together with an analysis of the effectiveness and coherence of the action taken;

Human rights impact assessment

50. Believes that the EU can fully address its obligations under the Lisbon Treaty and the Charter only by preparing human rights impact assessments before negotiating any bilateral or multilateral agreements with third countries;

51. Notes that this systematic practice is the only way to ensure consistency between primary law, EU external action and the third party’s own obligations under international conventions, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and internationally recognised labour and environmental standards;

52. Calls for the aforementioned impact assessments to encompass the full range of human rights, including online, which must be understood as an indivisible whole;

53. Notes that these assessments must be conducted in an independent, transparent and participatory manner, involving potentially affected communities;

54. Calls on the Commission and the EEAS to develop a robust methodology which enshrines the principles of equality and non-discrimination so as to avoid any negative impact on certain populations and which provides for mutually agreed preventive or remedial measures in the event of any negative impact, before negotiations are finalised;

55. Draws particular attention to the need to carry out impact assessments of those projects whose implementation carries a serious risk of violating the Charter’s provisions, such as projects relating to the judiciary, border control agencies and police and security forces in countries governed by repressive regimes;
A benchmarking policy

56. Stresses that human rights and democracy objectives necessarily require specific, measurable, achievable, public criteria aimed at assessing the level of respect for fundamental freedoms, human rights and rule of law; considers, in this connection, that the EU should make full use of the relevant instruments and expertise of the UN and of the Council of Europe, including the implementation of the European Convention on Human Rights as a viable element of such a human rights and democracy benchmark catalogue for the member countries of the Council of Europe, and should clearly differentiate its political conclusions from a legal and technical evaluation;

57. Recommends that the EEAS develop a set of qualitative and quantitative indicators and country-specific public benchmarks that could serve as a coherent and consistent basis for the annual assessment of EU policies in the framework of the human rights country strategies and the human rights dialogues with third countries; recommends that these benchmarks also include the basics of international refugee law, so as to protect the rights of refugees and displaced persons;

The renewed European Neighbourhood Policy

58. Recalls the policy lessons learned from the Arab Spring and the experience gained with Eastern Partnership countries both during and prior to their respective transition periods, including the need to change previous policies focused mainly on relations with authorities and to establish an effective partnership between the EU and the governments and civil societies of partner countries; underlines, in this connection, the important role of the newly established EED, initially, although not exclusively, in EU neighbourhood countries;

59. Stresses the importance of creating programmes and supporting projects that allow for contact between civil society in the EU and in third countries and asks the Commission and the EEAS to build up the capacity of civil society to participate in decision-making processes at local, regional, national and international level, which should become a central pillar of the external financial instruments currently under review;

60. Welcomes the fact that the Eastern Partnership human rights dialogues are complemented by joint civil society seminars and reaffirms its support for the Eastern Partnership Civil Society Forum;

61. Calls on the Commission and the EEAS to use the model of an institutionalised civil society consultation mechanism set out in the EU-South Korea Free Trade Agreement as a starting-point for the development of even more inclusive mechanisms for all agreements;

62. Understands the core of the EU’s new approach as strengthening societies by means of active domestic accountability so as to support their capacity to take part in public decision-making and democratic governance processes;

63. Welcomes new initiatives such as the EED and the Civil Society Facility (CSF) which make EU aid more accessible, especially to civil society organisations, and can act as a catalyst for a more strategic and political EU approach to democratisation by providing context-specific, flexible and timely assistance aimed at facilitating democratic transition in partner countries;

64. Notes that although the events of the Arab Spring were expected to bring pro-democratic transformation, in many cases they resulted in the deterioration of the freedoms and rights of religious minorities; strongly condemns, therefore, all acts of violence against Christian, Jewish, Muslim and other religious communities, along with all kinds of discrimination and intolerance towards religious people, apostates and non-believers on the basis of religion or belief; stresses once again, in line with its earlier resolutions, that freedom of thought, conscience and religion is a fundamental human right;
65. Stresses that the events of the Arab Spring have revealed a number of shortfalls in EU policies towards the region, including the situation of young people, who face mass unemployment and a lack of prospects in their countries; welcomes, however, the willingness to take a new approach, and insists that ongoing projects and exchange programmes that are inclusive of Arab Spring youth need to be stepped up, particularly those initiated under the Union for the Mediterranean;

66. Highlights the need to create exchange programmes or open up European programmes to Arab Spring youth, and for civil-society-based reflection on the causes and consequences of the lack of awareness of the problems, particularly those of an economic and social nature, facing these societies;

67. Suggests creating exchange programmes or opening up European programmes to third-country youth;

68. Emphasises that strong bonds with civil society in both the Arab Spring and Eastern Partnership countries, fostered inter alia by exchange programmes, traineeships in EU and Member State institutions and scholarships to European universities, are indispensable for the future development and consolidation of democracy in those countries;

69. Points out that the aforementioned civil-society-based reflection could be enhanced by the establishment of a Euro-Arab Youth Convention or a Euro-MENA/Euro-Mediterranean Youth Convention, with a special focus on human rights;

70. Emphasises that the situation of women in the Arab Spring countries is often critical in order to assess progress with regard to democracy and human rights, and that securing women’s rights should be an essential part of the EU’s action in relation to these countries; calls for the establishment of a Women’s Interparliamentary Euro-Arab Convention; also recalls that democracy entails the full participation of women in public life, as stated in international and regional instruments such as the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa;

71. Stresses the crucial role of national human rights institutions, and of their cooperation, in the Member States and EU neighbourhood countries; encourages initiatives aimed at transferring good practices, coordinating and stimulating cooperation between national human rights institutions in the Member States and EU neighbourhood countries, such as the 2009-2013 programme for cooperation between ombudsmen from Eastern Partnership countries, which was jointly set up by the Polish and French ombudsmen with a view to enhancing the ability of ombudsmen’s offices, government bodies and non-governmental organisations in Eastern Partnership countries to protect individual rights and build democratic states based on the rule of law; stresses the need for such action to be coordinated within the EU and for the EU institutions to draw on the experience gained through it; underlines the need to encourage the establishment of national human rights institutions in those EU neighbourhood countries whose legal systems do not include such bodies;

72. Insists that the High Representative and the Commission implement with conviction the renewed European Neighbourhood Policy by applying with equal attention the ‘more for more’ and ‘less for less’ principles;

73. Believes that countries clearly assessed as not making progress on deep democracy and deeply embedded institutional and social change, including the rule of law, should see the Union’s support reduced, without prejudice to support for civil society in those countries, in line with the aims of this policy, particularly where they infringe certain core principles, including freedom of expression, freedom of religion or belief, non-discrimination, gender equality, freedom of conscience, freedom of assembly and freedom of association;

74. Is concerned about the perpetuation of past attitudes whereby excessive political reward is given for steps taken by partner governments which do not contribute to the direct achievement of the objectives;
75. Welcomes the initiative of introducing a human-rights-based approach to development policy, notes that such an approach must be based on the indivisibility of human rights and firmly believes that human beings and their welfare, rather than governments, should be at the heart of cooperation objectives; emphasises that Policy Coherence for Development must be understood in this context as contributing to the full realisation of human rights objectives, so that different EU policies do not undermine one another in this respect;

76. Welcomes the new EU Aid Volunteers initiative, which from 2014 to 2020 will give some 10 000 Europeans the opportunity to participate in humanitarian operations worldwide, in those places in which aid is most urgently needed, and to demonstrate European solidarity by providing practical help to communities struck by natural or man-made disasters;

Joint interinstitutional responsibility

77. Takes the view that the Strategic Framework and the Action Plan are particularly significant, as they represent a common commitment endorsed by the High Representative, the Council, the Commission and the Member States; welcomes the recognition of the leading role played by Parliament in promoting human rights and democracy; expects that Parliament will be duly involved in the implementation phase of the Action Plan, inter alia through exchanges in the Contact Group on Human Rights, which brings together the EEAS, the relevant services of the Council and the Commission, the EU Special Representative for Human Rights and the EP’s Subcommittee on Human Rights and Committee on Foreign Affairs;

78. Recommends that Parliament develop more dynamic relations with the EU delegations, based on regular contacts and exchanges of information through progress reports reflecting an ‘agenda for change’ in the field of human rights and democracy and the objectives and milestones defined in the Action Plan;

79. Commits itself to ensuring more systematic follow-up of its resolutions relating to human rights and of individual human rights cases by developing a follow-up mechanism with the support of the recently established Human Rights Action Unit, and recommends increased cooperation between the Subcommittee on Human Rights, the Committee on Budgets, the Committee on Budgetary Control and other relevant EP committees, and with the Court of Auditors, in order to ensure that the objectives of the strategic review will be matched by adequate financial support from the Union;

80. Recommends that Parliament improve its own procedures in relation to human rights issues and step up its efforts to mainstream human rights effectively into its own structures and processes in order to ensure that human rights and democracy are at the core of all parliament actions and policies, including through the revision of its Guidelines for EP Interparliamentary Delegations on promoting human rights and democracy;

81. Is of the opinion that each standing delegation of Parliament and each relevant committee should have a member, preferably selected among its Chair and Vice-Chairs, specifically tasked with monitoring the human rights portfolio on the region, country or thematic area concerned, and that the persons designated should report regularly to Parliament’s Subcommittee on Human Rights;

82. Recommends that EP delegations going on mission to a country where the human rights situation is worrying should have members specifically tasked with raising the human rights issues regarding the region or country concerned, and that these members should report to Parliament’s Subcommittee on Human Rights;

83. Calls for improved cooperation on human rights issues with the national parliaments of the Member States;

84. Stresses the need to improve the model for plenary debates on cases of breaches of human rights, democracy and the rule of law in order to allow for more frequent debates with broader participation by Members, consultations with civil society during the drafting process and a greater degree of responsiveness to human rights violations and other unforeseen events on the ground, and stresses the need for better follow-up to past debates and resolutions;
85. Stresses the need for better utilisation of the potential of the Sakharov Prize Network by the EP and the other EU institutions;

86. Recommends that Parliament, in cooperation with the national parliaments of the Member States, organise an annual event on human rights defenders, with the participation of human rights defenders from around the world, which would provide Parliament with an annual opportunity to demonstrate its support for human rights defenders worldwide and help advance their right to speak up and pursue their rights in their respective countries;

87. Calls for concrete application of Article 36 TEU in order to ensure that Parliament’s views are duly taken into consideration when it comes to the follow-up of resolutions and recommends stronger dialogue in this regard;

88. Instructs its President to forward this resolution to the Council, the Commission, the European External Action Service, the Special Representative for Human Rights, the governments and parliaments of the Member States and the Council of Europe.

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P7_TA(2012)0505

New EU-Russia agreement

European Parliament resolution of 13 December 2012 containing the European Parliament’s recommendations to the Council, the Commission and the European External Action Service on the negotiations of the new EU-Russia Agreement (2011/2050(INI))

(2015/C 434/11)

The European Parliament,

— having regard to the Agreement on partnership and cooperation establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, which entered into force on 1 December 1997,

— having regard to its resolution of 26 October 2012 on EU-Russia trade relations following Russia’s accession to the WTO (1),

— having regard to the negotiations initiated in 2008 on a new EU-Russia agreement, as well as to the ‘Partnership for Modernisation’ initiated in 2010,

— having regard to the objective shared by the EU and Russia, set out in the joint statement issued following the 11th EU-Russia Summit held in St Petersburg on 31 May 2003, of creating a common economic space, a common space of freedom, security and justice, a common space of cooperation in the field of external security, and a common space of research and education, including cultural aspects (the ‘four common spaces’),

— having regard to the EU-Russia human rights consultations,

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— having regard to the European Parliament recommendation of 23 October 2012 to the Council on establishing common visa restrictions for Russian officials involved in the Sergei Magnitsky case (1),

— having regard to its resolutions on relations between the EU and Russia,

— having regard to its resolution of 4 July 2012 on the draft Council decision on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the Russian Federation relating to the introduction or increase of export duties on raw materials (2);

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

— having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on International Trade (A7-0338/2012),

A. whereas the EU’s evolving common foreign security and energy policy should, in line with the principle of conditionality, include Russia as a strategic partner provided that the fundamental values upon which the Union is based, including democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the UN Charter and international law, are shared and upheld; whereas Russia is a country whose cultural roots lie in Europe and is an important global and regional player, as a member of the UN Security Council, the G-8, the G-20, the Council of Europe and the OSCE and therefore bound to meet its obligations as a member of those organisations, with particular regard to the Council of Europe’s monitoring report of October 2012;

B. whereas Russia, as a permanent member of the UN Security Council, has joint responsibility with the other members for maintaining global stability; whereas numerous challenges at the international level can only be dealt with through a coordinated approach which includes Russia;

C. whereas the economic interdependence of the EU and Russia is constantly growing, and whereas enhanced cooperation and good-neighbourly relations between the EU and Russia should therefore be seen as being of major importance for the stability, security and prosperity of both parties;

D. whereas Russia, under the presidency of Vladimir Putin, is showing only selective interest in developing common policies and no real intention to develop a genuine and far-reaching strategic partnership for the implementation of international law and conflict prevention;

E. whereas both the EU and Russia have experienced profound political, institutional, social and economic changes since 1994, when the current Partnership and Cooperation Agreement (PCA) was signed;

F. whereas Russia’s accession to the WTO on 22 August 2012 constituted a major step, which could help accelerate the modernisation of the Russian economy and, at the same time, function as a positive incentive for Russia to meet the international rules and standards concerning trade to which it has committed itself;

G. whereas these changes, along with the new challenges and opportunities facing the EU-Russia relationship, have to be addressed at both bilateral and multilateral level; whereas, despite the present lack of enthusiasm on the Russian side, an ambitious, comprehensive and legally binding new Partnership and Cooperation Agreement, covering the most important areas of cooperation and founded on common values of democracy, respect for human rights and the rule of law, could provide the basis for a genuine strategic partnership; whereas in particular, the need to build a genuine partnership between the societies of the EU and Russia should be emphasised;

H. whereas the EU continues to be committed to further deepening and developing its relations with Russia, and to the principles enshrined in the Partnership for Modernisation, which are based on common interests and a deep commitment to universal values and democratic principles, respect for fundamental human rights, and the rule of law;

I. whereas the sentencing of members of the Russian punk group Pussy Riot to two years in jail for a protest performance against President Vladimir Putin in a Moscow Orthodox cathedral is disproportionate and raises serious concerns about the way the Russian legal system treats citizens and acts in such a way as to intimidate Russian civil society;

J. Whereas, in the context of the ongoing negotiations, the status quo of relations between the EU and Russia needs to be properly evaluated, taking into account the bilateral disputes existing between Russia and EU Member States;

K. whereas EU-Russia relations continue to suffer from the failure of Russia to fully embrace democratic values and strengthen the rule of law;

L. whereas the ongoing intimidation, harassment and arrests of representatives of opposition forces and NGOs, the recent adoption of the laws on NGO financing and the right of assembly, the law on defamation and the law imposing internet restrictions, as well as the increasing pressure being exerted on the free and independent media and on minorities with respect to sexual orientation and religious belief, are resulting in a further degradation of the situation regarding human rights and democratic principles in Russia;

M. whereas the United Nations Human Rights Committee recently condemned laws in force in some regions of the Russian Federation which ban ‘homosexual propaganda’ as being in breach of the International Covenant on Civil and Political Rights;

N. whereas the current Partnership and Cooperation Agreement needs to remain valid and effective until the new one is concluded and in force;

O. whereas on 14 October 2012 local and regional elections took place across Russia;

P. whereas the above-mentioned new or amended laws have been adopted by the State Duma, the most recent elections to which were neither free nor fair, according to both the OSCE observation mission and the conclusions of the EP;

Q. whereas certain procedures employed to target the opposition, such as depriving a former member of the Duma — Gennady Gudkov, of the opposition party Just Russia — of his parliamentary mandate, may be interpreted as instances of the selective application of justice and interference with legitimate political activity;

1. Addresses, in the context of the ongoing negotiations for the new agreement, the following recommendations to the Council, the Commission and the European External Action Service:

On the conduct of negotiations

(a) ensure that the new agreement provides a comprehensive, forward-looking and legally binding framework for the further development of relations with Russia in upcoming years, taking into account the need for efforts to step up cooperation in all areas in which EU and Russian interests are likely to coincide, while promoting European interests and values in areas where interests diverge, as well as the need to support the democratisation and modernisation of the country; take the necessary action to ensure that the negotiations with Russia continue at a steady pace, while expressing the concerns existing in the EU over the lack of progress in the negotiations, which have not led at this stage to the expected results; recall that the strategic partnership can only exist if both sides agree to follow universal democratic principles; stress that the EU-Russia relationship must be ruled by reciprocity;

(b) actively work on the conclusion of the negotiations for an agreement which will be beneficial for both parties and in line with their increased and ever-deepening cooperation; ensure that the negotiations generate mutual trust and are focused on tangible results and political substance;
(c) seek consensus among the EU Member States on the objectives and conduct of the negotiations for a new agreement with Russia, so that the EU speaks with a strong single voice; stress the importance of the Union negotiating as a single body, and advocate the position that Member States’ interests in relation to Russia and vice versa are better promoted and protected at Union level;

(d) pay close attention to the requirements that the EU intends to set as regards respect for democratic principles, human rights and the rule of law, and consider this respect as an absolute prerequisite for the signature of an EU-Russia agreement;

(e) stress that the new Agreement will be the logical and necessary next step forward for EU-Russia relations, in line with the current PCA and Russian accession to the WTO;

(f) reiterate, with the above in mind, that the EU should negotiate this agreement with Russia exclusively, and not with the Customs Union to which Russia is party;

(g) reiterate that the economic and political modernisation of Russia is of common interest to both parties, and that the EU wishes to accelerate the process initiated through the Partnership for Modernisation; underline that Russia’s modernisation policies cannot be confined to the economic field, and should be accompanied by a fully-fledged political reform, with the main focus of guaranteeing the rule of law and the fight against corruption;

(h) take an active stance in coordinating the different bilateral modernisation partnerships of the EU Member States with the Russian Federation, thus ensuring a coherent and more efficient EU policy;

Political dialogue and cooperation

(i) attentively monitor Russia’s internal evolution, work together with all major political protagonists, support Russian institution-building and the principles of democracy, human rights and the rule of law; actively support, in so doing, all social initiatives seeking to build a civil society based on democratic principles and the rule of law, paying particular attention to the use of the internet for that purpose;

(j) emphasise the importance for Russia of ensuring the functioning of an independent and impartial judicial system and strengthening the fight against corruption;

(k) call on Russia to respect its obligation to guarantee free and fair elections in order to ensure the legitimacy of the political system;

(l) stress the importance of Russia’s full compliance with its international legal obligations and with the fundamental human rights principles enshrined in the European Convention on Human Rights and the International Covenant on Civil and Political Rights (ICCPR), to both of which Russia is party; recall that political pluralism, media freedom, rule of law, independence and impartiality of the judiciary, freedom of speech and assembly, including on the internet, effective and independent trade unions, and non-discrimination are the necessary preconditions for Russia’s further development and modernisation, as well as for making the EU-Russia strategic cooperation sustainable;

(m) underline that, as a permanent member of the UN Security Council, Russia needs to take its responsibility for international peace, stability and security seriously;

(n) express its concern at the deteriorating climate for the development of civil society in Russia, in particular with regard to the recent adoption of laws on demonstrations, NGOs, defamation and the legal regulation of the internet which contain ambiguous provisions and entail the risk of arbitrary enforcement, and at the adoption by the Duma of a series of amendments to the law on treason and espionage which introduce new provisions in the Criminal Code that could potentially be used to target human rights defenders; remind the Russian authorities that a modern and
prosperous society needs to recognise and protect the individual and collective rights of all its citizens; urge, in this respect, the Russian authorities to act in due course to bring the above-mentioned laws into line with international standards, and address the issue in the course of the negotiations;

(o) insist on strengthening the EU-Russia human rights dialogue, so that it becomes an effective and result-oriented tool for advancing human rights in Russia; call, in particular, on the Russian authorities to refrain from placing undue restrictions on peaceful assembly, ensure the protection of human rights defenders, end impunity for past abuses or the murder of activists, create a climate in which civil society and NGOs can operate without undue restraints, fear of harassment or intimidation, and ensure full compliance with the rulings of the European Court of Human Rights; encourage both parties to ensure greater transparency and openness of EU-Russia human rights consultations, inter alia via the participation of representatives from all relevant Russian ministries in preparatory meetings with Russian and international NGOs and in consultation meetings;

(p) reassert firmly that the repeated attempts to curtail human rights, notably freedom of expression and assembly including in relation to sexual orientation and gender identity, at regional and federal levels, run counter to Russia’s commitments under its constitution, the European Convention on Human Rights, and the International Covenant on Civil and Political Rights; calls on the Duma, in conformity with the United Nations Human Rights Committee’s ruling in Fedotova v. Russia, to refrain from adopting a federal ban on ‘homosexual propaganda’;

(q) stress the need for the Russian authorities to put an end to impunity in the country, as well as to politically motivated persecutions, arrests and detentions, and emphasise the need to cease using repressive measures against the political opposition; ensure that full light is shed on the many violations of human rights that have occurred, including the imprisonment of Mikhail Khodorkovsky and the deaths of Sergei Magnitsky, Alexander Litvinenko, Anna Politkovskaya, Natalya Estemirova and others, which have yet to be investigated in an impartial and independent fashion;

(r) support the position of the Parliamentary Assembly of the Council of Europe regarding the politically motivated sentence against members of the Pussy Riot group, and call for their immediate release;

(s) call on Russia not to use the concept of ‘traditional values’ to legitimise discrimination against minority groups, silence dissent, or violate people’s human rights;

(t) incorporate in a new and comprehensive Partnership and Cooperation Agreement clauses and benchmarks on the protection and promotion of human rights, as enshrined in the Constitution of Russia and drawing to the fullest possible extent on the Council of Europe and OSCE frameworks to which Russia has committed itself, with a clear mechanism of suspension in case of serious violations or non-compliance;

(u) stress that Russian society as a whole, as well as the EU-Russia strategic partnership, would be stimulated by and would benefit from a political system ensuring a level playing field for all political parties and offering real competition and effective political alternatives; call, in this respect, on Russia to address concretely all the recommendations concerning the last elections made by the OSCE;

(v) include the necessary provisions concerning actions for the eradication of the endemic corruption that undermines citizens’ confidence in the state and jeopardises the modernisation efforts; include, as well, specific terms for cooperation between Russia and the EU in dealing with crossborder corruption;

(w) promote the strategic partnership between the EU and Russia in meeting global challenges such as non-proliferation, counter-terrorism, peaceful resolution of protracted or new conflicts on the basis of the principles of the UN Charter and existing international law, security of energy supply, the Arctic dimension, climate change and poverty reduction, as well as the common objectives of that partnership; insist that Russia cease proliferation with immediate effect with
regard to countries that are subject to an arms embargo on the part of the EU, the OSCE and the UN;

(x) cooperate with Russia to assume responsibility for improving stability, political cooperation and economic development in the shared neighbourhood, and stress the sovereign right of each country to choose its foreign policy orientation and security arrangements;

(y) call on the Russian authorities to put an end to the widespread climate of impunity for human rights violations and the absence of the rule of law in the northern Caucasus;

(z) urge Russia to actively facilitate the peaceful resolution of frozen conflicts and step up EU-Russia cooperation with a view to the resolution of the protracted conflicts in Moldova and the southern Caucasus, on the basis of international law and the principles of peaceful conflict resolution; intensify talks with Russia to ensure unconditional compliance with the 2008 ceasefire agreement; call on Russia to withdraw its recognition of Abkhazia and South Ossetia; and allow full and unfettered access for the EU Monitoring Mission to those Georgian territories;

(aa) pursue the existing efforts aimed at achieving full implementation of the common steps towards visa-free short-term travel, with a view to the phasing-out of the visa regime between the Schengen countries and Russia; move as far and fast as possible towards visa facilitation for academics, students, researchers, journalists, business people and representatives of civil society, as well as for youth exchange purposes; harmonise the application of the visa code by the Member States, at least on a minimal level as regards requirements;

(ab) stress that EU moves to ease visa rules should not benefit criminals and human rights abusers; instructs the Vice-President/High Representative to place Parliament’s recommendation on the agenda of a forthcoming meeting of the Foreign Affairs Council;

(ac) emphasise the promotion of scientific, cultural and educational cooperation, fostering people-to-people contacts and better understanding between the societies of the EU and Russia;

Economic cooperation

(ad) take into due consideration the growing economic cooperation between EU and Russia, as reciprocal import markets and suppliers of goods, services and energy;

(ae) keep a close watch on and assess, stimulate and support Russia’s compliance with WTO rules and its willingness to use WTO membership as a driver of structural reform; encourage, eventually, Russia’s bid for OECD membership;

#af) stress that full compliance by Russia with WTO rules is a necessary precondition and minimum standard for an agreement with the EU; review, in this regard, the existing barriers to the import of Russian goods and services in terms of their conformity with WTO standards and initiate the lifting of those barriers where appropriate;

(ag) insist on a bilateral agreement between the EU and Russia, while making it clear that the possibility of an agreement between the EU and the Russian-led Customs Union can be envisaged only in the long run and once the bilateral agreement has entered into force;

(ab) encourage our Russian counterparts to manifest a clear political will to reach an agreement on legally binding ‘trade and investment’ provisions, which should be based on the provisions already included in the PCA and should be compatible with WTO accession; recall that the EU’s objective in this area is to improve and stabilise the business
environment, since this would be beneficial to both parties and would further promote the objectives set by the Partnership for Modernisation launched in 2010;

(ai) address the continuing problem of the production and sale of counterfeit products in Russia;

(aaj) encourage Russia to pursue the restructuring of its economy and accelerate its evolution from an economy focused on energy towards an industry- and services-driven economy based on efficient use of resources and the use of renewable energies; stress that oil prices are volatile and that current high prices should not be a pretext for postponing the necessary modernisation of the economy;

(ak) stress the importance of creating a common European foreign policy on energy, with the objective of improving energy security through the initiation of a trilateral cooperation between EU, Russia and transit countries;

(al) take into consideration the fact that considerable investment efforts still have to be carried out for Soviet-era infrastructures which are of critical importance, both for the Russian economy and for EU investment;

(am) ensure the inclusion of a substantial and legally binding chapter on energy, in order to secure a reliable and cost-efficient energy supply for the EU; ensure that such an energy partnership is based on the principles of transparency, fair competition, exclusion of monopolistic behaviour, reciprocity and non-discrimination; emphasise the need to address the unresolved questions relating to energy supply to the EU Member States; ensure that the principles of the Energy Charter Treaty are included as an integral part of the new agreement;

(an) ensure the inclusion of a legally binding chapter on the introduction or increase of export duties on raw materials;

(ao) monitor and insist on the implementation and enforcement of the highest international safety standards for nuclear power plants in Russia, both those in operation and those now being constructed, on the basis of using all available instruments and treaties; urge Russia, in this regard, to ratify and comply immediately with the UNECE (Espoo) Convention concerning environmental impact assessments in a transboundary context;

(ap) call on Russia to shut down all Chernobyl-type and first-generation nuclear reactors, with regard, in particular, to those located near EU borders, and express deep concern over the projects for nuclear power plants in Kaliningrad Oblast and Sosnovyi Bor;

(aq) enhance further mutual cooperation in the fields of research, education, culture and science; foster a common understanding of the history of the twentieth century;

(ar) express deep concern at the commercial drilling in the Arctic and the widespread pollution around drilling sites all over Russia;

(as) consult the European Parliament regarding the dispositions on parliamentary cooperation;

(at) include clear benchmarks for the implementation of the new agreement, and provide for monitoring mechanisms, including regular reports to the European Parliament;

(au) encourage the EU negotiating team to continue its good cooperation with the EP, providing continuous information, supported by documentation, on the progress of the negotiations, in accordance with Article 218(10) TFEU, which states that the Parliament shall be immediately and fully informed at all stages of the procedure;
2. Remains vigilant as to the requirements that the EU intends to set as regards respect for democratic principles, and considers that respect as an absolute prerequisite for the signature of a EU-Russia Agreement;

3. Instructs its President to forward this resolution containing the European Parliament’s recommendations to the Council, the Commission and the European External Action Service, and, for their information, to the Government of the Russian Federation and the Russian State Duma.

P7_TA(2012)0506

Israeli government’s decision to expand settlements in the West Bank

European Parliament resolution of 13 December 2012 on the Israeli government’s decision to expand settlements in the West Bank (2012/2911(RSP))

(2015/C 434/12)

The European Parliament,

— having regard to the Charter of the United Nations,
— having regard to the relevant UN resolutions: UN General Assembly Resolutions 181 (1947) and 194 (1948), and UN Security Council Resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003), and 1850 (2008),
— having regard to the Oslo Accords (‘Declaration of Principles on Interim Self-Government Arrangements’) of 13 September 1993,
— having regard to the Interim Agreement on the West Bank and Gaza Strip of 28 September 1995,
— having regard to the statements by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, in particular those on settlement expansion of 8 June 2012 and 2 December 2012,
— having regard to the decision of the United Nations General Assembly of 29 November 2012 to grant Palestine non-member observer state status,
— having regard to the Council conclusions on the Middle East Peace Process of 10 December 2012 and 14 May 2012,
— having regard to Rule 110(2) and (4) of its Rules of Procedure,

A. whereas the Israeli Government announced on 2 December 2012 the planned construction of 3 000 new settlement units in the West Bank and East Jerusalem; whereas, if implemented, the announced plans would undermine the viability of the two-state solution, with special regard to the E1 area, where settlement constructions would divide the West Bank in two, rendering impossible the creation of a viable, contiguous and sovereign Palestinian State;

B. whereas the Israeli Government announced on 2 December 2012 the withholding of USD 100 million in Palestinian tax revenues; whereas monthly tax transfers are a crucial element in the Palestinian Authority’s budget; whereas Israeli Finance Minister Yuval Steinitz said that tax revenues were withheld to pay off Palestinian debts to the Israeli Electric Corporation;
C. whereas the EU has repeatedly confirmed its support for the two-state solution, with the state of Israel and an independent, democratic, contiguous and viable state of Palestine living side by side in peace and security;

D. whereas the Oslo Accords of 1993 divided the territory of the West Bank into three zones, i.e. Areas A, B and C; whereas Area C, which is under Israeli civil and security control, constitutes 62% of the territory and is the only continuous area, with most of the fertile and resource-rich land in the West Bank; whereas the Interim Agreement on the West Bank and Gaza Strip of 1995 stated that Area C would be gradually transferred to Palestinian jurisdiction;

E. whereas the United Nations General Assembly decided on 29 November 2012 by an overwhelming majority, with 138 votes in favour, 9 against, and 41 abstentions, to grant Palestine non-member observer state status in the UN;

1. Expresses its deepest concern about the Israeli Government’s announcement regarding the planned construction of approximately 3,000 new housing units in the West Bank, including in East Jerusalem;

2. Stresses again that such expansion may represent a step undermining the prospects of a viable Palestine, with Jerusalem as the shared capital of both it and Israel;

3. Stresses that Israeli settlements in the West Bank and in East Jerusalem are illegal under international law; calls for an immediate, complete and permanent freeze on all Israeli settlement construction and expansion activities, and for a stop to further evictions of Palestinian families from their homes and the demolition of Palestinian houses;

4. Condemns the declarations made by the political leader of Hamas, Khaled Meshal, rejecting the recognition of the State of Israel and clearly refusing any Israeli presence in Jerusalem, and calls on Hamas to recognise Israel’s right to exist;

5. Deeply regrets the decision by the Israeli Government to withhold USD 100 million in Palestinian tax revenues, which undermines the Palestinian Authority’s budget, and calls for the immediate transfer of these revenues; encourages involved parties to settle all outstanding financial disputes under the mediation of the EU;

6. Reiterates its strong support for the two-state solution on the basis of the 1967 borders, with Jerusalem as capital of both States and with a secure State of Israel and an independent, democratic, contiguous and viable Palestinian State living side by side in peace and security; stresses again that peaceful and non-violent means are the only way to achieve a just and lasting peace between Israelis and Palestinians, and calls in this context for the resumption of direct peace talks between the two parties; calls on all parties to refrain from any unilateral action which could undermine or hinder peace efforts and the prospects for a negotiated peace agreement;

7. Calls again for full and effective implementation of all existing EU legislation and EU-Israel bilateral agreements by the EU and its Member States, and stresses that all provisions of the EU-Israel Association Agreement concerning the respect of human rights of the Palestinians should be respected; reiterates the EU’s commitment to ensure continued, full and effective implementation of existing European Union legislation and bilateral arrangements applicable to settlement products;

8. Continues to call, in the same spirit, for Palestinian reconciliation, which is the way to reunite Palestinians living in the West Bank, East Jerusalem, and the Gaza Strip, who are part of the same Palestinian people;

9. Urges the Palestinian Authority and the Israeli Government to relaunch the Middle East peace process; stresses, moreover, the importance of protecting the Palestinian population and its rights in Area C and in East Jerusalem, which is essential for keeping the viability of the two-state solution alive;
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10. Urges the EU and its Member States once again to play a more active political role, also within the Quartet, in the efforts aimed at achieving a just and lasting peace between Israelis and Palestinians; supports the Vice-President/High Representative in her efforts to create a credible prospect of relaunching the peace process;

11. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the EU Special Representative to the Middle East Peace Process, the President of the UN General Assembly, the governments and parliaments of the UN Security Council members, the Middle East Quartet Envoy, the Knesset and the Government of Israel, the President of the Palestinian Authority and the Palestinian Legislative Council.

P7_TA(2012)0507

Situation in Ukraine

European Parliament resolution of 13 December 2012 on the situation in Ukraine (2012/2889(RSP))

(2015/C 434/13)

The European Parliament,

— having regard to its previous resolutions and reports, in particular those of 1 December 2011 containing the European Parliament’s recommendations to the Council, the Commission and the EEAS on the negotiations on the EU-Ukraine Association Agreement (1) and of 24 May 2012 on the situation in Ukraine and the case of Yulia Tymoshenko (2),

— having regard to the interim reports and preliminary conclusions of the OSCE/ODIHR election observation mission to Ukraine, in particular the Statement of Preliminary Findings and Conclusions, issued on 29 October 2012 jointly with the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, the European Parliament and the NATO Parliamentary Assembly,

— having regard to the joint statement on the parliamentary elections in Ukraine issued by High Representative Catherine Ashton and Commissioner Štefan Füle on 12 November 2012,

— having regard to the Council conclusions on Ukraine of 10 December 2012,

— having regard to the statement made by former Polish President Aleksander Kwasniewski and former European Parliament President Pat Cox on 3 October 2012, stating that the elections will be ‘decisive’ for the future of Ukraine and that the ‘momentum in EU-Ukraine relations has stalled’,

— having regard to the report of Parliament’s ad hoc election observation delegation to the parliamentary elections in Ukraine, presented at the Committee of Foreign Affairs meeting of 6 November 2012,

— having regard to the EU-Ukraine Action Plan on Visa Liberalisation, adopted on 22 November 2010,

— having regard to the ENP Progress Report on Ukraine, published on 15 May 2012,

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

(1) Texts adopted, P7_TA(2011)0545.
A. whereas the 2011 EU-Ukraine summit in Kyiv recognised Ukraine as a European country with a European identity, which shares a common history and common values with the countries of the European Union;

B. whereas OSCE/ODIHR and international election observers found evidence that the Ukrainian elections were characterised by an unbalanced media environment, mismanagement regarding the composition of the electoral commissions, lack of transparency in party financing, abuse of administrative resources, and a tilted playing field, also reflected in the absence of leading opposition candidates imprisoned for political reasons, which constituted a step backwards compared with previous general elections;

C. whereas, while the OSCE has issued a generally positive assessment of the voting process on election day, international observers pointed to a lack of transparency in the way the final results were collated, and assessed negatively both the vote-tabulation process in 77 out of the 161 district election commissions observed and the fact that delays in vote tabulation continued on 10 November in 12 single-mandate districts;

D. whereas, according to OSCE/ODIHR reports, the conduct of the post-electoral process was marred by irregularities, delays in the vote count and a lack of transparency in the electoral commissions;

E. whereas, in a joint statement, Vice-President/High Representative Catherine Ashton and Commissioner Štefan Füle expressed concern about the conduct of the post-electoral process, which was marred by irregularities;

F. whereas the general elections of 28 October 2012 were considered a key test for Ukraine in signalling the irreversibility of the country's engagement towards the development of a fully-fledged democratic system, the consolidation of the rule of law and the continuation of political reforms;

G. whereas, for the first time, the Venice Commission and the Parliamentary Assembly of the Council of Europe (PACE) issued recommendations stating very clearly that Ukraine should have a proportional system with open lists;

H. whereas the European Parliament’s special envoy, Aleksander Kwasniewski, warned against attempts to isolate Ukraine, which could lead to the creation of favourable conditions for undemocratic regimes;

I. whereas the EU-Ukraine summit of December 2011, which was intended to lead to the signing of the association agreement, fell short of its objective due to the EU’s uneasiness concerning the political situation in Ukraine, in particular the arrest and trial of opposition leaders Yulia Tymoshenko and Yuri Lutsenko;

J. whereas the Verkhovna Rada is examining Bill 8711, a liberticidal piece of legislation that will limit freedom of expression and assembly for those who support the human rights of lesbian, gay, bisexual and transgender people; whereas the United Nations Human Rights Committee recently ruled that this breaches Articles 19 and 26 of the International Covenant on Civil and Political Rights;

1. Expresses regret at the fact that, according to the OSCE, PACE, NATO Parliamentary Assembly and European Parliament observers, the electoral campaign, electoral process and post-electoral process failed to meet major international standards and constitute a step backwards compared with the national elections in 2010;

2. Notes, in particular, that certain aspects of the pre-election period (the arrest of opposition political leaders, the lack of a level playing field, caused primarily by the misuse of administrative resources, cases of harassment and intimidation of candidates and electoral staff, a lack of transparency in campaign and party financing, and a lack of balanced media coverage) and the irregularities and delays in the vote count and tabulation process constituted a step backwards compared with recent national elections;
3. Stresses that the fact that two leaders of the opposition, Yulia Tymoshenko and Yuri Lutsenko, and others were held in jail during the elections adversely affected the electoral process;

4. Stresses that effective cooperation between Ukraine and the European Union can only be realised on the basis of a clear willingness on the part of the Ukrainian authorities to carry out and implement the necessary reforms, in particular that of the legal and judicial system, with the aim of fully adhering to the principles of democracy and respect for human rights and fundamental freedoms, minority rights and the rule of law; calls for active and effective support to be given to this reform process by the institutions of the European Union, the Council of Europe and its Venice Commission;

5. Is concerned about the misuse of administrative resources and the system of campaign financing, which fell short of international standards as set by the Council of Europe’s Group of States Against Corruption (GRECO); calls on the new government to continue strengthening the provisions of the law on party financing in order to provide for more transparency of funding and spending, the full disclosure of sources and amounts of campaign expenditure and the sanctions for violation of campaign funding provisions in particular;

6. Calls on the Government of Ukraine to address the electoral irregularities, including the inconclusive results in some election districts, in dialogue with all political parties; expects, furthermore, the Ukrainian parliament to address in due course the shortcomings of the electoral law; expects the Verkhovna Rada to be able to build on the existing proposals that were prepared by the outgoing parliament with the full support of the European Union and the Venice Commission;

7. Expresses its concern about the problems relating to the counting and tabulation of votes in a number of single-mandate constituencies; welcomes the decision of the Central Election Commission not to declare a result for these constituencies and the fact that the Ukrainian authorities started to take measures to hold new elections in these constituencies as rapidly possible;

8. Is concerned about the rising nationalistic sentiment in Ukraine, expressed in support for the Svoboda Party, which, as a result, is one of the two new parties to enter the Verkhovna Rada; recalls that racist, anti-Semitic and xenophobic views go against the EU’s fundamental values and principles and therefore appeals to pro-democratic parties in the Verkhovna Rada not to associate with, endorse or form coalitions with this party;

9. Expresses continued support for the European aspirations of the Ukrainian people; regrets that the recent parliamentary elections did not constitute meaningful progress in advancing Ukraine’s credentials in this regard; stresses that the EU remains committed to working with Ukraine, including civil society (NGOs, religious organisations, etc.), in order to improve democratic institutions, strengthen the rule of law, ensure media freedom and advance essential economic reforms;

10. Confirms the EU’s commitment to further advancing relations with Ukraine through the signing of the association agreement as soon as the Ukrainian authorities demonstrate determined action and tangible progress, as called for above, possibly by the time of the Eastern Partnership Summit in Vilnius in November 2013; notes that progress in political association and economic integration is dependent on Ukraine’s tangible commitment to democratic principles, the rule of law, the independence of the judiciary and media freedom;

11. Notes the adoption and signing of the law on referendums in Ukraine; expects the Ukrainian authorities to consider the recommendations of the Venice Commission, once available, in order to prevent possible abuse of this legislation;

12. Makes a strong appeal to the Ukrainian authorities to find, together with the European Parliament’s envoys, Aleksander Kwasniewski and Pat Cox, a reasonable and just solution to the Tymoshenko case; urges the Ukrainian Government to respect and implement the final decisions of the European Court of Human Rights on the ongoing case of Yulia Tymoshenko and Yuri Lutsenko;
13. Calls on Ukraine to end the selective application of justice in Ukraine at all levels of government and to make it possible for opposition parties to participate in political life on the basis of a level playing field; calls on the authorities, in this context, to free and rehabilitate politically persecuted opponents, including Yulia Tymoshenko, Yuri Lutsenko and others;

14. Welcomes the signing of the amended visa facilitation agreement between the European Union and Ukraine, which introduces clear improvements in the delivery of visas for Ukrainian citizens, compared with the agreement currently in force; calls on the Council to advance EU-Ukraine dialogue on visa liberalisation ahead of the Eastern Partnership Summit in Vilnius in November 2013;

15. Strongly appeals to VP/HR Catherine Ashton and Commissioner Štefan Füle to step up the EU’s engagement with Ukraine and to remain committed to work towards using the full potential of the relations between the EU and Ukraine for the benefit of the citizens of Ukraine and the EU, inter alia by ensuring steady progress in the visa liberalisation dialogue;

16. Welcomes the conclusions of the Foreign Affairs Council meeting of 10 December 2012;

17. Calls on the Verkhovna Rada to reject Bill 8711, which limits freedom of expression in relation to sexual orientation and gender identity and which was adopted at first reading in October; points out that this law is in clear breach of the European Convention on Human Rights and the International Covenant on Civil and Political Rights, both ratified by the parliament of Ukraine;

18. Instructs its President to forward this resolution to the European External Action Service (EEAS), the Council, the Commission, the Member States, the President, Government and Parliament of Ukraine and the Parliamentary Assemblies of the Council of Europe and the OSCE.

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**2012 progress report on Albania**


(2015/C 434/14)

The European Parliament,

— having regard to the Presidency conclusions of the Thessaloniki European Council of 19 and 20 June 2003 concerning the prospect of the Western Balkan countries joining the European Union,


— having regard to Council Decision 2008/210/EC of 18 February 2008 on the principles, priorities and conditions contained in the European Partnership with Albania and repealing Decision 2006/54/EC (1),

— having regard to the conclusions of the 4th meeting of the Stabilisation and Association Council between Albania and the EU, held on 15 May 2012,
— having regard to the recommendations adopted by the European Union-Albania Stabilisation and Association Parliamentary Committee (SAPC) during its fifth meeting, held on 11 and 12 July 2012,

— having regard to the political agreement reached by the government and the opposition in the Conference of Chairpersons on 14 November 2011 and to the revised Action Plan of the Government of Albania, dated March 2012, on the 12 key priorities set out in the ‘Commission Opinion on Albania’s application for membership of the European Union’ of 9 November 2010 (COM(2010)0680),

— having regard to its resolution of 8 July 2010 on Albania (1),

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

A. whereas the future of Albania and of the other Western Balkan countries is linked to the European Union, and whereas Albania belongs to Europe geographically, historically and culturally;

B. whereas the country’s accession to the EU should be not only the objective of the government and the opposition, but aimed at furthering the common interest of all Albanians;

C. whereas countries aspiring to join the Union must demonstrate their ability to strengthen the practical realisation of the values on which the Union is based, at all stages of the accession process; whereas they must establish and promote from an early stage the proper functioning of the core institutions necessary for democratic governance and the rule of law, from the national parliament to the government and the judicial system, including the courts, the public prosecutor and law enforcement agencies;

D. whereas the EU accession process should become a driving force for continued reforms, and the main factor ensuring constructive and responsible cooperation within the country’s political establishment;

E. whereas, since the November 2011 agreement between the governing party and the opposition, visible progress has been achieved on the reform agenda; whereas challenges persist and need to be addressed in order to advance on the path to EU membership;

F. whereas the social-sector reforms and their effective implementation are as important as the reforms concerning the implementation of laws and the development of infrastructure in providing stability and social cohesion, and whereas this should also be reflected in EU funding; whereas, accordingly, the Commission should take this into account in connection with the drafting of the strategy for Albania for the 2014-2020 period;

G. whereas Albania continues to play a stabilising role in the Western Balkans;

H. whereas Albania, thanks to its reform efforts and insofar as the Albanian people so desire, can advance to the next stage of its accession process in 2012, i.e. assume the status of a candidate country for accession, provided it delivers the critical mass of concrete results in the pending key reform areas;

I. whereas the EU has put the rule of law at the core of the enlargement process;

General considerations

1. Reiterates its full support for Albania's future accession to the European Union; shares the Commission's assessment that the country should be granted candidate status provided that key reforms in the judiciary and public administration, and as regards the revision of the parliamentary rules of procedure, are completed and adopted; congratulates Albania on this major step forward and encourages its government to take all the requisite measures to implement the commitments already made; calls on the Council to grant Albania EU candidate status without further delay, subject to the completion of these key reforms;

2. Commends the determined efforts by the government and opposition to cooperate on reforms, and recognises the significance of the November 2011 political agreement that ended a prolonged period of stalemate and paved the way for progress on the twelve priorities; invites both the ruling majority and the opposition to sustain cross-party cooperation and to contribute to the successful adoption and consistent implementation of the key reforms needed for the opening of formal accession negotiations; emphasises that all political parties and actors in Albania, including the media and civil society, should strive to improve the political climate there in order to allow dialogue and mutual understanding; calls, therefore, for a genuine commitment by all political parties to improving the political climate in the country; calls on political forces in Albania not to allow the country to drift away from the EU path during next year's electoral campaign;

3. Underlines the importance of free and fair elections, which give legitimacy to democratic institutions and allow for their proper functioning; calls on all political forces to conduct next year's electoral campaign and the 2013 parliamentary elections in a free and fair manner; strongly believes that the elections will be an important test of the maturity of Albanian democracy and the ability of all political forces to embark on a common European agenda for the country, as well as being essential to further progress in the accession process; recalls that democratic consolidation presupposes a free and fair electoral process whose results are viewed as legitimate by all relevant political parties; welcomes political consensus on amendments to the electoral legislative framework which address OSCE/ODIHR recommendations;

Consolidating democracy and reinforcing human rights

5. Maintains that democracy and the rule of law are the best guardians of human rights and fundamental freedoms;

6. Strongly supports constructive political dialogue, which is not only a crucial element of the twelve key priorities but a prerequisite for a functioning democracy; urges the political elite to sustain cross-party dialogue and consensus on reforms in order to allow the country to make accession-related progress;

7. Welcomes Albania's progress towards fulfilling the political criteria for EU membership; notes that constructive political dialogue has been an important element in achieving concrete results as regards the implementation of the twelve key priorities, in particular those concerning the proper functioning of parliament, the adoption of pending laws requiring a reinforced majority, the appointment of the ombudsman, the hearing and voting processes for key institutions and the modification of the legislative framework for elections;

8. Welcomes the election of the new president; notes that the election process was in line with the constitution; considers it regrettable, however, that the political process surrounding the election was not built on cross-party dialogue; stresses that the role of the president is key to uniting the nation and ensuring the stability and independence of state institutions;

9. Appreciates the developing dialogue between civil society and the Albanian Government; emphasises the need to maintain the momentum of this relationship and consolidate its achievements;

10. Emphasises the importance of fully functioning, representative institutions, which are the backbone of a consolidated democratic system and a key political criterion for EU integration; stresses, in this connection, the vital role of parliament, and urges the country's political forces further to improve its functioning, to adopt and implement the pending
reform on parliament's rules of procedure, further to strengthen parliament's oversight role, including by making greater use of questioning members of the government, to improve legislative drafting and to reinforce consultation with civil society, trade unions and social organisations;

11. Notes the limited progress on judicial reform; urges the authorities to take further action to ensure the real independence, integrity, transparency, accountability and efficiency of the judiciary, free of political interference and corruption, to give citizens equal access to the courts and ensure that trials are held within a reasonable period of time and to accelerate progress on implementing the judicial reform strategy, including the adoption of amendments to the law on the High Court; considers it important that the judicial reform be a gradual and irreversible process involving solid consultation mechanisms and making the system more efficient and that the judiciary be provided with sufficient funding to enable it to operate effectively throughout the country;

12. Stresses that anti-trafficking law enforcement and victim protection efforts should be intensified; calls for the adoption of the strategy for justice for children and the execution of judicial decisions, which is a basic prerequisite for a functioning and effective judiciary;

13. Welcomes the Commission's new approach and its commitment to putting the rule of law at the centre of the enlargement policy; takes the view that this approach should be a further incentive for key judicial reforms and further facilitate Albania's progress in these areas, allowing for the achievement of concrete results and the building of a credible track record on implementation;

14. Stresses the need to eliminate the risks of politicising public administration, and to create a merit-based and professional public administration which operates transparently and is able to adopt laws and implement them; welcomes the procedure for the creation of the Albanian School for Public Administration; expresses its satisfaction over the appointment of the ombudsman in an open and transparent manner and calls for sufficient political support for that institution;

15. Welcomes the appointment of the ombudsman in December 2011; calls on the Albanian authorities to give adequate political support and resources to the ombudsman's office; encourages Albanian civil society and the broader citizenry to make full use of this institution in order to improve the human rights situation;

16. Is concerned that corruption continues to play a prevalent role in citizens' lives; strongly recommends the further application of zero tolerance on issues relating to corruption and misuse of public funds, while guaranteeing free and fair trials and due process for all suspects; calls for the swift implementation of the recommendations of the Group of States against Corruption, especially those relating to incrimination and political party funding; notes that further implementation of policies to fight corruption is needed; notes that the implementation of the anti-corruption strategy is too slow;

17. Emphasises that the events of January 2011 need to be followed up, without further delay or obstruction, by a comprehensive and independent criminal investigation and credible judicial proceedings;

18. Welcomes the commitment by all political forces to fight impunity, and welcomes the consensus in parliament in favour of reforming the system of immunity to allow senior civil servants, judges and prosecutors to be investigated; calls on all the competent authorities to ensure the consistent application of that system; calls on the Albanian authorities to strengthen the implementation and institutional coordination of the government's strategy to combat corruption during the 2007-2013 period; stresses the need to strengthen the political commitment to making steady progress on investigations and convictions, even in cases of high-level corruption;

19. Welcomes efforts to curb organised crime, particularly as regards the implementation of anti-mafia legislation, including the increased confiscation of criminal assets; invites the authorities further to step up police and judicial cooperation in Albania and with neighbouring countries;
20. Notes the progress achieved in the fight against organised crime and border management; stresses the need to continue the reforms in these fields, in particular by stepping up coordination between law enforcement institutions;

21. Emphasises that efforts need to be maintained with a view to ensuring that police work fully respects human rights and is results-oriented; calls for more proactive and effective action to prosecute the perpetrators, and protect the victims, of human trafficking;

22. Emphasises the critical importance of professional, independent and pluralist public and private media as a cornerstone of democracy; urges the competent authorities to ensure and promote media pluralism and freedom of expression and information by means of a media free from political or any other interference, and to take measures to ensure transparency in media ownership and its funding;

23. Is concerned about freedom of expression and independence of the media, and in particular the independence of the regulatory authority, the National Council on Radio and Television; considers it regrettable that the regulatory authority still lacks sufficient administrative and technical capacity and editorial independence; calls for the adoption of the law on audiovisual media services;

24. Is concerned about the government's direct interference with managerial appointments by the public broadcaster, which is hindering the development of political pluralism and thus the strengthening of democracy, and is concerned that editorial independence from the government has not been strengthened; is concerned that defamation is still punishable by high fines for journalists, resulting in journalistic self-censorship; calls for the credible and effective implementation of measures to protect journalists; is very concerned about journalists’ precarious labour conditions and views as regrettable the continued absence of statutory employment rights for journalists and the fact that many of them do not receive their salaries from the media-owners;

25. Calls on the authorities to bring the legislation on elections, freedom of assembly, freedom of association and media freedom into line with international standards and to implement it fully; calls on the authorities to promote and uphold digital freedom, which is considered to be an integral part of the accession criteria;

26. Recognises the progress that has been made in relation to the protection of minorities; notes, however, that further efforts are needed to combat discrimination, in particular in respect of people vulnerable to discrimination; reminds the Albanian Government, in this connection, of its responsibility to create a climate of inclusion and tolerance in the country; calls for decisive measures comprehensively to protect human rights and to improve the quality of life of members of all minority groups in the country as a whole, inter alia by implementing existing measures relating to the use of minority languages in education, religion and the mass media, and by tackling any kind of discrimination against them;

27. Stresses the need to secure these rights for all minority groups and not only for national minorities; emphasises also that further efforts are needed to secure the property and ownership rights of minority groups; notes with concern the continued lack of resources to implement the Action Plan for Roma; calls for greater accountability regarding the services provided to minorities and vulnerable groups; underlines the importance of respecting the principle of self-identification and calls for objective and transparent processing of census data in accordance with internationally recognised standards;

28. Welcomes the progress made in relation to the human rights of LGBT people, notably the fact that the first public demonstration by LGBT people, held in Tirana on 17 May 2012, was a safe and festive occasion; strongly rejects, however, the discriminatory statements made by the Deputy Defence Minister the same day, but welcomes the criticism expressed by Prime Minister Sali Berisha in this connection; stresses that there is still discrimination against LGBT persons and emphasises the urgent need to review legislation with a view to addressing potentially discriminatory provisions, and to establish a track record;

29. Calls for the necessary progress in the field of fundamental rights and freedoms and in implementing policies to secure women's rights and gender equality, LGBT rights, children's rights, the rights of socially vulnerable people and people with disabilities, and minority rights, as cases of discrimination against LGBT persons, the Roma minority and other
vulnerable groups are still being reported; emphasises the need to improve the rights and quality of life of people dependent on the state, such as prisoners, orphans and the mentally ill;

30. Welcomes the laws enacted and the measures introduced to promote gender equality, but considers that their actual implementation has been inadequate, such that women continue to suffer from inequality as regards their access to political life and the labour market;

31. Notes that domestic violence, forced prostitution and the very high level of trafficking in women and children continue, and that the coordination of competent bodies necessary in order to provide women and children with substantive protection is lacking; recalls the importance of ensuring that victims have access to full legal assistance and psychological support and urges the authorities to take action, including through increased funding of agencies and services, to eliminate violence and inequality; stresses the urgent need to introduce and implement measures such as specialised social service structures and rehabilitation centres and to develop the network of shelters and facilitating organisations that support women and children, including with a view to their reintegration into society; welcomes the non-stop, toll-free helpline for victims, the strengthening of child protection units and the good example of cooperation on joint support to victims set by the Tirana municipality, the police, the justice system and NGOs;

32. Stresses that special attention must be paid to the protection of children’s rights, inter alia by improving the conditions in state childcare institutions, facilitating opportunities for foster care and vigorously combating human trafficking and child labour;

33. Emphasises the need to establish a modern education system that is centred on the pupil and on providing the best possible education; considers it important that all children, especially those from low-income families and minority groups, have secure access to education and school equipment; notes the government’s obligation to provide a high level of academic and technical education and established labour rights in diploma courses, so that young graduates have an incentive to contribute their services to the progress of the country;

34. Calls on the government fully to guarantee respect for labour laws in the public and private sectors and for the rights of trade unions by strengthening the mediation practice for settling labour disputes; calls on the government further to improve the tripartite dialogue in the National Labour Council by extending its remit to include the approval of major social and economic policy and legislation packages and enhancing the role of trade unions within it;

35. Is concerned about the absence of an action plan for employment and the decreasing budget for the implementation of social assistance and protection reforms; calls on the Albanian authorities to draw up such an action plan; calls for the compilation of periodic labour market statistics in line with those of other accession countries and Eurostat in order better to monitor and compare the employment situation in Albania;

36. Calls on the authorities further to improve the treatment of detained persons and prisoners in line with the recommendations of the national ombudsman and with international human rights standards, as cases of ill-treatment are still being reported; stresses the need to reduce the frequency of pre-trial detention for low-risk offenders and greatly deplores the lengthy pre-trial detention of juveniles and the excessive use of this measure, including in institutions unsuitable for the reintegration of juveniles; urges the adoption of a juvenile justice strategy and a related action plan in order to tackle the existing deficiencies in law and practice, in line with international standards and best practices in other European countries;

37. Emphasises the importance of clarifying property rights and fully implementing the national strategy and action plan for those rights; underscores the need for thorough consultation with all stakeholders during that process; calls on the Commission to provide support for the implementation of the strategy and action plan;

38. Calls on the government and all responsible bodies to do their utmost strictly to apply all the necessary criteria and measures for visa-free travel to Schengen countries; considers it necessary for citizens to be duly informed of the limitations of the visa-free regime in terms of preventing any kind of abuse of freedom of travel and of the visa liberalisation policy;
notes that visa liberalisation has been one of the biggest achievements in the country’s recent progress towards EU membership;

Pursuing socio-economic reforms

39. Invites the government to launch and implement structural reforms and reforms relating to the rule of law, the weakness of which is hindering, inter alia, the enforceability of contracts, in order to maintain macroeconomic stability and enhance an economic environment conducive to investment, economic growth and sustainable economic development for the benefit of citizens; encourages the government further to address the issue of property rights, to improve the tax collection system, to focus on infrastructure and human resources and to tackle the large informal economy and the unregulated labour market, which are hampering the country’s social cohesion and economic prospects;

40. Stresses the need to pay particular attention to energy security, the diversification of energy sources and the improvement of public transportation networks; regards as regrettable the inadequacy of public transport, particularly rail, and the poor management of transport networks;

41. Calls for greater progress in the field of environmental protection and climate change, the full implementation of environmental legislation and closer regional cooperation with a view to promoting environmental sustainability; calls on the government to prioritise the preservation of Albania’s unique natural landscape, and to step up the pace of alignment with EU legislation in the areas of air and water quality, waste management and industrial pollution control; urges the government to develop policies on renewable energy sources, to deal more effectively with the problem of waste management and illegal waste imports, and to develop environmentally sustainable tourism; urges the authorities to implement fully the National Plan for Waste Management and to establish a transparent and well-functioning waste monitoring infrastructure in close cooperation with local and national civil society actors and organisations;

42. Is greatly concerned about the high unemployment rate, even though it is lower than in the past, and the number of Albanians still living below the poverty line; urges the government to take all possible measures to address extreme poverty and to create a social protection system for financially weaker citizens and those most in need, including vulnerable groups such as children, people with disabilities and minority groups; considers it important that they have equal access to education, health, housing and public services;

43. Recommends modern public investment to foster sustainable development and reduce unemployment; is convinced that a comprehensive public investment programme will also help tap the potential of Albania’s young graduates; invites the government to adopt further measures and legislation to promote employment and growth;

44. Is concerned about the situation of former political prisoners, some of whom have recently staged demonstrations; calls on the competent authorities to implement fully the law on compensation of former political prisoners;

Fostering regional and international cooperation

45. Commends Albania for fostering good-neighbourly relations; reiterates its conviction that borders in the Western Balkans should be fully respected, and encourages Albania and all parties concerned to refrain from any actions which could trigger regional tensions; welcomes the government’s policies towards Albanian communities in neighbouring states, in particular as regards advising them to cooperate with their respective governments in resolving problems;
46. Calls on Albania to revoke its bilateral immunity agreement with the United States, as this is not consistent with the EU's policy on the International Criminal Court (ICC) and undermines the integrity of the Rome Statute, and to continue to support the ICC and to cooperate promptly and fully with it;

47. Instructs its President to forward this resolution to the Council, the Commission and the Government and Parliament of Albania.

P7_TA(2012)0509

EU steel industry

European Parliament resolution of 13 December 2012 on the EU steel industry (2012/2833(RSP))

(2015/C 434/15)

The European Parliament,

— having regard to the Treaty on the Functioning of the European Union, which has its roots in the ECSC Treaty,
— having regard to its previous resolutions on the steel industry and the restructuring, transfer and closure of companies in the EU,
— having regard to the Charter of Fundamental Rights of the European Union and to the Community Charter of the Fundamental Social Rights of Workers,
— having regard to the Commission communication of 2 February 2011 entitled 'Tackling the challenges in commodity markets and on raw materials' (COM(2011)0025),
— having regard to the Europe 2020 strategy,
— having regard to the Commission communication of 10 October 2012 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'A Stronger European Industry for Growth and Economic Recovery' (COM(2012)0582),
— Having regard to the question to the Commission on the EU steel industry (O-000184/2012 — B7-0368/2012),
— having regard to Rules 115(5) and 110(4) of its Rules of Procedure,

A. whereas, following the expiration of the ECSC Treaty, the coal and steel sectors are governed by the provisions of the EU Treaty;

B. whereas one of the European Union’s objectives is to support the manufacturing industry and to make it competitive, sustainable and responsive to changing European and non-European market conditions, since it is essential for growth and prosperity in Europe;

C. whereas the European steel industry is suffering from a substantial drop in demand, which is causing a progressive loss of jobs and competitiveness;

D. whereas the steel industry is of strategic importance for the EU economy, and whereas it is in the interest of the whole European Union to preserve the activities that make up its industrial fabric and to ensure security of supply through domestic production;
E. whereas a competitive European steel industry forms the backbone of development and value creation for many major industrial sectors, such as the automotive, construction and mechanical engineering sectors;

F. whereas the steel industry is facing significant challenges such as a substantial drop in demand, strong competition from imports from third countries with different regulations and standards, difficult access to raw materials, and higher costs which have led to restructuring, industrial mergers and job losses;

G. whereas employment in the steel sector has contracted from 1 million jobs in 1970 to around 369 000 in 2012, and whereas the number of workers in downstream industries is in the range of millions;

H. whereas, according to data published by the Commission, EU steel exports in 2010 reached 33.7 million tonnes (EUR 32 billion), the biggest markets for EU steel exports being Turkey, the USA, Algeria, Switzerland, Russia and India, while EU steel imports in 2010 reached 26.8 million tonnes (EUR 18 billion), the biggest import sources being Russia, Ukraine, China, Turkey, South Korea, Switzerland and Serbia;

I. whereas the current crisis is creating enormous social hardship for the workers and regions affected, and whereas those companies involved in restructuring should act in a socially responsible manner, as experience has shown us that successful restructuring has not been achieved without sufficient social dialogue;

J. whereas high-technology industries — as exemplified by the steel sector — have been taken as a model of technological know-how, and must therefore be retained by taking immediate action to avoid their relocation outside of EU territory;

1. Requests that the Commission provide, in the short term, a clear picture of the situation as regards the major changes occurring in the steel industry in Europe; stresses that it is important for the Commission to monitor ongoing developments carefully in order to safeguard Europe’s industrial heritage and the workforce involved;

2. Recalls that the Commission is entitled, following the expiration of the ECSC Treaty, to address the economic and social impact of developments in the European steel industry, and calls on the Commission to take into account the positive experience of the ECSC and to establish a tripartite body (trade unions, industry and the Commission) to work towards further development of the European steel industry, to ensure anticipation, consultation and the provision of information to workers and to secure full compliance with the legal requirements of the European Works Council Directive (1);

3. Calls on the Commission to reflect carefully on strategic medium- and long-term initiatives to support and preserve the steel industry and its downstream sectors;

4. Urges the Commission to give greater importance to industrial policy in order to revive the competitiveness of European industry vis-à-vis the global market with a view to guaranteeing an effective level playing field while ensuring high social and environmental standards in the EU and working towards reciprocity in third countries;

5. Believes that European economic recovery also depends on a stronger manufacturing industry; points out that steel plays a key role in ensuring the competitiveness of strategic downstream industries, which would suffer from a reduced European steel industry and become dependent on third-country imports, making them vulnerable;

6. Welcomes the Commission’s initiative of developing a European Action Plan for the steel sector by June 2013, but stresses the need to have it presented as soon as possible;

7. Calls on the Commission to reconsider its decision not extend beyond 31 December 2012 the prior surveillance system for imports of steel products and steel pipes, as established by Commission Regulation (EU) No 1241/2009 (2), and to include that system in the Action Plan;

(1) OJ L 254, 30.9.1994, p. 64.
8. Urges the Commission to include in its Action Plan the mobilisation of all available EU tools, such as increased R&D&I, in particular in the areas of energy efficiency and resource efficiency, targeted investment by the European Investment Bank, an active policy for skills, requalification and retraining of workers, the potential use of EU financial instruments such as the European Social Fund and the European Globalisation Adjustment Fund where necessary, and other incentives to help the industry invest and modernise;

9. Takes the view that such an Action Plan should also consider ways of addressing and mitigating the high costs of energy and raw materials, which are a threat to the steel industry’s competitiveness; emphasises, in this connection, that energy efficiency and resource efficiency can generate substantial cost savings, and welcomes in this regard the European public-private partnership SPIRE, but nonetheless urges the Commission and the steel sector itself to continue to examine the opportunities available, to encourage the establishment of business consortia and to promote a closed-loop production system aimed at recovery and re-use of scrap, given the present and future limitation of raw material supply;

10. Calls on the Commission to take the steel industry into account in its ongoing review of existing state aid rules, and to assess the feasibility of introducing quality certification for steel-related products;

11. Calls on the Commission to monitor restructuring or relocation activities and ensure, on a case-by-case basis, that they are carried out in strict compliance with Union competition law; takes the view that potential abuses of dominant market position should also be monitored;

12. Welcomes projects such as the ULCOS (Ultra-Low Carbon Dioxide Steelmaking) consortium, which serves as an example of an innovative research and development initiative to help the steel industry further reduce its CO₂ emissions, and stresses the need for ongoing investment in research and innovation activities, which are crucial for the re-launch and renewal of this sector;

13. Calls on the Commission to monitor closely future developments in the establishments located in Florange, Liège, Terni, Galați, Schifflange, Piombino, Câmpia Turzii, Rodange, Oțelu Roșu, Trieste, Silesia, Reșița, Târgoviște, Călărași, Hunedoara, Buzău, Braila, Borlänge, Luleå, Oxelösund and elsewhere, whose integrity is at risk, in order to be sure that the competitiveness of the European steel sector and its importance as a sector of employment are not threatened;

14. Instructs its President to forward this resolution to the Commission, the Council and the governments and parliaments of the Member States.
— having regard to the judgment of the European Court of Justice of 31 March 2011, which declared that Italy had failed to fulfil its obligations under the Integrated Pollution Prevention and Control (IPPC) Directive,

— having regard to Article 191(2) of the TFEU and Directive 2004/35/EC on environmental liability,

— having regard to its deliberations in committee with the petitioners concerned, most recently on 9 October 2012, and the Commission Vice-President responsible,

— having regard to Rule 202(2) of its Rules of Procedure,

A. whereas the petitioners have forcefully expressed their concerns about the extremely elevated levels of dioxin emissions from the ILVA steel plant in Taranto, which have had, and continue to have, a significant, harmful and enduring impact on the health of the local population, where 20 000 families have members who have worked in, or in association with, the steel industry, and where contamination rates among the local population have led to unacceptable and intolerable levels of sickness and chronic illness;

B. whereas parts of the ILVA steel plant were recently closed down by the Italian authorities in order to avoid further pollution, and whereas the authorities and the existing plant owners have a pressing legal obligation to secure a further drastic reduction in the harmful emissions;

C. whereas the precarious and dangerous situation of the ILVA steel plant is also causing serious environmental degradation and damage and grave social and economic problems in the south of Italy, and whereas the privatisation of this plant has not led to any improvement in the environmental security of the sector;

D. whereas the steel industry, which employs some 360 000 workers, is a crucial economic sector of the European Union and whereas Parliament has a duty and a responsibility to clearly demonstrate its solidarity with the workers of the ILVA steel plant and their families, who have been affected by this totally unacceptable situation;

E. whereas, in terms of EU industrial policy, it is strategically essential to prevent the further relocation of steel plants and production outside the European Union and to ensure the security of the workforce, and whereas, in terms of EU environment policy, it is equally essential to ensure that the polluter pays and that the ecological balance is enhanced and, where necessary, restored, as required by Article 191(2) of the TFEU and Directive 2004/35/EC on environmental liability;

1. Calls on the Commission and the Council to develop a new policy for the steel industry which will boost growth and employment during the economic crisis and is compatible with the health and safety of all EU citizens and residents;

2. Calls on the Commission and the Council also to work together with all the parties involved in order to ensure that this policy coherently integrates economic objectives with social and environmental priorities, so as to build a modern, competitive and sustainable European steel industry which fully complies with EU environmental law;

3. Calls on the Italian authorities to ensure the environmental rehabilitation of the polluted steel plant site as a matter of extreme urgency, while at the same time ensuring that the costs incurred in relation to the preventive or remedial action taken are covered in accordance with the polluter pays principle, as required by Article 8 of Directive 2004/35/EC on environmental liability;

4. Instructs its President to forward this resolution to the Council and the Commission.
The European Parliament,

— having regard to the Cotonou Partnership Agreement signed in June 2000,

— having regard to the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966),

— having regard to Article 3 of the 1949 Geneva Convention and Protocol II thereto, which prohibit summary executions, rape, enforced recruitment and other atrocities,

— having regard to the Convention on the Rights of the Child of 20 November 1989, which, in particular, prohibits the involvement of children in armed conflicts,

— having regard to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which has been ratified by the countries of the Great Lakes region,

— having regard to the relevant United Nations Security Council resolutions, in particular resolutions 2076 (2012), 2053 (2012), 1925 (2010) and 1856 (2008) on the situation in the Democratic Republic of the Congo (DRC), which lay down the mandate of the UN Stabilisation Mission in DRC (Monusco), the Security Council declaration of 2 August 2012 and the monthly reports of the United Nations Secretary-General on this subject,


— having regard to United Nations General Assembly resolution 60/1 of 24 October 2005 on the 2005 World Summit Outcome, and in particular paragraphs 138 to 140 thereof on responsibility to protect populations,

— having regard to the African Charter on Human and Peoples’ Rights, which was ratified by the DRC in 1982,

— having regard to the decision of the African Union’s Peace and Security Council of 19 September 2012 on the security situation in the east of the DRC,

— having regard to the conclusions of the Foreign Affairs Council meeting of 25 June and 19 November 2012 on the situation in eastern DRC,

— having regard to the UN Security Council Presidential Statement of 19 October 2012,

— having regard to the statement of 23 June 2011 by Margot Wallström, former Special Representative of the UN Secretary-General on Sexual Violence in Conflict,

— having regard to the statement of 27 September 2012 by the President of the European Council, Herman Van Rompuy,
— having regard to the statements of 7 June, 12 June, 10 July and 23 November 2012 by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton,

— having regard to the Council conclusions on the situation in the eastern Democratic Republic of the Congo issued on 10 December 2012,


— having regard to the statement of 26 June 2012 by Kristalina Georgieva, European Commissioner responsible for international cooperation, humanitarian aid and crisis response, concerning the deterioration of the humanitarian situation in the DRC,

— having regard to the statements by the Heads of State and Government of the member states of the International Conference on the Great Lakes Region (ICGLR) concerning the security situation in the east of the DRC, particularly that of 24 November 2012,

— having regard to the resolution of the Organisation Internationale de la Francophonie (OIF) adopted at the 14th Summit of Francophone Countries in Kinshasa on 13 and 14 October 2012 on the situation in the DRC,

— having regard to the letter of 21 June 2012 from the Chair of the UN Security Council committee set up by resolution 1533 (2004) concerning the DRC to the President of the Security Council, submitting the interim report of the group of experts on the DRC and the annexes pertaining thereto and requesting their publication as a Council document (S/2012/348),

— having regard to the reports by human rights organisations on the serious human rights violations committed in the east of the DRC,

— having regard to the Forest Law Enforcement, Governance and Trade (FLEGT) agreement between the EU and the DRC, which entered into force in September 2010,

— having regard to its previous resolutions on the DRC, in particular that of 13 June 2012 on the monitoring of elections in the Democratic Republic of the Congo (DRC) (1),

— having regard to Rules 122(5) and 110(4) of its Rules of Procedure,

A. whereas, since April 2012, elements of the Armed Forces of the DRC (FARDC) have mutinied in the east of the country, more precisely in the North Kivu province, and whereas this mutiny quickly mutated into an armed rebellion under the name of the March 23 Movement (M23), calling for the application of the peace agreement signed in Goma on 23 March 2009 by the DRC Government and the armed group known as the National People’s Congress (CNDP);

B. whereas the M23 rebels constitute one of the dozen armed groups, such as the Mai-Mai group, the Democratic Forces for the Liberation of Rwanda (FDLR) and Rwandan Hutu rebels, on the one hand, and the FARDC on the other hand, fighting in this resource-rich region;

C. whereas for nearly seven months the M23 rebel group has been occupying a large part of the North Kivu province, whereas it has established its own administration and whereas this part of the province is therefore entirely outside the control of the DRC state, causing constant instability and insecurity;

D. whereas, 11 days after seizing the key city of Goma from government troops backed by UN peacekeepers, M23 withdrew from the city under a regionally brokered agreement;

E. whereas, on 6 December 2012, negotiations and a process of dialogue between the rebel groups and the Congolese Government began in Kampala, Uganda;

F. whereas the recent attacks carried out by armed groups on the Mugunga III camp highlight the need to prioritise security at sites for internally displaced people, along with improved humanitarian access;

G. whereas the United Nations Group of Experts has presented evidence of Rwanda backing to M23 rebels providing military support, including weapons, ammunition, training and soldiers;

H. whereas the Governments of Uganda and Rwanda have denied accusations by a United Nations panel that they have supported the M23 rebels and the capture of the eastern Congolese town of Goma;

I. whereas the United States, the United Kingdom, Germany, the Netherlands, Sweden and the EU have all suspended some of their aid to Rwanda, in response to the UN report;

J. whereas the member states of the ICGLR, the Southern Africa Development Community (SADC) and the EU have made efforts to find a constructive political solution to the conflict in the east of the DRC;

K. whereas the ICGLR member states have established a joint verification mechanism to monitor troop movements in the east of the DRC and have decided to deploy a neutral international force;

L. whereas, under UN Security Council resolution 2053 (2012), Monusco's mandate has been extended until 30 June 2013;

M. whereas the east of the DRC has suffered from repeated atrocities, characterised by human rights violations and war crimes, such as mass rapes, including the rape of women and girls, torture, the killing of civilians and the general enrolment of child soldiers;

N. whereas recourse to sexual violence and the more widespread use of rape have enormous consequences, such as the physical and psychological destruction of the victims, and must be regarded as war crimes;

O. whereas the Congolese army (FARDC) has also committed numerous abuses in the war zones;

P. whereas the non-prosecution of those responsible for human rights violations and war crimes promotes the climate of impunity and encourages the perpetration of fresh crimes;

Q. whereas more than 2.4 million Congolese people living in the areas affected by the fighting have been internally displaced and 420,000 have fled into neighbouring countries, and whereas they are living in inhuman conditions;

R. whereas the DRC, and in particular the eastern regions currently under the control of armed paramilitary groups, possesses an abundance of natural resources such as gold, tin and coltan, which through illegal mining activities helps to finance and perpetuate the conflict;

S. whereas Virunga National Park was listed by Unesco in 1979 as a World Heritage Site because of its unique biodiversity;
T. whereas it is unacceptable that oil concessions have been granted in Virunga National Park in violation of the Paris Convention of 16 November 1972 concerning the Protection of the World Cultural and Natural Heritage;

U. whereas the oil concessions granted in Virunga National Park are contrary to this Convention linking the DRC and Unesco, and to the Congolese Constitution and laws, and whereas these concessions should therefore be cancelled;

V. whereas rising unemployment, the social crisis, the food crisis, the inadequacy of basic services, the impoverishment of the population and environmental degradation are also partly responsible for the region's instability; whereas these problems require a comprehensive development plan and strategy;

W. whereas it is necessary to deal with the consequences of the conflicts, particularly by means of demilitarisation, demobilisation and reintegration of ex-combatants, repatriation of refugees, resettlement of people who have been displaced within their own country and the implementation of viable development programmes;

X. whereas the indigenous Batwa people of the eastern Democratic Republic of the Congo (DRC), with a population of 90 000, are nevertheless victims of systematic racism, social and political exclusion and human rights violations in the DRC and in other countries in the Great Lakes Region;

Y. whereas the repression of human rights activists and journalists in the DRC has increased and whereas they are being arbitrarily arrested and intimidated; whereas no steps have been taken to bring those responsible to justice;

1. Expresses its strong concern at the deterioration in the general situation in the east of the DRC, which has serious political, economic, social, humanitarian and security consequences in the DRC and throughout the region;

2. Strongly condemns the attacks by M23 and all other negative forces in the east of the DRC in recent months; opposes any external intervention in the conflict and stresses the need to put an end to the activity of foreign-armed groups in the east of the DRC;

3. Calls specifically on both the Governments of Rwanda and Uganda to desist from supporting the rebel group M23 as this is having a destabilising impact on the Great Lake region;

4. Reaffirms the DRC's inalienable and imprescriptible right to respect for its sovereignty and territorial integrity;

5. Calls on all parties concerned in the region to contribute in good faith to a peaceful resolution; calls, furthermore, for the immediate implementation of the crisis resolution plan adopted in Kampala on 24 November 2012;

6. Welcomes the efforts of the member states of the ICGRL, the African Union (AU) and the UN in their efforts and initiatives seeking a lasting and peaceful political solution to the crisis; insists that a military solution will not resolve the crisis; calls, therefore, for a political peace process that will tackle the disarmament of rebel forces and the root causes of the conflict;

7. Stresses the importance of the effective functioning of the joint verification mechanism and the establishment and effective deployment of the envisaged neutral international force;

8. Calls for an EU position vis-à-vis all individuals who have violated the UN arms embargo on Congo;
9. Calls on the governments of the DRC and neighbouring countries to take the necessary measures to arrive at a structural solution which will bring about lasting peace, security, stability, economic development and respect for human rights in the region through cooperation, permanent dialogue, the establishment of confidence and reconciliation; affirms its commitment to cooperating with the DRC and the Great Lakes region to this end.

10. Condemns all acts of violence and all human rights violations in the east of the DRC and in the Great Lakes region, and expresses its solidarity with the people of the DRC afflicted by the war; calls on all the forces participating in the conflicts in the east of the DRC to respect human rights and international humanitarian law, to cease all attacks on civilians, particularly women and children, and to afford access and protection to humanitarian agencies coming to the assistance of the suffering civilian population;

11. Strongly condemns the acts of sexual violence which have been committed on a massive scale in the DRC, particularly the rape of women and girls, and the recruitment of children; urges the Government of the DRC and the international community to provide all persons in need in the east of the DRC with appropriate medical care, including posttraumatic and psychological support;

12. Condemns the attempt to assassinate Dr Mukwege and calls for an independent judicial inquiry to shed light on this attack, which caused the death of his bodyguard;

13. Considers it vital to conduct an impartial, in-depth investigation into all past and present cases of human rights violations, and calls on all states in the Great Lakes region to place efforts to put an end to impunity at the heart of the process of improving the rule of law;

14. Calls, in particular, for the perpetrators of human rights violations, war crimes, crimes against humanity, sexual violence against women and the conscription of child soldiers to be reported, identified, prosecuted and punished in accordance with national and international criminal law; stresses that impunity cannot be tolerated regardless of who the perpetrators may be;

15. Calls on the Congolese Government to assume its full responsibility and bring impunity to an end, including the abuses perpetrated by the Congolese army (FARDC);

16. Calls on the DRC to introduce an effective national security sector reform, with strong independent institutions that are accountable to the state and its people and that are able to fight and persecute crimes and corruption cases;

17. Calls on the international community, and more particularly the EU, the AU and the UN, to continue to take every possible measure to provide more coordinated and effective aid to people in the east of the DRC and contribute to efforts to respond to the humanitarian disaster;

18. Urges the Government of the DRC and the international community to provide all persons in need in the east of the DRC with appropriate medical care, including posttraumatic and psychological support;

19. Calls on the AU and the Great lakes countries to take further steps to fight illicit exploitation of and trade in natural resources — one of the reasons for the proliferation and trafficking of arms, which are among the major factors fuelling and exacerbating conflicts in the Great Lakes region;

20. Considers that transparent access to and control over the natural resources of the DRC are indispensable for the sustainable development of the country;

21. Calls for stronger legal measures to ensure better traceability of minerals from illegal mining, with an international market control instrument on natural resources, inspired by the Dodd-Frank Act, adopted by the US Congress;
22. Urges the Congolese Government to act promptly and firmly to prevent all irreversible damage to Virunga National Park, due to the exploration and exploitation of oil or other illegal activities;

23. Calls on the Congolese Government not to deliver any authorisation for oil exploitation, in accordance with the express demand of Unesco;

24. Calls for efforts to be made at both national and international level to increase the authority of the state and the rule of law in the DRC, particularly in the fields of governance and security, including in close cooperation with the European Union military assistance mission (EUSEC) and the Union’s police assistance mission (EUPOL), which should be continued in order to consolidate peace and security both in the country and in the Great Lakes region;

25. Calls on the Heads of State and Government of the Great Lakes region to work to bring about the actual implementation of existing regional peace and development instruments and calls on all states which are signatories to the Pact on Security, Stability and Development in the Great Lakes region to implement it fully in order to establish and consolidate the necessary basis for peace and security in the region; calls on the UN, the EU and the AU and friends of the Great Lakes region to strongly and actively support efforts to implement the Pact;

26. Calls on all countries in the region and all international bodies to cooperate actively with the DRC authorities in order to dismantle and demobilise all armed groups and establish lasting peace in the east of the DRC;

27. Urges the Monusco stabilisation mission in DRC to implement its mandate with greater effectiveness in order to guarantee the security and safety of Congolese civilians; recommends promoting and facilitating the establishment of local peace initiatives by Monusco and the DRC Government, particularly in territories where there are strong ethnic tensions, in order to stabilise the situation on a permanent basis;

28. Encourages the DRC’s leaders to take all the necessary initiatives to consolidate democracy and ensure the participation of all active forces among the people of Congo in the governance of the country on the basis of constitutional and legal rules;

29. Welcomes the setting-up on 6 December 2012 by the DRC Parliament of the National Human Rights Commission, as outlined in the constitution, as a prior step to passing a law on the protection of victims and witnesses of human rights abuses, human rights activists, aid workers and journalists;

30. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the African Union, the governments of the countries of the Great Lakes region, the President, Prime Minister and Parliament of the DRC, the Secretary-General of the United Nations, the UN Special Representative on Sexual Violence in Conflict, the UN Security Council and the UN Human Rights Council.
Caste discrimination in India

European Parliament resolution of 13 December 2012 on caste discrimination in India (2012/2909(RSP))

(2015/C 434/18)

The European Parliament,

— having regard to its previous resolutions, in particular that of 1 February 2007 on the human rights situation of the Dalits in India (1) and those on the Annual Reports on Human Rights in the World, notably that of 18 April 2012 (2),

— having regard to the International Covenant on Civil and Political Rights,

— having regard to the International Convention for the Elimination of Racial Discrimination (CERD), and to its General Recommendations XXIV, as ratified by India,

— having regard to the government proposal put forward by Mukul Vasnik, Minister of Social Justice and Empowerment, on ‘The Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012’, presented to the Indian Parliament on 3 September 2012,

— having regard to the statement of 19 October 2009 by the UN High Commissioner for Human Rights, Navin Pillay, and her appeal to UN member states to endorse the draft UN Principles and Guidelines for the Effective Elimination on Discrimination based on Work and Descent,

— having regard to the recommendations arising from the UN Special Procedures and UN treaty bodies, as well as to those in the two Universal Periodic Reviews on India of 10 April 2008 and 24 May 2012,

— having regard to the recommendations of 9 July 2012 of the UN Working Group on the Universal Periodic Review on India,

— having regard to the deep concern expressed on 6 February 2012 by the UN Special Rapporteur on human rights defenders regarding the situation of Dalit activists in India,

— having regard to the ongoing Mayil Mukti Yatra, the nationwide march of thousands of people for the eradication of manual scavenging which between 30 November 2011 and 31 January 2012 crossed 18 of India’s states,

— having regard to the EU-India thematic dialogue on human rights,

— having regard to Articles 2 and 3(5) of the Treaty on European Union,

— having regard to Rules 122(5) and 110(4) of its Rules of Procedure,

A. whereas India has made enormous economic progress, and as one of the BRICS countries now plays an important role in world politics; whereas, however, caste discrimination continues to be widespread and persistent;

B. whereas India’s Constitution grants its citizens equal status, and discrimination based on caste and untouchability is deemed illegal in its Articles 15 and 17; whereas Dalits have served in the highest political functions; whereas India has laws and regulations intended to protect Scheduled Castes and Scheduled Tribes, such as the 1976 Protection of Civil Rights Act and the 1989 Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act; whereas Indian Prime Minister Manmohan Singh has made several strong statements about prioritising combating violence against Dalits;

C. whereas, despite these efforts, an estimated 170 million Dalits and indigenous Adivasi in India continue to suffer from severe forms of social exclusion; whereas the ILO estimates that the overwhelming majority of bonded labour victims in the country are from Scheduled Castes and Scheduled Tribes;

D. whereas manual scavenging, despite being legally banned, continues to be widespread, with hundreds of thousands of almost exclusively female Dalits performing this form of servitude, Indian Railways being the largest single employer of manual scavengers;

E. whereas Dalit and Adivasi women are the poorest of the poor in India, face multiple discrimination on the basis of caste and gender, are frequently subjected to gross violations of their physical integrity, including sexual abuse with impunity by members of dominant castes, and are socially excluded and economically exploited, with a literacy rate of only 24%;

F. whereas according to estimates the vast majority of crimes against Dalit women are not reported owing to fear of social ostracism and threats to personal safety and security; whereas in one particular case in Haryana state a 16-year-old Dalit girl was gang-raped in the village of Dabra (Hisar district) on 9 September 2012; whereas her father committed suicide after discovering what had happened and the police only decided to take belated action when faced with mass protests;

G. whereas on 20 November 2012, in Dharmapuri (Tamil Nadu state), a mob of approximately 1,000 people from higher castes looted and torched at least 268 houses in Dalit communities, with no intervention from the police officers present;

H. whereas the Protection of Women from Domestic Violence Act of 2005 lacks effective implementation, and whereas the pervasive prejudice against women in the police, the legal system, the medical establishment and the political class impedes the dispensing of justice;

I. whereas the conviction rate under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act continues to be very low, providing no deterrent against crimes;

J. whereas, according to various local and international sources, between 100,000 and 200,000 girls — the majority of them Dalits — are allegedly trapped in bonded labour in spinning mills in Tamil Nadu which supply yarn to factories that produce garments for Western brands;

1. Acknowledges the efforts at federal, state, regional and local level in India to eradicate caste discrimination; applauds, furthermore, the clear stance against caste discrimination taken by many Indian politicians, Indian media, NGOs and other public opinion makers at every level of society;

2. Remains, however, alarmed at the persistently large number of reported and unreported atrocities and widespread untouchability practices, notably manual scavenging;

3. Urges the Indian authorities at federal, state, regional and local level to honour their pledges and to implement or, if necessary, amend the existing legislation, notably the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, in order to effectively protect Dalits and other vulnerable groups in society;

4. Underlines, particularly, the need for victims to be able to safely register their cases with the police and judicial authorities, as well as for serious follow-up by the police and judiciary of reported atrocities and other cases of discrimination;
5. Calls on the Indian Parliament to act on its plans to pass a new Bill prohibiting employment of manual scavengers and securing their rehabilitation, and on the Indian Government to take the necessary measures for its immediate enforcement;

6. Calls on the Indian authorities to repeal those provisions of the Foreign Contribution (Regulations) Act which do not conform to international standards and potentially undermine the work of NGOs, including Dalit organisations and other organisations representing disadvantaged groups in Indian society, by impeding them from receiving funds from international donors;

7. Calls on the Council, the Commission, the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the Commission (HR/VP), the EU Special Representative on Human Rights, and the EU Member States to develop an EU policy on caste discrimination and to endorse the draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent in the UN Human Rights Council;

8. Welcomes the Union Cabinet’s approval in September 2012 of the Child & Adolescent Labour (Prohibition) Act, banning employment of children below 14 years across all sectors and below 18 years for hazardous sectors; calls on the Government of India to take effective implementing measures in order to rapidly reduce what is still one of the highest number of working children in the world and to introduce legislation for a full ban on child labour in accordance with the International Labour Organisation guidelines;

9. Calls on the EU’s and the Member States’ representations in India to include the issue of caste discrimination in their dialogues with the Indian authorities, and to prioritise programmes addressing caste discrimination, including in education, and programmes with particular focus on women and girls; expects future EU cooperation with India to be assessed as to how it would affect caste discrimination;

10. Instructs its President to forward this resolution to India’s Prime Minister, India’s Minister for Law and Justice, India’s Home Minister, India’s Minister of Social Justice and Empowerment, the Council, the HR/VP, the Commission, the EU Special Representative for Human Rights, the governments and parliaments of the EU Member States, the Secretary-General of the Commonwealth, the Secretary-General of the UN and the President of the UN General Assembly.
II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN PARLIAMENT

P7_TA(2012)0484

Voting in the event that the seat of a full member of a committee falls vacant (interpretation of Rule 187(1))

European Parliament decision of 11 December 2012 concerning voting in the event that the seat of a full member of a committee falls vacant (interpretation of Rule 187(1)) (2012/2254(REG))

(2015/C 434/19)

The European Parliament,
— having regard to the letter of 27 November 2012 from the Chair of the Committee on Constitutional Affairs,
— having regard to Rule 211 of its Rules of Procedure,
1. Decides to append the following interpretation to Rule 187(1):
‘In the event that the seat of a full member of a committee falls vacant, a permanent substitute from the same political group shall be entitled to vote in place of the full member, on a temporary basis pending the provisional replacement of the full member in accordance with Rule 186(5), or, in the absence of such provisional replacement, pending the appointment of a new full member. Such entitlement is based on Parliament’s decision concerning the numerical composition of the committee, and aims at ensuring that the number of members of the political group concerned who can take part in the vote is equal to the number entitled to do so before the seat fell vacant.’
2. Instructs its President to forward this decision to the Council and the Commission, for information.
The European Parliament,

— having regard to the letter from its President of 11 November 2010,

— having regard to its Policy Department’s study entitled ‘Written declarations in the European Parliament — A review of process and impact’ (PE 462.424),

— having regard to Rules 211 and 212 of its Rules of Procedure,

— having regard to the report of the Committee on Constitutional Affairs (A7-0242/2012),

Whereas:

A. Parliament has over the years considerably extended its powers, securing for itself substantial tools enabling it to influence the decision-making process of the European Union in most of the Union’s activities;

B. the institutions to which a written declaration is addressed should ensure that it is properly followed up;

C. written declarations serve as a useful vehicle for raising issues of particular concern to Union citizens;

D. written declarations are used regularly but not in very great numbers; only a small percentage of them obtain the required support of a majority of Parliament’s component members;

E. the majority of written declarations lapse after the period laid down in the Rules of Procedure;

F. the majority of adopted written declarations are addressed to the Commission, which is recognised to be the only institution that has responded to the issues raised therein;

G. those responses are in most cases limited to reiterating ongoing activities of the Commission and only in exceptional cases include a specific activity prompted by a written declaration;

H. in the light of Parliament’s increased prerogatives, as well as the introduction of the European citizens’ initiative, the significance of written declarations has changed, though they still can be a useful tool enabling Members to raise awareness on issues of public concern;

I. written declarations have a very limited impact, in terms of both agenda-setting and influencing decisions taken by the institutions, and may give a misleading impression as to their effectiveness; when properly used, however, they still retain value as a popular campaigning tool; for proposals calling for a legislative action, Rule 42(2) should be used, giving individual Members a real opportunity to influence Union legislation and to incorporate a given proposal into the work of Parliament’s committees;
J. the quality and relevance of some written declarations, and in particular their concordance with the competences of the Union as set out in Title I of Part I of the Treaty on the Functioning of the European Union, can be underwhelming; in the next term, therefore, Parliament might assess the impact of the new provisions of its Rules of Procedure concerning written declarations and examine their effectiveness;

1. Decides to amend its Rules of Procedure as shown below;

2. Takes the view that the institutions to which a written declaration is addressed should inform Parliament about the intended follow-up within three months from receipt of such a declaration; intends, moreover, to seek an agreement with the Commission on this principle on the occasion of the next negotiations on the revision of the Framework Agreement on relations between the European Parliament and the European Commission;

3. Points out that the amendments will enter into force on the first day of the next part-session;

4. Welcomes the decision of the Bureau to limit extensive advertising of written declarations, thus allowing untroubled access to Parliament’s Chamber for its Members;

5. Instructs its President to forward this decision to the Council and the Commission, for information.

### Amendment 6

**Parliament’s Rules of Procedure**

**Rule 42 — paragraphs 2 and 3**

<table>
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<th>Present text</th>
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| 2. Any Member may table a proposal for a Union act on the basis of the right of initiative granted to Parliament under Article 225 of the Treaty on the Functioning of the European Union.                                                                 | 2. Any Member may table a proposal for a Union act on the basis of the right of initiative granted to Parliament under Article 225 of the Treaty on the Functioning of the European Union.  
**Such a proposal may be tabled together by up to 10 Members. The proposal shall indicate its legal basis and may be accompanied by an explanatory statement of no more than 150 words.**                                                                                                    |
| 3. The proposal shall be submitted to the President, who shall refer it to the committee responsible for consideration. Before such referral, the proposal shall be translated into those official languages which the Chair of that committee considers necessary in order to make summary consideration possible. The committee shall take a decision on further action within three months of the referral, and after having heard the author of the proposal. | 3. The proposal shall be submitted to the President, who shall verify whether the legal requirements are fulfilled. He may refer the proposal for an opinion on the appropriateness of the legal basis to the committee responsible for such verification. If the President declares the proposal admissible, he shall announce it in plenary and refer it to the committee responsible.  
**Before such referral to the committee responsible, the proposal shall be translated into those official languages which the Chair of that committee considers necessary in order to make summary consideration possible.**                                                                 |
|                                                                                                                                                                                                            |                                                                                                                                                                                                          |
|                                                                                                                                                                                                            | The committee may recommend to the President that the proposal be opened for signature by any Member, subject to the modalities and deadlines set out in Rule 123(1a), 123(2) and 123(5).                                                                                     |
Present text

Where the committee decides to submit the proposal to Parliament in accordance with the procedure set out in Rule 48, the author of the proposal shall be named in the title of the report.

Amendment

Where such a proposal is signed by a majority of Parliament’s component members, the report on the proposal shall be deemed to be authorised by the Conference of Presidents. The committee shall draw up a report in accordance with Rule 48, after having heard the authors of the proposal.

Where a proposal is not opened for additional signatures or is not signed by a majority of Parliament’s component Members the committee responsible shall take a decision on further action within three months of the referral, and after having heard the authors of the proposal.

The authors of the proposal shall be named in the title of the report.

Amendment 1

Parliament’s Rules of Procedure
Rule 123 — paragraph 1

Present text

1. Up to five Members may submit a written declaration of not more than 200 words on a matter falling within the competence of the European Union which does not cover issues that are the subject of an ongoing legislative process. Authorisation shall be given by the President on a case-by-case basis. Written declarations shall be printed in the official languages and distributed. They shall be entered with the names of the signatories, in a register. This register shall be public and shall be kept outside the entrance to the Chamber during part-sessions and in an appropriate location, to be determined by the College of Quaestors, between part-sessions.

Amendment

1. At least 10 Members from at least three political groups may submit a written declaration of not more than 200 words relating exclusively to a matter falling within the competence of the European Union. The contents of such a declaration may not go beyond the form of a declaration. In particular, it may not call for any legislative action, contain any decision on matters for which specific procedures and competences are laid down in these Rules of Procedure or deal with the subject of ongoing proceedings in Parliament.

1a. The authorisation to proceed further shall be subject to a reasoned decision by the President pursuant to paragraph 1 in any given case. Written declarations shall be published in the official languages on Parliament’s website and distributed electronically to all Members. They shall be entered, with the names of the signatories, in an electronic register. This register shall be public and shall be accessible through Parliament’s website. Hard copies of written declarations with signatures will be also kept by the President.
Amendment 2
Parliament’s Rules of Procedure
Rule 123 — paragraph 2

Present text

2. The signature of any Member may be added to a declaration entered in the register.

Amendment

2. The signature of any Member may be added to a declaration entered in the electronic register. It may be withdrawn at any time before the end of a period of three months from the entry of the declaration in the register. In the event of such a withdrawal the Member concerned shall not be permitted to add his or her signature again to the declaration.

Amendment 7
Parliament’s Rules of Procedure
Rule 123 — paragraph 3

Present text

3. Where a declaration is signed by a majority of Parliament’s component Members, the President shall notify Parliament accordingly and publish the names of the signatories in the minutes and the declaration as a text adopted.

Amendment

3. Where, at the end of a period of three months from its being entered in the register, a declaration is signed by a majority of Parliament’s component Members, the President shall notify Parliament accordingly. Without binding Parliament, the declaration shall be published in the minutes with the names of its signatories.

Amendment 4
Parliament’s Rules of Procedure
Rule 123 — paragraph 4 a (new)

Present text

4a. Where the institutions to which the adopted declaration has been addressed do not inform Parliament about the intended follow-up within three months from its receipt, the matter shall, at the request of one of the authors of the declaration, be placed on the agenda of a subsequent meeting of the committee responsible.

Amendment

4a. Where the institutions to which the adopted declaration has been addressed do not inform Parliament about the intended follow-up within three months from its receipt, the matter shall, at the request of one of the authors of the declaration, be placed on the agenda of a subsequent meeting of the committee responsible.

Amendment 5
Parliament’s Rules of Procedure
Rule 123 — paragraph 5

Present text

5. A written declaration that has remained in the register for over three months and has not been signed by at least one half of the component Members of Parliament shall lapse.

Amendment

5. A written declaration that has remained in the register for over three months and is not signed by at least one half of the component Members of Parliament shall lapse, without any possibility of that three-month period being extended.
III

(Preparatory acts)

EUROPEAN PARLIAMENT

P7_TA(2012)0466

Macro-financial assistance to the Kyrgyz Republic ***I


(Ordinary legislative procedure: first reading)

(2015/C 434/21)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2011)0925),

— having regard to Article 294(2) and Article 209 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0521/2011),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to Rule 55 of its Rules of Procedure,

— having regard to the report of the Committee on International Trade (A7-0208/2012),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;

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

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 209 thereof,

Having regard to the proposal from the European Commission,
After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure (1),

Whereas:

(1) Cooperation with the EU is based on a Partnership and Cooperation Agreement (PCA) that entered into force in 1999. The EU grants Generalised System of Preferences (GSP) treatment to the Kyrgyz Republic.

(2) Kyrgyz economy has been affected by the international financial crisis in 2009 and by the ethnic violence of June 2010, which disrupted economic activities, creating substantial public expenditure needs for reconstruction and social assistance, and resulted in important external and budgetary financial gaps.

(3) At the High Level Donors Meeting held in July 2010, the international community pledged USD 1,1 billion in emergency support to assist in the recovery of the Kyrgyz Republic. The EU announced that it would provide up to EUR 117,9 million as financial assistance at this High Level Donors Meeting.

(4) The EU Foreign Affairs Council, in its conclusions on the Kyrgyz Republic of 26 July 2010, welcomed the efforts of the new Kyrgyz government to establish a democratic institutional framework and invited the Commission to 'continue providing assistance, including new assistance programmes, to the Kyrgyz authorities in the implementation of their reform programme and to contribute to sustainable economic and social development of the country'.

(5) EU political and economic support to the Kyrgyz Republic's incipient parliamentary democracy will provide a political signal of strong EU support to democratic reforms in Central Asia, consistent with the EU policy towards the region spelled out in the Strategy for Central Asia for 2007-2013 and with statements by EU leaders.

(6) The economic adjustment and reform process of the Kyrgyz Republic is supported by financial assistance from the International Monetary Fund (IMF). In June 2011, the Kyrgyz authorities agreed with the three-year IMF Extended Credit Facility of SDR 66,6 million in support of the country.

(7) The EU intends to provide sectoral budget support to the Kyrgyz Republic under the Development Cooperation Instrument for a total of EUR 33 million over the period 2011 — 2013 to support reforms in social protection, education and public financial management.

(8) The Kyrgyz Republic requested in 2010 EU macro-financial assistance in view of the worsening economic situation and outlook.

(9) Given that, after taking into account macroeconomic support from the IMF and the World Bank, there is still a residual financing gap in the balance of payments, and given the vulnerability of the external position to exogenous shocks which requires maintaining an appropriate level of the foreign exchange reserves, macro-financial assistance is considered an appropriate response to the Kyrgyz Republic's request under the current exceptional circumstances. The EU's macro-financial assistance programme to the Kyrgyz Republic (hereinafter 'the Union's macro-financial assistance') would support the country's economic stabilisation and the structural reform agenda, supplementing the resources being made available under the IMF's financial arrangement.

(10) The Union's macro-financial assistance should not merely supplement programmes and resources from the IMF and the World Bank, but should also ensure the added value of Union's involvement.

(11) The Commission should ensure that the Union's macro-financial assistance is legally and substantially in line with the measures taken within the different areas of external action and other relevant Union policies.

(12) The specific objectives of the Union's macro-financial assistance should strengthen efficiency, transparency and accountability of the public finance management in the Kyrgyz Republic. These objectives should be regularly monitored by the Commission.

The conditions underlying the provision of the Union's macro-financial assistance should reflect the key principles and objectives of the Union's policy towards the Kyrgyz Republic.

In order to ensure efficient protection of the EU's financial interests linked to this macro-financial assistance, it is necessary that the Kyrgyz Republic adopt appropriate measures relating to the prevention of, and the fight against, fraud, corruption and any other irregularities linked to this assistance. It is also necessary that the Commission provide for appropriate controls and that the Court of Auditors provide for appropriate audits.

The release of the EU's financial assistance is without prejudice to the powers of the budgetary authority.

The assistance should be managed by the Commission. In order to ensure that the European Parliament and the Economic and Financial Committee are able to follow the implementation of this Decision, the Commission should regularly inform them of developments relating to the assistance and provide them with relevant documents.

In order to ensure uniform conditions for the implementation of this Decision, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (1).

The release of the Union's financial assistance shall be managed by the Commission in a manner consistent with the agreements or understandings reached between the IMF and the Kyrgyz Republic and with the key principles and objectives of economic reforms set out in the EU-Kyrgyz Republic Partnership and Cooperation Agreement and in the Strategy for Central Asia for 2007-2013. The Commission shall regularly inform the European Parliament and the Economic and Financial Committee of developments in the management of the assistance and provide them with relevant documents.

According to the International Monetary Fund, the Kyrgyz Republic falls under the category of 'emerging and developing economies'; according to the World Bank, the Kyrgyz Republic is part of the group of 'low-income economies' and 'IDA countries'; according to the UN-OHRLLS (2), the Kyrgyz Republic falls under the category of 'landlocked-developing country'; according to the OECD/Development Assistance Committee, the Kyrgyz Republic is in the list of 'other low income countries'. Therefore, the Kyrgyz Republic should be considered as being a developing country in the sense of Article 208 TFEU, which justifies the choice of Article 209 TFEU as a legal basis for this Decision.

HAVE ADOPTED THIS DECISION:

Article 1

1. The European Union shall make macro-financial assistance available to the Kyrgyz Republic for a maximum amount of EUR 30 million, with a view to supporting the country's economic stabilisation and covering its balance of payments needs as identified in the current IMF programme. Of this amount, up to EUR 15 million shall be provided in the form of loans and up to EUR 15 million in the form of grants. The release of the proposed macro-financial assistance is subject to the approval of the 2013 Budget by the budgetary authority. The Commission is empowered to borrow the necessary resources on behalf of the European Union in order to finance the loan component of the Union's macro-financial assistance. The loan shall have a maximum maturity of 15 years.

2. The release of the Union's financial assistance shall be managed by the Commission in a manner consistent with the agreements or understandings reached between the IMF and the Kyrgyz Republic and with the key principles and objectives of economic reforms set out in the EU-Kyrgyz Republic Partnership and Cooperation Agreement and in the Strategy for Central Asia for 2007-2013. The Commission shall regularly inform the European Parliament and the Economic and Financial Committee of developments in the management of the assistance and provide them with relevant documents.

3. The European Union financial assistance shall be made available for two years starting from the first day after the entry into force of the Memorandum of Understanding referred to in Article 2(1).

(2) UN Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States.
Article 2

1. The Commission, acting in accordance with the advisory procedure referred to in Article 6(2), shall be empowered to agree with the authorities of the Kyrgyz Republic on the economic policy and financial conditions attached to the European Union macro-financial assistance, to be laid down in a Memorandum of Understanding which shall include a timeframe for their fulfilment (hereafter the ‘Memorandum of Understanding’). The economic policy and financial conditions set out in the Memorandum of Understanding shall be consistent with the agreements or understandings referred to in Article 1(2). These conditions will aim, in particular, at strengthening the efficiency, transparency and accountability of the assistance, including public finance management systems in the Kyrgyz Republic. Progress in attaining these objectives shall be regularly monitored by the Commission. The detailed financial terms of the assistance shall be laid down in the Grant Agreement and the Loan Agreement to be agreed between the Commission and the authorities of the Kyrgyz Republic.

2. During the implementation of the European Union financial assistance, the Commission shall monitor the soundness of the Kyrgyz Republic’s financial arrangements, the administrative procedures and the internal and external control mechanisms which are relevant to such assistance and the adherence to the agreed timeframe.

3. The Commission shall verify at regular intervals that the economic policies of the Kyrgyz Republic are in accordance with the objectives of the Union’s macro-financial assistance and that the agreed economic policy conditions are being satisfactorily fulfilled. In doing so, the Commission shall coordinate closely with the IMF and the World Bank, and, when required, with the Economic and Financial Committee.

Article 3

1. Subject to the conditions of paragraph 2, the European Union financial assistance shall be made available by the Commission to the Kyrgyz Republic in two instalments, each of them consisting of a loan and a grant element. The size of each instalment shall be laid down in the Memorandum of Understanding.

2. The Commission shall decide on the release of the instalments subject to a satisfactory implementation of the economic policy conditions agreed in the Memorandum of Understanding. The disbursement of the second instalment shall not take place earlier than three months after the release of the first instalment.

3. The European Union funds shall be paid to the National Bank of the Kyrgyz Republic. Subject to provisions to be agreed in the Memorandum of Understanding, including a confirmation of residual budgetary financing needs, the Union funds may be transferred to the Treasury of the Kyrgyz Republic as the final beneficiary.

Article 4

1. The borrowing and lending operations related to the loan component of the European Union assistance shall be carried out in euro using the same value date and shall not involve the European Union in the transformation of maturities, in any exchange or interest rate risks, or in any other commercial risk.

2. The Commission shall take the necessary steps, if the Kyrgyz Republic so requests, to ensure that an early repayment clause is included in the loan terms and conditions and that it is matched by a corresponding clause in the terms and conditions of the borrowing operations.

3. At the request of the Kyrgyz Republic and where circumstances permit an improvement of the interest rate of the loan, the Commission may refinance all or part of its initial loan or restructure the corresponding financial conditions. Refinancing or restructuring operations shall be carried out in accordance with the conditions set out in paragraph 1 and shall not have the effect of extending the average maturity of the loan concerned or increasing the amount of capital outstanding at the date of the refinancing or restructuring.

4. All costs incurred by the European Union which are related to the borrowing and lending operations under this Decision shall be borne by the Kyrgyz Republic.

5. The European Parliament and the Economic and Financial Committee shall be kept informed of developments in the operations referred to in paragraphs 2 and 3.
Article 5

The European Union financial assistance shall be implemented in accordance with the provisions of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (1) and its implementing rules. In particular, the Memorandum of Understanding, the Loan Agreement and the Grant Agreement to be agreed with the authorities of the Kyrgyz Republic shall provide for appropriate measures in relation to the prevention of, and the fight against, fraud, corruption and other irregularities affecting the assistance. In order to ensure greater transparency in the management and disbursement of funds, the Memorandum of Understanding, the Loan Agreement and the Grant Agreement shall also provide for controls, including on-the-spot checks and inspections, to be carried out by the Commission, including the European Anti-Fraud Office. Those documents shall, in addition, provide for audits, including where appropriate on-the-spot audits, by the Court of Auditors.

Article 6

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

Article 7

1. By 30 June of each year, the Commission shall submit to the European Parliament and to the Council a report on the implementation of this Decision in the preceding year, including an evaluation thereof. The report shall indicate the connection between the economic policy conditions as laid down in the Memorandum of Understanding, the Kyrgyz Republic’s on-going economic and fiscal performance and the Commission’s decisions to release the instalments of the assistance.

2. No later than two years after the expiry of the availability period referred to in Article 1(3), the Commission shall submit to the European Parliament and to the Council an ex post evaluation report.

Article 8

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

Done at

For the European Parliament

The President

For the Council

The President

Energy-efficiency labelling programme for office equipment


(Ordinary legislative procedure: first reading)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2012)0109),

— having regard to Article 294(2) and Article 194(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0077/2012),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Economic and Social Committee of 25 April 2012 (1),

— after consulting the Committee of the Regions,

— having regard to the undertaking given by the Council representative by letter of 26 October 2012 to approve Parliament’s position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

— having regard to Rule 55 of its Rules of Procedure,

— having regard to the report of the Committee on Industry, Research and Energy (A7-0382/2012),

1. Adopts its position at first reading hereinafter set out:

2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text:

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

P7_TC1-COD(2012)0049


(As an agreement was reached between Parliament and Council, Parliament’s position corresponds to the final legislative act, Regulation (EU) No 174/2013.)

Transitional arrangements for bilateral investment agreements between Member States and third countries ***II


(Ordinary legislative procedure: second reading)

(2015/C 434/23)

The European Parliament,

— having regard to the Council position at first reading (11917/1/2012 — C7–0328/2012),

— having regard to its position at first reading (1) on the Commission proposal to Parliament and the Council (COM(2010) 0344),

— having regard to the letter of the Chair of the Committee on International Trade of 31 May 2012 undertaking to recommend to the plenary to approve Council’s position at first reading,

— having regard to Article 294(7) of the Treaty on the Functioning of the European Union,

— having regard to Rule 72 of its Rules of Procedure,

— having regard to the recommendation for second reading of the Committee on International Trade (A7-0389/2012),

1. Approves the Council position at first reading;

2. Approves the joint statement by Parliament, the Council and the Commission annexed to this resolution;

3. Notes that the act is adopted in accordance with the Council position;

4. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;

5. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the Official Journal of the European Union, together with the joint statement by Parliament, the Council and the Commission;

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

ANNEX TO THE LEGISLATIVE RESOLUTION

Statement by the European Parliament, the Council and the Commission

The fact that this Regulation, including recitals 17, 18 and 19, provides for the use of the procedures referred to in Regulation (EU) No 182/2011 does not constitute a precedent as to future regulations allowing the Union to empower the

Member States under Article 2(1) TFEU to legislate and adopt legally binding acts in areas of Union exclusive competence. Furthermore, in this Regulation, the use of the advisory as opposed to the examination procedure shall not be considered as setting a precedent for future regulations establishing the framework for the common commercial policy.

P7_TA(2012)0472

Macro-financial assistance for Georgia ***II

European Parliament legislative resolution of 11 December 2012 on the Council position at first reading with a view to the adoption of a decision of the European Parliament and of the Council providing further macro-financial assistance to Georgia (05682/1/2012 — C7-0221/2012 — 2010/0390(COD))

(Ordinary legislative procedure: second reading)

(2015/C 434/24)

The European Parliament,

— having regard to the Council position at first reading (05682/1/2012 — C7-0221/2012),

— having regard to its position at first reading (1) on the Commission proposal to Parliament and the Council (COM(2010) 0804),

— having regard to Article 294(7) of the Treaty on the Functioning of the European Union,

— having regard to Rule 66 of its Rules of Procedure,

— having regard to the recommendation for second reading of the Committee on International Trade (A7-0363/2012),

1. Adopts its position at second reading hereinafter set out;

2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC2-COD(2010)0390

Position of the European Parliament adopted at second reading on 11 December 2012 with a view to the adoption of Decision No .../2013/EU of the European Parliament and of the Council on providing further macro-financial assistance to Georgia

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 212(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure (1),

Whereas:

(1) Relations between Georgia and the European Union are developing within the framework of the European Neighbourhood Policy. In 2006, the Community and Georgia agreed on a European Neighbourhood Policy Action Plan identifying medium-term priorities in EU-Georgia relations. In 2010, the Union and Georgia launched the negotiations of an Association Agreement that is expected to replace the existing Partnership and Cooperation Agreement (2). The framework of EU-Georgia relations is further enhanced by the newly launched Eastern Partnership.

(2) The extraordinary European Council meeting on 1 September 2008 confirmed the Union's willingness to strengthen EU-Georgia relations in the aftermath of the armed conflict in August 2008 between Georgia and the Russian Federation.

(3) The Georgian economy has been affected by the international financial crisis since the third quarter of 2008, with declining output, falling fiscal revenues and rising external financing needs.

(4) At the International Donors' Conference held on 22 October 2008, the international community pledged support to Georgia's economic recovery in line with the Joint Needs Assessment carried out by the United Nations and the World Bank.

(5) The Union announced that it would provide up to EUR 500 million as financial assistance to Georgia.

(6) Georgian economic adjustment and recovery is supported by financial assistance from the International Monetary Fund (IMF). In September 2008, the Georgian authorities agreed with the IMF on a Stand-By Arrangement of USD 750 million to support the Georgian economy in making the necessary adjustments in the light of the financial crisis.

(7) Following a further deterioration of Georgia's economic situation and a necessary revision of the underlying economic assumptions of the IMF programme, as well as Georgia's greater external financing needs, an agreement was reached between Georgia and the IMF for a loan increase of USD 424 million under the Stand-By Arrangement, which was approved in August 2009 by the IMF Board.

(8) The Union intends to provide, in 2010-2012, under the European Neighbourhood and Partnership Instrument (ENPI), budget support grants to Georgia of EUR 37 million per year.

(9) Georgia has requested Union macro-financial assistance in view of Georgia's deteriorating economic situation and outlook.

(10) Given that there is still a residual financing gap in Georgia's balance of payments, macro-financial assistance is considered an appropriate response to Georgia's request under the current exceptional circumstances to support economic stabilisation in conjunction with the current IMF programme.

(11) The Union macro-financial assistance to be provided to Georgia ('the Union's macro-financial assistance') should not merely supplement programmes and resources from the IMF and the World Bank, but should ensure the added value of Union involvement.

(12) The Commission should ensure that the Union's macro-financial assistance is legally and substantially in line with the measures taken within the different areas of external action and other relevant Union policies.


(2) Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Georgia, of the other part (OJ L 209, 4.8.1999, p. 3).
The specific objectives of the Union’s macro-financial assistance should strengthen efficiency, transparency and accountability. Those objectives should be regularly monitored by the Commission.

The conditions underlying the provision of the Union’s macro-financial assistance should reflect the key principles and objectives of Union policy towards Georgia.

In order to ensure efficient protection of the Union’s financial interests linked to the Union’s macro-financial assistance, it is necessary that Georgia adopt appropriate measures relating to the prevention of, and the fight against, fraud, corruption and any other irregularities linked to that assistance. It is also necessary that the Commission provide for appropriate controls and that the Court of Auditors provide for appropriate audits.

The release of the Union’s macro-financial assistance is without prejudice to the powers of the budgetary authority.

The Union’s macro-financial assistance should be managed by the Commission. In order to ensure that the European Parliament and the Economic and Financial Committee are able to follow the implementation of this Decision, the Commission should regularly inform them of developments relating to the assistance and provide them with relevant documents.

In order to ensure uniform conditions for the implementation of this Decision, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission’s exercise of implementing powers (1).

HAVE ADOPTED THIS DECISION:

Article 1

1. The Union shall make macro-financial assistance available to Georgia (‘the Union’s macro-financial assistance’) of a maximum amount of EUR 46 million, with a view to supporting Georgia’s economic stabilisation and covering its balance of payments needs, as identified in the current IMF programme. Of that maximum amount, up to EUR 23 million shall be provided in the form of grants and up to EUR 23 million in the form of loans. The release of the Union’s macro-financial assistance shall be subject to the approval of the 2013 Union budget by the budgetary authority.

2. The Commission shall be empowered to borrow the necessary resources on behalf of the Union in order to finance the loan component of the Union’s macro-financial assistance. The loan shall have a maximum maturity of 15 years.

3. The release of the Union’s macro-financial assistance shall be managed by the Commission in a manner consistent with the agreements or understandings reached between the IMF and Georgia and with the key principles and objectives of economic reform set out in the EU-Georgia Partnership and Cooperation Agreement. The Commission shall regularly inform the European Parliament and the Economic and Financial Committee of developments in the management of the Union’s macro-financial assistance and provide them with relevant documents.

4. The Union’s macro-financial assistance shall be made available for two years and six months starting from the first day after the entry into force of the Memorandum of Understanding referred to in Article 2(1).

Article 2

1. The Commission shall, in accordance with the advisory procedure referred to in Article 6(2), adopt a Memorandum of Understanding containing the economic policy and financial conditions to which the Union’s macro-financial assistance is subject, including a time-frame for meeting those conditions. The economic policy and financial conditions set out in the Memorandum of Understanding shall be consistent with the agreements or understandings referred to in Article 1(3). Those conditions shall aim, in particular, at strengthening the efficiency, transparency and accountability of the Union’s macro-financial assistance, including public finance management systems in Georgia. Progress in attaining those objectives shall be

regularly monitored by the Commission. The detailed financial terms of the Union's macro-financial assistance shall be laid down in the Grant Agreement and the Loan Agreement to be agreed between the Commission and the Georgian authorities.

2. During the implementation of the Union's macro-financial assistance, the Commission shall monitor the soundness of Georgia's financial arrangements, the administrative procedures and the internal and external control mechanisms which are relevant to such assistance, as well as Georgia's adherence to the agreed timeframe.

3. The Commission shall verify at regular intervals that Georgia's economic policies are in accordance with the objectives of the Union's macro-financial assistance and that the agreed economic policy conditions are being satisfactorily fulfilled. To that end, the Commission shall coordinate closely with the IMF and the World Bank, and, where required, with the Economic and Financial Committee.

Article 3

1. Subject to the conditions set out in paragraph 2, the Union's macro-financial assistance shall be made available by the Commission in two instalments, each of them consisting of a grant and a loan element. The size of each instalment shall be laid down in the Memorandum of Understanding.

2. The Commission shall decide on the release of the instalments subject to satisfactory implementation of the economic policy and financial conditions agreed in the Memorandum of Understanding. The disbursement of the second instalment shall take place no earlier than three months after the release of the first instalment.

3. The Union's funds shall be paid to the National Bank of Georgia. Subject to provisions to be agreed in the Memorandum of Understanding, including a confirmation of residual budgetary financing needs, the Union's funds may be transferred to the Treasury of Georgia as the final beneficiary.

Article 4

1. The borrowing and lending operations relating to the loan component of the Union's macro-financial assistance shall be carried out in euro using the same value date and shall not involve the Union in the transformation of maturities, in any exchange or interest rate risks, or in any other commercial risk.

2. The Commission shall take the necessary steps, if Georgia so requests, to ensure that an early repayment clause is included in the loan terms and conditions and that it is matched by a corresponding clause in the terms and conditions of the Commission's borrowing operations.

3. Upon request by Georgia, and where circumstances permit an improvement of the interest rate of the loan, the Commission may refinance all or part of its initial loan or restructure the corresponding financial conditions. Refinancing or restructuring operations shall be carried out in accordance with the conditions set out in paragraph 1 and shall not have the effect of extending the average maturity of the loan concerned or increasing the amount of capital outstanding at the date of the refinancing or restructuring.

4. All costs incurred by the Union which are related to the borrowing and lending operations under this Decision shall be borne by Georgia.

5. The Commission shall keep the European Parliament and the Economic and Financial Committee informed of developments in the operations referred to in paragraphs 2 and 3.

Article 5

The Union's macro-financial assistance shall be implemented in accordance with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities and its implementing rules. In particular, the Memorandum of Understanding, the Loan Agreement and the Grant Agreement to be agreed with the Georgian authorities shall provide for specific measures in relation to the prevention of, and the fight against, fraud, corruption and any other irregularities affecting the Union's macro-financial assistance. In order to ensure greater transparency in the management and disbursement of funds, the Memorandum of Understanding shall provide for specific measures in relation to the prevention of, and the fight against, fraud, corruption and any other irregularities affecting the Union's macro-financial assistance.


Understanding, the Loan Agreement and the Grant Agreement shall also provide for controls, including on-the-spot checks and inspections, to be carried out by the Commission, including the European Anti-Fraud Office. Those documents shall also provide for audits, including where appropriate on-the-spot audits, by the Court of Auditors.

Article 6

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

Article 7

1. By 30 June of each year, the Commission shall submit to the European Parliament and to the Council a report on the implementation of this Decision in the preceding year, including an evaluation thereof. The report shall indicate the connection between the economic policy and financial conditions laid down in the Memorandum of Understanding, Georgia's on-going economic and fiscal performance and the Commission's decisions to release the instalments of the Union's macro-financial assistance.

2. No later than two years after the expiry of the availability period referred to in Article 1(4), the Commission shall submit to the European Parliament and to the Council an ex post evaluation report.

Article 8

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

Done at…,

For the European Parliament
The President
[Am. 1]

For the Council
The President

European Maritime Safety Agency ***II


(Ordinary legislative procedure: second reading)

(2015/C 434/25)

The European Parliament,

— having regard to the Council position at first reading (10090/2/2012 — C7-0329/2012),

— having regard to the opinion of the European Economic and Social Committee of 16 February 2011 (1),

— after consulting the Committee of the Regions,

(1) OJ C 107, 6.4.2011, p. 68.
Tuesday 11 December 2012

— having regard to its position at first reading (1) on the Commission proposal to Parliament and the Council (COM(2010) 0611),

— having regard to Article 294(7) of the Treaty on the Functioning of the European Union,

— having regard to Rule 72 of its Rules of Procedure,

— having regard to the recommendation for second reading of the Committee on Transport and Tourism (A7-0387/ 2012),

1. Approves the Council position at first reading;

2. Notes that the act is adopted in accordance with the Council position;

3. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;

4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the Official Journal of the European Union;

5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TA(2012)0474

Creation of unitary patent protection ***I


(Ordinary legislative procedure: first reading)

(2015/C 434/26)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2011)0215),

— having regard to Article 294(2) and the first paragraph of Article 118 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0099/2011),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Spanish Congress of Deputies and the Spanish Senate and by the Italian Chamber of Deputies, asserting that the draft legislative act does not comply with the principle of subsidiarity,

— having regard to the undertaking given by the Council representative by letter of 19 November 2012 to approve Parliament’s position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

— having regard to Rule 55 of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs and the opinion of the Committee on Industry, Research and Energy (A7-0001/2012).

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;

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

P7_TC1-COD(2011)0093


(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 1257/2012.)

P7_TA(2012)0475

Unitary patent protection *

European Parliament legislative resolution of 11 December 2012 on the proposal for a Council regulation implementing enhanced cooperation in the area of the creation of unitary patent protection with regard to the applicable translation arrangements (COM(2011)0216 — C7-0145/2011 — 2011/0094(CNS))

(Special legislative procedure — consultation)

(2015/C 434/27)

The European Parliament,

— having regard to the Commission proposal to the Council (COM(2011)0216),

— having regard to the second paragraph of Article 118 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0145/2011),

— having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Spanish Congress of Deputies and the Spanish Senate and by the Italian Chamber of Deputies, asserting that the draft legislative act does not comply with the principle of subsidiarity,

— having regard to Rule 55 of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs (A7-0002/2012),

1. Approves the Commission proposal as amended;

2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;

3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
4. Asks the Council to consult Parliament again if it intends to substantially amend the Commission proposal;

5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### Amendment 1
Proposal for a regulation

**Recital 6**

**Text proposed by the Commission**

(6) Since the European Patent Office is responsible for the grant of European patents, the translation arrangements for the European patent with unitary effect should be built on the current procedure in the European Patent Office. Those arrangements should aim at achieving the necessary balance between the interests of economic operators and the public interest in terms of the cost of proceedings and the availability of technical information.

**Amendment**

(6) Since the European Patent Office is responsible for the grant of European patents, the translation arrangements for the European patent with unitary effect should be built on the current procedure in the European Patent Office. Those arrangements should aim at achieving the necessary balance between the interests of economic operators, in particular small and medium-sized enterprises, and the public interest in terms of the cost of proceedings and the availability of technical information.

### Amendment 2
Proposal for a regulation

**Recital 9**

**Text proposed by the Commission**

(9) In order to facilitate access to European patents with unitary effect, in particular for small and medium-size enterprises, applicants who do not have a language in common with one of the official languages of the European Patent Office should be able to file their patent applications at the European Patent Office in any other official language of the Union. As a complementary measure, for applicants obtaining European patents with unitary effect and having their residence or principal place of business within a Member State of the Union which has as an official language a language other than one of the official languages of the European Patent Office, a system of additional reimbursements of the costs related to the translation from that language into the language of the proceedings of the European Patent Office, beyond what is currently already in place at the European Patent Office, should be administered by the European Patent Office in accordance with Article 12 of Regulation xx/xx [substantive provisions].

**Amendment**

(9) In order to facilitate access to European patents with unitary effect, in particular for small and medium-sized enterprises, applicants who do not have a language in common with one of the official languages of the European Patent Office should be able to file their patent applications at the European Patent Office in any other official language of the Union. As a complementary measure, small and medium-sized enterprises, natural persons and non-profit organisations obtaining European patents with unitary effect and having their residence or principal place of business within a Member State of the Union which has as an official language a language other than one of the official languages of the European Patent Office should benefit from a system of additional reimbursements of the costs related to the translation from that language into the language of the proceedings of the European Patent Office, beyond what is currently already in place at the European Patent Office. The system of additional reimbursements should be administered by the European Patent Office in accordance with Article 9 of Regulation (EU) No [...] of the European Parliament and of the Council implementing enhanced cooperation in the area of the creation of unitary patent protection.
Amendment 3
Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

(9a) The modalities and the level of reimbursement of the additional translation costs should be conceived in a way which, in principle, ensures full compensation of the translation costs; a ceiling per page is necessary in order to reflect the normal average market price for translation and to avoid abuse.

Amendment 4
Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) In order to promote the availability of patent information and the dissemination of technological knowledge, machine translations of patent applications and specifications into all official languages of the Union should be available as soon as possible. Machine translations are being developed by the European Patent Office and are a very important tool seeking to improve access to patent information and to disseminate widely the technological knowledge. The timely availability of high quality machine translations of European patent applications and specifications into all official languages of the Union would benefit all the users of the European patent system. Machine translations are a key feature of European Union policy. Such machine translations should serve for information purposes only and should not have any legal effect. They should be made available online and free of charge on publication of the patent application and of the granted patent.
Amendment 5
Proposal for a regulation
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) After the end of the transitional period, the European Patent Office should continue to publish an additional translation into English of the specification of the European patent provided voluntarily by the applicant. This would provide further international publicity and limit the possibility of an infringer arguing that it had acted in good faith.

Amendment 6
Proposal for a regulation

Article 1

Text proposed by the Commission

Amendment

1. This Regulation implements the enhanced cooperation in the area of the creation of unitary patent protection authorised by Council Decision 2011/167/EU with regard to the applicable translation arrangements. It regulates the translation arrangements applicable to European patents to the extent that they have unitary effect.

1a. This Regulation is without prejudice to the rules governing the languages of the institutions of the Union established in accordance with Article 342 of the Treaty on the Functioning of the European Union and to Council Regulation No 1/1958.

1b. This Regulation is based on the linguistic regime of the European Patent Office and should not be regarded as creating a specific linguistic regime for the Union, or as creating a precedent for a limited language regime in any future legal instrument of the Union.

Amendment 7
Proposal for a regulation

Article 3 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Once available, the machine translations of patent applications and specifications into all languages of the Union as referred to in Article 6(3) shall be made available online and free of charge on publication of the patent application and of the granted patent.
Amendment 8
Proposal for a regulation
Article 3 — paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. After the end of the transitional period referred to in Article 6 and in accordance with Article 9 of Regulation (EU) No […]/2012 of the European Parliament and of the Council implementing enhanced cooperation in the area of the creation of unitary patent protection, the participating Member States shall, pursuant to Article 143 of the EPC, give the European Patent Office the task of publishing an additional full translation of the specification into English, if such additional translation has been provided voluntarily by the applicant. Such translation shall not be carried out by automated means.

Amendment 9
Proposal for a regulation
Article 4 — paragraph 1

Text proposed by the Commission

Amendment

1. In the case of a dispute relating to a European patent with unitary effect, the patent proprietor shall provide at the request and the choice of an alleged infringer, a full translation of the patent into an official language of the participating Member State in which either the alleged infringement took place or in which the alleged infringer is domiciled.

Such translation shall not be carried out by automated means.

Amendment 10
Proposal for a regulation
Article 4 — paragraph 2

Text proposed by the Commission

Amendment

2. In the case of a dispute relating to a European patent with unitary effect, the patent proprietor shall provide in the course of legal proceedings, at the request of a court competent in the territories of the participating Member States for disputes concerning European patents with unitary effect, a full translation of the patent into the language of the proceedings of that court. Such translation shall not be carried out by automated means.
Amendment 11
Proposal for a regulation
Article 4 — paragraph 4

Text proposed by the Commission

4. In the case of a dispute concerning a claim for damages, the court hearing the dispute shall take into consideration that the alleged infringer may have acted without knowing or having reasonable grounds to know that he was infringing the patent before having been provided with the translation referred to in paragraph 1.

Amendment

4. In the case of a dispute concerning a claim for damages, the court hearing the dispute shall take into consideration whether, in particular if it is a small or medium-sized enterprise, a natural person, a non-profit organisation, a university or a public research organisation, the alleged infringer has acted without knowing or having reasonable grounds to know that he was infringing the patent before having been provided with the translation referred to in paragraph 1.

Amendments 12 and 13
Proposal for a regulation
Article 5

Text proposed by the Commission

Given the fact that European patent applications may be filed in any language under Article 14(2) of the EPC, in accordance with Article 12 of Regulation xx/xx [substantive provisions], the participating Member States, shall give, within the meaning of Article 143 of the EPC, the European Patent Office the task of administering a compensation scheme of reimbursing all translation costs up to a ceiling, from the fees referred to in Article 13 of that Regulation, for applicants filing patent applications at the European Patent Office in one of the official languages of the Union that is not an official language of the European Patent Office.

Amendment

1. Given the fact that European patent applications may be filed in any language under Article 14(2) of the EPC, in accordance with Article 9 of Regulation (EU) No [.../2012] of the European Parliament and of the Council implementing enhanced cooperation in the area of the creation of unitary patent protection, the participating Member States, shall give, within the meaning of Article 143 of the EPC, the European Patent Office the task of administering a compensation scheme of reimbursing all translation costs up to a ceiling, from the fees referred to in Article 10 of that Regulation, for applicants filing patent applications at the European Patent Office in one of the official languages of the Union that is not an official language of the European Patent Office.

1a. The compensation scheme referred to in paragraph 1 shall be funded through the fees referred to in Article 10 of Regulation (EU) No [.../2012] of the European Parliament and of the Council implementing enhanced cooperation in the area of the creation of unitary patent protection and shall be available only for small and medium-sized enterprises, natural persons, non-profit organisations, universities and public research organisations having their residence or principal place of business within a Member State of the Union.

1b. The compensation scheme referred to in paragraph 1 shall ensure full reimbursement of the translation costs up to a ceiling set in such a way as to reflect the average market price for translations and to avoid abuse.
Amendment 14
Proposal for a regulation
Article 6 — paragraph 1 — subparagraph 1 a (new)

Text proposed by the Commission
Amendment
Such translations shall not be carried out by automated means.

Amendment 15
Proposal for a regulation
Article 7 — paragraph 2

Text proposed by the Commission
Amendment
2. It shall apply from [a specific date will be set and it will coincide with the date of application of Regulation xx/xx on the implementation of enhanced cooperation in the area of the creation of unitary patent protection].

2. It shall apply from 1 January 2014 or from the date of entry into force of the Agreement on a Unified Patent Court, whichever is the later.
The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2011)0599),
— having regard to Article 294(2) and Article 207(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0306/2011),
— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
— having regard to the undertaking given by the Council representative by letter of 31 October 2012 to approve Parliament’s position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
— having regard to Rule 55 of its Rules of Procedure,
— having regard to the report of the Committee on International Trade and the opinion of the Committee on Agriculture and Rural Development (A7-0237/2012),

1. Adopts its position at first reading hereinafter set out (1);
2. Takes note of the Commission statement annexed to this resolution;
3. Approves the joint declaration by Parliament and the Commission annexed to this resolution;
4. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2011)0263

Position of the European Parliament adopted at first reading on 11 December 2012 with a view to the adoption of Regulation (EU) No .../2013 of the European Parliament and of the Council on implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other

(As an agreement was reached between Parliament and Council, Parliament’s position corresponds to the final legislative act, Regulation (EU) No 20/2013.)

(1) This position replaces the amendments adopted on 13 September 2012 (Texts adopted, P7_TA(2012)0348).
ANNEXES TO THE LEGISLATIVE RESOLUTION

COMMISSION STATEMENT

The Commission welcomes the first reading agreement between the European Parliament and the Council on Regulation (EU) No 20/2013 (\textsuperscript{1}).

As envisaged in Regulation (EU) No 20/2013, the Commission will submit an annual report to the European Parliament and to the Council on the implementation of Part IV of the Agreement and will be ready to discuss with the responsible committee of the European Parliament any issues arising from the implementation of Part IV of the Agreement.

The Commission will attach particular importance to the effective implementation of commitments on trade and sustainable development in the Agreement, taking into account the specific information provided by the relevant monitoring bodies of the fundamental Conventions of the International Labour Organisation and the multilateral environmental agreements listed in Title VIII of Part IV of the Agreement. In this context, the Commission will also seek the views of the relevant civil society advisory groups.

After the expiry of the Banana Stabilisation Mechanism on 31 December 2019, the Commission will assess the situation of the Union market for bananas and the state of Union banana producers. The Commission will report its findings to the European Parliament and the Council and would include a preliminary assessment of the functioning of the ‘Programme d’Options Spécifiques à l’Éloignement et l’Insularité’ (POSEI) in preserving the banana production in the Union.

JOINT DECLARATION

The European Parliament and the Commission agree on the importance of close cooperation in monitoring the implementation of Part IV of the Agreement and Regulation (EU) No 20/2013 (\textsuperscript{2}). To that end they agree on the following:

— Upon request by the responsible committee of the European Parliament, the Commission shall report to it on any specific concerns relating to the implementation by Central American countries of their commitments on trade and sustainable development.

— If the European Parliament adopts a recommendation to initiate a safeguard investigation, the Commission will carefully examine whether the conditions under Regulation (EU) No 20/2013 for ex-officio initiation are fulfilled. If the Commission considers that the conditions are not fulfilled, it will present a report to the responsible committee of the European Parliament including an explanation of all the factors relevant to the initiation of such an investigation.

P7_TA(2012)0478

EU-Central America association agreement

European Parliament resolution of 11 December 2012 on the draft Council decision on the conclusion of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America, on the other (16395/1/2011 — C7-0182/2012 — 2011/0303(NLE))

(2015/C 434/29)

The European Parliament,

— having regard to the draft Council decision (16395/1/2011),

— having regard to the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America, on the other (16396/2011),

\textsuperscript{1} OJ L 17, 19.1.2013, p. 13.
having regard to the request for consent submitted by the Council in accordance with Article 217 and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0182/2012),

— having regard to the trade chapter of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America, on the other,

— having regard to its resolutions of 15 November 2001 on a global partnership and a common strategy for relations between the European Union and Latin America (1), of 27 April 2006 on a stronger partnership between the European Union and Latin America (2), and of 24 April 2008 on the Fifth Latin America and Caribbean-European Union Summit in Lima (3),

— having regard to its resolutions of 1 June 2006 on trade and poverty: designing trade policies to maximise trade’s contribution to poverty relief (4), of 23 May 2007 on the EU’s Aid for Trade (5), of 21 October 2010 on the European Union’s trade relations with Latin America (6), and of 12 June 2012 on defining a new development cooperation with Latin America (7),

— having regard to its resolutions of 5 February 2009 on enhancing the role of European SMEs in international trade (8), of 25 November 2010 on human rights and social and environmental standards in international trade agreements (9), of 25 November 2010 on corporate social responsibility in international trade agreements (10), and of 27 September 2011 on a new trade policy for Europe under the Europe 2020 strategy (11),

— having regard to its resolutions of 5 May 2010 on the EU strategy for relations with Latin America (12) and of 5 July 2011 on increasing the impact of EU development policy (13),

— having regard to the resolutions of the Euro-Latin American Parliamentary Assembly (EuroLat), and specifically the resolutions adopted at the Fifth Ordinary Plenary Session held on 18 and 19 May 2011 in Montevideo, Uruguay, on the prospects for trade relations between the European Union and Latin America, on employment protection and creation strategies, especially for women and young people, and on relations between the European Union and Latin America in the field of security and defence,

— having regard to its recommendation of 15 March 2007 to the Council on the negotiating mandate for an association agreement between the European Union and its Member States, of the one part, and the countries of Central America, of the other part (14),

— having regard to the statements of the six Summits of Heads of State or Government of Latin America and the Caribbean and the EU that were held in Rio de Janeiro (28 and 29 June 1999), Madrid (17 and 18 May 2002), Guadalajara (28 and 29 May 2004), Vienna (12 and 13 May 2006), Lima (16 and 17 May 2008) and Madrid (17 and 18 May 2010),

— having regard to Rule 81(3) of its Rules of Procedure,

— having regard to the interim report of the Committee on Foreign Affairs and the opinions of the Committee on International Trade and the Committee on Development (A7-0360/2012),

(3) OJ C 259 E, 29.10.2009, p. 64.
(6) OJ C 70 E, 8.3.2012, p. 79.
(10) Texts adopted, P7_TA(2011)0412.
(11) OJ C 81 E, 15.3.2011, p. 54.
A. whereas the Association Agreement (AA) between the EU and Central America (CA) sets a major precedent by being the first bi-regional AA signed by the EU since the entry into force of the Treaty of Lisbon,

B. whereas the key objectives of the Bi-regional Strategic Partnership between the EU and Latin America are regional, social, economic and cultural integration underpinned by the conclusion of subregional and bilateral AAs,

C. whereas in order for the development of EU-Latin America partnership relations to be of mutual benefit and to bring advantages for both parties, it is essential that respect for democracy, the rule of law and full human rights for all members of society be seen as key elements of political dialogue,

D. whereas the Madrid Summit held in May 2010 led to the resumption of all the trade negotiations with Latin America that had been on ice for the last few years, concluding the negotiations on this AA,

E. whereas the development of relations with Latin America is of mutual benefit and brings advantages to all EU Member States,

F. whereas Parliament has expressed its concern with regard to violence against women in its resolution of 11 October 2007 on the murder of women (feminicide) in Mexico and Central America and the role of the European Union in fighting the phenomenon (1),

G. whereas the EU is the main investor and the second largest trading partner in CA as well as the main donor of development aid,

H. whereas respect for democracy, the rule of law and the human, civil and political rights of the people of both regions are fundamental elements of the Agreement,

I. whereas the Agreement includes a human rights clause which reciprocally requires the signatory parties to properly monitor human rights and to ensure that its practical enforceability is guaranteed,

J. whereas the Central American region is characterised by conditions of severe poverty, social exclusion and socio-environmental vulnerability,

K. whereas the AA implies a political and economic association between the EU and the region as formed by its different countries, taking into account the asymmetries and inequalities which exist between the two regions and among the various Central American countries,

L. whereas the aim of the AA should be to promote, inter alia, sustainable development, social cohesion and regional integration,

M. whereas the EU could contribute through cooperation to finding solutions aimed at ensuring security in the region — a matter of great concern in Central America,

N. whereas the AA meets the Union’s objective of promoting regional integration through trade, as laid down in the Commission Communication (COM(2010)0612) entitled ‘Trade, Growth and World Affairs’ and, in line with the Europe 2020 strategy, uses trade as an engine for competitiveness, development and job creation,

O. whereas the magnitude of the trade part of the AA will qualitatively and quantitatively extend the range of goods and services that will benefit from a free trade area and will establish a framework for legal security and certainty that will stimulate the flow of goods, services and investments,

P. whereas it is anticipated that the trade part of the AA will facilitate, on a sector-by-sector basis, immediate or gradual reductions in tariffs on an asymmetrical basis with the objective of creating a bi-regional free trade area subject to a stable and predictable regime that will encourage productive investment, greater penetration of the Central American region in world trade, efficient resource management and increased competitiveness,

Q. whereas one of the AA’s main objectives of contributing to greater regional integration and stability in CA will be achieved provided that the countries party to it (including Panama) show a clear political will and make a commitment to overcoming difficulties and achieving further dynamic integration, by adopting effective, equivalent and appropriate measures in order to generate mutually beneficial synergies and strengthen the provisions of the AA, thereby contributing to economic, political and social development,

R. whereas the establishment of a framework for strengthening legal certainty will bring positive effects for both parties, encouraging an increase in trade and investment flows and sectoral and geographical diversification; whereas the most significant effect for the Union will be the savings resulting from the staggered reduction or elimination of tariffs and trade facilitation, and investment in a framework of stability and mutual trust, stressing the commitment of both regions to respect and adhere to international standards, especially those of the World Trade Organization and the International Labour Organization; whereas for CA it will imply a greater international presence, a strategic partnership with an established market and an opportunity for diversification and for attracting long-term productive investments,

S. whereas there is asymmetry in the trade part of the AA, indicated inter alia by the graduation and the establishment of different transitional periods for both regions, enabling productive structures to be adapted to new economic and commercial realities resulting from its implementation,

T. whereas, among its principles, respect for democratic principles and fundamental human rights and the rule of law will strengthen the domestic and international policies of both parties; whereas the importance is stressed of including a specific heading on ‘Trade and Sustainable Development’ with references to international standards and agreements on labour, the environment and governance, consistent with the objective of sustainable and balanced development that reduces disparities between and within the parties, thereby setting an important precedent for future negotiations; whereas it is anticipated that trade will foster economic development, green growth and social cohesion; whereas the inclusion of institutional and monitoring mechanisms such as the Committee on Trade and Sustainable Development and the Civil Society Dialogue Forum is welcomed,

U. whereas the commitment of both regions in respect of geographical indications and intellectual property in accordance with international standards is emphasised,

V. whereas all states in CA benefit from the Generalised System of Preferences Plus scheme (GSP+), which will cease to apply on 31 December 2013; whereas the new GSP scheme will exclude, without exception, all the countries defined as upper-middle income countries by the World Bank, meaning that Costa Rica and Panama would lose their right to benefit from this system; whereas the GSP is unilateral, temporary and revisable, covers a smaller range of products and excludes most agricultural products; whereas the AA will improve the trading position of all CA states by establishing a new, more comprehensive, secure and mutually beneficial legal framework; whereas the fact that this new scheme will enable progressive liberalisation in the exchange of goods and services, public procurement and the promotion of investment is welcomed,

1. Requests the Council and the Commission to take into account the following recommendations:

Introduction

(a) stresses that the processing, conclusion and ratification of the AA should be facilitated;
points out that at the European Union-Latin America and Caribbean Summit held in Vienna in May 2006, the Heads of State and Government of the European Union and of certain Central American Republics decided to open negotiations on an AA between the two regions, and that such negotiations officially opened in October 2007;

c) points out that Panama, which had followed the negotiations as an observer, asked to join them in January 2010, and that its inclusion was formally accepted by the European Union on 10 March 2010;

d) points out that negotiations were successfully concluded in May 2010 and that, after a legal review phase, the text of the AA was initialled on 22 March 2011 and signed in Tegucigalpa on 28 June 2012;

e) recalls that the AA, concluded in May 2010, contains three main pillars: political dialogue, cooperation and trade;

**Political dialogue, a key element in developing the bi-regional partnership**

(f) stresses that this is the first comprehensive partnership between regions, and the result of the EU’s unbending political will. This partnership marks a decisive step forward in the integration of CA and goes far beyond mere questions of free trade;

(g) highlights the fact that the AA with CA is the logical conclusion of the EU’s policy of supporting the peace process, stability and democracy in the region, launched in the 1980s with a substantial political commitment expressed through the various peace accords and the Contadora Process;

(h) welcomes the extraordinary new impetus that the political dialogue enshrined in the AA brings to the bi-regional relationship in terms of dialogue between governments, parliament and civil society — a qualitative leap forward with regard to the old San José dialogue process begun in 1984;

(i) stresses the parliamentary dimension of the AA, with the establishment of a Parliamentary Association Committee, made up of Members of the European Parliament and Central American parliamentarians, which is to be kept informed of decisions taken by the Association Council and may make recommendations and gather information on how the agreement is being implemented;

(j) underlines that optimal implementation of the AA should be ensured, by paying particular attention to the points highlighted by Parliament in this resolution and the provisions of regulations implementing the AA, and calls for the activities of the Parliamentary Association Committee to be supported;

(k) stresses that the AA reached with CA contains a number of important elements which help to secure the goals of the EU’s external action as enshrined in Article 21 of the Treaty on European Union, including in particular the development and consolidation of human rights and democracy, a sustainable economy and social and environmental development;

(l) points out that Article 1 of the AA refers to respect for democratic principles, fundamental human rights and the principle of the rule of law as ‘essential elements’ of the agreement, so that failure to observe them by any of the parties would result in the adoption of measures which could eventually lead to the suspension of the agreement; considers, none the less, that specific mechanisms should be created to guarantee respect for and compliance with the human rights clause contained in the AA;

(m) proposes that the Commission carry out an annual report for the European Parliament, to monitor the AA in its entirety, including aspects relating to democratic principles and human rights;

(n) stresses that the AA with CA should be seen as an ideal framework for joining forces, as equal partners, to combat social inequality and poverty, to foster inclusive development and to address the remaining social, economic and political challenges;
welcomes the commitment to multilateralism underpinned by the unstinting defence of common values, principles and objectives and the promise to successfully address global challenges;

notes that the new AA opens up new and interesting possibilities for dialogue on the fight against drug trafficking and organised crime, in line with the Regional Security Strategy endorsed by the Central American presidents; welcomes the various commitments to coordinate efforts to combat drug trafficking, money laundering, terrorist financing, organised crime and corruption;

considers it important to promote proper participation by civil society in both the EU and CA, by encouraging participation in sectoral fora, committees and subcommittees; welcomes, to this end, the establishment of the EU-Central American Civil Society Joint Consultative Committee;

Effecting cooperation in the fight against poverty and the fostering of social cohesion

stresses that social cohesion is a priority objective of regional cooperation policy; insists that social cohesion can only be achieved by reducing poverty, inequality, social exclusion and all forms of discrimination through proper education, including vocational training; stresses that social inequality has not been sufficiently reduced in recent years and that public safety is a matter of great concern in Central America;

highlights the opportunities that this AA offers in terms of improving social cohesion and sustainable development, which are key elements in consolidating economic growth, social stability and democratic engagement;

points out that commitments have been made to cooperate in modernising the state and public authorities, improving systems for tax collection and transparency, combating corruption and impunity, strengthening the legal system and encouraging the involvement of civil society in public life;

stresses the agreement between the two regions on the environment, the aims of which include the improvement of environmental quality, sustainable development, cooperation in efforts to address natural disasters, the combating of climate change, deforestation and desertification and the conservation of biodiversity;

stresses the need to contribute to the revitalisation and strengthening of economic and trade relations and the integration of the productive fabric of both regions in order to achieve maximum benefits from the implementation of the AA, thus promoting balanced and sustainable growth giving rise to new economic, trade and investment opportunities that enable greater integration of CA ad intra and ad extra in the international trade structure;

underlines that compliance with the conditions defined in the AA needs to be ensured, seeking greater synergies between both regions but without sacrificing general interests, including geographical indications and intellectual property rights as well as EU economic and trade priorities;

further highlights the need to promote cooperation with appropriate technical and financial resources in strategic sectors for both regions, particularly on trade and sustainable development, and scientific and technical cooperation in areas such as institutional capacity-building, harmonisation of standards, customs procedures and statistics, intellectual property, provision of services, government procurement, electronic commerce, industrial development, sustainable resource management, sanitary and phytosanitary standards, support to SMEs and diversification; calls for the recognition of the importance of modernisation and technological innovation and recommends that this AA be used as an instrument with which to achieve them;

calls for the bi-regional Civil Society Dialogue Forum to be organised and facilitated on an annual basis; recommends that the private sector and civil society be invited to engage by means of a corporate social responsibility policy that enables them to have a smooth relationship and brings about greater sustainable economic development in CA;
(z) recommends that action be promoted to raise awareness of the AA among stakeholders in both regions and encourage the organisation of trade fairs in both regions in order to provide opportunities for contacts to be forged and cooperation agreements to be concluded, particularly among SMEs;

(aa) stresses the need to support the establishment of competitive value-added production facilities in CA; further recommends that the establishment be proposed of regional trade academies both in Latin American regions and across EU Member States, aimed at building capacity among SMEs by providing training sessions on the preconditions for trading agricultural products, goods and services with the partner region;

Conclusions

(ab) highlights the fact that the AA helps to achieve the goals of the EU’s external action, as enshrined in Article 21 of the Treaty on European Union; points out that respect for democratic principles, fundamental human rights and the rule of law are essential elements of the agreement;

(ac) stresses that the current trade provisions, which are of a provisional nature and based on a unilateral system of generalised preferences, will gradually give way to a reciprocal, negotiated structure for the gradual liberalisation of trade in goods and services and of public procurement, as well as for action to encourage investment, and that this will lead to a predictable framework of legal security and certainty, able to inspire mutual trust, which is essential to building trade and investment;

(ad) stresses that social cohesion is a priority objective of regional cooperation policy, and that the overriding aim is the reduction of poverty, inequality, social exclusion and any form of discrimination;

(ae) points out that the AA with CA makes a meaningful contribution to regional, social and political integration efforts and to achieving the ultimate objective of the bi-regional Strategic Partnership between the EU and Latin America;

#af) urges the Association Council to carry out an overall evaluation of the AA five years after its implementation and to conduct, if necessary, a review of the AA on the basis of the findings and the impact noted in the abovementioned evaluation;

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

P7_TA(2012)0479

EU-Central America association agreement ***

European Parliament legislative resolution of 11 December 2012 on the draft Council decision on the conclusion of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America, on the other (16395/1/2011 — C7-0182/2012 — 2011/0303(NLE))

(Consent)

(2015/C 434/30)

The European Parliament,

— having regard to the draft Council decision (16395/1/2011),

— having regard to the draft Association Agreement between the European Union and its Member States, on the one hand, and Central America, on the other (16396/2011),
having regard to the request for consent submitted by the Council in accordance with Article 217 and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0182/2012),

having regard to its resolution of 11 December 2012 on the draft Council decision on the conclusion of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America, on the other (1),

having regard to Rules 81 and 90(7) of its Rules of Procedure,

having regard to the recommendation of the Committee on Foreign Affairs and the opinions of the Committee on International Trade and the Committee on Development (A7-0362/2012),

1. Consents to conclusion of the agreement;

2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the countries of Central America.

P7_TA(2012)0480

Implementation of the bilateral safeguard clause and the stabilisation mechanism for bananas of the EU-Colombia/Peru trade agreement ***I


(Ordinary legislative procedure: first reading)

(2015/C 434/31)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2011)0600),

— having regard to Article 294(2) and Article 207(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0307/2011),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the undertaking given by the Council representative by letter of 31 October 2012 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

— having regard to Rule 55 of its Rules of Procedure,

— having regard to the report of the Committee on International Trade and the opinion of the Committee on Agriculture and Rural Development (A7-0249/2012),

1. Adopts its position at first reading hereinafter set out (1);

2. Takes note of the Commission statement annexed to this resolution;

(1) This position replaces the amendments adopted on 13 September 2012 (Texts adopted, P7_TA(2012)0347).
3. Approves the joint declaration by Parliament and the Commission annexed to this resolution;

4. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;

5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2011)0262

Position of the European Parliament adopted at first reading on 11 December 2012 with a view to the adoption of Regulation (EU) No …/2013 of the European Parliament and of the Council on implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 19/2013.)

ANNEXES TO THE LEGISLATIVE RESOLUTION

COMMISSION STATEMENT


As envisaged in Regulation (EU) No 19/2013, the Commission will submit an annual report to the European Parliament and to the Council on the implementation of the Agreement and will be ready to discuss with the responsible committee of the European Parliament any issues arising from the implementation of the Agreement.

The Commission will attach particular importance to the effective implementation of commitments on trade and sustainable development in the Agreement, taking into account the specific information provided by the relevant monitoring bodies of the fundamental Conventions of the International Labour Organisation and the multilateral environmental agreements listed in Title IX of the Agreement. In this context, the Commission will also seek the views of the relevant civil society advisory groups.

After the expiry of the stabilisation mechanism for bananas on 31 December 2019, the Commission will assess the situation of the Union market for bananas and the state of Union banana producers. The Commission will report its findings to the European Parliament and to the Council and will include a preliminary assessment of the functioning of the 'Programme d’Options Spécifiques à l’Éloignement et l’Insularité' (POSEI) in preserving the banana production in the Union.

JOINT DECLARATION

The European Parliament and the Commission agree on the importance of close cooperation in monitoring the implementation of the Agreement and Regulation (EU) No 19/2013 (2). To that end they agree on the following:

— Upon request by the responsible committee of the European Parliament, the Commission shall report to it on any specific concerns relating to the implementation by Colombia or Peru of their commitments on trade and sustainable development.

If the European Parliament adopts a recommendation to initiate a safeguard investigation, the Commission will carefully examine whether the conditions under Regulation (EU) No 19/2013 for ex-officio initiation are fulfilled. If the Commission considers that the conditions are not fulfilled, it will present a report to the responsible committee of the European Parliament including an explanation of all the factors relevant to the initiation of such an investigation.

EU-Colombia/Peru trade agreement***

European Parliament legislative resolution of 11 December 2012 on the draft Council decision on the conclusion of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part (14762/1/2011 — C7-0287/2012 — 2011/0249(NLE))

(Consent)

(2015/C 434/32)

The European Parliament,
— having regard to the draft Council decision (14762/1/2011),
— having regard to the draft Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part (14764/2011),
— having regard to the request for consent submitted by the Council in accordance with Article 91, Article 100(2), Article 207(4), first subparagraph and Article 218(6), second subparagraph, point (a)(v) of the Treaty on the Functioning of the European Union (C7-0287/2012),
— having regard to Rules 81 and 90(7) of its Rules of Procedure,
— having regard to the recommendation of the Committee on International Trade and the opinions of the Committee on Foreign Affairs and the Committee on Development (A7-0388/2012),

1. Consents to conclusion of the Agreement;

2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of Colombia and Peru.
Draft amending budget No 6/2012 — Revenue from own resources and other resources —
Increase in payment appropriations in headings 1a, 1b, 2, 3a and 4 of the Multiannual
Financial Framework — Reduction in the level of commitment appropriations entered in the
budget

2012 of the European Union for the financial year 2012, Section III — Commission (17295/2012 — C7-0401/2012
— 2012/2281(BUD))

The European Parliament,

— having regard to the Treaty on the Functioning of the European Union and in particular Article 314 thereof and to the
Treaty establishing the European Atomic Energy Community, and in particular Article 106a thereof,

applicable to the general budget of the European Communities (¹), and in particular Articles 37 and 38 thereof,

— having regard to the general budget of the European Union for the financial year 2012, as definitively adopted on
1 December 2011 (²),

— having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and
the Commission on budgetary discipline and sound financial management (³),

— having regard to Council Decision 2007/436/EC, Euratom of 7 June 2007 on the system of the European Communities’
own resources (⁴).

— having regard to the European Council Decision EUCO 76/12 of 28 and 29 June 2012 on the Compact for Growth and
Jobs, agreed by the Member States,

— having regard to Draft amending budget No 6/2012 of the European Union for the financial year 2012, which the
Commission submitted on 23 October 2012 (COM(2012)0632),

— having regard to the position adopted by the Council on 6 December 2012 on Draft amending budget No 6/2012
(17295/2012 — C7-0401/2012)

— having regard to Rule 75b and 75e of its Rules of Procedure,

— having regard to the report of the Committee on Budgets (A7-0409/2012),

A. whereas Draft amending budget No 6/2012 to the general budget 2012 covers, inter alia, an update in the forecast of
revenue after the latest revision of the forecasts of own resources and other revenue and an increase of payment
appropriations of nearly EUR 9.0 billion across headings 1a, 1b, 2, 3a and 4 of the multiannual financial framework,
with the aim of meeting outstanding needs up to the end of the year,

B. whereas, in parallel, other payment needs have already been addressed, in part through the global transfer in payment
appropriations (DEC 30/2012) for a total amount of EUR 419.7 million,

C. whereas the Commission had originally identified sources of redeployment for a total of EUR 47.4 million, which were
included in DAB 6/2012, as proposed initially by the Commission,

(2) OJ L 56, 29.2.2012.
D. whereas variations in own resources, together with a significant increase in the revenue from fines and interest payment of EUR 3 525,0 million, lead to a total net increase in revenue of EUR 3 080,8 million, which will lessen the effect of DAB 6/2012 on Member States’ GNI-based contributions,

E. whereas both Parliament and Council delegations had agreed, during the budgetary trilogue of 29 November 2012, on a revised amount for those needs to be financed in 2012, by decreasing it to EUR 6,1 billion, including EUR 0,1 billion redeployment not originally proposed by the Commission,

1. Takes note of Draft amending budget No 6/2012, as proposed by the Commission;

2. Notes that Draft amending budget No 6/2012, as amended by the Council, reflects the agreement reached during the budgetary trilogue of 29 November 2012;

3. Emphasises that the Joint statement on payment needs for 2012, whereby the budgetary authority acknowledges that EUR 2,9 billion in extra payments should have been authorised in 2012 to meet the payment claims received by the Commission, is an integral part of the agreement reached during the trilogue;

4. Strongly reminds the Council and the Commission that the Joint statement on payment needs for 2012 must be understood as a political agreement regarding the need to come to an agreement at an early stage in 2013 on an amending budget devoted to the sole purpose of covering this EUR 2,9 billion and providing additional appropriations as compared to the payment appropriations adopted in the 2013 initial budget, without prejudice to the proper implementation of the 2013 budget;

5. Approves, without amendment, the Council position on Draft amending budget No 6/2012;

6. Instructs its President to declare that Amending budget No 6/2012 has been definitively adopted and to arrange for its publication in the Official Journal of the European Union;

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

P7_TA(2012)0486

New general budget of the European Union for the financial year 2013 — all sections


(2015/C 434/34)

The European Parliament,

— having regard to Article 314 of the Treaty on the Functioning of the European Union and Article 106a of the Treaty establishing the European Atomic Energy Community,

— having regard to Council Decision 2007/436/EC, Euratom of 7 June 2007 on the system of the European Communities’ own resources (1),


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

— having regard to the European Council Decision EUCO 76/12 of 28 and 29 June 2012 on the Compact for Growth and Jobs, agreed by the Member States,

— having regard to its resolution of 14 March 2012 on general guidelines for the preparation of the 2013 budget — Section III — Commission (2),

— having regard to its resolution of 29 March 2012 on Parliament’s estimates of revenue and expenditure for the financial year 2013 (3),

— having regard to its resolution of 4 July 2012 on the mandate for the trilogue on the 2013 draft budget (4),

— having regard to its resolution of 23 October 2012 on Council’s position on the 2013 draft budget (5),

— having regard to the fact that the Conciliation Committee did not agree on a joint text within the twenty-one days referred to in Article 314(6) of Treaty on the Functioning of the European Union,

— having regard to the new draft general budget of the European Union for the financial year 2013, which the Commission adopted on 23 November 2012 (COM(2012)0716),

— having regard to the conclusions of the budgetary trilogue on 29 November 2012,

— having regard to the position on the new draft general budget of the European Union for the financial year 2013, which the Council adopted on 6 December 2012 and forwarded to Parliament the same day (17195/2012 — C7-0399/2012),

— having regard to Rule 75b of its Rules of Procedure,

— having regard to the report of the Committee on Budgets (A7-0410/2012),

1. Recalls that the 'draft package' agreed on, after difficult negotiations, by Parliament and Council during the Trilogue of 29 November 2012 consists of three elements: Amending budget No 6/2012 for EUR 6 billion, partially covering the shortage of payments up to 31 October 2012; the Union budget for the year 2013 set to a level of EUR 150.898.391 million and EUR 132.836.988 million respectively in commitment and payment appropriations; and three joint statements ensuring that the actual payment needs in 2012 and 2013 will be duly covered;

2. Welcomes the overall level of commitment appropriations agreed, which represents an increase of EUR 1.1 billion compared to the original reading of the Council; is pleased that the biggest part of its political priorities is secured in next year’s budget, with particular emphasis on the proper implementation of Union commitment to growth and jobs, as identified in the Europe 2020 strategy;

3. Notes that the overall level of payment appropriations agreed for 2013 decreases by 2.15% compared to Budget 2012, following the adoption of EUR 6 billion in Amending budget No 6/2012;

4. Notes that, due to the intransigent position of the Council in the negotiations, the overall level of payments set is EUR 5 billion lower than the Commission's estimates for payment needs in their draft budget for 2013; is concerned that this level of appropriations will be insufficient to cover the actual payments needs of next year and to swiftly implement the 'growth and jobs' compact agreed by the European Council in June 2012; is convinced, however, that the cost of a non-agreement would have much more serious consequences and a much more negative impact on the implementation of Union actions and programmes; requests the Commission to provide monthly reports to Parliament and Council on the evolution of Member States' (breakdown per Member State and per fund) payment claims for structural funds, cohesion funds, rural development and fisheries funds from 31 October 2012 onwards; calls for an interinstitutional working group on payments to be set up, where the two arms of the budgetary authority should present joint conclusions on how to proceed;

5. Attaches, therefore, the highest political importance to the joint statements annexed to this resolution and agreed between the Parliament, the Council and the Commission; will monitor at all levels and by all means for these declarations to be respected and the necessary additional resources to be provided by Member States next year in order for the Union to be able to pay its bills and to preserve its institutional credibility and solvability;

6. Makes its favourable vote on the Budget 2013 conditional on the attainment of specific guarantees at the highest political level of the three institutions on the financing of the EUR 2.9 billion payments lacking for 2012, which shall by no means lead to a reduction of payment appropriations for 2013;

7. Reaffirms that the only way to overcome this impasse, which renders the budgetary negotiations each year more difficult, is to urgently and responsibly solve the issue of the Union's financing through a genuine system of own resources to come into force as from the next Multiannual Financial Framework, removing once and for all the division of the Union between net contributors and net beneficiaries;

8. Approves without amendment the new draft budget for 2013, as modified by Council;

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

10. Instructs its President to forward this resolution to the Council, the Commission, the other institutions and bodies concerned and the national parliaments.

ANNEX

JOINT STATEMENTS OF THE THREE INSTITUTIONS AGREED WITHIN THE CONTEXT ON THE NEGOTIATIONS ON THE 2013 BUDGET

10 December 2012

The President of the European Parliament, the President of the Council of the European Union and the President of the European Commission declare that the three joint statements hereafter were agreed by the three institutions in the framework of the adoption of the 2013 Budget:

Joint statement on payment appropriations for 2013

Taking into account the ongoing fiscal consolidation efforts in Member States, the European Parliament and the Council, taking note of the level of payments proposed by the Commission for 2013, agree on a reduction of the level of payment appropriations for 2013 as compared to the Commission's Draft Budget. They ask the Commission to initiate any necessary action according to the Treaty and, in particular, to request additional payment appropriations in an amending budget if the appropriations entered in the 2013 budget prove insufficient to cover expenditure under sub-heading 1a (Competitiveness for growth and employment), sub-heading 1b (Cohesion for growth and employment), heading 2 (Preservation and management of natural resources), heading 3 (Citizenship, freedom, security and justice) and heading 4 (EU as a global player).
Moreover, the European Parliament and the Council urge the Commission to present by mid-October 2013 at the latest updated figures concerning the state of play and estimates regarding payment appropriations under sub-heading 1b (Cohesion for growth and employment) and rural development under heading 2 Preservation and Management of Natural Resources, and, if necessary, to present a draft amending budget. The Council and the European Parliament are aware that a draft amending budget may possibly be required as early as mid-2013. With a view to facilitate the decision on the level of payments appropriations in the context of the annual budgetary procedure, the three institutions agree to explore how to better match payment appropriations estimates under shared management with the corresponding needs.

The European Parliament and the Council will take position on any draft amending budget as quickly as possible in order to avoid any shortfall in payment appropriations. In addition, the Council and the European Parliament undertake to process swiftly any possible transfer of payment appropriations, including across financial framework headings, in order to make the best possible use of payment appropriations entered in the budget and align them to actual execution and needs.

In accordance with point 18 of the Interinstitutional Agreement on budgetary discipline and sound financial management, the European Parliament and the Council recall the need to ensure, in the light of implementation, an orderly progression of the total appropriations for payments in relation to the appropriations for commitments, so as to avoid any abnormal evolution of outstanding commitments ('RAL').

The European Parliament, the Council and the Commission will actively monitor the state of implementation of the 2013 budget, throughout the year, focusing on payment implementation, reimbursement claims received and revised forecasts, on the basis of detailed information provided by the Commission.

In any event, the European Parliament, the Council and the Commission recall their shared responsibility, as laid down in Article 323 TFEU, that ‘the European Parliament, the Council and the Commission shall ensure that the financial means are made available to allow the Union to fulfil its legal obligation in respect of third parties’.

Joint statement on payment needs for 2012

The European Parliament and the Council note that the level of payments, proposed by the Commission in its 2013 draft budget, was based on the assumption that payment needs in 2012 would have been addressed with appropriations available in the 2012 budget. However, the additional payment appropriations authorised in the Amending Budget 6/2012 were lowered by EUR 2.9 billion with respect to the amount proposed by the Commission, and are not at the level of all payment claims received.

Therefore, the Commission undertakes to present at an early stage in the year 2013 a draft amending budget devoted to the sole purpose of covering the 2012 suspended claims as soon as the suspensions are lifted, and the other pending legal obligations without prejudice to the proper implementation of the 2013 budget.

To ensure sound and accurate EU budgeting, the Council and the European Parliament will take position on this draft amending budget as quickly as possible in order to cover any outstanding gap.

Joint statement on Heading 5 and the salary and pension adjustment

The European Parliament and the Council agree not to include at this stage the budgetary impact of the 2011 salary adjustment in the 2013 Budget. Without prejudice to Council's position in cases c-66/12, c-63/12, c-196/12 and c-453/12, they jointly request the Commission, should the Court rule in favour of the Commission and as soon as it does, to submit a draft amending budget devoted to finance, as needed, the impact of the 2011 adjustment for the institutions, including its retroactive effect on previous years and possible late interest.
The European Parliament and the Council thus commit to approve such draft amending budget as soon as possible and to provide the necessary additional appropriations without jeopardising political priorities.

The above statements are agreed subject to the European Parliament's approval, under Article 314(4)(a) TFEU, of the Council's position of 6 December 2012 on the 2013 Budget.

P7_TA(2012)0487

**European Globalisation Adjustment Fund: application EGF/2011/026 IT/Emilia-Romagna Motorcycles**


(2015/C 434/35)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2012)0616 — C7-0350/2012),

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


— having regard to the trilogue procedure provided for in point 28 of the IIA of 17 May 2006,

— having regard to the letter of the Committee on Employment and Social Affairs,

— having regard to the report of the Committee on Budgets (A7-0416/2012),

A. whereas the Union has set up the appropriate legislative and budgetary instruments to provide additional support to workers who are suffering as a result of major structural changes in world trade patterns and to assist their reintegration into the labour market,

B. whereas the scope of the European Globalisation Adjustment Fund (EGF) was broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a direct result of the global financial and economic crisis,

C. whereas the Union's financial assistance to workers made redundant should be dynamic and made available as quickly and efficiently as possible, in accordance with the Joint Declaration of the European Parliament, the Council and the Commission adopted during the conciliation meeting on 17 July 2008, and having due regard for the IIA of 17 May 2006 in respect of the adoption of decisions to mobilise the EGF,


D. whereas Italy has requested assistance for 512 redundancies, 502 of which are targeted for assistance in ten enterprises operating in division 30 of NACE Revision 2 (Manufacture of other transport equipment) (1) in the NUTS II region of Emilia-Romagna (ITH5) in Italy,

E. whereas the application fulfils the eligibility criteria set up by the EGF Regulation,

1. Agrees with the Commission that the conditions set out in Article 2(b) of the EGF Regulation are met and that Italy is therefore entitled to a financial contribution under that Regulation; notes that the number of dismissed employees lies just above the intervention criteria;

2. Notes that the Italian authorities submitted the application for EGF financial contribution on 30 December 2011 and that its assessment was made available by the Commission on 19 October 2012; regrets the lengthy evaluation period of 10 months;

3. Welcomes the fact that, in order to provide workers with speedy assistance, the Italian authorities decided to start the implementation of the measures on 1 March 2012, ahead of the final decision about granting EGF support for the proposed coordinated package;

4. Recalls the importance of improving the employability of all workers by means of adapted training and recognition of skills and competences gained throughout workers’ professional careers; expects the training on offer in the coordinated package to be adapted not only to the level and needs of the dismissed workers, but also to the current business environment;

5. Welcomes the fact that the measures were designed in consultation with the social partners in several meetings;

6. Emphasises the fact that lessons should be learned from the preparation and implementation of this and other applications addressing the mass dismissal of workers;

7. Regrets that the information about the training measures in the Commission proposal does not describe the sectors in which workers are likely to find employment and if the training on offer is adapted to future economic prospects and labour market needs in the region;

8. Requests that the institutions involved make the necessary efforts to improve procedural and budgetary arrangements in order to accelerate the mobilisation of the EGF; appreciates the improved procedure put in place by the Commission, following Parliament’s request for accelerating the release of grants, aimed at presenting the Commission’s assessment on the eligibility of an EGF application, along with the proposal to mobilise the EGF, to the budgetary authority; hopes that further improvements in the procedure will be integrated in the new Regulation on the European Globalisation Adjustment Fund (2014–2020) and that greater efficiency, transparency and visibility of the EGF will be achieved;

9. Recalls the institutions’ commitment to ensuring a smooth and rapid procedure for the adoption of the decisions on the mobilisation of the EGF, providing one-off, time-limited individual support which is geared towards helping workers who have been made redundant as a result of globalisation and the financial and economic crisis; emphasises the role that the EGF can play in the reintegration of workers made redundant into the labour market;

10. Stresses that, in accordance with Article 6 of the EGF Regulation, it should be ensured that the EGF supports the reintegration of individual redundant workers into employment; further stresses that the EGF assistance can only co-finance active labour market measures which lead to durable, long-term employment; reiterates that assistance from the EGF must not replace actions which are the responsibility of companies by virtue of national law or collective agreements, nor

measures restructuring companies or sectors; deplores the fact that the EGF might provide an incentive for companies to replace their contractual workforce with a more flexible and short-term one;

11. Notes that the information provided about the coordinated package of personalised services to be funded from the EGF includes information about how it complements actions funded by the Structural Funds; reiterates its call to the Commission to present a comparative evaluation of those data in its annual reports in order to ensure full respect of the existing regulations and that no duplication of Union-funded services can occur;

12. Regrets that the payment appropriations of EUR 50 000 000 on the EGF budget line (line 04 05 01) in the 2012 budget have proved to be insufficient to cover all needed payments; regrets that the Commission has proposed to partially cover this payment through a transfer of EUR 1 160 745 in payment appropriations from European Progress Microfinance Facility (line 04 04 15) instead of asking for fresh money through Draft Amending Budget No 6/2012 as it justifiably did for other requests for EGF mobilisation and a part of the current request (EUR 1 497 750); recalls that the EGF was created as a separate specific instrument with its own objectives and deadlines and that it therefore deserves a dedicated allocation, which will avoid transfers from other budget lines, as has happened in the past, which is detrimental to the achievement of the policy objectives of the EGF;

13. Regrets the decision of the Council to block the extension of the ‘crisis derogation’, which allows for the provision of financial assistance to workers made redundant as a result of the current financial and economic crisis in addition to those losing their job because of changes in global trade patterns, and allows for an increase in the rate of Union co-financing to 65 % of the programme costs, for applications submitted after the 31 December 2011 deadline, and calls on the Council to reintroduce this measure without delay;

14. Approves the decision annexed to this resolution;

15. Instructs its President to sign the decision with the President of the Council and to arrange for its publication in the Official Journal of the European Union;

16. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2011/026 IT/Emilia-Romagna Motorcycles from Italy)

(The text of this annex is not reproduced here since it corresponds to the final act, Decision 2013/17/EU.)
European Globalisation Adjustment Fund: application EGF/2012/005 SE/Saab


(2015/C 434/36)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2012)0622 — C7-0363/2012),

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


— having regard to the trilogue procedure provided for in point 28 of the IIA of 17 May 2006,

— having regard to the letter of the Committee on Employment and Social Affairs,

— having regard to the report of the Committee on Budgets (A7-0413/2012),

A. whereas the Union has set up the appropriate legislative and budgetary instruments to provide additional support to workers who are suffering as a result of major structural changes in world trade patterns and to assist workers’ reintegration into the labour market;

B. whereas the scope of the European Globalisation Adjustment Fund (EGF) was broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a direct result of the global financial and economic crisis;

C. whereas the Union’s financial assistance to workers made redundant should be dynamic and made available as quickly and efficiently as possible, in accordance with the Joint Declaration of the European Parliament, the Council and the Commission adopted during the conciliation meeting on 17 July 2008, and having due regard for the IIA of 17 May 2006 in respect of the adoption of decisions to mobilise the EGF;

D. whereas Sweden has requested assistance for 3,748 total eligible redundancies, 1,350 of which are targeted for assistance for workers of Saab Automobile SA, one of its subsidiaries, namely SAAB Automobile Powertrain AB, and 16 of its suppliers in Sweden;

E. whereas the application fulfils the eligibility criteria set up by the EGF Regulation:

1. Agrees with the Commission that the conditions set out in Article 2(a) of the EGF Regulation are met and that Sweden is therefore entitled to a financial contribution under that Regulation;

2. Welcomes the Swedish application: deplores, however, that despite applying for EGF support, Sweden is among the countries undermining the future of the Fund after 2013 and blocking the extension of the crisis derogation;

3. Notes that the Swedish authorities submitted the application for EGF financial contribution on 25 May 2012 and that its assessment was made available by the Commission on 19 October 2012; welcomes the relatively speedy evaluation period;

4. Welcomes the fact that the Swedish authorities aimed to help the dismissed workers immediately and that the implementation of the coordinated package of personalised services started already on 20 December 2011 — ahead of the decision to grant EGF support;

5. Emphasises the importance of improving the employability of all workers by means of adapted training and recognition of skills and competences developed throughout workers’ professional careers; expects the training on offer in the coordinated package to be adapted to the level and needs of the dismissed workers and to the current business environment;

6. Notes that this is yet another EGF application addressing dismissals in the automotive sector and that with 16 applications, this sector has been the subject of the most EGF applications submitted, both in relation to crisis and to globalisation criteria;

7. Emphasises the fact that lessons should be learned from the preparation and implementation of this application and other applications involving the mass dismissal of workers;

8. Regrets that bankruptcy of Saab led to a 20% increase in unemployment in the region of Trollhättan, where the production plant was based; notes that the Swedish authorities targeted only 1,350 of 3,239 dismissed workers for EGF support; calls on the Swedish authorities to use the EGF to its full potential for dismissed workers;

9. Requests the institutions involved make the necessary efforts to improve procedural and budgetary arrangements in order to accelerate the mobilisation of the EGF; appreciates the improved procedure put in place by the Commission, following Parliament’s request for accelerating the release of grants, aimed at presenting the Commission’s assessment on the eligibility of an EGF application, along with the proposal to mobilise the EGF, to the budgetary authority; hopes that further improvements in the procedure will be integrated in the new Regulation on the European Globalisation Adjustment Fund (2014-2020) and that greater efficiency, transparency and visibility of the EGF will be achieved;

10. Recalls the institutions’ commitment to ensuring a smooth and rapid procedure for the adoption of decisions on the mobilisation of the EGF, providing one-off, time-limited individual support which is geared towards helping workers who have been made redundant as a result of globalisation and the financial and economic crisis; emphasises the role that the EGF can play in the reintegration of workers made redundant into the labour market;

11. Welcomes the fact that the Swedish authorities emphasise the additional measures contained in the package, in comparison with regular services available to the unemployed;

12. Stresses that, in accordance with Article 6 of the EGF Regulation, it should be ensured that the EGF supports the reintegration of individual redundant workers into employment; further stresses that the EGF assistance can only co-finance active labour market measures which lead to durable, long-term employment; reiterates that assistance from the EGF must not replace actions which are the responsibility of companies by virtue of national law or collective agreements, nor measures restructuring companies or sectors; deplores the fact that the EGF might provide an incentive for companies to replace their contractual workforce with a more flexible and short-term one;

13. Welcomes the fact that the training offered is matched with the future skills and qualifications needed in the region and that it will be focused on growth areas, such as the renewable sector;

14. Notes that the information provided on the coordinated package of personalised services to be funded from the EGF includes information about how it complements actions funded by the Structural Funds; reiterates its call to the Commission to present a comparative evaluation of those data in its annual reports in order to ensure full respect of the existing regulations and that no duplication of Union-funded services can occur;
15. Notes that the municipality developed positive relations with the social partners while assisting Saab workers; regrets, however, that the Commission proposal does not include more detailed information concerning the consultation process of the social partners in the implementation of measures and in particular, concerning the involvement, possibly financial, of Saab;

16. Regrets the fact that the payment appropriations of EUR 50,000,000 on the EGF budget line (line 04 05 01) in the 2012 budget has proved to be insufficient to cover all needed payments; regrets that the Commission has proposed to cover this payment through a transfer of payment appropriations from European Progress Microfinance Facility (line 04 04 15) instead of asking for fresh money through Draft Amending Budget No 6/2012, as it justifiably did for other requests for EGF mobilisation; recalls that the EGF was created as a separate specific instrument with its own objectives and deadlines and therefore deserves a dedicated allocation, which will avoid transfers from other budget lines, as happened in the past, which could be detrimental to the achievement of the policy objectives of the EGF;

17. Regrets the decision of the Council to block the extension of the ‘crisis derogation’, allowing to provide financial assistance to workers made redundant as a result of the current financial and economic crisis in addition to those losing their job because of changes in global trade patterns, and allowing the increase in the rate of Union co-financing to 65% of the programme costs, for applications submitted after the 31 December 2011 deadline, and calls on the Council to reintroduce this measure without delay;

18. Approves the decision annexed to this resolution;

19. Instructs its President to sign the decision with the President of the Council and to arrange for its publication in the Official Journal of the European Union;

20. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2012/005 SE/Saab from Sweden)

(The text of this annex is not reproduced here since it corresponds to the final act, Decision 2013/18/EU.)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2012)0620 — C7-0364/2012 — 2012/2280(BUD))

European Globalisation Adjustment Fund: application EGF/2011/018 ES/Pais Vasco Productos metálicos


(2015/C 434/37)
— having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (1) (IIA of 17 May 2006), and in particular point 28 thereof,


— having regard to the trilogue procedure provided for in point 28 of the IIA of 17 May 2006,

— having regard to the letter of the Committee on Employment and Social Affairs,

— having regard to the report of the Committee on Budgets (A7-0415/2012),

A. whereas the Union has set up the appropriate legislative and budgetary instruments to provide additional support to workers who are suffering as a result of major structural changes in world trade patterns and to assist their reintegration into the labour market,

B. whereas the scope of the European Globalisation Adjustment Fund (EGF) was broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a direct result of the global financial and economic crisis,

C. whereas the Union's financial assistance to workers made redundant should be dynamic and made available as quickly and efficiently as possible, in accordance with the Joint Declaration of the European Parliament, the Council and the Commission adopted during the conciliation meeting on 17 July 2008, and having due regard for the IIA of 17 May 2006 in respect of the adoption of decisions to mobilise the EGF,

D. whereas Spain has requested assistance for 1 106 redundancies, 500 of which are targeted for assistance, in 423 enterprises operating in the NACE Revision 2 Division 25 (Manufacture of fabricated metal products, except machinery and equipment) (3) in the NUTS II region of País Vasco (ES21) in Spain,

E. whereas the application fulfils the eligibility criteria laid down by the EGF Regulation,

1. Agrees with the Commission that the conditions set out in Article 2(b) of the EGF Regulation are met and that Spain is therefore entitled to a financial contribution under that Regulation;

2. Notes that the Spanish authorities submitted the application for EGF financial contribution on 28 December 2011 and that its assessment was made available by the Commission on 19 October 2012; regrets the lengthy evaluation period of 10 months;

3. Welcomes the fact that in order to provide workers with immediate assistance, the Spanish authorities decided to start the implementation of the measures on 19 March 2012 , ahead of the final decision about granting EGF support for the proposed coordinated package;

4. Notes that the Spanish authorities have reported in their assessment, based on experience with previous EGF applications, that only 500 of the dismissed workers have chosen to participate in EGF supported measures; calls on the Spanish authorities to use the EGF support to its full potential;

5. Recalls the importance of improving the employability of all workers by means of adapted training and the recognition of skills and competences gained throughout workers' professional careers; expects the training on offer in the coordinated package to be adapted not only to the level and needs of the dismissed workers, but also to the actual business environment;

6. Emphasises the fact that lessons should be learned from the preparation and implementation of this application and other applications which address mass dismissals;

7. Welcomes the fact that the measures were designed in consultation with social partners and that the regional authorities, business representatives and the trade unions formed a special committee which was responsible for the coordination, management and implementation of the EGF project;

8. Requests that the institutions involved make the necessary efforts to improve procedural and budgetary arrangements to accelerate the mobilisation of the EGF; appreciates the improved procedure put in place by the Commission, following Parliament’s request for accelerating the release of grants, aimed at presenting the Commission’s assessment on the eligibility of an EGF application, together with the proposal to mobilise the EGF, to the budgetary authority; hopes that further improvements in the procedure will be integrated in the new Regulation on the European Globalisation Adjustment Fund (2014–2020) and that greater efficiency, transparency and visibility of the EGF will be achieved;

9. Regrets that information about the training measures in the Commission proposal does not describe in which sectors the workers are likely to find employment and if the package will be adapted to the future economic prospects in the region;

10. Recalls the institutions’ commitment to ensure a smooth and rapid procedure for the adoption of the decisions on the mobilisation of the EGF, providing one-off, time-limited individual support which is geared towards helping workers who have been made redundant as a result of globalisation and the financial and economic crisis; emphasises the role that the EGF can play in the reintegration of workers made redundant into the labour market;

11. Regrets that the measures supporting entrepreneurship do not provide for financial support for workers to set up own business, yet several financial incentives are offered for workers following training measures;

12. Stresses that, in accordance with Article 6 of the EGF Regulation, it should be ensured that the EGF supports the reintegration of individual redundant workers into employment; further stresses that the EGF assistance can only co-finance active labour market measures which lead to durable, long-term employment; reiterates that assistance from the EGF must not replace actions which are the responsibility of companies by virtue of national law or collective agreements, nor measures restructuring companies or sectors;

13. Welcomes the fact that a comprehensive package of information and publicity activities accompanies the EGF supported project;

14. Notes that the information provided about the coordinated package of personalised services to be funded from the EGF includes information about how it complements actions funded by the Structural Funds; reiterates its call to the Commission to present a comparative evaluation of those data in its annual reports in order to ensure full respect of the existing regulations and that no duplication of Union-funded services can occur;

15. Welcomes the fact that, following requests from Parliament, the 2012 budget shows payment appropriations of EUR 50 000 000 on the EGF budget line 04 05 01; recalls that the EGF was created as a separate specific instrument, with its own objectives and deadlines and therefore deserves a dedicated allocation, which will avoid transfers, to the extent possible, from other budget lines, as has happened in the past, which could be detrimental to the achievement of the policy objectives of the EGF;

16. Regrets the decision of the Council to block the extension of the ‘crisis derogation’, which allows for the provision of financial assistance to workers made redundant as a result of the current financial and economic crisis in addition to those losing their job because of changes in global trade patterns, and allows for an increase in the rate of Union co-financing to 65 % of the programme costs, for applications submitted after the 31 December 2011 deadline, and calls on the Council to reintroduce this measure without delay;

17. Approves the decision annexed to this resolution;
18. Instructs its President to sign the decision with the President of the Council and to arrange for its publication in the Official Journal of the European Union;

19. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL


(The text of this annex is not reproduced here since it corresponds to the final act, Decision 2013/16/EU.)

P7_TA(2012)0490

European Globalisation Adjustment Fund: application EGF/2011/013 DK/Flextronics


(2015/C 434/38)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2012)0623 — C7-0362/2012),

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


— having regard to the trilogue procedure provided for in point 28 of the IIA of 17 May 2006,

— having regard to the letter of the Committee on Employment and Social Affairs,

— having regard to the report of the Committee on Budgets (A7-0417/2012),

A. whereas the Union has set up the appropriate legislative and budgetary instruments to provide additional support to workers who are suffering as a result of the major structural changes in world trade patterns and to assist workers reintegration into the labour market,

B. whereas the scope of the European Globalisation Adjustment Fund (EGF) was broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a direct result of the global financial and economic crisis,

C. whereas the Union's financial assistance to workers made redundant should be dynamic and made available as quickly and efficiently as possible, in accordance with the Joint Declaration of the European Parliament, the Council and the Commission adopted during the conciliation meeting on 17 July 2008, and having due regard for the IIA of 17 May 2006 in respect of the adoption of decisions to mobilise the EGF,

D. whereas Denmark has requested assistance for 303 redundancies, 153 of which are targeted for assistance, in Flextronics International Denmark A/S during the four month reference period from 1 July 2011 to 31 October 2011, including 87 redundancies outside the reference period, but related to the same collective redundancy procedure,

E. whereas the application fulfils the eligibility criteria laid down by the EGF Regulation,

1. Agrees with the Commission that the conditions set out in Article 2(c) of the EGF Regulation are met and that, Denmark is therefore entitled to a financial contribution under that Regulation;

2. Notes that the Danish authorities submitted the application for EGF financial contribution on 21 December 2011, supplemented by additional information up to 23 August 2012, and that its assessment was made available by the Commission only on 19 October 2012; regrets the lengthy evaluation periods and enquires as to why this particular Danish application required 10 months of assessment; urges the Commission to speed up the evaluation process;

3. Welcomes the fact that, in order to provide workers with immediate assistance, the Danish authorities decided to start the implementation of the measures on 21 March 2012, ahead of the final decision about granting EGF support for the proposed coordinated package;

4. Welcomes the Danish application; deplores, however, the fact that, despite several successful Danish mobilisations of the EGF under both the trade-related criteria and the crisis related criteria, Denmark is among the countries undermining the future of the EGF after 2013 and is blocking the extension of the crisis derogation; it is of concern, furthermore, that Denmark is applying for the mobilisation of the EGF fund on behalf of the Flextronics International Denmark, established by the Singapore-registered Flextronics International Ltd, which is moving its facilities to Asia;

5. Recalls the importance of improving the employability of all workers by means of adapted training and the recognition of skills and competences gained throughout the professional career; expects the training on offer in the coordinated package to be adapted not only to the level and needs of the dismissed workers, but also to the actual business environment;

6. Calls for reciprocity in trade between the Union and third countries as an essential condition for EU companies to gain access to new non-European markets;

7. Highlights the fact that lessons should be learned from the preparation and implementation of this application and other applications involving the mass dismissal of workers;

8. Notes that the Danish authorities noted in their assessment that only 153 of 303 workers dismissed would choose to participate in the measures; calls on the Danish authorities to use the EGF support to its full potential;

9. Requests that the institutions involved make the necessary efforts to improve procedural and budgetary arrangements to accelerate the mobilisation of the EGF; appreciates the improved procedure put in place by the Commission, following Parliament's request for accelerating the release of grants, aimed at presenting the Commission's assessment on the eligibility of an EGF application, along with the proposal to mobilise the EGF, to the budgetary authority; hopes that further improvements in the procedure will be integrated in the new Regulation on the European Globalisation Adjustment Fund (2014–2020) and that greater efficiency, transparency and visibility of the EGF will be achieved;
10. Notes that the region of Midtjylland, where the municipality of Skive is located, has already benefited from the EGF support by means of two applications, namely EGF/2010/017 Midtjylland Machinery and EGF/2012/003 Vestas;

11. Recalls the institutions’ commitment to ensure a smooth and rapid procedure for the adoption of the decisions on the mobilisation of the EGF, providing once-off, time-limited individual support which is geared towards helping workers who have been made redundant as a result of globalisation and the financial and economic crisis; emphasises the role that the EGF can play in the reintegration of workers made redundant into the labour market;

12. Notes that the Danish authorities propose an expensive, coordinated package of personalised services (EUR 12 891 per worker); welcomes, however, the fact that the package consists of measures that are additional and innovative, compared to those regularly offered by employment agencies, and the package is adapted to assist different groups of workers in terms of skills and experience, so that they can cope with the difficult local labour market;

13. Stresses that, in accordance with Article 6 of the EGF Regulation, it should be ensured that the EGF supports the reintegration of individual redundant workers into employment; further stresses that the EGF assistance can only co-finance active labour market measures which lead to durable, long-term employment; reiterates that assistance from the EGF must not replace actions which are the responsibility of companies, by virtue of national law or collective agreements, nor measures restructuring companies or sectors;

14. Welcomes the fact that vocational training courses target new areas of possible growth and that the design of the coordinated package is based on an in-depth research of the local labour market and of the features of the dismissed workers;

15. Notes that information provided about the coordinated package of personalised services to be funded from the EGF includes information about how it complements actions funded by the Structural Funds; reiterates its call to the Commission to present a comparative evaluation of those data in its annual reports in order to ensure full respect of the existing regulations and that no duplication of Union-funded services can occur;

16. Welcomes the fact that the coordinated package of personalised services also offers courses to start a new business, which is foreseen for 20 workers; notes that no financial incentive is proposed for business start-ups;

17. Welcomes the fact that, following requests from Parliament, the 2012 budget shows payment appropriations of EUR 50 000 000 on the EGF budget line 04 05 01; recalls that the EGF was created as a separate specific instrument, with its own objectives and deadlines, and therefore deserves a dedicated allocation, which will avoid transfers to the extent possible from other budget lines, as has happened in the past, which could be detrimental to the achievement of the policy objectives of the EGF;

18. Notes, however, the subsistence allowance of EUR 4 439 per worker for the participation in the measures and considers it as too high an allowance; recalls that the EGF should, in future, be primarily allocated to training and job searches, as well as occupational orientation programmes and its financial contribution to allowances should always be of an additional nature and in parallel with what is available to dismissed workers by virtue of national law or collective agreements;

19. Regrets the decision of the Council to block the extension of the ‘crisis derogation’, which allows for the provision of financial assistance to workers made redundant as a result of the current financial and economic crisis, in addition to those losing their job because of changes in global trade patterns, and allows for an increase in the rate of Union co-financing to 65 % of the programme costs for applications submitted after the 31 December 2011 deadline; calls on the Council to reintroduce this measure without delay;

20. Approves the decision annexed to this resolution;
21. Instructs its President to sign the decision with the President of the Council and to arrange for its publication in the Official Journal of the European Union;

22. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2011/013 DK/Flextronics from Denmark)

(The text of this annex is not reproduced here since it corresponds to the final act, Decision 2013/14/EU.)

P7_TA(2012)0491

European Globalisation Adjustment Fund: application EGF/2011/014 RO/Nokia


(2015/C 434/39)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2012)0618 — C7-0359/2012),

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


— having regard to the trilogue procedure provided for in point 28 of the II A of 17 May 2006,

— having regard to the letter of the Committee on Employment and Social Affairs,

— having regard to the report of the Committee on Budgets (A7-0414/2012),

A. whereas the Union has set up the appropriate legislative and budgetary instruments to provide additional support to workers who are suffering as a result of major structural changes in world trade patterns and to assist workers’ reintegration into the labour market,

B. whereas the scope of the European Globalisation Adjustment Fund (EGF) was broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a direct result of the global financial and economic crisis,

C. whereas the Union's financial assistance to workers made redundant should be dynamic and made available as quickly and efficiently as possible, in accordance with the Joint Declaration of the European Parliament, the Council and the Commission adopted during the conciliation meeting on 17 July 2008, and having due regard for the IIA of 17 May 2006 in respect of the adoption of decisions to mobilise the EGF,

D. whereas Romania has requested assistance for 1,904 redundancies, 1,416 of which are targeted for assistance in SC Nokia Romania SRL and one supplier in Romania,

E. whereas the application fulfils the eligibility criteria set up by the EGF Regulation,

1. Agrees with the Commission that the conditions set out in Article 2(a) of the EGF Regulation are met and that Romania is therefore entitled to a financial contribution under that Regulation;

2. Notes that the Romanian authorities submitted the application for EGF financial contribution on 22 December 2011, supplemented by additional information up to 22 August 2012, and that its assessment was only made available by the Commission on 19 October 2012; regrets the lengthy evaluation periods and enquires as to why this particular application required 8 months of assessment; urges the Commission to speed up the evaluation process;

3. Welcomes the first application of Romania for EGF support;

4. Welcomes the fact that in order to provide workers with immediate assistance, the Romanian authorities decided to start the implementation of the measures on 8 December 2011 — ahead of the final decision about granting EGF support for the proposed coordinated package;

5. Recalls the importance of improving the employability of all workers by means of adapted training and the recognition of skills and competences developed throughout workers' professional careers; expects the training on offer in the coordinated package to be adapted not only to the level and needs of the dismissed workers, but also to the current business environment;

6. Regrets that the redundancies in Cluj in Romania and in Salo in Finland (application EGF/2012/006/FI/Nokia from Finland) stem from a corporate decision of Nokia to move its production plants to Asia and are part of its plan to reduce global employment in Nokia Corporation by 17,000 workers by the end of 2013;

7. Emphasises that lessons should be learned from the preparation and implementation of this and other applications involving mass dismissals;

8. Calls for reciprocity in trade between the Union and third countries as an essential condition for companies in the Union to gain access to new non-European markets;

9. Requests the institutions involved make the necessary efforts to improve procedural and budgetary arrangements in order to accelerate the mobilisation of the EGF; appreciates the improved procedure put in place by the Commission, following Parliament's request for accelerating the release of grants, aimed at presenting the Commission's assessment on the eligibility of an EGF application, along with the proposal to mobilise the EGF, to the budgetary authority; hopes that further improvements in the procedure will be integrated in the new Regulation on the European Globalisation Adjustment Fund (2014–2020) and that greater efficiency, transparency and visibility of the EGF will be achieved;

10. Notes that the EGF has already acted in favour of 1,337 workers dismissed as a result of the re-location of Nokia from Germany to Romania in 2008; notes that three years later, the EGF must act again as the production plant opened in Cluj, following the closure in Germany, was closed down in 2011 as a result of re-location to Asia; enquires whether as to whether Nokia benefited from any financial incentives at a regional, national or Union level (in particular from the cohesion funds) at the time of its relocation from Germany to Romania;
11. Recalls the institutions’ commitment to ensure a smooth and rapid procedure for the adoption of the decisions on the mobilisation of the EGF, providing one-off, time-limited individual support which is geared towards helping workers who have been made redundant as a result of globalisation and the financial and economic crisis; emphasises the role that the EGF can play in the reintegration of workers made redundant into the labour market;

12. Notes that the Commission proposal indicates that another EGF application is expected to cover the second round of dismissals in Nokia in Salo and therefore calls on the Commission to clarify to what extent Nokia itself financially supports the redundancy programme;

13. Stresses that, in accordance with Article 6 of the EGF Regulation, it should be ensured that the EGF supports the reintegration of individual redundant workers into employment; further stresses that the EGF assistance can only co-finance active labour market measures which lead to durable, long-term employment; reiterates that assistance from the EGF must not replace actions which are the responsibility of companies by virtue of national law or collective agreements, nor measures restructuring companies or sectors;

14. Regrets that the Commission’s proposal does not present any statistics concerning unemployment rates in the region; notes, however, that in 2011, almost 40% of the total working population of the Cluj-Napoca region specialising in the IT and communications sectors worked in Nokia; notes that the impact of Nokia dismissals on employment in the region is considerable;

15. Notes that information provided about the coordinated package of personalised services to be funded from the EGF includes information about how it complements actions funded by the Structural Funds; reiterates its call to the Commission to present a comparative evaluation of those data in its annual reports in order to ensure full respect of the existing regulations and that no duplication of Union-funded services can occur;

16. Welcomes the fact that following requests from Parliament, the 2012 budget shows payment appropriations of EUR 50 000 000 on the EGF budget line 04 05 01; recalls that the EGF was created as a separate specific instrument with its own objectives and deadlines, and therefore deserves a dedicated allocation, which will avoid transfers, to the extent possible, from other budget lines, as has happened in the past, which could be detrimental to the achievement of the policy objectives of the EGF;

17. Expects the Commission to explain if Nokia was involved in the creation of the coordinated package of personalised service and possible involvement in co-financing;

18. Regrets the decision of the Council to block the extension of the ‘crisis derogation’, which allows for the provision of financial assistance to workers made redundant as a result of the current financial and economic crisis in addition to those losing their job because of changes in global trade patterns, and allows for an increase in the rate of Union co-financing to 65% of the programme costs, for applications submitted after the 31 December 2011 deadline; calls on the Council to reintroduce this measure without delay;

19. Regrets that there are no details concerning the types of training measures and internships to be provided within the coordinated package and how these are matched with the local skills and qualification needs and possible areas of future growth in the region;

20. Approves the decision annexed to this resolution;

21. Instructs its President to sign the decision with the President of the Council and to arrange for its publication in the Official Journal of the European Union;

22. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.
ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2011/014 RO/Nokia from Romania)

(The text of this annex is not reproduced here since it corresponds to the final act, Decision 2013/15/EU.)

P7_TA(2012)0492

European Globalisation Adjustment Fund: application EGF/2011/011 AT/Soziale Dienstleistungen


(2015/C 434/40)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2012)0621 — C7-0361/2012),

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


— having regard to the trilogue procedure provided for in point 28 of the IIA of 17 May 2006,

— having regard to the letter of the Committee on Employment and Social Affairs,

— having regard to the report of the Committee on Budgets (A7-0419/2012),

A. whereas the Union has set up the appropriate legislative and budgetary instruments to provide additional support to workers who are suffering as a result of major structural changes in world trade patterns and to assist their reintegration into the labour market,

B. whereas the scope of the European Globalisation Adjustment Fund (EGF) was broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a direct result of the global financial and economic crisis,

C. whereas the Union's financial assistance to workers made redundant should be dynamic and made available as quickly and efficiently as possible, in accordance with the Joint Declaration of the European Parliament, the Council and the Commission adopted during the conciliation meeting on 17 July 2008, and having due regard for the IIA of 17 May 2006 in respect of the adoption of decisions to mobilise the EGF;

D. whereas Austria has requested assistance for 1050 redundancies, 350 of which are targeted for assistance in 105 enterprises operating in the NACE Revision 2 Division 88 ('Social work activities without accommodation') (1) in the NUTS II region of Steiermark (AT22) in Austria.

E. whereas the application fulfils the eligibility criteria set up by the EGF Regulation,

1. Agrees with the Commission that the conditions set out in Article 2(b) of the EGF Regulation are met and that, Austria is therefore entitled to a financial contribution under that Regulation;

2. Notes that the Austrian authorities submitted the application for EGF financial contribution on 21 December 2011 and that its full assessment was made available by the Commission on 19 October 2012; regrets the lengthy evaluation period of 10 months;

3. Welcomes the fact that, in order to provide workers with immediate assistance, the Austrian authorities decided to start the implementation of the measures on 1 October 2011 — ahead of the final decision about granting EGF support for the proposed coordinated package;

4. Notes that the region of Steiermark has already been affected by mass lay-offs and workers in this region have benefited from the EGF support by means of three applications, namely EGF/2009/009 AT/Steiermark, EGF/2010/007 AT/Steiermark-Niederösterreich and EGF/2010/008 AT/AT&S;

5. Recalls the importance of improving the employability of all workers by means of adapted training and the recognition of skills and competences gained throughout the professional career; expects the training on offer in the coordinated package to be adapted not only to the level and needs of the dismissed workers, but also to the actual business environment,

6. Notes that the EGF project will be carried out in the framework of a labour foundation established at regional level and will be managed by a development association that had experience with a past EGF application (EGF/2009/009 AT/Steiermark); recalls that labour foundations are institutions set up by sectoral social partners in order to provide workers in industrial change with training measures to enhance their employability; recalls that this model of providing active labour market measures in the past regarding the reintegration of workers into the labour market and the use of the EGF funds for this purpose was very successful;

7. Emphasises the fact that lessons should be learned from the preparation and implementation of this and other applications addressing mass dismissals;

8. Requests the institutions involved make the necessary efforts to improve procedural and budgetary arrangements in order to accelerate the mobilisation of the EGF; appreciates the improved procedure put in place by the Commission, following Parliament's request for accelerating the release of grants, aimed at presenting the Commission's assessment on the eligibility of an EGF application, together with the proposal to mobilise the EGF, to the budgetary authority; hopes that further improvements in the procedure will be integrated in the new Regulation on the European Globalisation Adjustment Fund (2014–2020) and that greater efficiency, transparency and visibility of the EGF will be achieved;

9. Welcomes the proposed coordinated package of personalised services and the detailed descriptions of the measures presented in the Commission proposal; welcomes the fact that the training on offer is combined with the future economic prospects and the future skills and qualification needs in the region;

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10. Recalls the institutions’ commitment to ensure a smooth and rapid procedure for the adoption of the decisions on the mobilisation of the EGF, providing one-off, time-limited individual support which is geared towards helping workers who have been made redundant as a result of globalisation and the financial and economic crisis; emphasises the role that the EGF can play in the reintegration of workers made redundant into the labour market;

11. Stresses that, in accordance with Article 6 of the EGF Regulation, it should be ensured that the EGF supports the reintegration of individual workers who have been made redundant into employment; further stresses that the EGF assistance can only co-finance active labour market measures which lead to durable, long-term employment; reiterates that assistance from the EGF must not replace actions which are the responsibility of companies, by virtue of national law or collective agreements, nor measures restructuring companies or sectors;

12. Draws attention to the subsistence allowance for workers on training and searching for employment, which may amount EUR 1 000 per worker per month (calculated for 11 months, unemployment benefit will be interrupted during that period) which will be combined with a training allowance of EUR 200 per worker per month; recalls that the EGF should, in future, be primarily allocated to training and job searching, as well as occupational orientation programs, and its financial contribution to allowances should always be of an additional nature and in parallel with what is available to dismissed workers by virtue of national law or collective agreements;

13. Notes that the information provided about the coordinated package of personalised services to be funded from the EGF includes information about how it complements actions funded by the Structural Funds; reiterates its call to the Commission to present a comparative evaluation of those data in its annual reports in order to ensure full respect of the existing regulations and that no duplication of Union-funded services can occur;

14. Considers the ratio of subsistence allowance and training allowance to the costs of training of EUR 14 400 to 7 000 as an unjustified quasi-financing of unemployment benefits;

15. Welcomes the fact that, following requests from Parliament, the 2012 budget shows payment appropriations of EUR 50 000 000 on the EGF budget line 04 05 01; recalls that the EGF was created as a separate specific instrument with its own objectives and deadlines and therefore deserves a dedicated allocation, which will avoid transfers, to the extent possible, from other budget lines, as has happened in the past, which could be detrimental to the achievement of the policy objectives of the EGF;

16. Notes that the proposed measures cost approximately EUR 22 000 per worker, of which roughly EUR 14 000 is to be covered by the EGF, making it a very high contribution per capita compared to other EGF applications;

17. Regrets the decision of the Council to block the extension of the ‘crisis derogation’, which allows for the provision of financial assistance to workers made redundant as a result of the current financial and economic crisis in addition to those losing their job because of changes in global trade patterns, and allows for an increase in the rate of Union co-financing to 65 % of the programme costs, for applications submitted after the 31 December 2011 deadline; calls on the Council to reintroduce this measure without delay;

18. Approves the decision annexed to this resolution;

19. Instructs its President to sign the decision with the President of the Council and to arrange for its publication in the Official Journal of the European Union;

20. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.
ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2011/011 AT/Soziale Dienstleistungen from Austria)

(The text of this annex is not reproduced here since it corresponds to the final act, Decision 2013/13/EU.)

P7_TA(2012)0493

European Globalisation Adjustment Fund: application EGF/2012/006 FI/Nokia Salo


(2015/C 434/41)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2012)0619 — C7-0360/2012),

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


— having regard to the ‘Growth and Jobs Compact’ and the conclusions of the European Council of 28 June 2012,

— having regard to the Council’s position on the annual 2013 budget of the European Union adopted on 23 July 2012,

— having regard to the results of the trilogue procedure provided for in point 28 of the IIA of 17 May 2006,

— having regard to the letter of the Committee on Employment and Social Affairs,

— having regard to the report of the Committee on Budgets (A7-0418/2012),

A. whereas the Union has set up legislative and budgetary instruments to provide additional support to workers who are suffering as a result of major structural changes in world trade patterns and to assist workers’ reintegration into the labour market,

B. whereas the scope of the European Globalisation Adjustment Fund (EGF) was broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a result of the global social, financial and economic crisis,

C. whereas the Union’s financial assistance to workers made redundant should be made available immediately and efficiently, in accordance with the Joint Declaration of the European Parliament, the Council and the Commission adopted during the conciliation meeting on 17 July 2008,

D. whereas Finland has requested assistance for 1,000 redundancies, all of which are targeted for assistance, in Nokia plc (Salo) in Finland,

E. whereas the application fulfils the eligibility criteria set up by the EGF Regulation,

1. Agrees with the Commission that the conditions set out in Article 2(a) of the EGF Regulation are met and that Finland is therefore entitled to a financial contribution under that Regulation;

2. Notes that the Finnish authorities submitted the application for EGF financial contribution on 4 July 2012 and that its assessment was only made available by the Commission on 19 October 2012; welcomes the fact that the application was submitted immediately after the reference period allowing for instant response to the dismissals; also welcomes the speedy evaluation period by the Commission;

3. Acknowledges that in order to provide workers with immediate assistance, the Finnish authorities started the implementation of the social measures on 29 February 2012 — ahead of the final decision on granting the EGF support for the proposed coordinated package;

4. Regrets that the redundancies in Salo in Finland and in Cluj in Romania (application EGF/2011/014/RO/Nokia from Romania) stem from a corporate decision of Nokia to move its production plants to Asia and are part of its plan to reduce global employment in Nokia Corporation by 17,000 workers by the end of 2013;

5. Emphasises the key importance of adapted training and recognition of skills and competences gained throughout the professional career; stresses that it is essential that the training on offer in the coordinated package is adapted and is adequate to the needs and level of the dismissed workers, taking into account their social and economic background;

6. Notes that the Commission proposal indicates that another EGF application is expected to cover the second round of dismissals in Nokia in Salo;

7. Requests the institutions involved make the necessary efforts to improve procedural and budgetary arrangements in order to accelerate the mobilisation of the EGF; appreciates the improved procedure put in place by the Commission, following Parliament’s request for accelerating the release of grants, aimed at presenting the Commission’s assessment on the eligibility of an EGF application, along with the proposal to mobilise the EGF, to the budgetary authority; hopes that further improvements in the procedure will be integrated in the new Regulation on the European Globalisation Adjustment Fund (2014–2020) and that greater efficiency, facilitated mobilization, transparency and visibility of the EGF will be achieved;

8. Calls for reciprocity in trade between the Union and third countries as an essential condition for companies in the Union to gain access to new non-European markets;

9. Observes that, so far this year, 19 EGF mobilization cases have been submitted by the Commission to the budgetary authority on behalf of France, Spain, Denmark, the Netherlands, Austria, Romania, Sweden, Italy, Ireland, Germany and Finland to finance active labour market measures for 15,381 redundant workers, for the total amount of EUR 74,266,222 of EGF assistance;

10. Notes that the Salo area was heavily dependent on Nokia as an employer and grew into a highly specialised region in information technology and communication technology; notes that the dismissals in Nokia will seriously affect the local employment market, as it is expected that the unemployment rate may rise to 17% as a result of the current Nokia redundancies;
11. Recalls the institutions’ commitment to ensure a smooth and rapid procedure for the adoption of the decisions on the mobilisation of the EGF, providing individual support which is geared towards helping workers who have been made redundant as a result of globalisation and the financial and economic crisis; emphasises the role that the EGF can play in the reintegration of workers made redundant into the labour market;

12. Welcomes the fact that a working group, which is widely representative of workers, has been set up to deal with the reorganisation of Nokia and advise on a range of issues, such as well-being, further studies, new jobs outside Nokia and business opportunities;

13. Stresses that, in accordance with Article 6 of the EGF Regulation, it should be ensured that the EGF supports the reintegration of individual redundant workers into employment; further stresses that the EGF assistance can only co-finance active labour market measures which lead to durable, long-term employment; reiterates that assistance from the EGF must not replace actions which are the responsibility of companies by virtue of national law or collective agreements, nor measures restructuring companies or sectors; deplores the fact that the EGF might provide an incentive for companies to replace their contractual workforce with a more flexible and short-term one;

14. Considers the cost of the coordinated package of personalised services (approximately EUR 10 000 per worker) as high; notes, however, that the package contains innovative measures such as a protomo-matching service for new business start-ups and that financial allowances to be covered by the EGF are limited; welcomes the fact that the measures are well described in the Commission proposal;

15. Notes that the information provided about the coordinated package of personalised services to be funded from the EGF includes information about how it complements actions funded by the Structural Funds; reiterates its call to the Commission to present a comparative evaluation of those data in its annual reports in order to ensure full respect of the existing regulations and that no duplication of Union-funded services can occur;

16. Regrets that there are no details available regarding various training measures to be provided within the coordinated package and how these are matched with the local skills and qualification needs and possible areas of future growth in the region, given the structural changes the region is currently experiencing;

17. Acknowledges that following requests from Parliament, the 2012 budget shows payment appropriations of EUR 50 000 000 on the EGF budget line 04 05 01; notes, however, that for the second consecutive year, these payment appropriations have turned out to be insufficient to cover the funding requests for a whole year and the missing payment appropriations have to be marshalled though an amending budget by means of transfers from other budget lines; believes that both these facts do not denote sound budgeting; recalls that the EGF was created as a specific instrument to give an immediate and adequate response to mass redundancies due to the direct and indirect effects of globalisation; emphasises that without adequate appropriations, and in order to avoid systematic transfers from other budget lines, as has happened in the past, neither the emergency nature of the EGF or its integrity can be guaranteed;

18. Welcomes the fact that, in view of the structural changes in the region, the use of the EGF and the European Social Fund and the division of responsibilities between the two Funds has been coordinated by a dedicated project group, involving regional authorities and the social partners, which established strategic guidelines and goals for the region;

19. Regrets the decision of the Council to block the extension of the ‘crisis derogation’, which allows for the provision of financial assistance to workers made redundant as a result of the current financial and economic crisis in addition to those losing their job because of changes in global trade patterns, and allows for an increase in the rate of Union co-financing to 65% of the programme costs, for applications submitted after the 31 December 2011 deadline; calls on the Council to reintroduce this measure without delay;

20. Considers that the payment of subsistence allowances of EUR 7 500 per worker for 360 workers is excessive; recalls that the EGF should, in future, be primarily allocated to training and job searches, as well as occupational orientation programmes and its financial contribution to allowances should always be of an additional nature and in parallel with what is available to dismissed workers by virtue of national law or collective agreements;
21. Regrets that the Commission proposal does not explain if Nokia was involved in the creation of the package of services and the possible co-financing of the measures;

22. Approves the decision annexed to this resolution;

23. Instructs its President to sign the decision with the President of the Council and to arrange for its publication in the Official Journal of the European Union;

24. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2012/006 Fl/Nokia Salo from Finland)

(The text of this annex is not reproduced here since it corresponds to the final act, Decision 2013/19/EU.)

P7_TA(2012)0494

European statistics on safety from crime ***I


(Ordinary legislative procedure: first reading)

(2015/C 434/42)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2011)0335),

— having regard to Article 294(2) and Article 338(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0155/2011),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to Rule 55 of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A7-0365/2012),

1. Rejects the Commission proposal;

2. Calls on the Commission to withdraw its proposal and submit a new one;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.
Allocation of slots at European Union airports


(Ordinary legislative procedure — recast)

(2015/C 434/43)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2011)0827),

— having regard to Article 294(2) and Article 100(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0458/2011),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Economic and Social Committee of 28 March 2012 (1),

— having regard to the opinion of the Committee of the Regions of 18 July 2012 (2),

— having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts (3),

— having regard to the letter of 9 May 2012 from the Committee on Legal Affairs to the Committee on Transport and Tourism in accordance with Rule 87(3) of its Rules of Procedure,

— having regard to Rules 87 and 55 of its Rules of Procedure,

— having regard to the report of the Committee on Transport and Tourism (A7-0379/2012),

A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the proposal in question does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance,

1. Adopts its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;

2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;

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

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

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

Having regard to the opinion of the Committee of the Regions (2),

Acting in accordance with the ordinary legislative procedure (3),

Whereas:

(1) Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports (4) has been substantially amended several times (5). Since further amendments are to be made, it should be recast in the interests of clarity.

(2) Regulation (EEC) No 95/93 made a decisive contribution to the achievement of the internal market in aviation and to the development of relations between the European Union, its Member States and third countries, by ensuring access to the Union’s congested airports on the basis of neutral, transparent and non-discriminatory rules.

(3) However, there is a growing imbalance between the expansion of the air transport system in Europe and the availability of certain airport infrastructures to meet that demand. There is, as a result, an increasing number of congested airports in the Union.

(4) The slot allocation system established in 1993 does not ensure the optimum allocation and use of slots and thus of airport capacity. In the context of growing airport congestion and the limited development of major new airport infrastructure, the slots are a rare resource. Access to such resources is of crucial importance for the provision of air transport services and for the maintenance of effective competition. To this end, the allocation and use of slots could be made more effective by introducing market slot exchange mechanisms, by ensuring that the unused slots are made available to interested operators as soon as possible and in a transparent manner, and by reinforcing the underlying principles of the system with regard to the allocation, management and use of the slots. At the same time, although the historical slots meet the need for stability in schedules for the airlines, during the future assessment of the application of this Regulation, a gradual introduction of other market mechanisms could be envisaged, such as withdrawing and auctioning historical slots. In addition, it is important that access to hub airports from regional airports be maintained where such routes are essential to the economy of the region in question. Therefore, concerns regarding efficient allocation of slots must continue to be balanced against the need to protect the external benefits of air transport services and in particular the value that they create for European regions. [Am. 1]

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(5) See Annex I.
It is therefore necessary to modify the slot allocation system at the Union’s airports.

The relevant theory and case-law have not yet advanced sufficiently to produce an exhaustive legal definition of the term ‘airport slots’. As of now it is expedient to work on the assumption that the use of slots in the public interest — hence not in any strict sense a public good — may serve as a guideline for a legal definition of the term. It is therefore appropriate to formulate a definition of slots which establishes that they may become the subject of rights and govern their allocation. [Am. 79]

The allocation of slots at congested airports should continue to be based on neutral, transparent and non-discriminatory rules. [Am. 2]

The current slot allocation system should be adapted to the development of the market mechanisms used in certain airports for transferring or exchanging slots. In its Communication of 30 April 2008 on the application of Regulation (EEC) No 95/93 on common rules for the allocation of slots at Community airports, the Commission undertook to make an appropriate proposal if it became apparent that revision of the existing legislation was required for competition or other reasons.

Experience has shown that secondary trading, that is the exchange of slots for financial or other compensation, does not benefit from a uniform and consistent legislative framework, including guarantees of transparency and competitive safeguards. It is therefore necessary to regulate secondary trading in slots in the European Union.

Transparency of information is an essential element for ensuring an objective procedure for slot allocation. It is necessary to enhance this transparency and take account of technological progress.

Provisions to allow new entrants into the Union market should be laid down. Experience shows that the current definition of the term ‘new entrant’ has not succeeded in promoting competition to the full and that it should therefore be duly amended. Furthermore, it is necessary to combat abuses by limiting the possibility for an operator to attain the status of a new entrant if, together with its parent company, its own subsidiaries or subsidiaries of its parent company, it holds more than 10% of the total number of slots allocated on the day in question in a given airport. Likewise, an air carrier should not be regarded as a new entrant if it has transferred slots obtained by it as a new entrant in order to re-acquire that status.

The priority given to an air carrier requesting a series of slots in an airport for a non-stop scheduled passenger service between that airport and a regional airport should be abolished, since this situation is already covered by the priority given to an air carrier requesting the allocation of a series of slots for a regular non-stop scheduled passenger service between two Union airports. [Am. 3]

It is also necessary to avoid situations where, owing to a lack of available slots, the benefits of liberalisation are unevenly spread and competition is distorted. [Am. 4]

Non-scheduled air transportation contributes to regional cohesion and competitiveness. Where air carriers have regularly used slots for such transportation at an airport falling within the scope of this Regulation, even where those slots do not always involve the same routes, priority should be given to requests for continued usage of such slots. [Am. 5]

The progress made in implementing the Single European Sky has a major impact on the slot allocation process. The imposition of performance plans, which make the airports, the air navigation service providers and airspace users subject to performance improvement and monitoring measures, and the network management function, based on the establishment of a European network of routes and a central air traffic management, means it is necessary to update the slot allocation rules. It is therefore necessary to create an adequate framework allowing the network manager, the performance review body and the national supervisory
authorities to participate in the procedure of setting the airport capacity and coordination parameters. A new category of airports of importance to this network should also be created with a view to allowing the network to react better in crisis situations. [Am. 80]

(14) The In order to optimise available airport capacity, it is necessary to adopt procedures to ensure that flight plans and the slots are better matched to better exploit airport capacity and improve flight punctuality. [Am. 7]

(15) The Member State responsible for the schedules facilitated or coordinated airport should ensure the appointment of a schedules facilitator or a coordinator whose neutrality should be unquestioned. To this end, the coordinators' role and that of the schedules facilitators should be enhanced. Provision should be made for the legal, organisational, decision-making and financial independence of the coordinators with regard to stakeholders, the Member State and bodies subordinate to that State. To prevent situations in which the coordinator's activity and that of the schedules facilitator suffer from a lack of financial, technical or human resources or expertise, Member States should ensure that the coordinators have all the resources needed for their work. [Am. 8]

(16) Additional obligations should be introduced for air carriers with regard to sending information to the coordinators and schedules facilitators. Provision should be made for additional penalties for omitting information or sending false or misleading information. For other airports belonging to the network with no specific designation, the air carriers should have the obligation to communicate their flight intentions or other relevant information requested by the coordinator or schedules facilitator. [Am. 9]

(17) The Union should facilitate cooperation between the coordinators and schedules facilitators to allow them to exchange best practices with a view to the establishment in due course of a European single coordinator at European level, taking account of progress achieved in the establishment of a Single European Sky. [Am. 10]

(18) An airport may be designated as coordinated provided that principles of transparency, neutrality and non-discrimination are followed and subject to the conditions laid down in this Regulation.

(19) The decision to coordinate an airport should be taken by the Member State responsible for that airport on the basis of objective criteria. Given the progress made in implementing the Single European Sky, functional airspace blocks and the network manager function, it is useful to reconcile the methods for evaluating airport capacity in order to ensure better functioning of the European air traffic management network. [Am. 11]

(20) Provision must be made for a procedure by which a Member State decides to modify the designation of a coordinated airport or a schedules facilitated airport to make it a schedules facilitated airport or an airport with no designation status, respectively.

(21) The period of validity for a series of slots should be limited to the schedule planning period for which the series is granted. The priority for allocating a series of slots, even historical slot, should come exclusively from the allocation or confirmation by the coordinator. Priority for allocating a series of historical slots should be accorded by the coordinator on the basis of the previously correct use thereof. [Am. 81]

(22) It is necessary to retain special provisions, under limited circumstances, for the maintenance of adequate domestic air services to regions of the Member State or Member States concerned when a public service obligation has been imposed.

(22a) The entry into force of this Regulation should be without prejudice to connections between regional airports and major hubs. It would therefore be useful to take the appropriate measures to ensure that remote, outermost and island airports are linked to major European hubs and hence to the worldwide air traffic network. [Am. 13]
Since the environmental aspects may be taken into account in the coordination parameters and regional connectivity can also be fully ensured in the context of the public service obligations, experience has not demonstrated the usefulness of local rules. Furthermore, it cannot be excluded that such rules lead to discrimination in the allocation of slots. Consequently, the option of resorting to local rules should be restricted. All the technical, operational, performance and environmental constraints that should be applied by the coordinators or the facilitators should be defined in the coordination parameters. Recourse to local rules would also be reduced to monitoring the use of slots and the possibility of reducing the length of the series of slots in the cases provided for by this Regulation. With a view to promoting better use of airport capacity, two basic principles in slot allocation should be reinforced, namely the definition of a series of slots and the calculation of historical slots. At the same time, the flexibility given to air carriers should be better regulated with a view to preventing distortions in the application of this Regulation in the Member States. Therefore, better use of airport capacity should be encouraged. Connections between rail and airports as well as the integration of rail and air tickets should be supported. [Am. 91]

To allow air carriers to adapt to imperative situations of urgency, such as a marked decline in traffic or an economic crisis that severely affects the activity of air carriers, affecting a large part of the scheduling period, the Commission should be allowed to adopt urgent measures to ensure the consistency of measures to be taken at coordinated airports. Those measures will allow air carriers to retain priority for the allocation of the same series for the following scheduling period even if the 85% rate has not been met. [Am. 14]

This Regulation should allow for the flexibility requirements of business aviation and of charter flights so as to enable non-scheduled flights to be operated, especially in view of the fact that the operators concerned cannot build up a slot portfolio based on historical rights. [Am. 15]

The role of the coordination committee should be strengthened in two ways. On the one hand, the network manager, the performance review body and the national supervisory authority should be invited to follow the committee’s meetings. On the other hand, the coordination committee’s tasks could include making suggestions or giving advice to the coordinator and/or Member State on any issue concerning the airport capacity, in particular in relation to the implementation of the Single European Sky and the working of the European Air Traffic Management Network. The committee should also be able to provide the performance review body and the national supervisory authority with opinions concerning the link between the coordination parameters and the key performance indicators proposed to the air navigation service providers. [Am. 16]

Experience shows that a significant number of slots are returned to the pool too late to be reallocated effectively. Airport managing bodies should be encouraged to use the airport charges system to discourage this type of behaviour, financial charging schemes and to significantly strengthen the current penalty system in order to dissuade air carriers from engaging in such practices. Despite having recourse to the mechanism those mechanisms, airport managing bodies should not, however, discourage air carriers from entering the market or developing services. [Am. 17]

In order to increase airport capacity, this Regulation should cover the possibility of Member States being able to use the proceeds of the sale of time slots following secondary trading for the purpose of optimising air traffic and developing new infrastructure. [Am. 18]

It is desirable that third countries offer Union carriers equivalent treatment.

The application of the provisions of this Regulation should must be without prejudice to the competition rules of the Treaty, in particular Articles 101, 102 and 106. [Am. 19]
The Ministerial Statement on Gibraltar Airport, agreed in Cordoba on 18 September 2006, during the first Ministerial meeting of the Forum of Dialogue on Gibraltar, will replace the Joint Declaration on the Airport made in London on 2 December 1987, and full compliance with it will be deemed to constitute compliance with the 1987 Declaration.

The power to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission, in accordance with Article 290 of the Treaty on the Functioning of the European Union, in order to lay down the methods for developing a study on capacity and demand. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. [Am. 20]

The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control, by Member States, of the Commission's exercise of implementing powers (1).

The examination procedure should be used for the adoption of implementing instruments concerning the creation of a European coordinator, the template for the coordinator and schedules facilitator’s annual activity report and the decision that one or more Member States should take measures with a view to remedying a third country's discriminatory behaviour with regard to the Union's air carriers. [Am. 82]

The Commission should adopt implementing acts that apply immediately, in accordance with the examination procedure, in duly justified cases linked to the need to ensure the continuation of historical slots, when required on imperative grounds of urgency.

This Regulation should be reviewed after a fixed period of operation to assess its functioning.

After carrying out consultations, including at expert level, the Commission should draw up a study on capacity and demand, to be submitted to the European Parliament and the Council within a year of the entry into force of this Regulation. [Am. 21]

Since the objective of the action, namely more homogeneous application of Union legislation on slots, cannot be sufficiently achieved by the Member States because of the international character of air transport, and can therefore be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

HAVE ADOPTED THIS REGULATION:

SCOPE AND DEFINITIONS

Article 1

Scope

1. This Regulation shall apply to European Union airports.

2. The application of this Regulation to the airport of Gibraltar is understood to be without prejudice to the respective legal positions of the Kingdom of Spain and the United Kingdom of Great Britain and Northern Ireland with regard to the dispute over sovereignty over the territory in which the airport is situated.

Article 2
Definitions

For the purpose of this Regulation:

(1) 'slot' shall mean the permission given by a coordinator to an air carrier in accordance with this Regulation to use the full range of airport infrastructure necessary to operate an air service at a coordinated airport on specific dates and times at specific times for the purpose of landing or take-off as allocated by a coordinator in accordance with this Regulation. [Am. 22]

(2) 'new entrant' shall mean an air carrier requesting, as part of a series of slots, a slot at an airport on any day, where, if the carrier's request were accepted, it would in total hold fewer than five slots at that airport on that day.

b) an air carrier requesting a series of slots for a non-stop scheduled passenger service between two European Union airports, where at most two other air carriers operate the same non-stop scheduled service between those airports on that day, and where, if the air carrier's request were accepted, the air carrier would nonetheless hold fewer than nine slots at that airport on that day for that non-stop service. [Am. 23]

An air carrier which, together with its parent company, its own subsidiaries or the subsidiaries of its parent company, holds more than 10% of the total slots allocated on the day in question at a particular airport, shall not be considered as a new entrant at that airport;

An air carrier which transferred, within the meaning of Article 13, slots obtained as a new entrant to another air carrier in the same airport in order to be able to reacquire the status of a new entrant at that airport shall not be regarded as having that status;

(3) 'scheduling period' shall mean either the summer or winter season as used in the schedules of air carriers, in accordance with the rules and guidelines established by the air transport section on a global basis;

(4) 'Union air carrier' shall mean an air carrier with a currently valid operating licence issued by a Member State in accordance with Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (1);

(5) 'air carrier' shall mean an air transport undertaking holding a currently valid operating licence or equivalent at the latest on 31 January for the following summer season or on 31 August for the following winter season; for the purposes of Articles 5, 9, 10, 11 and 13, the definition of 'air carrier' shall also include business aviation operators; for the purposes of Articles 7, 17 and 18; the definition of 'air carrier' shall also include all civil aircraft operators;

(6) 'group of air carriers' shall mean two or more air carriers which together perform joint operations, franchise operations or code-sharing, or a consortium in the case of non-scheduled operators, for the purpose of operating utilising a specific air service slot. [Am. 24]

(7) 'air navigation service provider' shall mean any air navigation service provider within the meaning of point (5) of Article 2 of Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the Framework Regulation) (2);

(8) ‘groundhandling service provider’ shall mean any provider of groundhandling services within the meaning of Article [...] of Regulation (EU) No [...] of the European Parliament and of the Council of [...] (on groundhandling services) (*); or any airport user within the meaning of Article [...] of Regulation (EU) No [...] (on groundhandling services) which self-handles within the meaning of Article [...] of Regulation (EU) No [...] (on groundhandling services);

(9) ‘airport belonging to the network’ shall mean an airport which is not confronted with congestion problems but which, in the event of a sudden and significant increase in traffic or in the event of a sudden and significant reduction of its capacity, could have an impact on the functioning of the European air traffic management network (hereafter the network), in accordance with Article 6 of Regulation (EC) No 551/2004 of the European Parliament and of the Council (1); [Am. 25]

(10) ‘schedules facilitated airport’ shall mean an airport where there is potential for congestion at certain periods of the day, week or year which is amenable to resolution by voluntary cooperation between air carriers and where a schedules facilitator has been appointed to facilitate the operations of air carriers operating services or intending to operate services at that airport;

(11) ‘coordinated airport’ shall mean any airport where, in order to land or take off, it is necessary for an air carrier or any other aircraft operator to have been allocated a slot by a coordinator, with the exception of State flights, emergency landings and humanitarian flights;

(12) ‘managing body of an airport’ shall mean the body which, in conjunction with other activities or otherwise, has the task under national laws or regulations of administering and managing the airport facilities and coordinating and controlling the activities of the various operators present at the airport;

(13) ‘series of slots’ shall mean at least 15 slots for a summer scheduling period and 10 five slots for a winter scheduling period which have been requested for the same time on the same day of the week for consecutive weeks regularly in the same scheduling period and allocated by the coordinator on that basis or, if that is not possible, allocated at approximately the same time, unless agreed otherwise through a local rule under the conditions referred to in Article 9(8); [Am. 26]

(14) ‘business aviation’ shall mean that sector of general aviation which concerns the operation or use of aircraft by companies for the carriage of passengers or goods as an aid to the conduct of their business, where the aircraft are flown for purposes generally considered not for public hire and are piloted by individuals having, at a minimum, a valid commercial pilot licence with an instrument rating;

(15) ‘co-ordination parameters’ shall mean the expression, in operational terms, of all the capacity available for slot allocation at an airport during each scheduling period and the operational rules on capacity use, reflecting all technical, operational and environmental factors that affect the performance of the airport infrastructure and its different sub-systems;

(16) ‘flight plan’ shall mean specific information provided to air traffic services units, relative to an intended flight or portion of a flight of an aircraft;

(17) ‘scheduled air services’ shall mean a series of flights with the characteristics defined in point (16) of Article 2 of Regulation (EC) No 1008/2008;

(18) ‘programmed non-scheduled air service’ shall mean a series of flights which do not meet all the conditions of Article 2(16) of Regulation (EC) No 1008/2008, but which operate so regularly or frequently that they constitute a recognisably systematic series; [Am. 75]

(*) Number, date and publication reference of that regulation.
Designation of airports

Article 3

Conditions for airport coordination or schedules facilitation

1. Member States shall be under no obligation to designate any airport as schedules facilitated or coordinated save in accordance with the provisions of this Article.

Member States shall not designate an airport as coordinated save in accordance with the provisions of paragraph 3.

2. A Member State may, however, provide for any airport to be designated as a schedules facilitated airport, provided that principles of transparency, neutrality and non-discrimination are met.

3. The Member State responsible shall ensure that a thorough capacity and demand analysis is carried out at an airport with no designation status, at an airport belonging to the European air traffic management network (hereinafter the network) or at a schedules facilitated airport by the managing body of that airport or by any other competent body when that Member State considers it necessary, or within six months:

   (i) following a written request from air carriers representing more than half of the operations at an airport or from the managing body of the airport when either considers that capacity is insufficient for actual or planned operations at certain periods; or

   (ii) upon request from the Commission, in particular where new entrants encounter serious problems in securing landing and take off possibilities at the airport in question, or when the network manager considers it necessary to ensure that the airport's operational plan is consistent with the network's operational plan, in accordance with Article 6(7) of Commission Regulation (EU) No 677/2011 of 7 July 2011 laying down detailed rules for the implementation of air traffic management (ATM) network functions.

That analysis, based on commonly agreed and recognised methods, shall determine any shortfall in capacity, taking into account environmental constraints at the airport in question. The analysis shall consider the possibilities of overcoming such shortfall through new or modified infrastructure, operational changes, or any other change, and the time frame envisaged to resolve the problems.

The analysis shall be based on methods determined by a Commission delegated act, in accordance with Article 15 of this Regulation. The methods shall take account of the requirements of the network operational plan, as required by Annex V to Regulation (EU) No 677/2011.

The analysis shall be updated if paragraph 6 has been invoked, when there are changes at the airport influencing significantly its capacity and capacity usage or at the request of the coordination committee, the Member State or the Commission. Both the analysis and the method used shall be made available to the parties that requested the analysis and, upon request, to other interested parties. The analysis shall be communicated to the Commission at the same time.

4. On the basis of the analysis, the Member State shall consult on the capacity situation at the airport with the managing body of the airport, the air carriers using the airport regularly, their representative organisations, representatives of general aviation using the airport regularly and air traffic control authorities.

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5. The Commission can ask the network manager to deliver an opinion on how the capacity is set in relation to the network operating needs. The Commission can make recommendations. The Member State shall give reasons for any decision that does not follow these recommendations. The decision shall be communicated to the Commission.

6. Where capacity problems occur for at least one scheduling period, the Member State shall ensure that the airport is designated as coordinated for the relevant periods only if:

(a) the shortfall is of such a serious nature that significant delays cannot be avoided at the airport, and

(b) there are no possibilities of resolving these problems in the short term.

7. By way of derogation from point (b) of paragraph 6, Member States may, in exceptional circumstances, designate as coordinated the airports affected for the appropriate period, which can be less than a scheduling period.

By way of derogation from paragraphs 3, 4, 5 and 6, Member States may, in emergency situations, designate as coordinated the airports affected for the appropriate period.

8. If the updated analysis on capacity and demand in a coordinated or schedules facilitated airport shows that the airport in question has sufficient capacity to meet actual or planned operations, the Member State, after consulting the bodies mentioned in paragraph 4, may change its designation to a schedules facilitated airport or an airport with no designation status, respectively.

9. At the request of the Commission, which may act on its own initiative or on the initiative of the network manager, and after consulting the bodies mentioned in paragraph 4, the Member State shall ensure that an airport with no designation status is designated as belonging to the network. The decision to that effect shall be communicated to the Commission. If the Commission considers that the airport is no longer of importance for the network, the Member State, after consulting the bodies mentioned in paragraph 4, shall change the designation of the airport to that of an airport with no designation status.

10. If a decision is taken under paragraphs 6, 8 or 9, the Member State shall communicate it to the bodies mentioned in paragraph 4 no later than 1 April for the winter scheduling period and no later than 1 September for the summer scheduling period. [Am. 29]

Article 4

Coordination parameters

1. At a coordinated or schedules facilitated airport, the Member State responsible shall ensure the determination of the coordination parameters twice yearly, while taking account of all relevant technical, operational, performance and environmental constraints as well as any changes thereto. These constraints shall be notified to the Commission. The Commission, if necessary with the aid of the network manager, shall examine the constraints and deliver recommendations which the Member State must take into account before determining the coordination parameters. [Am. 30]

This exercise shall be based on an objective analysis of the possibilities of accommodating the air traffic, taking into account the different types of traffic at the airport, the airspace congestion likely to occur during the coordination period and the capacity situation.

2. The determination of the parameters and the methodology used as well as any changes thereto shall be discussed in detail within the coordination committee with a view to increasing the capacity and number of slots available for allocation, before a final decision on the coordination parameters is taken. All relevant documents shall be made available on request to interested parties.
3. The determination of the coordination parameters shall not affect the neutral and non-discriminatory character of the slot allocation. [Am. 31]

4. The parameters shall be communicated to the airport coordinator in good time before initial slot filing for the purpose of scheduling conferences.

5. For the purpose of the exercise referred to in paragraph 1, where the Member State does not do so, the coordinator shall define relevant coordination time intervals after consultation of the coordination committee and in conformity with the established capacity.

ORGANISATION OF COORDINATION, SCHEDULES FACILITATION AND DATA COLLECTION ACTIVITIES

Article 5

The schedules facilitator and the coordinator

1. The Member State responsible for an airport belonging to the network, a schedules facilitated or coordinated airport shall ensure the appointment of a qualified natural or legal person as schedules facilitator or airport coordinator, after consulting the air carriers using the airport regularly, their representative organisations and the managing body of the airport and the coordination committee, where such a committee exists. The same schedules facilitator or coordinator may be appointed for more than one airport. [Am. 32]

2. Member States shall encourage close cooperation between the coordinators and schedules facilitators to develop common projects at a European level. In order to further improve the system for the allocation of slots at European Union airports and in light of the progress made in the common projects, the progress made in implementing the Single European Sky and the results of the evaluation report mentioned in Article 21, the Commission shall adopt implementing delegated acts for creating a the post of European coordinator. The implementing delegated acts shall be adopted in accordance with the examination procedure procedures referred to in Article 16(2). Article 15. The principles governing the coordinator's independence, including in financial terms and in terms of their essential functions and in organisational and decision-making terms, as referred to in paragraph 3 of this Article apply mutatis mutandis to the European coordinator. The Commission shall appoint the European coordinator in accordance with the examination procedure referred to in Article 16(2). [Am. 86]

3. The Member State responsible for a schedules facilitated or coordinated airport shall ensure that:

(a) at a schedules facilitated airport, the schedules facilitator acts in accordance with this Regulation in an independent, neutral, non-discriminatory and transparent manner;

(b) at a coordinated airport, the coordinator is independent in legal, organisational and decision-making terms of any single interested party, of the Member State and bodies under the jurisdiction of that State; this means that:

(i) in legal terms, the coordinator's essential functions, which consist of allocating slots in an equal and non-discriminatory manner, shall be given to a natural or legal person who or which is not a service provider in the airport, an airline operating from the airport or the managing body of the airport in question; in order to prove that he/she/it does not share common interests with any such entities, the coordinator or schedules facilitator must submit an annual declaration of his/her/its financial interests; [Am. 33]

(ii) in organisational and decision-making terms, the coordinator shall act autonomously in relation to the Member State, the airport managing body, service providers, and airlines operating from the airport in question; it shall not receive instructions from them or be obliged to report to them, with the exception of the Member State; it shall not be part of structures that are directly or indirectly responsible for their day-to-day management and have executive decision-making powers with regard to the assets required for its functioning. The Member States shall ensure that the coordinator's professional interests are taken into consideration in such a way as to allow the coordinator to operate in complete independence;
(iiia) the composition of the coordinator’s board or supervisory body shall also be independent of the direct interests of the airport managing body, the airline users of that airport and any other entity representing a user or service provider. This shall not, however preclude representatives of such entities from being members of a board or supervisory body, provided that voting rights are balanced; [Am. 34]

(iiib) to that end, the coordinator or schedules facilitator, whether as a natural or legal person, must not have been employed by, or worked regularly with, the airport managing body or a service provider or airline operating at or from the airport in question during the two years preceding his/her/its appointment and during the two years from the cessation of his/her/its duties as a coordinator or schedules facilitator; [Am. 35]

(c) the system of financing the coordinator’s activities and those of the schedules facilitator is such as to guarantee the coordinator’s independent status; [Am. 36]

(d) the coordinator acts in accordance with this Regulation in a neutral, non-discriminatory and transparent way.

The financing referred to under point (c) shall be provided by all the air carriers who operate in the coordinated and schedules facilitated airports, and by the those airports in such a way as to ensure that the financial burden is distributed equitably among all interested parties and that the financing does not largely depend on a sole interested party. A stakeholder consultation procedure, incorporating the possibility of an appeal, shall be launched by Member States in order to ensure transparent, non-discriminatory charging correlating to the service provided by the coordinator or schedules facilitator. Collection of the air carriers’ payments shall be the responsibility of the airports concerned, which shall pay those amounts to the coordinator or schedules facilitator. The Member States shall ensure that the adequate financial, human, technical and material resources and expertise required are at the disposal of the coordinator for carrying and the schedules facilitator, such as to enable them to carry out their duties are at its disposal at all times. [Am. 37]

4. The schedules facilitator and the coordinator shall participate in scheduling conferences of air carriers at international level in accordance with Union law.

5. The schedules facilitator shall advise air carriers and recommend alternative arrival and/or departure times when congestion is likely to occur.

6. The coordinator shall be the sole person responsible for the allocation of slots. He shall allocate the slots in accordance with the provisions of this Regulation and shall make provision so that, in an emergency, slots can also be allocated outside office hours.

7. The schedules facilitator shall monitor the conformity of air carriers’ operations with the schedules recommended to them.

The coordinator shall monitor the conformity of air carriers’ operations with the slots allocated to them. Those conformity checks shall be carried out in cooperation with the managing body of the airport and with, the air traffic control authorities and the network manager, and shall take into account the time and other relevant parameters relating to the airport concerned. [Am. 38]

All schedules facilitators and coordinators shall cooperate to detect inconsistencies in schedules and to encourage air carriers to resolve them.

Article 6

Transparency of coordination activities and schedules facilitation

1. At the end of each scheduling period On an annual basis, the coordinator or schedules facilitator shall submit to the Member States concerned and, to the Commission and, at their request, to all parties involved in their financing, an activity report describing the general slot allocation and/or schedules facilitation situation, examining, in particular, the application of Article 9(5) and Articles 13 and 18, as well as any complaints regarding the application of Articles 9 and 10
submitted to the coordination committee and the steps taken to resolve them. The report shall also contain aggregate and individual data on financial compensation derived from the sale of slots as referred to in Article 13 and the results of a survey conducted among the interested parties on the quality of services provided by the coordinator and the schedules facilitator.

The coordinator and the schedules facilitator shall furthermore submit to the Commission, to the Member States and to all parties involved in their financing a separate annual financial report indicating in detail revenue and expenditure relating to their activities.

2. The Commission may adopt a template for the activity report mentioned in paragraph 1. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 16(2).

3. The coordinator shall maintain, for each airport for which he/she/it has been made responsible, an up-to-date, freely-accessible electronic database freely accessible by all interested parties upon request, including the European Parliament, containing the following information:

(a) historical slots by airline, chronologically, for all air carriers at the airport;
(b) requested slots, by air carriers and chronologically, for all air carriers;
(c) all allocated slots, and outstanding slot requests, listed individually in chronological order, by air carriers, for all air carriers;
(d) remaining available slots with respect to each type of constraint taken into consideration in the coordination parameters. The database shall allow the air carriers and airports to verify the availability of slots corresponding to their requests;
(e) slots transferred or exchanged, indicating the identity of the air carriers involved and whether the transfer or exchange was made for compensation of a financial or other nature. Aggregate data on financial compensation shall be published each year;
(f) full details of the coordination parameters.

This information shall be updated regularly. At the end of each season On an annual basis, the coordinator shall publish the activity report mentioned in paragraph 1.

4. The coordinator shall ensure that the data are stored and remain accessible for at least five consecutive equivalent scheduling periods.

5. Where relevant and generally accepted standards on the format of schedules information are available, the schedules facilitator, the coordinator and the air carriers shall apply them provided that they comply with Union law. [Am. 39]

Article 7
Information for schedules facilitators and coordinators

1. Air carriers operating or intending to operate at a schedules facilitated or coordinated airport belonging to the network shall submit to the schedules facilitator or coordinator, respectively, all relevant information requested by them. If that information changes, the air carriers shall inform the schedules facilitator and the coordinator as soon as possible at the earliest suitable and possible opportunity. All relevant information shall be provided in the format and within the time-limit specified by the schedules facilitator or coordinator. In particular, an air carrier shall inform the coordinator, at the time of the request for allocation, whether it would benefit from the status of new entrant, in accordance with point (2) of Article 2, in respect of requested slots and whether it is affiliated to other carriers operating at the same airport, in order to ensure that it cannot unjustifiably acquire that status. [Am. 40]
For all other airports with no particular designation status, the air carriers operating or intending to operate from that airport, the managing body of the airport, the ground handling service providers and the air navigation service providers shall, when so requested by a coordinator or by the schedules facilitator, provide within a reasonable time-limit any information in their possession about the planned services of air carriers. [Am. 41]

On request from the network manager, the schedules facilitator and the coordinator shall send it all the information referred to in this paragraph.

2. Where an air carrier fails to provide the information referred to in paragraph 1, unless it can satisfactorily demonstrate that mitigating circumstances exist, or provides false or misleading information, the coordinator shall not take into consideration the slot request or requests by that air carrier to which the missing, false or misleading information relates. It shall withdraw the slot or series of slots if they were already allocated and/or recommend that penalties be imposed by the competent body under national law. The coordinator shall give offer that air carrier the opportunity to submit its observations. [Am. 42]

3. The schedules facilitator or the coordinator, the managing body of the airport and the network manager shall exchange all the information they require for the exercise of their respective duties, including flight data and slots, in particular with a view to ensuring the application of Article 17. [Am. 43]

3a. The format and scope of the information referred to in this Article shall be laid down in an agreed worldwide industry standard. The information provided shall be used for the purposes of this Regulation only. [Am. 44]

Article 8

Coordination committee

1. At a coordinated airport, the Member State responsible shall ensure that a coordination committee is set up. The same coordination committee may be designated for more than one airport. Membership of this committee shall be open at least to the air carriers using the airport(s) in question regularly frequently during the current scheduling season and which have used it/them during the previous scheduling season and their representative organisations, the managing body of the airport concerned, the relevant air traffic control authorities, and the representatives of general aviation using the airport regularly. In addition to those members, representatives of the network manager, the performance review body and the national supervisory authority of the Member State concerned may attend meetings of the coordination committee in an observer capacity only, and shall have no voting rights. The coordination committee may invite other bodies directly or indirectly involved in the slot allocation process to attend its meetings as observers. In order for such bodies to attend meetings, their credentials must be communicated to the coordination committee at least seven days before the meeting in question.

The tasks of the coordination committee shall be:

(a) to make proposals concerning or advise the coordinator and/or the Member State on:

(i) the possibilities for increasing the capacity of the airport determined in accordance with Article 3 or for improving its usage;

(ii) the coordination parameters to be determined in accordance with Article 4;

(iii) the methods of monitoring the use of allocated slots;

(iv) local guidelines as provided for in Article 9(8);

(v) factors affecting the traffic conditions prevailing at the airport in question;
(vi) serious problems encountered by new entrants, as provided for in Article 9(6);

(vii) any issue concerning the airport capacity, in particular in relation to the implementation of the Single European Sky and the operation of the network;

(viia) recommendations regarding the efficiency, cost and effectiveness of the coordination process;

(b) to provide the performance review body and the national supervisory authority with opinions concerning the link between the coordination parameters and the key performance indicators proposed to the air navigation service providers as defined by Commission Regulation (EU) No 691/2010 of 29 July 2010 laying down a performance scheme for air navigation services and network functions (1);

(c) to mediate between all parties concerned on complaints on the allocation of slots, as provided for in Article 19.

2. Member State representatives and the coordinator shall be invited to the meetings of the coordination committee as observers. At its request, the Commission may participate in those meetings.

3. The coordination committee shall draw up written rules of procedure covering, inter alia, participation, elections and decision-making, the frequency of meetings, and language(s) used.

Any member of the coordination committee may propose local guidelines as provided for in Article 9(8). At the request of the coordinator, the coordination committee shall discuss the suggested local guidelines. A report of the discussions in the coordination committee shall be submitted to the Member State concerned with an indication of the respective positions stated within the committee. That report shall also be communicated to the performance review body and the network manager. [Ams 45 and 87]

ALLOCATION OF SLOTS

Article 9

Slot pool

1. The coordinator shall set up a pool, which shall contain all the slots not allocated on the basis of Article 10(2) or (3). All new slot capacity determined pursuant to Article 3(3) shall be placed in the pool. This procedure shall be without prejudice to connectivity between regional airports and hub airports. If such connectivity is undermined, Member States shall be permitted to intervene. [Am. 46]

2. Without prejudice to Article 10(2) and (3) of this Regulation and Article 19(2) of Regulation (EC) No 1008/2008, slots placed in the pool shall be distributed among applicant air carriers. 50 % of those slots shall first be allocated to new entrants unless requests by new entrants are less than 50 %. The preference given to new entrants shall be respected during the entire scheduling period. The coordinator shall treat the requests of new entrants and other carriers fairly, in accordance with the coordination periods of each scheduling day. [Am. 47]

Among requests from new entrants, preference shall be given to air carriers qualifying for new entrant status under point (2)(b) of Article 2.

3. Without prejudice to Article 10(2), in a situation where not all slot requests can be accommodated to the satisfaction of the air carriers concerned, preference shall be given to all types of commercial air services and in particular to scheduled air services and programmed non-scheduled air services. In the case of competing requests within the same category of services, priority shall be given to year-round operations. [Am. 48]

4. A new entrant which has been offered a series of slots within one hour before or after the time requested but has not accepted that offer shall not retain its new entrant status for that series during the scheduling period.

5. In the case of services operated by a group of air carriers, only one of the participating air carriers can apply for the required slots. The air carrier operating such a service shall accept responsibility for meeting the operating criteria required to benefit from the priority maintain the historical precedence referred to in Article 10(2). [Am. 49]

Slots allocated to one air carrier may be used by (an)other air carrier(s) belonging to a group of air carriers, provided that the designator code of the air carrier to whom the slots are allocated remains on the shared flight for coordination and monitoring purposes. Upon discontinuation of such operations, the slots so used will remain with the air carrier to whom they were initially allocated. Such operations shall be notified to the coordinator by the air carriers belonging to the group and may not begin prior to the express confirmation by the coordinator.

If a series of slots allocated to an air carrier is used by another air carrier otherwise than in accordance with the conditions laid down in this paragraph, the coordinator shall withdraw the series and return it to the pool after consulting the carriers concerned.

6. If serious problems continue to exist for new entrants, the Member State shall ensure that a meeting of the airport coordination committee is convened. The purpose of the meeting shall be to examine possibilities for remediating the situation. The Commission shall be invited to that meeting.

7. If a requested slot cannot be accommodated, the coordinator shall inform the requesting air carrier of the reasons therefor and shall indicate the nearest available alternative slot.

8. The coordinator shall also take into account additional guidelines established by the air transport industry Union-wide or world-wide or Union-wide as well as local guidelines proposed by the coordination committee and approved by the Member State or any other competent body responsible for the airport in question, provided that such guidelines do not affect the independent status of the coordinator, comply with Union law, and aim at improving the efficient use of airport capacity and have been notified in advance to and pre-approved by the Commission. The local guidelines may only concern the monitoring of the use of slots allocated or the amendment of the definition of a series of slots to reduce its length below 10 slots for the winter scheduling period or below 15 slots for the summer scheduling period, but under no circumstances below 5 slots. The reduction of the length of the series of slots applies only at airports where demand for air services is highly seasonal.

Local rules shall concern the allocation and monitoring of slots. Those rules may be applied only where it can be proved that an airport reaches an alarming level of congestion and that performance or throughput improvements can therefore be delivered through locally applied rules. Such local rules shall be transparent and non-discriminatory, and shall be agreed on in the coordination committee referred to in Article 8(3). [Am. 88]

9. The coordinator shall, in addition to the planned slot allocation for the scheduling period, endeavour to accommodate single slot requests with short notice for any type of aviation, including general aviation. To that end, slots remaining in the pool after distribution among the applicant carriers and slots available at short notice may be used.

Article 10

Historical slots

-1. Airport slots are non-material assets of public utility whose use is subject to the conditions laid down in this Regulation. They are therefore assigned by airport coordinators so as to ensure maximum transparency, in the interests of Member States, passengers, airport managers and air carriers. [Am. 89]

1. Series of slots shall be allocated from the slot pool by the coordinator with the utmost transparency and fairness to applicant carriers as permissions to use the airport infrastructure for the purpose of landing or take-off for the scheduling period for which they are requested, at the expiry of which they have to be returned to the slot pool set up pursuant to Article 9. [Am. 51]
2. Without prejudice to Articles 7, 12, 13 and 17, priority is to and 12, historical precedence shall be given to the air carrier concerned for the allocation of the same series during the following equivalent scheduling period, if that air carrier so requests within the time-limit mentioned in Article 7(1), where the following conditions are satisfied: [Am. 52]

(a) a series of slots has been used by that air carrier for the operation of scheduled and programmed non-scheduled air services, and [Am. 53]

(b) that air carrier can demonstrate to the satisfaction of the coordinator that the series of slots in question has been operated, as cleared by the coordinator, by that air carrier for at least 85 % of the time during the scheduling period for which it has been allocated. [Am. 54]

2a. Non-scheduled air transportation contributes to regional cohesion and competitiveness. Where air carriers have regularly used slots for such transportation at an airport falling within the scope of this Regulation, even where those slots do not always involve the same routes, priority shall be given to requests for continued usage of such slots. [Am. 55]

3. Re-timing of series of slots before the allocation of the remaining slots from the pool referred to in Article 9 to the other applicant air carriers shall be accepted only for operational reasons, such as changes in the type of aircraft used or route operated by the air carrier or, in the case of series of slots allocated to new entrants as defined in Article 2, if the slot timing for those requesting air carriers is better than the slot timing originally requested. It shall not take effect until expressly confirmed by the coordinator. [Am. 56]

4. Slots allocated to an air carrier before 31 January for the following summer season, or before 31 August for the following winter season, but which are returned to the coordinator for reallocation before those dates, shall not be taken into account for the purposes of the usage calculation provided that the remaining allocated slots constitute a series within the meaning of point (13) of Article 2.

Slots coinciding with public holidays shall be incorporated into the series for the following season without any need to justify their non-use. [Am. 57]

5. If the 85 % usage of the series of slots cannot be demonstrated, the priority historical precedence provided for under paragraph 2 shall not be given, unless the non-utilisation can be justified on the basis of any of the following reasons: [Am. 58]

(a) unforeseeable and unavoidable circumstances outside the air carrier’s control leading to:

(i) grounding of the aircraft type generally used for the air service in question;

(ii) total or partial closure of an airport or airspace;

(iii) serious disturbance of operations at the airports concerned, including those series of slots at other Union airports related to routes which have been affected by such disturbance, during a substantial part of the relevant scheduling period: [Am. 59]

(b) an interruption of air services due to action intended to affect those services, for example, in the event of a strike which makes it practically and/or technically impossible for the air carrier to carry out operations as planned;

(c) serious financial difficulties of the Union for an air carrier concerned, resulting in the granting of a temporary licence by the licensing authorities pending financial reorganisation of the air carrier in accordance with Article 9(1) of Regulation (EC) No 1008/2008: [Am. 60]

(d) judicial proceedings concerning the application of Article 12 of this Regulation for routes where public service obligations have been imposed in accordance with Article 16 of Regulation (EC) No 1008/2008 resulting in the temporary suspension of the operation of such routes.
A ban on operating in the Union adopted on the basis of Commission Regulation (EC) No 474/2006 of 22 March 2006 establishing the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council (1) cannot be accepted as a justification for the non-use of the series of slots within the meaning of this paragraph.

6. At the request of a Member State or on its own initiative, the Commission shall examine the application of paragraph 5 by the coordinator to an airport falling within the scope of this Regulation.

It shall take a decision within two months of receipt of the request in accordance with the procedure referred to in Article 16(2).

7. If the conditions set out in points (a) and (b) of paragraph (2) are not met, the Commission, in consultation with the various partners, may however decide, in consultation with the various partners, that priority historical precedence for the allocation of the same series should be maintained for the air carriers for the following scheduling period, if this is justified on imperative grounds of urgency linked to exceptional events requiring coherence in the application of measures to be taken in those airports. Within one month of the Member State or airport concerned having so requested, the Commission shall adopt the necessary measures, which shall apply for not more than one scheduling period. It shall adopt such immediately applicable implementing acts in accordance with the procedure referred to in Article 16(3). The measures adopted by the Commission may differ according to the Member State, airport or type of airline services concerned by the exceptional event in question. [Am. 61]

8. The priority for a series of slots referred to in paragraph 2 of this Article shall not give rise to any claims for compensation in respect of any limitation, restriction or elimination of that priority imposed under Union law, in particular in application of the rules of the Treaty relating to air transport.

**Article 11**

Slot reservation

1. The managing body of a coordinated airport may decide to use the airport charges system with the aim of dissuading air carriers from belatedly returning slots to the pool referred to in Article 9 and to hold them liable for having reserved airport infrastructure without using it. The following principles shall be respected:

(a) the procedure set out under Article 6 of Directive 2009/12/EC of the European Parliament and of the Council (2) shall be observed before this decision is taken. The coordinator shall also be consulted. For coordinated airports not covered by Article 1(2) of Directive 2009/12/EC, the airport managing body shall consult the coordination committee and the coordinator;

(b) this decision shall not affect the non discriminatory and transparent character of the slot allocation process and the system of airport charges;

(c) this decision shall not discourage air carriers from developing services or entering the market and it shall be limited to covering the costs incurred by the airport for reserving the airport capacity corresponding to the slots which remained unused;

(d) air carriers shall not be held liable for having reserved airport infrastructure without using it for slots allocated but returned to the pool before 31 January for the following summer scheduling period or before 31 August for the following winter scheduling period, for slots coinciding with public holidays and returned to the pool before the same dates and for slots for which the non-use can be justified on the basis of Article 10(5);

(e) this decision shall be communicated to the coordinator, the interested parties and the Commission at least six months before the start of the scheduling season concerned.

2. The coordinator shall send the airport managing body all the information necessary for the implementation of the decision referred to in the first paragraph. [Am. 62]

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(2) OJ L 70, 14.3.2009, p. 11.
Article 12
Public service obligations

1. Where public service obligations have been imposed on a route in accordance with Article 16 of Regulation (EC) No 1008/2008, a Member State shall reserve the slots required for the operations envisaged on that route at a coordinated airport. If the reserved slots on the route concerned are not used, they shall be made available to any other air carrier interested in operating the route in accordance with the public service obligations, subject to paragraph 2. If no other carrier is interested in operating the route and the Member State concerned does not issue a call for tenders under Article 16(10), Article 17(3) to (7), and Article 18(1) of Regulation (EC) No 1008/2008, the slots shall be either reserved for another route subject to public service obligations or returned to the pool.Slots shall be returned to the pool when they are not being used after the expiry of a maximum period of six months. When a route no longer meets the requirement for public service obligations slots reservation, the slots shall either be reserved for another route subject to public service obligations or shall remain with the air carrier which was using them if the requirement laid down in Article 10 (2) of this Regulation has been met for the series concerned. [Am. 63]

2. The tender procedure established in Article 16(10), Article 17(3) to (7) and Article 18(1) of Regulation (EC) No 1008/2008 shall be applied for the use of the slots referred to in paragraph 1 of this Article if more than one Union air carrier is interested in serving the route and has not been able to obtain slots within one hour before or after the times requested from the coordinator.

SLOT MOBILITY

Article 13
Slot transfers and exchanges

1. Slots may be:

(a) transferred by an air carrier or between air carriers within a consortium from one route or type of service to another route or type of service operated by that same air carrier;

(b) transferred between two air carriers, with or without monetary or any other kind of compensation;

(c) exchanged, one for one, between air carriers, with or without monetary or any other kind of compensation. Slots that have been newly allocated to air carriers for a scheduling period shall not be transferred or exchanged for compensation or monetary gain until the end of at least one equivalent scheduling period.

2. The Member State coordinator shall establish a transparent framework to allow contact between air carriers interested in transferring or exchanging slots in conformity with Union law.

The transfers or exchanges referred to in paragraph 1 shall be notified to the coordinator and shall not take effect until expressly confirmed by the coordinator. The coordinator shall decline to confirm the transfers or exchanges if they are not in conformity with the requirements of this Regulation and if the coordinator is not satisfied that:

(a) airport operations would not be prejudiced, taking into account all technical, operational, performance and environmental constraints;

(aa) connectivity between regional and hub airports as well as access to non-coordinated airports would not be impaired;
(b) limitations imposed in accordance with Article 12 are respected;

(c) a transfer of slots does not fall within the scope of paragraph 3 of this Article.

For the transfers or exchanges referred to in points (b) and (c) of paragraph 1, the air carriers shall give the coordinator the details of any monetary or any other kind of compensation. The details regarding compensation for the transfers or exchanges are confidential and shall be included in the activity report referred to in Article 6(1) and the coordinator shall divulge such details only to the Member State where the airport is situated, the Commission upon their request and all parties involved in the financing of the coordinator. The transfers or exchanges may not be subject to restrictive conditions intended to limit the possibility for the air carrier wishing to obtain the slots to enter into competition with the air carrier which transfers or exchanges the slots.

3. Slots allocated to a new entrant as defined in point (2) of Article 2 may not be transferred as provided for in point (b) of paragraph 1 of this Article for a period of two equivalent scheduling periods, except in the case of a legally authorised takeover of the activities of a bankrupt undertaking.

Slots allocated to a new entrant as defined in point (2)(b) of Article 2 shall not be transferred to another route as provided for in point (a) of paragraph 1 of this Article for a period of two equivalent scheduling periods unless the new entrant would have been treated with the same priority on the new route as on the initial route.

Slots allocated to a new entrant as defined in point (2) of Article 2 may not be exchanged as provided for in point (c) of paragraph 1 of this Article for a period of two equivalent scheduling periods, except in order to improve the slot timings for those services in relation to the timings initially requested.

Member States may adopt measures to allocate a portion of the revenue generated from the slots trading to a fund in order to cover the costs of developing airport infrastructure and optimising related services. In the interests of complete transparency, the fund in question shall be determined and approved by an independent supervisory authority as referred to in Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges (1). The fund must at all times be managed in such a way as to ensure that the principles of separate accounting are followed, so that the financial amounts to be allocated from the fund to each airport can be established. The revenues generated from the slot trading at one airport shall be reinvested at the same airport. [Am. 64]

Article 14
Competition provisions

This Regulation shall not affect the powers of public authorities to approve the transfer of slots between air carriers and to direct how these are allocated pursuant to national competition law or to Articles 101, 102 or 106 of the Treaty on the Functioning of the European Union or Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (2).

DELEGATED ACTS AND COMMITTEE

Article 15
Exercise of the delegation

1. The power to adopt the delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

(1) OJ L 70, 14.3.2009, p. 11.
2. The delegation of power to adopt delegated acts referred to in Articles 3(3) and 5(2) in fine shall be conferred on the Commission for an indeterminate period of five years from the entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period. [Am. 65]

3. The delegation of powers referred to in Articles 3(3) and 5(2) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Articles 3(3) and 5(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 16
Committee procedure

1. The Commission shall be assisted by a committee. That committee is a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivering an opinion, the chair of the committee so decides or a majority of two thirds of the committee members so request.

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

4. The committee may also be consulted by the Commission on any other matter concerning the application of this Regulation.

IMPLEMENTING ACTS

Article 17
Consistency between the slots and the flight plans

1. When an air carrier submits a flight plan, it shall include a reference to the slot allocated. The network manager shall, after hearing the air carrier concerned and the airport managing body, may reject an air carrier’s flight plan if the air carrier intends to land or take off at a coordinated airport, during the periods for which it is coordinated, without having a slot allocated by the coordinator. Business aviation operators shall not be deemed to have been allocated a slot if they would have to operate outside the time-band offered by the slot and if the delay is not attributable to air navigation services. [Ams 66, 77 and 90/rev]

2. The Member State concerned shall adopt the measures necessary for the exchange of information between the coordinator, the network manager, the air navigation service providers and the airport managing body.
Article 18

Enforcement

1. The coordinator shall withdraw the series of slots provisionally allocated to an air carrier in the process of establishing itself and place them in the pool on 31 January for the following summer season or on 31 August for the following winter season if the undertaking does not hold an operating licence or equivalent on that date or if it is not stated by the competent licensing authority that it is likely that an operating licence or equivalent will be issued before the relevant scheduling period commences. The competent licensing authorities shall give regular information updates to the coordinator and respond to its requests within a reasonable period of time.

2. Air carriers that repeatedly or and intentionally, or general aviation/business aviation companies that intentionally, operate air services at a time significantly different from the slot allocated as part of a series of slots or use slots in a significantly different way from that indicated at the time of allocation and thereby cause prejudice to airport or air traffic operations shall lose their priority historical precedence as referred to in Article 10(2). The coordinator may decide to withdraw from that air carrier the series of slots in question for the remainder of the scheduling period and place them in the pool after consulting the air carrier concerned and after issuing a single warning. If the air carrier then requests equivalent slots, the coordinator shall not be obliged to allocate them. [Am. 67]

The Member State concerned shall ensure that the coordinator establishes an efficient system for supervising the application of this paragraph.

3. Member States shall ensure that implement a system of effective, proportionate and dissuasive penalties are available and are applied to deal with:

— repeated or intentional operation of air services air carriers or general aviation/business aviation companies that intentionally operate without a corresponding slot or at times significantly different from the allocated slots;

— the use of slots in a significantly different way from that indicated at the time of allocation;

— the return of slots after 31 January for the following summer season or after 31 August for the following winter season, or the retention of unused slots; the penalty should in any case take account of the possible use of the mechanism provided by Article 11;

— any refusal to communicate to the coordinator or the schedules facilitator the information specified under Articles 7 and 13 or the communication of false or misleading information.

The coordinator shall be duly informed of the application of penalties. Member States shall notify the Commission of the penalty system they have implemented under this paragraph. [Am. 68]

3a. Member States shall also ensure that the managing body of a coordinated airport establishes and applies effective, proportionate and dissuasive financial penalties to deal with the return of slots after the agreed Historical Baseline Dates for the following winter or summer season, respectively, or the retention of unused slots, with the aim of dissuading air carriers from belatedly returning slots to the pool referred to in Article 9, and to hold them liable for having reserved airport infrastructure without using it. In this regard, the following principles shall be respected:

(a) the procedure laid down in Article 6 of Directive 2009/12/EC shall be followed before penalties as provided for by this paragraph are imposed. The coordinator shall also be consulted. For coordinated airports not covered by Article 1(2) of Directive 2009/12/EC, the airport managing body shall consult the coordination committee and the coordinator;

(b) those penalties shall not affect the non-discriminatory and transparent character of the slot allocation process and the system of airport charges;
(c) those penalties shall not discourage air carriers from developing services or entering the market;

(d) air carriers shall not be held liable for having reserved airport infrastructure without using it:

— for slots allocated but returned to the pool before 31 January for the following summer scheduling period or before 31 August for the following winter scheduling period,

— for slots coinciding with public holidays and returned to the pool before 31 January for the following summer scheduling period or before 31 August for the following winter scheduling period; and

— for slots for which the non-use can be justified on the basis of Article 10(5);

(e) those penalties shall be communicated to the coordinator, the interested parties and the Commission at least six months before the start of the scheduling season concerned;

(f) the system of penalties shall be revenue-neutral for the airport managing body and shall be aimed solely at increasing the efficiency of slot allocation.

The coordinator shall send the airport managing body all information necessary for the implementation of this paragraph.

Member States shall have these penalties in place not later than one year after the adoption of this Regulation. They shall duly inform the Commission, which shall assess the effectiveness of the penalties in question. When a potential infringement of paragraph 2 or 3 is identified, through slot monitoring or otherwise, the air carrier concerned shall be contacted in writing with details of the alleged infringement and a request for information about the air service or slot in question. Where a financial penalty is necessary, it shall apply to each individual failure by an air carrier to comply with paragraph 2 or 3, and shall have a pre-determined minimum value, to be set by the Member State concerned. Multiple infringements may give rise to the imposition of a series of financial penalties and may result in, for example, the doubling of the financial penalty for each further infringement. The coordinator shall be duly informed of the imposition of penalties. Decisions to impose financial penalties shall be published by the coordinator. [Am. 69]

4. Without prejudice to Article 10(5), if the 85% usage rate as defined in Article 10(2) cannot be achieved by an air carrier, the coordinator may decide to withdraw from that air carrier the series of slots in question for the remainder of the scheduling period and place them in the pool after consulting the air carrier concerned. [Am. 70]

Without prejudice to Article 10(5), if after an allotted time corresponding to 15% to 20% of the period of the series validity no slots of that series of slots have been used, the coordinator shall place the series of slots in question in the pool for the remainder of the scheduling period, after consulting the air carrier concerned. The coordinator may decide to withdraw the series of slots before the end of a period corresponding to 15% to 20% of the period of validity of the series if the carrier does not show that it intends to use them. [Am. 71]

Article 19

Complaints and rights of appeal

1. Without prejudice to rights of appeal under national law, complaints regarding the application of Articles 7(2), 9, 10, 13, 17 and 18(1), (2), (3) and (4) shall be submitted to the coordination committee. The committee shall, within a period of one month following submission of the complaint, consider the matter and if possible make proposals to the coordinator in an attempt to resolve the problem. If the complaint cannot be settled, the Member State responsible may, within a further two-month period, provide for mediation by an air carriers' or airports' representative organisation or other third party. [Am. 72]

2. Member States shall take appropriate measures, in accordance with national law, to protect coordinators with regard to claims for damages relating to their functions under this Regulation, save in cases of gross negligence or wilful misconduct.
Article 20
Relations with third countries

1. The Commission may, in accordance with the procedure referred to in Article 16(2), decide that a Member State or Member States should take measures, including the withdrawal of slots, in respect of an air carrier or air carriers of a third country with a view to remedying the discriminatory behaviour of the third country concerned whenever it appears that, with respect to the allocation and use of slots at its airports, a third country:

(a) does not grant Union air carriers treatment comparable to that granted by this Regulation to air carriers from that country, or

(b) does not grant Union air carriers de facto national treatment, or

(c) grants air carriers from other third countries more favourable treatment than Union air carriers.

2. Member States shall inform the Commission of any serious difficulties encountered, in law or in fact, by Union air carriers in obtaining slots at airports in third countries.

FINAL PROVISIONS

Article 21
Report and cooperation

1. The Commission shall submit to the European Parliament and the Council a report on the operation of this Regulation at the latest four three years after its entry into force. The report shall address in particular the functioning of Articles 9, 10, 11 and 13. [Am. 73]

1a. The Commission shall monitor the secondary markets for slots based on the data received from coordinators and shall report on relevant trends, including those relating to regional and intra-Union connectivity, in its Annual Analysis of Air Transport Markets. [Am. 74]

2. Member States and the Commission shall cooperate in the application of this Regulation, particularly as regards the collection of information for the report mentioned in paragraph 1.

Article 22
Repeal

Regulation (EEC) No 95/93 is hereby repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.

Article 23
Entry into force

This Regulation shall enter into force on the first day of the second scheduling period starting after its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at

For the European Parliament
The President

For the Council
The President
ANNEX I

Repealed Regulation with list of its successive amendments

Council Regulation (EEC) No 95/93

ANNEX II

CORRELATION TABLE

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Introduction of noise-related operating restrictions at European Union airports


(Ordinary legislative procedure: first reading)

(2013/C 434/44)

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;

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

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,
Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

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

Having regard to the opinion of the Committee of the Regions (2),

Acting in accordance with the ordinary legislative procedure (3),

Whereas:

(1) A key objective of the common transport policy is sustainable development. This requires an integrated approach aimed at ensuring both the effective functioning of Union transport systems and protection of the environment.

(2) Sustainable development of air transport necessitates the introduction of measures aimed at reducing noise nuisance from aircraft at and around airports with particular noise problems. A large number of Union citizens are exposed to high noise levels which may lead to negative health effects, particularly where night flights are concerned. [Am. 1]


(4) Resolution A33/7 of the International Civil Aviation Organisation (ICAO) introduces the concept of a 'Balanced Approach' to noise management and establishes a coherent method to address aircraft noise. The ICAO Balanced Approach should remain the foundation of noise regulation for aviation, as a global industry. The Balanced Approach recognises the value of, and does not prejudice, relevant legal obligations, existing agreements, current laws and established policies. Incorporating the international rules of the Balanced Approach in this Regulation should substantially lessen the risks of international disputes in case third country carriers may be affected by noise-related operating restrictions.

(5) The Report from the Commission to the Council and the European Parliament of 15 February 2008 entitled 'Noise Operation Restrictions at EU Airports (Report on the application of Directive 2002/30/EC)' pointed to the need to clarify in the text of Directive 2002/30/EC the allocation of responsibilities and the precise obligations and rights of interested parties during the noise assessment process so as to guarantee that cost-effective measures are taken to achieve the noise abatement objectives.

(6) The introduction of operating restrictions by Member States at Union airports on a case-by-case basis, whilst limiting capacity, can contribute to improving the noise climate around airports. However, there is a possibility of introducing distortions of competition or hampering the overall efficiency of the Union aviation network through the inefficient use of existing capacity. Since the objectives of this Regulation cannot be sufficiently achieved by the Member States and can therefore be more effectively achieved at Union level by means of harmonised rules on the introduction of operating restrictions as part of the noise management process, the Union may adopt measures in accordance with the principles of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve those objectives. Such harmonised method does

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not impose noise quality objectives, which continue to derive from Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise (1) or other European, national or local rules, and does not prejudge the concrete selection of measures.

(6a) In order to reduce the need for operating restrictions, the national action plans referred to in Directive 2002/49/EC should, in the immediate future, embrace the adoption of complementary measures to manage external airport noise, such as soundproofing of homes and plans for general noise barriers. [Am. 2]

(7) While noise assessments should take place on a regular basis, such assessments should only lead to additional noise abatement measures if the current combination of noise mitigating measures does not achieve the noise abatement objectives.

(8) While a cost-benefit analysis provides an indication of the total economic welfare effects noise abatement objective should be chosen by comparing all costs and all benefits, a cost-effectiveness assessment focuses on achieving a given the tool for reaching that objective in the most cost-effective way, requiring a comparison of only the costs, taking account of health, economic and social aspects. [Am. 4]

(9) Suspension of noise mitigating measures is important to avoid unwanted consequences on aviation safety, airport capacity and competition. Whilst an appeal procedure against noise related The Commission should be able to evaluate proposed operating restrictions may relate to noise abatement objectives, assessment methods and selection of cost-effective measures, the appeal may not suspend before their implementation. Therefore, the Commission should well before implementation of the measures be able to use the right of scrutiny and to suspend measures deemed to produce unwanted or irreversible consequences. It is recognised that the suspension should be for a limited period. [Am. 5]

(9a) The use of approved noise abatement operational procedures should ensure that the necessary flight safety is maintained by considering all factors that might affect a particular operation. Noise abatement operational measures must not preclude or prohibit anti-terrorist security measures. [Am. 6]

(10) In accordance with Directive 2002/49/EC, noise assessments should be based on existing information available and ensure that such objective and measurable criteria common to all the Member States. That information must be reliable, obtained in a transparent manner, comparable and accessible to competent authorities and all stakeholders. Assessments should include monitoring of the latest technological developments and exchanges of information on the latest findings concerning the procedures to be employed. Competent authorities should put in place the necessary monitoring and enforcement tools. Noise assessments should be carried out or supervised by outside agencies independent of the airport operator. [Am. 7]

(11) It is recognised that Member States have decided on noise-related operating restrictions in accordance with national legislation based on nationally acknowledged noise methods, which may not (yet) be fully consistent with the method as described in the authoritative European Civil Aviation Conference (ECAC) Report Doc 29 on ‘Standard Method of Computing Noise Contours around Civil Airports’ nor use the internationally recognised aircraft noise performance information. However, the efficiency and effectiveness of an operating restriction, together with the efficiency and effectiveness of the relevant action plan of which the restriction is a part, should be assessed in accordance with methods prescribed in ECAC Doc 29 and the ICAO Balanced Approach. Accordingly, Member States should adapt their assessments of operating restrictions in national legislation towards full compliance with ECAC Doc 29.

(12) Centralisation of information on noise would substantially reduce the administrative burden for aircraft and airport operators alike. Such information is currently provided and managed at the individual airport level. Those data need to be put at their disposal for operational purposes. It is important to use the data bank of the

European Aviation Safety Agency (the Agency) concerning noise performance certification as a validation tool with the European Organisation for the Safety of Air Navigation (Eurocontrol) data on individual flights. Such data are currently already systematically requested for central flow management purposes, but need to be specified for the purpose of this Regulation and for performance regulation of air traffic management. Good access to validated modelling data should improve the quality of mapping of noise contours of individual airports and strategic mapping to support policy decisions.

In order to reflect the continuous technological progress in engine and airframe technologies and the methods used to map noise contours, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission with respect to regularly updating the noise standards for aircraft referred to in this Regulation and the reference to the associated certification methods, amending the definitions of marginally compliant aircraft and of civil aircraft accordingly, and updating the reference to the method to computing noise contour method and technical report relating to the assessment of the noise situation at an airport. It is particularly important that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council. [Am. 8]

In order to ensure legal certainty and planning reliability, operating restrictions and decisions on the operation of airports, including court decisions and the outcome of mediation processes which were already introduced or under examination before the entry into force of this Regulation, should not be subject to this Regulation but should be dealt with under existing rules. [Am. 9]

Considering the need for the consistent application of the noise assessment method within the Union aviation market, this Regulation sets out common rules in the field of noise operating restrictions. Directive 2002/30/EC should therefore be repealed.

HAVE ADOPTED THIS REGULATION:

Article 1
Subject-matter, objectives and scope

1. This Regulation lays down the rules on the introduction of noise-related operating restrictions in a consistent manner on an airport-by-airport basis and where a noise problem has been identified so as to help improve the noise climate and to limit or reduce the number of people significantly affected by the harmful effects of aircraft noise, in accordance with the Balanced Approach. [Am. 11]

2. The objectives of this Regulation are:

(a) to facilitate the achievement of specific environmental noise abatement objectives, as laid down in Union, national and local rules, and to assess their interdependence with other environmental objectives, including health aspects, at the level of individual airports; and [Am. 12]

(b) to enable selection of the most cost-effective noise mitigation measures, taking account of health, economic and social aspects, in accordance with the Balanced Approach so as to achieve the sustainable development of the airport and air traffic management network capacity from a gate-to-gate perspective. [Am. 44 and 48]

3. This Regulation shall apply to aircraft flights engaged in civil aviation. [Am. 14]

It shall not apply to aircraft flights engaged in military, customs, police, or similar services. [Am. 15]
Article 2
Definitions

For the purpose of this Regulation, the following definitions shall apply:

1. ‘Airport’ means an airport which has more than 50,000 civil aircraft movements per calendar year (a movement being a take-off or landing), taking into consideration the average number of movements of the last three calendar years before the noise assessment;

2. ‘Balanced Approach’ means the method process established by ICAO in Volume 1, Part V of Annex 16 to the Convention on International Civil Aviation (Chicago Convention) under which the range of available measures, namely reduction of aircraft noise at source, land-use planning and management, noise abatement operational procedures and operating restrictions, is considered in a consistent way with the view to addressing the minimising noise problem in the most cost-effective way taking account, inter alia, of health and economic aspects, on an airport by airport basis in order to safeguard the health of citizens living in nearby areas. [Ams 45 and 49]

3. ‘Aircraft’ means fixed-wing aircraft with a maximum certificated take-off mass of 34,000 kg or more, or with a certificated maximum internal accommodation for the aircraft type in question consisting of more than 19 passenger seats, excluding any seats for crew only;

4. ‘Marginally compliant aircraft’ means civil aircraft that meet the are certified in accordance with Chapter 3 certification limits laid down in Volume 1, Part II, Chapter 3 of Annex 16 to the Chicago Convention by a cumulative margin of less than 10 EPNdB (Effective Perceived Noise in decibels), whereby during a transitional period of four years after … (1) and by a cumulative margin of less than 10 EPNdB following the end of that transitional period. The cumulative margin is the figure expressed in EPNdB obtained by adding the individual margins (i.e. the differences between the certificated noise level and the maximum permitted noise level) at each of the three reference noise measurement points as defined in Volume 1, Part II, Chapter 4 Chapter 3 of Annex 16 to the Chicago Convention; [Am. 17]

5. ‘Noise-related action’ means any measure that impacts the noise climate around airports, for which the principles of the ICAO Balanced Approach apply, including other non-operational actions that can affect the number of people exposed to aircraft noise;

6. ‘Operating restrictions’ means a noise-related action that limits the access to or reduces the optimal capacity use of an airport, including operating restrictions aimed at the withdrawal from operations of marginally compliant aircraft at specific airports as well as operating restrictions of a partial nature, affecting the operation of civil aircraft according to which for example apply for an identified time period during the day or only for certain runways at the airport. [Am. 18]

Article 3
Competent authorities and right of appeal

1. Member States in which an airport is located shall designate one or more competent authorities responsible for adopting measures on following the process of adoption of operating restrictions, as well as an independent appeal body, in accordance with national laws and practices.

2. The competent authorities and the appeal body shall be independent of any organisation which could be affected by noise-related action.

3. The Member States shall notify in a timely manner the Commission of the names and addresses of the designated competent authorities and appeal body referred to in paragraph 1. The Commission shall publish that information.

4. Member States shall ensure the right to appeal against the operating restrictions adopted pursuant to this Regulation before the appeal body, in accordance with national legislation and procedures. [Am. 19]

(1) Date of entry into force of this Regulation.
Article 4
General rules on aircraft noise management

1. Member States shall adopt — implement the Balanced Approach in regard to aircraft noise management, on an airport-to-airport basis, within the scope of this Regulation. To this end, they shall assess the noise situation at an individual airport in accordance with Directive 2002/49/EC, including harmful effects on human health. Where a noise problem is identified, they shall: [Am. 20]

(a) assess the noise situation at an individual airport; ensure that the noise abatement objective for that airport, taking account, as appropriate, of Article 8 of and Annex V to Directive 2002/49/EC, is defined;
(b) define the environmental noise abatement objective; [Am. 21]
(c) identify measures available to reduce the noise impact;
(d) evaluate carry out a formal and comprehensive assessment of the likely cost-effectiveness of the available measures; [Am. 22]
(e) select the measures;
(f) consult the stakeholders in a transparent way on the intended actions;
(g) decide on the measures and provide for sufficient notification;
(h) implement the measures; and
(i) provide for dispute resolution.

2. Member States shall, when taking noise-related action, consider the following combination of available measures, with a view to determining the most cost-effective combination of measures:

(a) the foreseeable effect of a reduction of aircraft noise at source;
(b) land-use planning and management;
(c) noise abatement operational procedures, including the guidance of take-off and landing routes; [Am. 23]
(d) not as a first resort, operating restrictions.

The available measures may include the withdrawal of marginally compliant aircraft, if deemed necessary. Member States may offer economic incentives to encourage aircraft operators to use less noisy aircraft during the transitional period referred to in point 4 of Article 2. [Am. 24]

3. Member States may, within the Balanced Approach, differentiate noise mitigating measures according to aircraft type noise performance, runway use, flight path and/or timeframe covered. [Am. 25]

4. Without prejudice to paragraph 3, operating restrictions which take the form of a withdrawal of marginally compliant aircraft from airport operations shall not affect civil subsonic aircraft that comply, through either original certification or recertification, with the noise standard in Volume 1, Part II, Chapter 4 of Annex 16 to the Chicago Convention.

5. Measures or a combination of measures taken in accordance with this Regulation for a given airport shall not be more restrictive than necessary be appropriate to achieve the environmental noise abatement objectives set for that airport. Operating restrictions shall be non-discriminatory, in particular on grounds of nationality, identity or activity of aircraft operators, and shall be non-arbitrary. [Am. 26]

6. The measures taken in accordance with this Regulation shall contribute to the 'National Action Plans' relating to noise emitted by air traffic, as referred to in Article 8 of Directive 2002/49/EC.

6a. The Member States shall adopt, speedily and without any undue delay, the necessary legislative measures for the application of this Article. [Am. 27]
Article 5

Rules on noise assessment

1. The competent authorities shall ensure that the noise situation at airports in their territory, for which they are responsible, is assessed on a regular basis, in accordance with the requirements of Directive 2002/49/EC and national or local rules. The competent authorities may call on the support of the Performance Review Body referred to in Article 3 of Commission Regulation (EU) No 691/2010 of 29 July 2010 laying down a performance scheme for air navigation services and network functions (1).

2. The competent authorities shall use the method, indicators and information set out in Annex I for the assessment of the current and future noise situation.

3. When the assessment of the noise situation reveals that new measures are necessary to achieve or maintain the level of operating restriction measures may be required to address a noise abatement objectives problem at an airport, the competent authorities shall ensure that:

(a) the method, indicators and information set out in Annex I are applied to take due account of the contribution of each type of measure under the Balanced Approach;

(b) at the appropriate level, technical cooperation is established between the airport operators, aircraft operators and air navigation service providers to examine measures to mitigate noise. The competent authorities shall also ensure that local residents, or their representatives, and relevant local authorities are consulted, and that technical information on noise mitigating measures is provided to them;

(c) the cost-effectiveness of any new operating restriction is assessed, in accordance with Annex II. Minor technical amendments to existing measures without substantive implications on capacity or operations shall not be considered as new operating restrictions;

4. The competent authorities shall ensure that, at the appropriate level, a forum for technical cooperation is established between the airport operator, aircraft operator and air navigation service provider, for actions which these operators are responsible for, and taking due account of the interdependency between measures to mitigate noise and to reduce emissions. The members of this forum for technical cooperation shall regularly consult local residents or their representatives, and provide technical information and advice on noise mitigating measures to the competent authorities.

5. The competent authorities shall assess the cost effectiveness of the new measures, as referred to in paragraph 3 in accordance with Annex II. A minor technical amendment to an existing measure without substantive implications on capacity or operations is not considered as a new operating restriction.

6. The competent authorities shall organise

(d) the consultation process with interested parties is organised in a timely and substantive manner, ensuring openness and transparency as regards data and computation methodology. Interested parties shall have at least three months prior to the adoption of the new measures operating restrictions to provide comments. The interested parties shall at least include:

(a) representatives from local residents living in the surroundings of the airports affected by air traffic noise;

(b) relevant airport operators;

(e) representatives of aircraft operators which may be affected by noise related actions;

(d) relevant air navigation service providers;

(e) the Network Manager, as defined in Commission Regulation No 677/2011 (2).

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local residents, living in the vicinity of the airports, affected by air traffic noise or their representatives and representatives of the relevant local and regional authorities;

(ii) representatives of local businesses based in the surroundings of the airports whose operations are affected by air traffic and the operation of the airport;

(iii) relevant airport operators;

(iv) representatives of aircraft operators which may be affected by noise-related actions;

(v) relevant air navigation service providers;

(vi) the Network Manager, as defined in Commission Regulation (EU) No 677/2011 of 7 July 2011 laying down detailed rules for the implementation of air traffic management (ATM) network functions (1);

(vii) where applicable, the designated slots coordinator.

7. The competent authorities shall follow up and monitor the implementation of the noise mitigating measures and take action as appropriate. They shall ensure that relevant information is provided on a regular basis to the local residents living in the surroundings of the airports and other interested parties to access the information freely.

The relevant information shall include:

(a) information on alleged infringements due to changes in flight paths, in terms of their impact and the reasons why such change were made;

(b) the criteria used when distributing and managing traffic in each airport, to the extent that those criteria may have an environmental or noise impact.

8. The competent authorities shall ensure that the operators of airport facilities install computerised noise measuring systems at different points close to flight paths which affect or are likely to affect the local population. The data collected by those noise measuring systems may be consulted via the internet. [Am. 28]

Article 6
Noise performance information

1. Decisions on noise-related operating restrictions shall be based on the noise performance of the aircraft as determined by the certification procedure conducted in accordance with Volume 1 of Annex 16 to the Chicago Convention, fifth edition of July 2008.

2. At the request of the Commission, and if the Agency does not already have the information requested, aircraft operators shall communicate the following noise information in respect of their aircraft that use Union airports:

(a) the tail number of the aircraft;

(b) the noise performance certificate or certificates of the aircraft used, together with the associated actual maximum take-off weight;

(c) any modification of the aircraft which influences its noise performance and is recorded in its noise certificate.

(d) aircraft noise and performance information of the aircraft for noise modelling purposes.

For each flight making use of a Union airport, aircraft operators shall communicate the noise performance certificate used and the tail number.

Each time an operator changes the noise certificate used for an aircraft, it shall inform the Commission.

The data shall be provided free of charge, in electronic form and using the format specified, where applicable. The Commission shall bear any costs for providing those data.

3. **Modelling of airport community noise shall be based on manufacturer-provided aircraft noise and performance data recommended for use by the international community and made available through ICAO.** The Agency shall verify the aircraft noise and performance data for modelling purposes in accordance with Article 6(1) of Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency (1). The **Agency shall refer to the established ICAO Committee on Aviation Environmental Protection Modelling and Databases Group’s process to determine data validity and best practices and ensure continued harmonisation across international airworthiness agencies.**

4. Data shall be stored in a central database and made available to competent authorities, aircraft operators, air navigation service providers and airport operators for operational purposes. [Am. 29]

**Article 7**

Rules on the introduction of operating restrictions

1. Before introducing an operating restriction, the competent authorities shall give notice of six three months before, ending at least two months prior to the determination of the slot coordination parameters as defined in point (m) of Article 2 of Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports (2) for the airport concerned for the relevant scheduling period, to the Member States, the Commission and the relevant interested parties.

2. Following the assessment carried out in accordance with Article 5, the notification of the decision shall be accompanied by a written report explaining the reasons for introducing the operating restriction, the environmental noise abatement objective established for the airport, the measures that were considered to meet that objective, and the evaluation of the likely cost-effectiveness of the various measures considered, including, where relevant, their cross-border impact.

3. Where the operating restriction concerns the withdrawal of marginally compliant aircraft from an airport, no new services shall be allowed with marginally compliant aircraft at that airport six months after the notification, **ending at least two months prior to the determination of the slot coordination parameters as referred to in paragraph 1.** The competent authorities shall decide on the annual rate for removing marginally compliant aircraft from the fleet of affected operators at that airport, taking due account of the age of the aircraft and the composition of the total fleet. Without prejudice to paragraph 3 of Article 4, this rate shall not be more than 20 % of that operator’s fleet of. **This annual rate shall not be more than 25 % of the movements and shall be applied uniformly to each affected operator with reference to its number of movements with marginally compliant aircraft serving at that airport.**

4. Any appeal against decisions on noise-related operating restrictions shall be organized in accordance with national law [Am. 30]

**Article 8**

Developing nations

1. The competent authorities may exempt marginally compliant aircraft registered in developing nations from noise operating restrictions provided that such aircraft:

(a) are granted a noise certification to the standards specified in Chapter 3, Volume I of Annex 16 to the Chicago Convention.

(b) were operated in the Union during the five-year period preceding the entry into force of this Regulation, were on the register of the developing nation concerned and continue to be operated by a natural or legal person established in that nation.

2. Where a Member State grants an exemption provided for in paragraph 1, it shall forthwith inform the competent authorities of the other Member States and the Commission of the exemptions it has granted.

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Article 9

Exemptions for aircraft operations of an exceptional nature

On a case-by-case basis, the competent authorities may authorise individual operations of marginally compliant aircraft which could not take place on the basis of the provisions of this Regulation, at airports situated in their territory.

The exemption shall be limited to:

(a) aircraft whose individual operations are of such an exceptional nature that it would be unreasonable to withhold a temporary exemption;

(b) aircraft on non-revenue flights for the purpose of alterations, repair or maintenance;

(ba) aircraft on flights operated for humanitarian or diplomatic purposes. [Am. 31]

Article 10

Right of scrutiny

1. At the request of a Member State or on its own initiative, and without prejudice to a pending appeal procedure, the Commission may scrutinise the decision... within a period of two months after the day on which it receives notice, as referred to in Article 7(1), evaluate the process for the introduction of a noise-related operating restriction, prior to its implementation. Where the Commission finds that the decision introduction of a noise-related operating restriction does not respect follow the requirements process set out in this Regulation, or if otherwise contrary to Union law, it may suspend the decision the Commission may notify the relevant competent authorities accordingly. The relevant competent authorities may take the Commission’s opinion into account.

2. The competent authorities shall provide the Commission with information demonstrating compliance with this Regulation.

3. The Commission shall decide in accordance with the advisory procedure laid down in Article 13(2), in particular taking into account the criteria in Annex II, whether the competent authority concerned may proceed with the introduction of the operating restriction. The Commission shall communicate its decision to the Council and the Member State concerned.

4. Where the Commission has not adopted a decision notified its opinion within a period of six two months after it has received the information notice, as referred to in paragraph 2 Article 7(1), the competent authority may apply the envisaged decision on an operating restriction. [Am. 32]

Article 11

Delegated acts

The Commission shall be empowered to adopt delegated acts in accordance with Article 12 concerning:

(a) amendments of the definitions of aircraft in Article 2 point (3) and of marginally compliant aircraft in Article 2 point (4); [Am. 33]

(b) amendments and updates of the noise certification standards provided for in Articles 4 and 8; and of the certification procedure provided for in Article 6(1).

(c) amendments to the method and technical report set out in Annex I.

Article 12

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 11 shall be conferred on the Commission for an indeterminate period of time five years from the date of entry into force of this Regulation. [Am. 34]

3. The delegation of power referred to in Article 11 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the powers specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 11 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 13
Committee


This committee is a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

3. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so request. [Am. 35]

Article 14
Information and revision

Member States shall submit information on the application of this Regulation to the Commission upon request.

No later than five years after the entry into force of this Regulation, the Commission shall report to the European Parliament and to the Council on the application of this Regulation.

The report shall be accompanied, where necessary, by proposals for revision of this Regulation.

Article 14a
Transitional provisions

Operating restrictions and decisions on the operation of airports, including court decisions and the outcome of mediation processes which were introduced or under examination before the entry into force of this Regulation shall not be subject to this Regulation. They shall, to the extent that Directive 2002/30/EC is applicable, continue to be subject to that Directive and, where applicable, the national rules transposing it. The effects of Directive 2002/30/EC shall therefore be maintained for such measures. A minor technical amendment to the existing measure without substantive implications on capacity or operations shall not be considered as a new operating restriction. [Am. 36]

Article 15
Repeal

Directive 2002/30/EC is repealed with effect as from the date of entry into force of this Regulation.

Article 16
Entry into force

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at

For the European Parliament
The President

For the Council
The President

ANNEX I

Assessment of the noise situation at an airport

Methodology:

1. Competent authorities will use noise assessment methods which have been developed in accordance with the ECAC Report Doc 29 ‘Report on Standard Method of Computing Noise Contours around Civil Airports’, 3rd Edition

Indicators:

1. Air traffic noise impact will be described, at least, in terms of noise indicators $L_{den}$ and $L_{night}$ which are defined and calculated in accordance with Annex I to Directive 2002/49/EC.

2. Competent authorities may use additional noise indicators which have a scientific basis to reflect the annoyance of air traffic noise.

Noise management information:

1. Current inventory

1.1. A description of the airport including information about its size, location, surroundings, air traffic volume and mix.

1.2. A description of the environmental sustainability noise abatement objectives for the airport and the national context. This will include a description of the aircraft noise objectives for the airport. [Am. 38]

1.3. Details of noise contours for the current and at least the previous two years, including an assessment of the number of people affected by aircraft noise, carried out in accordance with Annex III to Directive 2002/49/EC. [Am. 39]

1.4. A description of the existing and planned measures to manage aircraft noise already implemented in the framework of the Balanced Approach and their impact and contribution to the noise situation, which will include:

1.4.1. For reduction at source:

— Evolution of aircraft fleet and technology improvements;

— Specific fleet modernisation plans;
1.4.2. For land-use planning and management:

— Planning instruments in place, such as comprehensive planning or noise zoning;

— Mitigating measures in place, such as building codes, noise insulation programmes or measures to reduce areas of sensitive land use;

— Consultation process of the land-use measures;

— Follow-up of encroachment;

1.4.3. For noise abatement operational measures, to the extent that those measures do not restrict capacity of an airport:

— Use of preferential runways;

— Use of noise preferential routes;

— Use of noise abatement take-off and approach procedures.


1.4.4. For operating restrictions:

— Use of global restrictions, such as cap rules on movements or noise quotas;

— Financial instruments in place, such as noise-related airport charges;

— Use of aircraft-specific restrictions, such as the withdrawal of marginally compliant aircraft;

— Use of partial restrictions, making a distinction between measures at day and during the night.

2.

2.1. Descriptions of airport developments (if any) already approved and in the pipeline, for example, increased capacity, runway and/or terminal expansion, and the approach and take-off forecasts, projected future traffic mix and estimated growth and a detailed study of the noise impact on the surrounding area caused by expanding the capacity, runways and terminals and by modifying flight paths and approach and take-off routes. [Am. 40]

2.2. In the case of airport capacity extension the benefits of making that additional capacity available within the wider aviation network and the region.

2.3. A description of effect on noise climate without further measures, and of those measures already planned to ameliorate the noise impact over the same period.

2.4. Forecast noise contours — including an assessment of the number of people likely to be affected by aircraft noise — distinguish between established residential areas and planned future residential areas that have already been granted authorisation by the competent authorities. [Am. 41]

2.5. Evaluation of the consequences and possible costs of not taking action to reduce the impact of increased noise, if it is expected to occur.
3. Assessment of additional measures

3.1. Outline of the additional measures available and an indication of the main reasons for their selection. Description of those measures chosen for further analysis and information on the outcome of the cost-efficiency analysis, in particular the cost of introducing these measures, the number of people expected to benefit and timeframe, and a ranking of the overall effectiveness of particular measures. [Am. 42]

3.2. An overview of the possible environmental and competitive effects of the proposed measures on other airports, operators and other interested parties.

3.3. Reasons for selection of the preferred option.

3.4. A non-technical summary.

ANNEX II

Assessment of the cost-effectiveness of noise-related operating restrictions

The cost-effectiveness of envisaged noise-related operating restrictions will be assessed taking due account of following elements, to the extent possible, in quantifiable terms:

1) The anticipated noise benefit, including the health benefit, of the envisaged measures, now and in the future;

2) Safety of aviation operations, including third party risk; Health and safety of local residents living in the surroundings of the airport;

3) Capacity of the airport; Safety of aviation operations, including third party risk;

4) Effects on the European aviation network. Direct, indirect and catalytic employment and economic effects, including potential effects on regional economies;

4a) Impact on working conditions at airports;

4b) Capacity of the airport;

4c) Effects on the European aviation network;

4d) Environmental sustainability, including interdependencies between noise and emissions.

In addition competent authorities may take due account of following factors:

4) Health and safety of local residents living in the surroundings of the airport;

2) Environmental sustainability, including interdependencies between noise and emissions;

3) Direct, indirect and catalytic employment effects. [Am. 43]
European statistical programme 2013-2017 ***I


(Ordinary legislative procedure: first reading)

(2015/C 434/45)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2011)0928),

— having regard to Article 294(2) and Article 338(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0001/2012),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the undertaking given by the Council representative by letter of 21 November 2012 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

— having regard to Rule 55 of its Rules of Procedure,

— having regard to the report of the Committee on Economic and Monetary Affairs and the opinions of the Committee on Budgets and the Committee on Employment and Social Affairs (A7-0218/2012),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;

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


(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 99/2013.)
The European Parliament,

— having regard to the proposal for a Council decision authorising enhanced cooperation in the area of financial transaction tax (COM(2012)0631),

— having regard to the request for consent submitted by the Council in accordance with Article 329(1) of the Treaty on the Functioning of the European Union (C7-0396/2012),

— having regard to Rules 74 g and 81(1) of its Rules of Procedure,

— having regard to the recommendation of the Committee on Economic and Monetary Affairs (A7-0396/2012),

A. whereas on 28 September 2011, the Commission adopted a proposal for a Council Directive on a common system of financial transaction tax (FTT) and amending Directive 2008/7/EC (1),

B. whereas that proposal was based on Article 113 of the Treaty on the Functioning of the European Union (TFEU), which requires consultation of Parliament and a unanimous vote in the Council,

C. whereas in its position of 23 May 2012 on that proposal, Parliament, acting in accordance with the consultation procedure, approved the Commission proposal as amended,

D. whereas it quickly became clear that some Member States had specific problems which made it impossible for them to accept the proposed directive,

E. whereas several Member States indicated their readiness to consider the possibility of establishing a common system of FTT within the framework of enhanced cooperation,

F. whereas more than nine Member States have indicated their intention to establish enhanced cooperation between themselves in the area of the creation of a common system of FTT by addressing a request to the Commission in accordance with Article 329(1) TFEU; whereas the Commission subsequently presented a proposal for a Council decision authorising enhanced cooperation,

G. whereas Parliament has verified compliance with Article 20 of the Treaty on European Union (TEU),

H. whereas Parliament, in its position of 23 May 2012, stated that FTT will truly achieve its objectives if introduced at a global level, and highlighted the importance of the Union to lead efforts to reach agreement on FTT at a global level by means of setting an example for the introduction of FTT; whereas enhanced cooperation is also likely to set an example for the introduction of FTT at a global level,

I. whereas Parliament, in its position of 23 May 2012, stated that the model for FTT proposed by the Commission would be a suitable basis for implementation within a group of Member States should they choose to move faster by means of enhanced cooperation,

J. whereas the Commission should complement the initial impact assessment on the introduction of FTT by further examining the impact of FTT under enhanced cooperation on the internal market as a whole, including the effects for participating and non-participating Member States, and should consider the results of the examination when drafting its revised draft proposal,

K. whereas, pursuant to Article 20 TEU, a minimum of nine Member States may establish enhanced cooperation between themselves within the framework of the Union’s non-exclusive competences, while using its institutions and exercising those competences by applying the provisions of the Treaties in a legally consistent manner,

L. whereas such enhanced cooperation in regard to FTT may be regarded as furthering the Union’s objectives, protecting its interests and reinforcing its integration process within the meaning of Article 20 TEU,

M. whereas the requirements of Articles 326 to 334 TFEU are also satisfied,

N. whereas enhanced cooperation respects the rights, competences and obligations of the non-participating Member States, inasmuch as the possibility of raising harmonised FTT on the territories of the participating Member States affects neither the ability of non-participating Member States to maintain or introduce similar taxation at a national level, nor the conditions for raising such taxes on their territories,

O. whereas Article 328(1) TFEU provides that enhanced cooperation is to be open at any time to all Member States that wish to participate; whereas the Commission and the Member States participating in the enhanced cooperation should promote and encourage, from the outset and on an ongoing basis, the participation of as many Member States as possible,

P. whereas existing Union law, in particular the Council Directive 2008/7/EC, must be complied with,

Q. whereas Parliament’s consent in regard to the Commission’s proposal concerns enhanced cooperation and does not prejudice which Member States will participate,

R. whereas Article 333(2) TFEU allows those Member States participating in enhanced cooperation to adopt a decision stipulating that the Council will act under the ordinary legislative procedure, rather than the special legislative procedure provided for in Article 113 TFEU, under which Parliament is merely consulted,

S. whereas the Commission should closely monitor the implementation of FTT with regard to Articles 326 and 327 TFEU and should report regularly to Parliament and to the Council,

1. Consents to the proposal for a Council decision, without prejudice to which Member States participate;

2. Calls on the Council to adopt a decision pursuant to Article 333(2) TFEU, stipulating that, when it comes to the proposal for a Council Directive implementing enhanced cooperation in the area of FTT pursuant to Article 113 TFEU, it will act under the ordinary legislative procedure;

3. Instructs its President to forward its position to the Council and the Commission.
Multiannual Framework for the EU Agency for Fundamental Rights ***


(Special legislative procedure — consent)

(2015/C 434/47)

The European Parliament,
— having regard to the draft Council decision (10449/2012),
— having regard to the request for consent submitted by the Council in accordance with Article 352 of the Treaty on the Functioning of the European Union (C7-0169/2012),
— having regard to Rule 81(1) of its Rules of Procedure,
— having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A7-0361/2012),
1. Consents to the draft Council decision;
2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.