### 1 Resolutions, recommendations and opinions

**RESOLUTIONS**

**European Parliament**

2012-2013 SESSION  
Sitting of 29 March 2012  
The Minutes of this session have been published in OJ C 158 E, 5.6.2012.  

**TEXTS ADOPTED**  
**Thursday 29 March 2012**

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European Parliament

Thursday 29 March 2012

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I
(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

Functioning and application of established rights of people travelling by air
P7_TA(2012)0099

European Parliament resolution of 29 March 2012 on the functioning and application of established rights of people travelling by air (2011/2150(INI))
(2013/C 257 E/01)

The European Parliament,

— having regard to the Communication from the Commission on the application of Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights (COM(2011)0174),

— having regard to the Report from the Commission on the functioning and effects of Regulation (EC) No 1107/2006 of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air (COM(2011)0166),

— having regard to the opinion of the European Economic and Social Committee of 27 October 2011 (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) and in particular paragraphs 42, 43, 46, 82 and 97 thereof,

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

— having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on the Internal Market and Consumer Protection (A7-0053/2012),

A. whereas, while Regulation (EC) No 261/2004 and Regulation (EC) No 1107/2006 (hereinafter referred as ‘the Regulations’) are positive steps forward in terms of protecting passenger rights, there is a need for enhanced legal certainty, more interpretative clarity and uniform application of the Regulations across the EU;

B. whereas, although Regulation (EC) No 261/2004 provides passengers with strong safeguards and has worked effectively since its introduction, the volcanic ash crisis underlined the need to clarify and re-examine certain aspects of the Regulation in case such extraordinary circumstances should arise again in the future;

(2) Texts adopted, P7_TA(2011)0453.
C. whereas the most important passenger right is the right to services provided as scheduled, based on the fundamental right to freedom of movement and the contractual obligation which arises from selling a ticket; whereas it is essential to provide passengers with comprehensible, accurate and timely information that is accessible to all;

D. whereas effective complaint systems should be at the disposal of passengers if the service is not properly delivered or if any other rights guaranteed to the passengers are infringed, especially since passengers have already paid the price of the ticket before the service is provided;

E. whereas the legal framework protecting passenger rights needs to guarantee a minimum standard of consumer protection that can withstand the evolving commercial practices of airlines;

F. whereas the development of passenger screening methods is leading to wider use of methods such as security scanners and behavioural profiling, raising new questions regarding passenger protection in terms of privacy, non-discrimination and public health;

G. whereas persons with reduced mobility (hereinafter referred as 'PRMs') and people with disabilities should be informed of their rights in advance of their journey and in formats accessible to everyone; whereas airport and air carrier personnel should be duly trained in providing assistance to people with disabilities and to PRMs in order to help ensure barrier-free and equal access to air travel in accordance with the requirements of design for all / universal design;

**General Framework**

1. Welcomes the Commission’s commitment to analyse and revise the existing rules on air passenger rights aiming to improve the situation of passengers especially in the cases of long delay or cancellation; believes that proper application of the existing rules by Member States and air carriers, enforcement of sufficient and simple means of redress and providing passengers with accurate information concerning their rights should be the cornerstones of regaining passengers’ trust;

2. Regrets that the enforcement bodies set up by the Member States (hereinafter referred as ‘EBs’) do not always ensure effective protection of passenger rights, to the detriment of air passengers; calls therefore on Member States to devise working methods for the EBs, particularly as regards the handling of complaints and sanctions, that allow enforcement of passenger rights from the viewpoint of legal certainty;

3. Emphasises that air passengers have not only rights, but also responsibilities, and that meeting these helps to ensure that everything runs safely and smoothly for them and other travellers before, during and after the flight;

4. Stresses that uniform handling of complaints in the Member States is necessary in order to create a level playing field, and calls on the Commission to ensure that there is uniform interpretation and application of the Regulations and to develop better cooperation amongst the EBs, including via the exchange of best practice and information, and to seek further coordination of their databases;

5. Calls on the Commission to formalise a European network of EBs by creating a clear mandate and internal working rules in order to enhance cooperation and facilitate the process of adopting relevant common decisions;
6. Considers that there is a need for a better definition of the EBs' role, that EBs should be independent of air carriers and airports and without conflicts of interest, that EBs should be able to act on their own initiative, and that national sanctions applicable to air carriers who are in breach of EU rules should be made more effective; stresses the importance of sound statistics as a basis for regular thorough assessments of the impact of passengers' rights in Europe, and therefore considers that EBs should be obliged to publish details, on an annual basis, of the complaints they receive, including those concerning unfair terms, and of sanctions they issue to air carriers, and that airlines and/or airports should be required to collect data on the number and length of delays, both to passengers and to their luggage; takes the view that the Commission should analyse and publish these statistics.

7. Encourages the Commission to work with Member States to identify and overcome shortcomings in national complaint handling bodies and procedures and to ensure proper coordination of the legislation on air passengers' rights with the expected EU measures on alternative dispute resolution mechanisms.

8. Is of the opinion that regular reports by airlines and operators to the EBs on relevant data regarding the application of the Regulations to be published would increase the efficiency of the EBs and stimulate competition.

9. Emphasises the useful role of the Air Passenger Rights Consultative Group, which the stakeholders can provide with information regarding the review of the Regulations, and stresses the importance of the Group in promoting discussions and cooperation between EBs, consumer associations and airline companies with a view to developing and disseminating best practices in the field of the application of air passenger rights legislation, including on the setting of reasonable and precise timeframes for the handling of passenger claims.

10. Stresses that complete information detailing passenger rights should be communicated by both air carriers and tour operators, in the language used during the booking of the ticket, throughout key stages of the journey, starting from when the passenger is considering whether to book a ticket, in a format which is readily comprehensible and accessible by everyone; recommends that this information include reliable contact information for the customer relations department of the airline concerned and for the appropriate Member State EB; welcomes the Commission's initiative of establishing a central internet site on air passenger rights accessible in all the official EU languages and in formats accessible to passengers with disabilities and PRMs.

11. Urges the Commission to continue the information campaign launched in 2010 with a view to raising passengers' awareness of their rights, and to encourage consumer networks, in coordination with the EBs, to contribute as well.

12. Calls on the Commission to update all sources of information that set out the rights of airline passengers (for example, the relevant Commission websites, documents and brochures), taking account of the latest decisions of the European Court of Justice.

13. Stresses that air carriers should ensure the presence at each airport they operate from of contact personnel or a service which can provide such personnel, who can take immediate decisions in case of disruption, in particular with regard to assistance, reimbursement, rerouting, rebooking, and lost or delayed baggage, and with whom complaints can be lodged; urges the Commission to propose that it be made mandatory to provide a central information point, and specifically a website, and a low-cost telephone number and email address for the air carriers concerned, with a view to ensuring that consumers are properly informed.

14. Takes the view that all air carriers must provide accessible, effective telephone assistance for all passengers once a flight has been booked; this assistance must provide information and alternative proposals in the event of disruption and should in no circumstances exceed the cost of a local call.

15. Calls on the Commission to examine measures that would provide protection for both arriving and departing passengers in terms of ensuring that passengers are properly compensated in the event of loss of, or unacceptably long delays to, baggage.
16. Stresses that even passengers who are aware of their rights may be deterred from seeking redress by laborious complaints procedures; considers that there is a need for EBs to have the resources required to maintain a visible presence in the Union’s larger airports with a view to offering basic information and mediation services;

17. Takes the view that air carriers should ensure that there is an immediate, simple, accessible way, at no extra cost, for passengers to lodge complaints in writing; calls on the Commission to include, in its review of Regulation (EC) No 261/2004, the right of any passenger to make a written complaint at the airport itself or on the plane, with copies to the air carrier and the EB, as well as the opportunity to make a complaint via other electronic means; calls on the Commission to draw up a standard form, translated into all EU languages to avoid any language problems, and to unify complaint procedures;

18. Takes the view that, in order to ensure that passengers’ rights are upheld, and for the purpose of lodging complaints, passengers should be able to identify airline, flight, security and airport staff at all times;

19. Underlines that passengers should have full access to information about their ‘Passenger Name Record’ (PNR) data and be informed of how their PNR data are used and with whom they are shared; considers also that, with a view to guaranteeing passengers’ right to privacy, the air carrier may only require PNR data from passengers when necessary and proportional in connection with the ticket reservation, and stresses that passengers should not be denied the right to transport, except if the boarding denial is requested by the competent authority in justified cases for public security reasons and if it is explained to the passenger by the competent authority and confirmed in writing;

20. Emphasises that, if a passenger who has already boarded is asked to leave the aircraft because of his PNR, disembarkation must be carried out by the competent authorities and not by members of the crew;

21. Reminds Member States of their obligation to monitor airlines’ financial standing and the possibility of suspending an airline’s operating licence if its finances are insufficient; urges the Commission to make sure that national authorities comply with these obligations and to ensure that stranded passengers can be repatriated in the event of insolvency, bankruptcy, ceased operations or removal of an operating licence.

22. Calls on the Commission to ensure effective implementation and enforcement of the existing legislation on price transparency and unfair commercial practices in order to ensure that the advertised price is an accurate reflection of the final price and that all non-optional operational costs and all administrative and payment method charges are included in the tariffs and indicated/distributed with the required information; calls on airlines, in connection with the various means of payment, and especially payment by credit card, only to charge for the real cost of their services, in line with Directive 2011/83/EU on consumer rights;

23. Emphasises the widespread proliferation of unfair contract terms in air transport contracts and an increase in national case law prohibiting certain terms regularly used by airlines; thus urges the Commission to address this issue by blacklisting specific unfair terms in the air transport sector; stresses the need to adopt measures to protect passengers against other unfair contractual terms implemented by airlines, such as contractual issues related to mishandled/delayed/damaged luggage, the transferability of tickets, force majeure circumstances, the unilateral rescheduling of flights, and the prohibition against using the ongoing part of a return ticket unless based on very limited and objective ‘no show’ criteria;

24. Stresses that price discrimination against passengers on the basis of their country of residence must be more thoroughly investigated and, where identified, eliminated;

25. Calls on the Commission to propose measures that would allow for passengers to correct minor booking details easily and free of charge and to withdraw from an online reservation within two hours of the initial booking;
26. Calls on the Commission to propose measures that would make it possible to harmonise commercial practice concerning hand luggage so as to protect passengers against excessive restrictions and to allow them to carry on board a reasonable amount of hand luggage, including purchases from airport shops;

27. Emphasises the right of passengers to have easy access to accurate and objective information detailing the environmental impact and energy efficiency of their travel, which should be clearly visible both on the websites of air carriers and on tickets themselves; calls on the Commission and air carriers to support ongoing work in this direction, as long as the steps taken are reasonable in terms of the costs involved;

28. Emphasises that all passengers, including children younger than two years of age, must be carried safely; calls on air carriers to ensure that passengers with children can board easily with pushchairs in recognition of the fact that the young children travelling with adults may be classified as PRMs; calls on air carriers to offer reduced fares for children, including those over two years of age, as is already the practice with other transport modes; calls on the Commission to ensure that passengers with children have the right to board first and can take pushchairs up to the door of the aircraft and then pick them up at the door upon arrival;

29. Believes there is a need to review the widespread failure of passenger transport operators serving airports to comply with the obligation to provide child seats, thereby restricting parents’ transport options;

30. Calls on the Commission to examine the passenger protection issues related to new screening methods, such as security scanners, hand searches and passenger profiling; considers that existing passenger rights provisions and enforcement bodies could play a role in redressing the problems that may arise;

31. Calls for proper consistency to be ensured between the legislation on air passengers’ rights and the expected EU measures on collective redress, in order to guarantee passengers’ rights in an efficient way and to challenge those companies that systematically ignore these rights;

32. Proposes the introduction of an annual European Award for the most consumer-friendly airline;

33. Suggests that further research could be carried out to examine the possibility and feasibility of establishing a single legislative instrument comprising all provisions and principles on consumer rights in civil aviation in order to reduce fragmentation and reconcile inconsistencies across the different areas of passenger rights;

34. Appreciates the diversity of passenger rights depending on the mode of transport, be it by water, land or air; believes, however, that a holistic approach is needed, so as to integrate all passenger rights – inter alia to compensation, reimbursement and information – into one comprehensive, consolidated legislative framework;

Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights

35. Calls on the Commission, in any upcoming revision of the Regulation, to adopt clarifications of the notion of ‘extraordinary circumstances’ and the definition of ‘cancellation’ as well as the rules governing provision of assistance and the right to redress and compensation; any such review should take note of the level of passenger protection provided by the ECJ rulings as well as the Court’s interpretation of ‘extraordinary circumstances’, regards these measures as important, given the current scope that exists for challenges to compensation rules, variation in national enforcement and incidences such as the 2010 volcanic ash crisis;
36. Calls on the Commission to develop a unified, complete and detailed system to assess the value of evidence submitted by airlines in order to demonstrate the existence of ‘exceptional circumstances’;

37. Calls on the Commission to make it clear that in the event of one flight within a rotation being delayed or cancelled as a result of an extraordinary circumstance, the airline can also refer to that extraordinary circumstance in connection with the first subsequent flight within that same rotation;

38. Believes that there is a strong need for clear rules regarding the content, accessibility, timing and accuracy of the information communicated to air passengers, which should cover the reason for any delay or cancellation, the expected duration of disruptions and what happens in the event of overbooking, as well as the alternative travel options available to passengers;

39. Emphasises that the upcoming revision of the Regulation should also define the body responsible for informing a package travel passenger in due time of any alterations to service, as the contract is between the passenger and a tour operator and not directly with an air carrier;

40. Emphasises that the threefold choice for the passenger of refunding, rerouting or rebooking in the event of travel disruption is a basic right and that this choice should be immediately offered to all stranded passengers;

41. Calls on the Commission to support measures which ensure better and more efficient use of alternative modes of transport, in particular in the event of extraordinary circumstances;

42. Believes that passengers whose luggage has been lost or delayed should be immediately informed of their rights under the Montreal Convention and Regulation (EC) No 889/2002 and that legislative or awareness-raising action is required at European level to increase public understanding of passenger rights and complaint procedures related to lost and delayed luggage; considers that, if luggage is delayed by more than six hours, compensation should be offered that is proportionate to passengers’ needs so that they have the items they need while waiting for their luggage to arrive; stresses that the overall quality and performance of baggage handling services should be addressed in the revision of the Directive 96/67/EC on groundhandling;

43. Takes the view that, in the event of loss, delay or damage to luggage, airlines must in the first instance compensate the passengers with whom they have concluded a contract, but that, at a later stage, the airlines must have a right to seek redress from airports or service providers if they are not responsible for the problem incurred by the passenger;

44. Calls on the Commission to propose a maximum time limit of two months for industry and two months for EBs for handling of passenger complaints; considers that acknowledgement of receipt of complaints should be sent to passengers within 48 hours; passengers who make their reservation by electronic means, such as the internet, should also be entitled to make contact, at no cost, with their airline using the same means, and with a clearly marked address for same, so that the customer can quickly and easily make contact with the relevant staff at the airline to resolve any problems; takes the view, furthermore, that a phone line and web service should be set up, via which passengers can obtain information on the progress of their complaints;

45. In seeking to establish full accountability to passengers, is of the opinion that enhanced cooperation and coordination between the different actors such as air carriers, airports and related service providers should be explored and established, notably in cases of ‘extraordinary circumstances’;

46. Urges that additional financial costs incurred by air carriers under the Regulation should not be passed on to passengers in the form of higher fares;
47. Notes that recent rulings of the European Court of Justice concerning passenger entitlement to compensation in the event of delays confirm the need for measures aimed at equitable treatment, ensuring appropriate compensation in the event of long delays, regardless of the cause of such delays, in order to take full account of the damage a passenger has suffered; urges the Commission, therefore, to propose measures to that effect, without cancelling the right to be transferred to the next available flight;

48. Stresses that giving equal treatment to long delays and flight cancellations provides an incentive for airlines to cancel a delayed flight which could perhaps still have taken off;

49. Believes that, without prejudice to air carriers’ obligations under Regulation (EC) No 261/2004 and in order to guarantee the rights of passengers, the Regulation should clarify provisions on if and when it is allowed for passengers to self-assist by purchasing refreshments or booking hotels or alternative flights and claiming back reasonable expenses from the air carrier; at the same time the Regulation should include mechanisms protecting against abuse by passengers;

Regulation (EC) No 1107/2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air

50. Stresses that PRMs and people with disabilities must be given equal air travel opportunities and unrestricted access to services;

51. Emphasises the need to provide special protection for vulnerable consumer groups, especially PRMs and people with disabilities; points out that these vulnerable groups need additional guarantees when exercising their rights as passengers and calls on the Commission, the Member States and air carriers to enforce those rights;

52. Calls on the Commission and Member States to facilitate barrier-free access for PRMs and people with disabilities to air transport services; emphasises that, in this regard, the right to use mobility devices as well as to be accompanied by a recognised guide or assistance dog should be facilitated; calls on the Commission to propose legislation covering the physical accessibility of airports, in order to ensure that infrastructural barriers do not prevent people with disabilities and PRMs from enjoying equal travel opportunities;

53. Calls on the Commission to draw up guidelines on the interpretation of Regulation (EC) No 1107/2006, notably as regards the provisions on security and accompanying persons;

54. Encourages the Commission to implement an EU-wide action plan covering all measures to be taken by national authorities, and calls on the Commission to cooperate with the EBs and the relevant representative organisations in order to improve the implementation of the Regulation;

55. Shares the Commission’s view that the current definition of PRMs should not be restricted;

56. Emphasises that the information formats, booking process and complaints procedures must be fully accessible, that PRMs and people with disabilities should be able to communicate their assistance needs at the same time as booking their ticket and that the passenger should be provided with a confirmation of the assistance notification; stresses the need for recognition of an infant or small child as a person with reduced mobility on grounds of age.
57. Points out that, although flight safety is of major public interest, an airline cannot deny boarding to PRMs or people with disabilities on the grounds that they are unaccompanied; emphasises that the airline cannot routinely require such passengers to be accompanied by another person;

58. Underlines that training of flight crews and other air carrier, airport and EB personnel plays a key role and must adequately cover the different and individual needs of PRMs and people with disabilities, with particular regard to boarding and disembarking and handling of assistive devices; emphasises that the training should be provided in cooperation with organisations representing people with disabilities and PRMs;

59. Calls on the Commission to submit a proposal ensuring that PRMs and people with disabilities have the right at all times to use safety-approved respiratory devices on aircraft free of charge; considers that a list of approved medical oxygen equipment should be drawn up in cooperation with the industry and organisations representing people with disabilities and PRMs, taking due account of safety requirements;

60. Is of the opinion that establishing minimum standards for PRM assistance equipment and its use at all EU airports is required in order to ensure a harmonised approach to ground handling and high-quality service provision to PRMs passengers in Europe;

61. Is of the opinion that minimum standards must be established for providing information in accessible formats for PRMs and people with disabilities at all EU airports, with particular regard to emergency situations; calls the Commission’s attention to new technologies which are now available, such as video-based sign language services and text-based services;

62. Calls for an end to the abusive and/or discriminatory practices of some air carriers whereby they require PRM passengers to sign a statement prior to boarding exempting the air carrier from liability for any damage caused to their mobility equipment;

63. Calls on the Commission to make efforts with a view to a possible modification of the Montreal Convention, so as to ensure that the mobility equipment of PRMs is compensated in full, as such equipment is important to their integrity, dignity and independence and is therefore in no way comparable to luggage, and that the passenger should have the right, whenever possible, to use his or her own wheelchair up to the door of the aircraft and to receive it back at the door of the aircraft upon arrival; insists meanwhile that PRMs must be informed of their right to claim compensation for damage to their mobility equipment and of their right to make a special declaration of interest in accordance with the Montreal Convention;

64. Insists that a ‘full service’ airline providing flight catering to passengers may not discriminate against passengers requiring special meals because of pre-existing medical conditions (e.g. coeliac disease or diabetes) and that these special meals must be provided at no extra cost to the passenger in all cases of travel.

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

P7_TA(2012)0112

European Parliament resolution of 29 March 2012 on the situation in Belarus (2012/2581(RSP))

(2013/C 257 E/02)

The European Parliament,

— having regard to its previous resolutions on Belarus, in particular those of 16 February 2012 (1), 15 September 2011 (2), 12 May 2011 (3), 10 March 2011 (4), 20 January 2011 (5), 10 March 2010 (6) and 17 December 2009 (7),

— having regard to the Council decision of 23 March 2012 on the reinforcement of restrictive measures against the Belarusian regime;

— having regard to the Conclusions of the European Council of 1-2 March 2012, expressing its deep concern over the further deterioration of the situation in Belarus,

— having regard to Council Implementing Decision 2012/126/CFSP of 28 February 2012 implementing Decision 2010/639/CFSP concerning restrictive measures against Belarus (8),

— having regard to the statement of 28 February 2012 by High Representative Catherine Ashton on her decision and that of the Polish Government to recall the Head of the EU Delegation in Minsk and the Polish Ambassador to Belarus respectively,

— having regard to the Council Decision 2012/36/CFSP (9) of 23 January 2012 amending Decision 2010/639/CFSP concerning restrictive measures against Belarus,

— having regard to Council of Europe Parliamentary Assembly resolution 1857 (2012) of 25 January 2012 on the situation in Belarus, which condemned continuous persecution of members of the opposition and the harassment of civil society activists, independent media and human rights defenders in Belarus,

— having regard to UN Human Rights Council resolution 17/24 of 17 June 2011 on the situation of human rights in Belarus, which condemned the human rights violations before, during and after the presidential elections in Belarus and called on the Government of Belarus to end the ‘persecution’ of opposition leaders,

— having regard to the declaration of the Eastern Partnership Summit adopted in Prague on 7-9 May 2009 and the Declaration on the situation in Belarus adopted on the occasion of the Eastern Partnership Summit in Warsaw on 30 September 2011,

— having regard to the joint statement made by the Ministers of Foreign Affairs of the Visegrad Group, Estonia, Latvia and Lithuania in Prague on 5 March 2012,

— having regard to the statement made by the Belarusian National Platform of the Eastern Partnership Civil Society Forum in Minsk on 2 March 2012.

(2) Texts adopted, P7_TA(2011)0392.
(3) Texts adopted, P7_TA(2011)0244.
(7) OJ C 286 E, 22.10.2010, p. 16.
— having regard to the decision taken at the Annual Congress of the International Ice Hockey Federation in Berne in May 2009 to hold the 2014 IIHF World Championship in Belarus, despite the persecution of Alyaksandr Lukashenka’s political opponents and widespread human rights abuses in Belarus,

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

A. whereas the Prague Declaration of the Eastern Partnership Summit reaffirms the commitments, inter alia of Belarus, to the principles of international law and to fundamental values, including democracy, the rule of law and respect for human rights and fundamental freedoms;

B. whereas the political situation in Belarus has been seriously deteriorating since the presidential elections of 19 December 2010, with repressive measures being taken against members of the democratic opposition, the free media, civil society activists and human rights defenders, despite repeated calls from the international community to halt these measures immediately;

C. whereas Uladzislau Kavalyou and Dzmitry Kanavalau, who were sentenced to death in November 2011 by the Supreme Court of the Republic of Belarus, were executed in March 2012; whereas in Belarus, under the Lukashenka regime, there is insufficient confidence in the rule of law and the independence of the judiciary, and the judicial processes clearly do not meet internationally recognised standards; whereas the death penalty is an inhuman, ineffective and irreversible act of punishment;

D. whereas, on 28 February 2012, underlining the further deterioration in the situation in Belarus, the EU Foreign Ministers decided to add 21 Belarusian officials, responsible for repression of civil society and the democratic opposition, to the list of people subject to the assets freeze and visa ban;

E. whereas an EU-Belarus diplomatic conflict of unprecedented scope escalated after the Belarusian authorities requested that the ambassador of the EU and the Polish ambassador leave the country, and recalled their own ambassadors from Brussels and Warsaw in response to the Council decision of 28 February 2012;

F. whereas, in this context, Aliaksandr Lukashenka followed up with an offensive personal attack on the German Foreign Minister, with no regard for diplomatic etiquette;

G. whereas the ambassadors of the EU Member States in Minsk were all called back to their capitals for consultations, and all EU Member States summoned the Belarusian ambassadors to their foreign ministries;

H. whereas a firm commitment by all EU Member States and other democratic countries to act in a united manner in times of necessity can foster the successful promotion of universal values in such countries as Belarus and bring these countries closer to the path of democratic transition;

I. whereas any improvement in bilateral relations with the European Union is also conditional upon the release of all political prisoners and progress being made by the Government of Belarus in meeting its OSCE commitments and respecting fundamental human rights, the rule of law and democratic principles;

J. whereas large numbers of representatives of the Belarusian democratic opposition and civil society activists, including former presidential candidates, as well as prominent human rights defenders, remain in prison on political grounds;

K. whereas young activists and members of youth organisations have constantly been under pressure or experiencing harassment in many different ways, like Ivan Shyla, a member of ‘Young Front’, who spent 22 days in jail for last year’s campaign of solidarity with Dzmitrij Dashkevich;
L. whereas on 24 February 2012 a district judge in Vitsyebsk sentenced the opposition activist Syarhey Kavalenka to two years and one month in a low-security correctional institution on a charge of violating probation rules; whereas Kavalenka was arrested on 19 December 2011, on the anniversary of the flawed presidential election; whereas he has been on hunger strike against his unjust sentence for 86 days now and his health condition is critical;

M. whereas the Belarusian authorities are violating Article 30 of the Belarusian constitution and limiting the right of free movement of citizens; whereas on 1 March 2012 the Belarusian Prosecutor-General’s Office announced that Belarusians who backed new foreign sanctions against Belarus could be barred from travelling abroad; whereas three opposition leaders and activists – Anatol Lyabedzka, Alyaksandr Dabravolski, and Viktar Karnyayenka – and human rights defender Valyantsin Stefanovich were not allowed to cross the Belarusian-Lithuanian border between 7 and 11 March 2012;

N. whereas the Belarusian Ministry of Justice decided on 14 February 2012 to refuse to register the Belarusian Christian Democracy (BCD) party for the fourth time, without any legal reason for doing so; whereas, according to reports, BCD members were for the first time threatened with physical assault if they did not withdraw their signatures as party founders;

O. whereas thousands of people took part in a Freedom Day peaceful demonstration in Minsk on 25 March 2012 to mark 94 years since the proclamation of the 1918 Belarusian National Republic, and whereas this has shown the readiness of people to defend their position as Belarusian citizens with courage and to express their European aspirations;

P. whereas, in the Belarus Democracy and Human Rights Act of 2011, unanimously adopted by the US Senate and signed into law by President Barack Obama on 3 January 2012, the United States has called on the IIHF to suspend its plan to hold the 2014 championship in Belarus until the Government of Belarus releases all political prisoners;

1. Continues strongly to condemn the deteriorating situation as regards human rights and fundamental freedoms, combined with the lack of deep democratic and economic reforms in Belarus, and will continue to oppose the repression of the regime’s opponents in Minsk;

2. Strongly deplores the execution of Uladzislau Kavalyou and Dzmitry Kanavalau despite continuous domestic and international protests and calls on the Belarusian authorities to release the bodies of the two men to their families for burial; calls on the Belarusian authorities to immediately introduce a moratorium on the death penalty;

3. Condemns the continuous persecution of human rights defenders and members of the democratic opposition and the harassment of civil society activists and the independent media in Belarus for political reasons;

4. Demands the unconditional and immediate release of all political prisoners; reiterates that there cannot be any progress in the EU-Belarus dialogue without progress by Belarus in terms of democracy, human rights and rule of law and until all political prisoners, including Ales Bialiatski, Chair of the Human Rights Centre 'Viasna' and Vice-President of the FIDH, two ex-presidential candidates Mikalai Statkevich and Andrei Sannikau, heads of the presidential campaigns of democratic opposition candidates Pavel Seviarynets and Dzmitry Bandarenka, and Syarhey Kavalenka, a political prisoner detained for an alleged breach of house arrest, who has been on a prolonged hunger strike, which has led to a critical deterioration in his health and directly threatens his life, are unconditionally released and their civil rights are fully rehabilitated;

5. Stresses that the decision to withdraw all the ambassadors of the EU Member States from Belarus proves that the Belarusian authorities’ attempts to divide the European Union over decisions on sanctions have failed;
6. Emphasises that a firm commitment on the part of all EU Member States and other democratic countries to act in a united manner in times of necessity can help promote universal values in such countries as Belarus and bring them closer to the path of democratic transition;

7. Condemns the offensive rhetoric used by Aliaksandr Lukashenka vis-à-vis the German Foreign Minister;

8. Deplores the foreign travel ban list drafted by the Belarus Government that forbids several opponents and human rights activists from leaving the country; expresses its sympathy to all the people included in this list and calls on the Minsk authorities to put an end to such practices that violate the fundamental freedoms of Belarus citizens;

9. Stresses that, instead of choosing increasing self-isolation, Minsk should make the right choice for its people and open itself to democracy;

10. Calls on the National Ice Hockey Federations of the EU Member States and all other democratic countries to urge the IIHF, including at its next Congress in May in Helsinki, Finland, to re-discuss its earlier decision envisaging the possibility of relocating the 2014 World Ice Hockey Championship from Belarus to another host country until all political prisoners, recognised by international human rights organisations as 'prisoners of conscious', are released and until the regime shows clear signs of its commitment to respect human rights and the rule of law;

11. Welcomes the Council decision of 28 February 2012 to strengthen restrictive measures and to add 21 persons responsible for the repression of civil society and the democratic opposition in Belarus to the list of those targeted by a travel ban and an asset freeze;

12. Welcomes the Council decision of 23 March 2012 to reinforce restrictive measures against the Belarusian regime by adding 12 more persons, benefiting from and supporting the Belarusian regime as well as persons responsible for the repression of civil society and the democratic opposition in Belarus, to the list of those targeted by a travel ban and an asset freeze as well as freezing the assets of 29 entities supporting the regime;

13. Calls on the Council to take stock of the latest developments in EU-Belarus diplomatic relations and of the further deterioration in the situation regarding human rights and basic freedoms in the country and, on this basis, to adopt a decision concerning further restrictive measures, including targeted economic sanctions;

14. Stresses that the European Union and Belarus should have good neighbourly relations and that these should be strongly supported by EU close engagement with civil society and the democratic opposition in Belarus and its support for the democratic aspirations of the Belarusian people;

15. Reiterates its call on the Commission to support, with financial and political means, the efforts of Belarusian civil society, independent media (including TV Belsat, European Radio for Belarus, Radio Racja and others) and non-governmental organisations in Belarus to promote democracy;

16. Stresses the need for increased cooperation between the EU and its eastern neighbours in the framework of the Eastern Partnership, including its parliamentary dimension – the Euronest Parliamentary Assembly – with the shared aim of initiating a genuine process of democratisation in Belarus;

17. Instructs its President to forward this resolution to the Council, the Commission, the parliaments and governments of the Member States, the Secretary-General of the United Nations, the Parliamentary Assemblies of the OSCE and the Council of Europe, the Secretariat of the Commonwealth of Independent States and the Parliament and Government of Belarus.
European Endowment for Democracy

P7_TA(2012)0113

European Parliament recommendation of 29 March 2012 to the Council on the modalities for the possible establishment of a European Endowment for Democracy (EED) (2011/2243(INI))

(2013/C 257 E/03)

The European Parliament,

— having regard to the proposal for a recommendation to the Council by Alexander Graf Lambsdorff, on behalf of the ALDE Group, on the modalities for the possible establishment of a European Endowment for Democracy (B7-0391/2011),

— having regard to its resolution of 7 July 2011 on EU external policies in favour of democratisation (1),

— having regard to Articles 2, 6, 8 and 21 of the Treaty on European Union,

— having regard to its resolution of 14 December 2011 on the Review of the European Neighbourhood Policy (2) and in particular paragraph 10 thereof,

— having regard to its resolutions of 7 April 2011 on Review of the European Neighbourhood Policy – Eastern Dimension (3) and Review of the European Neighbourhood Policy – Southern Dimension (4),


— having regard to its resolution of 25 April 2002 on the Commission communication to the Council and the European Parliament on the European Union’s role in promoting human rights and democratisation in third countries (6),


— having regard to the agreements concluded between the EU and third countries and to the human rights and democracy clauses contained therein,

— having regard to the Council conclusions of 18 May 2009 on ‘Support to democratic governance: towards an enhanced EU framework’,

— having regard to three sets of Council conclusions: those of 22 October 2009 on ‘Democracy support in the EU’s external relations’, those of 13 December 2010 containing the ‘2010 progress report and list of pilot countries’ and those of 20 June 2011 on the European Neighbourhood Policy,

(1) Texts adopted, P7_TA(2011)0134.
(2) Texts adopted, P7_TA(2011)0576.
— having regard to the joint communication by the Commission and High Representative of the Union for Foreign Affairs And Security Policy of 25 May 2011 on ‘A new response to a changing neighbourhood’ (COM(2011)0303),

— having regard to the joint communication from the Commission entitled ‘A partnership for democracy and shared prosperity with the southern Mediterranean’ (COM(2011)0200),

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

— having regard to the Foreign Affairs Council Conclusions on the European Endowment for Democracy adopted on 1 December 2011, at its 3130th meeting,

— having regard to the Commission’s thematic and geographic financial instruments concerning democratisation and human rights (such as the European Instrument for Democracy and Human Rights (EIDHR), the European Neighbourhood and Partnership Initiative (ENPI), etc),

— having regard to the letter of support for the establishment of the EED, addressed to EP President Jerzy Buzek and HR/VP Catherine Ashton and dated 25 November 2011,

— having regard to Rules 121(3) and 97 of its Rules of Procedure,

— having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on Development (A7-0061/2012),

A. whereas the EU Treaties enshrine universal human rights and democracy as founding values of the Union and as principles and objectives of the Union’s external action;

B. whereas Article 8 of the Treaty on the Functioning of the European Union lays down the principle of gender mainstreaming, stating that the Union shall in all its activities aim to eliminate inequalities and to promote equality between men and women;

C. whereas, in its Agenda for Action on Democracy Support in EU External Relations, the Council stated that it wished to improve the coherence and effectiveness of its support, but whereas limited progress has been made in that respect;

D. whereas Parliament welcomed the initiative of establishing the European Endowment for Democracy in its resolution of 7 July 2011 on EU external policies in favour of democratisation;

E. whereas the establishment of the EED was supported in the letter addressed to EP President Jerzy Buzek and HR/VP Catherine Ashton by several high-profile human rights defenders, including Sakharov Prize laureates Aung San Suu Kyi and Alaksandr Milinkievic;

F. whereas the EU and its Member States have not yet translated into action a truly coherent and strategic approach to democratisation matters which recognises democracy support as an issue in its own right;

G. whereas the events of the ‘Arab Spring’ and the Eastern Neighbourhood have demonstrated the need for an urgent strategic engagement of the EU with authoritarian countries and those striving for democratic reforms, based on a new and different approach in order to restore credibility and offer timely assistance to the process of transition to democracy; whereas setting up the European Endowment for Democracy could be one of the most tangible responses by the EU to the challenges of democratisation, in our neighbourhood and beyond;
H. whereas women play a key role in the processes of democratisation and the success of social movements;

I. whereas the recent events in North Africa and the Middle East have demonstrated that women are determinant actors for democratic change and that women’s rights are often violated, with women being put at greater risk of poverty and marginalised in their country’s political, social, and economic life;

J. whereas the uprisings in North Africa and the Middle East have underscored the urgency of addressing instability and undemocratic regimes in the EU’s neighbourhood as relevant to Europe’s own security and stability;

K. whereas the strengthened approach to democracy and human rights support developed in the context of the EU Neighbourhood Policy and the EU Agenda for Change needs to be accompanied by an increased capacity to react both rapidly and consistently to developments concerning democracy and the rule of law;

L. whereas the European Instrument for Democracy and Human Rights (EIDHR) focuses on urgent measures as regards human rights defenders at risk, including journalists and opposition figures, and on longer-term measures complementing the existing EU geographic instruments;

M. whereas political parties, eminent political personalities (e.g. dissidents, opposition figures and leaders of youth organisations), social movements, and representatives of civil society, the cultural sector and the media (e.g. journalists, bloggers, social media activists and artists) with a clear agenda seeking to improve democracy continue to play a central role in each democracy and democratisation process; whereas, owing to lack of resources, a restricted mandate and lengthy EIDHR procedures, support for these actors has in the past been limited;

N. whereas the Foreign Affairs Council has endorsed the initiative of creating a European Endowment for Democracy (EED); whereas work is proceeding swiftly towards its establishment and there is an urgent need to reach agreement on the detailed operational aspects;

1. Addresses the following recommendation to the Council, urging it to:

(a) ensure that the EED will generate a more strategic and political approach on the EU’s part to democracy support, by providing context-specific, flexible, timely and bottom-up assistance with rapid reprogramming where this is needed to help facilitate democratic transition in partner countries;

(b) show that, in order to achieve the objectives spelt out above, the creation of a new Fund is more appropriate and more effective than a revision of the existing instruments and in particular of the EIDHR;

(c) clarify the mission and values of the EED in order to ensure clear criteria for the selection of beneficiaries, in particular regarding the methodology of the selection process;

(d) emphasise the coherence and effectiveness of EU democracy support, as laid down in the Agenda for Action on Democracy Support in EU External Relations, and mandate and organise the EED in this spirit;

(e) request that the EED guarantee the principle of national ownership of democratic processes and that democracy-building be carried out through empowerment of the bases of society, up to the highest organs of government;

(f) ensure that the EED, while encouraging ‘deep and sustainable democracy’ in pre-transition, transition and post-transition countries, with a primary though not exclusive focus on the European Neighbourhood, receives a focused mandate, allowing it to complement democracy support measures from other instruments and underlining the added value brought by the new entity;
(g) gain valuable experience through an initial (though not exclusive) focus on the European Neighbourhood;

(h) guarantee that the EED plays a synergetic and complementary role relative to the work undertaken by the EU institutions, including the European Parliament, and the Member States, their agencies, and the foundations they fund, while working closely with them, creating partnerships and avoiding duplication; seek complementarity and close coordination with the Anna Lindh Foundation, particularly in order to promote democracy in the Mediterranean;

(i) ensure that the EED provides added value by complementing and not overlapping with or curtailing the activities of the existing funding instruments, particularly the EIDHR and the IfS; note that the EED could launch projects which could later be continued by the EIDHR or the geographic instruments, creating a programming interface so as to ensure coherence and sustainability in the longer term;

(j) define a precise methodology so as to avoid any overlap between financial instruments, the complex web of Community and parliamentary structures (OPPD, ECG, etc) responsible for human rights, and the EED before any work is started on the project;

(k) ensure at the strategic planning level that the EED cooperates with the other EU instruments and structures engaged in human rights and democracy work, especially the EIDHR, the IfS, the CSF and the geographic instruments; ensure sound and transparent financial management and low administrative and transaction costs; bear in mind the importance of the Community method, with the Commission being invited to examine as soon as possible how EU instruments could in the future provide more rapid response mechanisms and how and when an EU trust fund could be set up if the appropriate legal basis is established in the new Financial Regulation; ensure that if the EU budget contributes towards financing the EED, this will not be at the expense of the already limited resources of the EIDHR;

(l) enable the EED to act in three stages: pre-transition, transition and post-transition, and to kick-start projects and innovative solutions and ideas at ground level which could not hitherto be supported by the EU for reasons of procedural constraints or risk mitigation; model the EED, in addition, in such a way as to make it less risk-averse while respecting the EU Financial Regulation;

(m) request that the impartiality of the EU Election Observation Missions be ensured, considering, therefore, that the EED should not include such missions amongst its activities to promote democracy;

(n) address, in the early stages of funding in a specific country, a wide group of potential beneficiaries, including key pro-democracy political players (e.g. emerging political actors, grassroots movements and non-registered NGOs, and trade unions), watchdogs, whistleblowers, individual political activists, cultural actors, new media actors (bloggers and others), minority rights organisations and think-tanks, in order to enable the EED to support a wide variety of local actors striving for democratic reforms; provide support to the above-mentioned political actors and movements in a pluralist manner;

(o) ensure that the EED pays special attention to the participation of women in the democratic reform process, by supporting women’s organisations and projects in gender-sensitive areas such as combating violence, generating employment, and political participation, extending equal access to justice and education for women and girls, and preventing or ending existing violations of women’s rights;
consider it essential that the EED grant multi-party support to associations in transition countries, given their role as key players in democracy and so that they can contribute to achieving national consensus;

give the EED the power to award grants directly to the intended beneficiaries, in a non-discriminatory manner and in consultation with the EU delegations on the ground, and, possibly, through political foundations and NGOs with a proven track record of successful work in the field of democracy support; particularly at the beginning, ensure that re-granting operates as an effective mechanism to enable the EED to work with partners on the ground who have the requisite knowledge and local infrastructure and enjoy the trust of local people; note that re-granting, provided it respects political plurality at EU level and operates through core grantees, would reduce both the administrative burden on the EED and the potential risks;

ensure that the EU can exercise political influence in accordance with its budgetary contribution; establish a light, transparent and politically representative governance structure, providing a balanced and cost-effective mix between representatives of the Member States and EU institutions, including Parliament, and independent experts and practitioners; strike a clear balance between the autonomy and independence of the EED and its accountability to its funders, and ensure the highest possible degree of financial probity in its accounts, taking special care to ensure that funds are not lost to corruption and that no funds are paid out to any person or entity with any links whatsoever to criminal or terrorist organisations;

structure the EED as an administratively light, flexible and efficient Brussels-based structure, with straightforward grant award mechanisms; applicants should not be required to undergo cumbersome tendering procedures; cofinancing by beneficiaries should not be a prerequisite for funding; the award of grants should be conditional on compliance with strict and clear criteria, and the list of beneficiaries should be made public unless it jeopardises their security; appropriate safeguards should be implemented to avoid fraud and misuse of funds;

build into the EED appropriate channels for structured cooperation and coordination with the Brussels- and field-based actors: provide for close coordination and consultation between the future Executive Committee and the EED staff and the European External Action Service (EEAS), the Commission and Parliament on the strategies, objectives and initiatives of the respective EU instruments, as well as a structured dialogue with the EU delegations and Member State embassies on the ground;

ensure that the EED has robust links and consults regularly with beneficiary groups, but without having regional offices, relying instead on the EU delegations and on local organisations or independent experts and practitioners who have been thoroughly vetted to ensure that they have no links whatsoever to criminal or terrorist organisations;

ensure that an adequate monitoring system to assess the effectiveness of the funding provided is put in place;

consider, however, that priority should be given to establishing the EED as an external financing instrument of the EU within the Union’s institutional framework, so as to ensure that Parliament can duly exercise its legislative and budgetary powers in relation to the EU’s contribution and programming activities;

guarantee that the EU’s contribution to the EED budget is delivered in full conformity with the principles of good financial practice and is administered by staff trained in the application of the Financial Regulation in relation to the EU budget, and that Parliament can exercise full budgetary and legislative control, including the possible monitoring and scrutinising by the budgetary authority of how this funding is used;
guarantee that Parliament can exercise broad political oversight over the EED's activities and programming and ensure that the implementation of its measures is thoroughly monitored and evaluated by an independent third party, inter alia by ensuring that Parliament is kept informed of the EED's annual reports; allow Parliament sufficient space to enable it to contribute during the programming phase, set priorities and strategic lines of action, and share its creative power and transitional experiences from Member States in support of democratisation processes beyond Europe's borders;

ensure that Parliament is involved and consulted throughout the process of activation and implementation of the EED, through, inter alia, a politically balanced selection of MEPs on its Board of Governors and Executive Committee; review the composition of the Board of Governors to ensure that Member States are represented through the Council, and increase the participation of Parliament in the governing board of this instrument, so as to guarantee proper influence in line with Parliament's responsibility as one of the arms of the EU's budgetary authority; enable Parliament to provide input into defining the political and strategic guidelines, priorities, expected results and overall financial allocations underpinning the endowment's activities in a meaningful and systematic manner;

keep under review the EED's impact, performance, and added value vis-à-vis the EU instruments and the sustainability of funded actions; draw appropriate conclusions and, if necessary, adjust its size, structure, funding mechanism and executive accountability accordingly; ensure that the results of such assessments are forwarded to Parliament;

2. Instructs its President to forward this recommendation to the Council and, for information, to the Commission and the Member States.

Enlargement report for Serbia

P7_TA(2012)0114

European Parliament resolution of 29 March 2012 on the European integration process of Serbia (2011/2886(RSP))

The European Parliament,

— having regard to the European Council conclusions of 2 March 2012,

— having regard to the Stabilisation and Association Agreement between the European Communities and their Member States and the Republic of Serbia, to which the European Parliament gave its consent on 19 January 2011 and which is in the final stage of ratification by Member States, and the Interim Agreement on trade and trade-related matters between the European Community and the Republic of Serbia, which entered into force on 1 February 2010,


— having regard to the General Affairs Council conclusions of 28 February 2012,

— having regard to the Council Conclusions of 25 October 2010 inviting the Commission to prepare its opinion on Serbia's application for membership of the European Union, the Council Conclusions of 5 December 2011 and the Conclusions of the European Council of 9 December 2011,

— having regard to the Commission Opinion of 12 October 2011 on Serbia’s application for membership of the European Union (SEC(2011)1208) and the Commission communication of 12 October 2011 entitled 'Enlargement Strategy and Main Challenges 2011-2012' (COM(2011)0666),

— having regard to UN Security Council Resolution 1244 (1999), to the ICJ Advisory Opinion of 22 July 2010 on the question of the accordance with international law of the unilateral declaration of independence in respect of Kosovo, and to the UN General Assembly Resolution of 9 September 2010, which acknowledged the content of the opinion and welcomed the readiness of the EU to facilitate the dialogue between Belgrade and Pristina (1),

— having regard to the joint statement from the 5th EU-Serbia Inter-Parliamentary Meeting of 18-19 April 2011,

— having regard to the EU-Serbia readmission agreement of 8 November 2007 (2) and to Council Regulation (EC) No 1244/2009 of 30 November 2009 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (3),


— having regard to the report of the Chief Prosecutor of the ICTY submitted on 7 December 2011,

— having regard to its previous resolutions,

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

A. whereas in the Presidency Conclusions issued following the Thessaloniki European Council of 19 and 20 June 2003 an unequivocal commitment was made to all the Western Balkan states that they would join the European Union once they meet the established criteria and this commitment was reiterated in the renewed consensus on enlargement approved by the European Council on 14 and 15 December 2006 and the Council Conclusions of 25 October 2010, as well as by the EU-Western Balkans ministerial meeting of 2 June 2010;

B. whereas in its opinion of 12 October 2011 on Serbia’s application for membership the Commission recommended that the European Council grant Serbia EU candidate status;

C. whereas constructive approaches towards regional cooperation and good-neighbourly relations are key elements of the Stabilisation and Association Process;

D. whereas Serbia is in a position to become an important player in guaranteeing security and stability in the region;

E. whereas bilateral issues should not represent and be used as an obstacle in the accession process but they should be addressed in a constructive spirit, as early as possible, taking into account overall EU interests and values;

(1) A/RES/64/298.
1. Welcomes the Council’s decision to grant Serbia candidate country status on 1 March 2012; welcomes the progress achieved by Serbia in the reform process and the agreement between Belgrade and Pristina on inclusive regional cooperation reached on 24 February 2012; underlines the utmost importance of continuation of the Belgrade-Pristina dialogue and implementation in good faith of the agreements reached.

2. Is of the opinion that, provided that the key priority outlined by the Commission in its Opinion is satisfactorily acted upon and that the reform process continues, accession negotiations should be opened with Serbia as soon as possible, thereby demonstrating the EU commitment to the country’s EU perspective; welcomes the considerable progress made by Serbia towards meeting the political Copenhagen criteria, as recognised by the European Council, and recalls that further progress in the European integration process is dependent on continuing the progress in this area, and in particular guaranteeing democracy and the functioning of democratic institutions, upholding the rule of law, respect for human rights, equal and committed protection of all minorities throughout Serbia according to European standards, maintaining good-neighbourly relations and regional cooperation, including peaceful resolution of bilateral issues, as well as improving the functioning of the market economy; calls, in particular, on the Serbian authorities not to organise local elections in the municipalities in north Kosovo, as they would be contrary to international law and UNSC Resolution 1244; calls on the Serbian authorities to encourage integration of these municipalities within the wider Kosovo.

3. Welcomes the progress in the ratification of the Stabilisation and Association Agreement and calls on the remaining EU Member States to finish the ratification procedures without delay.

4. Underlines the importance of holding fair and transparent parliamentary and local elections due to take place on 6 May 2012; emphasises the importance of completing a final list of eligible voters as soon as possible.

5. Welcomes the surrender to the judicial authorities of the remaining two fugitives sought by the ICTY, Ratko Mladić and Goran Hadžić, by means of which entirely satisfactory cooperation with the ICTY has been achieved; underlines that their capture was not only a requirement for the further progress of Serbia towards the EU but, above all, a step towards bringing justice to the victims of the conflicts of the 1990s in the former Yugoslavia and reconciliation in the region; calls for continuous full and committed cooperation with the Tribunal and for a thorough investigation into and prosecution of persons engaged in the support networks which allowed the fugitives to hide for such a long time, particularly in the military and civilian security services.

6. Is seriously concerned about the developments in north Kosovo in the second part of 2011, and in particular the violence resulting from the July incidents and the subsequent attacks against the international forces of KFOR; condemns such actions, reminds the Serbian Government of its obligation to do everything in its power to prevent them, reiterates that only continuous political efforts in good faith and negotiated, pragmatic and sustainable solutions within the framework of the EU-mediated Belgrade-Pristina dialogue can permanently eliminate the tensions in the region and recalls the vital significance of a stable majority-minority relationship, based on mutual respect: welcomes, in this regard, the agreements reached on freedom of movement and Kosovo’s participation in regional organisations, and calls on the Serbian Government to move forward with their full implementation, and without delay; welcomes the regular flow of goods that has been enabled by the acceptance of the customs stamps, the technical protocol on implementation of the agreement on integrated border management, the beginning of delivery to EULEX of civil registry books taken from Kosovo by Serbian authorities and the start of the implementation of the agreement on freedom of movement on 26 December 2011, as the first positive steps in the implementation of agreements; welcomes the statements by President Tadić on the necessity of dismantling the barricades, followed by their partial removal; calls on political leaders to adopt a constructive discourse in order not to endanger the implementation of the agreements reached and the ongoing negotiations between Serbia and Kosovo; recalls that free movement of people, goods, ideas, services and capital is a fundamental value in the EU and calls on the Serbian authorities to encourage the permanent removal of the remaining barricades, allowing free access to and passage through the crossing points and facilitating the cooperation of EULEX with the Kosovo Serbs to enable EULEX and KFOR to fully execute their mandates; welcomes in this regard the removal of the two remaining roadblocks on the Serbian side of the border line as well as criminal investigations taking place into perpetrators of the incidents of July 2011.
7. Welcomes the reaffirmation of the need for continuity of dialogue between Belgrade and Pristina to improve living conditions for the people of both Serbia and Kosovo and underlines the importance of that process for wider regional cooperation, stability and the dynamism of the accession process; calls for a proper investigation of cases of violence, especially those involving the international forces of KFOR; recalls, however, that dismantling parallel structures in Kosovo would be the focal point of all cooperation;

8. Welcomes the fact that Serbian citizens have had the opportunity to travel to the Schengen zone without visas since December 2009, as strongly advocated by Parliament; fully supports this extension of the visa-free regime but is however concerned about the increased numbers of asylum seekers in some EU Member States; calls on the authorities to reinforce their efforts to explain to society the inadmissibility of such requests and to identify and prosecute the organisers of ‘asylum travel’; stresses, however, that any measures aimed at preventing abuse of the visa-free travel regime must be based on the rule of law and must not unduly infringe fundamental rights, for example by arbitrarily denying individuals the right to leave their country; calls on EU Member States to assist Serbia in its efforts to fight organised crime in connection with trafficking of false asylum seekers; moreover notes that Serbia is increasingly becoming a recipient country of asylum seekers, needing therefore more efficient management of asylum requests;

9. Points out that a large number of Serbian asylum seekers in the European Union belong to ethnic minorities; calls on the Serbian authorities to tackle actively their problems, aggravated by the current economic situation and high unemployment, by facilitating their integration into society and improving their living conditions; is of the opinion that such actions will reduce and eventually eliminate the root causes of the high number of asylum applications; furthermore, calls on the Member States to step up efforts to fight organised crime groups dealing with trafficking in human beings, in cooperation with the Commission and with EU law enforcement agencies;

10. Recalls also that respect for and protection of minorities are important elements of the EU accession criteria; concurs with the European Commission that the implementation by Serbia of the legal and institutional framework for protecting minorities needs to be improved; welcomes therefore the intention of the Commission, as stated in its Declaration to the minutes of the Council of 28 February 2012, to monitor closely Serbia's efforts in this regard and looks forward to its report;

11. Underlines the utmost importance of the fight against corruption and organised crime for the rule of law in the country; welcomes the recent adoption of several laws related to the fight against corruption and encourages the Serbian authorities to focus on their effective implementation; but expresses its concern about the lack of implementation and the increasing influence of the executive branch on the work of independent institutions and the media; points out, in this regard, that the position of Serbia in the Corruption Perception Index has not improved over the last three years; stresses that not only declaratory but genuine political will is needed to combat corruption; encourages the government to build up strong leadership over the anti-corruption processes; equally, welcomes the decision of the Constitutional Court on the unconstitutionality of holding several public functions as a step towards greater transparency in the public sector, lowering the risk of conflicts of interests; underlines, however, that intertwined interests of political parties and private interests sustain systemic corruption, a common problem in the region which continues to be widespread, and calls for a credible record of prosecution of high-level cases and for implementation of an appropriate protection system for the persons who report it; underlines likewise that corruption in the health sector is a particular concern; urges the government to follow up on the findings of high-level and systemic corruption identified by the Anti-Corruption Council and Anti-Corruption Agency as well as to ensure that these agencies have adequate financial and administrative resources to perform their work and to give more high-level support to the anti-corruption strategy;

12. Is concerned about the Draft Law on Amending the Public Procurement Law, which is not in line with the Serbian Government's own Strategy for Development of Public Procurement; calls on the Serbian Government to allow proper public consultation on the draft law and to bring it into line with the government's official public procurement strategy and international standards; underlines that changes to the Law should not weaken the body which monitors public procurement procedures, as this area has been identified as one of the most important sources of systemic corruption in the country;
13. Draws attention to the many reported irregularities, in particular in the fields of privatisation and public procurement, and calls for more active engagement on the part of law enforcement agencies to ensure their thorough investigation and that the perpetrators are brought to justice; in this respect draws attention to the utmost importance of compiling a thorough and complete record of public property in order to provide a secure and predictable business environment, to ensure continuity of restitution of private property without any kind of discrimination, especially on ethnic grounds, to avoid processes involving the liquidation and bankruptcy of private companies caused by inappropriately increased and retroactively applied taxes, to review such cases and enable fair compensation to those affected, and to prevent illegal expropriation of public assets by private interests; welcomes the fact that the Act on Rehabilitation which has been adopted solves controversial issues concerning collective guilt and that individual responsibility prevails in this law; calls on the government to guarantee efficiency and non-discrimination in the process of implementation of the Act on Restitution and the Act on Rehabilitation;

14. Welcomes the adoption of the law on financing of political activities, as a major step towards transparency of the political system, and calls for its proper implementation, in particular for the establishment of an effective system of monitoring of transactions and effective sanctions;

15. Recalls the importance of the work of the Serbian Parliament, welcomes the steps taken to strengthen its legislative role and the oversight of government actions and calls for further efforts to further build up the capacities to perform its tasks effectively, particularly over the security services; to this end, welcomes the decision to reorganise the services of the Parliament, with the aim of streamlining and increasing the efficiency of their work;

16. Notes the reform of the judiciary and the prosecutions department as well as the reorganisation of the system to improve its efficiency and eliminate the backlog of cases, in line with the recommendations of the Venice Commission; calls on the Serbian Government, however, to increase its efforts to ensure the independence and professionalism of these two sectors, which should undergo deep and broad reforms; emphasises that the development of a non-political judiciary and separation of powers are essential elements in the reform of the judiciary;

17. Regrets the lack of transparency and a number of shortfalls and deficiencies in the judicial review procedure and in the appeal procedure concerning judges and prosecutors who have not been reappointed, including violations of procedures and standards, and the impact that these deficiencies might have on the independence of the judiciary, the separation of powers and the rule of law as well as the right to impartial treatment for all members of the judiciary, including those removed from office; calls on the authorities to ensure that the High Judicial Council acts transparently, independently and in full exercise of its powers, applying consistent and firm criteria clearly laid down by law and without any external pressures; points to the need for a regular system of assessment of the performance of judges to ensure the continued quality of the judiciary after completion of the review;

18. Is seriously concerned about repeated allegations of misuse of Article 359 of the Criminal Code on abuse of office, which was accompanied by alleged widespread unjustified freezes of company and private assets; underlines that these allegations have undermined trust in the rule of law in the country; calls on the authorities to swiftly proceed with a revision of the Criminal Code to ensure that it is in line with European standards and to immediately put an end to the bringing of charges of abuse of office in private enterprises and enterprises with majority private ownership and to discontinue the pending criminal proceedings; emphasises that, where people have been charged under Article 359 and there is a suspicion that the period for which they have been detained or their assets frozen is disproportionate to their alleged offence, they should be entitled to an immediate review of the proceedings against them and the right to reclaim private property and fair compensation;

19. Calls on the Serbian authorities to review immediately the controversial privatisation and sale of 24 companies, as the European Commission has expressed serious doubts concerning their legality, including those of ‘Sartid’, ‘Jugoremedija’, ‘Mobtel’, ‘C market’ and ATP Voyvodina, and to declassify immediately documents classified as State Secret regarding their privatisation and sale, as this is contrary to European standards; in this respect draws attention to the utmost importance of compiling a thorough and complete record of public property in order to provide a secure and predictable business environment, ensure restitution of private property and prevent illegal acquisition of public assets by private interests;
20. Draws attention to serious deficiencies in the functioning of the witness protection programme regarding cases of war crimes, which have resulted in a number of witnesses voluntarily opting out of the programme after being systematically intimidated; calls on the Interior Ministry and the War Crimes Prosecutor's Office to engage actively in efforts to ensure the safety and well-being of all witnesses participating in the protection programme; underlines that a functional witness protection programme is of the utmost importance for the rule of law in the country as well as to demonstrate the political will to deal effectively with war crimes cases left to national judiciaries by the ICTY;

21. Urges the Serbian authorities to initiate and guarantee the legal rehabilitation and financial compensation of persons persecuted for political, ethnic or religious reasons in the past, including those who have suffered as a consequence of the application of collective guilt;

22. Calls on the authorities to continue their efforts to eliminate the legacy of the former Communist secret services, as a step in the democratisation of Serbia; recalls the importance of further security sector reform, increasing parliamentary oversight and control over the security services, as well as of opening up the National Archives, and in particular the documents of the former intelligence agency, the UDBA; encourages the authorities to facilitate access to those archives that concern former republics of Yugoslavia and to return them to the respective governments if they so request;

23. Welcomes the progress in the reform of the public administration but underlines that efforts are still needed to ensure its full professionalism and independence from political influence, through full application of a merit-based appointment and career system; calls for increased coordination in the implementation of the strategy for public administration reform and for local government to be included in the legislative framework; draws attention to the underrepresentation of national minorities in the public administration and courts, as well as in state-owned companies;

24. Welcomes the amendments to the laws on elections, including local elections, and in particular the abolition of the undemocratic practices of appointment of parliamentarians by political parties irrespective of the order on the voting lists and of ‘blank resignations’, allowing political control over their work; calls for the adoption of the law on the State Electoral Commission immediately after the elections, in order to create an independent body to control the election process;

25. Welcomes the role of independent regulatory bodies in improving the efficiency and transparency of the country's institutions; commends in particular the work carried out by the Ombudsman and Commissioner for Information of Public Importance and Personal Data Protection; urges the authorities to provide the State Audit Institution, the Competition Protection Commission, the Public Procurement Office and the Commission for the Protection of Bidders' Rights with adequate financial, administrative and office capacities in order to carry out their duties; reiterates that independent regulatory bodies are essential in the fight against systemic corruption and to provide efficient oversight of the government;

26. Recalls that strong, professional and independent media and internet provision are an indispensable element of a democratic system; to this end, welcomes the adoption of the Strategy of Public Information System Development and its Action Plan and the planned withdrawal of the state from any media ownership; welcomes the fact that the Strategy respects the constitutional rights regarding minority language media; is concerned, however, about attempts to control and interfere in the media sector and calls on the authorities to ensure its independence from political pressures and other influence; calls upon the Serbian Government to ensure freedom and independence of the media in line with EU standards; is concerned that a criminal law was introduced barring public comment in the media on judicial proceedings and verdicts; is concerned about threats directed against Serbian journalists, and calls for their thorough investigation in order to provide the journalists with a safe environment to conduct their work effectively and without the necessity of self-censorship; underlines the need to take steps against the concentration of media ownership and lack of transparency in the media as well as to ensure equal access to the advertising market, including the disbursement of public funds spent on advertising and promotion; calls on journalists to respect the Code of Ethics; notes that the level of internet access remains low, recognises the importance of the internet in media freedom and urges the authorities to maximise their efforts in this field;
27. Regrets the fact that the state authorities have effectively imposed a media blackout in the country with regard to the July 2011 incidents in north Kosovo and misrepresented the role of KFOR in the events; underlines the importance of free and independent media for democracy and a well informed public;

28. Welcomes the functioning of the democratically elected national minority councils, which represent national minorities in the fields of education, culture, media and official language use; notes, however, the importance of the full implementation of the competencies of these minority self-governing bodies and the necessity of adequate budgetary subsidies guaranteed by the Law on National Minority Councils; notes with concern the complaints about the irregularities in the preparation process and the legal requirements for the establishment of the councils, as well as the complaints about the violation of the guaranteed competencies of national councils by some ministries and local municipalities, and calls on the authorities to respond to them; welcomes those decisions of the Serbian Administrative Court which have upheld the cases brought by the National Council of the Hungarian National Minority arising from the violation of the competencies of the National Council by local authorities;

29. Expresses satisfaction about the overall good inter-ethnic situation and the fact that the number and intensity of ethnically-based incidents have decreased in the country, but encourages further efforts by Serbia in the field of minority protection, by consistently implementing legislation which has been adopted; is concerned about the protests by ethnic Albanians against discrimination and about the tense situation in Sandžak and calls on the government to attach higher political priority to improving respect for the fundamental rights of all minorities, including their access to education in their own language, equal access to the labour market and fair representation in institutions; equally, calls on the government to address the problem of regional disparities by providing support to the social and economic development of Sandžak and the Southeast region, including Preševo valley, and to develop strategies for reducing the unemployment rates in these regions; welcomes the agreement reached in October 2011 in the municipality of Bujanovac, which envisages steps to integrate ethnic Serbians in the public administration, and calls for its swift implementation;

30. Notes that, two years after the elections for minority councils, the Bosniak national council has still not been set up due to alleged procedural shortcomings in the election process, and calls for its swift formation in compliance with the rules; calls on political and religious leaders to refrain from inflammatory statements, which risk increasing the tensions; calls on the Serbian Government to stay neutral concerning the tensions related to the religious community in Sandžak and to take measures to ensure good relations with this community while ensuring its right to freedom of religion;

31. Underlines the importance of the population census in gathering statistical information important for the development of Serbia, in particular of less developed regions; welcomes the fact that the census operations were conducted broadly successfully in Serbia in October 2011; strongly regrets the calls for a boycott of the census by politicians of ethnic Albanian origin, which were acted upon by members of municipal census commissions and a considerable number of citizens in Preševo and Bujanovac; notes that the authorities have not yet presented statistical information regarding ethnicity;

32. Calls for further steps to ensure full implementation of the legislative framework on measures against discrimination; is seriously concerned about the lack of political will to actively promote a policy of tolerance and respect for basic human rights as well as to ensure the safety of the participants of the Pride Parade scheduled for 2 October 2011, demonstrated in the course of its preparation, which led to the ban on its organisation; strongly condemns inflammatory and discriminatory remarks on the topic by some politicians and members of the Orthodox clergy; reminds the government that freedom of expression and freedom of association are fundamental human rights and basic values of the EU, which must be respected by any country aspiring to become an EU Member; welcomes the Constitutional Court ruling of 22 December 2011 on this issue; welcomes the positive action undertaken by the Ombudsman and the Commissioner for Equality to promote these values in Serbian society;
33. Calls for investigation of the threats by extremist groups which were given as the reason for banning the parade; underlines the importance of the first ever convictions for discrimination against gays in Serbia, including the sentencing by the Belgrade Higher Court of a far right leader to two years in prison for inciting violence during the 2010 gay pride march, but notes the generally slow pace of the investigation of the violence surrounding the 2010 Pride Parade, resulting so far in a low number of convictions accompanied by light sentences; welcomes, however, the steps undertaken by the prosecution and the courts towards prohibiting the functioning of extremist organisations; calls on state and city authorities to work diligently on building an atmosphere of tolerance, including awareness-raising campaigns against homophobia, in line with European standards.

34. Welcomes progress in improving child protection and establishing a solid legal basis and strategies for increasing respect for children's rights and reforming the child welfare system; is however concerned about the slow pace of implementation of the legislation adopted, especially concerning children with disabilities, many of whom remain effectively excluded from society, and the development of child protection services at the local level; is particularly concerned about the rise in juvenile violence; in this respect calls on the authorities to act vigorously to implement pre-emptive measures and to take all necessary steps to eradicate violence from schools;

35. Welcomes the amendments to the electoral law increasing the percentage of women in the legislature; calls on the authorities to implement rapidly policies to fight discrimination, including indirect discrimination, which women still face on the labour market and in other sectors of society, and to encourage their greater participation in the political life of the country, including in government posts; is concerned that, although both legislation and implementation bodies are in place as regards measures both against discrimination and to promote gender equality, effective implementation of the existing legislation and further strengthening of administrative capacity remain major challenges; urges the authorities to step up their efforts to this end; calls for more energetic efforts to prevent and report domestic violence as well as to provide assistance to its victims; to this end, welcomes the opening of the first safe house in the South of Serbia;

36. Underlines the difficult situation of the Roma community, which continues to suffer from discrimination on the labour market as well as to encounter difficulties with access to adequate housing, education and healthcare; welcomes a number of initiatives taken by the authorities to address in particular the issues of the state of health, access to education and registration of Roma; calls on the representatives of the Roma community to actively engage in this process; calls on the Serbian Government to fully implement the National Strategy for the Improvement of the Status of Roma and the related action plan to improve the social and economic situation of Roma in accordance with the EU Framework for National Roma Integration Strategies; is concerned about the low schooling rates of Roma children, especially girls; calls on the Serbian Government to ensure that all Roma are provided with identity documents, the lack of which presents an obstacle to enjoying basic civil rights; underlines the particularly difficult situation of members of the Roma community in Serbia who fled from Kosovo in the wake of the war; condemns the forced evictions of Roma, including children and the elderly, without proper consultation and notice and without providing them with alternative housing; calls on the authorities to immediately end this practice;

37. Asks the Serbian authorities to develop an institutional and legal framework for social services organisations and to better coordinate the supply of services and entitlements, adjusting it to local needs and involving potential and actual beneficiaries in the design, monitoring and evaluation of the systems, in close cooperation with the local authorities; underlines the importance of strengthening the capacity of municipalities to this end;

38. Underlines the importance of civil-society organisations in improving inter-ethnic relations and fostering tolerance, and in monitoring the activities of the authorities; calls on the government and parliament to develop and coordinate the implementation of a consistent framework for their adequate consultation on the development of social policies; urges the government to investigate fully all incidents against ethnic minorities; is concerned about the threats against activists, human rights defenders, journalists and media organisations, particularly those working in the fields of war crimes, organised crime, corruption, LGBT rights and relations with Kosovo, and calls on the authorities to ensure that these threats are investigated and the perpetrators brought to justice, putting an end to the existing high level of impunity;
39. Expresses its support for the RECOM initiative (Regional Commission for Truth Seeking and Truth Telling about War Crimes and Other Serious Violations of Human Rights in the former Yugoslavia) with a view to further moving forward the process of reconciliation throughout the Western Balkans;

40. Underlines that Serbia has ratified the major labour rights conventions of the International Labour Organisation (ILO) as well as the revised European Social Charter; points out that labour and trade union rights still remain limited despite constitutional guarantees, and calls on Serbia to further enhance these rights; is concerned that the social dialogue remains weak and the consultation of social partners irregular; calls for further steps to be taken to strengthen the Economic and Social Council to ensure that it can take an active role in strengthening the social dialogue and play a more active consultative role in law-making;

41. Calls on Serbia and the Commission to ensure that structural reforms and liberalisation carried out in the framework of progress towards EU membership do not lead to the downgrading of working conditions and labour and trade union rights;

42. Notes with satisfaction that the Instrument for Pre-Accession (IPA) assistance works well in Serbia; encourages both the government and the EU to simplify the administrative procedures for IPA funding with the aim of making it more accessible to smaller and non-centralised beneficiaries; stresses the need to maintain an adequate level of pre-accession support in the forthcoming review of the EU’s financial framework;

43. Welcomes the work of the Ombudsman and calls on the authorities to give full political support to and to ensure the follow-up to his recommendations and to provide his office with adequate financial, administrative and office capacities to carry out the activities;

44. Welcomes the initiative of the Belgrade city authorities to launch the Belgrade European Capital of Culture 2020 campaign and encourages related projects to bring Belgrade and Serbia culturally closer to the EU, in particular with regard to interethic coexistence, multicultural understanding and interreligious dialogue; calls on the Member States and the Commission to support Belgrade’s candidacy; calls in this regard on the Serbian Parliament to adopt and implement the necessary special laws to regulate cultural activity and to adopt a cultural development strategy to better implement the Law on Culture;

45. Reiterates the importance of inclusive regional cooperation in the Western Balkans and welcomes Serbia’s active participation in regional initiatives and bilateral meetings that promote good neighbourly relations, and its increasingly active role in fostering reconciliation in the region; welcomes the official visit by President Tadić to Bosnia and Herzegovina and his support for the territorial integrity and sovereignty of the country; calls on the Serbian Government to ensure that its direct relations with the authorities of the Republika Srpska are in line with this stated support and do not undermine the integrity, sovereignty, competences and effective functioning of the institutions of the state of Bosnia and Herzegovina; furthermore, urges the Serbian authorities to support reforms in BiH aimed at strengthening and streamlining the country’s institutions with a view to EU-related reforms; calls on both governments to hold a special joint session in order to achieve better coordination in EU-related reforms; welcomes the initiatives and achievements with regard to improving political relations between Croatia and Serbia launched and brought about by Presidents Josipović and Tadić; reiterates that such positive bilateral relations are a good basis for resolving pending border issues and underlines that the lawsuits on genocide launched by the two countries against each other should not impede further progress in this regard; encourages the Serbian authorities to work closely with the countries of the former Yugoslavia and other neighbouring countries on the resolution of all outstanding problems of legal succession; encourages transborder cooperation with the neighbouring EU Member States Bulgaria, Hungary and Romania, including within the framework of the EU Strategy for the Danube Region;
46. Welcomes the active involvement of Serbia in advancing the Sarajevo process and the signing on 7 November 2011 by Serbia, together with Bosnia and Herzegovina, Croatia and Montenegro, of a Ministerial declaration on ending displacement and finding durable solutions for refugees and displaced persons; looks forward to the Regional Donors’ Conference due to take place on 24 April 2012 in Sarajevo, where the Joint Regional Housing Programme covering the remaining needs will be presented, and hopes that substantial assistance will be secured for housing refugees and displaced persons in all countries, ensuring proportionality for Serbia, which is hosting one of the largest populations of displaced people in Europe;

47. Welcomes the improvements in relations between Montenegro and Serbia; calls for tighter coordination between the respective governments of EU-related reforms and in particular efforts to address joint challenges to the rule of law, especially measures against organised crime; encourages both governments to step up their efforts to find a solution for the remaining border issues;

48. Welcomes the agreement reached between Serbia and Macedonia on the free movement of citizens in addition to the agreements already signed by Serbia with Montenegro and Bosnia and Herzegovina, and hopes that such agreements, which improve bilateral relations and enhance opportunities for the people concerned, can be extended to all countries in the region;

49. Underlines the importance of the activities of the Historical Reconciliation Committee and reiterates that an ongoing dialogue could lead to better relations; regrets, however, that the larger part of the historical archives, especially those of the former secret police, UDBA, remain closed; further urges a complete and thorough investigation of the massacres of 1944-1945;

50. Calls on the authorities to promote the example of relatively prosperous Vojvodina for less developed regions of Serbia; calls on the authorities to swiftly proceed with the adoption of the related law on the financing of the province, two years after the adoption of the Statute of Vojvodina;

51. Recommends that European funds should be made directly accessible to the national minority councils and civil society organisations of Serbia, in the context of EU support for the country’s reform process;

52. Encourages the authorities to initiate further steps and open the border regions to neighbouring countries in order to facilitate trade and economic links; underlines the importance of opening a terminal for commercial trucks and goods at the border crossing at Ribarci-Oltomantsi in order to improve local economic development;

53. Underlines the paramount importance of high-quality education for the further social and economic development of Serbia and to reduce the high unemployment in the country, in particular among young people; calls on the authorities to actively engage in promoting the value of education among the young, as well as to invest more in higher education; stresses the need for public investment for the recruitment of university graduates with the aim of making the public sector more efficient and preventing a further brain drain which will severely impede the country’s long-term development;

54. Calls for more efforts to ensure unrestricted quality education in minority languages on state and provincial level, which is necessary to preserve ethnic and cultural identity, a right already secured through constitutional means as well as through the 2002 Federal Law on the Protection of the Rights and Freedoms of National Minorities, and consistent with the guidelines specified in the Framework Convention for the Protection of National Minorities, and in particular to provide all the necessary text books and other educational materials; to this end, welcomes the opening of the bilingual university faculty in Bujanovac, accommodating students of both Albanian and Serbian ethnic origin; encourages Serbia to replicate this model for policy towards other minorities where suitable; encourages both minorities and the majority Serbian community to learn each other’s languages in the interests of better understanding; underlines the need to respect the cultural diversity of ethnic minorities by allowing the unhindered proliferation of cultural centres, electronic and press media and libraries that adequately cater for the cultural needs of these communities;
55. Calls on the Serbian Government to the resolve the issue of the accreditation of the International University of Novi Pazar in Sandžak and stresses the importance of ensuring the independence and impartiality of the Commission for Accreditation and Quality Assurance;

56. Welcomes the important steps taken towards establishing a functioning market economy and the activities of the government which have improved the financial and macroeconomic situation of Serbia; notes the decision to freeze the stand-by agreement with the IMF until the new government is elected; underlines that Serbia needs to pursue structural reforms in order to upgrade the productive capacity of the economy and that the country needs to decrease its budget deficit; recalls that the global financial and economic crisis has had a negative effect on society, in particular on the most vulnerable groups; calls on the authorities to make every effort to minimise the adverse effects on these groups – poverty, unemployment, social exclusion – and to address their root causes by developing necessary social and economic policies;

57. Underlines that a genuine rule of law in the country is necessary in order to attract foreign investment, to improve conditions for a faster transition of the economy towards the open market and to create a better business environment; to this end, recalls that the existence of monopolies severely hampers this transition, and calls on the government to continue to take measures to abolish them; underlines the importance of removing red tape, enhancing competition and the role of the private sector;

58. Commends the efforts of the government to develop a thriving SME sector through the adoption and implementation of relevant legislation and the establishment of administrative bodies in support of SMEs; at the same time calls for more efforts to facilitate the proliferation of SMEs by reducing the administrative burden and rigidities on the labour market and by increasing access to finance; urges the government to use a definition of SME that is fully in line with EU recommendations;

59. Calls on the Serbian Government to introduce the necessary measures to increase cooperation with the SME sector in neighbouring regions; stresses that this is an essential prerequisite if Serbia’s economy is to be locked more profitably into the Community trading system;

60. Welcomes Serbia’s good progress in alignment with the acquis in the field of the environment; calls for further sustained efforts in this field, focusing on enforcement of legislation; urges the authorities to step up their efforts in particular as regards water quality and waste disposal; encourages Serbia to adopt climate change targets in line with those of the European Union;

61. Welcomes the conclusion of the EU-Serbia agreement establishing a framework for participation by Serbia in EU crisis management operations and commends the country for its readiness to participate in two EU CSDP operations, namely EUTM and EU NAVFOR Somalia;

62. Calls for further efforts to develop a sustainable network of public transportation in Serbia, and in particular to improve the railway system and inland waterway (Corridor VII) transport as well as the road infrastructure, including swift completion of Corridor X. underlines the importance of improving links with neighbouring countries in order to facilitate mobility of citizens;

63. Instructs its President to forward this resolution to the Council, the Commission and the Government and Parliament of Serbia.
Enlargement report for Kosovo

The European Parliament,
— having regard to the conclusions of the General Affairs Council meeting of 7 December 2009, 14 December 2010 and 5 December 2011 stressing and reaffirming that Kosovo, without prejudice to Member States’ position on its status, should also benefit from the perspective of eventual visa liberalisation once all conditions are met, welcoming the intention of the Commission to launch a visa dialogue towards the end of the year and inviting it to move forward with a structured approach to bring the people of Kosovo closer to the EU,
— having regard to Council Regulation (EC) No 1244/2009 of 30 November 2009 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (1), and in particular its Annex I in which a reference to persons residing in Kosovo was made for reasons of legal clarity and security,
— having regard to the Council conclusions of 28 February 2012 on Enlargement and the Stabilisation and Association Process;
— having regard to the Statement by European Union High Representative for Foreign Affairs and Security Policy/Commission Vice-President on the situation in Kosovo, 27 July 2011,
— having regard to the Council of the European Union’s press releases on the EU-facilitated dialogue,
— having regard to the joint statements of the EP-Kosovo Inter-Parliamentary meetings of 28-29 May 2008, 6-7 April 2009, 22-23 June 2010, and 20 May 2011,
— having regard to the final report of European Union Election Expert Mission to Kosovo of 25 January 2011,
— having regard to its previous resolutions,
— having regard to United Nations Security Council Resolution 1244(1999),

— having regard to the consensus resolution of UN General Assembly of 9 September 2010 (A/RES/64/298) tabled jointly by Serbia and the 27 EU Member States on the Belgrade-Pristine dialogue, stating that its aim would be to ‘promote cooperation, achieve progress on the path to the European Union and improve the lives of the people’ and welcoming the EU’s willingness to facilitate it,

— having regard to the UN Special Envoy’s final report on Kosovo’s future status and the Comprehensive Status Proposal for the Kosovo Status Settlement of 26 March 2007, and in particular its provisions on Human Rights and Fundamental freedoms of Communities and their Members, Religious and Cultural Heritage, and decentralisation,

— having regard to the advisory opinion of the International Court of Justice of 22 July 2010 on the accordance with international law of the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo,

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

A. whereas at the Thessaloniki European Council of 19 and 20 June 2003 a promise was made to all the Western Balkan States that they would join the European Union, and whereas this promise was reiterated at the High-Level Meeting on the Western Balkans in Sarajevo on 2 June 2010;

B. whereas the European Union has always defended the sustainability of multiethnic and pluri-religious states in the Western Balkans, based on the values of democracy, tolerance and multiculturalism;

C. whereas regional cooperation and good neighbourly relations are essential for the process of European integration and for ensuring security and stability in the region;

D. whereas the Ahtisaari Plan remains a good framework for resolving the conflict over the north and for maintaining the territorial and political integrity of Kosovo;

E. whereas the persistent weakness of the rule of law delays the maturing of democracy and harms the economy, undermining long-term development;

F. whereas among key priorities of the EULEX mission are the fight against corruption and organised crime and the investigation and prosecution of war crimes;

1. Notes that the declaration of independence of Kosovo has been recognised by 88 countries, including 22 EU Member States; would welcome the remaining five EU Member States to do likewise; would equally welcome their more active participation in mediation between Serbia and Kosovo; reiterates how important it is for the EU to engage with Kosovo, and considers this commitment vital for preserving stability and security in the EU’s immediate neighbourhood; considers regrettable the diplomatic pressure exerted by Serbia to prevent some countries from recognising Kosovo;

2. Stresses the European perspective of Kosovo, in line with the European perspective of the whole Western Balkans region, which is a powerful incentive for the necessary reforms; underlines that the EU strategy to make this perspective tangible to Kosovar citizens has not been successful so far and that few results have been achieved; welcomes the appointment of the double-hatted EU Special Representative/Head of EU Office;

3. Welcomes the intention of the Commission to launch a feasibility study for the Stabilisation and Association Agreement between Kosovo and the Union, as taken note in the General Affairs Council conclusions of 28 February 2012 and welcomes in particular, the official launch of that study by Commissioner Füle on 27 March 2012 during the first meeting of Kosovo’s National Council for European Integration and hopes that it can be finished at the latest in autumn 2012.
4. Underlines the need for better cooperation between EU missions and other international missions present in Kosovo, in order to avoid that their activities overlap and to ensure efficient resource management;

5. Reiterates its view, as expressed in its resolutions of 29 March 2007 (1), 5 February 2009 (2) and 8 July 2010 (3), that the possibility of partitioning Kosovo should be rejected;

6. Is concerned about serious irregularities during the parliamentary elections in December 2010; calls for proper investigation of the electoral frauds, also exposing individuals politically responsible for irregularities, and for swift and adequate punishment of all perpetrators, including local electoral officials, in order to end the culture of impunity that undermines society's trust in – and the legitimacy of – state institutions; urges that priority be given to the resolution of election cases and, to this end, calls on Kosovo's state institutions (the State Prosecutor, the Supreme Court and the Kosovo Judicial Council) to improve the way they coordinate their work; underlines that a well-functioning electoral framework is essential for the workings of democratic institutions;

7. Calls on all parties, whether in government or in opposition, swiftly to proceed with the promised constitutional and electoral reforms, as pledged to the electorate after the elections, in order to make the electoral system more transparent and to bring it in line with international standards, in particular those of the Council of Europe;

8. Takes note, in this connection, of the Kosovo Government’s intention to end the process of internationally supervised independence during the course of this year with the phasing-out of the International Civilian Office; calls on the Kosovo Assembly to preserve and enshrine in the new constitution the principles of the Ahtisaari Plan, which laid the basis for Kosovo's independence;

9. Notes that the Kosovo institutions dealt successfully with the crisis in early 2011 surrounding the presidency; commends Kosovo on having its first female Head of State, and notes that President Jahjaga also is the youngest democratically elected Head of State in Europe;

10. Welcomes the start of the visa dialogue, in accordance with previous commitments regarding the European perspective of the Western Balkans and without prejudice to Member States' positions on the status of Kosovo, in order to counter the increasing isolation among Kosovar citizens, which has a negative impact, primarily on the most vulnerable groups and on young people, and expects the Commission to present the roadmap on visa liberalisation this spring, adopting the same approach as it has for other Western Balkans countries, namely through the preparation of a roadmap addressing four blocks of issues, the main objective being to achieve visa liberalisation at the end of this process; welcomes the Council conclusions of 5 December 2011, in which it reaffirmed that eventual visa liberalisation would be granted to Kosovo once all the conditions were met; stresses that improved people-to-people contacts are a powerful incentive for democratisation and a driver for further reforms in the region;

11. Stresses that the return of refugees and internally displaced persons remains a challenge for Kosovo; welcomes the efforts of the Kosovar authorities in this field, and encourages further efforts on central and local level to ensure the socio-economic integration of the returnees, taking into special consideration the needs of the Serbian, Roma, Ashkali and Egyptian returnees;

12. Underlines the need to ensure effective cooperation and coordination between all the relevant ministries and, in cooperation with international stakeholders, to provide further training, capacity-building and technical assistance to local institutions and coordination structures; underlines the importance of resolving property restitution issues of the returnees and of ensuring the restoration of property rights of Serbian citizens in Kosovo;

(2) OJ C 67 E, 18.3.2010, p. 126.
13. Underlines the necessity of making substantive progress in reaching an agreement between Kosovo and neighbouring countries on the issue of legal succession and property rights;

14. Underlines the importance of the dialogue with Belgrade, carried out after the agreement between Serbia and Kosovo concluded at the United Nations General Assembly in September 2010 and facilitated by the EU, for regional cooperation and for the European perspective of both countries; welcomes the fact that nine rounds have taken place so far, resulting in several preliminary agreements, including that of 2 December 2011 on integrated management for crossing points (IBM) in the northern part of the country, introducing single joint integrated monitoring arrangements, and calls for its implementation in good faith;

15. However, is concerned that previous agreements, important to improve the everyday lives of citizens on both sides, such as those concerning the handover of all civil registries to the Kosovar authorities and customs stamps, respectively, had not been fully implemented by the Serbian side, with its failure to implement the latter agreement leading to the decision of the Kosovar Government in July 2011 to implement reciprocal measures; calls on the Serbian government to show willingness to achieve the aims of the dialogue; welcomes, in this connection, the agreements between Belgrade and Pristina on IBM and on inclusive regional cooperation reached on 24 February 2012, and underlines the utmost importance of implementing in good faith the agreements reached; considers regrettable, in this connection, the recent disagreements between the parties over the use of the footnote for the Kosovar delegation;

16. Stresses that both sides are expected to pursue a pragmatic approach, which requires commitment, perseverance and a sense of responsibility in seeking solutions; hopes that agreements on all remaining topics will be reached soon in order to pave the way for genuine regional stability and good neighbourly relations, and to enable Kosovo to enter into contractual agreements with the EU;

17. Underlines the importance of ensuring that the parliaments and societies of both states be adequately informed about the outcomes of the dialogue, in order to ensure the transparency and legitimacy of the process; points out that the EU should also play a role in such communication as well as in bringing the two sides closer and facilitating people-to-people contacts;

18. Urges the Council and the Commission of the European Union to negotiate a Trade Agreement with Kosovo as soon as possible, as this is crucial for the development of the country and for a successful fight against unemployment;

19. Is deeply concerned about the unstable and tense situation in the north, and strongly condemns unacceptable violence towards KFOR and Kosovo authorities in the area, leading to loss of life and injuries; calls for efforts to restore the rule of law in this area by intensifying the fight against organized crime and the criminal structures using this area as a safe haven, out of control of any authority; calls for swift and complete removal of all the road blocks and for ensuring free movement of people and goods, including access to crossing points for the international community and for Kosovo customs officers, and welcomes the statement of the President of Serbia in this regard; calls on the Serbian Government to dissolve parallel structures operating on the territory of Kosovo;

20. Underlines that implementation of the Ahtisaari plan in the north would give Kosovar Serbs broad autonomy, guaranteeing their rights and fundamental freedoms; reiterates that only a negotiated result in the dialogue will bring sustainable solutions, and calls on the Kosovar Government to make every effort to develop and implement an effective outreach strategy to citizens in the north in order to facilitate this; urges the international community to continue its support for the Kosovar Government in finding a long-lasting peaceful resolution of the situation in the north;

21. Warns the Serbian authorities that the organisation of local elections in Kosovo would be contrary to international law, with particular reference to UN Security Council Resolution 1244, and would undermine regional stability and the ongoing bilateral dialogue with Kosovo; points out that the modalities for potential participation in Serbia's forthcoming general elections by Kosovars holding Serbian citizenship who are resident in Kosovo should be agreed with the Kosovar authorities in cooperation with the UN Interim Administration Mission in Kosovo (UNMIK) and the OSCE;
22. Stresses that the Kosovar authorities need to take further steps to reach out to the Serbian minority, particularly in the north, in order to fully integrate it into Kosovo society; to this end, welcomes increased representation of Kosovar Serbs in local and national administration, which is necessary to ensure the visibility of the Serbian minority’s interests and to increase its capacity to participate in the decision-making process, contributing to the unity of Kosovo.

23. Welcomes the increased engagement of the Serbian community south of the river Ibar in the institutional framework of Kosovo, as demonstrated by the increased participation in the elections and in the census; underlines the crucial role of the decentralisation process to this end and calls for continued efforts to make it successful, and in particular to ensure good cooperation between all levels of administration; calls for increasing the capacity and budgets of the local administration; hopes that this model of cooperation swiftly can be extended to the north as foreseen in the Ahtisaari plan, and calls also for an effective decentralisation process to be implemented in the area to mitigate ethnic tensions and to foster stability.

24. Underlines the importance of the EULEX rule-of-law mission, providing tangible proof of the commitment of the entire EU and its 27 Member States to the improvement of rule of law in Kosovo, and asks for initiatives of the European Union to strengthen the efficiency and acceptance of this important mission in the whole territory of Kosovo; calls on Kosovar authorities to enhance their cooperation with EULEX and to ensure support for EULEX’s work in all areas of its mandate; notes the activities of EULEX in the north, and calls on the mission to increase its efforts to fulfil its mandate in the area; notes that the mission’s mandate, especially as regards planning, operations, management and oversight, is currently undergoing a review with the aim of adapting it to the changing situation on the ground.

25. Acknowledges the good progress made in some areas, such as police and customs, and is of the opinion that the core activities in these areas to address corruption and organised crime as well as war crimes should be stepped up so that the mission can deliver more tangible results; is, in this regard, concerned about the large backlog of cases generated by the transfer, by the UN Interim Administration Mission in Kosovo, of a high number of cases to EULEX; stresses the responsibility of EULEX as regards its executive powers as well as its mandate to monitor, mentor and advise; encourages, in this regard, EULEX to take concrete actions to move the process of high-level corruption cases forward; draws, in this context, attention to the utmost importance of the work of prosecutors and judges, and calls on the EU Member States to ensure that their numbers are sufficient by seconding appropriate personnel and, if need be, taking recourse to the contracting procedures to fill the gaps.

26. Calls on the EU and its Member States to ensure adequate logistical arrangements to allow EULEX staff to fulfil the mission mandate also in crisis situations, such as the one currently occurring on the northern gates in the Mitrovica/Mitrovica region; draws attention to the importance of ensuring continuity in the mission’s work; is concerned by the announcement of several EU Member States to withdraw their respective contingents of Formed Police Units, and calls on the Member States concerned to reconsider their decisions in view of the continuous needs on the ground.

27. Underlines the necessity for effective internal management, coordination and cooperation within EULEX; stresses the need for transparency and accountability in the work of EULEX as well as for displaying sensitivity to the political context of its activities in order to strengthen its legitimacy in the eyes of the citizens; underlines, moreover, the importance of keeping close communication with Kosovo’s Government, citizens and media; encourages EULEX to communicate the accomplishments of the mission to the citizens of Kosovo, to work to increase trust in the mission and to be alert to the expectations of the citizens.

28. Considers that EULEX should urgently address certain structural deficiencies such as weak internal accountability and weak external oversight.

29. Welcomes the gradual transfer of responsibility, as regards the protection of cultural and religious sites, to local police, which demonstrates the functioning of local authorities.
30. Encourages the Assembly of Kosovo to increase its role in the democratic and legislative processes in Kosovo; stresses the need for strengthening the Assembly’s oversight function of government activities, particularly in controlling budget expenditures; is concerned about the clarity of the Assembly’s rules of procedures and its adherence to them; stresses that, in order to fulfil its functions effectively, the institution needs to operate in compliance with a clear set of rules of procedure and with adequate capacities; welcomes the planned twinning programme, and calls for more support to develop the Assembly’s operational capacities and expertise;

31. Takes the view that cases of fraud (as recently highlighted in the media) – regardless of whether they take place in connection with parliament, government or any other institution – need to be investigated properly, and immunity lifted if required; calls on Kosovo’s parliament and institutions clearly to distance themselves from such conduct and to adopt adequate measures to make such situations incompatible with public office;

32. Underlines the important role of the European Integration Committee and the Ministry of European Integration, and welcomes the improved relations between the two institutions; calls, however, on the Kosovar Government to strengthen the bodies further and to improve their cooperation;

33. Welcomes the establishment of the EULEX Special Investigative Task Force on the alleged inhuman treatment of people and illicit trafficking in human organs, as called for in the Council of Europe’s resolution of 25 January 2011; calls for thorough investigation into these issues; calls on all the actors concerned, including Kosovar and the Albanian authorities, to cooperate fully with the investigations, and on all the neighbouring countries to give their full support to the work of the Task Force;

34. Stresses the need for further efforts to locate persons missing since the 1998-1999 conflict, as well as those who disappeared afterwards; underlines that it is a basic human right for the families to know the fate of their relatives, and that it is a vital precondition for reconciliation between the communities and for a peaceful future in the region; fully supports, therefore, the efforts of the working group on missing persons, and that of EULEX for the modernisation of forensic medicine in Kosovo; calls for more effort in dealing with cases related to the March 2004 events, as the handling of criminal cases in this context continues to be obstructed by unwillingness and inefficiency;

35. Stresses that widespread and systemic corruption continues to be a major challenge in the country, as in the rest of the Western Balkans region, undermining the citizens’ trust in the rule of law and affecting their access to public services; welcomes the improvements in the legislative framework that have been announced, and calls for their swift and proper implementation and for efforts to tackle this challenge more proactively, in particular by enhancing the capacities of law enforcement agencies and of the judiciary in this regard, as well as by ensuring transparency in public procurement and tendering procedures; stresses the need for a pro-active approach and for better cooperation between the Anti-Corruption Agency, the police and the prosecution; emphasises that the existing climate of impunity, and the absence of adequate sanctions for corruption, presents one of the biggest problems in Kosovo, and urges the Kosovar authorities to develop a track record of prosecution of anti-corruption cases, including at the highest levels of political and economic power;

36. Takes the view that the issue of the rule of law in Kosovo continues to be of serious concern that requires urgent attention; encourages the authorities swiftly to undertake the reforms necessary to advance the European perspective of Kosovo that, ultimately, will benefit the population;

37. Is seriously concerned about the role played by Kosovo organised crime in various criminal activities in the region, involving drugs and trafficking in human beings; notes that the capacity of the police and judiciary to fight organized crime remains at an early stage of development, and calls on the Kosovar authorities to take immediate steps to improve this capacity; equally, calls on the Kosovar authorities to increase the quality and transparency of the legislative process in order to provide Kosovo with a sound legal framework and to improve confidence in the legal system;
38. Underlines the importance of international cooperation when it comes to fighting organised crime effectively; regrets the fact that, given the unwillingness of some members of the international community to recognise Kosovo as a state, Kosovo has been unable to establish direct cooperation with Europol and Interpol; regrets that the exchange of information carried out through EULEX and UNMIK so far has not functioned properly; calls on Europol and Interpol to establish effective information flows with Kosovo, either by means of cooperation agreements or by granting Kosovo observer status; underlines the importance of information exchange between FRONTEX and Kosovo;

39. Welcomes the progress in the reform of the judiciary but calls for more efforts to ensure the professionalism of judges and prosecutors, as well as their independence from any political interference, and to tackle corruption in their ranks; welcomes, to this end, the active role of the Constitutional Court in ensuring the constitutionality of the parliamentary processes and in providing clarity on the issue of functional immunity; notes that, despite progress in some areas, the judicial system in Kosovo remains weak and that a significant backlog of cases persists; stresses, in this regard, the need to pursue reforms; underlines that for the justice system to function properly it is of utmost importance that fully functional and effective programmes for witness protection and witness relocation are in place, and calls for immediate steps to implement the witness protection law and to establish witness protection units within the police and the judiciary; calls, moreover, on the EU Member States, and on other countries participating in EULEX, to commit themselves to participate in witness relocation programmes; regrets the fact that the court in Mitrovicë/Mitrovica still does not function at full capacity, and calls on the Kosovar and Serbian authorities to resolve the issue in order to improve access to justice for citizens in the north;

40. Underlines the importance of a professional, independent, accountable and accessible civil service for the proper functioning of state institutions; calls, to this end, for swift adoption of the action plan to implement the reforms foreseen by the public administration strategy; stresses that the administration needs to reflect Kosovar society in terms of gender and ethnic composition, and that its composition should be decided on the basis of professional merit and be free from political interference in the appointment system;

41. Underlines that free, unbiased, strong and independent media, in line with international media standards guaranteeing freedom of speech and access to information, are a cornerstone of democracy; calls, to this end, on the Government to establish an appropriate legal framework and to ensure its effective implementation, including putting an end to defamation as a criminal offence; notes with concern the ongoing political interference in the work of media, and urges the authorities to take immediate steps to protect journalists from threats and other pressures in their work, including by means of selective use of state advertising allocations, in order to promote independent and pluralistic media and thereby provide the citizens of Kosovo with access to information; calls for the protection of journalists and for the establishment of minimum working rights and conditions for journalists; calls for measures to ensure transparency in media ownership and to ensure the financial and editorial independence of the public broadcaster, i.a. by apportioning an appropriate share – such as 20 %, – of its programming, including current affairs programs, to independent producers;

42. Is concerned that discrimination is still a serious problem in the country, and calls on the Government to implement a broad anti-discrimination strategy in line with international human rights standards, guaranteeing the equality of all people regardless of their ethnic origin, gender, age, religion, sexual orientation, gender identity or disability, in order to promote tolerance, respect and understanding of others in an effort to raise human rights awareness at central and local levels; stresses the need for further steps to better enforce legal and administrative remedies for infringements of human rights; in particular, draws attention to the situation of women and of Roma, Ashkali and Egyptian communities, and to the need to ensure the educational integration of all children through education in their respective mother-tongue; urges the authorities, in view of the ethnical diversity of Kosovo and in line with international and European standards, to ensure access to effective multilingual public services;
43. Underlines the importance of the office of Ombudsman for the protection of citizens’ rights and freedoms, and encourages the Government and the Assembly of Kosovo to step up their efforts to implement the Ombudsman’s recommendations; calls for more political, administrative and financial support for this institution as it should play a key role as a guarantor of human rights; notes, to this end, that insufficient human and financial resources, as well as the lack of adequate work premises, remain an obstacle for the proper functioning of the office;

44. Urges the government of Kosovo to ensure that the constitutional provisions aimed at securing respect for and protection of minorities are guaranteed in practice;

45. Points out that Kosovo’s legal framework sets a foundation for the institutionalisation of gender equality and the implementation of UN Security Council Resolution 1325 on women, peace and security; stresses, nevertheless, that social norms, tradition, poor economic conditions and weak institutions – particularly the judiciary – allow for continued systematic exceptions to the application of existing legislation, exemplified by women’s limited access to property, hesitancy to file for inheritance rights and inability to claim child custody; notes that the insufficient protection of women from domestic violence, their lack of access to justice for crimes committed, the unequal access to education for girls, the economic inequality between women and men, and the continued underrepresentation of women in political decision-making at all levels are further evidence that Resolution 1325 is far from respected; calls, in this regard, on the Kosovo authorities to make all efforts to implement this resolution;

46. Welcomes the progress made in the area of women’s rights and gender equality, as exemplified by the introduction of paid maternity-leave of up to 9 months; is, however, concerned about the high drop-out rates among girls and by the underrepresentation of women on the labour market, including in key sectors of society; calls on the authorities of Kosovo to be more active in promoting the participation of women on the labour market and in strengthening their position;

47. Recalls the vital role of inter-cultural education in Kosovo in fostering a spirit of respect, acceptance and tolerance among nations, and among ethnic or religious groups, where the identity of each group is preserved and the identity of the other is acknowledged; urges the Kosovo authorities to provide an educational curriculum that covers the history, culture and other attributes of all communities traditionally present in Kosovo and thus foster a spirit of tolerance;

48. Encourages the Government and the Parliament of Kosovo to develop a modern educational system of public and private schools, which respects the separation between the religious communities and the state, and which is based on the cultural and religious diversity, and the old tradition of tolerance, of Kosovar society;

49. Calls for greater efforts to protect Kosovo’s cultural and religious heritage, in particular its Serbian Orthodox churches and monasteries, as well as any other monuments representing universal and European cultural heritage; calls, to this end, for effective implementation of Special Protective Zones, i.e. by means of halting illegal constructions around and within the perimeters of such sites and by ensuring that they are integrated in a sustainable way in the local communities; draws attention to the need to adopt the laws on the protection of medieval Serbian Orthodox Church monasteries, designated by Unesco as world cultural heritage, and of the historic centres of Prizren and Velika Hoća/Hoça e Madhe; calls for the adoption of the comprehensive list of cultural heritage sites qualifying for protection, in order to achieve legal clarity and avoid ambiguities;

50. Stresses, in this regard, the importance of upgrading Kosovo’s relations and representation within international cultural and heritage institutions and sports organisations, with particular reference to the International Olympic Committee with a view to enabling Kosovar athletes to participate in the upcoming London Olympic Games;
51. Calls for further efforts to unite the now-divided university of Priština, and calls on the Commission to present proposals on initiatives that the European Union could take to unite the faculties in Mitrovica with those in Priština;

52. Calls on the Council immediately to authorise the Commission to open negotiations for a framework agreement with Kosovo concerning its participation in Community programmes; while noting the Commission’s recommendation to start with the programmes ‘Culture’ and ‘Europe for Citizens’, underlines the importance of extending Kosovo’s participation to other programmes as soon as possible;

53. Reiterates its support to the activities of the civil society, and calls on the Government and the Assembly to develop structures and platforms for dialogue with civil society organizations; encourages, at the same time, institutions formulating social and economic policies to consider input from civil society actors; underlines the importance of NGOs in monitoring the activities of the authorities, in particular in the field of anti-corruption and in building inter-ethnic trust; encourages dialogue between civil society representatives with the view of defining common priorities and centralising their efforts in influencing public policies;

54. Recognizes that although the freedom to join trade unions is guaranteed by law, there is still need to improve the standing of basic labour and trade union rights; encourages Kosovo to strengthen social dialogue within the decision-making process, in policy design and in the capacity-building of social partners;

55. Is concerned about the economic situation of Kosovo; underlines the importance of budget discipline and sustainable macroeconomic policies for the development of the country, and underlines that the privatisation process needs to be carried out in full transparency; welcomes the steps taken to simplify the procedures for business start-ups with the aim of both increasing budget revenues and decreasing high unemployment in the country, particularly among young people; regrets, to this end, the delays in the prolongation of the Autonomous Trade Measures;

56. Welcomes the adoption of the Strategy on SME Development for the period 2012-2016, and calls on the SME Support Agency of the Ministry of Trade and Industry to implement the Strategy; urges the Agency to increase its efforts to facilitate the proliferation of small and medium-sized enterprises (SMEs) by providing access to funding, reducing the administrative burden and encouraging cooperation among SMEs in Kosovo, the region and the EU;

57. Calls on the Council and the Commission of the European Union to support, in close cooperation with the local, regional, and national authorities in Kosovo, the development of a modern, ecological, and sustainable agriculture and of SMEs for the production of renewable energy;

58. Recalls that a substantive perspective for the sustainability of Kosovo’s long-term economic development can only be provided through a trade agreement between the European Union and Kosovo; welcomes the Council’s invitation to the Commission to propose the way forward for a trade agreement as soon as sufficient progress has been made, and urges the Commission swiftly to send a first expert mission to Kosovo to assess the country’s progress in this field;

59. Welcomes a number of steps taken in the field of environmental protection; regrets that Kosovo’s authorities have not undertaken adequate research into alternatives to building a new coal power plant in order to replace energy production at the Kosovo A and B power plants; while recognising the fact that the increasing energy needs of Kosovo in the short-term will have to be met with continuing the use of coal as the most important source of energy, calls, however, for more investment in alternative, cleaner technologies, and in improving the energy efficiency of the electricity system in line with EU targets; calls for a higher proportion of energy coming from renewables, in view of the fact that the Kosovo A and B power plants are to be closed as soon as possible;
60. Considering that solid infrastructure is a vital precondition of sustainable development, underlines the importance of improving the transportation network and interconnecting it with the neighbouring countries, in order to facilitate movement of people and goods; regards the public transport – and in particular the railway – system as a cost-efficient and sustainable alternative to road transportation, and calls on the Government and on international donors to prioritise its development and modernisation in their investment plans;

61. Welcomes the strengthening of Kosovo’s relations with most of the neighbouring countries and calls for the full integration of Kosovo in regional cooperation; notes that Kosovo’s presidency of the Central European Free Trade Agreement (CEFTA) in 2011 ran smoothly; it, however, concerned by the fact that tensions with Serbia negatively affect both the free movement of persons and goods and the general cooperation in the framework of CEFTA;

62. Instructs its President to forward this resolution to the Council, the Commission and the Government, President and Parliament of Kosovo.

Enlargement report for Turkey

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(2013/C 257 E/06)

The European Parliament,


— having regard to its previous resolutions of 27 September 2006 on Turkey’s progress towards accession (1), of 24 October 2007 on EU-Turkey relations (2), of 21 May 2008 on Turkey’s 2007 progress report (3), of 12 March 2009 on Turkey’s 2008 progress report (4), of 10 February 2010 on Turkey’s 2009 progress report (5), of 9 March 2011 on Turkey’s 2010 progress report (6), and of 6 July 2005 (7) and 13 February 2007 (8) on the role of women in Turkey in social, economic and political life,

— having regard to the Negotiating Framework for Turkey of 3 October 2005,

— having regard to Council Decision 2008/157/EC of 18 February 2008 on the principles, priorities and conditions contained in the Accession Partnership with the Republic of Turkey (9) (“the Accession Partnership”), as well as to the previous Council decisions on the Accession Partnership of 2001, 2003 and 2006,

— having regard to the Council conclusions of 14 December 2010 and 5 December 2011,

(4) OJ C 87 E, 1.4.2010, p. 139.
— having regard to the Charter of Fundamental Rights of the European Union,

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

A. whereas accession negotiations with Turkey were opened on 3 October 2005 after the Council had approved the Negotiating Framework, and whereas the opening of such negotiations is the starting point for a long-lasting and open-ended process based on rigorous conditionality and the commitment to reform;

B. whereas Turkey has committed itself to reforms, good neighbourly relations and progressive alignment with the EU, and whereas these efforts should be viewed as an opportunity for Turkey itself to modernise, and consolidate and further improve its democratic institutions, the rule of law and the observance of human rights and fundamental freedoms;

C. whereas full compliance with all Copenhagen criteria and EU integration capacity, in accordance with the conclusions of the December 2006 European Council meeting, remain the basis for accession to the EU, which is a community based on shared values, sincere cooperation and mutual solidarity between all its Member States;

D. whereas in its 2011 Progress Report the Commission concluded that Turkey was a key country for the security and prosperity of the European Union, that its contribution to the European Union in a number of crucial areas would be fully effective with a positive agenda and a credible approach to the negotiation process, that it remained essential that Turkey continue its reforms concerning the political criteria and that significant further efforts were needed to guarantee fundamental rights;

E. whereas the Commission has launched a renewed positive agenda between the EU and Turkey in order to shape the future jointly in a proactive way; whereas this positive agenda builds on the solid fundamentals of EU-Turkey relations and moves the reform process forward; whereas this new initiative does not replace the accessions negotiations, but complements them in order to support reforms and expand rights and freedoms for Turkish citizens;

F. whereas Turkey has still not implemented, for the sixth consecutive year, the provisions stemming from the EC-Turkey Association Agreement and the Additional Protocol thereto;

G. whereas, for its own benefit, and with a view to enhancing stability and promoting good neighbourly relations and positive political and economic partnership, Turkey needs to step up efforts to solve outstanding bilateral issues, including unsettled legal obligations and land and maritime border and airspace disputes with its immediate neighbours, in accordance with the provisions of the UN Charter and with international law;

H. whereas Turkey's economy has tripled in size over the past decade, has grown by almost 10 % in the last year and is considered one of the fastest growing economies in the world and one of the seven largest emerging economies in the world; whereas trade between the European Union and Turkey totalled EUR 103 billion in 2010, Turkey being the Union's seventh largest trading partner and the Union being Turkey's largest, with 80 % of Foreign Direct Investment in Turkey coming from the European Union; whereas EU enterprises have created more than 13 000 businesses in Turkey; whereas, however, Turkey's per capita GDP remains low compared to most Member States, particularly the more competitive ones; whereas a relatively low per capita GDP in a large candidate country creates particular challenges in the areas of economic and social convergence with current Member States; whereas economic growth should also respect the principle of environmental sustainability; whereas Turkey and the EU both stand to profit from continued economic integration;
I. whereas EU dialogue and cooperation with Turkey on stability, democracy and security in the broader Middle East are strategic; whereas Turkey, built on a solid secular State, could, in the context of an effective reform process, prove to be a source of inspiration for democratising Arab States in their efforts to complete their democratic transition and socio-economic reforms; whereas structured dialogue between the EU and Turkey on the progressive coordination of their respective foreign and neighbourhood policies could provide unique synergies, in particular in support of democratisation and socio-economic reform of the entire Mediterranean region and the Middle East in general and with regard to the challenges posed by Iran;

J. whereas Turkey is a major EU energy corridor for Caucasian and Caspian oil and gas resources and has strategic proximity to Iraq and its developing crude oil and natural gas markets; whereas the planned Nabucco pipeline remains one of the EU’s highest energy security priorities; whereas Turkey and Azerbaijan concluded an agreement on 25 October 2011 on the transit of Azerbaijani gas on Turkish soil, which will open the Southern gas corridor, reinforce gas supplies to the planned Nabucco pipeline and to the ITGI (Interconnector Turkey-Greece-Italy) gas transit corridor, thereby reinforcing the Union’s energy security; whereas Turkey has significant potential for renewable energy from its considerable solar, wind and geothermal resources;

K. whereas lasting peace, stability and prosperity in the Balkans are strategically important both for the EU and Turkey;

Interdependence and mutual commitment

1. Stresses the interdependence between the European Union and its Member States and Turkey; recognises the economic and growth potential of Turkey and its significant role for regional stability and energy security; underlines that such interdependence is complemented by the value of potential synergies between the Union’s and Turkey’s foreign and security policy and neighbourhood policy, with benefits and reinforced leverage for both; believes, however, that such interdependence can only produce positive results if it is framed in a context of mutual commitment, strategic dialogue and effective cooperation, successful delivery in the reform process and the implementation of reforms and good relations between Turkey and neighbouring Member States;

2. Welcomes and expresses its support for the Commission’s efforts to develop a fresh positive agenda covering a broad range of areas of common interest and aimed at a new dynamism in EU-Turkey relations, tangible results and benefits for both sides and the possibility for the EU to remain the benchmark for continued reform in Turkey and to move Turkey closer to fulfilling the criteria for accession; supports dialogue with Turkey on free-trade agreements signed by the EU which have a potential impact on Turkey in the framework of the Customs Union; takes the view that renewed efforts should be invested in creating the conditions for the opening of chapters in the field of justice and fundamental rights; insists that relations between Turkey and its neighbouring Member States are a key factor in revamping negotiations and dialogue;

3. Notes that Turkey is the only candidate country which does not have visa liberalisation; stresses the importance of facilitating access to the European Union for business people, academics, students and representatives of civil society; supports the efforts of the Commission and the Member States to implement the visa code, harmonise and simplify visa requirements and create new visa facilitating centres in Turkey; urges Turkey to sign and implement the EU-Turkey readmission agreement without further delay and to ensure that, until this agreement enters into force, existing bilateral agreements are fully implemented; underlines the importance of intensifying cooperation between the EU and Turkey on migration management, the fight against human trafficking and border controls, inter alia in light of the large percentage of illegal immigrants entering EU territory via Turkey; asks for the progressive convergence of the visa policies of Turkey and the EU with regard to citizens of third countries; takes the view that, once the readmission agreement is signed, the Council should mandate the Commission to initiate the visa dialogue and define the roadmap for visa liberalisation;
Fulfilling the Copenhagen criteria

4. Commends Turkey for the electoral process, on the occasion of the general elections in June 2011, which saw a high voter turnout and was praised by international observers as democratic and shaped by a vibrant civil society; reiterates yet again the importance of a reform of the law on political parties and of the electoral law, with the lowering of the 10% minimum threshold for representation in parliament, which is the highest threshold in any of the Council of Europe member countries and cannot adequately reflect the pluralism of Turkish society; calls for the removal of all obstacles to the establishment of political groups in the Turkish Grand National Assembly (TGNA);

5. Welcomes the decision by the new Government of the Republic of Turkey to establish a Ministry of EU Affairs, which reflects the awareness that renewed efforts, commitment and dialogue are of absolute importance;

6. Recalls the fundamental role of the TGNA as the centre of Turkey's democratic system and therefore underlines the need to give the TGNA a more important role in providing all political parties with a platform, based on checks and balances, for their contribution to democratic dialogue and in promoting an inclusive reform process;

7. Recalls the need to continue work on the implementation of the 2010 constitutional reform package and calls on the Commission to include a detailed analysis of the progress of the implementation process in the 2012 Progress Report;

8. Expresses its full support for the drafting of a new civilian constitution for Turkey as a unique opportunity for true constitutional reform, promoting democracy, the rule of law, guarantees for fundamental rights and freedoms (in particular freedom of expression and freedom of the media), pluralism, inclusiveness, good governance, accountability and unity in Turkish society, in full compliance with the EU Charter of Fundamental Rights; calls on all political parties and the actors concerned to support and take a positive and constructive approach to the negotiation of the new constitution, based on consensus and constructive compromise; stresses the need to continue the preparatory work in the drafting process and welcomes in this regard the decision to ensure equal representation of all political forces in the Constitutional Conciliation Committee and the pledge to base the drafting process on the broadest possible consultation of all segments of society as part of a process which genuinely engages Turkish civil society; stresses that the new constitution should uphold the rights of all groups and individuals in Turkey, guarantee the separation of powers, ensure the independence and impartiality of the judiciary, secure full civilian oversight of the military and promote an inclusive Turkish citizenship;

9. Encourages Turkey to use the constitutional drafting process as an opportunity to develop a more realistic and democratic identity allowing for the full recognition of all its ethnic and religious communities, to acknowledge that modern citizenship should be of a non-ethnic nature, and to include the protection of mother-tongue language rights in the new civil Constitution;

10. Stresses the importance of serene and constructive relations between Government and Opposition as a precondition for an effective reform process; recalls that a truly democratic and pluralistic society must rest at all times on the two pillars of Government and Opposition and on continuous dialogue and cooperation between the two; expresses, in this context, its concern about ongoing trials and long pre-trial detention periods affecting Members of the TGNA and about the judicial probe launched to lift parliamentary immunity of Mr Kemal Kılıçdaroğlu, the leader of the main opposition party; stresses that where members of parliament have to fulfil their duties under the threat of prosecution, democracy and freedom of expression are not guaranteed;
11. Welcomes the continued efforts to improve civilian oversight of the military, in particular the adoption of the Law on the Court of Accounts in December 2010 to ensure civilian oversight of military expenditure; calls for the implementation of the full oversight of the court over the expenses of the military; calls for the gendarmerie and armed forces to be brought under civilian jurisdiction and for the gendarmerie to be brought under the scrutiny of the Ombudsman; emphasises the need to ensure the armed forces’ operational capability, given the importance of Turkey’s NATO membership;

12. Stresses that the reform of the judicial system is an indispensable prerequisite for Turkey’s modernisation and that such reform must lead to a modern, efficient, fully independent and impartial judicial system, guaranteeing due process of law for all citizens; welcomes in this regard the adoption of legislation on the High Council of Judges and Prosecutors (HSYK) and on the Constitutional Court, in close consultation with the Venice Commission; encourages the Government of Turkey to implement the 2011 recommendations of the Venice Commission, in particular with regard to the mode of election to the HSYK, the role of the Minister of Justice in this body, and the mode of appointment of judges and prosecutors; calls for steps to be taken to ensure that the decisions of the HSYK are transparent and subject to judicial control; points to the need to take further steps towards ensuring the possibility of judicial review for all first-instance decisions of the High Council on promotions, transfers to another location and disciplinary sanctions; welcomes the decision of the Ministry of Justice to establish a directorate-general for human rights responsible for the full, effective and timely implementation by Turkey of the judgments of the European Court of Human Rights; regrets, in this connection, the growing number of new applications to the European Court of Human Rights; appreciates the new proposals to reform the judicial system, in particular with regard to detention criteria, as a first step in the right direction;

13. Takes the view that the new legislation on the Constitutional Court should ensure that this judicial instance has the competence to assess and review the compatibility of Turkish legislation with international agreements which Turkey has ratified, such as the European Convention on Human Rights;

14. Expresses concern at the latest verdict rendered on the Hrant Dink case; stresses the vital importance of a full investigation into the murder of Hrant Dink and of bringing all persons responsible to justice, and underlines in this context the judgment of the European Court of Human Rights in 2010, which ruled that Turkey had failed to conduct effective investigations into the murder of Hrant Dink; considers this trial to be a test for the rule of law and the independence of the judiciary in Turkey;

15. Reiterates its concern that judicial procedures have still not been sufficiently improved as regards their efficiency and rules to ensure the right to a fair and expeditious trial, including the right to access incriminating evidence and trial documents in the early phases of proceedings and sufficient guarantees for all suspects; reiterates its serious concern at the excessively long periods of pre-trial detention, which can currently go up to ten years and become de-facto punishment without a trial; urges the TGNA to reform legislation in this regard in accordance with the European Convention on Human Rights and Council of Europe standards, bringing maximum pre-trial detention periods in Turkey into line with average pre-trial detention periods in the European Union; urges the government to continue its reforms and review the Anti-Terror Law and the Turkish Penal Code; recalls that Parliament's Ad Hoc Delegation for the Observation of the Trials of Journalists in Turkey will continue to follow developments; is alarmed by the high number of juvenile prisoners – 2 500 – in the 12-18 age group;

16. Calls on the Turkish Government, in order to address the ongoing backlog of cases, to bring its regional courts of appeal, which were legally due to be operational by June 2007, into operation as soon as possible and to focus on training judges for this purpose;

17. Underlines the importance of each citizen’s right to proper defence in court cases and recalls the responsibility of the State to guarantee access to legal defence; recalls also that lawyers should enjoy civil and criminal immunity for statements made in good faith in written or oral pleadings or in their professional appearances before a court, tribunal or other legal or administrative authority; asks Turkey to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference;
18. Stresses that investigations of alleged coup plans, such as the 'Ergenekon' and 'Sledgehammer' cases, must demonstrate the strength and the proper, independent, impartial and transparent functioning of Turkish democratic institutions and the judiciary, and their firm, unconditional commitment to respect for fundamental rights; is concerned about the allegations regarding the use of inconsistent evidence against the defendants in these cases; calls on the Commission to closely follow the aforementioned cases and to publicise the findings in more detail in an annex to its 2012 Progress Report;

19. Expresses its relief over the release, pending trial, of journalists Ahmet Şik, Nedim Şener, Muhammet Sait Çakır and Coşkun Musluk as an important step in restoring respect for fundamental freedoms in Turkey; underlines, however, that their release should not obscure the fact that dozens more journalists are still imprisoned;

20. Reiterates its concern about the practice of bringing criminal prosecutions against human rights defenders, activists and journalists who communicate evidence of human rights violations or raise other issues in the public interest as a contribution to the debate of a pluralistic society; stresses that such prosecutions affect the public perception about the independence and impartiality of the justice system; considers the criminalisation of opinions as a key obstacle to the full protection of human rights in Turkey and deplores the disproportionate restriction of the freedoms of expression, association and assembly;

21. Is concerned about the wide margin of interpretation and application allowed by the Anti-Terror Law and the Criminal Code, in particular in cases where membership of a terrorist organisation has not been proven and where an act or statement is deemed to coincide with the aims of a terrorist organisation; expresses concern regarding continuing reports of torture and ill-treatment in police stations and in prisons, the excessive use of force by police officers during demonstrations and the lack of progress in bringing State officials to justice for alleged human rights abuses; urges Turkey to review the Anti-Terror Law as a matter of priority and to comply rigorously with its international human rights obligations by amending its relevant legislation; welcomes the decision to provide judges and prosecutors with in-service training on freedom of expression and freedom of the press and on the fundamental role of the European Court of Human Rights; urges the Government of Turkey to provide systematic adequate training to its police on the case law of the European Court of Human Rights; emphasises the need to set up an effective police complaint mechanism; would welcome further measures to improve direct access to Turkish courts by individual citizens in defence of their rights in order to reduce the number of cases filed at the European Court of Human Rights in Strasbourg;

22. Insists that the ongoing trials against journalists should be carried out in a transparent manner, respecting the rule of law and ensuring appropriate conditions, such as providing venues that are suited to the type of hearings being held, distributing accurate transcripts to detained persons and providing information to the journalists regarding the charges brought against them, thus ensuring that the conditions of the trial do not negatively impact the verdict; is deeply concerned about the conditions under which the detained journalists are held; regrets the lack of exact figures on the number of journalists detained and the number of cases currently opened against journalists; calls on the Turkish authorities to make this information available to the public;

23. Recalls that freedom of expression and media pluralism are at the heart of European values and that a truly democratic, free and pluralistic society requires true freedom of expression; recalls that freedom of expression is applicable not only to information or ideas that are favourably received or regarded as inoffensive, but also, in accordance with the European Convention on Human Rights, to those that offend, shock or disturb the State or any section of the population; regrets that a number of legal provisions, such as Articles 301 and 318, Article 220(6) in combination with Article 314(2) and Articles 285 and 288 of the Penal Code as well as Articles 6 and 7(2) of the Anti-Terror Law continue to limit freedom of expression; underlines measures should be taken as a matter of utmost urgency to abolish legislation providing for disproportionately high fines on the media – leading in some cases to their closure or to self-censorship by journalists or their editors – and to reform Law 5651/2007 on the internet, which limits freedom of expression, restricts citizens' right of access to information and allows website bans of disproportionate scope and duration; reiterates, therefore, its previous calls to finalise the review of the legal framework on freedom of expression and to bring it into line with the European Convention on Human Rights and the case law of the European Court on Human Rights without delay;
TEXT

24. Expresses its support for the Commission’s new approach as regards tackling issues related to the judiciary and fundamental rights and to justice and home affairs early on in the negotiation process, with the opening of related chapters on the basis of clear and detailed action plans, and the closing of such chapters as the very last ones on the basis of fully convincing good track records; believes that, given the vital importance of continued reform of the judicial system in Turkey and full respect for human rights and fundamental freedoms, in particular freedom of expression and freedom of the press, renewed efforts should be made for the delivery of the screening report under Chapter 23 on Judiciary and Fundamental Rights; calls on the Commission, in line with the positive agenda, to consider steps conducive to the opening of Chapter 24 on Justice and Home Affairs;

25. Urges Turkey to recognise the right to conscientious objection to compulsory military service, in line with the decision of the European Court of Human Rights in the case of Erçep v. Turkey; notes with concern the non-implementation of the 2006 judgment of the European Court of Human Rights in the case of Ulke v. Turkey requiring the enactment of legislation to prevent the repeated prosecution of conscientious objectors for their refusal to perform military service;

26. Welcomes the implementation of almost all the recommendations made in the 2005 evaluation reports by the Council of Europe Group of States against Corruption (GRECO); underlines the need for further progress on legislation and general measures against corruption and calls for an increase in the strength and independence of institutions involved in the fight against corruption; encourages the government to implement the remaining GRECO recommendations;

27. Urges the full application of constitutional provisions guaranteeing the right to hold demonstrations and asks the Ministry of the Interior to complete the revision of the law on meetings and demonstrations;

28. Welcomes the adoption in August 2011 of new legislation amending the February 2008 law on foundations and broadening the scope of the restoration of the property rights of all non-Muslim communities, and stresses the need to ensure its full implementation; recalls, however, the urgent need to continue vital and substantial reform in the area of freedom of thought, conscience and religion, in particular by enabling religious communities to obtain legal personality, by eliminating all restrictions on the training, appointment and succession of clergy, by recognising Alevi places of worships and by complying with the relevant judgments of the European Court of Human Rights and reflecting the opinions of the Venice Commission in the legal framework, and the need to fully recognise the rights of all religious communities; calls on the Government of Turkey to ensure that the Saint Gabriel monastery, founded in 397 AD, is not deprived of its lands, and that it is protected in its entirety;

29. Recalls that education plays a pivotal role in the process of building an inclusive and diverse society built on respect for religious communities and minorities; urges the Government of Turkey to pay special attention to educational materials in schools, which should reflect ethnic and religious plurality and plurality of beliefs in Turkish society, eliminate discrimination and prejudice and promote the full acceptance of all religious communities and minorities, and stresses the need for unbiased learning materials; welcomes the establishment of the Gender Equality Commission within the Ministry of Education; notes with relief the release of students who had been unjustly imprisoned for 18 months after they called for free education;

30. Reiterates the need to strengthen cohesion among Turkish regions and between rural and urban areas; highlights, in this connection, the particular role of education and the need to tackle persistent and substantial regional disparities in the quality of education and enrolment rates;

31. Calls on the Government of Turkey to honour its commitment to high schooling rates and ensure that the new education reform reflects the need to keep children, particularly girls in rural areas, in the school system beyond minimum schooling and to give children the opportunity to make decisions on their educational paths at an age at which they are able to make informed choices;
32. Encourages the government to make gender equality a priority of its reform efforts, tackling poverty amongst women and increasing women’s social inclusion and participation in the labour market; reiterates its proposal to proceed with the introduction of a system of reserved quotas in order to ensure a meaningful presence of women at all levels in business, the public sector and politics; welcomes the government’s efforts to increase the schooling of girls, as a result of which the gender gap in primary education is almost closed, and calls on the government to take all the necessary measures to diminish the gender gap in secondary education too; welcomes also the increased number of women in the TGNA after the election in June 2011 and calls on political parties to further strengthen women’s active engagement and participation in politics;

33. Welcomes Turkey’s signing and ratification of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence on 24 November 2011; urges the government to adopt a zero-tolerance policy towards violence against women and to continue to step up its preventive efforts at all levels in the fight against ‘honour killings’, domestic violence and the phenomenon of forced marriages and child brides, in particular by cooperating and reaching a broad consensus with women rights groups, by amending Law No 4320 on the Protection of the Family to ensure a broad scope of application regardless of marital status and the nature of the relationship between the victim and the aggressor, including effective legal remedies and protection mechanisms, by closely monitoring the implementation of Law No 4320 by the police, by effectively monitoring full compliance by municipalities with the obligation to provide sufficient shelters for women and minors in danger, by ensuring the security of shelters, employing adequate service personnel, and by putting in place a system of follow-up assistance for women and minors leaving the shelters, in order to provide them with appropriate psychological support, judicial assistance and health care and the capacity to reintegrate socially and economically into society; welcomes the efforts by the Ministry for Family and Social Policies to increase the number and quality of shelters and its decision to allow private entities also to open shelters as an additional resource for women and minors in danger; welcomes the recent Circular No 18 of the High Council of Judges and Prosecutors, which stipulates that the implementation of protection measures in domestic violence cases will no longer be delayed until proceedings are completed; welcomes the efforts by the Government of Turkey to enhance cooperation on gender mainstreaming between State authorities;

34. Is concerned about the disproportionally high poverty rate among children; calls on Turkey to develop a comprehensive strategy to combat child poverty and child labour; welcomes the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse; urges Turkey to step up its efforts to fight domestic violence against children;

35. Urges the Government to ensure that equality, regardless of gender, gender identity, racial or ethnic origin, religion or belief, disability, age or sexual orientation, is guaranteed by the law and effectively enforced, including respect by the police; calls on the Government of Turkey to align Turkish law with the acquis communautaire and to adopt legislation establishing an anti-discrimination and equality board; notes the need for further action to be taken against homophobia, and any kind of discrimination, harassment or violence on grounds of sexual orientation or gender identity, notably by including these grounds in anti-discrimination law; expresses deep concern at the regular prosecution of LGBT people on the basis of the Law on Misdemeanours and provisions on ‘immoral behaviour’; reiterates its call on the Government of Turkey to instruct the Turkish Armed Forces to end their classification of homosexuality as a ‘psychosexual illness’;

36. Calls on Turkey to demonstrate resilience and intensify its efforts towards a political solution to the Kurdish issue and asks all political forces to work in alliance towards the goal of reinforced political dialogue and a process of further political, cultural and socio-economic inclusion and participation of citizens of Kurdish origin, in order to guarantee the rights to freedom of expression, association and assembly; considers, in this connection, that the right to education in one’s native language is essential; calls on the Government of Turkey to step up its efforts to further promote socio-economic development in the south-east; takes the view that the constitutional reform provides a very useful framework to promote a democratic opening; recalls that a political solution can only be built upon an open and truly democratic debate on the Kurdish issue and expresses concern at the large number of cases launched against writers and
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journalists writing on the Kurdish issue and the arrest of several Kurdish politicians, locally elected mayors and members of municipal councils, lawyers, protestors and human rights defenders in connection with the KCK trial and other police operations; calls on the Government of Turkey to create the peaceful basis for political figures of Kurdish origin to have a free and pluralistic debate; underlines the importance of promoting discussion of the Kurdish issue within the democratic institutions, particularly the TGNA;

37. Strongly condemns the recent attacks against European offices of the Turkish newspapers and calls for coordinated investigation into these attacks;

38. Welcomes and expects the speedy implementation of the recent declaration of the Government of Turkey to reopen a Greek minority school on the island of Gökçeada (Imbros), which constitutes a positive step towards the preservation of the bicultural character of the Turkish islands of Gökçeada (Imbros) and Bozcaada (Tenedos), in line with Resolution 1625 (2008) of the Parliamentary Assembly of the Council of Europe; notes, however, that further steps are needed in order to address the problems encountered by members of the Greek minority, particularly with regard to their property rights;

39. Stresses the urgent need to bring the legal framework on labour and trade union rights into line with EU standards, Council of Europe instruments and ILO conventions and to apply them fully in practice, as the removal of all obstacles to the full exercise of such rights will ensure that the current strong economic progress goes hand in hand with a broader distribution in Turkish society of the wealth generated by economic growth, thereby generating more growth potential; encourages all parties within the Economic and Social Council, therefore, to step up their commitment and cooperation, so as to achieve the benchmarks for the opening of Chapter 19 on Social Policy and Employment;

40. Expresses its concern at the practice of bringing criminal prosecutions against trade unionists, particularly in the education sector, who are active in seeking better working, educational and living conditions and who report human rights violations in the interests of workers and the public at large and as a contribution to a pluralistic society;

41. Calls on the Government of Turkey to promote the active and full involvement of consumer organisations in the legislative and policy consultation process on consumer protection and take all necessary measures to support and strengthen the consumer movement; encourages consumer organisations to join forces in order to increase their representativeness;

42. Welcomes the diversification of Turkey’s energy market, but also encourages the Government of Turkey to properly examine the risk and liability regarding current nuclear power plant projects, such as the one in Akkuyu; stresses, in this regard, the need to preserve the natural, cultural and archaeological heritage, in full compliance with European standards;

**Building good neighbourly relations**

43. Strongly supports the ongoing negotiations on the reunification of Cyprus under the auspices of the Secretary-General of the United Nations; stresses that a fair and viable settlement of the Cyprus issue must now be reached as a matter of urgency and calls on Turkey and all the parties concerned to work intensively and with good will for a comprehensive agreement; calls on the Government of Turkey to begin withdrawing its forces from Cyprus and to transfer Famagusta to the United Nations in accordance with Resolution 550 (1984) of the United Nations Security Council; calls, in parallel, on the Republic of Cyprus to open the port of Famagusta under EU customs supervision in order to promote a positive climate for the successful solution of the ongoing reunification negotiations and allow Turkish Cypriots to trade directly in a legal manner that is acceptable to all;
44. Encourages Turkey to intensify its support for the Committee on Missing Persons in Cyprus;

45. Calls on Turkey to refrain from any new settlement of Turkish citizens on Cyprus, as this would continue to change the demographic balance and reduce the allegiance of its citizens on the island to a future common state based on its common past;

46. Regrets Turkey’s statements that it will freeze relations with the Presidency of the European Union in the second half of 2012 if a solution to the Cyprus issue is not found by then; recalls that the European Union is based on the principles of sincere cooperation and mutual solidarity amongst all its Member States and that as a candidate country Turkey must commit to serene relations with the European Union and all its Member States; further recalls that the Presidency of the Council of the European Union is provided for in the Treaty on European Union;

47. Calls on Turkey to allow political dialogue between the EU and NATO by lifting its veto on EU-NATO cooperation including Cyprus, and consequently calls on the Republic of Cyprus to lift its veto on Turkey’s participation in the European Defence Agency;

48. Takes note of the continuing intensified efforts by Turkey and Greece to improve their bilateral relations; considers it regrettable, however, that the casus belli threat declared by the Turkish Grand National Assembly against Greece has not yet been withdrawn and believes that the improvement of bilateral relations between the two countries should lead to the withdrawal of this threat; urges the Government of Turkey to end the repeated violation of Greek airspace and Turkish military aircraft flights over Greek islands;

49. Emphasises that the United Nations Convention on the Law of the Sea (UNCLOS) has been signed by the EU, the 27 Member States and all other candidate countries and that it is part of the acquis communautaire; calls, therefore, on the Government of Turkey to sign and ratify it without further delay; recalls the full legitimacy of the Republic of Cyprus’ exclusive economic zone, in accordance with UNCLOS;

50. Urges Turkey and Armenia to proceed to a normalisation of their relations by ratifying, without preconditions, the protocols and by opening the border;

51. Considers that Turkey is an important EU partner in the Black Sea region, which is of strategic importance to the EU; calls on Turkey to support and actively contribute to the implementation of EU policies and programmes in this region;

**Advancing EU-Turkey cooperation**

52. Deplores Turkey’s refusal to fulfil its obligation of full, non-discriminatory implementation of the Additional Protocol to the EC-Turkey Association Agreement towards all Member States; recalls that this refusal continues to deeply affect the process of negotiations, and calls on the Government of Turkey to implement the protocol in full without further delay;

53. Stresses that the EU-Turkey Customs Union has enabled Turkey to reach a high level of alignment in the area of the free movement of goods and continues to boost bilateral trade between the EU and Turkey, which totalled EUR 103 billion in 2010; notes, however, that Turkey is not implementing the Customs Union fully and maintains legislation that violates its commitments on removing technical barriers to trade such as import licences, restrictions on imports of goods from third countries in free circulation in the EU, State aid, enforcement of intellectual property rights, requirements for the registration of new pharmaceutical products and discriminatory tax treatment;
54. Reiterates its firm and strong condemnation of the continuing terrorist violence by the PKK, which is on the EU list of terrorist organisations and expresses its full solidarity with Turkey; calls on the Member States, in close coordination with the EU counter-terrorism coordinator and Europol and with due regard for human rights, fundamental freedoms and international law, to intensify cooperation with Turkey in the fight against terrorism and in the fight against organised crime as a source of financing of terrorism; calls on the Commission and the Member States to facilitate adequate informative dialogue and exchanges of information with Turkey on extradition requests by Turkey, which cannot be taken further on legal or procedural grounds;

55. Regrets the delay in bringing to the TGNA legislation to protect the rights of refugees and asylum-seekers; expresses concern regarding the continuing reports of persons being returned to countries where they may face the risk of torture or other human rights abuses following arbitrary denial of access to the asylum procedure;

56. Welcomes the progress that Turkey has made in the area of renewable energy and supports further efforts to increase the use of renewable energy sources in all sectors; highlights Turkey's renewable energy potential, significant solar, wind and geothermal resources and the potential for the EU to import renewable electricity from Turkey via long distance high-voltage direct current transmission lines, thereby contributing not just to the energy security of the EU, but also the EU's renewable energy objectives;

57. Recalls Turkey's central role as the EU energy corridor for Caucasian and Caspian oil and gas resources and its strategic proximity to Iraq and its developing crude oil market; stresses the strategic role of the planned Nabucco pipeline and other gas pipelines, such as the ITGI (Interconnector Turkey-Greece-Italy) gas transit corridor for the energy security of the European Union; believes that, in view of Turkey's strategic role and potential, including for EU investment and further cooperation with the EU, initial consideration should be given to the value of opening negotiations on Chapter 15 on energy with a view to furthering the EU-Turkey strategic dialogue on energy;

58. Stresses Turkey's strategic role, politically and geographically, for the foreign policy of the European Union and its neighbourhood policy; emphasises Turkey's role as an important regional player in the Middle East, the Western Balkans, Afghanistan/Pakistan, the Southern Caucasus, Central Asia and the Horn of Africa and Turkey's role as a source of inspiration for democratising Arab States in significant policy areas covering political and economic reform and institution building; expresses its support for the efforts made by Turkey to contribute to the furthering of high level dialogue and cooperation between Afghanistan and Pakistan and welcomes the Istanbul process initiated to enhance regional cooperation between Afghanistan and its neighbours; supports Turkey's firm stance on and commitment to democratic forces in Syria and recalls its important role in the protection of Syrian refugees; asks the Commission, the Member States and the international community to support Turkey's efforts to cope with the growing humanitarian dimension of the Syrian crisis; calls on the EU and Turkey to reinforce their existing political dialogue on foreign policy choices and objectives of mutual interest; encourages Turkey to develop its foreign policy in the framework of dialogue and coordination with the EU and to progressively align its foreign policy with that of the EU, with a view to creating valuable synergies and reinforcing the potential for a positive impact;

59. Recalls the importance of close coordination and cooperation between Turkey and the EU on the issue of nuclear proliferation in Iran and believes that Turkey can play an important and constructive role in facilitating and promoting dialogue with Iran on a solution without delay and in ensuring full support for the sanctions against Iran;

60. Recalls Turkey's ambition to inspire and assist democratic transitions and socio-economic reforms in the Southern neighbourhood; notes that participation of Turkish institutions and non-governmental organisations in ENP instruments would generate unique synergy effects, especially in areas such as institution building, and socio-economic and civil society development; believes that practical cooperation ought to be complemented by a structured dialogue between the EU and Turkey in order to coordinate their respective neighbourhood policies;
61. Welcomes the ratification by Turkey of the Optional Protocol to the UN Convention against Torture (OPCAT) on 27 September 2011 and invites Turkey to rapidly implement its requirements into national law; urges the adoption of a domestic implementing mechanism without delay; asks Turkey to give international observers access to its prisons;

62. Renews its call on the Government of Turkey to sign and submit for ratification the Statute of the International Criminal Court, thus further increasing Turkey’s contribution to, and engagement in, the global multilateral system;

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63. 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 Secretary-General of the Council of Europe, the President of the European Court of Human Rights, the governments and parliaments of the Member States and the Government and Parliament of the Republic of Turkey.

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Enlargement report for Montenegro

P7_TA(2012)0117


(2013/C 257 E/07)

The European Parliament,

— having regard to the Stabilisation and Association Agreement of 29 March 2010 between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part (1),

— having regard to the conclusions of the European Council of 19 and 20 June 2003 and to the annex entitled ‘The Thessaloniki Agenda for the Western Balkans – Moving towards European integration’,

— having regard to the European Council’s decision of 9 December 2011 on the progress made by Montenegro in the accession process (2),

— having regard to the European Council’s decision of 17 December 2010 to grant Montenegro the status of candidate country for accession to the European Union (3),


— having regard to the Communication from the Commission to the European Parliament and the Council of 9 November 2010 on the Commission’s opinion on Montenegro’s application for membership of the European Union (COM(2010)0670),


(2) See Conclusions of the European Council (00139/1/2011) of 9 December 2011.

— having regard to the declaration and recommendations of the Third Meeting of the European Union-Montenegro Stabilisation and Association Parliamentary Committee of 3 and 4 October 2011,

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

A. whereas the Member States are aiming to open accession negotiations with Montenegro in June 2012 and whereas the Commission has been invited by the European Council to propose a framework for negotiations with Montenegro;

B. whereas the European Council has tasked the Council with examining Montenegro's progress on the basis of a Commission report;

C. whereas political consensus on EU-related matters remains high in Montenegro and the goal of making progress towards membership of the EU and NATO is a cornerstone of its foreign policy; whereas reform efforts require a strong political will and an overriding commitment to facing upcoming challenges in the accession process;

D. whereas significant progress has been achieved by Montenegro in meeting the seven key priorities identified by the Commission in 2010, notably improvements in the work of parliament and the electoral framework, the professionalism of the public administration, the independence of the judiciary, combating corruption, combating organised crime, ensuring media freedom and strengthening cooperation with civil society;

E. whereas Montenegro has seen a modest economic recovery, along with low inflation, a significant inflow of foreign direct investment and a slight decrease in the unemployment rate; whereas Montenegro has implemented the trade-related provisions of the Stabilisation and Association Agreement with the EU;

F. whereas Montenegro needs to pursue further reform efforts in efficiently implementing the government's action plan on the key priorities and in accelerating the recovery from the economic crisis whilst simultaneously ensuring proper control of public spending and foreign debt, which, according to 2011 data, is higher than the previous year; and whereas Montenegro needs to maintain fiscal stability, for instance, as well as strengthening and building up the administrative and institutional capacities necessary to assume the obligations of EU membership in the future;

General remarks

1. Welcomes the European Council's decision to aim to start accession negotiations with Montenegro in June 2012; calls on the Member States not to unduly and unreasonably delay the launch of talks, given that Montenegro has achieved significant progress to date in fulfilling the required benchmarks;

2. Underlines the need to send a positive signal to Montenegro and other countries working hard on meeting the membership criteria; strongly believes that candidate and potential candidate countries should be judged solely on their own merits and progress in meeting these criteria and that their accession process should by no means be linked to the progress in other neighbouring or candidate countries in order to maintain the credibility of the enlargement process;

3. Notes with satisfaction that Instrument for Pre-Accession Assistance (IPA) works well in Montenegro; encourages both the Montenegrin Government and the Commission to simplify the administrative procedure for IPA funding, with the aim of making it more accessible to smaller and non-governmental organisations, trade unions and other beneficiaries;

4. Commends Montenegro for achieving a high degree of compliance with the membership criteria by accomplishing satisfactory overall results in the key priorities;
5. Underlines the necessity and importance of pursuing comprehensive and qualitative efforts in implementing reforms, with a particular focus on the area of the rule of law and fundamental rights; emphasises that the most important target for such efforts is that of measures to combat corruption and organised crime; these measures will remain essential throughout Montenegro's accession process; calls on the Montenegrin authorities to continue to implement their obligations smoothly under the Stabilisation and Association Agreement; is of the opinion that the EU institutions will be in the best position to monitor and facilitate the reform of the judiciary once Chapter 23 of the accession negotiations is opened;

6. Welcomes the Commission's new accession negotiations strategy to open Chapters 23 and 24 at the start of negotiations and hopes that these two chapters will be opened as soon as possible to further accelerate judicial reforms in Montenegro;

7. Recalls that the EU is founded on the values of tolerance and equal rights for all in society; encourages Montenegro to continue to conduct constructive dialogue between political forces with the aim of safeguarding the cohesion of the multiethnic character of the country and in order to overcome the remaining cultural and national divisions, as well as to prevent discrimination;

**Political criteria**

8. Welcomes the legislative action taken to improve the working of the national parliament; recommends, however, that further efforts should be made to make the law-making process more transparent, that public participation in developing new legislation should be enhanced by even closer consultation with civil society, that the parliament's administrative capacities should be strengthened with a view to improving parliamentary performance both in producing legislation and in the political oversight and democratic scrutiny of the executive, that the instrument of consultative and control hearings should be used more frequently and efficiently, and that parliamentary questions and requests addressed to the government should be followed up systematically; more specifically, recommends that the functions and powers of the relevant committee be increased so that the parliament has adequate and effective oversight of the European integration process;

9. Welcomes the adoption of amendments to the law on the election of municipal councillors and members of parliament as one of the remaining conditions from the seven key priorities; calls on the Montenegrin authorities, however, to complement such legislative achievements with new actions on strengthening gender equality, since this is not yet guaranteed in practice;

10. Stresses the problem that women continue to be severely under-represented in the parliament, in top government posts and in decision-making positions in the public and private sector; therefore welcomes the new provisions that provide for 30% of female candidates on the candidate list, but is in this regard concerned that gender equality is not guaranteed in practice; is also concerned about the widespread violations of women's employment rights, including the right to equal pay; encourages the Montenegrin authorities to step up the work of mainstreaming gender equality policies and introduce the principle of equal pay;

11. Commends the adoption of amendments to the Law on Education, which puts an end to a long political controversy over the status of the Serbian language in Montenegro's education system; is of the view that this positive compromise highlights the broad consensus of all political forces on the country's cohesive but also multi-ethnic and multi-religious character;

12. Considers the new public administration reform strategy for 2011-2016 to be a positive step aimed at introducing European standards on recruitment and promotion and measures to increase the efficiency of the State administration; urges the Montenegrin Government to address the existing key poorly performing aspects of the administrative system in decision-making and the organisation of government work, including the system of delegation and deconcentration of power, in order to create a de-politicised and professional civil service acting effectively and impartially; calls on the authorities to give priority to good governance, to contribute to the gradual evolution of a legal-administrative culture and to tackle overloaded and overstretched administrative structures;
13. Notes the progress in the reform of the judiciary, including in reducing the backlog of cases in the courts, in adopting measures to reinforce the independence, accountability, impartiality and efficiency of judges and prosecutors, one of the key priorities, and in the more systematic application by the Judicial and Prosecution Council of the disciplinary proceedings against suspected judges and prosecutors; invites the Montenegrin Parliament to adopt constitutional provisions which would reinforce the legal independence and accountability of the judiciary, enhance judicial independence and the professional autonomy of the Judicial and Prosecution Council; underlines the need to more efficiently monitor corruption and conflict-of-interest rules; calls for the streamlining of the court system to enhance judicial efficiency, given that Montenegro continues to be one of the countries with the highest number per capita of basic courts, magistrates, prosecutors and administrative staff in Europe;

14. Calls on the Montenegrin authorities to focus on the selection of judges and prosecutors, their financial independence and the strict implementation of disciplinary rules against both judges and prosecutors in the event of non-compliance; further calls on the authorities to increase the transparency of the judiciary; reiterates its call to ensure a predictable judicial system and public trust; requests that the judicial budget be allocated adequate funding for infrastructure, equipment and training in order to enhance the efficiency of the judiciary; considers it important to establish common criteria for judicial training to be applied by the Judicial Training Centre;

15. Welcomes further good progress in adopting anti-corruption legislation, in particular the new public procurement law, the law on the financing of political parties and the amendments to the law on conflict of interest; notes, however, that the new public procurement law may be more restrictive than previous legislation and might therefore discourage reporting on corruption; is concerned about the strong role of representatives of political parties in the Commission for the Prevention of Conflict of Interest, which is responsible for implementing the new amendments to the law on conflict of interest; is of the view that the current draft law on the free access to information may restrict access to information and, by doing so, may reduce the ability of civil society organisations and the media to reveal corruption cases; notes that corruption is still prevalent in many areas, continues to be an issue of particular concern and can also cause significant costs to public finances;

16. Encourages the government to implement in a consistent manner anti-corruption legislation as well as laws on the financing of political parties and election campaigns; invites the competent law enforcement agencies to comprehensively pursue anti-corruption efforts and more corruption cases leading to convictions, including high-level corruption cases; calls on the Montenegrin authorities to introduce more precise mechanisms for the sound implementation and monitoring of anti-corruption initiatives and projects as well as to enhance inter-agency cooperation and information exchange, particularly between the police and prosecutors; encourages the Montenegrin Parliament to strengthen its oversight of the anti-corruption authorities; calls on the authorities to shed more light on allegations of corruption, especially concerning cases of privatisation; invites the Commission to assess the impact and results achieved through the allocation of EU funds in the reform of the judiciary and the fight against corruption;

17. Underlines the need to intensify the fight against organised crime, in particular with regard to the strengthening of the administrative and investigative capacities of police and prosecution authorities in order to improve the efficiency of these bodies; considers it important to step up efforts on the efficient processing of criminal intelligence and to further extend international and regional cooperation in combating organised crime, above all money laundering and smuggling;

18. Whilst acknowledging the legislative progress made in ensuring freedom of expression in the media, nevertheless notes alleged cases of intimidation and physical violence against journalists and a reported limitation of media freedom; is concerned about the backlog of defamation and libel cases against the media and journalists in the courts;
19. Calls on the Montenegrin authorities to investigate thoroughly cases of physical violence and intimidation against journalists and to demonstrate their commitment to a media free of political interference; urges the authorities to seriously investigate and prosecute the cases of murder and attacks against journalists, as well as the arson attacks on vehicles belonging to the Vijesti newspaper, and prosecute those responsible for the attack on the TV Vijesti crew in November 2011 in Humci near Nikšić; invites the authorities to ensure the independence of regulatory bodies and provide all necessary conditions for the self-regulatory media body to start functioning based on the best European standards; invites the Montenegrin Government to propose amending existing legislation on freedom of information in such a way that would not restrict access to information and limit transparency; calls on journalists to comply with professional ethics and standards regarding respect for privacy and dignity in the media;

20. Welcomes the government’s efforts to improve cooperation with non-governmental organisations and calls for continued consultations with civil society in policy-making and law-making; considers it positive that state institutions have appointed NGO contact persons and that many of these institutions set the criteria and procedure for the selection of civil society representatives to the relevant working groups established by the government; underlines, however, the importance of also strengthening dialogue with trade unions as well as civil society organisations representing or dealing with the most vulnerable groups and gender equality issues;

21. Welcomes the generally good situation as regards inter-ethnic relations, including the management of sensitive issues like ethnicity and language in the population census; notes with satisfaction that the legislative framework concerning anti-discrimination policies and the protection of minorities is largely in place, including the Adviser to the Prime Minister on Human Rights and Protection from Discrimination; stresses that further efforts are still needed for its implementation; calls on the Montenegrin authorities to take additional measures to ensure better representation of minorities in public institutions at national and local level, given that persons belonging to minorities remain under-represented in public institutions; calls on the authorities to combat discrimination against the Roma, Ashkali and Egyptian communities and improve their living conditions, access to social security, health, education, housing and employment services; furthermore urges the government and local authorities to sign up to the European Framework for National Roma Inclusion Strategies by launching and submitting a 10-year national inclusion strategy after the expiry of the current 2008-2012 strategy to improve the status of the Roma, Ashkali and Egyptian population;

22. Welcomes the recent adoption of the Law Against Discrimination, which explicitly mentions sexual orientation and gender identity, and calls for proper implementation of the existing anti-discrimination legislative framework; invites the Montenegrin authorities to strengthen measures to implement the country’s legal and institutional framework on LGBT rights; encourages the authorities to take measures aimed at refraining from any intimidation against LGBT organisations and persons and to do its utmost to prevent attacks on the LGBT community;

23. Underlines that Montenegro has ratified the eight core labour rights conventions of the International Labour Organisation and the revised European Social Charter; underscores that, although basic labour and trade union rights are provided for in the Labour Code, there are still restrictions; encourages Montenegro to further strengthen labour and trade union rights; points out the important role of social dialogue and encourages the Montenegrin Government to step up its ambitions in the Social Council and further strengthen it; underlines the importance of improving the transparency and effectiveness of the Social Council;

24. Underlines that all political parties, regardless of the community that they represent, should strive to maintain a constructive and mature political climate and refrain from taking political instructions from third countries;
25. Encourages Montenegro to enhance the legal framework governing the rights of persons with disabilities and improve their access to employment, including in public institutions; calls on the authorities to adapt public places to their needs and continue to mount awareness campaigns addressing the social inclusion of people with disabilities;

26. Noting that there are currently approximately 15 000 refugees, internally displaced and displaced persons originating from Croatia, Bosnia and Herzegovina and Kosovo in Montenegro, invites the Montenegrin Government to find a lasting and sustainable solution to the issue by fully implementing its relevant strategy and by pursuing further efforts to provide a legal status for displaced persons; considers important their return to their countries of origin as well as the need to remove remaining obstacles between the countries of the region and facilitate return; in this regard, notes with satisfaction Montenegro’s proactive role in the ‘Belgrade Initiative’ regional programme and the adoption of an action plan to implement the Strategy for a Permanent Solution to the Issue of Displaced and Internally Displaced Persons in Montenegro;

**Economic criteria**

27. Commends Montenegro for maintaining its macroeconomic stability, but also notes the forecasted slowing of economic growth and the continued high unemployment; encourages the government to accelerate the recovery from the severe economic downturn of 2009 while maintaining fiscal stability with the pursuit of more prudent fiscal policies and reducing public debt in order to create sound economic progress with the aim of improving the standard of living;

28. Welcomes the adoption of important structural reforms such as those relating to the public pension system, the streamlining of public employment and a new financing scheme for local government; encourages Montenegro to continue structural reforms, in particular strengthening the rule of law, physical infrastructure and human resources, and to pursue further measures to remove business barriers and improve the business environment as well as to increase labour market flexibility and boost export competitiveness; continues to be concerned about the significant level of informal employment and the extent of the informal economy, which poses significant challenges to the Montenegrin economy and society;

29. Welcomes the adoption of the development strategy for small and medium-sized enterprises for 2011-2015 and the Strategy for the Promotion of Competitiveness at the Micro-Level for 2011-2015; encourages the government to improve coordination of various institutions working in the area, to collect better data on SMEs and to strengthen the system of unified registration of enterprises in order to ensure the effective implementation of these strategies;

**Abilities to assume the obligations of membership**

30. Invites the Montenegrin government to substantially enhance institutional and administrative capacities, as well as accession-related cooperation and coordination between the relevant State institutions; calls on the authorities, in this respect, to reinforce the administrative capacity of the Ministry of Foreign Affairs and European Integration and strengthen the capacities of ministries dealing with key areas of the acquis; calls on the authorities to tackle the fragmentation of the administrative system and overlapping competences as well as to develop policy-making capacities in line ministries with the aim of improving the quality of legislation and ultimately strengthening the rule of law;

31. Welcomes the adoption of the government plan outlining Montenegro’s energy policy until 2030 and notes that energy sector reform is a particularly vital challenge facing the country; urges the authorities to accelerate progress in the area of security of energy supply and energy efficiency, as well as to pursue further efforts towards the setting-up of a regulatory environment that would foster the increased use of renewable energy sources in all sectors, as required by the relevant EU acquis on renewable energy;
32. Calls on Montenegro to achieve progress on aligning national legislation with the acquis as regards access to environmental information, access to justice, environmental liability and strategic environmental assessment provisions on trans-boundary aspects; urges the authorities to integrate more systematically environment-related and climate change issues into other sectoral policies; considers it particularly important to address problems of solid waste, waste water and the poorly regulated waste management system, as well as to introduce more stringent penalties for all those who violate the relevant regulations and to establish an efficient inspection monitoring system; furthermore, in general, reiterates the need to resolve the unclear division of responsibilities between the authorities and the lack of coherence in their actions, as this is seriously hampering progress in the area of environmental protection;

33. Recalls that more than 25 % of Europe's biodiversity is located in the Western Balkans region; also recalls that the many small and large rivers and lakes – the largest being the Morača river and Lake Skadar – host many rare species; calls on the Montenegrin authorities to reconsider plans to build large-scale hydropower plants and to mainly rely on energy provided by such sources; recalls the need to draft a national energy strategy, which takes into account the many different renewable energy sources, including hydropower on a small scale; recalls the need to also respect the natural heritage enshrined in the constitution, which refers to Montenegro as an ecological state and the fact that natural heritage and tourism are two important pillars of the Montenegrin economy; urges the Montenegrin authorities to always conduct environmental and social impact assessments prior to any decision on the construction of new plants, in line with EU and international standards such as the Aarhus and Espoo conventions; urges the Montenegrin authorities further to engage in extensive and transparent public consultation processes, involving relevant civil society organisations when it comes to the planning of future hydropower plant projects, and to make relevant decisions, expert opinions and other documentation public;

34. Commends Montenegro on becoming a worldwide tourism destination with high potential for further development; notes, however, the potential risks to the environment stemming from tourism and calls on the government to take further steps to protect nature, including along the Adriatic coast;

35. Invites the Montenegrin Government to accelerate progress on the establishment of the structures necessary for managing the common agricultural policy, such as a paying agency and an integrated administrative and control system; calls for progress in taking agriculture and rural development policy forwards, including by pursuing efforts on policy development and on using the financial assistance that is available;

36. Commends Montenegro on joining the World Trade Organisation at the WTO Ministerial Conference on 17 December 2011; is of the view that WTO membership will provide a more transparent, predictable and attractive environment for trade and foreign investment;

37. Calls on the Montenegrin authorities to implement relevant legislation on central bank independence, monetary financing, privileged access to public-sector financial institutions and the protection of the euro; notes that the implications for Montenegro’s monetary system will have to be defined in detail and addressed in future accession negotiations;

38. Commends Montenegro on the hitherto smooth implementation of the visa-free regime with the Schengen area, which entered into force on 19 December 2009; urges the authorities, however, to upgrade the administrative capacities of the Ministry of Foreign Affairs and European Integration, as well as its diplomatic and consular network, by creating, for instance, an online link between the Ministry’s national visa system and the diplomatic and consular missions and by introducing a visa sticker with security features;
Regional cooperation

39. Commends Montenegro for its commitment and constructive role in contributing to regional stability and strengthening good neighbourly relations with other Western Balkan countries; notes with satisfaction Montenegro’s proactive participation in various regional initiatives in South-Eastern Europe; underlines in particular Montenegro’s dedication to the signing of extradition agreements with Croatia, the former Yugoslav Republic of Macedonia and Serbia, by concluding cooperation agreements with financial intelligence services of other countries and by joining, on 7 November 2011, the declaration of the foreign ministers of Serbia, Montenegro, Croatia and Bosnia and Herzegovina aimed at finding solutions to the refugee issue in the region;

40. Welcomes the commitment of both Montenegro and Serbia to placing bilateral relations on a sounder footing; encourages political and religious leaders in both countries to continue to improve the climate of inter-ethnic and inter-religious dialogue with a view to reaching an agreement regulating the position of the Serbian Orthodox Church in Montenegro; calls on the Commission to pay attention, in parallel with the accession negotiations, to the relations between the Montenegrin Orthodox Church and the Serbian Orthodox Church, as improved relations between the two churches and communities active in the country would positively affect the political climate in Montenegro;

41. Notes with satisfaction the good neighbourly relations between Montenegro and Croatia; welcomes the agreement on cooperation between Montenegrin and Croatian law enforcement agencies, which provides a framework for joint activities in different areas of police work such as crime prevention, border policing and combating complex forms of regional and international organised crime; welcomes the setting-up of a joint commission between Montenegro and Croatia and notes with satisfaction that the two sides have agreed to abide by the International Court of Justice’s decision on the as yet unresolved question of the ownership of the territory of the Prevlaka peninsula;

* * *

42. Instructs its President to forward this resolution to the Council, the Commission and the government and parliament of Montenegro.

A corporate governance framework for European companies

P7_TA(2012)0118

European Parliament resolution of 29 March 2012 on a corporate governance framework for European companies (2011/2181(INI))

(2013/C 257 E/08)

The European Parliament,

— having regard to the Commission Green Paper of 5 April 2011 on the EU corporate governance framework (COM(2011)0164),

— having regard to its resolution of 18 May 2010 on deontological questions related to companies’ management (\(^1\)),

— 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 Economic and Monetary Affairs, the Committee on Employment and Social Affairs, the Committee on Industry, Research and Energy, and the Committee on the Internal Market and Consumer Protection (A7-0051/2012),

\(^1\) OJ C 161 E, 31.5.2011, p. 16.
General approach

1. Welcomes the Commission's revision of the EU corporate governance framework initiated by the Green Paper;

2. Regrets, however, that important corporate governance issues such as board decision-making, directors' responsibility, directors' independence, conflicts of interest or stakeholders' involvement have been left out of the Green Paper;

3. Regrets the Green Paper's focus on the unitary system and disregard for the dual system, which is equally widely represented in Europe; stresses that the Commission's review of the EU corporate governance framework must take account of the rights and duties conferred on the various company bodies under national law, and in particular the differences between unitary and dual systems; hereinafter essentially uses the term 'board of directors' to refer to the supervisory role of directors, which, in a dual structure, generally falls to the supervisory board;

4. Underlines the importance of creating a more transparent, stable, reliable and accountable corporate sector in the EU, with improved corporate governance; considers that the corporate sector should be able to take social, ethical and environmental concerns into account in its practices and to demonstrate its responsibilities both towards employees and shareholders and towards society at large, in addition to ensuring better economic performance and the creation of decent jobs;

5. Takes the view, however, that good governance on its own cannot prevent excessive risk taking; calls therefore for independent auditing and rules respecting the different corporate cultures in the EU;

6. States that it is a prerequisite that a well-governed company should be accountable and transparent to its employees, shareholders and, where appropriate, to other stakeholders;

7. Considers that the 2004 OECD definition of corporate governance, according to which corporate governance involves a set of relationships between a company's management, its board, its shareholders and other stakeholders, should be further promoted;

8. Considers that, in the wake of the financial crisis, lessons can be learned from the principal bankruptcies in the business world;

9. Stresses, in this connection, that attention must be drawn to the important role that the different committees (audit committees and, insofar as they exist in the Member States, remuneration and nomination committees) play in the good governance of a company, and calls on the Commission to strengthen their role;

10. Believes that a basic set of EU corporate governance measures should apply to all listed companies; notes that these measures should be proportional to the size, complexity and type of the company;

11. Considers that initiatives on corporate governance should go hand in hand with the initiatives on corporate social responsibility proposed by the Commission; takes the view that, particularly under present-day economic and social circumstances, corporate social responsibility could, in combination with corporate governance, help to forge closer links between companies and the social environment in which they grow and operate;

12. Stresses that the Financial Fair Play initiative is an example of good corporate governance practice in sport; calls on other sectors and public authorities to further explore these measures with a view to implementing some of their basic principles;
13. Calls on the Commission to submit every legislative proposal it considers on corporate governance to impact assessment, which should focus both on objectives to be attained and on the need to keep companies competitive;

**Boards of directors**

14. Stresses that in unitary systems there should be a clear demarcation between the duties of the Chair of the Board of Directors and the Chief Executive Officer; notes, however, that this rule should be proportional to the size and the peculiarities of the company;

15. Stresses that boards must include independent individuals with a mix of skills, experiences and backgrounds, that this aspect of their composition should be adapted to the complexity of the activities of the company and that it is the responsibility of the shareholders to ensure the right balance of skills in the board;

16. Is of the opinion that recruitment policies, where they are used, should be specific and that they should be subject to a comply-or-explain regime; underlines that the drafting and approval of policy documents of this kind is an exclusive shareholder competence;

17. Calls on companies to implement transparent and meritocratic methods in the field of human resources and to develop and promote efficiently men’s and women’s talents and skills; stresses that companies must ensure equal treatment of and equal opportunities for men and women at work and contribute to an appropriate work-life balance for men and women;

18. Underlines the importance of having a broad and diverse set of skills and competences represented in the company board;

19. Calls on the Commission to present, as soon as possible, comprehensive current data on female representation within all types of company in the EU and on the compulsory and non-compulsory measures taken by the business sector as well as those recently adopted by the Member States with a view to increasing such representation, and, following this exercise, if the steps taken by companies and the Member States are found to be inadequate, to propose legislation – including quotas – in the course of 2012 to increase female representation in corporate management bodies to 30 % by 2015 and to 40 % by 2020, while taking account of the Member States’ responsibilities and of their economic, structural (i.e. relating to company size), legal and regional specificities;

20. Stresses that directors must devote sufficient time to the performance of their duties; considers, however, that no one-size-fits-all rules are advisable; believes that Member States should be encouraged to set limits to the number of boards on which a director can serve; points out that this would help to increase the frequency of board meetings and improve the quality of in-house supervisory bodies; highlights the importance of board members being fully transparent and open with their other engagements;

21. Agrees that external evaluations on a periodical basis are useful tools for assessing the effectiveness of corporate governance practices; however, is of the opinion that they should not be compulsory;

22. Takes the view that it is the responsibility of management and supervisory board members to avail themselves of the training and further training necessary for fulfilment of their tasks, with assistance from the company as necessary;

23. Encourages disclosure of company remuneration policies and annual remuneration reports, which should be subject to approval by the shareholders’ meeting; stresses, however, that Member States should be allowed to go further and set requirements regarding disclosure of the individual remuneration of executive and non-executive directors, which can help to enhance transparency;
24. Believes that strong surveillance and new rules must be introduced to forbid any malpractices concerning the salaries, bonuses and compensation paid to executives of companies belonging to the financial or non-financial corporate sector that have been bailed-out by a Member State government; considers that legal action should, where necessary, be taken in order to prevent the misuse of public bail-out funds.

25. Calls for sustainable long-term remuneration policies, which should be based on the long-term functioning of the individual and his company;

26. Considers that directors' pay rises should be consistent with the long-term viability of their companies;

27. Supports the inclusion in managers' variable remuneration of long-term sustainability components, such as making a percentage of their variable remuneration dependent on the achievement of corporate social responsibility targets, e.g. health and safety in the workplace and employee job satisfaction;

28. Notes that the board is the body responsible for reviewing and approving company strategy, which includes the company's approach to risk, and should report it meaningfully to shareholders as far as possible without disclosing information that may damage the company, for example in relation to competitors; considers that environmental and social risks should be included insofar as they have a material impact on the company, as already required under EU legislation;

Shareholders

29. Believes that shareholders' engagement with the company should be encouraged by enhancing their role, but that this involvement should be a discretionary choice and never an obligation;

30. Nevertheless, believes that measures to incentivise long term investment should be considered and also a requirement for full transparency of voting for any borrowed shares, apart from bearer shares; considers that institutional investor behaviour aimed at creating liquidity and keeping good ratings should be reconsidered, as this solely encourages short-term shareholding by such investors;

31. Notes that the Shareholders' Rights Directive (1) endorses the principle of equal treatment of shareholders and that therefore all shareholders (institutional or not) are entitled to receive the same information from the company, irrespective of their stake;

32. Calls on the Commission to bring forward proportionate proposals for Europe-wide guidelines on the type of information released to shareholders in annual company reports; considers that this information should be of a high quality and informative;

33. Notes that there is a lack of long-term focus within the market and urges the Commission to review all relevant legislation to assess whether any requirements have inadvertently added to short-termism; welcomes, in particular, the Commission's proposal to abandon the quarterly reporting requirement in the Transparency Directive, a requirement which adds little to shareholder knowledge and simply creates short-term trading opportunities;

34. Welcomes the development of Stewardship Codes for institutional investors across the European Union; believes that a European Stewardship Code could be developed drawing on existing models and in collaboration with national authorities;

35. Stresses that institutional investors have the fundamental duty to protect their investments and that it is their responsibility to monitor the asset manager they have appointed with regard to strategies, costs, trading and the extent to which this asset manager engages with the investee companies, and therefore to require adequate transparency in the performance of the fiduciary duties;

36. Is of the opinion, in this connection, that institutional investors should be free to design the relevant incentive structures in their professional relationship with asset managers;

37. Notes that conflicts of interest, including those of a potential nature, should always be disclosed and that appropriate action is needed at EU level;

38. Calls on the Commission to amend the Shareholders’ Rights Directive in such a way as to evaluate by what means shareholders’ participation can be further enhanced; considers, in this connection, that the role of electronic voting at general meetings of listed companies in order to encourage shareholders’ participation, especially with regard to cross-border shareholders, should be analysed by the Commission through an impact assessment;

39. Reminds the Commission of the need for a clear-cut definition of ‘acting in concert’, as the lack of uniform rules constitutes one of the main obstacles to shareholders’ cooperation;

40. Believes that proxy advisors play a very important role, but that their activities are often subject to conflicts of interest; calls on the Commission to ensure further regulation of proxy advisors, giving special attention to transparency and conflict-of-interest issues; is of the opinion that proxy advisors should be prohibited from providing consulting services for the investee company;

41. Considers that companies should be entitled to choose between a name shares regime and a bearer shares regime; considers that, if they choose name shares, companies should be entitled to know the identity of their owners and that minimum harmonisation requirements should be set at EU level for the disclosure of material shareholdings; considers that this should be without prejudice to the right of the owners of bearer shares not to disclose their identity;

42. Notes that, although the protection of minority shareholders is an issue which is addressed by national company law provisions, Union action might be useful to promote proxy voting;

43. Endorses the guidelines contained in the statement issued by the European Corporate Governance Forum on related party transactions for listed entities on 10 March 2011; encourages the Commission to take action at EU level by means of a soft law measure such as a recommendation;

44. Believes that the question of employee share ownership schemes is one which should be regulated at Member State level and left to negotiations between employers and employees: the possibility of participating in such a scheme should always be of a voluntary nature;

The ‘comply or explain’ framework

45. Believes that the ‘comply-or-explain’ system is a useful tool in corporate governance; is in favour of compulsory adherence to a national corporate governance code or a Code of Conduct chosen by the company; considers that any deviation from the Code of Conduct should be explained in a meaningful way and that, in addition to this explanation, the alternative corporate governance measure taken should be described and explained;

46. Stresses the need to achieve better functioning of, and compliance with, existing governance rules and recommendations rather than imposing binding European corporate governance rules;
47. Believes that codes of practice can deliver behavioural change and that the flexibility provided by codes allows innovation which can draw on best practice throughout the EU; believes that a sharing of best practice would improve corporate governance in the EU;

* *

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

European Investment Bank (EIB) - Annual Report 2010

P7_TA(2012)0119


(2013/C 257 E/09)

The European Parliament,

— having regard to the 2010 Annual Report of the European Investment Bank (EIB),

— having regard to Articles 15, 126, 175, 208-209, 271, 308-309 of the Treaty on the Functioning of the European Union and Protocol No 5 on the Statute of the EIB,

— having regard to Article 287 of the Treaty on the Functioning of the European Union on the role of the Court of Auditors,


— having regard to Decision No 1080/2011/EU of the European Parliament and of the Council of 25 October 2011 granting an EU guarantee to the EIB against losses under loans and loan guarantees for projects outside the Union and repealing Decision No 633/2009/EC,

— having regard to its decision of 10 May 2011 on discharge in respect of the implementation of the budget of the Eighth, Ninth and Tenth European Development Funds for the financial year 2009 (1),

— having regard to its resolution of 7 April 2011 on the European Investment Bank’s annual report for 2009 (2),

— having regard to the Corporate Operational Plan 2011-2013 of the EIB, as approved by its Board of Directors on 14 December 2010,

— having regard to the 2010 Annual Report of the EIB’s Audit Committee to the Board of Governors of 6 April 2011,

— having regard to its resolution of 8 June 2011 on Investing in the future: a new Multiannual Financial Framework (MFF) for a competitive, sustainable and inclusive Europe (3),

(2) Texts adopted, P7_TA(2011)0156.
(3) Texts adopted, P7_TA(2011)0266.
Thursday 29 March 2012

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

— having regard to its resolution of 10 March 2010 on EU 2020 (2),

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

— having regard to the report of the Committee on Budgetary Control and the opinions of the Committee on Development, the Committee on Economic and Monetary Affairs and the Committee on the Environment, Public Health and Food safety (A7-0058/2012),

A. whereas the EIB was set up by the Treaty of Rome and its main goal is to contribute to the development of the single market and to the reduction of the differences in the various regions’ development,

B. whereas the EIB’s financing operations inside the European Union focus on six policy priorities: ensuring economic and social cohesion and convergence; implementation of the knowledge economy; developing trans-European transport and access networks; supporting small and medium-sized enterprises (SMEs); protecting and improving the environment and promoting sustainable communities; and supporting sustainable, competitive and secure energy,

C. whereas the EIB remains the “European Bank” and represents the arm for achieving EU objectives,

D. whereas the disbursement of the EIB group’s EU lending reached EUR 52 billion in 2010,

E. whereas the EIB’s operations outside the European Union are primarily undertaken to support the European Union’s external action policies,

F. whereas the EIB group’s disbursement on lending outside the EU reached EUR 6 billion in 2010,

G. whereas according to its Statute, after the ratification of the Lisbon Treaty the EIB is authorised to have maximum loans and guarantees equivalent to two and a half times of its subscribed capital and its reserves, non-allocated provisions and profit and loss account surplus,

H. whereas the extension of the financial, economic and sovereign debt crisis beyond 2010, and of the related credit crunch, have increased the financing needs,

I. whereas it is the task of the EIB to help the European economy, using both the capital markets and its own funds,

J. whereas the EIB’s credit rating of AAA is crucial for the functioning of the bank,

K. whereas the Audit Committee was established under the EIB Statute as an independent committee responsible for the auditing of the EIB’s accounts and verifying that the activities of the Bank conform to best banking practice; whereas the Audit Committee stated in its report of 6 April 2011 that ‘in 2010 the Audit Committee received the expected support from the Bank’s services, thus being able properly to discharge its responsibilities’;

(1) Texts adopted, P7_TA(2011)0331.
L. whereas the goals of the EU 2020 strategy, such as infrastructure investment, green technologies, innovation and SMEs’, cannot be achieved without proper funding;

M. whereas sustainable growth must be guaranteed in the Union also through redeployment of unused EU Budget payment appropriations to joint programmes targeting growth, competitiveness and employment, and through leveraging EIB loans and setting up an efficient project bond market;

2010 Annual report framework

1. Welcomes the 2010 Annual Report and encourages the EIB to continue its activities to support the development of the European economy and foster growth, stimulate employment, and promote social and territorial cohesion with a special focus on projects for less-developed regions; supports the bank in its intention to target operations where its financing is likely to have the greatest impact on economic growth; points out that the EIB should use its resources and instruments in the best possible way to fight the actual financial and economic crisis;

2. Considers that the EIB Group (1) should continue reporting annually to Parliament on its lending activities both within the EU, with regard to the promotion of the Union’s objectives and the Europe 2020 Strategy’s targets, and outside the EU, with regard to its mandate and the overall policy coherence of the EU’s external action; takes the view that the EIB and the European Bank for Reconstruction and Development (EBRD) should also focus on strengthening their coordination and cooperation work in third countries, in order to enhance their respective comparative advantages and avoid overlaps in their work (2), while ensuring more effective use of resources; recalls also that the Council and Parliament have agreed that the time is ripe to study the rationalisation of the system of European public financial institutions, with no options being excluded;

3. Points out that the EIB Group should continue to report annually to the European parliament on its financing activities related to the EU budget, specifically as regards EU financing and external financing; calls on the bank to make its annual report easily accessible and understandable for the wider public;

4. Welcomes the approved Corporate operational plan 2011-2013 which gives three main dimensions to the bank’s activities in the years ahead: implementing the “Europe 2020” strategy, combating climate change and supporting the EU’s external policy;

5. Supports the Bank in its commitment to focus on the “knowledge triangle” linking education, research and development, innovation;

6. Recommends that the EIB on its website publishes the European parliament’s resolutions on the Annual Reports – along with the MEP’s written questions and the answers given to these by the EIB – together with its own reports;

EIB EU financing activities

7. Recognizes the increased volume of the structural programmes loans (SPLs) in the light of the economic and financial crisis; highlights the important role of these loans for the recovery and growth in supporting the public sector investments in some Member states; encourages the EIB to continue offering similar instruments not only for countries experiencing financial difficulties, but also to encourage countries with good financial discipline and convergence regions;

(1) The EIB Group includes the EIB and the EIF.
(2) Parliament called for this in its resolution of 25 March 2009 on the EIB and EBRD annual reports for 2007. Moreover, Parliament also adopted this position as part of its vote on the Bowles report on the subscription to additional shares in the capital of the European Bank for Reconstruction and Development ***I.
8. Points out that in terms of lending volume, Public Private Partnerships (PPPs) projects accounted, in 2010, for 32% of EIB financed Trans European Transport lending; welcomes the set up of the European PPP Expertise Centre with a network of members that now, in addition to the EIB and the European Commission, includes 30 EU and associated countries as well as many regions;

9. Calls on the EIB to encourage public disclosure of cumulative PPP public payment obligations in respect of the PPP being financed together with information on the source of future payments;

10. Urges the EIB to publish an annual list of all final beneficiaries of loans and other financial instruments in the same way as the Commission is bound to publish such a list of end beneficiaries of EU funds;

11. Urges EIB to increase its support to the infrastructure networks in new Member States, which is still relatively low compared to EU-15 Member States; asks that this share of financing infrastructure networks be greater for interconnections at Member State borders;

12. Broadly supports the cooperation between the EIB and the European Commission in developing innovative financial instruments to promote the objectives of the “Europe 2020” strategy as well as action to kick-start the crisis-hit economy and climate action needs; recognizes the previous positive experience of the use of these tools – including grant and loan blending and risk-sharing mechanisms;

13. Especially supports the Risk Sharing Finance Facility (RSFF), a joint initiative of the European Commission and the Bank that provides for lending to higher-risk, higher-reward projects. In the context of the implementation of the 7th Research and Development Framework Programme (RDFP), is surprised that RSFF loan signatures in 2010 only reached EUR 1.8 billion, EUR 1 billion less than in 2009; considers the reason for this decline given by the EIB in its 2010 report – that is, that the credit squeeze is easing for the companies that turned to the EIB at the height of the crisis – to be insufficient, and calls for further explanations from the EIB and the European Commission;

14. Is concerned about the EIB internal controls and audit systems and encourages the EC and the EIB to finalise a comprehensive financial and administrative framework agreement by November 2012, also in view of the expected expansion of innovative financial instruments managed by the EIB group; expects the EIB to report back to the Parliament on progress made by December 2012;

**EIB support to European Small and Medium Enterprises (SMEs)**

15. Welcomes the achievement one full year ahead of schedule of the EUR 30 billion target in lending to small and medium-sized enterprises (SMEs) set by the December 2008 ECOFIN Council; supports the new loan product for Mid-Cap enterprises and highlights its importance for boosting the European economic recovery; calls on the EIB to provide advice to SMEs and other beneficiaries, when appropriate, to ensure the quality and effectiveness of the projects;

16. Reiterates continuous previous recommendations of the EP to enhance transparency in EIB’s selection of financial intermediaries and the way ‘global loans’ are allocated, and insists on the need for action to be taken to put these into affect; stresses the need for clearer conditions and stricter lending effectiveness criteria; encourages the EIB to elaborate without delay new, coherent and effective instruments for a better supervision of the financial intermediaries collaborating with the EIB in supporting SMEs in Europe before the end of 2012;

17. Reiterates its call on the EIB to report regularly on the results achieved, including comprehensive data on the final beneficiaries, summary reports on the monitoring and implementation of its internal procedures, and achievements of objectives on targets; calls for deviations from the targets to be indicated and explained, and for details of the responsibility for these deviations to be given; is concerned about the lack of clear benchmarks and penetration rates, as a consequence of which the effectiveness of the loans remains unclear;
18. Recognizes the facts that 115 000 SMEs received support from the EIB Group and that the EIB contribution amounts to EUR 10,0 billion in credit lines for lending to SMEs, while the European Investment Fund (EIF) provided SME guarantees and risk capital totalling EUR 2,8 billion in 2010; encourages EIB’s efforts to ensure greater support for SMEs;

19. Welcomes the decision by the EIB to join the EBRD and the World Bank Group in the joint action plan by the international institutions to step up support for SMEs in Central and Eastern Europe during the period 2009-2010; notes that by fulfilling its commitments under this plan (doubling the resources normally made available to SMEs in the region), the EIB met its target well ahead of schedule and a 25 % increase, corresponding to EUR 14 billion, was recorded in EIB lending activity at the end of 2010; calls on the EIB to continue its close cooperation with banks in this region in supporting SMEs;

20. Welcomes the European Progress Microfinance Facility established in March 2010 by the Commission and by the EIB; emphasizes the need for a public disclosure of the results of this facility up to datecalls for clear criteria for choosing the intermediaries participating in the initiative to be established as soon as possible and to be made public;

21. Welcomes the European Court of Auditors’ special report no. 4/2011 on the Audit of the SME Guarantee Facility, and recognizes the important role of the SMEG facility; is concerned about the Court’s findings to the effect that the Facility provides insufficient records justifying the agreement parameters between the EIF and the financial intermediaries, gives unclear performance indicators and lacks target values for the indicators; calls on the EIB Group to remedy these shortcomings in line with the Court’s recommendations;

22. Calls on the EIB to report to the European Parliament on the progress of the implementation of ECA’s recommendations;

23. Underlines the important role of the EIF in supporting SMEs; stresses that the EIF should continue its activities related to financing and guarantees for SMEs’ transactions; encourages EIF to continue its efforts in supporting the recovery of SMEs’ securitisation market which is still weak;

**EIB activities outside EU**

24. Welcomes the fact that the EU guarantee provided to the EIB, for the period 2007-2013, against losses under loans and loan guarantees for projects outside the EU, undoubtedly falls under the scrutiny of the European Court of Auditors (1);

25. Invites the European Court of Auditors to provide a special report to the European Parliament on the financing operations carried out under that Decision, with an impact assessment at project, sector, country and regional level, that shows the effectiveness of the EIB contribution to the EU external policy objectives;

26. Takes the view that the European Union guarantee instrument provided by the external mandate has a high added value and leverage; encourages nonetheless the EIB to pursue own-risk facilities whenever possible while preserving the EIB AAA rating, and while ensuring the effective coordination of assistance activities undertaken by the European Commission, the EIB and other international and local partners in order to increase the consistency and complementarity of the actions;

27. Takes the view that the EIB and the EBRD should focus on strengthening their cooperation and coordination in third countries, in order to enhance their respective comparative advantages and to avoid overlaps in their activities (2);

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(1) Art. 15 of the Decision No 1080/2011/EU
(2) Parliament called for this in its resolution of 25 March 2009 on the EIB and EBRD annual reports for 2007. In the decision concerning the subscription by the EU to additional shares in the capital of the EBRD, as a result of the decision to increase that capital, Parliament and the Council also called for the EBRD Governor for the Union to report annually to Parliament on cooperation between the EIB and the EBRD outside the Union.
28. Calls on the EIB to inform the European parliament about its financing operations in the Mediterranean region, supported by the external lending mandate, to demonstrate the development impacts of its lending and provide a report to the European parliament before the end of 2012;

29. Highlights the role of the EIB’s financing for Public-Private Partnership (PPP) projects mainly within the EU, and notes EIB’s intention to explore the potential for PPPs in the Mediterranean countries;

30. Calls on the EIB, together with the Commission and in close dialogue with the recipient countries, to come up urgently with a proposal for a banking facility that is more effective than the Facility for Euro-Mediterranean Investment and Partnership (FEMIP) in order to underpin the effectiveness of the role performed by the EIB in the Mediterranean countries with regard to SMEs, microcredit, etc;

31. Is concerned about the risks that PPP schemes bring, such as poor value for money and partly off-balance-sheet public debt; encourages the EIB to take into account the recommendations under its internal report “Review of Lessons from Completed PPP Projects Financed by the EIB”, in particular by:

   a) adopting clearer definitions, data quality and consistency in the EIB in relation to the PPP projects,

   b) disseminating the priority lessons learned to potential public promoters,

   c) creating a centralised PPP unit within the EIB covering both credit and project risk issues within a common, specialised team;

32. Encourages the EIB to restrict any support for financial intermediaries outside the EU only to local institutions not operating in offshore financial centres, which have a substantial local ownership and are equipped to implement a pro-development approach supporting the specificity of local SMEs in each country; asks the EIB to report on the implementation of this recommendation in 2012;

33. Welcomes the EIB’s external mandate 2007-2013 Mid-Term Review “Report and recommendations of the Steering Committee of wise persons” from February 2010;

34. Welcomes the implementation of Decision No 1080/2011/EU granting an EU guarantee to the EIB against losses under loans and loan guarantees for projects outside the EU; stresses that the external mandate of the EIB must be coherent with Article 208 TFEU, which states that the reduction and eradication of poverty is the primary objective of the Union’s development cooperation policy;

35. Is concerned about the lack of sufficient information about the results of the external policy actions; highlights the absence of requirements for financial intermediaries to send ex-post results on individual operations; calls therefore on the bank to make such ex-post reporting compulsory; welcomes, however, the new reporting provisions under Decision No 1080/2011/EU;

36. Whereas the EIB’s activity outside the EU has developed primarily in middle-income countries, with limited staff resources particularly for upstream work and for project monitoring, as well as a limited local presence compared to the level and complexity of financing activities outside the EU;

37. Recommends strengthening the monitoring of the projects during implementation as well as at completion;
38. Notes that, of the total of EUR 72 billion which the EIB lent in 2010, EUR 8,511 billion was lent to developing countries (of which 1,2 billion to Asia and Latin America (ALA), EUR 1 billion to the African, Caribbean and Pacific Group of States (ACP) (973 million) and to South Africa (50 million), EUR 2,55 billion to the Mediterranean countries and EUR 328 million to Central Asian countries), including EUR 657 million for projects in the fields of water and sanitation, health and education;

39. Notes that the independent evaluation of the EIB's external mandate shows that the EIB's efforts to monitor project implementation and ensure local presence and follow-up on environmental and social aspects still appear to be insufficient, while the EIB's ability to satisfy the mandate requirements with regard to development aspects is only indirect;

40. Recalls that a narrow focus on GDP-led growth does not automatically deliver inclusive and sustainable development and reduce inequality; in this context, accordingly, takes the view that adequate concessional finance and staff resources are necessary to enable the EIB to support more effectively EU development cooperation objectives;

41. Calls on the EIB to actively support projects aimed at financial inclusion, i.e. facilitating equal access to financial services such as loans and savings and insurance schemes, for instance by supporting microfinance institutions;

42. Calls for the definition of 'performance indicators' to better track the value added and impact of EIB operations and the strengthening of proper staff expertise in sustainable development, human rights and social/gender issues;

43. Welcomes the EIB's commitments, and the policy it has developed, with regard to non-cooperative jurisdictions; however, expresses its concern about the lack of transparency regarding the way 'global loans' are allocated and monitored in terms of tax governance; recalls that the EIB should ensure that recipients of its loans do not avail themselves of tax havens or use other harmful tax practices such as abusive transfer pricing which may lead to tax evasion or avoidance; in this context, calls on the EIB to request that financial intermediaries make public any use of the global loans they receive, including a report of their activities in any individual country in which they operate;

44. Regrets that the EIB is not prioritising investment in local companies in ACP countries; deems that the monitoring of global loans or loans for SMEs should be improved in order to ascertain that financial intermediaries implement EIB requirements in a proper fashion, thereby ensuring accountability, transparency and environmental sustainability in the use of funds made available to local SMEs; takes the view that the definition of SMEs used in each external region should be clarified, taking into account the structure of the local economies;

45. Requests that compliance with EU/agreed international standards regarding the environment and social policies should be a systematic condition for accessing EIB financing, while companies or undertakings that violate these principles and/or are registered in tax havens should be effectively excluded;

46. Welcomes the initiative to conclude a Memorandum of Understanding on cooperation between the European Parliament and the EIB; in this context, stresses the need to involve Parliament closely in the process of discussion of the setting-up of an 'EU Platform for External Cooperation and Development' and to guarantee transparency in the process;

47. Points out the importance of improvement and optimization of the EU and Member states financing operations in support of the external cooperation; supports the 'wise persons' proposal to consolidate all external activities in a separate entity in order to achieve more focused management; reiterates the EP's proposal to explore possible options to establish "EU Platform for development cooperation";
48. Recommends streamlining of EIB's activities by keeping the core focus of the EIB as the “European bank”;

49. Calls on the Bank to only engage in lending outside the Union after having made sure that the trade rules between the country where the lending occurs and the Union include the principle of reciprocity in the application of social, environmental and health standards;

**EIB management and control mechanisms**

50. Recalls the necessity of a European prudential supervisory system under which the EIB should be subjected to the same prudential rules as credit establishments; such prudential control should oversee the quality of the EIB's financial situation and ensure that its results are accurately measured and the profession's rules of good conduct are observed; reiterates the call of the EP to subject the EIB to prudential regulatory supervision;

51. Reiterates its call on the European Commission to provide Parliament with a legal analysis of the possible options for prudential supervision of the EIB; recognizes the existence of institutional difficulties in relation to possible role of the European Central Bank in EIB's prudential supervision; calls on the Commission to explore, in close cooperation with the eurozone Member States, all possibilities of EIB's prudential supervision;

52. Proposes that this regulatory supervision be:

i) exercised by the European Central Bank on the basis of Article 127(6) of the TFEU, or

ii) failing that, and on the basis of a voluntary approach by the EIB, carried out by the European Banking Authority, with or without the participation of one or more national regulators, or by an independent auditor;

53. Urges the EIB Group, nevertheless, to continue implementing autonomously best prudential banking practices in order to maintain its strong capital position and to contribute to the growth of the real economy; calls, therefore, for the EIB to undergo a stress test in order to verify the resilience of its portfolio;

54. Welcomes the fact that the EIB voluntarily complies with the current Basel II capital requirements, and urges the EIB to meet the future Basel III obligations as well;

55. Expresses its grave concern about the latest developments related to the EIB's credit rating; urges the EIB to elaborate and implement a strategy in order to keep its AAA rating, which is the cornerstone of the bank's activity and is essential for the bank's operations; notes that the bank would be excluded by certain categories of investors if the AAA rating is not maintained;

56. Given the investment needs of the EU and its Member States, and the insufficient capital provided by the markets, calls upon the Governors of the EIB to agree to a significant increase in capital for the EIB;

57. Points out that the overall level of credit risk in the Bank's loan portfolio has risen, partly as a result of growing pressures on the creditworthiness of existing counterparts, driven by the continuing effects of the economic crisis, and partly as a result of the higher credit risk embedded in new operations; recommends that the EIB take appropriate measures to avoid a deterioration of its loan portfolio;

58. Points out that the EU needs economic growth which can be effectively boosted by investing in research and development and by fostering the construction of trans-European networks, and that in this context the activity of the EIB can contribute to improving the current economic outlook;
59. Considers that the EIB should implement mechanisms to guarantee that in all its financial operations the EU’s environmental, social and human rights values and its transparency and procurement standards are respected; calls on the EIB to further enhance transparency in its lending through financial intermediaries, and to act to prevent the use of tax havens, transfer pricing and tax avoidance;

60. Calls on the EIB to submit to Parliament, on a formal and transparent basis, an annual report containing relevant data on its capital adequacy, contingent liabilities, operations through financial intermediaries, risk-taking, the leverage factor in its private-sector financing, and EIB-EIF cooperation;

61. Calls on the EIB Group to continue implementing best prudential banking practices in order to maintain its very strong capital position and contribute to the growth of the real economy; calls, therefore, for the EIB to remain subject to rigorous prudential regulatory supervision to assess its creditworthiness, to monitor the quality of its financial situation and to ensure precise measurement of its results and compliance with the rules of sound business practice; considers that the EIB could also undergo a stress test to assess its creditworthiness;

62. Calls on the EIB Group to make available on its website, where appropriate and prior to project approval, relevant information on the beneficiaries of long-term loans and guarantees, on its financial intermediaries, project eligibility criteria and venture capital loans to SMEs, specifying in particular the amounts disbursed, the number of loans granted, and the region and industrial sector concerned; recommends that the EIB’s role should be more focused, selective, effective and results-oriented; calls also for evaluations of the environmental, social and macroeconomic impact of supported projects;

63. Takes the view that, in order to reach small and medium-sized enterprises, the EIB should especially form partnerships at a higher level with transparent and accountable financial intermediaries linked to the local economy;

64. Calls on the EIB to keep up its efforts to ensure that loans are effectively transmitted to SMEs by financial intermediaries;

65. Calls on the EIB to clarify its stance on the so-called EU Project Bonds or other innovative financial instruments based on cofinancing between the EU and EIB budgets; believes that the Commission should introduce EU Project Bonds that should become operational as soon as possible, preferably before the 2014-2020 budget period; calls on the EIB to play an active part in the realisation of such initiatives; considers that the implementation of the Commission proposal on EU 2020 Project Bonds could contribute to the development of sustainable industries and infrastructure in the Member States as well as at EU level; underlines that procedures established with that purpose should be explicitly laid down in a project eligibility framework subject to the ordinary legislative procedure; considers that requirements regarding environmental, social, civil rights and transparency standards should be respected in all innovative financing instruments;

66. Believes that the EIB should take into account the financial situation of Member States when deciding in which infrastructures the pilot phase of project bonds should be implemented; this pilot phase should give priority to projects in Member States which are suffering from low growth and liquidity problems on the financial markets;

67. Calls on the EIB to assess, and where appropriate review or step up, its activities in its southern Mediterranean countries of operation in order to promote investment in sectors which are essential for economic development, the functioning of the market, competitiveness and job creation, and to take into consideration the democratic process and the rule of law in those countries; notes the recent EUR 1 billion increase in the EIB’s lending mandate for the southern Mediterranean countries, and considers that the EIB should make public the development impact of its current operations in the region;
68. Welcomes the increased role of the EIB's structural programme loans (SPLs) in helping Member States to finance their contributions to programmes supported from the EU Structural Funds; calls on the Commission to work with the EIB in order to ensure that investment in infrastructure projects is not postponed as a result of the economic difficulties faced by Member States;

69. Believes that the EIB should undertake its own independent evaluation of the jurisdictions in which it is operating, in order to fight illicit capital flows and ensure that it has no involvement in offshore financial centres;

70. Calls on the EIB to enhance its activities in those EU Member States which have large and persisting current account deficits, with a view to fostering social and economic convergence and increasing the financial and political sustainability of the monetary union;

71. Asks the EIB to clarify and justify its position regarding the transformation of the FEMIP into a Euro-Mediterranean bank;

72. Requests the revision of the EIB energy policy document from 2007 so as to render it consistent with the EU 2050 objectives and roadmaps;

73. Notes that in 2010 the EIB provided EUR 25.9 billion for those EU regions worst hit by the economic crisis;

74. Believes that, in the context of the difficulties faced by SMEs in accessing credit, the EIB should partner with transparent and accountable financial intermediaries linked to the local economy, and should regularly publish information with regard to the amounts disbursed, the recipients of those amounts, and the regions and industrial sectors to which disbursements have been made;

75. Stresses the importance of the JASPERS, JESSICA, JEREMIE and JASMINE programmes for regional convergence and cohesion in Europe and for support for small and medium-sized businesses, and stresses the need for adequate funding, also during the new programming period (2014-2020); welcomes the EIB's participation in the European Progress Microfinance Facility; stresses the importance for regional convergence of EIB loans in the form of funding for structural projects;

76. Notes the reduction in loans to the EIB to EUR 60 billion in 2012 from EUR 75 billion in 2011 under the new Operational Programme for 2012-2014, as indicated in the annual programme adopted by the Board of Directors;

77. Welcomes the assistance provided by the EIB, in cooperation with the EU Structural Funds, to countries facing financial difficulties, including loans to cover part of the national contribution to projects supported by those funds; welcomes the creation of a Guarantee Fund in Greece funded by the National Strategic Reference Framework (NSRF) with EIB support and assistance, which is expected to help facilitate the realisation of public investments.

78. Welcomes the new EIB's complaints mechanism; notes however that this mechanism is not completely operational in 2010; takes note of the substantial growth of numbers of complaints mainly in the area of procurement, environmental, social and developmental aspects of financed projects; asks the EIB to provide the EP with relevant information about the follow-up on the submitted complaints by then end of September 2012; welcomes the adoption of the Complaints Mechanism Operating Procedures (CMOP), approved by the Bank's Management Committee in November 2011;

79. Calls on the EIB to reinforce the due diligence on social aspects (including respect for human rights) in its project cycle work, both via ex ante analysis and especially via monitoring during project implementation and completion;
80. Requests that compliance with EU standards on environment and social policies should be a systematic condition for accessing EIB financing, while companies or undertakings that violate these principles and are registered in Non-Compliant Jurisdictions should be effectively excluded;

81. Calls on the EIB to establish clear ‘performance indicators’ to better track the added value of financing operations, and to strengthen the proper staff expertise in sustainable development, human rights, and social/gender issues;

82. Requests that the financial guarantees given by the EU to the EIB be repaid at the average rate for repayment of comparable guarantees observed on the financial market. The repayment as thus calculated may be subject to a subsidy decision by the EU for the EIB in accordance with the normal procedures if the absence of repayment of this guarantee forms part of an economic model in accordance with the Union’s objectives, particularly for activities outside the Union, and with the rules on the functioning of the internal market to avoid distortions of competition with the private sector;

83. Calls on the EIB and the Commission – with a view to the improving the effectiveness and efficiency of the control, monitoring and supervision systems and the implementation and operation of the instruments and mechanisms – to draw up a guide to best practice that also identifies and includes bad practices, where these have occurred, in order to draw lessons from past mistakes;

84. Regrets, for the sake of transparency, that in the chapter entitled ‘EIB capital and 2010 borrowing operations’, the EIB’s 2010 report does not present and evaluate the risk associated with the EIB mechanism itself, a risk based on very substantial, subscribed capital not released by the sole shareholders, being the Member States, whose credit ratings have gradually deteriorated since the onset of the crisis in autumn 2008;

85. Proposes that the Member States involved in the EIB adopt a plan, e.g. over the EU 2020 period, to release the share of unpaid subscribed capital which on 31 December 2010 amounted to around EUR 190 billion;

**EIB’s responsibilities and future role**

86. Notes the alarming divergence among European economies in terms of competitiveness and innovation;

87. Welcomes the fact that in 2010, the EIB increased the funding available for climate-related projects in areas such as energy efficiency, renewable-energy, transport, forestation, innovation and adaptation to climate change to EUR 19 billion (30% of the total loans granted within the EU), up from EUR 16 billion in the previous year;

88. Welcomes the EIB’s focus on climate change, particularly on renewable energy; calls on the EIB to make universal energy access a focus of its engagement in the energy sector, by supporting decentralised small-scale and off-grid projects, particularly in rural areas; calls on the EIB to phase out projects which are likely to have a significant impact on the environment, such as large dams, CCS and fossil fuel technologies, to avoid locking developing countries into these energies;

89. Is of the opinion that the EIB should fund projects that meet stringent environmental requirements, thereby promoting sustainable growth and the phasing out of environmental harmful funding;

90. Calls on the EIB to make a more ambitious contribution to the decarbonisation of the transport sector; takes the view, in this connection, that the EIB should give priority to projects that reduce transport demand and develop public and combined transport;
91. Calls on the EIB to draw up a grey list – for study purposes – of projects involving technologies which, although they may meet European minimum standards, fail to reach average European environmental standards;

92. Welcomes the support given by the EIB to the renewable energy sector (a sector of strategic importance in meeting the EU’s climate targets), which has been substantially increased over recent years (EUR 6 billion in 2010, as against EUR 500 million in 2006);

93. Welcomes the fact that the EIB has also improved its in-house technical capacity by increasing the proportion of project experts whose work focuses primarily on energy efficiency/renewable energy projects from 40% (2007) to 64% (2011);

94. Calls for the EIB to continue to apply more stringent conditions to projects using fossil fuels, which regrettably still represent 10% of the Bank’s financing; stresses how important it is to apply those conditions with a view to phasing out EIB support for high-carbon energy production at the earliest opportunity.

95. Calls on the EIB to ensure that the benefits of EIB-funded projects in developing countries also accrue to local communities, which, where appropriate, should be consulted about investment projects likely to have an impact on their area; takes the view that projects should be checked for environmental integrity and should be consistent with EU carbon-cutting targets;

96. Calls on the EIB, with reference to biodiversity, to base its action on the ‘no net loss’ principle; draws attention, in this connection, to the standards developed by the Business and Biodiversity Offsets Programme (BBOP);

97. Urges the EIB to increase funding for projects related to water resource management, giving particular emphasis to European countries in the southern Mediterranean area and with a particular concern for the sustainability of supply;

98. Draws the EIB’s attention to the growing shortage of raw materials; calls on the EIB to investigate how it can help to ensure more efficient use of raw materials in the EU;

99. Calls on the Commission and the EIB Group to design innovative, joint-budget financing instruments for investments supporting biodiversity, and on the EIB Group to provide related technical and financial advisory services that are consistent with the Bank’s environmental performance standards;

100. Calls on the EIB to support projects designed to promote biodiversity and the management of water resources, and to undertake not to fund projects that result in significant changes to important natural habitats or in the production of banned substances, large dam projects that fail to comply with the recommendations of the World Commission on Dams, or extraction projects (oil, gas and minerals) that have a devastating environmental and social impact and that do not comply with the World Bank Extractive Industries Review recommendations;

101. Calls for the EIB to continue to apply stringent conditions to coal- and lignite-based energy production projects that remain eligible for EIB support in line with EU security-of-supply policy objectives, and stresses how important it is to apply those conditions with a view to phasing out EIB support for high-carbon energy production at the earliest opportunity;

102. Further reiterates its call that the EIB should bring its operations fully into line with an EU objective of a swift transition to a low-carbon economy and to adopt a plan for the phase-out of fossil fuel lending, including its lending for coal-fired power plants, and for the redoubling of efforts to increase the transfer of renewable-energy and energy-efficient technologies;
103. Urges the EIB to improve its project appraisal and selection system and to avoid supporting projects with negative impact on climate while reinforcing the monitoring of the projects’ implementation; the results achieved with the Bank’s investments in terms of climate change prevention should be reported on annual basis;

104. Proposes that the Commission, in conjunction with the EIB (in view of the quality of the latter’s human resources and its experience in financing major infrastructure), engage in a process of strategic analysis of investment funding, without ruling out any possible scenario, including subsidies, the release of sums subscribed to the EIB’s capital by the Member States, EU subscriptions to the EIB’s capital, loans, innovative instruments, financial engineering tailored to long-term projects which are not immediately profitable, the development of guarantee systems, the creation of an investment section within the EU budget, financial consortia of European, national and local authorities, public-private partnerships, etc.;

105. Recalls, moreover, that the Europe 2020 strategy will only be credible if it is backed up by adequate financial resources, and therefore supports a more prominent role for the EIB in enhancing the catalytic role and leverage function of structural funds and the further development and optimum use of innovative financing instruments, involving notably the EIB and the EIF and other international financial institutions on the basis of reciprocity (e.g. blending grants and loans, venture capital instruments, new forms of risk-sharing and guarantees);

106. Calls on the EIB governing bodies to consider the possibility of the European Union becoming a shareholder in the Bank, in addition to the Member States, as this would, in its view, reinforce the cooperation between the EIB and the Commission;

107. Calls on the EIB to support the confidence-building efforts in those Member States experiencing or threatened with serious difficulties with respect to their financial stability in the euro area, by participating in investment projects in these countries and by providing guarantees that mitigate the increased country risk;

108. Takes the view that, after the Lisbon treaty changes and the increased role of the EIB for the balanced and steady development of the internal market, the EIB should become more accountable to the EU citizens, namely being subject to a discharge procedure by the European Parliament on the deployment of public funds drawn from the EU budget or the European Development Fund and managed by the EIB;

109. Welcomes the commitment of the EIB to develop a new framework for measuring the development impacts (Result Measurement framework, REM) for evaluating projects both ex-ante and ex-post as of January 2012, and encourages the EIB to enhance transparency in applying this framework by disclosing the full list of indicators, and publishing monitoring reports and measures taken; requests to be informed about the improvements in result monitoring achieved by the (REM);

110. Welcomes the fact that the financial and contractual monitoring of projects has been reinforced by the creation of a new monitoring task force; requests to be informed about the results and improvements achieved by the new monitoring task force;

111. Calls on the EIB to participate in financing of investment projects which aim to support research, development and innovation in those countries and regions which in case of external asymmetric economic shocks are disproportionately affected;

112. Calls on the EIB to link its financing projects to strive to contribute to poverty reduction and the achievement of the Millennium Development Goals, human rights, corporate social responsibility, decent work and environmental principles and good governance, through the implementation of Decision No 1080/2011/EU of the European Parliament and of the Council;
113. Welcomes the “Europe 2020” Project Bond Initiative, as a risk-sharing mechanism between the EC and the EIB, providing capped support from the EU budget, that should leverage EU funds and attract additional private sector financing for individual infrastructure projects in line with “Europe 2020” objectives; encourages the EIB to perform a pilot-phase of the initiative before the end of the programming period 2007-2013 in order to assess the effectiveness of the system;

114. Recognizes the progress made by the EIB in establishing clear procedures vis-à-vis the Non-Compliant Jurisdictions; supports the Bank in its policy not to participate in any operation, implemented through a non-cooperative jurisdiction; calls on the EIB to evaluate the implementation and functioning of its “Policy towards weakly regulated, non transparent and uncooperative jurisdictions” (so called NCJ Policy), and to report to the European Parliament before the end of 2012; encourages the EIB to regularly review and update its NCJ Policy to ensure that EIB’s financing operations do not contribute to any form of tax evasion, money laundering or financing of terrorism;

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115. Instructs its President to forward this resolution to the Council, the Commission, the European Investment Bank and the governments and parliaments of the Member States.

EU citizenship report 2010: dismantling the obstacles to EU citizens’ rights

P7_TA(2012)0120

European Parliament resolution of 29 March 2012 on the EU Citizenship Report 2010: Dismantling the obstacles to EU citizens’ rights (2011/2182(INI))

(2013/C 257 E/10)

The European Parliament,

— having regard to its previous resolutions on the deliberations of the Committee on Petitions,
— having regard to the right of petition enshrined in Article 227 of the Treaty on the Functioning of the European Union (TFEU),
— having regard to Article 20 TFEU, which defines the concept of citizenship,
— having regard to Part Two of the TFEU, entitled Non-discrimination and citizenship of the Union, and Titles III and V of the Charter of Fundamental Rights,
— having regard to Article 45 TFEU, under which guaranteed freedom of movement for EU workers entails the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment,
— having regard to Articles 3, 10 and 11 of the Treaty on European Union and Article 8 TFEU,
— having regard to Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community (1),

— having regard to Directive 2004/38/EC of 29 April 2004 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 (2) (hereinafter ‘the FMD’),


— having regard to its resolution of 2 April 2009 on problems and prospects concerning European Citizenship (5),


— having regard to the Stockholm Programme, which makes the citizen the focal point of European action on freedom, security and justice, guaranteeing respect for diversity and protection for the most vulnerable,

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

— having regard to the report of the Committee on Petitions and the opinions of the Committee on Internal Market and Consumer Protection, the Committee on Culture and Education and the Committee on Constitutional Affairs (A7-0047/2012).

A. whereas Union citizens – regardless of their disabilities – have, inter alia, the right to move and reside freely within the territory of the Member States, the right to vote and to stand as candidates in elections to the European Parliament and in municipal elections in their Member State of residence, the right to the provision of consular protection by the diplomatic and consular authorities of another Member State in third countries, and the right to petition the European Parliament, to apply to the European Ombudsman, and to address the EU institutions and advisory bodies in any of the Treaty languages (6);

B. whereas the Lisbon Treaty enhanced and detailed the concept of EU citizenship – first introduced under the Maastricht Treaty in 1992 – and the rights deriving therefrom, which are also driven by case-law, by reinforcing the status and image of the European Union as the defender of citizens’ rights, by providing legislative means to stimulate the active involvement of EU citizens and by creating or fostering new rights, such as the European Citizens’ Initiative (ECI) and the individual rights contained in the Charter of Fundamental Rights; whereas EU citizenship should be seen as a source of both rights and duties;

C. whereas this demonstrates the EU’s efforts to make its citizens the central focus of its action and to work towards an area of freedom, justice and rights for all EU citizens;

(6) Article 20(2) TFEU.
D. welcoming the case-law of the European Court of Justice as regards the interpretation of Article 51 of the Charter of Fundamental Rights of the European Union, in particular the ERT ruling, which emphasises that the institutions of the Member States are also bound by the overriding fundamental rights of the Union if they wish to use national measures to restrict the fundamental freedoms guaranteed by the TFEU;

E. whereas freedom of movement is inherent in the concepts of human rights and Union citizenship and represents one of the fundamental rights and freedoms of Union citizens recognised under the Treaties;

F. whereas, seven years after the entry into force of the FMD, too many problems still persist in relation to its implementation; whereas most complaints focus on EU citizens, their right of entry, their right of residence for more than three months, the validity of residence permits, the retention of their right of residence and right of permanent residence and the rights of their family members;

G. whereas many citizens do not possess all the relevant information concerning their rights championed by the FMD, in particular when seeking rights for family members who are third-country nationals;

H. whereas EU citizens who are habitually resident in the United Kingdom and who apply for certain social security benefits are required to undergo the so-called ‘Right to Reside Test’, which imposes additional conditions on non-UK citizens;

I. whereas the issue of the deportation of Roma people by France in 2010 was controversial not only from the fundamental rights perspective, but also from the standpoint of the right to free movement and that of discrimination on the grounds of nationality and racial and ethnic origin;

J. whereas on 15 December 2011 Parliament adopted a resolution on freedom of movement for workers within the European Union, with an emphasis on the rights of Romanian and Bulgarian workers in the single market (1); whereas several Member States have decided to introduce or to continue applying transitional arrangements which limit Romanian and Bulgarian nationals’ access to their labour markets; whereas such measures may lead to worker exploitation, illegal work and lack of access to social security benefits;

K. whereas the exercise of a broad range of rights conferred on citizens by Union legislation is dependent on, or fostered by, the free movement or voluntary mobility of workers; whereas, accordingly, facilitating free movement can make it easier for citizens to take full advantage of the single market while also serving as a key driver of growth;

L. whereas the right to move and reside freely within the territory of the Member States cannot make for a better understanding of the values of European integration unless it is accompanied by specific measures taken by the Union and the Member States in terms of information, training, recognition of qualifications, and worker mobility (among seasonal, cross-border and posted workers, workers transferred as a result of head office relocations, etc.);

M. whereas a large number of petitions revealed problems in the field of accessing social security benefits, mainly involving a lack of cooperation on the part of national authorities, incorrect application of the principle of aggregation of benefits payable in several Member States (in particular concerning portability of pensions), failure to provide correct information on the applicable rules or cumbersome administration of cases; whereas the ECJ judgment of 21 July 2011 (2) confirms the right of EU citizens to move to another EU Member State and be entitled to social security cover;

(1) Texts adopted, P7_TA(2011)0587.
(2) See Lucy Stewart v Secretary of State for Work and Pensions, Case C-503/09.
N. whereas, under the Bologna Process, generally accepted diplomas for completion of university studies are being awarded as a step towards more straightforward recognition of qualifications;

O. having regard to the problems linked to the incorrect implementation of Directive 2005/36/EC on the recognition of professional qualifications (compensatory measures, requests for additional documents, unsubstantiated negative decisions by the host Member State, undue delays in processing applications, systematic imposition of specific language tests), which constitute a significant obstacle to the exercise of citizens' rights across the EU and thereby deprive them of the benefits of social cohesion;

P. whereas petitioners accuse the German Youth Welfare Office (Jugendamt) of discriminating against the non-German spouse in mixed marriages; whereas, on account of its operational independence, the Jugendamt contributes in some cases to the difficulties encountered by foreign divorced parents wishing to leave German territory with their children;

Q. whereas Parliament adopted a resolution (1) on 25 October 2011 regarding the mobility and integration of people with disabilities; whereas a considerable number of petitions are tabled by people with disabilities, who encounter on a daily basis many barriers preventing them from enjoying the rights of EU citizens, such as normal use of the education system and access to insurance or to public transport facilities; whereas there is a need for a coherent EU system for determining the degree of disability, and whereas the lack of such a system may lead to inequity and even social exclusion;

R. whereas all EU citizens brought before the courts of a Member State have the right of access, for their defence, to documents translated into their mother tongue, in order to prevent any discrimination based on language, and whereas, in particular, all citizens must be kept informed about any court proceedings against them, the entire process taking place within a judicially acceptable timeframe;

S. whereas the greatest obstacles to exercising active Union citizenship are a lack of awareness on the part of individuals of their rights as Union citizens and a lack of clearly structured, widely publicised information services; whereas Parliament and the Commission, in their action to strengthen Union citizenship, must consequently focus on better, adequately funded communication to citizens and Member States, both locally and nationally, while removing any remaining legal and administrative obstacles which prevent EU citizens from exercising their rights, and at the same time ensuring that they have easy access to clear and accurate advice;

1. Welcomes the EU Citizenship Report 2010, which sets the objective of dismantling the obstacles to EU citizens' rights, and takes the view that the proposals contained therein represent tangible measures for reducing needless expenditure and thus contributing to the purchasing power of EU citizens, which is particularly important during times of crisis; calls on the Commission to ensure that the legislative and non-legislative measures provided for in the report are put forward as soon as possible and approved, so as to ensure that EU citizens' rights become effective and that all Member States abolish the aforementioned obstacles and simultaneously introduce administrative measures facilitating the comprehensive enjoyment of those rights, while removing possible contradictions between national and European law;

2. Notes that, although the right to petition the European Parliament is expressly provided for in the Treaties, it is not sufficiently well known or used, and therefore calls for improved, active communication to citizens – including justifications and explanations – about their right to petition in one of the official languages of the European Union; further calls on the Commission to join it in doing more to advertise the right to petition through their offices in the Member States, their decentralised information networks, the network of national Ombudsmen and all organisations working with the Commission and Parliament, in order to reach as many citizens as possible and to share best practices;

3. Takes the view that the ECI, which will apply from 1 April 2012, constitutes the first instrument of transnational participatory democracy and will give citizens the possibility to become actively involved in the framing of European policies and legislation; calls for the effective, transparent and accountable implementation of the ECI Regulation and, in particular, calls on the EU institutions and Member States to put in place all the necessary administrative and practical arrangements in a timely manner, to take an active role and participate effectively in informing citizens about this new instrument in such a way that all EU citizens can benefit from it fully, and, especially, to use the European Year of Citizens (2013) to develop momentum for awareness-raising; takes the view, moreover, that the Committee on Petitions, on account of its experience of direct contact with citizens, should be given the responsibility of holding public hearings for organisers of successful European citizens' initiatives, as provided for in Article 11 of the ECI Regulation; proposes that the Commission regularly present a report to the Committee on Petitions on the implementation of the ECI;

4. Calls on the Commission, when preparing its annual report on the application of the EU Charter of Fundamental Rights, to focus not only on the application of the Charter, but also on all EU Treaty articles relating to fundamental rights and on the situation of fundamental rights in the European Union; calls on the Commission to include in that report more detailed information on the implementation of the Charter by Member States when applying European law and on the issues raised with it by citizens, how it dealt with them and what concrete follow-up measures it took;

5. Calls on all Union institutions, bodies, offices and agencies to ensure that the right of access to documents provided for in Regulation (EC) No 1049/2001 (1) – an important right enjoyed by EU citizens – is guaranteed by improving transparency and making access to documents and information easy, user-friendly and comprehensible, including through the provision of barrier-free technologies, so as to enable citizens to participate more closely in the decision-making process; points in this context to the central importance of the work of the European Ombudsman in upholding the right of access to Union institutions' documents;

6. While recognising the right of access to information as one of the cornerstones of democracy, stresses that access to information must not lead to the violation of other fundamental rights such as the right to privacy and data protection; emphasises that access to information held by the EU institutions is the primary interest of citizens aiming to understand the political and economic deliberations behind decision-making; takes the view that greater access to information on investigations and infringement files could be provided by the Commission without jeopardising the purpose of the investigations and that an overriding public interest might well justify access to these files, particularly in cases where fundamental rights, human or animal health and the protection of the environment against irreversible damage may be at stake, or where proceedings are under way regarding discrimination against a minority or violations of human dignity, as long as protection of trade secrets and sensitive information relating to court cases, competition cases and personnel files are safeguarded;

7. Encourages the Commission to continue its current efforts to ensure that Member States transpose and implement the FMD fully and correctly, making full use of its power to launch infringement proceedings; calls on Member States to remove existing legal and practical barriers to the free movement of citizens and not to introduce cumbersome, unjustified administrative procedures or to tolerate unacceptable practices restricting the application of that right; calls on the Commission, further, to step up its efforts to raise awareness of citizens’ right to free movement and to assist them in exercising it, in particular when it is denied or limited, or if practices are implemented which result in direct or indirect discrimination; calls on the Commission, in this context, to submit an assessment of free movement policies in the next EU Citizenship Report and to propose specific ways and means of supporting the application of freedom of movement; points out that, although the concept of Union citizenship is closely bound up with the right of free movement, all citizens who do not leave their Member State of origin also benefit from their rights as Union citizens;

8. Reiterates its previous calls for the Member States to ensure freedom of movement for all EU citizens and their families, without discrimination on grounds of sexual orientation or nationality; reiterates its call for the Member States to implement fully the rights granted under Articles 2 and 3 of Directive 2004/38/EC (1) not only to different-sex spouses, but also to registered partners, members of the household of an EU citizen and partners who are in a duly attested stable relationship with an EU citizen, including members of same-sex couples, on the basis of the principles of mutual recognition, equality, non-discrimination, dignity and respect for private and family life; calls on the Commission, in that connection, to ensure that the directive is strictly applied;

9. Calls on the Member States to remove obstacles to the free movement of EU citizens and to take action to guide and advise mobile workers regarding employment opportunities and living and working conditions in the EU, while also making citizens aware of the risks inherent in illegal work and of the advantages associated with obtaining legal work (tax, social security, right to professional training, right to citizenship, right to housing, right to family reunification, access to education and training for children), through existing tools (EURES);

10. Calls for better coordination between Member States dealing with problems such as double taxation and lack of harmonisation of pension taxation for EU citizens, and calls, therefore, on the Member States to enhance and update their bilateral cooperation agreements; supports the Commission's efforts to propose new legislation to eliminate tax barriers and takes the view that special attention should be given to registration taxes for motor vehicles previously registered in another Member State;

11. Calls on those Member States which have decided, under the EU Accession Treaty for Romania and Bulgaria, to introduce a seven-year moratorium, until 1 January 2014, on the right to free movement within the EU for workers from those two countries, or to continue applying transitional arrangements restricting access by Romanian and Bulgarian nationals to their labour markets (2), to review their decisions as soon as possible, taking into consideration the principle of equality, the prohibition of discrimination, the unjustified nature of those decisions and the principle of solidarity, so that the employment rights associated with EU citizenship are no longer restricted for Romanian and Bulgarian citizens;

12. Calls on the Commission to pay more attention and respond more precisely to the numerous petitions received concerning difficulties with the circulation of civil-status documents and with the recognition of those documents and of their effects (3); highlights the importance of making progress as quickly as possible towards mutual recognition and ensuring the free circulation of civil-status documents, without discrimination, in the light of Article 21 of the Charter of Fundamental Rights;

13. Highlights the fact that mass expulsions represent a breach of the FMD, in addition to contravening the basic values and principles underpinning the European Union; recalls that, under the FMD, restrictions on freedom of movement and residence on grounds of public policy or public security can be imposed exclusively on the basis of personal conduct, without any discrimination on grounds such as disability or ethnic or national origin, and that lack of economic means or any other purpose relating to compensation, punishment or disenfranchisement cannot be used as the justification for the automatic expulsion of EU citizens (Recital 16, Article 14);

14. Urges Member States to abolish policies and to annul and repeal laws that discriminate, either directly or indirectly, against the Roma and other minority groups on the grounds of race and ethnicity, and calls on them to stop all instances of persecution, eviction and expulsion, or of confiscation of the assets of any minority group; calls on all Member States and the EU to take joint responsibility for promoting and facilitating the integration of Roma communities, giving them the same rights and obligations as other EU citizens, in line with Parliament's resolution of 9 March 2011 on the EU strategy on Roma inclusion (4) and the Commission communication entitled 'An EU Framework for National Roma Integration Strategies up to 2020' (COM(2011)0173), and to promote and protect their fundamental rights;

(2) See, inter alia, Petitions 0810/2011 and 0900/2011.
(3) See, inter alia, Petition 0632/2008.
15. Calls on the Commission to link social inclusion priorities to a clear set of objectives that include protection of citizens against discrimination in all areas of life and the promotion of social dialogue between Roma and non-Roma people in order to combat racism and xenophobia; calls on the Commission, as guardian of the Treaties, to ensure that the relevant legislation is implemented in full and that appropriate penalties are imposed for racially motivated crimes (1);

16. Expresses concern at the fact that, although the right of free movement and residence is firmly established in Union primary law and well developed in secondary law, the rules continue to be applied unsatisfactorily; points out that Member States should work together to eliminate any remaining administrative and legal obstacles brought to their attention by EU institutions or by the Committee on Petitions; asks the Commission to assess carefully whether Member States’ legislation and practices infringe the rights of EU citizens under the Treaties and the FMD, and whether they do not place an unjustified burden on EU citizens and their families, indirectly restricting their right to free movement;

17. Recalls that the almost 80 million people with disabilities in the European Union still face obstacles, insurmountable in many instances, when, in various ways, they exercise their right of free movement as citizens of the Union; calls, accordingly, on the EU institutions and the Member States to identify and eliminate obstacles and barriers restricting the ability of people with disabilities to benefit from the rights of EU citizens, and to make it easier for people with disabilities to gain access to all means of transport, infrastructure facilities, public education and information, without delays or extra costs, as soon as possible in accordance with the European Disability Strategy 2010-2020 (COM(2010)0636) and Parliament’s above-mentioned resolution of 25 October 2011 based on that strategy; also draws attention to the disproportionately high number of older people with restricted mobility; calls for the establishment of an Erasmus-type programme for people with disabilities;

18. Urges the Member States to ensure that hearing-impaired suspects and defendants, including aggrieved parties in the case of criminal offences, be provided, if they so require, with suitable sign-language interpreters, in the interests of protecting their rights and preserving their dignity; and calls the Commission’s attention to the need for such facilities;

19. Calls on the Commission and the Member States – with regard to the Commission’s proposals to facilitate better access to cross-border healthcare, and given that patients’ right to information is fundamental – to inform EU citizens more fully about their rights and the means available for enforcing them, including practical aspects such as the reimbursement of costs on the basis of the European health insurance card; calls on the Commission and the Member States to make the greatest possible use of the existing potential for telemedicine and e-health services by 2020, while also complying fully with European data protection provisions; warmly welcomes the Commission’s initiative of developing a new system for the electronic exchange of social security data, and calls accordingly for enhanced cooperation between national social security systems; supports, furthermore, the pilot projects aimed at granting EU citizens secure online access to their patient data and ensuring interoperability of patient records;

20. Notes that the greatest obstacles preventing citizens from benefiting from the larger product range and competitive prices available in the single market are a lack of knowledge of consumer rights in other EU countries and a lack of information for consumers making online purchases in other Member States; believes that information intended for consumers is sometimes complex and that simplification is required, for example in labelling;

21. Recalls the recent Commission publications on consumer empowerment and ‘20 main concerns’, which highlight the information, legislative and implementation gaps that persist within the single market, for example regarding abusive practices by certain directory services; calls on the Commission to look on the development of the digital single market as a priority; welcomes the Commission’s work and commitment to the implementation of the Single Market Act; demands further action from the Member States, in coordination with the Commission, to overcome hurdles preventing citizens from gaining access to online services; notes, in this regard, the Commission proposal for a European contract law;

22. Takes the view that access to banking services for EU citizens who establish themselves in another Member State should be further facilitated; urges the Commission to take the necessary legislative measures to ensure access for all EU citizens to a basic payment account; stresses the need to improve the transparency of banking fees;

23. Notes the disparities between Member States with regard to mobile telephony and internet accounts; emphasises that reductions in roaming charges have come about solely as a result of EU legislation; calls, accordingly, for the publication of cost prices in each Member State for SMS and MMS messages, calls charged by the minute and internet connections, in order to promote the establishment of European flat rates, thereby making it possible to reduce mobility costs;

24. Condemns tie-in sales practices; calls for the European Year of Citizens to be used as an opportunity to draw citizens' attention to the measures that have protected them as consumers and helped to maintain their purchasing power in times of crisis;

25. Calls on the Commission to monitor the correct application by Member States of regulations on the coordination of social security systems, with a focus on the new aspects introduced by Regulations (EC) No 883/2004 and (EC) No 987/2009, which came into force on 1 May 2010;

26. Is concerned at the fact that many petitioners were required by the UK authorities to undergo the 'Right to Reside Test' in order to gain access to social housing or other benefits, such as the jobseeker's allowance; draws particular attention to the fact that this requirement introduces indirect discrimination on the grounds of nationality, contravening Article 4 of Regulation (EC) No 883/2004; urges the United Kingdom to bring its legislation into line with EU law;

27. Urges the United Kingdom to abide by the rulings of the Court of Justice of the European Union concerning the exportability of sickness benefits in cash and not to apply its so-called 'Past Presence Test' when other representative elements can be used to establish a genuine link with the United Kingdom social security system;

28. Takes the view that an updated Qualifications Directive should focus on eliminating obstacles to educational mobility, paying special attention to young people, while simultaneously streamlining the sources of information currently available to professionals and ensuring coordination with the 'Your Europe' portal; urges the Commission to streamline the provision of information on mobility for EU students, teachers and researchers by setting up a one-stop-shop system; agrees that a voluntary European professional card could serve as a tool for facilitating mobility among Europeans and provide a model for a 'Europe of citizens';

29. Urges those Member States which have not yet done so to set up the system of compensation measures required under Article 10 of the Qualifications Directive, in the framework of the General System, as their failure to do so appears to create discrimination on the basis of nationality; points out, in that connection, that citizens of the Member States having joined the EU in 2004 and 2007 respectively, in particular healthcare professionals (doctors, midwives and nurses), reported encountering problems relating to the recognition of their qualifications or of their acquired rights in a Member State other than their own;

30. Recalls that one of the oldest outstanding petitions concerns the discriminatory treatment that foreign-language lecturers have been suffering in several Italian universities; calls on the Commission to investigate further the current so-called 'Gelmini reform', which entered into force in December 2010; calls on the Italian authorities and the respective universities to resolve this case as a matter of urgency; takes the view, however, that this is not an isolated case and that the Member States' ombudsmen could therefore meet to exchange views on solutions to be introduced in Europe;

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(2) Case C-299/05 of 18 October 2007 and, more recently, Case C-503/09 of 21 July 2011.
(3) See, inter alia, Petition 0112/2009.
31. Proposes that a specific, very regularly updated internet portal be set up to allow national, regional and local authorities to flag up those sectors of the economy looking for manpower, in order to facilitate voluntary mobility;

32. Recalls that Regulation (EC) No 2201/2003 (1) lays down the principle that children should be able to maintain their relationships with both parents after the latter have separated, even if they live in different Member States; points out that, although the introduction and application of substantive rules on access rights is currently a Member State matter, the Member States must respect Union law when exercising their powers, in particular the Treaty provisions concerning the freedom of all EU citizens to travel and reside in another Member State (2) as well as maintaining ties between parents and children, grandparents and grandchildren, and brothers and sisters; adds that the occasionally lengthy waiting periods and the number of procedures constraining parents who wish to return to their home country with their child/children are a barrier to the free movement of EU citizens; calls on the Commission to investigate alleged discrimination against the non-German spouse in mixed marriages by the German Youth Welfare Office (Jugendamt);

33. Points out the importance of administrative cooperation on civil-status issues; notes, for example, that any Member State intending to modify a child’s civil-status documents recognised in another Member State of the Union must inform the Member State in question of its intention to do so, so that documents such as birth certificates cannot be modified in such a way as to erase the origin of the child’s identity;

34. Points out that any Union citizen recognised as the parent of a child born in or out of wedlock must be informed, in the event of separation, about his or her scope for redress in order to obtain visiting rights, except in cases where, by common agreement between the parents’ and child’s home countries, it has been established that this would place the child at genuine risk;

35. Calls for the appointment of a mediator or, at the very least, a children’s mediator in every Member State, who would have sufficient powers to access any documents and review court decisions, with the aim of reconciling the claims and legal difficulties of parents who are separating, in order to prevent them from opting for unlawful conduct in order to enforce what they regard as their right and that of their children; adds that any citizen may bring a matter before the mediator in their home country or in the country in which, in his or her opinion, his or her rights have not been respected;

36. Calls – in the interests of equality between EU citizens as to choice of divorce law – on those Member States which have not done so to ratify the Council decision of 12 July 2010 authorising enhanced cooperation in the area of the law applicable to divorce and legal separation; calls, moreover, on the Commission to promote this new instrument during the European Year of Citizenship, given that, as the number of transnational marriages increases, the number of transnational divorces will inevitably increase too;

37. Takes the view that redress must be available at least at local, national or European level to any citizen who believes that his or her rights have been flouted, so as to defend those rights;

38. Draws attention once again to the problems faced by those EU citizens who decided to exercise their right of establishment under Article 49 TFEU and legally bought properties in Spain which were subsequently illegalised; urges the Spanish authorities thoroughly to revise the way in which the Ley de Costas (Coastal Law) is implemented in order to avoid affecting the rights of individual property owners, taking into account the fact that property law does not fall within the EU’s area of competence and is subject to the subsidiarity principle enshrined in the Treaties;

(2) See, inter alia, Petition 1614/2009.
39. Re-emphasises the key priority of the Committee on Petitions: to find a solution to long-standing concerns relating to property; points out that EU citizens, both nationals and non-nationals, have had serious problems with property transactions and bank guarantees, and that the violation of property rights has contributed to a lack of confidence in the cross-border property market and to Europe's economic problems; calls for EU principles regarding consumer protection and freedom of movement to be extended to property, and reiterates its request for the right to legitimately acquired ownership to be fully respected;

40. Recognises that there are a number of obstacles preventing EU citizens' full enjoyment of their electoral rights when residing in a country other than their own, whereas this is the most tangible political right of Union citizens and its exercise must be free of all discriminatory and obstructive formalities; calls on the Commission and the Member States to make citizens more aware of this right by means of targeted information campaigns prior to the relevant election; welcomes the Commission's willingness to simplify the procedure that allows EU citizens to stand for European elections in their country of residence and encourages it to carry out the technical groundwork to improve mechanisms for preventing double voting and loss of voting rights; proposes, accordingly, that a European electoral roll be established for European elections; supports the action taken by the Commission with a view to publishing the results of European Parliament elections at the same time in each Member State; calls on the Member States to find better solutions for improving the rules governing elections and to promote best practices; stresses that, inter alia, more direct participation by citizens through European political parties is a decisive step towards achieving 'more' Europe and a more authentic democracy;

41. Proposes that membership of a European political party could be suggested more often when someone joins a national party, as a way of promoting citizens' political involvement in Europe;

42. Takes the view that the establishment of a physical and online one-stop shop for citizens, 'Your Europe', is of great importance for individuals seeking advice or redress, whether they are long-term or new residents; acknowledges, at the same time, that the information and problem-solving networks set up by the Commission (such as Europe Direct, SOLVIT and the European Consumer Centres) are important partners in the settlement of complaints regarding malfunctions in the internal market or restrictions on the rights of EU citizens; calls on the Commission to promote these online and accessible services more actively, not only by involving the existing EU-level assistance and problem-solving services, but also, in particular, by taking a more comprehensive and more active approach in making them known to citizens;

43. Regards cross-border workers, who suffer a great deal from administrative red tape in Member States, as being in need of better, more targeted information about their social and professional rights; encourages the Commission to produce information material outlining in clear and simple terms the rights enjoyed by all EU citizens moving, working, studying, shopping, travelling and exercising their political rights across borders; takes the view that a new, citizen-based ADR (alternative dispute resolution) system built on existing advisory bodies and administrative structures would go a long way to providing affordable, expedient and accessible out-of-court settlement procedures for consumers;

44. Proposes that the Commission conduct a survey to determine how EU citizens wish to be informed about the Union's activities, so as to meet their expectations more directly;

45. Calls on the Commission to improve the provision throughout the EU of information on Union activities by increasing the number of local information outlets;

46. Calls for the volume of documents necessitating a certified translation for court proceedings to be reduced to an absolute minimum, so as to avoid delaying a citizen's defence and generating excessive legal costs;

47. Calls for it to be easy for any EU citizen claiming to have been the victim of overzealous treatment or of an abuse of dominant position by the administrative or police authorities of another Member State to approach the national or local authority responsible for complaints against those bodies;
48. Calls for the Commission, which supports twinnings between European towns and cities, not to focus exclusively on granting assistance for twinning schemes involving the new Member States or non-EU countries, but wishes to see longer-standing twinning arrangements continue to receive EU assistance so as to ensure their ongoing existence in the longer term, which is currently under threat;

49. Believes that every EU citizen has the right to free access to information that is unbiased and of high quality; views with the utmost concern the establishment of media oversight authorities which are too closely linked to government;

50. Believes that the Union should communicate more regularly via television, which is an important vehicle for the provision of information; welcomes, therefore, the additional budget funds allocated to Euronews;

51. Welcomes the Commission’s recent proposal to strengthen the protection of EU citizens provided by the diplomatic or consular authorities of another Member State, notably by clarifying when a citizen is deemed not to be represented and specifying the type of assistance Member States typically provide where needed;

52. Congratulates the Commission on setting up the e-Justice portal, which provides a useful compendium of legal procedures and arrangements in each Member State;

53. Encourages the Commission to cooperate with the Committee on Petitions in drafting a new citizenship report in 2013; makes it clear, in this context, that the Committee on Petitions, in particular on the basis of the petitions it receives, will critically examine the results achieved (before the next report is published) in terms of strengthening Union citizenship, and will call for further action by the Commission as necessary;

54. Welcomes the Commission’s proposal to declare 2013 as the ‘European Year of Citizens’, which would raise and enhance awareness of the rights and advantages attached to Union citizenship; calls on the Commission – in collaboration with local, regional and national authorities and representatives of civil society – to use this opportunity to strengthen its efforts to protect and promote citizens’ rights, thereby reinforcing the status and image of the EU as the defender and facilitator of those rights; underlines the importance of tapping the strategic potential of the year 2013 for accelerating the socio-political changes needed in order to address citizens’ lack of trust, which has been deepened by the economic crises; calls for the inclusion of Union citizenship as a priority for the incumbent Presidency of the Council of the European Union; expresses the hope that the European Year of Citizens in 2013 will address the EU’s socio-economic problems and work towards a market that benefits citizens, while at the same time significantly increasing general awareness of the status of EU citizens;

55. Proposes that the Commission launch a Union-level competition in 2012 to design a logo for the European Year of Citizens;

56. Calls on Parliament and the Council to ensure that the Member States have sufficient budget funds to ensure that the European Year of Citizens in 2013 and the associated activities, particularly those involving the media, run smoothly, so that the objectives set can be attained;

57. Instructs its President to forward this resolution to the Council, the Commission, the European Ombudsman and the governments and parliaments of the Member States.
II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN PARLIAMENT

Defence of the immunity and privileges of Luigi de Magistris

P7_TA(2012)0100

European Parliament decision of 29 March 2012 on the request for defence of the immunity and privileges of Luigi de Magistris (2011/2064(IMM))

(2013/C 257 E/11)

The European Parliament,

— having regard to the requests by Luigi de Magistris of 15 March and 1 April 2011, announced in plenary on 24 March and 6 April 2011, for the defence of his immunity in connection with proceedings pending before the Court of Catanzaro, Italy,

— having heard Luigi de Magistris in accordance with Rule 7(3) of its Rules of Procedure,

— having regard to the written submissions made by Luigi de Magistris in accordance with Rule 7(3) of its Rules of Procedure,

— having regard to Articles 8 and 9 of Protocol No 7 on the Privileges and Immunities of the European Union, and Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,

— having regard to the judgments of the Court of Justice of the European Union of 12 May 1964, 10 July 1986, 15 and 21 October 2008, 19 March 2010 and 6 September 2011 (1),

— having regard to Article 68 of the Constitution of the Italian Republic,

— having regard to Rules 6(3) and 7 of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs (A7-0070/2012),

A. whereas a Member of the European Parliament, Luigi de Magistris, has requested the defence of his parliamentary immunity in connection with proceedings before an Italian court;

B. whereas the request by Luigi de Magistris relates to a writ of summons filed against him before the Court of Catanzaro on behalf of Mr Maurizio Mottola di Amato in connection with two articles that Luigi de Magistris published on his website in early 2011:

C. whereas according to the writ of summons, statements made in those articles constitute libel, resulting in a claim for damages and a request for an injunction requiring the removal of the articles;

D. whereas the articles were published on the website at a time when Luigi de Magistris was a Member of the European Parliament, following his election at the 2009 European Parliament elections;

E. whereas, according to Article 8 of the Protocol on the Privileges and Immunities of the European Union, Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties, and whereas, according to Article 9 of that Protocol, Members shall enjoy, in the territory of their own State, the immunities accorded to members of their Parliament;

F. whereas Luigi de Magistris makes reference to both Articles 8 and 9 of the Protocol, but whereas Article 9 is not relevant in view of Article 68 of the Italian Constitution and he is therefore obviously relying solely on Article 8;

G. whereas, in accordance with Parliament’s established practice, the fact that the legal proceedings are of a civil or administrative law nature, or contain certain aspects falling under civil or administrative law, does not per se prevent the immunity afforded by that article from applying;

H. whereas the facts of the case, as manifested in the writ of summons and in Luigi de Magistris’s written submissions to the Committee on Legal Affairs, indicate that the statements made do have a direct, obvious connection with Luigi de Magistris’s performance of his duties as a Member of the European Parliament;

I. whereas Luigi de Magistris, in publishing the articles in question, was therefore acting in the performance of his duties as a Member of the European Parliament;

1. Decides to defend the immunity and privileges of Luigi de Magistris;

2. Instructs its President to forward this decision and the report of its competent committee immediately to the competent authority of the Italian Republic and to Luigi de Magistris.

Defence of the immunity and privileges of Luigi de Magistris

P7_TA(2012)0101

European Parliament decision of 29 March 2012 on the request for defence of the immunity and privileges of Luigi de Magistris (2011/2097(IMM))

(2013/C 257 E/12)

The European Parliament,

— having regard to the request by Luigi de Magistris of 11 April 2011, announced in plenary on 9 May 2011, for the defence of his immunity in connection with proceedings pending before the Court of Cosenza, Italy,

— having heard Luigi de Magistris in accordance with Rule 7(3) of its Rules of Procedure,

— having regard to the written submissions made by Luigi de Magistris in accordance with Rule 7(3) of its Rules of Procedure,

— having regard to Articles 8 and 9 of Protocol No 7 on the Privileges and Immunities of the European Union, and Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,
— having regard to the judgments of the Court of Justice of the European Union of 12 May 1964, 10 July 1986, 15 and 21 October 2008, 19 March 2010 and 6 September 2011 (1),
— having regard to Article 68 of the Constitution of the Italian Republic,
— having regard to Rules 6(3) and 7 of its Rules of Procedure,
— having regard to the report of the Committee on Legal Affairs (A7-0073/2012),

A. whereas a Member of the European Parliament, Luigi de Magistris, has requested the defence of his parliamentary immunity in connection with proceedings before an Italian court;
B. whereas the request by Luigi de Magistris relates to a writ of summons filed against him before the Court of Cosenza on behalf of Dr Vincenza Bruno Bossio in connection with statements made by Luigi de Magistris in his book *Assalto al PM, storia di un cattivo magistrato* (‘Attack on the public prosecutor – the story of a bad magistrate’), which was published in April 2010;
C. whereas according to the writ of summons, statements made in that book constitute libel, resulting in a claim for damages;
D. whereas the book was published at a time when Luigi de Magistris was a Member of the European Parliament, following his election at the 2009 European Parliament elections;
E. whereas, according to Article 8 of the Protocol on the Privileges and Immunities of the European Union, Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties, and whereas, according to Article 9 of that Protocol, Members shall enjoy, in the territory of their own State, the immunities accorded to members of their Parliament;
F. whereas Luigi de Magistris makes reference to both Articles 8 and 9 of the Protocol, but whereas Article 9 is not relevant in view of Article 68 of the Italian Constitution and he is therefore obviously relying solely on Article 8;
G. whereas, in accordance with Parliament’s established practice, the fact that the legal proceedings are of a civil or administrative law nature, or contain certain aspects falling under civil or administrative law, does not *per se* prevent the immunity afforded by that article from applying;
H. whereas the facts of the case, as manifested in the writ of summons and in Luigi de Magistris’s written submissions to the Committee on Legal Affairs, indicate that the statements made do not have a direct, obvious connection with Luigi de Magistris’s performance of his duties as a Member of the European Parliament;
I. whereas Luigi de Magistris, in publishing the book in question, was therefore not acting in the performance of his duties as a Member of the European Parliament;

1. Decides not to defend the immunity and privileges of Luigi de Magistris;
2. Instructs its President to forward this decision and the report of its competent committee immediately to the competent authority of the Italian Republic and to Luigi de Magistris.

The European Parliament,

— having regard to the request by Luigi de Magistris of 3 May 2011, announced in plenary on 9 May 2011, for the defence of his immunity in connection with proceedings pending before the Court of Milan, Italy,

— having heard Luigi de Magistris in accordance with Rule 7(3) of its Rules of Procedure,

— having regard to the written submissions made by Luigi de Magistris in accordance with Rule 7(3) of its Rules of Procedure,

— having regard to Articles 8 and 9 of Protocol No 7 on the Privileges and Immunities of the European Union, and Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,

— having regard to the judgments of the Court of Justice of the European Union of 12 May 1964, 10 July 1986, 15 and 21 October 2008, 19 March 2010 and 6 September 2011 (1),

— having regard to Article 68 of the Constitution of the Italian Republic,

— having regard to Rules 6(3) and 7 of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs (A7-0074/2012),

A. whereas a Member of the European Parliament, Luigi de Magistris, has requested the defence of his parliamentary immunity in connection with proceedings before an Italian court;

B. whereas the request by Luigi de Magistris relates to a writ of summons filed against him before the Court of Milan on behalf of Mr Giancarlo Pittelli in connection with statements made by Luigi de Magistris in his book Assalto al PM, storia di un cattivo magistrato (‘Attack on the public prosecutor – the story of a bad magistrate’), which was published in April 2010;

C. whereas according to the writ of summons, statements made in that book constitute libel, resulting in a claim for damages;

D. whereas the book was published at a time when Luigi de Magistris was a Member of the European Parliament, following his election at the 2009 European Parliament elections;

E. whereas, according to Article 8 of the Protocol on the Privileges and Immunities of the European Union, Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties, and whereas, according to Article 9 of that Protocol Members shall enjoy, in the territory of their own State, the immunities accorded to members of their Parliament;

F. whereas Luigi de Magistris makes reference to both Articles 8 and 9 of the Protocol, but whereas Article 9 is not relevant in view of Article 68 of the Italian Constitution and he is therefore obviously relying solely on Article 8;

G. whereas, in accordance with Parliament’s established practice, the fact that the legal proceedings are of a civil or administrative law nature, or contain certain aspects falling under civil or administrative law, does not per se prevent the immunity afforded by that article from applying;

H. whereas the facts of the case, as manifested in the writ of summons and in Luigi de Magistris’s written submissions to the Committee on Legal Affairs, indicate that the statements made do not have a direct, obvious connection with Luigi de Magistris’s performance of his duties as a Member of the European Parliament;

I. whereas Luigi de Magistris, in publishing the book in question, was therefore not acting in the performance of his duties as a Member of the European Parliament;

1. Decides not to defend the immunity and privileges of Luigi de Magistris;

2. Instructs its President to forward this decision and the report of its competent committee immediately to the competent authority of the Italian Republic and to Luigi de Magistris.

Defence of the immunity and privileges of Luigi de Magistris

P7_TA(2012)0103

European Parliament decision of 29 March 2012 on the request for defence of the immunity and privileges of Luigi de Magistris (2011/2189(IMM))

(2013/C 257 E/14)

The European Parliament,

— having regard to the request by Luigi de Magistris of 20 July 2011, announced in plenary on 12 September 2011, for the defence of his immunity in connection with proceedings pending before the Court of Lamezia, Italy,

— having heard Luigi de Magistris in accordance with Rule 7(3) of its Rules of Procedure,

— having regard to the written submissions made by Luigi de Magistris in accordance with Rule 7(3) of its Rules of Procedure,

— having regard to Articles 8 and 9 of the Protocol No 7 on the Privileges and Immunities of the European Union, and Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,

— having regard to the judgments of the Court of Justice of the European Union of 12 May 1964, 10 July 1986, 15 and 21 October 2008, 19 March 2010 and 6 September 2011 (1),

— having regard to Article 68 of the Constitution of the Italian Republic,

— having regard to Rules 6(3) and 7 of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs (A7-0075/2012),

A. whereas a Member of the European Parliament, Luigi de Magistris, has requested the defence of his parliamentary immunity in connection with proceedings before an Italian court;

B. whereas the request by Luigi de Magistris relates to a writ of summons filed against him before the Court of Lamezia on behalf of Mr Antonio Saladino in connection with statements made by Luigi de Magistris in an interview published in the Italian newspaper Il Fatto Quotidiano on 9 March 2011;

C. whereas according to the writ of summons, statements made in that interview constitute libel, resulting in a claim for damages;

D. whereas statements were made and the interview was published at a time when Luigi de Magistris was a Member of the European Parliament, following his election at the 2009 European Parliament elections;

E. whereas, according to Article 8 of the Protocol on the Privileges and Immunities of the European Union, Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties, and whereas, according to Article 9 of that Protocol, Members shall enjoy, in the territory of their own State, the immunities accorded to members of their Parliament;

F. whereas Luigi de Magistris makes reference to both Articles 8 and 9 of the Protocol, but whereas Article 9 is not relevant in view of Article 68 of the Italian Constitution and he is therefore obviously relying solely on Article 8;

G. whereas, in accordance with Parliament’s established practice, the fact that the legal proceedings are of a civil or administrative law nature, or contain certain aspects falling under civil or administrative law, does not per se prevent the immunity afforded by that article from applying;

H. whereas the facts of the case, as manifested in the writ of summons and in Luigi de Magistris's written submissions to the Committee on Legal Affairs, indicate that the statements made do not have a direct, obvious connection with Luigi de Magistris's performance of his duties as a Member of the European Parliament;

I. whereas Luigi de Magistris, in making the statements in question, was therefore not acting in the performance of his duties as a Member of the European Parliament;

1. Decides not to defend the immunity and privileges of Luigi de Magistris;

2. Instructs its President to forward this decision and the report of its competent committee immediately to the competent authority of the Italian Republic and to Luigi de Magistris.
Amendment of the Rules of Procedure to take into account the changing relationships between the European Parliament and the institutions representing the national governments following the entry into force of the Lisbon Treaty

P7_TA(2012)0111

European Parliament decision of 29 March 2012 amending the Rules of Procedure to take into account the changing relationships between the European Parliament and the institutions representing the national governments following the entry into force of the Treaty of Lisbon (2011/2266(REG))

(2013/C 257 E/15)

The European Parliament,

— having regard to the letter from its President of 4 March 2011,
— having regard to Rules 211 and 212 of its Rules of Procedure,
— having regard to the report of the Committee on Constitutional Affairs (A7-0039/2012),

1. Decides to amend its Rules of Procedure as shown below;
2. Points out that the amendments will enter into force on the first day of the next part-session;
3. Instructs its President to forward this decision to the Council and the Commission, for information.

Amendment 1
Parliament’s Rules of Procedure
Rule 116 – paragraph 1

1. Question Time with the Council and the Commission shall be held at each part-session at times decided by Parliament on a proposal from the Conference of Presidents.

Amendment 2
Parliament’s Rules of Procedure
Rule 116 – paragraph 2

2. No Member may put more than one question to the Council and one question to the Commission at any given part-session.

Amendment 3
Parliament’s Rules of Procedure
Rule 116 – paragraph 5

5. In accordance with guidelines established by the Conference of Presidents, specific question hours may be held with the President of the Commission, with the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy and with the President of the Eurogroup.
Amendment 4
Parliament’s Rules of Procedure
Annex II – part A – point 1 – indent 2

— fall within the competence and sphere of responsibility of the Commission and the Council and are of general interest;

Amendment 5
Parliament’s Rules of Procedure
Annex II – part A – point 1 – indent 2 a (new)

— concern in particular, in the case of specific questions to the Council, the exercise of its functions in defining, coordinating and implementing Union policies, or concern its powers relating to appointment procedures or the operation of the institutions, agencies and bodies of the European Union or a revision of the Treaties,

Amendment 6
Parliament’s Rules of Procedure
Annex II – part A – point 2

2. A question shall be inadmissible if the agenda already provides for the subject to be discussed with the participation of the institution concerned.

2. A question shall be inadmissible if the agenda already provides for the subject to be discussed with the participation of the institution concerned, or if it relates to the exercise of the Council’s legislative and budgetary functions referred to in Article 16(1), first sentence, of the Treaty on European Union.
Amended Constitution and Rules of Procedure of the International Rubber Study Group ***

P7_TA(2012)0098


(2013/C 257 E/16)

(Consent)

The European Parliament,

— having regard to the draft Council decision (13123/2011),

— having regard to the amended Constitution and Rules of Procedure of the International Rubber Study Group (13350/2011),

— having regard to the request for consent submitted by the Council in accordance with Article 207(3) and (4) and Article 218(6), second subparagraph, point (a)(v), of the Treaty on the Functioning of the European Union (C7-0332/2011),

— having regard to Rules 81 and 90(7) of its Rules of Procedure,

— having regard to the recommendation of the Committee on International Trade (A7-0060/2012),

1. Consents to the conclusion of the amended Constitution and Rules of Procedure of the International Rubber Study Group;

2. Calls on the Commission to work on the expansion of the membership base of the International Rubber Study Group, in particular by engaging with the main rubber producing and consuming countries, to closely monitor the workings of the Group, and to report back to the Parliament on any relevant developments within two years of the date of entry into force of the Group’s amended Constitution and Rules of Procedure;

3. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States as well as to the International Rubber Study Group.

(2013/C 257 E/17)

(Ordinary legislative procedure: second reading)

The European Parliament,

— having regard to the Council position at first reading (06444/2/2012 – C7-0072/2012),
— having regard to its position at first reading (1) on the Commission proposal to Parliament and the Council (COM(2009)0456),
— having regard to Article 294(7) and Article 78(2)(g) of the Treaty on the Functioning of the European Union,
— having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
— having regard to Rules 72 and 37 of its Rules of Procedure,
— having regard to the recommendation for second reading of the Committee on Civil Liberties, Justice and Home Affairs (A7-0063/2012),

1. Approves the Council position at first reading;
2. Approves its statement annexed to this resolution;
3. Takes note of the Council statement and the Commission declaration annexed to this resolution;
4. Notes that the act is adopted in accordance with the Council position;
5. 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;
6. 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;
7. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

ANNEX TO THE LEGISLATIVE RESOLUTION

Statement of the European Parliament

The European Parliament states that this Decision gives concrete expression, in its enacting provisions, to the principle of solidarity, namely in the form of new financial incentives to encourage resettlement by Member States. In order to ensure its immediate adoption, the European Parliament has agreed to the wording of the Decision in its present form, in a spirit of compromise, whereby explicit reference to Article 80 TFEU is limited to a recital of the Decision. The European Parliament affirms that the adoption of this Decision is without prejudice to the range of legal bases available, in particular concerning the future use of Article 80 TFEU.

Statement of the Council

This Decision is without prejudice to the negotiations on the Multiannual Financial Framework for 2014-2020 and consequently also for the negotiations on the “Proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund” for the period 2014-2020 (COM(2011)0751), including whether specific common EU resettlement priorities, based inter alia on geographical criteria, shall be stipulated in the Regulation on the Asylum and Migration Fund for 2014-2020.

Declaration of the Commission

The Commission, in a spirit of compromise and in order to ensure the immediate adoption of the proposal, supports the final text; however it notes that this is without prejudice to its right of initiative with regard to the choice of legal bases, in particular in reference to the future use of Article 80 TFEU.
Thursday 29 March 2012

— having regard to the recommendation for second reading of the Committee on International Trade (A7-0078/2012),

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.

OTC derivatives, central counterparties and trade repositories

P7_TA(2012)0106


(2013/C 257 E/19)

(Ordinary legislative procedure: first reading)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2010)0484),

— having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0265/2010),

— having regard to the opinion of the European Economic and Social Committee of 8 December 2010 (1),

— having regard to the opinion of the European Central Bank of 13 January 2011 (2),

— 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 March 2012 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

— having regard to Rule 55 of its Rules of Procedure,

— having regard to the report of the Committee on Economic and Monetary Affairs and the opinions of the Committee on Industry, Research and Energy and the Committee on Legal Affairs (A7-0223/2011),

(1) OJ C 54, 19.2.2011, p. 44.
(2) OJ C 57, 23.2.2011, p. 1.
1. Adopts its position at first reading hereinafter set out (1);

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.

(1) This position replaces the amendments adopted on 5 July 2011 (texts adopted, P7_TA(2011)0310).

P7_TC1-COD(2010)0250


(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 648/2012.)

Minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) ***1

P7_TA(2012)0107


(2013/C 257 E/20)

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 648/2012.)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2012)0015),

— having regard to Article 294(2) and Article 153(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0020/2012),

— 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 22 February 2012 (1),

— after consulting the Committee of the Regions,

— having regard to the undertaking given by the Council representative by letter of 7 March 2012 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

(1) Not yet published in the Official Journal.
Thursday 29 March 2012

— having regard to Rule 55 of its Rules of Procedure,

— having regard to the report of the Committee on Employment and Social Affairs (A7-0042/2012),

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)0003


(As an agreement was reached between Parliament and Council, Parliament’s position corresponds to the final legislative act, Directive 2012/11/EU.)

P7_TA(2012)0108

Administrative cooperation in the field of excise duties *


(2013/C 257 E/21)

(Special legislative procedure – consultation)

The European Parliament,

— having regard to the Commission proposal to the Council (COM(2011)0730),

— having regard to Article 113 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0447/2011),

— having regard to Rule 55 of its Rules of Procedure,

— having regard to the report of the Committee on Economic and Monetary Affairs (A7-0044/2012),

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 2 a (new)

(2a) The creation of a European fiscal union should include an extended, rapid, efficient, user-friendly and, as far as possible, automatic exchange of information among Member States in order to improve the fight against tax evasion.

**Amendment 2**
Proposal for a regulation
Recital 11

(11) Feedback is an appropriate means to ensure continual improvement of the quality of the information exchanged. A framework for the provision of feedback should therefore be put in place.

**Amendment 3**
Proposal for a regulation
Recital 14 a (new)

(14a) Personal data processed in accordance with this Regulation should be kept for no longer than necessary, in compliance with the applicable national and Union law.

**Amendment 4**
Proposal for a regulation
Recital 19

(19) For the purposes of an effective application of this Regulation, it may be necessary to limit the scope of certain rights and obligations laid down by Directive 95/46/EC, specifically the rights defined in Articles 10, 11(1), 12 and 21 thereof, in order to safeguard the interests referred to in Article 13(1)(e) of that Directive, bearing in mind the potential loss of revenue for Member States and the crucial importance of information covered by this Regulation for the effectiveness of the fight against fraud. Member States should be obliged to apply such limitations, to the extent they are necessary and proportionate.

**Given the need to preserve evidence in cases of suspected fiscal irregularities or fraud and to prevent interference with the correct assessment of compliance with excise legislation, it should be possible, where necessary, to restrict the obligations of the data controller and the rights of the data subject relating to the provision of information, access to data and publicising of processing operations, in the course of the exchange of personal data under this Regulation.**
(20) In order to ensure uniform conditions for the implementation of Articles 8, 16, 19, 20, 21 and 34 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 the Member States of the Commission’s exercise of implementing powers.

(20) In order to ensure uniform conditions for the implementation of this Regulation, and to describe the main categories of data that can be exchanged by Member States under 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 the Member States of the Commission’s exercise of implementing powers.

(20a) Processing of personal data relating to offences, criminal convictions or security measures is to be carried out in accordance with Article 8(5) of Directive 95/46/EC or Article 10(5) of Regulation (EC) No 45/2001.

(22) It is necessary to monitor and evaluate the functioning of this Regulation. Provision should thus be made for collection of statistics and other information by Member States and for the preparation of regular reports by the Commission.

(22) It is necessary to monitor and evaluate the functioning of this Regulation. Provision should thus be made for collection of statistics and other information by Member States and for the preparation of regular reports by the Commission. The data collected by the Member States and the Commission reports should be submitted annually and made available to the European Parliament and to the Council.

(25a) The Commission should establish a new VAT and excise duties forum, similar to the Joint Transfer Pricing Forum (JTPF), within which companies can address issues relating to corporate VAT and disputes between Member States.

3. The request referred to in paragraph 1 may include a reasoned request for a specific administrative enquiry. If the requested authority decides that no administrative enquiry is necessary, it shall immediately inform the requesting authority of the reasons for its decision.

3. The request referred to in paragraph 1 may include a reasoned request for a specific administrative enquiry.
Amendment 10
Proposal for a regulation
Article 8 – paragraph 5

5. The requested authority may request the requesting authority to provide a report on the follow-up action taken by the requesting Member State on the basis of the provided information. If such a request is made, the requesting authority shall, without prejudice to rules on secrecy and data protection applicable in its Member State, send such report as soon as possible, provided that it does not impose a disproportionate burden on it.

Amendment 11
Proposal for a regulation
Article 9 – paragraph 4

4. Where the use of the mutual administrative assistance document is impractical, the exchange of messages may be carried out in whole or in part by other means. In such exceptional cases the message shall be accompanied by an explanation of why the use of the mutual administrative assistance document was impractical.

Amendment 13
Proposal for a regulation
Article 13 – paragraph 1

1. With a view to exchanging the information necessary to assure the correct application of excise legislation, two or more Member States may agree, on the basis of a risk analysis, to conduct simultaneous controls, in their own territory, of the excise duty situation of one or more economic operators or other persons, that are of common or complementary interest, whenever such controls would appear to be more effective than controls carried out by only one Member State.

Amendment 15
Proposal for a regulation
Article 15 – paragraph 4 – subparagraph 1 – point a

(a) the exact categories of information that shall be exchanged under Article 15(1);

(a) the exact categories of information that are to be exchanged under Article 15(1), with the objective of creating a comprehensive list of information, which will be updated twice a year in order to align it to new exchange needs;

Amendment 16
Proposal for a regulation
Article 16 – paragraph 1 – subparagraph 2

To that end, they may use the computerised system where the system is capable of processing such information.

To that end, it is desirable that they use the computerised system where the system is capable of processing such information.
Amendment 17
Proposal for a regulation
Article 16 – paragraph 2

2. The authority having forwarded information to another authority under paragraph 1 may request that other authority to provide a report on the follow-up action taken by the requesting Member State on the basis of the provided information. If such a request is made, the other authority shall, without prejudice to rules on secrecy and data protection applicable in its Member State, send such report as soon as possible, provided that it does not impose a disproportionate administrative burden on it.

Amendment 18
Proposal for a regulation
Article 19 – paragraph 2 – point b

(b) the name and address of the economic operator or premises;

Requests for assistance, including requests for notifications, and attached documents may be made in any language agreed between the requested and requesting authority. The requests shall only require an accompanying translation, into the official language or one of the official languages of the Member State in which the requested authority is established, if the requested authority provides a justification explaining the need for translation.

Amendments 19 and 20
Proposal for a regulation
Article 23

Requests for assistance, including requests for notifications, and attached documents may be made in any language agreed in advance between the requested and requesting authority. The requests shall only require an accompanying translation, into the official language or one of the official languages of the Member State in which the requested authority is established, if the requested authority provides a reasonable justification explaining the need for translation.

Amendment 21
Proposal for a regulation
Article 25 – paragraph 3

3. The competent authority of a Member State may refuse to forward information if the requesting Member State cannot, for legal reasons, provide similar information.

Amendment 22
Proposal for a regulation
Article 25 – paragraph 4

4. The provision of information may be refused where it would lead to the disclosure of a commercial, industrial or professional secret or of a commercial process, or where its disclosure would be contrary to public policy. Member States may not refuse to supply information on an economic operator on the sole grounds that this information is held by a bank or other financial institution, by a nominee or a person acting as agent or fiduciary or because it relates to the ownership interests in a legal person.
However, the competent authority of the Member State providing the information **shall** permit its use for other purposes in the Member State of the requesting authority, if the legislation of the Member State of the requested authority allows the information to be used for similar purposes in that Member State.

However, the competent authority of the Member State providing the information **may** permit its use for other purposes in the Member State of the requesting authority, if the legislation of the Member State of the requested authority allows the information to be used for similar purposes in that Member State.

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**Amendment 24**

Proposal for a regulation
Article 28 – paragraph 4 – subparagraph 1

4. **Processing of personal data** by Member States referred to in this Regulation shall be subject to the national provisions implementing Directive 95/46/EC.

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**Amendment 25**

Proposal for a regulation
Article 32 – paragraph 2

2. Provided the third country concerned has given a legal undertaking to provide the assistance required to gather evidence of the irregular nature of transactions which appear to contravene excise legislation, information obtained under this Regulation may be communicated **by a competent authority of a Member State** to that third country, with the consent of the competent authorities which supplied the information, in accordance with their national law, for the same purposes for which this information has been supplied and in compliance with Directive 95/46/EC, **including the provisions on transfers of personal data to third countries**, and the national legal measures implementing the Directive.

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**Amendment 26**

Proposal for a regulation
Article 34 – paragraph 1

1. The Member States and the Commission shall examine and evaluate the application of this Regulation. To that end, the Commission shall regularly summarise the experience of the Member States with the aim of improving the operation of the system established by this Regulation.

1. The Member States and the Commission shall examine and evaluate the application of this Regulation. To that end, the Commission shall regularly compare and analyse the experience of the Member States with the aim of improving the operation of the system established by this Regulation.

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**Amendment 27**

Proposal for a regulation
Article 34 – paragraph 1 a (new)

1a. The Commission shall present to the European Parliament and to the Council a report on fraud in the field of excise duties by 31 December 2012, **together with amendments to this Regulation, if appropriate**.
Amendment 28
Proposal for a regulation
Article 34 – paragraph 2 – subparagraph 2

With a view to evaluating the effectiveness of this system of administrative cooperation in enforcing the application of the excise legislation and combating evasion and fraud concerning excise duties, Member States **may** communicate to the Commission any available information other than information referred to in the first subparagraph.

Amendment 29
Proposal for a regulation
Article 37

Every **five** years from the date of entry into force of this Regulation and based in particular on the information provided by the Member States, the Commission shall report to the European Parliament and to the Council on the application of this Regulation.

Estimates of revenue and expenditure for 2013 - Section I - Parliament

P7_TA(2012)0109


(2013/C 257 E/22)

The European Parliament,

— having regard to Article 314 of the Treaty on the Functioning of the European Union,

— having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (1), and in particular Article 31 thereof,

— having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (2),

— having regard to its resolution of 16 February 2012 on the guidelines for the 2013 budget procedure – Sections I, II, IV, V, VI, VII, VIII, IX and X (3),

— having regard to the Secretary-General’s report to the Bureau on drawing up Parliament’s preliminary draft estimates for the financial year 2013,

— having regard to the preliminary draft estimates drawn up by the Bureau on 12 March 2012 pursuant to Rules 23(7) and 79(1) of Parliament’s Rules of Procedure,

— having regard to the draft estimates drawn up by the Committee on Budgets pursuant to Rule 79(2) of Parliament’s Rules of Procedure,

— having regard to Rule 79 of its Rules of Procedure,

having regard to the report of the Committee on Budgets (A7-0062/2012),

A. whereas the ceiling for Heading 5 of the multiannual financial framework (MFF) for the Union budget in 2013 is EUR 9 181 million in current prices (1);

B. whereas Croatia’s accession will have an impact on Parliament’s 2013 budget, namely as regards resources for new Members and staff recruitment;

C. whereas, in a context of a heavy burden of public debt and of restraint in times of ongoing national budgetary consolidation efforts, Parliament should show budgetary responsibility and self-restraint, noting the letter dated 23 January 2012 from Commissioner Lewandowski to the Presidents of the Union institutions;

D. whereas it is particularly important that the Committee on Budgets and the Bureau continue enhanced cooperation throughout the annual budget procedure under Rules 23 and 79 of Parliament’s Rules of Procedure;

E. whereas the prerogatives of the plenary in adopting the estimates and the final budget will be fully maintained in accordance with the Treaty and the Rules of Procedure;

F. whereas pre-conciliation and conciliation meetings between delegations of the Bureau and of the Committee on Budgets took place on 6 March and 13 March 2012;

**General Framework and overall budget**

1. Welcomes good cooperation between the Bureau and the Committee on Budgets during the current budget procedure and the agreement reached in the conciliation meeting of 13 March 2012;

2. Believes that Parliament’s places of work should be limited to a single seat for Members and officials; calls on the Council to take into account the demands expressed already on several occasions by Parliament and Union citizens concerning the need to fix a single seat for the Members and officials, further reiterated in paragraph 7 of its resolution of 16 February 2012 on the guidelines for the 2013 budget procedure, sections other than the Commission;

3. Notes that the level of the preliminary draft estimates for the 2013 budget, as suggested by the Secretary-General in its report to the Bureau, amounts to EUR 1 768 731 441; notes the suggested rate of increase of 2,96 % over the 2012 budget;

4. Welcomes efforts made to present realistic estimates and acknowledges the fact that the Bureau is ready to adopt further savings as compared to the original level suggested in the Secretary-General’s report; stresses that the goal of any budget negotiation should be to achieve maximum efficiency; pursuant to the agreement reached by the Bureau and the Committee on Budgets at the conciliation meeting of 13 March 2012, sets the overall level of the estimates for 2013 at EUR 1 759 391 671 corresponding to a rate of increase of 1,9 % over the 2012 budget excluding the costs of enlargement to Croatia; further insists on the need for strict budgetary control, close cooperation with the Committee on Budgets and identifying further possible savings during this budgetary procedure;

**Specific issues**

5. Welcomes suggested savings in connection with staff travel and redeployments in the establishment plan;

6. Welcomes the suggested savings of about EUR 3,5 million in connection with parliamentary assistance in the report of the Secretary-General to the Members of the Bureau on the Preliminary Draft Estimates of the European Parliament for the financial year 2013; notes that those savings take into account the outturn of expenditure of this budget line in 2011;

7. Notes plans for an information campaign for the 2014 elections; requests further information in due time;

(1) The Heading 5 ceiling includes the staff contribution to the retirement scheme.
8. Welcomes the Secretary-General’s initiative taken in 2011 proposing the reorganisation of translation and interpretation activities; believes that such an initiative will lead to significant savings in the 2012 budget and calls for this initiative to be continued in 2013; defends, however, the principle of multilingualism, and highlights the unique nature of Parliament with regard to interpretation and translation needs; furthermore highlights the importance of inter-institutional cooperation in this field;

9. Urges the administration to present an independent evaluation of Parliament’s budget with the aim of identifying savings throughout all budget lines and present this evaluation to the Committee on Budgets by September 2012 at the latest; to this end, reminds the Secretary-General and the Bureau of its request for an update of the 2002 Secretary-General’s report to the Bureau regarding the cost of maintaining three places of work; further reminds the Secretary-General and the Bureau of its request for the establishment of a working group as soon as possible; considers that such group should discuss inter alia the findings of the requested report concerning Members’ travels, due to be completed by 31 March 2012, the results of a comparative study with the budgets of a representative sample of Member-State parliaments and with the budget of the United States Congress and the financing of the building policy; recalls that conclusions reached by the group should be implemented without delay;

10. Requests a report on savings achieved during the implementation of the 2012 budget, in line with the calls for savings expressed in its position of 26 October 2011 on the 2012 draft budget as modified by Council - all sections (1); expects such a report to be communicated to the Committee on Budgets by no later than 31 August 2013;

11. Highlights its willingness to contribute actively to maintaining budgetary discipline by freezing all budget lines relating to travel and not indexing any of the Members’ individual allowances until the end of the legislature;

12. Takes note of the increased activities of Members in non-legislative work as laid down in the Rules of Procedures which ties a considerable amount of Parliament’s resources and those of other Union institutions; asks the Bureau and the Secretary-General for an analysis of this fact before the adoption of Parliament’s budget 2013 and to present options on how to limit this increased burden;

13. Is of the opinion that further reorganisation of Parliament’s working methods should be considered; repeats that substantial savings could be made by having a single seat for Parliament; stresses that Parliament should have the right to decide its own working arrangements; calls on the Secretary-General to implement a possible revision of the calendar for committee meetings and delegation missions; furthermore, calls on the Secretary-General to examine possible further opportunities for savings regarding delegations; if such changes can be implemented in 2012, requests that the administration provide the Committee on Budgets with a record of savings generated in 2012 in these areas;

14. Notes the high level of appropriations proposed for the continuation of the multiannual ICT strategy; understands that it could take several years for projects currently being undertaken to be completed; welcomes the launch of the e-committee programme; understands that a pilot scheme for the e-meetings programme is currently underway; requests further information about the possible costs of this programme and when it will be fully implemented; calls for a cost-benefit analysis of the paperless meetings project to be presented to the Committee on Budgets; encourages its administration to pursue policies which will enable Members to use effective tools based on new technologies and support the legislative process more effectively, in particular through bringing the Knowledge Management System to fruition; by the same token calls for the increased use of video conferencing which could help to further reduce the travel costs of both Members and staff;

15. Notes that the creation of a Directorate for democracy support seeks to enhance the synergy between the different in-house services dealing with issues relating to democracy; expects that the decision taken will make the organisation of the services more transparent, coherent and efficient; insists that this reorganisation of services must be budget neutral;

(1) Texts adopted, P7_TA(2011)0461.
16. Notes the conditions set out in the regulation concerning the financing of political parties (1); is concerned that "the principles on which the European Union is founded, namely the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law" are not being fully respected; insists that the granting of Parliament funding should only go to those parties that rigorously uphold the founding principles of the Union and the Charter of Fundamental Rights; asks therefore for the rules to be revised accordingly;

17. Taking into account the 2011 and 2010 outturn levels and the necessary budgetary restrictions in the time of crisis, believes that all the appropriations relating to representation expenses for the budgetary year 2013 should be frozen and kept under strict control;

18. Notes that, pursuant to the agreement reached in the conciliation meeting of 13 March 2012 between the Bureau and the Committee on Budgets, the EUR 3 million reserve for priority projects under development (Chapter 106) has been withdrawn from the estimates;

19. Notes that the level of appropriations proposed in the preliminary draft estimates for the EMAS reserve has substantially increased compared to the 2012 level; requests detailed explanation of this increase by no later than August 2012;

Buildings

20. Is aware that the KAD project is a significant undertaking for Parliament which aims to rationalise Parliament's administration in Luxembourg to obtain synergies; is concerned that further project delays could lead to significant extra costs; calls therefore for updated information specifying the timetable of the project until its completion (planned for 2017 at the latest) the evolution of the estimated cost of the KAD I and KAD II project since 2008 compared to original estimates, the progress of work on the project and any unexpected new developments to be communicated to the Committee on Budgets as soon as possible; believes that the creation of any new posts specific to the project should strike the right balance between posts limited to the project duration and those foreseen on a permanent basis; furthermore highlights the need to take into account changes and insists on being consulted before any decision is taken on increased financing of the project and on creating new posts;

21. Welcomes the revision of the estimated running costs of the House of European History; takes note that the 2013 budget will see a substantial increase in its funding given the fact that its opening is foreseen for 2014; is concerned about the estimated development costs and requests, therefore, strict adherence to the minimum costs and not to exceed the figures set out in the estimates; believes that Parliament should look for sources of possible financing other than its own budget; furthermore, in reference to the letter from the President of the European Commission of 28 September 2011, expects that a concrete agreement on co-financing the running costs will be signed by no later than August 2013;

22. Notes that the estimates include a 22 % increase compared to 2012 for the implementation of an "enhanced maintenance policy"; requests more detail from the Secretary-General with regard to this policy and how the proposed appropriations will be used; understands the need for certain buildings to be renovated; calls, however, for more detailed information on the timing and costs of the renovation policy;

23. Adopts the estimates for the financial year 2013;

24. Instructs its President to forward this resolution and the estimates to the Council and the Commission.
The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2012)0053 – C7-0044/2012),

— 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 (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 (A7-0066/2012),

A. whereas the European Union has set up legislative and budgetary instruments to provide additional support to workers who are suffering from the consequences of major structural changes in world trade patterns and to assist their reintegration into the labour market,

B. whereas the scope of the 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 1,138 redundancies, all targeted for assistance, in 513 enterprises operating in the NACE Revision 2 Division 41 (‘Construction of buildings’) (6) in the NUTS II region of Comunidad Valenciana (ES52) in Spain,
E. whereas the application fulfils the eligibility criteria laid down by the EGF Regulation,

1. Requests the institutions involved to 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 to the budgetary authority the Commission's assessment on the eligibility of an EGF application together with the proposal to mobilise the EGF; 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;

2. 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 geared to 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;

3. 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 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;

4. Notes that the information provided on the coordinated package of personalised services to be funded from the EGF includes information on the complementarity with actions funded by the Structural Funds; reiterates its call to the Commission to present a comparative evaluation of those data in its annual reports as well;

5. Welcomes the fact that following repeated 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 there being transfers from other budget lines, as happened in the past, which could be detrimental to the achievement of the policy objectives of the EGF;

6. Welcomes the fact that the package of coordinated measures includes an 'Equal opportunities supervisor' scheme aimed at ensuring that no personal or family constraints prevent the workers targeted from benefiting from the measures;

7. Regrets the decision of the Council to block the extension of the 'crisis derogation', 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;

8. Approves the decision annexed to this resolution;

9. 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;

10. 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 2012/261/EU.)
European Parliament decision of 29 March 2012 on the request for defence of the immunity and privileges of Luigi de Magistris (2011/2098(IMM))

European Parliament decision of 29 March 2012 on the request for defence of the immunity and privileges of Luigi de Magistris (2011/2189(IMM))

European Parliament decision of 29 March 2012 amending the Rules of Procedure to take into account the changing relationships between the European Parliament and the institutions representing the national governments following the entry into force of the Treaty of Lisbon (2011/2266(REG))


III Preparatory acts

European Parliament

Thursday 29 March 2012

Amended Constitution and Rules of Procedure of the International Rubber Study Group


European Refugee Fund 2008 to 2013


ANNEX TO THE LEGISLATIVE RESOLUTION

Control of exports, transfer, brokering and transit of dual use items


EN

(Continued overleaf)
2013/C 257 E/19  OTC derivatives, central counterparties and trade repositories ***I


P7_TC1-COD(2010)0250

2013/C 257 E/20  Minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) ***I


P7_TC1-COD(2012)0003

2013/C 257 E/21  Administrative cooperation in the field of excise duties *


2013/C 257 E/22  Estimates of revenue and expenditure for 2013 - Section I - Parliament


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### Key to symbols used

- **Consultation procedure**
- **I Cooperation procedure: first reading**
- **II Cooperation procedure: second reading**
- **III Assent procedure**
- ***Codecision procedure: first reading***
- **II Codecision procedure: second reading**
- **III Codecision procedure: third reading**

(The type of procedure is determined by the legal basis proposed by the Commission.)

Political amendments: new or amended text is highlighted in bold italics; deletions are indicated by the symbol ■.

Technical corrections and adaptations by the services: new or replacement text is highlighted in italics and deletions are indicated by the symbol ||.
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