

Thursday, 14 December 2006

**P6\_TA(2006)0598****Development of the second generation Schengen Information System (SIS II) (decision) \*****European Parliament legislative resolution on the proposal for a Council decision amending Decision 2001/886/JHA on the development of the second generation Schengen Information System (SIS II) (COM(2006)0383 — C6-0297/2006 — 2006/0126(CNS))**

(Consultation procedure)

*The European Parliament,*

- having regard to the Commission proposal (COM(2006)0383) <sup>(1)</sup>,
  - having regard to Article 30(1)(a) and (b), Article 31(1)(a) and (b) and Article 34(2)(c) of the EU Treaty,
  - having regard to Article 39(1) of the EU Treaty, pursuant to which the Council consulted Parliament (C6-0297/2006),
  - having regard to Rules 93 and 51 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0413/2006);
1. Approves the Commission proposal;
  2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  3. Calls on the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
  4. Instructs its President to forward its position to the Council and Commission.

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<sup>(1)</sup> Not yet published in OJ.

**P6\_TA(2006)0599****Nuclear Safety and Security Assistance \*****European Parliament legislative resolution on the draft Council regulation establishing an Instrument for Nuclear Safety and Security Assistance (9037/2006 — C6-0153/2006 — 2006/0802(CNS))**

(Consultation procedure)

*The European Parliament,*

- having regard to the text of the Council (9037/2006),
- having regard to the Commission proposal to the Council (COM(2004)0630) <sup>(1)</sup>,
- having regard to Article 177 of the Treaty establishing the European Atomic Energy Community and Article 203 thereof, pursuant to which the Council consulted Parliament (C6-0153/2006),

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<sup>(1)</sup> Not yet published in OJ.

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- having regard to Rule 51 of its Rules of Procedure,
  - having regard to the report of the Committee on Industry, Research and Energy and the opinions of the Committee on Foreign Affairs, the Committee on the Environment, Public Health and Food Safety and the Committee on Budgets (A6-0397/2006);
1. Approves the Council text as amended;
  2. Considers that the indicative reference amount indicated in the legislative text must be compatible with the ceiling of heading 4 of the new multiannual financial framework and points out that the annual amount will be decided within the annual budgetary procedure in accordance with the provisions of point 38 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management of 17 May 2006 <sup>(1)</sup>;
  3. Calls on the Commission to alter its proposal accordingly, pursuant to Article 119, second paragraph, of the Euratom Treaty;
  4. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  5. Asks the Council to consult Parliament again if it intends to amend the text submitted for consultation substantially;
  6. Instructs its President to forward its position to the Council and the Commission.

TEXT PROPOSED  
BY THE COUNCIL

AMENDMENTS  
BY PARLIAMENT

## Amendment 1

*Recital 1*

(1) The European Community is a major provider of economic, financial, technical, humanitarian and macro-economic assistance to third countries. In order to make the European Community's external aid more effective, a new framework has been devised for the planning and provision of assistance. Regulation (EC) No ... of the Council of ... will set up a Pre-Accession Instrument to cover Community assistance for candidate countries and potential candidate countries. Regulation (EC) No ... of the European Parliament and of the Council of ... will introduce a European Neighbourhood and Partnership Instrument. Regulation (EC) No ... of the European Parliament and of the Council of ... is aimed at development cooperation **and** economic cooperation with the other third countries. Regulation (EC) No ... of the European Parliament and of the Council of ... will set up an Instrument for Stability. The present Regulation is a complementary instrument aimed at supporting efforts to enhance nuclear safety and the application of efficient and effective safeguards of nuclear materials in third countries.

(1) The European Community is a major provider of economic, financial, technical, humanitarian and macro-economic assistance to third countries. In order to make the European Community's external aid more effective, a new framework has been devised for the planning and provision of assistance. Regulation (EC) No ... of the Council of ... will set up a Pre-Accession Instrument to cover Community assistance for candidate countries and potential candidate countries. Regulation (EC) No ... of the European Parliament and of the Council of ... will introduce a European Neighbourhood and Partnership Instrument. Regulation (EC) No ... of the European Parliament and of the Council of ... is aimed at development cooperation **with third countries** <sup>(2)</sup>. **Council Regulation (EC) No ... of ... promotes** economic cooperation with the other third countries. Regulation (EC) No ... of the European Parliament and of the Council of ... will set up an Instrument for Stability. **Regulation (EC) No ... of the European Parliament and of the Council of ... establishes a financing instrument for the promotion of democracy and human rights worldwide (EIDHR)** <sup>(3)</sup>. The present Regulation is a complementary instrument aimed at supporting efforts to enhance nuclear safety and the application of efficient and effective safeguards of nuclear materials in third countries.

<sup>(2)</sup> OJ L [...], [...], p. [...].

<sup>(3)</sup> OJ L [...], [...], p. [...].

<sup>(1)</sup> OJ C 139, 14.6.2006, p. 1.

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TEXT PROPOSED  
BY THE COUNCILAMENDMENTS  
BY PARLIAMENT

## Amendment 3

Recital 2 a (new)

**(2a) The growing availability of nuclear material increases the risk of nuclear weaponry proliferation and therefore has clear nuclear safety implications which should be addressed by the present instrument.**

## Amendment 4

Recital 3 a (new)

**(3a) It is of fundamental importance that the confidentiality of information on nuclear and radiological safety, which must be precise and corroborated, be guaranteed, particularly as regards information which could be of major interest to terrorists.**

## Amendment 5

Recital 4

(4) The Community already pursues a close cooperation, in accordance with *Chapter X* of the Treaty, with the International Atomic Energy Agency, both in relation to nuclear safeguards (in furtherance of the objectives of *Chapter VII of Part Two* of the Treaty), and in relation to nuclear safety.

(4) The Community already pursues close cooperation, in accordance with *Chapter 10 of Title II* of the Treaty, with the International Atomic Energy Agency, both in relation to nuclear safeguards (in furtherance of the objectives of *Chapter 7 of Title II* of the Treaty), and in relation to nuclear safety. **In this context, the Community is actively supporting the drafting of a code of conduct for an international nuclear incident warning system under the aegis of the International Atomic Energy Agency.**

## Amendment 6

Recital 7

(7) Besides international Conventions and Treaties some Member States have concluded bilateral agreements on the provision of technical assistance.

(7) Besides international Conventions and Treaties some Member States have concluded bilateral agreements on the provision of technical assistance. **The coordination of actions under such agreements with Community actions is desirable.**

## Amendment 7

Recital 9

(9) It is understood that, when giving assistance to the nuclear installation concerned, it is with the aim that maximum impact *could* be obtained by the assistance, without, however, deviating from the principle that *the responsibility* for the safety of the installation should rest with the operator and the State having *the* jurisdiction over the installation.

(9) It is understood that, when giving assistance to the nuclear installation concerned, it is with the aim that maximum impact *might* be obtained by the assistance, without, however, deviating from the '**polluter pays**' principle, **and that liability** for the safety of the installation, **its decommissioning and the waste it has generated** should rest with the operator and the State having jurisdiction over the installation. **Furthermore, priority should be given to assisting nuclear installations and activities which are likely to have significant effects on the Member States.**

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TEXT PROPOSED  
BY THE COUNCILAMENDMENTS  
BY PARLIAMENT

## Amendment 8

*Recital 13*

(13) This Regulation, providing for financial assistance in support of the objectives of the Treaty, is without prejudice to the respective competences of the Community and Member States in the fields concerned, in particular in nuclear safeguards.

(13) This Regulation, providing for financial assistance in support of the objectives of the Treaty, is without prejudice to the **exclusive powers of the Member States to make their own energy choices and the** respective competences of the Community and Member States in the fields concerned, in particular in nuclear safeguards.

## Amendment 9

*Recital 13 a (new)*

**(13a) A financial reference amount, within the meaning of point 38 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management of 17 May 2006 <sup>(1)</sup>, should be included in this regulation with respect to the entire duration of the instrument, without thereby affecting the powers of the budgetary authority as defined by the Treaty.**

<sup>(1)</sup> OJ C 139, 14.6.2006, p. 1.

## Amendment 10

*Article 1*

The Community **shall** finance measures to support **the promotion of a high level of nuclear safety**, radiation protection and the application of efficient and effective safeguards of nuclear material in third countries in line with the provisions of this Regulation.

The Community **might** finance measures to support **efficient implementation in cases which result in a nuclear safety level corresponding to the technological, regulatory and operational state of the art in the Union, taking into consideration the latest scientific and technological developments**, radiation protection and the application of efficient and effective safeguards of nuclear material in third countries in line with the provisions of this Regulation, **without prejudice to the 'polluter pays' principle.**

## Amendment 11

*Article 2, paragraph 1, point a, introductory part*

a) the promotion of **an** effective nuclear safety **culture** at all levels, in particular through:

a) the promotion of effective nuclear safety **measures** at all levels, in particular through:

## Amendment 13

*Article 2, paragraph 1, point a, indent 3*

— improving the safety aspects of the **design**, operation and maintenance of existing nuclear power plants or other existing nuclear installations so that **high** safety levels can be achieved,

— improving the safety aspects of the operation, **modernisation** and maintenance of existing nuclear power plants or other existing nuclear installations, **taking into account experience of their operation**, so that **the highest possible** safety levels can be achieved,

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TEXT PROPOSED  
BY THE COUNCILAMENDMENTS  
BY PARLIAMENT

## Amendment 14

Article 2, paragraph 1, point a, indent 4

— support **to** the safe transport, treatment and disposal of nuclear fuel and radioactive waste,

— support **for the development of proper methods and technologies** for the safe transport, treatment and disposal of **spent** nuclear fuel and radioactive waste, and

## Amendment 15

Article 2, paragraph 1, point a, indent 5

— *and* the development and implementation of strategies for decommissioning existing installations and the remediation of former nuclear sites;

— the development and implementation of strategies for decommissioning existing installations for the remediation of former nuclear sites **which can attain a high level of safety at a reasonable cost and within a reasonable time frame;**

## Amendment 16

Article 2, paragraph 1, point b

(b) the promotion of effective regulatory frameworks, procedures and systems to ensure adequate protection against ionising radiations from radioactive materials, in particular from high activity radioactive sources, and **their safe disposal;**

(b) the promotion of effective regulatory frameworks, procedures and systems to ensure adequate protection against ionising radiations from radioactive materials, in particular from high activity radioactive sources, and **the safe disposal of such materials, the financial liability for which must continue to be borne solely by the operator;**

## Amendment 17

Article 2, paragraph 1, point d

d) the establishment of effective arrangements for, *emergency-planning*, preparedness and response, civil protection and rehabilitation measures;

d) the establishment of effective arrangements for **accident prevention**, *emergency planning*, preparedness and response, civil protection, **the mitigation of consequences** and rehabilitation measures;

## Amendment 18

Article 2, paragraph 1, point e

e) measures to promote international cooperation (including in the framework of relevant international organisations, notably IAEA) in the above fields, including the implementation and monitoring of international Conventions and Treaties, exchange of information **and** training and research;

e) measures to promote international cooperation (including in the framework of relevant international organisations, notably IAEA) in the above fields, including the implementation and monitoring of international Conventions and Treaties, exchange of information, training, **education** and research.

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## Amendment 19

*Article 5, paragraph 2*

2. These action programmes shall specify the objectives pursued, the fields of intervention, the measures envisaged, the expected results, the management procedures and total amount of financing planned. They shall contain a summary description of the operations to be financed, an indication of the amounts allocated for each operation and an indicative implementation timetable. Where **relevant**, they **may** include the results of any lessons learned from previous assistance.

2. These action programmes shall specify the objectives pursued, the fields of intervention, the measures envisaged, the expected results, the management procedures and total amount of financing planned. They shall contain a summary description of the operations to be financed, an indication of the amounts allocated for each operation and an indicative implementation timetable. Where **applicable**, they **shall** include the results of any lessons learned from previous assistance.

## Amendment 20

*Article 5, paragraph 3*

3. Action programmes, and any revisions or extensions thereof, shall be adopted in accordance with the procedure referred to in Article 20(2), following, where appropriate, consultation with the partner country, or partner countries in the region, concerned.

3. Action programmes, and any revisions or extensions thereof, shall be adopted in accordance with the procedure referred to in Article 20(2) **and with account being taken of Article 18**, following, where appropriate, consultation with the partner country, or partner countries in the region, concerned.

## Amendment 21

*Article 7, paragraph 1, indent 5*

— European Union agencies;

— **the Community's Joint Research Centre and** European Union agencies;

## Amendment 22

*Article 8, paragraph 1, indent 6*

— debt-relief programmes;

— debt-relief programmes, **in exceptional cases and pursuant to an internationally agreed debt relief programme;**

## Amendment 23

*Article 8, paragraph 2 a (new)*

**2a. Community financing shall in principle not be used for paying taxes, customs duties or other fiscal charges in beneficiary countries.**

## Amendment 24

*Article 18*

The Commission shall regularly evaluate the results of policies and programmes and the effectiveness of programming in order to ascertain whether the objectives have been met and enable it to formulate recommendations with a view to improving future operations. The Commission shall send significant evaluation reports to the Committee established in accordance with Article 20.

The Commission, **with the help of independent experts**, shall regularly evaluate, **on an individual project basis**, the results of policies and programmes and the effectiveness of programming in order to ascertain whether the objectives have been met and enable it to formulate recommendations with a view to improving future operations. The Commission shall send significant evaluation reports to **the European Parliament, the Council and** the Committee established in accordance with Article 20.

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TEXT PROPOSED  
BY THE COUNCILAMENDMENTS  
BY PARLIAMENT

Amendment 25

Article 20 a (new)

**Article 20a****Financial reference amount**

**The financial reference amount for implementation of this Regulation for the period 2007-2013 shall be 524 million euro.**

**Annual appropriations shall be authorised by the budgetary authority within the limits of the financial framework.**

Amendment 26

Article 21

Not later than 31 December 2010, the Commission shall submit to the European Parliament and the Council a report evaluating the implementation of the regulation in the first three years together, if appropriate, with a legislative proposal introducing the necessary modifications to the instrument.

Not later than 31 December 2010, the Commission shall submit to the European Parliament and the Council a report evaluating the implementation of the Regulation in the first three years, **and thereafter shall submit a report every two years**, together, if appropriate, with a legislative proposal introducing the necessary modifications to the instrument.

P6\_TA(2006)0600

**Visas for crossing Member States' external borders \***

**European Parliament legislative resolution on the proposal for a Council regulation amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from that requirement (COM(2006)0084 — C6-0256/2006 — 2006/0022(CNS))**

(Consultation procedure)

*The European Parliament,*

- having regard to the Commission proposal (COM(2006)0084) <sup>(1)</sup>,
- having regard to Article 62(2)(b)(i) of the EC Treaty,
- having regard to Article 67 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0256/2006),
- having regard to Rule 51 of its Rules of Procedure,
- having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0431/2006);

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

<sup>(1)</sup> Not yet published in OJ.