

Thursday 24 May 2012

**Swiss quotas on the number of residence permits granted to nationals of Poland, Lithuania, Latvia, Estonia, Slovenia, Slovakia, Czech Republic, Hungary**

P7\_TA(2012)0226

**European Parliament resolution of 24 May 2012 on Swiss quotas on the number of residence permits granted to nationals of Poland, Lithuania, Latvia, Estonia, Slovenia, Slovakia, the Czech Republic and Hungary (2012/2661(RSP))**

(2013/C 264 E/13)

*The European Parliament,*

- having regard to the Free Trade Agreement of 22 July 1972 between the European Economic Community and the Swiss Confederation <sup>(1)</sup>,
  - having regard to the Agreement of 21 June 1999 between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons <sup>(2)</sup>, and in particular its Annex I on free movement of persons and Annex III on mutual recognition of professional qualifications,
  - having regard to the Protocol of 26 October 2004 to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons regarding the participation, as Contracting Parties, of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic pursuant to their accession to the European Union <sup>(3)</sup>,
  - having regard to the Protocol of 27 May 2008 to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons regarding the participation, as Contracting Parties, of the Republic of Bulgaria and Romania pursuant to their accession to the European Union <sup>(4)</sup>,
  - having regard to its resolution of 7 September 2010 on EEA-Switzerland: Obstacles with regard to the full implementation of the internal market <sup>(5)</sup>,
  - having regard to the Council Conclusions of 14 December 2010 on EU relations with EFTA Countries,
  - having regard to the decision of the Swiss Federal Council of 18 May 2012 on the invocation of the safeguard clause with respect to eight EU Member States,
  - having regard to the questions of 14 May 2012 and 16 May 2012 to the Commission on Swiss quotas on the number of residence permits granted to nationals of Poland, Lithuania, Latvia, Estonia, Slovenia, Slovakia, Czech Republic, Hungary (O-000113/2012 – B7-0115/2012 and O-000115/2012 – B7-0116/2012),
  - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- A. whereas the Federal Council of Switzerland decided to introduce as of 1 May 2012 quantitative limitations on category B residence permits for stays for up to five years granted to nationals of Poland, Lithuania, Latvia, Estonia, Slovenia, Slovakia, the Czech Republic and Hungary;

<sup>(1)</sup> OJ L 300, 31.12.1972, p. 189.

<sup>(2)</sup> OJ L 114, 30.4.2002, p. 6.

<sup>(3)</sup> OJ L 89, 28.3.2006, p. 30.

<sup>(4)</sup> OJ L 124, 20.5.2009, p. 53.

<sup>(5)</sup> OJ C 308 E, 20.10.2011, p. 18.

Thursday 24 May 2012

- B. whereas in taking this decision, the Swiss authorities recalled a so-called safeguard clause, enshrined in Article 10 of the 1999 Agreement, which allows them to introduce such temporary restrictive measures if, in a given year, the number of residence permits granted exceeds the average of the previous three years by at least 10 %; whereas the Swiss authorities declared that such situation had occurred in the case of nationals of the eight European Union (EU) Member States;
- C. whereas the safeguard clause recalled by the Swiss authorities, as it stands in Article 10 of the 1999 Agreement, does not foresee any differentiation on the basis of nationality when ceilings for residence permits, or quotas on their number, are to be established, and refers to 'employed and self-employed persons of the European Community';
- D. whereas, as regards the nationals of eight of the Member States that joined the EU in 2004, quantitative restrictions were applied by Switzerland until 30 April 2011, as allowed by the 2004 Protocol; whereas at the end of that transitional period article 10(4) of the 1999 Agreement shall apply;
- E. whereas this situation needs to be seen in a broader context as the Swiss authorities have taken a number of measures which jeopardise the progress already achieved with the implementation of the bilateral agreements, and about which Parliament has already expressed its concern in its resolution of September 2010;
- F. whereas Switzerland has adopted a number of so called flanking measures, accompanying the Free Movement of Persons Agreement (FMPA), which can hinder the provision of services by EU businesses – notably small and medium-sized enterprise (SME) – in Switzerland, and whereas, according to Court of Justice case-law, a number of these supporting measures can only be acceptable if they protect, in a proportional manner, a general interest that is not already protected in the state of origin of the service providers;
- G. whereas some of these flanking measures are disproportionate to the intended aims, such as the obligation to provide prior notification with an 8-day waiting period, the requirement to contribute to the enforcement costs of tripartite commissions, and the obligation for foreign enterprises providing cross-border services to place a guarantee of financial probity; whereas these measures are particularly burdensome for SMEs wishing to provide services in Switzerland;
- H. whereas the Swiss authorities have decided, in breach of the FMPA, to disallow German and Austrian taxis to take passengers at Swiss airports;
- I. whereas these issues have been discussed repeatedly with Switzerland within the Joint Committee established by the FMPA; whereas the Joint Committee has not been able to solve them;
- J. whereas only limited changes to the FMPA are allowed in order to adapt it to the evolution of EU legislation in the area of free movement of persons; whereas the FMPA lacks an effective surveillance and judicial control mechanism similar to those in use within the EU and in the EEA;

***Swiss quotas on the number of residence permits granted to EU nationals***

1. Highly regrets that the Swiss authorities decided to re-establish quantitative limitations on the long-term residence permits granted to EU citizens who are nationals of eight of the Member States that joined the EU in 2004, thus limiting the free movement of people as provided for in the 1999 Agreement with the EU;
2. Considers this decision to be discriminatory and unlawful in that it finds no legal basis for any such national differentiation in the existing treaties between Switzerland and the EU; urges the Swiss authorities to review their decision and withdraw from the invocation of the safeguard clause;

Thursday 24 May 2012

3. Notes that the conditions for applying the provisions of Article 10(4) of the 1999 Agreement, as completed by the 2004 Protocol, have not been met;
4. Welcomes the timely and critical statement of the High Representative/Vice President of the European Commission, urging her services to take all necessary action needed to request the repeal by the Swiss authorities of their decision;
5. Notes that Switzerland extended free movement rights to Bulgaria and Romania in Protocol II in 2008; regrets, however, that the agreement foresees transition periods of up to seven years; deplores the fact that in May 2011 the Swiss Government decided to extend the transitional period for Bulgarians and Romanians until 31 May 2014;
6. Considers that instead of introducing restrictive measures within the current framework, the two sides should work on developing a more adequate, effective and flexible system of cooperation in order further to facilitate the free movement of persons; calls upon the Commission to raise this issue with the Swiss authorities at the earliest opportunity, and to put the matter on the agenda for the next meeting of the Joint Committee established by the Agreement;

#### ***Obstacles to the full implementation of the single market***

7. Asks the Commission to indicate what actions have been undertaken, since the adoption of the Parliament resolution of 7 September 2010, to solve the problems regarding the flanking measures which make it difficult for SMEs from the EU to provide services in Switzerland, and to convince the Swiss authorities to repeal regulations which oblige foreign enterprises providing cross-border services to deposit a guarantee of financial probity;
8. Is concerned about the decision of the Swiss Federal Council to examine additional flanking measures;
9. Reiterates its concerns regarding the situation at Swiss airports where, as a consequence of the Swiss authorities' refusal, German and Austrian taxis are not allowed to take passengers, and urges the Commission to examine the compatibility of this decision with the FMPA;
10. Regrets that the Agreement does not take account of Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States; calls for a more dynamic adaptation of the agreements in internal-market-related areas to the evolution of the EU acquis;
11. Believes that it is crucial for the further development of Switzerland's participation in the single market that rules provide economic operators from both sides with a more transparent and predictable environment;
12. Calls for new progress to be made in finding horizontal solutions to issues related to the need for a dynamic adaptation of agreements to the evolving acquis, a homogeneous interpretation of the agreements, independent surveillance and judicial enforcement mechanisms, a dispute settlement mechanism that is not subject to fragmentation, transparency in the decision-making system and communication between the Joint Committees;
13. Stresses that compliance control mechanisms that go beyond purely national means are important for the good functioning of the internal market;

Thursday 24 May 2012

14. Expresses its readiness to support a deepening of relations between the EU and Switzerland in order to overcome the challenges the two parties are facing;

\*

\* \*

15. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States, as well as to the Swiss Government and Parliament.

## Venezuela: possible withdrawal from the Inter-American Commission on Human Rights

P7\_TA(2012)0227

**European Parliament resolution of 24 May 2012 on the possible withdrawal of Venezuela from the Inter-American Commission on Human Rights (2012/2653(RSP))**

(2013/C 264 E/14)

*The European Parliament,*

- having regard to its previous resolutions on Venezuela, namely that of 24 May 2007 on the Radio Caracas TV channel case <sup>(1)</sup>, that of 23 October 2008 on political disqualifications <sup>(2)</sup>, that of 7 May 2009 on the case of Manuel Rosales <sup>(3)</sup>, that of 11 February 2010 on Venezuela <sup>(4)</sup>, and that of 8 July 2010 on the case of María Lourdes Afiuni <sup>(5)</sup>,
- having regard to the American Declaration of the Rights and Duties of Man of 1948, which formalised the inception of the Inter-American System for the Protection of Human Rights (IAHRS), and having regard to the creation by the Organisation of American States (OAS) in 1959 of the Inter-American Commission on Human Rights (IACHR), to which Venezuela has been a party since 1977, and to the statutory establishment of the IACHR in 1979,
- having regard to the setting-up in 1979 of the Inter-American Court of Human Rights, of which Venezuela has been a member since 1981,
- having regard to its resolutions of 17 June 2010 on EU policies in favour of human rights defenders <sup>(6)</sup> and of 18 April 2012 on the Annual Report on Human Rights in the World and the European Union's policy on the matter, including implications for the EU's strategic human rights policy <sup>(7)</sup>,
- having regard to the concerns expressed on 4 May 2012 by the spokesperson for the UN High Commissioner for Human Rights, Rupert Colville, over Venezuela's possible withdrawal from the IACHR,
- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to Rules 122(5) and 110(4) of its Rules of Procedure,

<sup>(1)</sup> OJ C 102 E, 24.4.2008, p. 484.

<sup>(2)</sup> OJ C 15 E, 21.1.2010, p. 85.

<sup>(3)</sup> OJ C 212 E, 5.8.2010, p. 113.

<sup>(4)</sup> OJ C 341 E, 16.12.2010, p. 69.

<sup>(5)</sup> OJ C 351 E, 2.12.2011, p. 130.

<sup>(6)</sup> OJ C 236 E, 12.8.2011, p. 69.

<sup>(7)</sup> Texts adopted, P7\_TA(2012)0126.