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I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

Transatlantic Economic Council

P6_TA(2008)0192

European Parliament resolution of 8 May 2008 on the Transatlantic Economic Council

(2009/C 271 E/01)

The European Parliament,

- having regard in particular to its resolution of 25 April 2007 on transatlantic relations ⁽¹⁾ and its resolutions of 1 June 2006 on improving EU-US relations in the framework of a Transatlantic Partnership Agreement ⁽²⁾ and on EU-US transatlantic economic relations ⁽³⁾,
 - having regard to its resolution of 26 September 2007 on the safety of products and particularly toys ⁽⁴⁾,
 - having regard to its resolutions on climate change, in particular those of 16 November 2005 ⁽⁵⁾, 26 October 2006 ⁽⁶⁾ and 14 February 2007 ⁽⁷⁾,
 - having regard to the outcome of the EU-US Summit held on 30 April 2007 in Washington DC, and in particular to its Framework for Advancing Transatlantic Economic Integration between the European Union and the United States of America,
 - having regard to the Joint Statement and progress report adopted at the first Transatlantic Economic Council (TEC) meeting on 9 November 2007,
 - having regard to Rule 103(4) of its Rules of Procedure,
- A. whereas Parliament and the United States (US) Congress have both continuously advocated completing the transatlantic market by 2015,
- B. whereas peace, democracy, human rights, the rule of law, international law, sustainable economies and sustainable development are shared common values which constitute the basis for the Transatlantic Partnership, which is a cornerstone of the EU's external policy and its global economic policy,

⁽¹⁾ OJ C 74 E, 20.3.2008, p. 670.

⁽²⁾ OJ C 298 E, 8.12.2006, p. 226.

⁽³⁾ OJ C 298 E, 8.12.2006, p. 235.

⁽⁴⁾ Texts Adopted, P6_TA(2007)0412.

⁽⁵⁾ OJ C 280 E, 18.11.2006, p. 120.

⁽⁶⁾ OJ C 313 E, 20.12.2006, p. 439.

⁽⁷⁾ OJ C 287 E, 29.11.2007, p. 344.

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- C. whereas, given their dominant economic role in the world, the transatlantic partners share responsibility for the state of global economic governance and for finding solutions to global economic challenges,
- D. whereas a strong and well-functioning partnership between the EU and the US is vital for shaping global development on the basis of common values, effective multilateralism and international law; whereas strong and consistent political leadership is required to enable the partners to reach this goal,
1. Underlines that a close transatlantic partnership is a vital instrument for shaping globalisation in the interests of common values and an equitable political and economic global order; reiterates its view that a functioning and competitive transatlantic market is the base on which to firmly anchor the transatlantic partnership so as to enable the EU and the US to jointly tackle global political and economic challenges;
 2. Strongly supports the process of strengthening transatlantic economic integration started at the 2007 summit with the adoption of the Framework for Advancing Transatlantic Economic Integration between the EU and the US and the establishment of the TEC, which is to oversee and accelerate the efforts outlined in the Framework;
 3. Welcomes the fact that the Commission, on the recommendation of Parliament, has decided to have a study carried out, the results of which are due in 2008, on which obstacles need to be dismantled to complete the transatlantic market; believes that this study should be widely circulated on both sides of the Atlantic; calls on the Commission to ensure that the outcome of studies on the realisation of the transatlantic market is discussed with the relevant parliamentary committees before any specific conclusions are drawn for future recommendations to the TEC;
 4. Believes that a roadmap should be drawn up by both administrations in time for the 2009 EU-US Summit showing how the long-term commitment to the transatlantic market can be achieved, establishing a specific time frame for sectors;
 5. Appreciates the progress achieved by the TEC so far in assuming political responsibility for identifying priorities and paving the way for agreements on removing barriers to trade and investment and on enhancing competition in the transatlantic market;
 6. Takes the view that the results achieved by the TEC since its establishment demonstrate that the transatlantic market cannot be built on administrative work only, but that in order to attain this goal, strong and continuous political guidance is needed; encourages the TEC to continue its efforts with resolve;
 7. Stresses the urgent need to sustain the momentum of the process throughout the electoral years of 2008 and 2009, ensuring that both partners continue to move rapidly towards the achievement of common objectives and that the executive on both sides remain committed to reaching the final goal;
 8. Underlines that achieving concrete progress in the fields in particular of accounting standards, securities trading, reinsurance, import safety, suppliers' declarations of conformity and imports of poultry which has undergone pathogen reduction treatment constitutes the priority for the meeting of the TEC due to be held in Brussels on 14 May 2008; considers it important, however, to point to several other relevant issues which need to be dealt with by the TEC in future;
 9. Calls on the Commission to inform it of the results of the abovementioned study;

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Financial Services

10. Supports the approach outlined in Regulation (EC) No 1569/2007 ⁽¹⁾ and the letter of 26 September 2007 from the Commission to the US Securities and Exchange Commission (SEC) on Proposed Rules on acceptance from foreign private issuers of financial statements prepared in accordance with international financial reporting standards without reconciliation to US GAAP, as well as its resolution of 14 November 2007 ⁽²⁾ on application of the international accounting standards, which emphasised in particular that '[a] decision by the Commission will imply, in all cases, the right for EU issuers to use in any third country, IFRS [International Financial Reporting Standards] as endorsed by the European Union';

11. Believes that mutual recognition of securities markets between the US and the EU would be an important step forward and would improve the efficiency of the transatlantic market by facilitating the access of the EU and the US to a broader and deeper market; underlines, however, that such a project must be a result of a bilateral agreement, that a framework agreement between the US and the EU which takes full account of EU legislation on supervision of financial markets should be concluded, and that the Commission should discourage the conclusion of bilateral agreements between the Member States and the US, as this could endanger the level playing field in the EU;

12. Stresses that safeguarding financial stability is of the utmost importance; recalls the role of the International Monetary Fund (IMF) in this respect; stresses the shortcomings highlighted by the current financial turmoil, in particular in relation to the ongoing crises in key financial markets, growing imbalances in currency alignments and trade relations, the ongoing or reappearing debt crisis in some of the poorest countries, and increasing wealth gaps between and within countries; believes that enhancing cooperation between supervisory authorities in the US and the EU is vital;

13. Welcomes the approach of the Financial Stability Forum (FSF) and of the IMF in establishing a common diagnosis of the financial turmoil, and looks forward to the implementation by both parties of the conclusions and policy recommendations from the FSF Working Group on Market and Institutional Resilience; is of the view however that such work should only be complementary to, and should not replace, reflections and appropriate policy responses in the EU and the US;

14. Calls on the US to keep the EU informed about the progress of the implementation of the Basel II framework; recalls the importance of a coordinated approach when developing or modifying global rules for internationally active financial market players; in this respect believes that implementation of Basel II in the US is vital for the preservation of a global level playing field;

15. Welcomes the work of the US Congress on introducing legislation to create a Federal Office of Insurance Information within the US Treasury; believes that, alongside the US Treasury 'Blue Print', this is an important step towards mutual recognition of regulatory approaches to financial services; recognises that much has still to be agreed and that reinsurance collateral is still a key issue to be resolved; believes that the achievement of the aims of Solvency II will be significantly enhanced by closer parliamentary cooperation;

EU-US trade and regulatory cooperation

16. Underlines that, in pursuing the goal of creating uniform standards for trade and investment, as discussed at the meeting of the TEC of November 2007 with regard to a roadmap for achieving mutual recognition by 2009 of EU-US trade partnership agreements, a high level of social, environmental and health standards must be guaranteed;

⁽¹⁾ Commission Regulation (EC) No 1569/2007 of 21 December 2007 establishing a mechanism for the determination of equivalence of accounting standards applied by third country issuers of securities pursuant to Directives 2003/71/EC and 2004/109/EC of the European Parliament and of the Council (OJ L 340, 22.12.2007, p. 66).

⁽²⁾ Texts Adopted, P6_TA(2007)0527.

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17. Reiterates that a variety of so-called non-tariff barriers to trade and investment is rooted in activities of legislative bodies aimed at achieving social, health-related, cultural or environmental objectives, and hence must not be removed without a legislative act; in this respect, points out the crucial role of Parliament and the US Congress in controlling the process of standard alignment and the removal of barriers to trade and investment;

18. Stresses that the safety of imported products should also be a priority within the TEC; takes the view that people will only have confidence in an open trading environment if their health and safety is protected; calls on the US Consumer Product Safety Commission to make use of its greater freedom to share case-specific information, but proposes that the TEC work on a binding cooperation instrument which would structure and facilitate the sharing of information on product safety and the development of a common programme of cooperative actions; calls on the Commission and the Council to strengthen cooperation between EU and US customs and market surveillance authorities, in order to ensure that controls at external borders are able to prevent dangerous products, in particular dangerous toys, from reaching consumers, but without unnecessary bureaucratic burdens; calls on the Member States and the US to ensure strict enforcement of product, and particularly toy, safety laws and to ensure stronger national inspections; underlines the need for close EU-US cooperation to ensure that China and other third countries raise their production standards to meet EU/US safety requirements, in particular in relation to toys, and to convince these countries that product safety must be integrated in the production and distribution process;

19. Calls for more information concerning the updated US Consumer Product Safety Act, and is concerned that this new instrument will impose unnecessary regulatory burdens on European companies by introducing mandatory safety requirements, including third-party testing; urges that discussions proceed on mutual recognition so as to avoid duplication;

20. Notes that secure trade is particularly important in an ever more closely integrated global economy, but believes that the proposal to inspect 100 % of shipping containers coming from overseas as a measure to avert terrorist threats is unnecessary and unrealistic; consequently calls upon Congress to withdraw this proposal, as it is convinced that the 'Container Security Initiative', which entails inspection of 'high-risk' sea containers, is a sufficient measure to guarantee the security of international maritime transport;

21. Calls on the Commission to negotiate within the framework of the TEC, where feasible, common global standards; believes that the enforcement of common automobile safety standards (United Nations Economic Commission for Europe (UNECE) Global Technical Regulation) would considerably reduce costs for the automobile industry, which is a major employer in both the EU and the US;

22. Calls on the Commission to pursue the formal adoption of procedures for the mutual recognition of declarations of conformity for products subject to mandatory third-party testing, in particular for Information and Communications Technology (ICT) and electrical equipment;

23. Continues to support the Commission in its efforts to arrive at a mutual agreement for the labelling of imported products with both imperial and metric measurements, and insists on the need for acceptance of units of measurement agreed under international standards, in particular acceptance by the US of products labelled only metrically; is of the opinion that this would increase economies of scale for European, US and third-country companies and would, in particular, be of benefit to small and medium-sized enterprises (SMEs);

24. Calls on the Commission and the Council to strengthen cooperation between the EU and the US on the Globally Harmonised System of Classification and Labelling of Chemicals (GHS), particularly in relation to the implementation of the international criteria agreed by the United Nations Economic and Social Council; considers that an important aim of the System is the facilitation of trade and the strengthening of consumer protection, and accordingly insists that the GHS be implemented at the same time and in a compatible way in the EU and the US;

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25. Points out that personal data have become an essential ingredient of many business activities, particularly electronic telecommunications; notes that the economic value of personal data and value-added operations based on them is growing rapidly; calls on the Commission to take the initiative, in close cooperation with Parliament, to elaborate transatlantic data protection principles together with the US Federal Trade Commission; furthermore, calls for the urgent elaboration of global data protection standards in the context of the TEC, so as to guarantee a high level of protection of personal data, and legal certainty for companies;

Agricultural issues

26. Calls for an urgent solution to the ongoing discussions on the ban on imports into the EU of US poultry which has undergone pathogen reduction treatment; acknowledges the need for proper scientific advice with respect to consumer protection and information; acknowledges also the considerable investments made by the European poultry sector, in accordance with European legislation, to reduce salmonella contamination through a whole chain approach; is of the opinion that any possible solution should not lead to distortion of competition;

27. Believes that the Community's decision to prohibit the import of hormone-treated beef was fully justified on the basis of scientific evidence, and calls on the US to lift its sanctions on European goods without further delay;

28. Emphasises the importance of the single authorisation procedure for all food and feed containing genetically modified organisms (GMOs) in accordance with the precautionary principle, as well as the importance of the labelling and traceability of GMOs, which enables consumers to make informed choices;

29. Calls for dialogue on the recent changes in agricultural markets, in particular concerning fluctuations in commodity prices, the mid-term review of the Common Agricultural Policy (EU Health Check), the US Farm Bill, anti-cyclical payments, the growing importance of rural development and the cross-compliance instrument;

Cooperation regarding energy, industry and science

30. Calls for strategic transatlantic cooperation regarding energy, industry and science policies to be increased; stresses the importance of the energy issue and supports the diversification of energy sources and supply routes so as to ensure secure energy supply and infrastructure and to promote market-based energy security policies; notes the increasing debate on both sides of the Atlantic concerning carbon trading systems;

31. Underlines the need for enhanced EU-US regulatory and scientific cooperation on biofuels and biomass, promoting alternative and sustainable fuel sources for the transportation sector on a joint basis; encourages the TEC to continue its work to identify common biofuel standards with Brazil which ensure maximum environmental sustainability and cater for global food security concerns;

The World Trade Organization (WTO) and the Doha Development Agenda

32. Calls on the Commission to ensure that the TEC is helpful in achieving a positive conclusion of the Doha Development Agenda; regards the dominance of the EU and US in world trade (currently 60 % of the total) as a potential asset for the global trading system and its common framework;

33. Calls on the Commission to evaluate whether a bilateral trade dispute settlement procedure could become a topic of interest for the TEC; notes, in this regard, that while trade disputes have involved only around 2 % of trade between the EU and US, some are highly disruptive and costly;

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34. Calls on the Commission to discuss within the TEC how greater coherence between bilateral trade agreements and the WTO multilateral rules can be found, so as to guarantee a more harmonious and simpler international trading system for all; urges the Commission to discuss how the EU and the US can converge more in signing bilateral agreements with third countries on measures imposing conditions on trade, such as trade and environmental provisions, trade and social standards and trade and labour laws;

35. Calls on the Commission to develop as a matter of urgency a comprehensive approach to European non-trade concerns in world trade talks, in particular on the issues of social and environmental clauses, recognition and protection of geographical indications, animal welfare and the state of health of imported animal and plant products, so as to prevent unfair competition against European producers;

36. Calls on the Commission to request that the TEC issue a progress report on intellectual property rights (IPR) enforcement cooperation activities, including an announcement of future steps to be taken to strengthen cooperation in combating counterfeiting and piracy; requests a clear roadmap for the facilitation of international mutual recognition of patent law;

37. Calls on the TEC to actively support the Doha declaration on the TRIPS Agreement facilitating access to life-saving medicines for those countries which have no production capacity for pharmaceutical products; calls on the Commission to raise the issue of including in bilateral agreements negotiated with developing countries clauses under which those countries renounce the use of the provision of the Doha declaration on the TRIPS Agreement which allows them to produce and import generic drugs that are needed to tackle major public health problems (AIDS, tuberculosis, etc);

38. Considers that, whatever the outcome of the Doha Development Agenda, the concept of the Transatlantic Market to deal with regulatory cooperation for the gradual removal of non-tariff barriers could be vital to ensure continued momentum for generating global trade integration;

39. Regards it as an important task for the European side in the TEC to convince the EU's transatlantic partners of the need for a far-reaching, ambitious and legally binding post-Kyoto regime on greenhouse gas emissions by 2012, and to design a grand transatlantic project for investment and technology exchange in the field of safe and non-polluting energy production;

Regional development

40. Stresses the positive impact that further progress in transatlantic economic integration is likely to have on sustainable regional development, and is of the opinion that such progress contributes to the EU's efforts to implement the Lisbon Strategy and to move towards social, economic and territorial cohesion; in this context, calls on the EU bodies responsible to ensure that this progress contributes to the harmonious and balanced development of all EU territories and to take account of the European principle of universal access to services of general interest;

41. Calls on both parties to investigate the possibility of entering into a structured regional policy dialogue, which would provide a good way of exploring new paths in regional policy, of exchanging good practices, inter alia in the areas of research and development, and of looking at ways to tackle common challenges, such as climate change and energy prices;

Future Transatlantic Legislators' Dialogue (TLD) agenda and structural improvement

42. Calls on the TLD to include in the agendas for its upcoming meetings discussion of the US cargo scanning law, ensuring greater mutual understanding between Parliament and the US Congress on this subject; also stresses the need to reflect within the TLD on a WTO post-Doha agenda, including WTO reform, and to discuss human rights and environmental and social rights clauses in bilateral trade agreements, drawing lessons inter alia from the most recent US bilateral agreement with Peru, which contains detailed and enforceable provisions on labour standards;

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43. Points to the crucial role of Parliament and the US Congress in supporting this momentum, and to the fact that any non-tariff barriers can only be removed by legislators; proposes to hold a well-prepared annual debate on the progress made on issues discussed within the TEC, as well as its structure;

44. Calls, therefore, upon the leadership of the EU and the US and the co-chairs of the TEC to take account of the crucial role of legislators for the long-term success of the process, and urges them to involve the representatives of the TLD fully and directly in the work of the TEC; acknowledges at the same time the importance of business and consumer stakeholders in providing reflection on, and expert input into, the work of the TEC; is however of the view that their consultative role is to be differentiated from the legislative role of the US Congress and Parliament;

45. Notes the establishment of a Group of Advisers, consisting of representatives of the TLD, Transatlantic Business Dialogue and Transatlantic Consumer Dialogue; commends the contribution of legislators and stakeholders to the success of the first TEC meeting in November 2007; hopes that the Transatlantic Labour Dialogue (TALD) and the Transatlantic Environment Dialogue (TAED) will play a greater role in the near future; calls for the chairs of the TALD and the TAED to be included in the Group of Advisers;

46. Reiterates its desire to strengthen dialogue between both parliaments, and calls for their early involvement in particular as regards any future rules developed by global self-regulatory bodies in order to address, at an early stage, political accountability issues;

47. Believes that these are now issues of a substantive nature and that national parliamentarians should be kept informed on a regular basis of developments in relation thereto; calls on its President to ensure that a mechanism is established to this end;

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48. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the secretariat of the Transatlantic Economic Council and the US Congress.

Human Rights in the World 2007 and the EU's policy on the matter

P6_TA(2008)0193

European Parliament resolution of 8 May 2008 on the Annual Report on Human Rights in the World 2007 and the European Union's policy on the matter (2007/2274(INI))

(2009/C 271 E/02)

The European Parliament,

- having regard to the ninth European Union Annual Report on Human Rights (2007) ⁽¹⁾,
- having regard to Articles 3, 6, 11, 13 and 19 of the Treaty on European Union and Articles 177 and 300 of the EC Treaty,
- having regard to the Universal Declaration of Human Rights and to all relevant international human rights instruments ⁽²⁾,
- having regard to the United Nations Charter,
- having regard to all United Nations human rights conventions and the optional protocols thereto,

⁽¹⁾ Council document 13288/1/07.

⁽²⁾ For all relevant basic texts, please consult the table in Annex III to report A6-0128/2007 of the Committee on Foreign Affairs.

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- having regard to regional human rights instruments, including in particular the African Charter on Human and Peoples' Rights, the Optional Protocol on the Rights of Women in Africa, the American Convention on Human Rights and the Arab Charter on Human Rights,
- having regard to the entry into force on 1 July 2002 of the Rome Statute of the International Criminal Court (ICC) and to its resolutions related to the ICC ⁽¹⁾,
- having regard to the Council of Europe Convention on Action against Trafficking in Human Beings and the 2005 European Union plan on best practices, standards and procedures for combating and preventing trafficking in human beings ⁽²⁾,
- having regard to Protocol No 13 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), concerning the abolition of the death penalty in all circumstances,
- having regard to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention against Torture),
- having regard to the United Nations Convention on the Rights of the Child,
- having regard to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women and the optional protocol thereto,
- having regard to the Charter of Fundamental Rights of the European Union ⁽³⁾,
- having regard to the ACP-EC Partnership Agreement and its revision ⁽⁴⁾,
- having regard to Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide ⁽⁵⁾ (the European Instrument for Democracy and Human Rights or EIDHR),
- having regard to its previous resolutions on human rights in the world,
- having regard to its resolutions on the fifth and seventh sessions of the United Nations Human Rights Council (UNHRC), adopted on 7 June 2007 ⁽⁶⁾ and 21 February 2008 ⁽⁷⁾ respectively, and on the outcome of the negotiations on the UNHRC,
- having regard to its resolution of 14 February 2006 on the human rights and democracy clause in European Union agreements ⁽⁸⁾,
- having regard to its resolutions of 1 February 2007 ⁽⁹⁾ and of 26 April 2007 ⁽¹⁰⁾ on the initiative for a universal moratorium on the death penalty and to United Nations General Assembly Resolution 62/149 of 18 December 2007 on a moratorium of the use of death penalty,

⁽¹⁾ OJ C 379, 7.12.1998, p. 265; OJ C 262, 18.9.2001, p. 262; OJ C 293E, 28.11.2002, p. 88; OJ C 271E, 12.11.2003, p. 576.

⁽²⁾ OJ C 311, 9.12.2005, p. 1.

⁽³⁾ OJ C 303, 14.12.2007, p. 1.

⁽⁴⁾ OJ L 317, 15.12.2000, p. 3; OJ L 209, 11.8.2005, p. 27.

⁽⁵⁾ OJ L 386, 29.12.2006, p. 1.

⁽⁶⁾ Texts Adopted, P6_TA(2007)0235.

⁽⁷⁾ Texts Adopted, P6_TA(2008)0065.

⁽⁸⁾ OJ C 290 E, 29.11.2006, p. 107.

⁽⁹⁾ OJ C 250 E, 25.10.2007, p. 91.

⁽¹⁰⁾ OJ C 74 E, 20.3.2008, p. 775.

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- having regard to its resolution of 20 September 2001 on female genital mutilation ⁽¹⁾, which affirms that any form of such mutilation, of whatever degree, is an act of violence against women and constitutes a violation of their fundamental rights,
 - having regard to its resolution of 6 September 2007 on the functioning of the human rights dialogues and consultations on human rights with third countries ⁽²⁾, including women's rights which are to be explicitly addressed in all human rights dialogues,
 - having regard to its resolution of 6 July 2006 on freedom of expression on the Internet ⁽³⁾,
 - having regard to all resolutions adopted by it on urgent cases of breaches of human rights, democracy and the rule of law,
 - having regard to the European Union NGO Human Rights Forum, held in Lisbon in December 2007,
 - having regard to the United Nations Convention on the Rights of Persons with Disabilities, which was signed by the European Community and the majority of its Member States on 30 March 2007 and which lays down an obligation to incorporate the interests and concerns of persons with disabilities in human rights actions towards third countries,
 - having regard to the Guidance Note on Disability and Development for European Union delegations and services, published in July 2004,
 - having regard to the United Nations Declaration on Human Rights Defenders and the activities of the Special Representative of the United Nations Secretary-General on the Situation of Human Rights Defenders,
 - having regard to the International Convention for the Protection of All Persons from Enforced Disappearance, adopted in December 2006,
 - having regard to the European Union Guidelines on promoting compliance with international humanitarian law (IHL) ⁽⁴⁾, on children and armed conflict and on human rights defenders, as well as on the death penalty, torture and other cruel, inhuman or degrading treatment, human rights dialogues with third countries and on promotion and protection of the rights of the child,
 - having regard to Rules 45 and 112(2) of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs and the opinions of the Committee on Development and the Committee on Civil Liberties, Justice and Home Affairs (A6-0153/2008),
- A. whereas the ninth European Union Annual Report on Human Rights (2007) produced by the Council and the Commission provides a general overview of the activities of the European Union institutions regarding human rights inside and outside the European Union,
- B. whereas this resolution sets out to examine, evaluate and, in specific cases, offer constructive criticism of the human rights activities of the Commission, the Council and Parliament,
- C. whereas the European Union's internal human rights record undoubtedly has a direct impact on its credibility and ability to implement an effective external policy,
- D. whereas human rights and their protection rely on — and should be promoted in parallel with — the rule of law, democratic governance, the principle of the separation of powers and political accountability, as well as political rights that can allow their beneficiaries to be their own advocates of human rights,

⁽¹⁾ OJ C 77 E, 28.3.2002, p. 126.

⁽²⁾ Texts Adopted, P6_TA(2007)0381.

⁽³⁾ OJ C 303 E, 13.12.2006, p. 879.

⁽⁴⁾ OJ C 327, 23.12.2005, p. 4.

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- E. whereas efforts must be made to focus greater attention on respect for basic human rights, in particular political rights, in the negotiation and implementation of bilateral or regional trade agreements, even those concluded with important trading partners,
- F. whereas justice, freedom, democracy and the rule of law, guaranteeing as they do fundamental freedoms and human rights, are the pillars of sustainable peace, and whereas sustainable peace cannot be achieved through deals to protect those responsible for systematic human rights abuses or violations of IHL,
- G. whereas policies promoting human rights remain under threat in various regions of the world, as the violation of human rights inevitably goes hand in hand with an effort by their violators to reduce the impact of any policy promoting them, particularly in countries where human rights violations are crucial in maintaining a non-democratic government in power,
- H. whereas 82 % of disabled people still live below the poverty line in developing countries and continue to be subjected to the most grave human rights abuses, including denial of the right to life and exposure to inhuman or degrading treatment, and whereas the situation of children with disabilities is of particular concern in this regard,
- I. whereas, according to the Constitution of the World Health Organization (WHO), 'the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition', and whereas the health of all peoples is fundamental to the attainment of peace and security,
 - 1. Deplores the fact that that the European Union is still far from conducting a coherent and hard-hitting policy to uphold and promote human rights around the world, and stresses the need to conduct such a policy more effectively; considers that substantial progress needs to be made in order to ensure strict compliance with existing EU human rights provisions;
 - 2. Believes that, in order to bring about a significant improvement in the promotion of human rights, steps should be taken to strengthen the EU's common foreign and security policy (CFSP), which is often hampered by the predominance of Member States' national interests, with the aim of ensuring that the promotion of human rights is regarded as a priority, and to ensure that the promotion of human rights as an objective of the CFSP, as outlined in Article 11 of the Treaty on European Union, is strictly implemented;
 - 3. Calls on the Council and the Commission to make greater efforts to improve the ability of the European Union to respond rapidly to breaches of human rights by third countries, not least by mainstreaming human rights policy into all external European Union policies vis-à-vis such countries and systematically addressing human rights issues within the framework of the political dialogue at all levels;

General principles and proposals on human rights, democracy, peace and non-violence

- 4. Reaffirms that human rights — as defined in the main international instruments and conventions, including the Charter of Fundamental Rights of the European Union — are universal and indivisible, practical and effective respect for which is an essential means of guaranteeing the implementation and enforcement of international law and order, and the promotion of peace, freedom, justice and democracy;
- 5. Considers that the effective 'justiciability' of human rights throughout the world in local and national courts or, where this is not possible, supranational courts, should be established as an explicit and key objective of EU policies, starting with the CFSP;
- 6. Considers that one of the main political goals of the European Union should be to support judicial institutions at all levels, as part of efforts to ensure effective compliance with human rights, and in particular to provide support for international courts;

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7. Calls on the Council and the Commission, therefore, to take priority action — along the same lines as for the establishment of the ICC — to support the activities of all courts involved in protecting human rights; considers, in particular, that the excessive workload of the European Court of Human Rights must be tackled by the allocation of additional financial resources, that maximum support should be given to the work of the Inter-American Court of Human Rights and the African Court on Human and Peoples' Rights, and that steps should be taken to help facilitate the establishment of a Court of Human Rights between states in Asia and the Pacific;

8. Considers that the right to democracy — understood as the right of every citizen to take part in the exercise of the sovereignty of the people within the framework of institutions subject to the rule of law — is an historically acquired universal human right explicitly recognised by the ECHR, the International Covenant on Civil and Political Rights, the 1993 Vienna Declaration of the World Conference on Human Rights and the United Nations Millennium Declaration; considers that this right to democracy carries with it the duty for international community institutions, the European Union and all the Member States to work towards removing obstacles in the way of their full enjoyment throughout the world; considers that, in order to achieve this, a new additional step should be taken, namely the setting-up of a genuine network of democracies around the world by transforming and strengthening existing organisations;

9. Considers that nonviolence is the most appropriate means of ensuring that fundamental human rights are enjoyed, upheld, promoted and respected to the full; believes that its promotion should constitute a priority objective in EU human rights and democracy policy and intends to contribute to keeping up to date with and studying modern non-violent theory and practice, partly through a comparative analysis of the best practice used in the past; proposes, with a view to giving this idea a central political role, that a European Conference on Non-Violence be convened in 2009 and that 2010 be designated 'European Year of Non-Violence'; calls on the Member States to endeavour, under the auspices of the United Nations, to ensure that the 'Decade of Non-Violence 2010-2020' is proclaimed;

The European Union Annual Report on Human Rights 2007

10. Underlines the importance of the European Union Annual Report on Human Rights in analysing and evaluating the European Union's human rights policy, and recognises that the Report has given an overview of the rising volume of European Union human rights-related activities;

11. Considers that more and better information should be provided for the assessment of previous policies and that elements and guidelines should be proposed to modify the general approach as well as to adjust the policy priorities on a country-by-country basis, with a view to the adoption of a Country Strategy on human rights or, at least, a human rights chapter in the Country Strategy Papers; reiterates its call for a regular periodic assessment of the use and the results of European Union policies, instruments and initiatives on human rights in third countries; calls on the Council and the Commission to develop specific quantifiable indices and benchmarks in order to measure the effectiveness of those policies;

12. Welcomes the public presentation of the 2007 Report by the Council and the Commission at Parliament's December 2007 plenary session, in parallel with the award of its annual Sakharov Prize for Freedom of Thought to Salih Mahmoud Mohamed Osman from Sudan; has now established a regular practice and made the December plenary session an annual focal point for the EU's activities on human rights;

13. Calls once again on the Council and the Commission to identify the 'countries of particular concern' where it is particularly difficult to promote human rights and, to that end, to develop criteria by which to measure countries by reference to their human rights score, thereby enabling specific policy priorities to be established;

Council and Commission activities in the area of human rights in international fora

14. Considers that a quantitative and qualitative improvement of the Council's human rights secretariat would enable the European Union to raise its profile and consolidate its role in promoting and ensuring respect for human rights in its external policy; expects the appointment of a High Representative for Foreign Affairs and Security Policy, who will also be a Vice-President of the Commission, to enhance considerably the coherence and effectiveness of the EU in this area;

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15. Considers that the progress made in setting up the Fundamental Rights Agency represents a first step in responding to Parliament's call for the establishment of an integrated framework of rules and institutions designed to confer binding force on the Charter of Fundamental Rights and to ensure compliance with the system provided for in the ECHR, as well as to draw up a comprehensive EU policy on minority rights; underlines the importance of the fact that the mandate of the Agency also covers those countries which have concluded a Stabilisation and Association Agreement with the EU;

16. Considers it essential that European Union special representatives should in future have a mandate which specifically mentions promoting and ensuring respect for human rights;

17. Considers that the European Union's capacity to prevent, respond to, manage and resolve crises has proven to be insufficient, and requests the Council, following its previous recommendations on the establishment of a European Civil Peace Corps, to gradually transform the civilian aspects of the European Security and Defence Policy into a 'Civil Peace Service' for the management of short-term civilian crises and longer-term peace-building; is of the opinion that, within this framework, the European Union should strengthen civil society networks on the ground — at sub-national, national and regional levels — so as to foster confidence-building, capacity-building, monitoring and awareness-raising, thereby supporting the institutionalisation of civil society participation in regional and sub-regional peace and security structures;

18. Reiterates its request to the Commission to encourage European Union Member States, and third countries with which there are ongoing negotiations for future accession, to sign up to, and ratify, all core United Nations and Council of Europe human rights conventions and the optional protocols thereto; draws the attention of European Union Member States to, in particular, the need to ratify the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, which none of the Member States has ratified to date ⁽¹⁾;

19. Calls for prompt ratification of the United Nations Convention on the Rights of Persons with Disabilities by the European Community and its Member States; insists that the Optional Protocol to the Convention should be regarded as an integral part thereof, and calls for simultaneous accession to the Convention and the Protocol;

20. Emphasises the need to strengthen further the active involvement of the European Union and its Member States with respect to human rights and democracy issues as regards their participation in a variety of international fora in 2008, including in the work of the UNHRC, the United Nations General Assembly, the Ministerial Council of the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe;

21. Calls for improved cooperation and coordination between the Council of Europe and the European Union; welcomes the fact that a Memorandum of Understanding between the Council of Europe and the European Union was signed on 11 May 2007 and calls on both parties to put it into practice; in particular, refers to the following recommendations contained in the Juncker Report of 11 April 2006 entitled 'Council of Europe-European Union: a sole ambition for the European continent':

- the recommendation that a mechanism be explicitly created for the European Union to refer issues to the Commissioner for Human Rights, complementing the action of the European Union's existing bodies, whether in the context of enlargement, the European Neighbourhood Policy (ENP) or the Stabilisation and Association Process;
- the recommendation that machinery be devised to promote and strengthen democracy and make full use of the Council of Europe Venice Commission's expertise;
- the recommendation that a system be created for referring issues to the expertise of the Council of Europe, with a view to ensuring coherence and complementarity between the work of the European Union and of the Council of Europe;

⁽¹⁾ As of June 2007.

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22. Calls for enhanced cooperation between the Council of Europe and the European Union in the field of promoting minority rights and protecting regional and minority languages; calls for the use of the legally binding conventions of the Council of Europe, such as the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, and their well-functioning monitoring mechanism; urges consideration of the Convention's Advisory Committee's opinion on the measures taken by the reporting States and consideration of the reports of the Charter's Committee of Experts on the fulfilment of the States Parties' undertakings in the work of the EU institutions, and in particular during the accession process in respect of candidate countries;

23. Notes that the UNHRC has the potential to develop into a valuable framework for the European Union's multilateral human rights efforts; notes, with concern, the fact that during the last year of activities that new body has not proved its credibility but stresses once again the crucial role of the UNHRC within the overall UN architecture; trusts that the implementation of the Universal Periodic Review mechanism will achieve the first concrete results and improvements; calls on the Council and the Commission closely to monitor this process so as to ensure that it implements United Nations General Assembly Resolution 60/251 of 15 March 2006 on the UNHRC, which is the starting point for the universal periodic review, based on objective and reliable information, of the fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States; calls on the Council to consult Parliament on this matter;

24. Welcomes the fact that the complaint procedure based on the previous '1503 procedure' will continue to allow individuals and organisations to bring complaints about gross and reliably attested violations of human rights to the attention of the UNHRC, and calls on the Council and the Commission to ensure that non-governmental organisations (NGOs) continue to be heard in the UNHRC, so that they may avail themselves of the prerogatives granted by their consultative status to submit written communications and make oral declarations;

25. Reaffirms the importance of the special procedures and country mandates within the UNHRC; insists that the process for the renewal of mandates must be transparent and that efforts must be made to appoint independent and experienced candidates who are properly representative, both geographically and in terms of gender; notes that the mandate of the expert panel on Darfur has had to be merged with that of the Special Rapporteur on Sudan; also notes the European Union's decision to support a resolution calling for the non-renewal of the mandate of the human rights experts on Darfur and the UNHRC's decision not to renew the mandates in respect of Belarus and Cuba;

26. Calls on the Council, the Commission and the Member States to continue to press for the establishment of membership criteria for election to the UNHRC, including the issuing of permanent invitations to Special Procedures; also calls for monitoring of the actual implementation of the election pledges of the governments of the UN Member States; calls for this rule to be applied in determining whether the EU should support candidate countries;

27. In this regard, calls on the European Union to formally engage with democratic governments from other regional groups in order to start formal cooperation and consultation within the UNHRC with a view to guaranteeing the success of initiatives aimed at the respect of the principles contained in the Universal Declaration of Human Rights; considers that it is only through concerted action by a cross-regional alliance of democratic states that the European Union's multilateral human rights efforts can be effective in United Nations fora, as has been shown by the recent successful adoption, on 18 December 2007, of the abovementioned General Assembly Resolution 62/149 on a moratorium on the use of the death penalty;

28. Welcomes the fact that the Commission used its position, as chair of the Kimberley Process throughout 2007, to strengthen the mechanisms designed to stem the flow of conflict diamonds; reiterates the importance of the Kimberley Process, given the connection between stopping the trade in conflict diamonds and the achievement of sustainable peace and security; also welcomes Turkey and Liberia as new participants in 2007 and the readmission of the Republic of the Congo to the Kimberley Process (bringing to 48 the total number of participants, including the European Community representing 27 Member States);

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29. Welcomes the fact that the third international conference aiming at the conclusion of an international treaty prohibiting the production, use, transfer or storage of cluster bombs in accordance with the principles of IHL was held in Vienna in December 2007 with the full support of the European Union ⁽¹⁾; calls on Romania and Cyprus, as the only two EU Member States that have not yet done so, to endorse the Oslo Declaration on Cluster Munitions of 23 February 2007; fully supports the Oslo process conferences held in Wellington from 18 to 22 February 2008 and fixed to take place in Dublin from 19 to 30 May 2008; expects that all European Union Member States will be able to sign the treaty at the ceremony planned to be held in Oslo in late 2008;

30. Calls on the Council and the Commission to continue their vigorous efforts to promote universal ratification of the Rome Statute and the adoption of the requisite national implementing legislation, in conformity with Council Common Position 2003/444/CFSP of 16 June 2003 on the International Criminal Court ⁽²⁾ and the Action Plan; points out that not all Council presidencies pursue this common goal with the same vigour; asks all presidencies to mention the status of the ICC cooperation in all summits with third countries; requests that such efforts be extended to include ratification and implementation of the Agreement on the Privileges and Immunities of the ICC, which is an important operational tool for the ICC; notes the entry into force on 8 December 2007 of the agreement with the United Kingdom on the enforcement of sentences (and the entry into force of a similar agreement concluded with Austria in 2005), and urges all Member States to consider concluding similar agreements with the ICC; acknowledges the Cooperation and Assistance Agreement between the European Union and the ICC as an important tool to supplement the obligations incumbent on individual Member States;

31. Welcomes the fact that Japan ratified the Rome Statute in July 2007, thereby bringing the total number of States Parties to 105 in December 2007; urges the Czech Republic, as the only remaining European Union Member State not to have ratified the Rome Statute, to do so without delay; calls once again on all countries that have not yet ratified the Rome Statute to do so without delay ⁽³⁾; calls on Romania to rescind its Bilateral Immunity Agreement with the United States;

32. Urges all Member States to collaborate fully in international criminal justice mechanisms, and especially in bringing fugitives to justice; in this regard, notes with satisfaction the cooperation of the Democratic Republic of the Congo in the transfer of Germain Katanga to the ICC, the cooperation of Serbia in the arrest and transfer of Zdravko Tolimir to the International Criminal Tribunal for the former Yugoslavia (ICTY) and the cooperation of Serbia and Montenegro in the arrest and transfer of Vlastimir Đjordžević to the ICTY; however, notes with concern the persistent failure of Sudan to cooperate with the ICC by arresting and transferring Ahmad Muhammad Harun and Ali Muhammad Ali Abd-Al-Rahman; notes with concern that the ICC warrants for the arrest of four members of the Lord's Resistance Army in Uganda have not yet been executed; also notes with concern that Radovan Karadžić and Ratko Mladić remain at large and have not been brought before the ICTY; in this regard, calls on the Serbian authorities to ensure full cooperation with the ICTY, which should lead to the arrest and transfer of all remaining indictees, in order to open the way to the ratification of a Stabilisation and Association Agreement; considers further that the current proceedings brought against Liberia's former President, Charles Taylor, by the Special Court for Sierra Leone in The Hague constitute a significant development towards the ending of impunity;

⁽¹⁾ Over 140 civil society representatives and 138 states participated (of which 94 have endorsed the Oslo Declaration or the Oslo process).

⁽²⁾ OJ L 150, 18.6.2003, p. 67.

⁽³⁾ As of 13 March 2008, 87 states had not yet ratified the Rome Statute: Algeria, Angola, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Bhutan, Brunei, Cameroon, Cape Verde, Chile, China, Côte d'Ivoire, Cuba, Czech Republic, Democratic People's Republic of Korea, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Grenada, Guatemala, Guinea-Bissau, Haiti, India, Indonesia, Iran, Iraq, Israel, Jamaica, Kazakhstan, Kiribati, Kuwait, Kyrgyzstan, Laos, Lebanon, Libya, Madagascar, Malaysia, Maldives, Mauritania, Federated States of Micronesia, Moldova, Monaco, Morocco, Mozambique, Myanmar/Burma, Nepal, Nicaragua, Oman, Pakistan, Palau, Papua New Guinea, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Sao Tome and Principe, Saudi Arabia, Seychelles, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Thailand, Togo, Tonga, Tunisia, Turkey, Turkmenistan, Tuvalu, Ukraine, United Arab Emirates, United States of America, Uzbekistan, Vanuatu, Vietnam, Yemen, Zimbabwe.

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33. Underscores the need to strengthen the international criminal justice system and in this respect recognises the establishment of the Justice Rapid Response mechanism in November 2007 as a new international cooperative mechanism for the provision of expertise and assistance where the identification, collection and preservation of information would assist in a wide range of international and transitional justice options; urges the ICC to intensify its outreach efforts with a view to engaging communities in situations under investigation in a process of constructive interaction with the ICC, designed to promote understanding and support for its mandate, to manage expectations and to enable those communities to follow and understand the international criminal justice process; highlights the role that can be played by non-judicial mechanisms in addressing violations of human rights and international criminal law, provided that such efforts respect due process and are not a sham;

34. Welcomes the adoption by the United Nations General Assembly of the declaration on the rights of indigenous peoples and congratulates the Council and Member States for backing the adoption of that text, which will create a framework in which States can protect and promote the rights of indigenous people without exclusion or discrimination; at the same time, notes with concern that, without new instruments to guarantee the implementation of the declaration in question, real improvements in the life of indigenous peoples, especially those living under authoritarian and dictatorial regimes, cannot be expected; urges the Commission, therefore, to follow up on the implementation of the declaration, in particular through the European Instrument for Democracy and Human Rights (EIDHR), while in particular enjoining all the Member States to ratify as a matter of urgency International Labour Organization (ILO) Convention 169 on Indigenous and Tribal Peoples, which backs up the principles set out in the declaration in question with a legally binding instrument;

35. Calls once again on the Commission to develop a European framework strategy on Roma, given the special social situation of Roma communities in the European Union, in the candidate countries and in the countries involved in the Stabilisation and Association process in respect of the Western Balkans;

36. Urges the EU to play a key role at the Durban Review Conference in promoting a balanced text that will combat racism rather than seeking to delegitimise democratic States and to promote hatred, as was the case in Durban in 2001;

37. Notes with regret that, despite the fact that the Commission has recommended ratification of ILO Convention 169 on several occasions, at the present time, almost twenty years after its entry into force, only three Member States — Denmark, the Netherlands and Spain — have ratified it; encourages, therefore, initiatives to increase awareness of this important legislative instrument and enhance its effectiveness worldwide by ensuring that it is ratified by all the Member States;

Performance as regards the European Union human rights guidelines

38. Calls once again on the Commission and Member States' embassies and consulates to ensure that all their staff are fully aware of the human rights guidelines; considers that the creation of the new European External Action Service should be used proactively to harmonise the approaches of the missions of Member States and the Commission abroad in the area of human rights, by sharing structures and staff so as to create genuine 'European Union embassies';

39. Takes note of the German and Portuguese Presidencies' drive to finalise European Union human rights guidelines on the rights of the child; is looking forward to receiving within the next year drafts of the specific implementing measures that will concentrate on implementing the holistic and comprehensive approach which the core guidelines develop;

40. Calls on the Presidency to find ways to improve coordination and cooperation between the Council's working parties in relation to making demarches in areas of common concern, for example between the Working Party on Human Rights (COHOM) and the Working Party on Public International Law (COJUR), which deals with the ICC, as regards international criminal justice and children and armed conflict;

41. Urges the Council to update the guidelines in order to fully recognise the importance of enjoyment of the highest attainable standard of health as a fundamental right, with particular regard to pain management;

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The death penalty

42. Welcomes the abovementioned Resolution 62/149 adopted by the United Nations General Assembly on 18 December 2007, calling for a global moratorium on the use of the death penalty, and recognises the positive cross-regional nature of the initiative;

43. Urges the Council to update the guidelines on the death penalty, in order to support all activities aimed at full implementation of the General Assembly resolution, which *inter alia* calls upon all States that still maintain the death penalty to respect international standards that provide safeguards guaranteeing the protection of the rights of those facing the death penalty, in particular the minimum standards set out in the annex to Economic and Social Council Resolution 1984/50 of 25 May 1984; points out that the resolution provides the Secretary-General with information relating to the use of capital punishment and observance of the safeguards guaranteeing protection of the rights of those facing the death penalty and seeks to progressively restrict the use of the death penalty and reduce the number of offences for which it may be imposed; further points out that the resolution ends by calling on all United Nations Member States to establish a moratorium on executions with a view to abolishing the death penalty;

44. Calls on the Presidency to encourage Italy, Latvia, Poland and Spain, which have not yet ratified Protocol No 13 to the ECHR concerning the abolition of the death penalty in all circumstances, to do so ⁽¹⁾; recognises, in that regard, that the guidelines on the death penalty could be implemented more coherently if Member States were to sign up to and ratify such protocols and conventions;

45. Welcomes the decision by the Justice and Home Affairs Council on 7 December 2007 to subscribe to the joint Council of Europe/European Union Declaration establishing a European Day against the Death Penalty, which will be celebrated on 10 October each year; welcomes the proceedings of the European Conference in Lisbon on 9 October 2007, calling once again for the eradication of the capital punishment in Europe and promoting the universal abolition of the death penalty;

46. Welcomes the abolition of the death penalty in Albania on 25 March 2007 (for all crimes); in Kyrgyzstan on 27 June 2007; in Rwanda on 26 July 2007; in the State of New Jersey (in the United States) on 13 December 2007; and in Uzbekistan on 1 January 2008; expresses its disquiet at the possibility that the death penalty might again start to be enforced in Guatemala; urges the Guatemalan Government, on the contrary, to genuinely commit itself to the universal moratorium on the death penalty; welcomes the decision by China to have all death penalty cases reviewed by the Supreme Court, but remains concerned that China still carries out the greatest number of executions worldwide; condemns the practising of the death penalty in Belarus, which runs counter to European values; condemns the Iranian regime's increasing use of capital punishment; is very concerned that the Iranian regime still sentences to death defendants under the age of 18;

Torture and other cruel, inhumane or degrading treatment

47. Notes that Greece, Hungary, Latvia, Lithuania and Slovakia have so far neither signed nor ratified the Optional Protocol to the Convention Against Torture (OPCAT); notes that Austria, Belgium, Cyprus, Finland, France, Germany, Italy, Luxembourg, the Netherlands, Portugal and Romania have so far signed but not ratified it; urges all European Union Member States which have not hitherto signed and/or ratified OPCAT to do so without delay;

48. Is concerned about the true commitment to human rights of European Union Member States that refuse to sign the abovementioned International Convention for the Protection of All Persons from Enforced Disappearance; asks all European Union Member States that have not done so to sign and ratify it promptly ⁽²⁾;

⁽¹⁾ As of 10 January 2008, Italy, Latvia, Poland and Spain had signed but not ratified Protocol No 13.

⁽²⁾ Signatories (as of December 2007): Austria, Belgium, Cyprus, Denmark, Finland, France, Germany, Ireland, Italy, Lithuania, Luxembourg, Malta, Portugal, Slovakia, Slovenia, Spain, Sweden. (Only two countries — Albania and Argentina — have ratified the Convention, which requires 20 ratifications for entry into force.).

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49. Refers the Council and the Commission to the recent study entitled 'The Implementation of the European Union Guidelines on torture and other cruel, inhuman or degrading treatment or punishment', presented to Parliament's Subcommittee on Human Rights on 28 June 2007 and to COHOM in December 2007; calls on both to follow its recommendations, e.g. the recommendation that a clear global vision be developed with a national focus examining the local political, social, cultural, and legal context; calls on the Council and the Commission — after analysis — to send instructions to their delegations and to Member States' missions with a view to helping them to implement the guidelines;

50. Calls on the Council and the Commission to enhance the cooperation with the Council of Europe for the purposes of creating a Europe-wide zone free from torture and other forms of ill-treatment, as a clear signal that European countries are firmly committed to eradicating these practices also within their borders;

51. Looks forward to the assessment of the implementation of the European Union Guidelines on Torture and other Cruel, Inhuman and Degrading Treatment or Punishment, which is being prepared for presentation to COHOM; in the context of the revision of those Guidelines, expects COHOM to discuss specific criteria for action concerning individual cases with a view to improving the implementation of the Guidelines; recommends the adoption of measures to ensure respect for the absolute prohibition of torture and other inhuman and degrading punishment and to resist any attempt to establish a European Union position legitimising the use of diplomatic assurances to facilitate the transfer of persons to a country where they may be at risk of torture or other inhuman or degrading punishment;

52. Calls for an update of the European Union Guidelines on Torture and other Cruel, Inhuman and Degrading Treatment or Punishment in the light of Article 15 of the United Nations Convention on the Rights of Persons with Disabilities, which concerns freedom from torture or cruel, inhuman or degrading treatment or punishment;

53. Requests the regular presence of the Presidency or the Council Secretariat in the relevant United Nations Committees as well as further cooperation with the Council of Europe and its Committee for the Prevention of Torture in order to achieve substantial and useful material input into decision-making concerning demarches towards certain countries;

54. Urges the Council and the Commission to continue the practice of demarches in respect of all of the European Union's international partners as regards the ratification and implementation of international conventions banning the use of torture and ill-treatment, as well as the provision of rehabilitation assistance to torture survivors; calls on the European Union to regard the fight against torture and ill-treatment as a top priority of its human rights policy, in particular through enhanced implementation of the European Union guidelines and all other European Union instruments such as the EIDHR and by ensuring that Member States refrain from accepting diplomatic assurances from third countries where there is a real risk of people being subjected to torture or ill-treatment;

Children and armed conflict

55. Welcomes the report of the Special Representative of the United Nations Secretary-General for Children and Armed Conflict, published on 13 August 2007, concluding that Member States of the United Nations should apply concrete and targeted measures against recalcitrant violators;

56. Welcomes the report and recommendations of the UN Secretary-General on children and armed conflict in Burma; condemns the grave violations of children's rights in that country and calls on COHOM to prioritise Burma in the implementation of its guidelines on children and armed conflict;

57. Welcomes the progress made in the application of international child protection standards as regards holding alleged perpetrators to account, such as the charges brought by the ICC against senior leaders of various fighting factions in the Democratic Republic of the Congo and the charges brought against four senior members of the Lord's Resistance Army in Uganda; regards as notable achievements the ruling by the Special Court for Sierra Leone that the recruitment or use of children aged under 15 in hostilities is a war crime under customary international law and its recent conviction of military commanders for recruiting children;

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58. Welcomes the increased attention paid to children's rights in a wide range of negotiations, agreements, peace-building and peace-keeping efforts, agendas and treaties; emphasises, however, that clauses on children in peace agreements should be specific and that their goals should be achievable;

59. Welcomes the increased attention paid to children's rights in mechanisms for accountability for crimes under international law (recognising in this regard the efforts made by the Liberian Truth and Reconciliation Commission to that end in 2007) as an important means by which to give effect to the right of children to participate in decisions that affect their lives; emphasises, however, that the best interests of the child must guide any such involvement, including through the implementation of age-appropriate policies and procedures and the promotion of the rehabilitation and reintegration of child victims;

60. Welcomes the progress made in policy formulation with regard to the Integrated Disarmament, Demobilisation and Reintegration Standards (2006), the Paris Principles and the Guidelines on Children Associated with Armed Forces or Armed Groups (2007); stresses, however, that effective implementation is now required;

61. Welcomes the fact that seven more nations (Argentina, Croatia, Guatemala, Laos, Mauritania, Morocco and Ukraine) have joined the international commitment to stop the recruitment of children in armed conflicts known as the Paris Commitments, and regrets that the United States has not signed because of its opposition to the clause concerning the ICC;

62. Welcomes the fact that 11 European Union Member States have signed the Geneva Declaration on Armed Violence and Development, thereby bringing the total number of States Parties to 42; urges the remaining 16 European Union Member States that have yet not signed the Geneva Declaration to do so without delay;

63. Calls on those Member States that have not done so to sign and ratify without delay the optional protocols to the Convention on the Rights of the Child ⁽¹⁾;

64. Recalls the absence of a final settlement of unresolved conflicts in the ENP countries; stresses that such situations create a context in which the rule of law and human rights violations in their areas are neglected, as well as representing a major impediment to ensuring and respecting all the rights of the child; calls for the specific situation of children and their families in the areas of unresolved conflicts in ENP countries to be addressed as a matter of priority in the context of the action taken by the EU in this field;

65. Notes that the Portuguese Presidency followed the German initiatives under the guidelines and instructed all EU diplomatic missions in priority countries to regard the country-specific strategies adopted by COHOM on 15 June 2007 as standing instructions to be incorporated in the work of the Heads of Mission in the area of children in armed conflicts; welcomes the fact that the Presidency-in-office has also forwarded to local Presidencies the reports received by relevant NGOs regarding specific countries; welcomes the Slovenian Presidency's initiative in commissioning a study on the impact of EU measures on children affected by armed conflict; stresses in this connection the limited impact the guidelines have on children and armed conflicts, owing in particular to the fact that the majority of the Commission delegations and Member State embassies were not informed that their host country was considered a priority country for the application of these guidelines;

66. Calls on the Council and the Commission to include in their humanitarian and trade policies efforts to combat forced child labour;

⁽¹⁾ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (as of November 2007): not ratified by the Czech Republic, Finland, Germany, Greece, Hungary, Ireland, Luxembourg, Malta, the United Kingdom. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (as of October 2007): not ratified by Estonia, Greece, Hungary, the Netherlands; neither ratified nor signed by Cyprus.

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Human rights defenders

67. Calls on the Council and the Commission to engage in a more transparent and systematic implementation of the European Union Guidelines on Human Rights Defenders, given that this is an important and innovative instrument designed to support human rights defenders and protect those who are at risk;

68. Expects that the identification of the Guidelines on Human Rights Defenders as a priority element of the European Union's human rights foreign policy will be matched by the effective implementation of those Guidelines in local strategies concerning 120 countries; points out that the lack of European Union demarches on behalf of human rights defenders in certain countries, such as in China, Tunisia, Ethiopia, Iran and Russia, appears to reflect a lack of consensus among EU Member States, with individual Member States prioritising different foreign policy interests and thus making collective action impossible;

69. Considers that a consistent approach should also focus on strengthening capacity-building among human rights activists, including those committed to defending economic, social and cultural rights, and fostering consultation and interaction mechanisms between them and their governments on issues of democratic reform and human rights promotion, in particular when processes of democratisation are at stake;

70. Calls on the Council and the Commission to actively encourage human rights defenders to disseminate information on non-violent theory and practice and seek to promote knowledge of and exchanges between them on best practice, based on first-hand experience in the field;

71. Asks the Council and the Member States to consider urgently the matter of emergency visas for human rights defenders by including a clear reference to the specific situation of human rights defenders in the new Common Code on Visas and thus creating a specific and accelerated visa procedure which could draw on the experience of the Irish and Spanish governments in this matter; considers that the confidentiality of European Union demarches in favour of human rights defenders is sometimes useful but asks that, despite this confidentiality, European Union local staff should always inform NGOs on the ground about such demarches in a confidential manner;

72. Notes that, despite significant economic reforms, systematic violations of political and human rights still persist in China, taking such forms as political imprisonment, attacks on, and intimidation of, lawyers, human rights defenders and journalists including the weiquan movement, the lack of an independent judiciary, forced labour, the suppression of freedom of expression and religion and of the rights of religious and ethnic minorities, arbitrary detentions, the Laogai camp system and alleged organ harvesting; remains equally concerned about the blacklisting of journalists and human rights activists, the Dalai Lama and his associates and Falun Gong practitioners;

73. Regrets the fact that only five human rights organisations remain registered in Belarus and that the authorities continually seek to intimidate and control those groups whilst repeatedly refusing applications by other human rights groups to register legally; welcomes the decision of the UN General Assembly in May 2007 to reject Belarus' bid for a seat on the UNHRC, pointing to its poor human rights record; once again urges the Belarus authorities to stop using intimidation, harassment, targeted arrests and politically motivated prosecutions against human rights defenders and civil society activists in Belarus;

74. Is greatly concerned that in 2007 the Iranian authorities intensified their harassment of independent human rights defenders and lawyers in an attempt to prevent them from publicising and pursuing human rights violations; regrets the closure by the Iranian government of NGOs that encourage civil society participation and raise awareness of human rights violations, including those providing legal and social aid to women victims of violence;

75. Emphasises once again the importance of making the handbook for the implementation of the Guidelines available to human rights defenders on the ground; encourages COHOM to disseminate translations of the European Union Guidelines for Human Rights Defenders in European Union languages that are the lingua franca in third countries and in key non-European Union languages amongst regional desks and embassies/delegations; welcomes the fact that, so far, translations are available in languages such as Russian, Arabic, Chinese and Farsi but stresses that more translations need to be produced locally; urges European Union Member States to simplify the issue of visas to human rights defenders who are invited to attend events organised within the European Union or who are fleeing worsening security conditions;

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Guidelines on human rights dialogues and recognised consultations with third countries

76. Calls on the Council and the Commission to initiate a comprehensive evaluation of the guidelines on human rights dialogues and to develop clear indicators for the impact of each dialogue and criteria for the initiation, cessation and resumption of dialogues;

77. Reiterates its call for human rights dialogues to be extended to include the situation both in third countries and in the European Union, so as to enhance the credibility of the dialogue in question;

78. Reiterates its call for human rights issues to be reviewed at the highest political level in order to give greater political weight to human rights concerns and for Member States or third countries to be prevented from isolating human rights issues from the political dialogue; considers that this dialogue should therefore never be used to confine the subject to experts' meetings and thereby relegate it to a secondary position in relation to other political issues; consequently, calls on the Council and the Commission to take the following measures:

- to publicise the objectives set for each dialogue and monitor their implementation;
- to require an evaluation to be carried out on each dialogue, preferably every year and at least every two years;
- to ensure that each meeting within the dialogue entails, in addition to a strand of technical discussions for officials, a political strand directly involving those with responsibilities at ministerial level;

79. Emphasises once again in this context the proposals set out in Parliament's abovementioned resolution of 6 September 2007 on the functioning of the human rights dialogues and consultations on human rights with third countries; stresses in this connection that a dialogue between the Council, the Commission and Parliament's Subcommittee on Human Rights was launched in January 2008 with a view to implementing the recommendations of that resolution as regards Parliament's involvement in dialogues in general; recalls, in that connection, the Council's obligation to consult Parliament and to duly take its views into consideration pursuant to Article 21 of the Treaty on European Union;

80. Emphasises the need for a radical intensification of the European Union-China human rights dialogue, and is concerned that China provided replies only to two thirds of the points raised by the EU in individual cases of concern as part of this dialogue; expresses its disquiet at the serious human rights violations in China and stresses that, despite promises made by the regime with a view to the forthcoming Olympic Games in accordance with the Olympic Charter, the situation on the ground regarding human rights has not improved; in accordance with the Olympic Charter, welcomes the fact that China is working to implement the recommendations of the Special Rapporteur on Torture and has recently directed courts not to rely on confessions; notes that, despite repeated assurances by the Chinese government of its intention to ratify the International Covenant on Civil and Political Rights, ratification is still pending; regrets that no common European Union-China declaration on human rights was adopted at the European Union-China Summit held on 28 November 2007 in Beijing, despite the fact that the intention to issue such a declaration had been announced originally; calls on the Council to provide a more detailed briefing to Parliament following discussions, including a detailed list of demarches conducted in individual cases by the Council and Member States; notes that these concerns should be emphasised in the run-up to the Beijing Olympic Games, which constitute an important historic opportunity for the improvement of human rights in China; in this regard, remains concerned about Chinese legislation, including the State Secrets system, preventing the transparency necessary for the development of good governance and a system in which the rule of law prevails; is concerned about the limits placed on the freedom of the Chinese and international media, including the Internet, blogging and access to information for the Chinese and international press; remains equally concerned about the blacklisting of journalists and human rights activists, including the Dalai Lama, his associates and Falun Gong practitioners; calls in this regard for the immediate release of the prominent AIDS activist Hu Jia; emphasises the need to continue, even after the Olympic Games, carefully to monitor the human rights situation and the changes in the legislation concerning this issue; urges the European Union to ensure that its trading relationship with China is contingent on human rights reforms, and calls in this regard on the Council to make a comprehensive

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evaluation of the human rights situation before finalising any new Partnership and Cooperation Framework Agreement; calls on the Council and the Commission to raise the issues of the Inner Mongolia Autonomous Region, Eastern Turkestan and the Tibet Autonomous Region, to actively support a transparent dialogue between the Chinese Government and envoys of the Tibetan Government in Exile and to mainstream the issue of human rights implications of Chinese policies in Africa; remains alarmed by the systematic violation of the human rights of ethnic Uyghurs in the Xinjiang Uighur Autonomous Region;

81. Remains concerned that the human rights dialogue with Iran has been interrupted since 2004 due to the absence of any positive progress in improving the human rights situation and a lack of cooperation from Iran; calls on the Iranian authorities to resume this dialogue with a view to supporting all civil society stakeholders who are committed to democracy, and to strengthen — through peaceful and non-violent means — existing processes that can foster democratic, institutional and constitutional reforms, ensure the sustainability of those reforms and consolidate the involvement of all Iranian human rights defenders and civil society representatives in policy-making processes, reinforcing the role played by them in the general political discourse; is deeply concerned that respect for fundamental human rights in Iran, especially freedom of expression and assembly, continued to deteriorate in 2007; condemns the new morality campaign launched by the Iranian authorities since early April 2007, whereby thousands of men and women were arrested in moves to 'counter immoral behaviour'; condemns the Iranian regime's increasing use of capital punishment;

82. Regrets the lack of results from the European Union-Russia consultations on human rights and calls for Parliament to be involved in such a process; encourages the efforts made by the Council and the Commission to bring about a state of affairs whereby the consultations take place alternately in Russia and in the European Union, whereby Russian Ministries other than the Ministry of Foreign Affairs also participate in the consultations, and whereby the Russian delegation participates in the meetings of Russian and European Parliamentary bodies or NGOs organised in conjunction with the consultations; regrets that the European Union has not succeeded in bringing about policy change in Russia, particularly with regard to sensitive issues such as the situation in Chechnya and other Caucasian Republics, impunity and the independence of the judiciary, the treatment of human rights defenders and political prisoners including Mikhail Khodorkovsky, the independence of the media and freedom of expression, the treatment of ethnic and religious minorities, respect for the rule of law and human rights protection in the armed forces, discrimination based on sexual orientation as well as other issues; believes that the long-standing debate on Chechnya should be extended to cover the worrying situations in Ingushetia and Dagestan; calls on the Russian authorities to protect the national minorities in the Republic of Mari-El and to ensure respect for human and minority rights in accordance with the Constitution of Mari-El and European standards; deplores the continued persecution of journalists, human rights defenders, political prisoners and NGOs, for instance the recent harassment of Novaya Gazeta and of the Nizhny Novgorod Foundation to Promote Tolerance; is concerned that in 2007, following its entry into force in 2006, the new Russian legislation on NGOs has proved to be open to arbitrary and selective implementation and has been used to impede, restrict and punish legitimate NGO activities, thereby contributing to growing insecurity and vulnerability of NGOs; expresses further concern, in line with the Amnesty International Report of December 2007, as to the ongoing failure of the Office of the Prosecutor to respect the right of Mikhail Khodorkovsky and his associate Platon Lebedev to a fair trial in accordance with international standards, and distress at the refusal to provide life-saving medical treatment for Vasily Alexanyan, ex-Vice-President of Yukos, despite being repeatedly called upon by the European Court of Human Rights and the President of the Parliamentary Assembly of the Council of Europe to provide the same; urges Russia to take further measures to protect freedom of expression and the security of journalists and human rights defenders; considers, in this regard, that Russian cooperation with OSCE, Council of Europe and United Nations human rights mechanisms as well as the ratification of all relevant human rights conventions should be regarded as a priority by the European Union, most notably the ratification of Protocol No 14 to the ECHR, amending the control system of the Convention; deplores Russia's unwillingness to invite international election observers in suitable numbers and sufficiently in advance to allow them to properly supervise the elections in accordance with OSCE standards, thereby making it impossible for the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) to undertake its planned election observation mission in accordance with its mandate, and is therefore compelled to question the democratic credentials of the 2007 parliamentary and the 2008 presidential elections; urges the Council and the Commission to raise human rights issues, including individual cases, with Russian authorities at the highest level and in the new Partnership and Cooperation Agreement with Russia; urges the Commission to lay down clearer obligations and establish more efficient monitoring mechanisms, in addition to the human rights clause, in order to achieve a real improvement in the human rights situation;

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83. Urges the Council and the Commission to set up human rights subcommittees with all neighbourhood countries; reiterates its call for parliamentarians to be associated with the preparations for meetings of such subcommittees and to be informed of their outcome; is of the view that, while first rounds of meetings, as was the case with Tunisia, might focus on establishing the durability of the subcommittee and fostering trust and confidence among partners, such subcommittees, notably with Morocco now, should move towards a result-oriented phase, with the establishment of concrete benchmarks and indicators of progress, as well as the possibility of raising individual cases; stresses that discussions on human rights should certainly not be confined to these subcommittees, and highlights the need to include these issues in the political dialogue up to the highest level so as to increase the coherence of the EU's policy in this field and reduce discrepancies in statements on the human rights situation given by both sides to the press; welcomes the Council's statement of 16 October 2007 that discussions concerning a future EU-Libya framework agreement will specifically address, *inter alia*, cooperation and progress on human rights;

84. Recalls the deteriorating situation in Syria, where the regime's authorities refuse to accord official status to human rights groups and where human rights groups are harassed by the security services and their members are imprisoned for lack of legal status; condemns the arrests of dissenters and people from opposition parties, and urges the Council and the Commission to call on the Syrian government to free the journalists, human rights activists and independent lawyers thus detained and to lift the state of emergency;

85. Condemns the measures taken against the opposition by the Belarusian authorities; notes that these measures are increasingly taking the form of systematic attempts to humiliate and ill-treat members of the opposition; as an example, points to the recent arrest of Sakharov Prize winner Alexander Milinkiewicz; notes that the European Union has had no success in improving the situation with regard to human rights reforms in Belarus;

86. Expresses its deep disquiet at the catastrophic humanitarian crisis in the Gaza Strip; calls on all parties concerned to adhere to the Universal Declaration of Human Rights; reaffirms the content of its resolution of 21 February 2008 on the situation in the Gaza Strip (1);

87. Recognises attempts by the Council and the Commission to organise a second round of the European Union-Uzbekistan dialogue on human rights in May 2008 and commends the Commission on its efforts to organise a civil society seminar on media expression in the margins of the dialogue, possibly in Tashkent; points out once again that the holding of a dialogue on human rights and experts' meetings on the 2005 Andijan massacre do not in themselves constitute progress and cannot be used as a reason for the lifting of sanctions; notes that the absence of an independent international inquiry into the Andijan massacre and the lack of any improvement in the human rights situation in Uzbekistan — these being the conditions laid down by the European Union for the lifting of sanctions — have logically led to the sanctions against Uzbekistan being extended; welcomes the fact that the conclusions of the General Affairs and External Relations Council of 15-16 October 2007 have introduced specific conditions which have to be met within a period of six months in order for the visa restriction suspension to be maintained; invites the Council and the Commission to carry out a serious assessment of the impact of the decision to suspend for six months some of the visa restrictions that form part of the European Union sanctions against Uzbekistan, and to review the overall human rights situation in the country; deplores the fact that Uzbekistan has so far failed to deliver any progress in any of these respects; pays tribute to the work done by its Subcommittee on Human Rights in closely monitoring the human rights situation every six months so as to provide the Council with regular parliamentary assessments and recommendations as regards the EU policy to be adopted in this matter; is appalled by the presidential election held on 23 December 2007 in Uzbekistan, which according to the ODIHR was 'held in a strictly controlled political environment, leaving no room for real opposition, and ... generally failed to meet many OSCE commitments for democratic elections'; condemns the murders of Mark Weil, founder and art director of the independent Ilkhom Theatre, in Tashkent on 9 September 2007, and of the journalist and critic of the Uzbek regime Alisher Saipov in the Kyrgyz city of Osh on 24 October 2007; reiterates its call for the immediate release of political prisoners (2);

(1) Texts Adopted, P6_TA(2008)0064.

(2) In particular of Mutabar Tadjibaeva, chair of the human rights organisation Plammenoe Serdtse, and of the 9 human rights defenders: Nosim Isakov, Norboi Kholjigitov, Abdusattor Irzaev, Habibulla Okpulatov, Azam Formonov, Alisher Karamatov, Mamarajab Nazarov, Dilmurad Mukhiddinov and Rasul Khudainasarov.

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88. Supports the willingness of the Council to establish human rights dialogues with each of the remaining four Central Asian countries; calls for the dialogues to be results-oriented and fully in line with the European Union Guidelines on Human Rights Dialogues with Third Countries, guaranteeing the involvement of civil society and of the European Parliament; calls for the establishment of the dialogues to be matched by adequate resources within the Council and Commission secretariats;

89. Notes the importance of both Turkey's and the EU's commitment to Turkey's accession process for the ongoing human rights reforms in Turkey;

90. Hopes that those responsible for the assassination of Benazir Bhutto are identified and held responsible as soon as possible; notes the worsening human rights situation in Pakistan throughout 2007, including in particular the threats to the independence of the judiciary and the freedom of the media; with that in mind, condemns the defamation campaign against Iftikhar Mohammad Choudhry, former Chief Justice of Pakistan, as well as the fact that he has been removed from office and placed under house arrest; calls on the Council and the Commission to support the movement for democracy started by the judiciary and the bar, particularly by extending invitations to some of their representatives, including Mr Choudhry; calls for the reinstatement of all deposed judges; notes the adoption of a new Country Strategy Paper for Pakistan and welcomes the mainstreaming of conflict prevention and human rights throughout that document; notes that the first meeting of the European Community-Pakistan Joint Commission was held in Islamabad on 24 May 2007 and stresses the need for human rights to be at the forefront of the agenda for all subsequent meetings;

Female genital mutilation and other harmful traditional practices

91. Emphasises that efforts to eliminate all forms of female genital mutilation should be intensified both at the grass-roots level and within the policy-making process, so as to highlight the fact that such mutilation is both a gender issue and a human rights violation relating to physical integrity;

92. Insists that women's rights be explicitly addressed in all human rights dialogues, and in particular the combating and elimination of all forms of discrimination and violence against women and girls, including, most prominently, gender-selected abortion, all forms of harmful traditional or customary practices, for example female genital mutilation and early or forced marriage, all forms of trafficking in human beings, domestic violence and femicide, exploitation at work and economic exploitation, and that the invocation by States of any custom, tradition, or religious consideration of any kind, in order to evade their duty to eliminate such brutality and any practice that may endanger the lives of women, be rejected;

93. Calls on the Council, the Commission and Member States to use the human rights clause to make combating all forms of female genital mutilation a priority issue in relations with non-Member States, particularly those States that have preferential relations with the European Union within the framework of the Cotonou Agreement (now under the European Partnership Agreements), and to put pressure on them to adopt the necessary legislative, administrative, judicial and preventive measures to put an end to these practices;

94. Recalls the Millennium Development Goals, and stresses that access to education and health are basic human rights; believes that health programmes, including those covering sexual health, promotion of gender equality, empowerment of women and rights of the child should be prominent in the EU's development and human rights policy, in particular where gender-based violence is pervasive and women and children are put at risk of HIV/AIDS, or denied access to information, prevention and/or treatment; calls on the Commission to integrate core labour rights and the decent work agenda in its development policy, in particular in trade-related assistance programmes;

95. Calls on the Council, the Commission and Member States to promote in particular the ratification and implementation by African Union Member States of the African Union Protocol on the Rights of Women in Africa;

96. Calls on the Council, the Commission and Member States to enhance the EIDHR and to ensure the allocation of funds for activities addressing the elimination of all forms of female genital mutilation;

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General scrutiny of Council and Commission activities including the performances of the two Presidencies

97. Deplores the ongoing violations of human rights and democracy by the military junta in Burma and supports the European Union's commitment to attaining its stated objectives, namely an inclusive and genuine 'tripartite dialogue' between the military regime, the democratic opposition (namely the National League for Democracy, which won the 1990 elections) and the ethnic nationalities with a view to securing the national reconciliation which is needed for a transition to democracy in Burma and the establishment of a legitimate, democratic civilian government which respects the human rights of its people and restores normal relations with the international community; welcomes the Council's adoption in November 2007 of a common position renewing existing restrictive measures and introducing additional restrictive measures, but regrets the exclusion from those measures of crucial sectors such as energy and financial and banking sanctions against the military regime; considers in this connection that the adoption of restrictive measures should be accompanied as a matter of course by firm support for civil society, which has not been the case in Burma; condemns the brutal response of the Burmese authorities to the demonstrations by the Buddhist monks and all other peaceful demonstrators; deplores the ongoing arrests and detention of democratic activists and journalists, and calls on the Council to continue to highlight the human rights situation in Burma as a top priority on the UNHRC and to keep up pressure for a second visit to the country by Mr Tomas Ojea Quintana, the UN Special Rapporteur on Human Rights in Burma, to further assess human rights violations; welcomes the appointment of Piero Fassino as European Union Special Envoy for Burma and asks the Commission to actively support the Burmese pro-democracy movement within the framework of the EIDHR; condemns the assassination on 14 February 2008 of Padoh Mahn Sha, the General Secretary of the Karen National Union (KNU), who was murdered in his home in Thailand; asks that an investigation take place into the circumstances of this assassination, and that the EU express outrage to the military regime and urge for better protection for exiled democracy leaders from Burma living in Thailand; is concerned that Burmese refugees in Malaysia are extremely vulnerable and are at risk of arrest, detention, caning and deportation by the Malaysian authorities; urges the Council to call on the Malaysian authorities to cease their brutal treatment of refugees, to encourage the United Nations High Commissioner for Refugees to register all refugees in order to provide greater protection and to urge more countries to agree to accept Burmese refugees from Malaysia for resettlement;

98. Calls on the Council Presidency to focus on countries of particular concern as regards human rights; in particular, encourages the Council to fully implement the European Union Guidelines on Human Rights Defenders and to allocate additional resources for projects under the EIDHR, in particular for promoting democracy in Belarus, Burma, Cuba, Eritrea, Laos, North Korea, Uzbekistan, Vietnam and Zimbabwe; considers that the conception and implementation of those projects should not be conditional on the consent or cooperation of the respective regimes;

99. Welcomes the holding of the European Union's first Anti-Trafficking Day on 18 October 2007, designed to raise awareness of human trafficking and stress the European Union's long-standing commitment to its eradication;

100. Welcomes the European Union NGO Human Rights Forum organised by the Portuguese Presidency and the Commission and held in Lisbon in December 2007 on the topic of economic, social and cultural rights; endorses the recommendations of the Forum, which reaffirmed the indivisibility and universality of human rights and succeeded in linking the external and internal aspects of European Union policies; encourages the Council and the Commission, therefore, to strengthen the current Sustainability Impact Assessment carried out by the Commission's DG Trade through an adequate human rights impact assessment;

101. Welcomes the fourth meeting of the European Union Network of Contact Points in respect of persons responsible for genocide, war crimes and crimes against humanity, which took place in The Hague on 7 and 8 May 2007; takes note of the work of that meeting, which was entirely devoted to Rwanda and investigations of Rwandan suspects by European states; regrets the failure to organise a fifth meeting of the Network under the Portuguese Presidency; reminds the Council of the commitment to organise such a meeting under each Presidency;

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102. Calls on the Council Presidency to address the lack of action by the European Union in Darfur; welcomes the African Union/United Nations Hybrid operation in Darfur (UNAMID), unanimously approved on 31 July 2007 by United Nations Security Council Resolution 1769 (2007) as a small step in the right direction; notes that UNAMID took over from the African Union Mission in Sudan (AMIS) on 31 December 2007, and has an initial mandate expiring on 31 July 2008; expects that the 7 000-strong AMIS, which has hitherto been responsible for peacekeeping, will merge into this new force and that all necessary measures to ensure the ability of UNAMID to fulfil its mandate will be undertaken, including periodic review of the number of peacekeepers deployed; insists, none the less, that the arrest warrants issued by the ICC in relation to Darfur must be executed as soon as possible; notes that the inadequacy of the measures to combat the humanitarian disaster in Darfur was one of the reasons behind the worsening of the political and social situation in Chad; calls for immediate measures to be taken to provide greater assistance for that country;

103. Expresses its concern at the rebel offensive in N'Djamena, the capital of Chad, at the beginning of February 2008; highlights the importance of EU involvement in increasing diplomatic pressure for a ceasefire in Chad to protect beleaguered civilians and in supporting discussions aimed at peace and national reconciliation in that country; condemns the crackdown on political opponents in N'Djamena by the Chadian government after February's coup attempt; urges the Council to do its utmost to ensure freedom of the political opposition in Chad; underscores the gravity of the crisis concerning refugees and internally displaced persons (IDPs) in eastern Chad, where over 400 000 refugees and IDPs are being hosted in 12 camps along Chad's eastern border; welcomes the establishment of the peace-keeping mission European Union Force in the Republic of Chad and the Central African Republic (EUFOR TCHAD/RCA) and its vital objective of protecting refugees, IDPs and humanitarian personnel in this crisis region;

104. Welcomes the fact that work has begun in the United Nations on achieving a uniform standard of conduct for all categories of personnel involved in peacekeeping missions; notes that the Task Force Plan of Action outlines the requirement that a set of six core principles be incorporated into all codes of conduct of the Inter-Agency Standing Committee, including a principle prohibiting sexual activity with persons under the age of 18, regardless of the age of majority or age of consent applying locally; welcomes the fact that this code of conduct now applies to all United Nations peacekeeping and humanitarian personnel; welcomes the creation of personal conduct units within the United Nations Missions in Burundi, Cote d'Ivoire, the Democratic Republic of the Congo and Haiti to investigate allegations and to assist victims; expects full implementation of the code of conduct in all United Nations Missions, including where appropriate the enforcement of criminal sanctions against those personnel proved to have raped or sexually exploited children;

105. Welcomes the fact that the Council establishes and regularly updates lists of focus countries in respect of which additional concerted efforts are made with a view to implementation of the European Union Guidelines on children and armed conflicts, on the death penalty (so-called 'countries on the cusp') and on human rights defenders; notes that a similar practice is also envisaged under the Implementation Strategy of the new European Union Guidelines on the promotion and protection of the rights of the child; encourages the Council and the Commission to extend this good practice, which allows the European Union *inter alia* to react in a more effective manner through demarches, statements and other forms of action, to the European Union Guidelines on torture; encourages the Council and the Commission to involve United Nations Special Mechanisms and to take into account recommendations and urgency resolutions of the European Parliament when identifying focus countries;

106. Reiterates its request that all human rights and democracy discussions with third countries, instruments, documents and reports, including the Annual Reports on human rights, explicitly address discrimination issues including the issues of ethnic, national and linguistic minorities, religious freedoms including intolerance against any religion and discriminatory practices towards minority religions, caste-based discrimination, the protection and promotion of the rights of indigenous peoples, the human rights of women, the rights of children, disabled people including people with intellectual disabilities, and people of all sexual orientations, fully involving their organisations, both within the European Union and in third countries, where appropriate;

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The Commission's external assistance programmes and the EIDHR

107. Expresses concern about the apparent rigging of the presidential poll in Kenya in December 2007 followed by the violence in that country, and calls for human rights to be guaranteed, including the right of free expression, the right of assembly and the right of association, as well as free and fair elections; is concerned at the payment of EU funding to Kenya the day after the elections in December 2007; urges that, in future, payments to governments should not be made within such a short time frame after a general election and, in particular, that such payments should not be made until after receipt of the report of the EU Election Observation Mission; notes, in the light of the peace talks, the importance of continued EU involvement in supporting ongoing efforts to achieve a functioning and stable democratic government and presidency in Kenya;

108. Welcomes the adoption of the EIDHR as a financial instrument for external aid specifically promoting human rights and democracy, and the fact that Parliament's priorities have been taken into consideration in the 2007 and 2008 programming documents;

109. Calls for complete transparency regarding the ways in which money is spent and projects are chosen and assessed under the EIDHR; calls for publication on the Internet of all chosen projects, whenever compatible with the protection of the recipient;

110. Welcomes the launching, under the EIDHR, of a new project making it possible to take urgent action for the protection of human rights defenders; calls on the Commission to implement this new project rapidly and effectively;

111. Proposes that the EIDHR's budget be increased from 2009 with a view, in particular, to making additional funding available both for projects in 'difficult' countries and for projects managed directly by the Commission delegations with local civil society organisations, so that any countries in which such projects are implemented can have access to Community funds;

112. Calls on the Commission to adjust the level of staffing allocated for the implementation of the EIDHR, both at headquarters and in the delegations, to take account of the peculiarities and problems of this new instrument, so as to make the necessary resources and expertise available taking into account the very sensitive nature of the projects it supports, the need to protect the civil society actors who carry out those projects and the importance of the political objective it represents;

113. Calls for specific human rights and democracy training to be given to EU delegation staff in third countries, up to the highest level, particularly in view of the projects carried out under the guidelines and the urgent need to support the defenders of human rights; also calls for the biennial training of delegation heads to include a human rights component, in the light of the delegations' new duties in this area;

114. Calls on the Commission to ensure coherence between the Union's political priorities and the projects and programmes it supports, particularly in connection with its bilateral programming with third countries; further calls for coherence to be guaranteed between the programmes and the thematic instruments, and for these instruments to be strengthened since they are the only means of enabling the Union to carry out projects in third countries without the backing of the authorities of the countries concerned;

115. Notes that EIDHR funds committed for European Union election observation missions in 2007 amounted to 23 % of the total EIDHR funds used (EUR 30,1 million) and that 11 such missions were conducted;

116. Notes that a large proportion (around 50 %) of the total EIDHR funding for projects contracted in 2007 went to big thematic projects and only a small proportion (24 %) to country-based support schemes (equivalent to micro-projects); notes also that only a small part of the funds were destined for Asia, and suggests that the geographical balance be rethought;

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117. Notes that care must be taken in funding international organisations whose funding is provided through assessed contributions of Member States, such as the ICC, since funding provided to such organisations is tantamount to subsidising States Parties, who are under an obligation to provide such funding to those organisations, and places other projects and institutions that rely on EIDHR funding at risk, such as NGO projects and the legacy programme and outreach work of the Special Court for Sierra Leone;

Electoral assistance and election observation

118. Notes with satisfaction that the EU makes increasing use of electoral assistance and election observation to promote democracy in third countries, and that the quality and independence of these missions are widely recognised;

119. Urges increased vigilance with regard to the criteria for selection of the countries in which electoral assistance/election observation takes place and to compliance with the methodology and rules set up at international level, particularly concerning the independent nature of the mission;

120. Considers that, at this stage, in view of past experience, electoral assistance and election observation should be incorporated into a continuous process including a pre-electoral stage of support for the establishment of democracy and human rights, and most importantly a post-electoral stage to support and evaluate the democratic process with a view to strengthening the rule of law, consolidating democratic institutions, political pluralism, the independence of the judiciary and the role of civil society;

121. Recalls that the need for a post-electoral policy features in the legal basis of the EIDHR;

122. Calls for the electoral process, including both pre- and post-electoral stages, to be incorporated into the different levels of political dialogue with the third countries concerned with a view to ensuring the coherence of EU policies and reaffirming the crucial role of human rights and democracy;

123. Further reminds the Council and the Commission that democracy and human rights strategies need to be devised for each country, as some Member States have already started to do, since these are essential means for ensuring the coherence of the policies pursued, including during electoral processes;

124. Calls on the Committee on Foreign Affairs to take stock, before the mid-term review, of the implementation of the various components of the EIDHR;

Implementation of human rights and democracy clauses in external agreements

125. Deplores the fact that the human rights and democracy clause, an essential element of all cooperation and partnership agreements with third countries, is still not being implemented in a concrete fashion, due to the lack of a mechanism that would allow it to be enforced;

126. Emphasises once again in this context the proposals set out in Parliament's abovementioned resolution of 14 February 2006 on human rights and democracy clauses in European Union agreements; stresses in particular the need to include such clauses in all EU agreements, including sector-specific agreements;

127. Calls on the Council and the Commission to take advantage of the present context of expiry of Partnership and Cooperation Agreements with several neighbourhood countries and Russia, and of the negotiation of new agreements, in order to mainstream human rights and effective dialogue concerning them in the future agreements, including through a follow-up mechanism;

128. Urges the Commission, within its EU foreign trade, investment and development policies, to ensure that the economic activities of EU private companies in third countries abide by international human rights standards, in particular as regards the exploitation of natural resources and the international obligation to obtain the prior and informed consent of local communities and indigenous people affected; considers that Parliament should monitor and report on the progress made in this matter;

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129. Reiterates its call for the human rights clauses to be implemented through a more transparent procedure of consultation between the parties, detailing the political and legal mechanisms to be used in the event of a request for bilateral cooperation being suspended on the grounds of repeated and/or systematic human rights violations in breach of international law; considers that such clauses should also include details of a mechanism to allow for the temporary suspension of a cooperation agreement as well as a 'warning mechanism';

130. Notes that the European Union did not in 2007 conclude any new agreements containing human rights clauses;

131. Welcomes the fact that the Council and the Commission suspended Belarus' trading preferences in June 2007 under the Generalized System of Preferences (GSP) in consequence of the failure of the government of Belarus to implement any of the recommendations presented by the ILO in 2004;

132. Believes that ensuring effective democracy and human rights protection at the external borders of the EU should constitute a top priority of the EU's efforts to mainstream human rights; calls on the Council and the Commission to further consolidate their mainstreaming efforts within the ENP, the strategic partnership with Russia and relations with Turkey and the countries of the Western Balkans, and also, to that end, to make full use of the existing regional frameworks of cooperation in those regions; reiterates the particular need to address human rights violations in the areas of unresolved conflicts in the countries in question, which considerably hamper consolidation of the rule of law and democracy at the current external borders of the EU;

Mainstreaming of human rights

133. Calls on the Commission to continue to monitor closely the granting of 'Generalized System of Preferences plus' benefits to countries which have shown serious flaws in the implementation of the eight ILO conventions relating to core labour standards, on account of breaches of civil and political rights or the use of prison labour; asks the Commission to develop criteria determining when the GSP should be withdrawn on human rights grounds;

134. Recalls the Declaration on the Right to Development, adopted by United Nations General Assembly Resolution 41/128 of 4 December 1986, which recognises that the right to development is an inalienable human right and that States have the primary responsibility for the creation of conditions favourable to the realisation of the right to development, and must take steps to formulate international development policies with a view to facilitating the full realisation of that right; calls for measures to ensure that international development programmes designed to address this responsibility of States are inclusive of and accessible to persons with disabilities, in accordance with Article 32 of the United Nations Convention on the Rights of Persons with Disabilities, signed by the European Community on 30 March 2007;

135. Reminds the Council of its commitment to mainstream human rights across the CFSP and other EU policies, as outlined in its paper endorsed by the Political and Security Committee on 7 June 2006; calls for further progress with the implementation of the recommendations contained in that paper; reminds the Council in particular of the obligations incumbent on geographical working parties to identify key human rights issues, priorities and strategies as part of their overall planning, and to establish a more systematic exchange with international NGOs and human rights defenders;

136. Recalls that the European Union general budget for 2008 provides for appropriations that cover disability to be checked to ensure that, as Community aid, they comply with Article 32 of the United Nations Convention on the Rights of Persons with Disabilities, and calls for these provisions of the budget to be rigorously implemented and followed up;

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137. Calls on the Council to do its utmost to implement the fundamental right to health as regards the treatment of pain and access to opioid analgesics, noting that the International Narcotics Control Board has asked the international community to promote the prescription of painkillers, on condition of stringent control by recognised international and national supervision agents, such as national governments and United Nations specialised agencies, especially in poor countries, as severe under-treatment is reported in more than 150 countries; calls on the Council and the Commission to work towards WHO membership being opened up to all States, as set out in Article 3 of its Constitution, thus enhancing the effectiveness and universality of WHO programmes;

138. Condemns unconditionally all forms of exploitation of children, whether in the form of sexual exploitation, including child pornography and child sex tourism, or compulsory labour, together with all forms of human trafficking; asks the Commission and Member States to recognise as a serious social and human rights issue, and take measures to solve, the problems of thousands of street children and children forced to beg, and calls on Member States to introduce sanctions against those responsible for the debasement of children forced to beg;

139. Urges the Commission to continue to promote corporate social responsibility among European and local companies; asks the Council to report back to Parliament on any feedback from the United Nations Special Representative on Business and Human Rights which clarifies standards of corporate responsibility and accountability for trans-national corporations and other business enterprises with regard to human rights;

140. Recognises that immigration policy has become a priority on the EU's internal and external policy agenda and that in its texts the EU has been attempting to link immigration and development and to ensure that the fundamental rights of immigrants are respected; maintains, however, that the reality on the ground belies those texts; stresses that agreements for the readmission of illegal immigrants must be concluded with countries having the legal and institutional machinery needed in order to handle the readmission of their nationals and protect their rights; stresses the need to ensure that the implementation of such readmission agreements fully respects the principle of non-refoulement, and to ensure access to a fair asylum procedure; calls for effective monitoring of the treatment of persons returned under readmission agreements, in particular with regard to possible 'chain refoulement';

141. Calls on the Council to ensure that the rights of refugees, asylum seekers and migrants are fully respected in practice when enhancing cooperation with third countries on immigration and asylum; emphasises that, in particular, the mechanism of the ENP should be used to monitor human rights performance in this field; calls on the Council and the Commission to make sure that, in the context of cooperation policies relating to action against illegal immigration, the utmost is done to ensure that police and judicial bodies in third countries respect human rights, and calls on the Council and the Commission to ensure that no support is given to police and judicial bodies in countries which commit serious and systematic violations of human rights and/or do not report on the way in which the relevant funds are used;

142. Calls on the Council and the Commission to take European Union initiatives at international level to fight persecution and discrimination based on sexual orientation and gender identity, e.g. by promoting a resolution on this issue at United Nations level and granting support to NGOs and actors who promote equality and non-discrimination; condemns the fact that many countries have criminalised homosexual behaviour, that Iran, Saudi Arabia, Yemen, Sudan, Mauritania, the United Arab Emirates and parts of Nigeria impose the death penalty for homosexual activities, that 77 countries have laws that allow state authorities to prosecute, and possibly impose a prison sentence on, people for same-sex acts and that several countries, such as Pakistan, Bangladesh, Uganda, Kenya, Tanzania, Zambia, Malawi, Niger, Burkina Faso, Sierra Leone, Malaysia and India (where the relevant provisions of the Penal Code are currently under judicial review) have laws providing for the imposition of terms of imprisonment lasting from 10 years to life; fully supports the Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender identity; urges Member States to grant asylum to persons who risk persecution in their countries of origin because of their sexual orientation and gender identity;

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143. Calls on the Council and the Commission to ensure, with a view to the planned 2009 ministerial meeting of the United Nations Office on Drugs and Crime, that the funding supplied to international agencies such as those of the United Nations to combat illegal drugs is never used either directly or indirectly to support security bodies in countries which commit serious and systematic violations of human rights or apply the death penalty in drugs-related cases; calls also for a document to be prepared, setting out in a comprehensive and detailed manner the best practices implemented by all European Union Member States on human rights and drug policies on the occasion of the forthcoming session of the United Nations Commission on Narcotic Drugs;

144. Reiterates the importance of European Union internal policy promoting adherence to international human rights law and the need for Member States to legislate in a way consistent with, *inter alia*, the obligations arising out of the Geneva Conventions and the Additional Protocols thereto, the Convention against Torture, the Genocide Convention and the Rome Statute; welcomes the progress made in the application of universal jurisdiction in some Member States; in pursuit of greater coherence of internal and external policies, encourages the Council, the Commission and the Member States to incorporate the fight against impunity for serious international crimes in the development of a common European Union area of freedom, security and justice;

145. Reiterates its concern regarding restrictions on Internet content, whether they apply to the dissemination or to the receipt of information, that are imposed by governments and are not in strict conformity with the guarantee of freedom of expression; in this respect, requests the Council and the Commission to draw up Community rules on trade with third countries concerning goods, including software, hardware and other similar items, the sole purpose of which is to conduct general surveillance activities and to restrict access to the Internet in a manner inconsistent with freedom of expression, and the import and export of such goods, with the exception of goods the sole purpose of which is the protection of children; considers that the same should apply as regards surveillance and/or military technology destined for countries which are systematic violators of human rights; calls also for concrete solutions to be found in order to prevent European businesses from providing those countries with personal data that may be used to violate such rights, particularly freedom of expression;

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146. Asks the Council to participate in debates on resolutions on urgent cases of breaches of human rights, democracy and the rule of law and calls for the Subcommittee on Human Rights to be given a more constructive role in the development of consistent and transparent criteria for the selection of urgency topics;

147. Recommends that resolutions and other key documents relating to human rights issues be translated into the language spoken in the targeted areas, particularly into languages the use of which is not recognised by government authorities responsible for human rights violations;

148. Strongly regrets the rejection by the Burmese and Cuban authorities of Parliament's request for their agreement to the sending of a delegation to visit former Sakharov Prize laureates; considers that Parliament should facilitate the establishment of a network of Sakharov Prize laureates, with regular meetings being held in Parliament;

149. Strongly rejects the systematic violence and the recurrent acts of harassment suffered by the Sakharov Prize laureates the 'Damas de Blanco' ('Ladies in White') when they peacefully demonstrate and ask for the release of their relatives, incarcerated in Cuba for more than five years now; calls on its President to reiterate to the Cuban authorities its request that Oswaldo Payá, winner of the Sakharov Prize in 2002, be permitted, in accordance with the invitation extended to him by the European institutions to appear before them in person and explain the current political situation in Cuba; further calls on its President to express to the Cuban authorities Parliament's strong wish and determination to welcome, in the coming weeks, the 'Damas de Blanco' to one of Parliament's places of work for the official presentation to them of the 2005 Sakharov Prize;

150. Reminds Parliament's delegations that they should systematically include in the agenda of their visits to third countries an inter-parliamentary debate on the human rights situation;

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151. Acknowledges the work of its Temporary Committee on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners, and the report of that Committee resulting in the resolution in that regard adopted by Parliament on 14 February 2007 ⁽¹⁾; requests the European Union and Member States to work together at all levels to expose and denounce the practice of extraordinary rendition now and in the future; calls, in this respect, on the Commission to report back to Parliament on the answers to its letter of 23 July 2007 to the Polish and Romanian Governments requesting detailed information about the outcome of the inquiries which took place in both countries and on the results of the questionnaire sent to all EU Member States on their respective counter-terrorism legislation, as announced in plenary in September 2007;

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152. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the candidate countries, the United Nations, the Council of Europe, the Organization for Security and Cooperation in Europe and the governments of the countries and territories mentioned in this resolution.

⁽¹⁾ OJ C 287 E, 29.11.2007, p. 309.

EU Election Observation Missions

P6_TA(2008)0194

European Parliament resolution of 8 May 2008 on EU election observation missions: objectives, practices and future challenges (2007/2217(INI))

(2009/C 271 E/03)

The European Parliament,

- having regard to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, in particular Article 25 thereof,
- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms and to the OSCE commitments agreed upon in Copenhagen in 1990 and at the Istanbul Summit in 1999, at which all OSCE participating States committed themselves to invite international observers, and specifically the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), to their elections,
- having regard to the African Charter on Human and Peoples' Rights and to the American Convention on Human Rights,
- having regard to the Declaration of Principles for International Election Observation and the Code of Conduct for International Elections Observers commemorated at the United Nations in New York on 27 October 2005,
- having regard to all agreements between the EU and third countries and the human rights and democracy clauses contained in those agreements,
- having regard to Articles 3, 6 and 11 of the EU Treaty and Articles 3, 177, 179 and 181a of the EC Treaty,
- having regard to the Charter of Fundamental Rights of the European Union proclaimed in Strasbourg on 12 December 2007 ⁽¹⁾,
- having regard to Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide ⁽²⁾ (EIDHR),

⁽¹⁾ OJ C 303, 14.12.2007, p. 1.

⁽²⁾ OJ L 386, 29.12.2006, p. 1.

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- having regard to the Commission Communication on EU Election Assistance and Observation of 11 April 2000 (COM(2000)0191),
 - having regard to its resolution of 15 March 2001 on the Commission Communication on EU Election Assistance and Observation ⁽¹⁾,
 - having regard to the EU guidelines on electoral observation ⁽²⁾ and the EU guidelines on common criteria for the selection of electoral observers ⁽³⁾,
 - having regard to the Council document on election assistance and observation ⁽⁴⁾,
 - having regard to its resolution of 25 April 2002 on the Communication from the Commission on the European Union's role in promoting human rights and democratisation in third countries ⁽⁵⁾,
 - having regard to the EU Annual Reports on Human Rights,
 - having regard to its annual reports on human rights in the world,
 - having regard to the resolution of the ACP-EU Joint Parliamentary Assembly (ACP-EU JPA) of 21 November 2007 on elections and electoral processes in ACP and EU countries ⁽⁶⁾,
 - having regard to the decisions of its Conference of Presidents of 8 November 2001 establishing the Election Coordination Group (ECG) ⁽⁷⁾, of 12 May 2005 on implementing provisions governing election observation missions ⁽⁸⁾, of 21 September 2006 implementing provisions governing the work of delegations ⁽⁹⁾ and of 8 June 2006 on guidelines for European Parliament election observation delegations ⁽¹⁰⁾,
 - having regard to the preliminary statements and final reports of EU election observation missions (EU EOMs) and to the reports of its election observation delegations,
 - having regard to the Annual Reports of the ECG,
 - having regard to Rule 45 of its Rule of Procedure,
 - having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on Development (A6-0138/2008),
- A. whereas elections must be organised in accordance with internationally recognised standards,
- B. whereas the Universal Declaration of Human Rights states that the right to elect freely chosen representatives in secret, in periodically held genuine elections, on the basis of universal and equal suffrage, is one that all citizens should enjoy, that right being also enshrined in all other main international and regional human rights instruments as well as being an essential element of true democracy, to which the EU is committed in its Treaties,
- C. whereas election observation contributes to the overall promotion and protection of fundamental human rights and, more specifically, civil and political rights; and whereas a genuine democratic election process presupposes respect for freedom of expression and free media, adherence to the rule of law, the right to establish political parties and compete for public office, non-discrimination and equal rights for all citizens, and other fundamental human rights and freedoms that all OSCE participating States have committed themselves to protect and promote,

⁽¹⁾ OJ C 343, 5.12.2001, p. 270.

⁽²⁾ Council Decision 9262/98 — PESC 157 — COHOM 6, 3.6.1998.

⁽³⁾ Council Decision 8728/99 — PESC 165 — COHOM 4, 28.5.1999.

⁽⁴⁾ Council Document 9990/01 — PESC 236 — DEVGEN 103 — COHOM 17, 26.6.2001.

⁽⁵⁾ OJ C 131 E, 5.6.2003, p. 147.

⁽⁶⁾ OJ C 58, 1.3.2008, p. 18.

⁽⁷⁾ PE 309/025/BUR.

⁽⁸⁾ PE 349/329/CPG/DEF.

⁽⁹⁾ PE 375/270/CPG/Rev1.

⁽¹⁰⁾ PE 375/117/CPG.

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- D. whereas international election observation is aimed at strengthening the legitimacy of the electoral process, increasing public confidence in elections, deterring electoral fraud and exposing it where it occurs and analysing, reporting and making recommendations for the improvement of all aspects of the electoral process in full cooperation with the host country, the settlement of any disputes and the protection of human rights and democracy in general,
- E. whereas election observation in new and developing democracies is the priority of the EU, which demonstrates its commitment to helping new democracies and countries progressing towards democracy to build solid democratic structures,
- F. whereas, as stated in the resolution of the ACP-EU Joint Parliamentary Assembly adopted on 1 April 1999 in Strasbourg on ACP-EU cooperation and involvement in electoral processes in ACP countries and the role of the Joint Assembly ⁽¹⁾, reducing poverty, which is the central objective of the EU's development policy, requires the existence of participatory democracy and responsible, corruption-free governments,
- G. whereas, as underlined in the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States of the other part, signed in Cotonou on 23 June 2000 ⁽²⁾ (the Cotonou Agreement), the partnership between the ACP States and the EU is to actively support the promotion of human rights, processes of democratisation, consolidation of the rule of law, and good governance,
- H. whereas a Declaration of Principles for International Election Observation and a Code of Conduct for International Elections Observers were adopted under the auspices of the UN in 2005, and have been endorsed by both the Commission and Parliament, as well as by 32 other international governmental and non-governmental organisations,
- I. whereas the principles highlighted in that Declaration include full coverage, independence and impartiality, transparency and publicity, professionalism, analysis and advice, respect for the sovereignty of the host country including the need to receive an invitation to observe, cooperation between the different observer organisations, and the non-legitimation of clearly undemocratic electoral processes,
- J. whereas, since the adoption of the abovementioned Commission Communication on 11 April 2000, more than 50 EU EOMs have been deployed in 32 countries in Africa, Asia and Latin America; whereas it is remarkable, however, that far fewer EU EOMs have been deployed in southern Mediterranean countries,
- K. whereas under the EIDHR more than EUR 30 million are made available each year for EU EOMs,
- L. whereas, in a given country where elections have taken place, a democratically elected parliament is of limited value if that institution enjoys no significant power and is dominated by the executive,
- M. whereas some key future challenges remain to be addressed in the field of EU election observation, such as the increasing significance of electronic voting,
- N. whereas the abovementioned Commission Communication of 11 April 2000 represented a turning point in the EU's approach to election observation, establishing a comprehensive methodology covering the complete election process, from the pre-election to the post-election phase, which has proven to be a great success and has resulted in the EU becoming a leading organisation in the field of international election observation,
- O. whereas the deployment of EU EOMs is a key element of EU foreign policy, and constitutes in particular, together with election assistance, an essential tool for electoral support in the context of the EU's commitment to promoting the values of democracy, development and peace,

⁽¹⁾ OJ C 271, 24.9.1999, p. 57.

⁽²⁾ OJ L 317, 15.12.2000, p. 3.

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- P. whereas successful elections can only take place in the context of the long-term rooting of democratic values, taking into account the need to build a European consensus on the promotion of democracy, within a society including voter and civic education, strong mechanisms for the upholding of human rights, the existence of an independent and pluralistic civil society, and respect for the separation of the legislature from the executive,
- Q. whereas election observation is a long-term process comprising three periods: the pre-election phase, election day and the post-election phase, and whereas each of these periods should be analysed rigorously and impartially on the basis of first-hand data,
- R. whereas although the observation of these three periods may be conducted by different observers, it needs to be complementary and well coordinated,
- S. whereas the added value offered by parliamentarians and former parliamentarians in election observation is incontestable and complementary to that offered by EU EOMs, but cannot, on its own, provide a rigorous judgment of an electoral process,
- T. whereas Parliament plays a key role in EU EOMs, in that a Member of the European Parliament (MEP) is appointed as Chief Observer and, in most instances, an election observation delegation of MEPs is fully integrated into the structure of the EU EOM,
- U. whereas EU EOMs need to have a more coherent and comprehensive follow-up, on both the technical and the political level,
- V. whereas although it is essential to maintain the policy of deploying EU EOMs in conditions where it is possible for the tasks to be undertaken impartially, comprehensively and with security for the personnel involved, the EU must not be silent in relation to the conduct of elections in circumstances where such conditions do not exist,
1. Confirms its own determination to contribute to the reinforcement of democratic processes by enhancing its involvement in election observation, follow-up to EU EOMs and parliamentary capacity-building;
 2. Considers that in absolute terms the holding of elections cannot be regarded as the sole indicator of democracy, but that, nevertheless, it has a positive effect on the democratisation process as measured by improvements in civil liberties, provided that political pluralism, freedom of assembly and association, freedom of expression, equal access to the media, secret ballots and respect for human rights are secured;
 3. Stresses that the observation of elections in new and developing democracies should remain a priority, since such states generally stand to benefit most from international election observation and the recommendations flowing therefrom;
 4. Regrets that the EU still lacks a common, comprehensive strategy for promoting democracy, and urges all EU institutions and Member States to continue their efforts to make possible the adoption of such a strategy; in this regard, urges all EU institutions and Member States to agree to establish a European Consensus on Democracy;
 5. Considers, in the light of this, that election observation is merely a first step towards democracy and that it needs to be complemented by other, adequately funded activities and post-electoral measures for the promotion of democracy, in particular through capacity-building for national parliaments, political parties, the civil service, non-State actors and civil society, and through the promotion of human rights and good governance; therefore requests the maintenance of the budgetary ceiling agreed by the Commission of around 25 % of EIDHR for EU EOMs over the seven-year period of the Financial Framework 2007-2013; asks the Commission to set aside, within this budgetary framework, allocations for preparatory activities in anticipation of elections, including the training of local election monitors, voter education and other activities which are essential for the long-term establishment of free and fair elections;
 6. Pays tribute to the ODIHR, whose pioneering work has strongly inspired the EU methodology on election observation;

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7. Pays tribute to the participation of observers from third countries, such as Switzerland, Norway and Canada, in EU EOMs;
8. Reaffirms the important role of ODIHR EOMs in the OSCE area, where the EU does not as a rule deploy election observation missions; commends the ODIHR for the quality of its work and its adherence to high standards of transparency and independence; expresses its concern about statements and actions of some OSCE participating States that call into question the ODIHR's mandate and undermine the effectiveness, funding and independence of its missions; calls on OSCE participating States and on the European Council to uphold the ODIHR's position as the principal election-monitoring body in the OSCE area; in particular, condemns the recent imposition by certain OSCE participating States of restrictions on the duration of EOMs and their refusal to issue, or delay in issuing, visas for observers, which has made it impossible for the ODIHR to fulfil its mandate;
9. Draws attention to the added value of participation in international election observation missions in the OSCE area, along with the OSCE/ODHIR, the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe and, where appropriate, the NATO Parliamentary Assembly; is of the opinion that its involvement in these missions should be continued and even increased; underlines the crucial importance of thorough political coordination between the bodies involved, in particular as regards the diligence of its assessment, adherence to independence standards, the conclusions of long-term observers and the coherence of public statements;
10. Welcomes the positive contribution made by EU EOMs in strengthening democratic processes, enhancing respect for human rights, fundamental freedoms, good governance and the rule of law, and, in particular, reinforcing electoral processes around the world;
11. Recalls the conclusions of the Commission/Parliament seminar held on 11 September 2007, which stated that, for reasons of methodology, identity and visibility, EU EOMs must continue to operate independently from other international and national observers; considers that this does not, however, preclude regular and close cooperation with other observer organisations on the ground, nor further EU support for capacity-building of national and regional observation organisations;
12. Underlines the success of the EU methodology, but calls on the Commission to further improve and update it by including established practices and addressing new challenges;
13. Stresses that this success has made the EU the leading organisation in the field of international election observation and that the focus on professionalism of EU EOMs is making an important contribution to the emergence of a significant number of highly qualified and experienced electoral experts; underlines the importance of actively recruiting and training new observers in order to ensure continuity in EU election observation expertise; stresses, furthermore, that the professionalism of EU EOMs enhances the EU's contribution to entrenching a sustainable awareness of the various elements that constitute a democratic election process; considers in this respect that the experience of former MEPs as short-term observers and long-term observers could be considered;
14. Calls on the Commission to take the appropriate measures to further strengthen the adequate participation of civil society organisations and local observers in electoral processes;
15. Stresses the importance of EU short-term and long-term observers abstaining from any behaviour that could be perceived by the local population as patronising, superior or disrespectful of local culture; considers that, in this context, and where appropriate, EU observers should link up with local observers;
16. Welcomes the well-established practice of appointing MEPs as Chief Observers of EU EOMs, calls for the appointment process to be clear and transparent in order to ensure the credibility of the Chief Observer and stresses that, while throughout the duration of their mandate they work closely with the Commission and other EU institutions, they should always maintain a clear and well-defined independence, without interference;
17. Welcomes the gender equality policy adopted as part of this methodology in the selection of observers, including the Chief Observer, irrespective of the difficulty of the mission;

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18. Takes the view that knowledge of the language used in the country in which the elections are being held (e.g. Spanish in Bolivia) should be an indicative criterion in the appointment of observers, because the ability to communicate directly with local people makes it easier for observers to become fully acquainted with the social and political situation in the country;
19. Takes the view that, in the pre-electoral period, following meetings with candidates and electoral commission officials, observers should be able to meet other groups in the country in which the elections are being held;
20. Welcomes the positive experience of its election observation delegations within the framework of EU EOMs, to which they provide an important added value giving legitimacy to their conclusions and reinforcing their visibility and acceptance, but stresses that the credibility of those conclusions depends on the rigorous application of the methodology throughout the whole observation process;
21. Welcomes the work done by the European Parliament Former Members Association in founding the International Election Monitors Institute (IEMI) in conjunction with the Former Members of the Canadian Parliament and the United States Association of Former Members of Congress; notes that IEMI members have observed a number of elections, and further points out that all present MEPs will one day be former MEPs and that their expertise will be invaluable for the further development of the democratic process;
22. Calls on all MEPs participating in election observation delegations to continue to follow the guidelines established for such delegations; stresses the importance of the Code of Conduct for election observers, which also applies to MEPs;
23. Recognises that on a number of occasions European Parliament observation delegations have been short of numbers, and resolves that in these cases it may be thought useful to add former MEPs to make up the numbers; urges the appropriate political authorities of the European Parliament to follow up this suggestion;
24. Stresses that observer delegations from the political groups do not represent Parliament, and calls on those delegations to refrain from taking any action that may undermine the credibility and visibility of the official European Parliament election observation delegations and that of EU EOMs;
25. Notes that coordination between EU institutions and within the Commission has generally been positive; regrets, however, that it has also suffered in some cases from a severe lack of cohesion, leaving further room for improvement;
26. Stresses, in particular, the importance of coordinating all public statements related to the findings of EU EOMs and avoiding the issue of any statement in advance of the presentation by the EU EOM of its preliminary statement, and underlines the key role played in terms of visibility and credibility by the press conference, where the preliminary statement is presented for the first time; calls for both the press statements and reports of findings to be released in accordance with a timetable which takes into account the electoral sensitivities on the ground;
27. Suggests, with a view to improving Parliament-Council relations, that the Council should participate in meetings of the ECG and that Parliament should be given observer status at meetings of the Council Working Group on Human Rights (COHOM);
28. Calls on the Commission to consider, in the negotiation of association agreements or strategic partnerships, how to include the feasibility of observing electoral processes in southern Mediterranean countries and Middle East countries;
29. Considers that an effective and results-oriented follow-up to EU EOMs remains the key challenge to be addressed, and that a distinction should be made between technical and political follow-up, in which all EU institutions and Member States should be involved at all levels;
30. Suggests that the implementation of the recommendations made by EU EOMs be closely followed up, in particular where election assistance is not provided;

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31. Requests all EU institutions, in particular the Council and Member State governments, to incorporate the findings and recommendations of EU EOMs in their political dialogues with the countries concerned, as well as in their demarches, declarations, resolutions, statements and further actions;
32. Calls, in particular, on the Commission to include EU EOMs' recommendations in all action plans in respect of European Neighbourhood Policy countries in which EOMs are deployed;
33. Calls on the Commission to make full long-term use of these recommendations within the framework of drawing up the Country Strategy Papers/Annual Action Programmes under the European Development Fund and under the external financial instruments of the EU, specifically Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation ⁽¹⁾ and Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument ⁽²⁾;
34. Condemns past examples of practices consisting of a 'business as usual' attitude towards countries in respect of which EU EOMs have been severely critical of the electoral process; regrets, on the other hand, that democratic elections are not always legitimated by the EU, and believes that these inconsistencies undermine the fragile idea of democracy in these countries and the image of the EU;
35. Calls on the Commission to carefully assess the outcome of each EU EOM, to absorb the lessons learned therefrom and to clearly state in the final reports the methodological limitations of each EU EOM; moreover, calls on the Commission to make every effort to ensure that the democratic achievements of the EU EOMs (methodology, technical practice, budgetary means, electoral structures, etc.) are not called into question or obliterated once the electoral process is finished;
36. Requests the Commission to explore the feasibility of deploying specialised missions to follow certain key aspects of the electoral process such as the drafting of the electoral legal framework, voter registration and post-election complaints and appeals, which are, in some instances, not comprehensively covered by EU EOMs;
37. Recommends the establishment of a political dialogue in cases where the recommendations made by EU EOMs are not implemented;
38. Suggests, in line with the above point, that the European Parliament should be present at the opening of a new parliament whose election has been observed and that cooperation with such newly elected parliament should be strengthened;
39. Recommends the introduction of a specific strategy to support newly and democratically elected parliaments with a view to permanently entrenching democracy, the rule of law and good governance;
40. Suggests that, to that end, Parliament should explore ways and means of assisting newly elected parliaments in carrying out their work, with a special focus on developing countries;
41. Suggests to the Commission that it should set up other mechanisms for the monitoring of electoral processes in cases where the deployment of a fully-fledged EU EOM is not possible; calls on the Council and the Commission to be prepared to make strong and timely public statements in relation to elections in these circumstances;
42. Takes the view that, as regards technical follow-up, election assistance constitutes the necessary long-term strategic commitment throughout the electoral cycle that best interacts with EU EOMs, and considers that special attention should be given to reinforcing the independence and legitimacy of electoral management bodies, as well as to supporting the establishment of a permanent rather than an ad hoc election commission;

⁽¹⁾ OJ L 378, 27.12.2006, p. 41.

⁽²⁾ OJ L 310, 9.11.2006, p. 1.

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43. Underlines that, as the democratically elected European institution, Parliament will play a special role in the political follow-up of EU EOMs, and, in particular, in the parliamentary capacity-building process;
44. Calls for serious consideration to be given to the added value, where practicable, of consultation, cooperation and knowledge-sharing between Parliament and ACP parliamentary delegations and missions in the broader context of the external action of the EU, and in relation to other national and international observation missions; proposes that working parties be set up with a view to enabling African Union partners to benefit, as part of the new EU-Africa strategy, from election observation expertise and experience, as the EU has benefited from the ODIHR/OSCE's working methods and experience;
45. Calls for an analysis of the conditions in which short-term joint election observation delegations could be organised with the counterpart members of the ACP-EU JPA, the Euro-Mediterranean Parliamentary Assembly and the Euro-Latin American Parliamentary Assembly;
46. Recommends that joint ACP-EU EOMs be organised periodically when elections are held in the EU;
47. Considers that electronic voting is already playing, and will increasingly play, a crucial role in electoral processes, giving birth to a new kind of electoral fraud; urges the Commission to take the appropriate measures for the reliable observation of such voting and to properly train observers for that purpose;
48. Calls for the adoption by Parliament of an annual report on EU EOMs;
49. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Co-Presidents of the ACP-EU Joint Parliamentary Assembly, the President of the Euro-Mediterranean Parliamentary Assembly and the Co-Presidents of the Euro-Latin American Parliamentary Assembly, the President of the Parliamentary Assembly of the Council of Europe, the President of the OSCE Parliamentary Assembly and the Director of the Office for Democratic Institutions and Human Rights.

Trade and Economic Relations with the countries of South East Asia (ASEAN)

P6_TA(2008)0195

European Parliament resolution of 8 May 2008 on trade and economic relations with the Association of South East Asian Nations (ASEAN) (2007/2265(INI))

(2009/C 271 E/04)

The European Parliament,

- having regard to its resolutions on bilateral trade negotiations and, in particular, that of 13 December 2007 on 'Trade and economic relations with Korea' ⁽¹⁾,
- having regard to the ASEAN Charter, signed on 20 November 2007 at the 13th ASEAN summit in Singapore,
- having regard to its resolutions on Burma, most recently those of 6 and 27 September 2007 ⁽²⁾,
- having regard to its resolution of 15 January 2008 on CARS 21: A Competitive Automotive Regulatory Framework ⁽³⁾,
- having regard to its resolution of 12 July 2007 on The TRIPS Agreement and access to medicines ⁽⁴⁾,

⁽¹⁾ Texts Adopted, P6_TA(2007)0629.

⁽²⁾ Texts Adopted, P6_TA(2007)0384 and 0420.

⁽³⁾ Texts Adopted, P6_TA(2008)0007.

⁽⁴⁾ Texts Adopted, P6_TA(2007)0353.

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- having regard to its resolution of 23 May 2007 on The EU's Aid for Trade ⁽¹⁾,
 - having regard to its resolution of 23 May 2007 on Promoting decent work for all ⁽²⁾,
 - having regard to its resolution of 3 June 2003 on regional free trade areas and trade strategy in the European Union ⁽³⁾,
 - having regard to the proposal for a Council regulation establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (COM(2007)0602),
 - having regard to the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions entitled 'Global Europe: Competing in the World. A contribution to the EU's Growth and Jobs Strategy' (COM(2006)0567),
 - having regard to the study entitled 'Economic Impact of a Potential Free Trade Agreement (FTA) between the European Union and ASEAN' by CEPII-CERIM of 3 May 2006,
 - having regard to the Ministerial Declaration of the Fourth World Trade Organization (WTO) Ministerial Conference, adopted on 14 November 2001 in Doha and in particular its paragraph 44 on Special and Differential Treatment (SDT),
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on International Trade and the opinions of the Committee on Foreign Affairs and the Committee on Industry, Research and Energy (A6-0151/2008),
- A. whereas the European Union should continue to give priority to a rule-based multilateral trading system, established through the WTO, which offers the best prospects for fair and equitable international trade by establishing appropriate rules and ensuring compliance with them,
- B. whereas a successful, balanced conclusion of the Doha Development Agenda (DDA) offers the greatest hope of aiding developing countries' integration into the international trading system,
- C. whereas inter-regional trade agreements can complement the multilateral system by promoting integration and addressing topics for which it is currently difficult to find multilateral agreement,
- D. whereas, considered as a whole, ASEAN would be the EU's fifth largest trading partner and the EU would be ASEAN's second largest trading partner and the leading investor in the region,
- E. whereas ASEAN is an extremely diverse region, with three of its members being 'Least Developed Countries' (LDCs) while others have a higher per capita income than many EU Member States,
- F. whereas the ASEAN countries have different economic profiles and those disparities will play an important role in finalising the EU-ASEAN FTA,
- G. whereas studies show that an EU-ASEAN agreement ('the agreement') could produce substantial economic advantages for both parties but that additional measures may be required to promote an equitable division of such gains,
- H. whereas a Partnership and Cooperation Agreement (PCA), containing enforceable human rights clauses, is a prerequisite for the Union to conclude an FTA with any country,

⁽¹⁾ OJ C 102E, 24.4.2008, p. 291.

⁽²⁾ OJ C 102E, 24.4.2008, p. 321.

⁽³⁾ OJ C 68E, 18.3.2004, p. 126.

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- I. whereas adequate and reciprocal access to EU-ASEAN markets, fully respecting the differing economic positions of ASEAN members and in particular the poorest LDCs, will increase the flow of goods and services and will enhance innovation and boost economic growth on both sides,
- J. whereas account should be duly taken of the effective protection of Intellectual Property Rights (IPRs), including geographical indications and appellations of origin, while favouring access to medicines and the transfer of technologies particularly in the field of sustainable development and the fight against climate change,
 1. Believes that an ambitious agreement will greatly benefit both sides and, even though a high quality agreement is more important than a rapid timetable, is nonetheless concerned about the slow pace of negotiations; emphasises the importance of achieving concrete results for EU businesses by improving market access;
 2. Considers that a successful DDA remains the Union's trade priority and wishes negotiations with ASEAN to be complementary to it; considers that the proposed FTA has to fully respect WTO rules;
 3. Calls on both sides to give priority in the negotiations to the need to stabilise the price of commodities, in particular the price of food, and to approach the issue of agro-fuels with great caution;
 4. Believes that inter-regional agreements can usefully supplement the multilateral system, provided they are wide-ranging and ambitious, going well beyond tariff reductions and dealing with the qualitative conditions associated with trade, including effective provisions on human rights, and social and environmental standards; believes that, if an inter-regional agreement proved impractical, it would be essential for bilateral negotiations to have a common framework with only the coverage of the agreement and the transition periods varying;
 5. Emphasises that future industrial growth in the Union is dependent upon openness to foreign trade and investment, governed by fair rules;
 6. Regrets that, at the EU-ASEAN Summit held in Singapore in November 2007, certain provisions relating to business practices and conduct were not treated in depth, thus inhibiting EU investment in ASEAN countries;
 7. Stresses the importance of strengthening regional economic integration between the ASEAN countries; calls on the Commission to provide technical assistance and further possible support to facilitate such a reinforcement;
 8. Urges the parties to progressively reduce or dismantle all barriers to trade in goods and services, while fully respecting the differing economic positions within the ASEAN region and the need to ensure universal, accessible and sustainable public services with affordable prices and high-quality standards for all;
 9. Urges the Commission, in the EU-ASEAN agreement, to ensure transparency and effective rules for public procurement, competition and investment, IPRs, state aid and other subsidies; stresses the importance of services in EU-ASEAN trade relations;
 10. Stresses that an agreement with ASEAN should ensure:
 - (i) the improvement and simplification of rules of origin,
 - (ii) the harmonisation of standards, including product safety, child protection and animal welfare standards,
 - (iii) regulatory transparency and simplified bureaucratic procedures,
 - (iv) the elimination of discriminatory taxes;

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Sectoral Issues

11. Regards the issue of non-tariff barriers as of no less importance than tariff reductions and is particularly concerned about restrictions on business services, where a reduction in unjustified constraints could lead to ASEAN firms having access to lower cost, more efficient banking, insurance and legal services;
12. Stresses the importance of IPRs and calls for their effective enforcement to be given priority, particularly for design, sound recordings and other cultural goods as well as geographical indications and appellations of origin; asks the Commission to tackle barriers notwithstanding the right of countries to regulate sectors — such as audiovisual — that play a key role in preserving cultural diversity;
13. Attaches particular importance to the fight against counterfeit pharmaceuticals which represent unfair competition and a danger to consumers; at the same time, points out that nothing in the agreement should create legal or practical obstacles to the maximum use of flexibilities set out in the Declaration amending the Trade-Related Aspects of Intellectual Property Rights Agreement (TRIPS agreement) and access to medicines and calls on the Commission negotiators to take full account of the points set out in its above mentioned resolution of 12 July 2007 on this topic;
14. Recalls the EU commitment to support the Doha Declaration and the use of TRIPS flexibilities in favour of public health and of access to medicines in developing countries; therefore calls on the Commission to do nothing that could undermine the Thai government's efforts to ensure access to medicines for all its residents;
15. Believes that aspects of the agreement affecting public procurement should recognise the varying levels of development of ASEAN members and respect the right of all participants to regulate public services, particularly those relating to basic needs;
16. Considers that the agreement should seek to promote increased transparency and accountability with regard to investments made by sovereign wealth funds;
17. Expresses concern about the consequences of higher rice prices, particularly for poorer households in rice-importing ASEAN countries;
18. Considers it necessary to focus in detail on the fishing industry, and in particular on the tuna sector, given the strong socio-economic impact that the full and immediate liberalisation of tariffs would have on this sensitive sector, as recognised by the Commission in its study on the sector drawn up at Parliament's request;
19. Stresses the importance of compliance with hygiene and health rules in the fishing industry as a means of achieving improved and increased development of the industry in these countries, as well as fair competition between them and the EU fishing industry; urges the Commission to provide the necessary technical assistance to enable the ASEAN fishing industries to achieve these targets;
20. Urges that inter-regional economic cooperation be extended to the field of macroeconomics, including cooperation in matters of taxation and statistics, the adoption of international auditing and accounting standards and measures to combat corruption and money laundering;
21. Calls on the Union and ASEAN to enhance cooperation in combating human trafficking, sex-tourism and counterfeiting; welcomes ASEAN members' commitments to tackle drugs while calling on them to uphold the United Nations (UN) death penalty moratorium; commends the Philippines for abolishing the death penalty;
22. Calls on the Union and ASEAN to enhance cooperation in the field of public health and in particular in combating diseases such as AIDS, SARS and avian flu, and in tackling climate change, as well as by promoting food safety;
23. Believes that the competitiveness of the Union with ASEAN countries is dependent upon improved education, training and research in the Union and the creation of innovative products and services;

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24. Believes that trade, investment and scientific and research agreements should address sector-specific issues, such as:

- (i) low energy light bulbs,
- (ii) certification of sustainably grown and legally harvested timber products,
- (iii) the prevention of and recovery following natural disasters,
- (iv) the tourism sector, with special reference to small and medium sized enterprises,
- (v) the free movement of researchers, business people and tourists,
- (vi) cooperation between research centres in the Union and in ASEAN countries and the exchange of scientific research findings,
- (vii) aerosol dispensers;

25. Recommends that the Union's energy policy, with respect to ASEAN countries, concentrates on:

- (i) non-discriminatory licensing and trade conditions relating to energy products,
- (ii) improvements in energy production and export capacity,
- (iii) the development of transport infrastructure for energy products,
- (iv) the diversification of energy sources,
- (v) the elimination of border taxes on energy products,
- (vi) mutual agreements on energy saving, mitigating climate change and reducing greenhouse gas emissions, including potential reciprocal emissions trading arrangements, so as to avoid damage to industries in the Union;

26. Would welcome the development of joint research projects conducted by research establishments in the Union and in ASEAN countries and urges the Commission to take steps to facilitate such arrangements;

27. Recalls the need to protect industry in the Union against dumping by ASEAN exporters and to discourage such dumping by early intervention on the part of the Union's trade negotiators;

Country Specific Issues

28. Underlines that any schedule of tariff reductions should take full account of the differing economic positions of ASEAN members;

29. Considers that poorer non-LDC members of ASEAN should benefit from flexibilities that are broadly equivalent to those offered by the Economic Partnership Agreements to countries with comparable income levels;

30. Calls on the Commission, at an appropriate point during the negotiations, to invite Cambodia and Laos to indicate whether they would wish to be included in the agreement and, were the reply to be positive, to seek a revised negotiating mandate from the Council that would make this possible;

31. Believes that the current situation in Burma makes it impossible for that country to be included in the agreement;

32. Considers a resolution to the problem of banking secrecy in Singapore, which is blocking the conclusion of a PCA, to be essential if there is to be a real prospect of a region-to-region FTA;

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Sustainable Development

33. Considers an ambitious sustainable development chapter to be an essential part of any agreement and emphasises that the enforcement of those agreed standards is essential; takes the view that this requires the chapter to be subject to the standard dispute settlement mechanism;
34. Calls for any agreement to incorporate binding social and environmental clauses, committing the parties to ratifying the core International Labour Organization (ILO) conventions and ensuring their effective implementation, particularly as regards child and forced labour, the eradication of which is a crucial challenge for the ILO, as it pointed out in its report entitled 'End of Child Labour: Within Reach' first published in 2006;
35. Invites the Commission to consider ways of providing incentives to countries that improve labour standards, so as to ensure that the spread of FTAs does not undermine the attractiveness of qualifying for the special incentive arrangement of the Generalised System Preferences ('GSP+') status, whilst also studying the possibility of introducing a clause involving ratification of the basic UN and ILO conventions on human and labour rights, particularly those relating to child and forced labour;
36. Stresses that, once the EU-ASEAN FTA is in force, measures should be adopted to avoid undermining the advantages enjoyed by the LDCs regarding access for their products to the Union;
37. Believes that a Trade and Sustainable Development Forum, made up of workers' and employers' organisations and civil society representatives, could play a valuable role in ensuring that greater market opening is accompanied by rising environmental and social standards;
38. Proposes that a mechanism be established whereby recognised workers' and employers' organisations should be able to submit requests for action, which would be treated within a specified time period, and which could result in ongoing follow-up and review provisions, in order to maintain pressure against violations of workers' rights;
39. Looks forward to the early publication of a Sustainability Impact Assessment (SIA) which must be available in time to allow full public consultation so that its results can influence the outcome of the negotiations, particularly with regard to measures which may be required to mitigate the negative impact on certain groups or sectors;
40. Considers that the SIA should pay particular attention to the impact of trade liberalisation on gender equality, particularly in sectors such as agriculture, textiles and export processing;
41. Calls on the Commission and the representatives of ASEAN countries to pay particular attention to the consequences of the agreement on the small-scale farmers of the region and ensure that family and sustainable agriculture will be reinforced and not weakened;
42. Regards measures to combat deforestation and to protect and enhance tropical forests to be of great importance in the fight against climate change as well as contributing to the preservation of biological diversity; considers therefore that a PCA should only encourage trade in environmentally sustainable biofuels and that ASEAN countries should be assisted in their efforts to tackle illegal logging;
43. Calls on the negotiating partners to make sure that an agreement includes mechanisms to safeguard the traditional and customary rights of indigenous and local communities to use their forests when implementing forest management and licensing schemes, and to enhance the capacity of national parliaments and civil society, including local communities and indigenous people, to participate in decision-making regarding the conservation, use and management of natural resources, and to demarcate and defend their land rights;
44. Considers that both environmentally-friendly products and 'Fair Trade' goods should have their tariffs reduced more quickly than other goods and be given early access to the EU market; requests that the Commission considers updating the customs nomenclature in order to take account of these specific products;

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Political considerations

45. Recognises ASEAN's growing role as a force for regional stability and prosperity; welcomes the re-launching of EU-ASEAN relations in 2007 with the Singapore Summit; believes that the Union and ASEAN, which both have a commitment to regional integration, have great potential for cooperation;

46. Notes that measures to step up economic and trade relations between the Union and ASEAN will help to consolidate overall relations between the two regions and encourage further progress regarding political cooperation and security, the advancement of democracy and human rights, further progress in the field of energy/climate change and the environment, in the socio-cultural field and in the area of cooperation and development;

47. Welcomes progress on ASEAN integration and the signing of the ASEAN Charter in the hope that its provisions will enter into force as soon as possible;

48. Recalls that human rights and democracy are core EU values and demands that they form an integral part of the negotiations with ASEAN, especially in the PCAs; reiterates the importance that the Parliament attaches to political and civil rights reforms, and welcomes the establishment of the Human Rights Body in the ASEAN Charter and its explicit commitment to the strengthening of democracy, the enhancement of good governance and the rule of law, as well as the promotion and protection of human rights and fundamental freedoms; expects, therefore, that ASEAN can contribute constructively to the promotion of these values in the region;

49. Welcomes elections in Thailand restoring democracy; calls for a credible process of democratisation and national reconciliation in Burma, that must involve the full participation of the opposition and ethnic groups, and demands the immediate release of Aung San Suu Kyi and all political prisoners as well as the normalisation of activity of the political parties; supports the work of the UN and EU Special Representatives; asks the Council to maintain the restrictive measures against the Government of Burma, to follow the situation closely and, if developments in the country so require, to review those measures; asks ASEAN members, as well as China and India, to put pressure on Burma;

50. Stresses the importance of ongoing cooperation on counter-terrorism and crisis/disaster management, and welcomes recent cooperation on the Aceh Monitoring Mission;

51. In order to promote good governance, transparency and the rule of law, the Parliament wishes to see intervention from Member States and the Commission in cases where there is clear legal evidence that officials from ASEAN countries are involved in corruption cases related to natural resources; asks the Commission to report to the Parliament on any action it will undertake in this regard;

EP role

52. Expects the Lisbon Treaty to enter into force before the conclusion of the negotiations, which will remove any doubt about the need for Parliamentary assent for this type of agreement; calls on the Commission to make the negotiating mandate more widely available to Parliament and to consult Parliament regularly during the course of the negotiations to ensure that the outcome commands broad support;

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53. Instructs its President to forward this resolution to the Council and the Commission, the governments and parliaments of the Member States and of the ASEAN countries and to the ASEAN Secretary-General.

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Management of deep-sea fish stocks

P6_TA(2008)0196

European Parliament resolution of 8 May 2008 on the management of deep-sea fish stocks (2007/2110(INI))

(2009/C 271 E/05)

The European Parliament,

- having regard to the Communication from the Commission to the Council and the European Parliament on the review of the management of deep-sea fish stocks (COM(2007)0030),
 - having regard to the proposal for a Council regulation concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy (COM(2007)0196),
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries and the opinion of the Committee on the Environment, Public Health and Food Safety (A6-0103/2008),
- A. whereas the International Council for the Exploration of the Sea (ICES) points out in both its 2002 and 2004 recommendations for deep-sea species that most species are outside safe biological limits; whereas the EU has reduced its fishing effort to a significantly smaller extent than was called for in the ICES recommendations; whereas, further, improved biological background data are important in order to set quotas that will guarantee sustainable fishing,
- B. whereas fishing activities by distant water fleets, whether operating in the waters of third countries, in areas regulated by a regional fisheries organisation (RFO) or in unregulated areas on the high seas, should take place in a rational and responsible manner, in accordance with the United Nations (UN) Convention on the Law of the Sea, the UN Agreement for the Implementation of the Provisions of that Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and the FAO Code of Conduct for Responsible Fisheries; and whereas both the UN Fish Stocks Agreement and the FAO Code of Conduct require the application of the precautionary principle,
- C. whereas the EU committed itself at the 2002 Johannesburg Summit to ensuring the sustainable character of fisheries worldwide, and to maintaining or restoring stocks, especially over-exploited stocks, to the maximum sustainable yield level, if possible by 2015,
- D. whereas effectively protecting the marine environment and practising sustainable fishing are possible only with the consensus and cooperation of all interested States,
- E. whereas the systematic collection of reliable data is the cornerstone of stock assessment and scientific advice, and is therefore of vital importance for the implementation of the common fisheries policy (CFP); and whereas in its abovementioned Communication the Commission acknowledged the lack of sufficient data to carry out a scientific assessment of the state of deep-sea stocks, and the discrepancies that exist as regards their definition,
- F. whereas the report published in April 2007 by the Advisory Committee on Fisheries and Aquaculture (ACFA) addresses the changing of the timing for the submission of scientific advice and improving its quality,

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- G. whereas appropriate socio-economic measures are necessary to compensate fishermen for the costs of reductions in activity connected with stock recovery plans,
- H. whereas its resolution of 14 November 2006 on a Thematic Strategy on the Protection and Conservation of the Marine Environment ⁽¹⁾ advocated a number of measures to promote a sustainable use of the seas and the conservation of marine ecosystems,
1. Welcomes the attempts by the Community fleet to pursue a sustainable fishery policy and notes a certain lack of symmetry between the situation described in the Commission Communication and the actual situation;
 2. Points out that, before new management measures are adopted, an analysis should be made to establish the reasons why existing measures are not applied and the reasons that lead to the Member States failing to fulfil their obligations, or fulfilling them late or using different methodologies, thereby hampering an analysis of the factors influencing these fisheries;
 3. Warns that constant changes in the rules, and the launching of fresh proposals without allowing time to implement existing proposals and adequately process the information obtained, result in a loss of credibility for the CFP, and existing effort restrictions have been better suited to some species rather than others;
 4. Agrees with the Commission that the systematic collection of reliable data is the cornerstone of stock assessment and scientific advice; calls on the Commission, the Member States and the fishing industry to fill in the gaps that exist so that effort control measures can be adapted to each fishery, recognizing that most deep-water fisheries are mixed fisheries;
 5. Points out to the Commission that, even where total allowable catches (TACs) and effort limitations for these fisheries have been fixed arbitrarily owing to the lack of biological knowledge, the precautionary approach to and the exploitation of each species considered as a deep-water species must be observed and TACs must be set accordingly, on the basis of precise scientific studies;
 6. Notes that Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽²⁾ requires the application of the precautionary approach, defined in Article 3 to mean 'that the absence of adequate scientific information should not be used as a reason for postponing or failing to take management measures to conserve target species, associated or dependent species and non-target species and their environment';
 7. Stresses the need to introduce a ban on discards in deep-water fisheries, which would enable scientists to study with more precision the complex diversity of species, many of them inedible, being landed;
 8. Takes the view that the Commission, within the framework of measures to reduce by-catches and eliminate discards, should vary the levels of fishing effort according to the species targeted and those caught merely by accident, whilst at the same time strengthening monitoring and control procedures;
 9. Notes that many deep-water species are taken as by-catches, and therefore urges the Commission to place more emphasis on effort control as a way of reducing by-catches; notes, however, that restrictions on mesh sizes are inappropriate due to the shape and size of deep-water species;
 10. Calls on the Commission to carry out a socio-economic assessment of deep-sea fisheries and an analysis of the impact that new fishing effort reductions will have on the industry, as well as the impact of continued depletion of the fish stocks that the fisheries depends on; points out that it is crucial to strike a balance between socio-economic needs and environmental sustainability;
 11. Points out that, given that many of these stocks are managed in international waters, measures must be coordinated within the various RFOs so that the measures adopted take account of all fleets operating in these fisheries; considers that the EU should work to ensure the full and effective implementation of UN General Assembly Resolution 61/105 in relation to deep-sea and bottom fisheries on the high seas; believes all restrictions should apply to fishermen from all contracting parties, in order to prevent disadvantages from arising;

⁽¹⁾ OJ C 314 E, 21.12.2006, p. 131.

⁽²⁾ OJ L 358, 31.12.2002, p. 59.

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12. Proposes that fishing should not be permitted in deep-sea areas where there has not yet been any fishing activity until those areas have been investigated and the scientific evidence confirms that sustainable fishing may occur without risk of biodiversity depletion or habitat damage and the corresponding management measures are put in place;
 13. Calls on the Commission to introduce new programmes for the collection of scientific data, if necessary using research vessels; believes that one example might be that undertaken by the Spanish fisheries administration in the regulatory area of the North East Atlantic Fisheries Commission, mapping the Hatton Bank, where deep-water species are caught, and where the research focused on the distribution of seamounts, cold-water coral reefs and hydrothermal vents in order to identify sensitive zones in the areas in which fishing fleets operate;
 14. Agrees with the Commission on the need to adopt an ecosystem-based approach for this type of fisheries, whilst warning that the measures must have a minimum level of credibility and must not be applied wholesale but on the basis of environmental impact assessments, so as to avoid zones being closed where there is no risk, while closing zones to bottom fisheries where vulnerable marine ecosystems are known or likely to exist or where fish stocks are outside safe biological limits; research relating to the mapping of the seabed, interaction between the characteristics that make up ecosystems and the natural resources of the oceans must be a priority if the aim is for the new European maritime policy to become a reality;
 15. Reiterates that fishermen and the associations that represent them must be heard and must be involved in the definition of measures for the protection of the marine environment, the management of resources and stock recovery;
 16. Agrees with the ACFA on the need to devote more resources, both human and financial, to analysing biomass and fish mortality in almost all fisheries; takes the view, likewise, that if scientific advice is to be accepted by all the parties, a clear strategic direction needs to be set to avoid the duplication of work and lack of synergies;
 17. Expresses its concern over the inefficiency and poor implementation of the current CFP Regulations; calls on the Commission to improve monitoring and control procedures in the Member States;
 18. Stresses the importance of developing new techniques in order to ensure a functioning control and surveillance system; calls on the Commission to continue to develop control techniques, and points in this connection to the possibility of electronic logbooks;
 19. Highlights the advantages of setting up a network of marine protected areas (MPAs) within the Natura 2000 network, and believes that such a move will have positive effects on over-exploited fish stocks; encourages the Member States to make use of all the possibilities afforded by the marine components of the Natura 2000 network;
 20. Urges the Commission to make every effort to ensure the implementation and possible improvement of existing international deep-sea fishing agreements;
 21. Calls on the Commission and the Member States to develop common guidelines, exchange best practices, improve the use of available Community technology and involve think tanks and NGOs in order to better implement measures to reduce illegal fishing and the sale of illegal catches on European markets;
 22. Calls on the Commission and the Member States to promote more environmentally-friendly catching methods which do not harm the environment and ecological biodiversity as a result of unwanted by-catches or unnecessary injury to other living organisms;
 23. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.
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Framework for the activities of lobbyists in the EU institutions

P6_TA(2008)0197

European Parliament resolution of 8 May 2008 on the development of the framework for the activities of interest representatives (lobbyists) in the European institutions (2007/2115(INI))

(2009/C 271 E/06)

The European Parliament,

- having regard to Rule 9(4) of its Rules of Procedure,
 - having regard to the Green Paper entitled 'European Transparency Initiative' presented by the Commission (COM(2006)0194),
 - having regard to the Commission Communication entitled 'Follow-up to the Green Paper European Transparency Initiative' (COM(2007)0127),
 - having regard to the Commission draft Code of Conduct for Interest Representatives launched on 10 December 2007,
 - having regard to its decision of 17 July 1996 on the amendment of its Rules of Procedure (lobbying in Parliament) ⁽¹⁾,
 - having regard to its decision of 13 May 1997 on the amendment of its Rules of Procedure (Code of Conduct governing lobbyists) ⁽²⁾,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs and the opinions of the Committee on Budgetary Control, the Committee on Economic and Monetary Affairs, the Committee on the Environment, Public Health and Food Safety, the Committee on Legal Affairs, and the Committee on Civil Liberties, Justice and Home Affairs (A6-0105/2008),
- A. whereas lobbying in the European Parliament has increased considerably as Parliament's competencies have expanded,
- B. whereas the aim of lobbying is to influence not only policy and legislative decisions, but also the allocation of Community funds and the monitoring and enforcement of legislation,
- C. whereas, following the expected ratification of the Treaty of Lisbon, Parliament's powers will be increased so that it will become co-legislator in almost all areas through the ordinary legislative procedure, therefore attracting the focus of even more lobby groups,
- D. whereas interest representatives play an essential role in the open and pluralistic dialogue on which a democratic system rests, and are an important source of information for its Members in the performance of their mandate,
- E. whereas lobby groups not only lobby its Members but also attempt to influence Parliament's decisions by lobbying officials working in the secretariats of parliamentary committees, the staff of political groups and Members' assistants,
- F. whereas it is estimated that there are about 15 000 individual lobbyists and 2 500 lobbying organisations in Brussels,
- G. whereas the Commission has proposed that a common register be introduced for interest representatives in the EU institutions as a part of its European Transparency Initiative,

⁽¹⁾ OJ C 261, 9.9.1996, p. 75.

⁽²⁾ OJ C 167, 2.6.1997, p. 20.

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- H. whereas Parliament has had its own register of lobbyists ⁽¹⁾ from as long ago as 1996, as well as a Code of Conduct ⁽²⁾ which includes a commitment for registered lobbyists to act in accordance with high ethical standards,
- I. whereas there are currently approximately 5 000 registered lobbyists in Parliament,
- J. whereas the lobby groups include local and national organisations whose activities the Member States are responsible for regulating,

Improving Parliament's transparency

1. Recognises the influence of lobby groups on EU decision-making and therefore considers it essential that Members of Parliament should know the identity of the organisations represented by lobby groups; emphasises that transparent and equal access to all the EU institutions is an absolute prerequisite for the Union's legitimacy and trust among its citizens; stresses that transparency is a two-way street that is needed both in the work of the institutions themselves and among the lobbyists; stresses that equal access for lobby groups to the EU institutions increases the expertise available for running the Union; considers it essential that representatives of civil society have access to the EU institutions, first and foremost to Parliament;
2. Considers that its Members have a responsibility on their own part to ensure that they receive balanced information; stresses that its Members must be deemed capable of making political decisions independently of lobbyists;
3. Acknowledges that a rapporteur may, as he or she sees fit (on a voluntary basis), use a 'legislative footprint', i.e. an indicative list, attached to a Parliamentary report, of registered interest representatives who were consulted and had significant input during the preparation of the report; considers it particularly advisable that such a list be included in legislative reports; stresses, nevertheless, that it is equally important for the Commission to attach such 'legislative footprints' to its legislative initiatives;
4. Maintains that Parliament must decide entirely independently to what extent it will take account of opinions originating from civil society;
5. Notes the current rules under which its Members are required to declare their financial interests; invites its Bureau, on the basis of a proposal from the Quaestors, to draw up a plan to further improve the implementation and monitoring of Parliament's rules under which a Member must declare any support which he or she receives, whether financial or in terms of staff or materials ⁽³⁾;
6. Notes the current rules on intergroups which require disclosure of funding; calls for further clarity in relation to intergroups, i.e. a list of all existing, registered and non-registered intergroups on Parliament's website, including full declaration of outside support for the activities of intergroups as well as a statement of the intergroup's broad aims; stresses, however, that intergroups should in no way be considered bodies of Parliament;
7. Calls for the Bureau, based on a proposal by the Quaestors, to look into ways of restricting unauthorised access to the levels on which its Members' offices are situated in Parliament's buildings, whereas access to committee rooms by the public should be limited only in exceptional circumstances;

Commission proposal

8. Welcomes the Commission's proposal for a more structured framework for the activities of interest representatives as a part of the European Transparency Initiative;
9. Agrees with the Commission's definition of lobbying as 'activities carried out with the objective of influencing the policy formulation and decision-making processes of the EU institutions'; considers this definition to be in line with Rule 9(4) of its Rules of Procedure;

⁽¹⁾ Rule 9(4) of the Rules of Procedure.

⁽²⁾ Article 3 of Annex IX to the Rules of Procedure.

⁽³⁾ Article 2 of Annex I to the Rules of Procedure.

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10. Emphasises that all players, including both public and private interest representatives, outside the EU institutions falling within that definition and regularly influencing the institutions, should be considered lobbyists and treated in the same way: professional lobbyists, companies' in-house lobbyists, NGOs, think-tanks, trade associations, trade unions and employers' organisations, profit-making and non-profit-making organisations and lawyers when their purpose is to influence policy rather than to provide legal assistance and defence in legal proceedings or to give legal advice; stresses also, however, that regions and municipalities of the Member States, as well as political parties at national and European level and those bodies which have legal status under the Treaties, do not fall within the scope of these rules when they are acting in accordance with the role, and carrying out the tasks of such bodies, as provided for in the Treaties;

11. Welcomes in principle the Commission's proposal for a 'one-stop shop' where lobbyists could register with both the Commission and Parliament and calls for an interinstitutional agreement between the Council, the Commission and Parliament on a common mandatory register, as is already *de facto* the case in Parliament, that would be applicable in all institutions and include full financial disclosure, a common mechanism of removal from the register and a common code of ethical conduct; recalls, however, the essential differences between the Council, the Commission and Parliament as institutions; reserves, therefore, the right to evaluate the Commission's proposal when it is finalised and, only then, to decide on whether or not to support it;

12. Recalls that the number of lobbyists who have access to Parliament must remain within reasonable limits; suggests, therefore, the adoption of a system under which lobbyists need register only once with all the institutions and each institution may decide whether to grant access to its premises, thus allowing Parliament to continue to limit the number of passes provided to each organisation or company to four;

13. Calls for mutual recognition between the Council, the Commission and Parliament of separate registers in the event that a common register is not agreed; suggests that, in the absence of arrangements by the institutions for a common register, their individual web-based registers should include links to the other registers in order to enable comparison of lobbyists' entries; calls on the Secretary General to move Parliament's list of representatives of accredited interest groups to a more easily accessible location on Parliament's website;

14. Proposes that a joint working group of Council representatives, Commissioners and Members of the European Parliament, appointed by the Conference of Presidents, should be set up without delay, with the aim of considering, by the end of 2008, the implications of a common register for all lobbyists who wish to have access to the Council, to the Commission or to Parliament and the drawing-up of a Common Code of Conduct; instructs its Secretary General to take the appropriate steps;

15. Urges the Council to join a possible common register; is of the opinion that careful consideration needs to be given to the activities of lobbyists vis-à-vis the Council Secretariat in the context of codecision matters;

16. Notes the Commission's decision to start with a voluntary register and to evaluate the system after one year, but is concerned that a purely voluntary system will allow less responsible lobbyists to avoid compliance; calls on the three institutions to review the rules governing the activities of lobbyists at the latest three years after a common register is established, in order to determine whether the changed system is achieving the necessary transparency in respect of lobbyists' activities; is aware of the legal basis for a mandatory register provided by the Treaty of Lisbon and expresses its will in the meantime to cooperate with the institutions by way of an interinstitutional agreement on the basis of the existing registers; considers that mandatory registration should be a requirement for lobbyists who wish to have regular access to the institutions, as is already *de facto* the case in Parliament;

17. Considers that, since lobbying practices continue to evolve over time, any rules regulating such practices must be flexible enough to adapt swiftly to change;

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18. Notes the Commission's draft code of conduct for interest representatives; reminds the Commission that Parliament has already had such a code in place for over 10 years and asks the Commission to negotiate with Parliament for the establishment of common rules; is of the opinion that any code should contain a strong monitoring element with regard to the conduct of lobbyists; stresses that sanctions should apply to lobbyists who breach the code of conduct; emphasises that sufficient resources (staff and funding) must be set aside for the purposes of verifying the information on the register; considers that for the Commission's register sanctions may include suspension from the register, and in more serious cases removal from the register; believes that once a common register is established, non-compliance by lobbyists should lead to sanctions in relation to access to all institutions to which the register applies;

19. Emphasises the need for the register to be user-friendly and easily accessible on the Internet: the public must be able to easily find and search the register, and it must include not only the names of the lobbying organisations but also the name of the individual lobbyists themselves;

20. Stresses that the register should contain separate categories in which lobbyists should be registered according to the type of interests they represent (e.g. professional associations, company representatives, trade unions, employers' organisations, law firms, NGOs, etc.);

21. Welcomes the Commission's decision to request that the requirement of financial disclosure by interest representatives joining the register apply to the following:

- the turnover of professional consultancies and law firms attributable to lobbying the EU institutions, as well as the relative weight of their major clients;
- an estimate of the costs associated with direct lobbying of the EU institutions incurred by in-house lobbyists and trade associations;
- the overall budget and breakdown of the main sources of funding of NGOs and think-tanks;

22. Stresses that the requirement of financial disclosure must apply equally to all registered interest representatives;

23. Asks the abovementioned joint working group to propose specific criteria which would involve the requirement of financial disclosure, for example an indication of lobbying expenditure within meaningful parameters (exact figures would not be necessary);

24. Calls on the committee responsible to prepare any necessary amendments to Parliament's Rules of Procedure;

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

White Paper on Sport

P6_TA(2008)0198

European Parliament resolution of 8 May 2008 on the White Paper on Sport (2007/2261(INI))

(2009/C 271 E/07)

The European Parliament,

- having regard to Article 6 of the EU Treaty and Article 149 of the EC Treaty as amended by the Lisbon Treaty concerning the EU contribution to the promotion of European sporting issues while taking account of the specific nature of sport, its structures based on voluntary activity and its social and educational function,
- having regard to the White Paper on Sport (COM(2007)0391),

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- having regard to the Helsinki report of December 1999 and the Nice Declaration of December 2000 on the specific characteristics of sport and its social function in Europe,
- having regard to the UK Presidency's initiative in respect of European football which led to the drawing up of the 'Independent European Sport Review 2006',
- having regard to the case law developed by the European Court of Justice and the Court of the First Instance and Commission decisions on issues relating to sport,
- having regard to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ⁽¹⁾, which prohibits all forms of racial discrimination in the areas of employment, education, social security, health care and access to goods and services,
- having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ⁽²⁾,
- having regard to its resolutions of 13 June 1997 on the role of the European Union in the field of sport ⁽³⁾ and of 5 June 2003 on women and sport ⁽⁴⁾,
- having regard to its resolution of 29 March 2007 on the future of professional football in Europe ⁽⁵⁾,
- having regard to its resolution of 13 November 2007 on the role of sport in education ⁽⁶⁾,
- having regard to its resolution of 14 April 2005 on doping in sport ⁽⁷⁾,
- having regard to its resolution of 14 March 2006 on tackling racism in football ⁽⁸⁾,
- having regard to the World Anti-Doping Code of 2003 and its revision in 2007,
- having regard to the report and the conclusions of Europe's first conference on the Governance of Sport 'The rules of the Game' (Brussels, 26-27 February 2001),
- having regard to the Memorandum of Understanding signed by the Commission and FIFA in 2006 to make football a force for development in the African, Caribbean and Pacific countries,
- having regard to the experience gained from the European Year of Education through Sport (2004) and the Recommendation 2006/962/EC of the European Parliament and of the Council of 18 December 2006 on key competences for life-long learning ⁽⁹⁾,
- having regard to Rule 45 of its Rules of Procedure,
- having regard to the report of the Committee on Culture and Education and the opinions of the Committee on Economic and Monetary Affairs, the Committee on Employment and Social Affairs, the Committee on the Internal Market and Consumer Protection, the Committee on Regional Development, the Committee on Legal Affairs, the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women's Rights and Gender Equality (A6-0149/2008),

⁽¹⁾ OJ L 180, 19.7.2000, p. 22.

⁽²⁾ OJ L 303, 2.12.2000, p. 16.

⁽³⁾ OJ C 200, 30.6.1997, p. 252.

⁽⁴⁾ OJ C 68 E, 18.3.2004, p. 605.

⁽⁵⁾ OJ C 27 E, 31.1.2008, p. 232.

⁽⁶⁾ Texts Adopted P6_TA(2007)0503.

⁽⁷⁾ OJ C 33 E, 9.2.2006, p. 590.

⁽⁸⁾ OJ C 291 E, 30.11.2006, p. 143.

⁽⁹⁾ OJ L 394, 30.12.2006, p. 10.

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- A. having regard to the role of sport in promoting integration and its potential contribution to social cohesion and the internal cohesion of the regions,
- B. whereas European sport is an inalienable part of European identity, European culture and citizenship, and whereas European sport is based upon the commitment and the enthusiasm of millions of athletes, volunteers and supporters who are active in a large number of sports clubs and federations, a broad movement that has created many outstanding sportswomen, sportsmen and sports teams and that has made sport a highly valued aspect of our society, in which sporting events are extremely popular,
- C. whereas sport plays a very important role in European society, parts of competition sport, however, are confronted with new threats and challenges, such as commercial pressure, the exploitation of young players and sportsmen and sportswomen, doping, racism, violence, match fixing, corruption, betting fraud and money laundering,
- D. whereas sport has a special role in society as an instrument of social inclusion and integration, and whereas sport constitutes an important instrument for promoting intercultural dialogue and makes an outstanding contribution to the development and promotion of important societal, cultural and educational values, such as fairness, tolerance and mutual respect, solidarity, respect for rules, team spirit, and self-discipline; whereas sport plays a particularly important role in European society in terms of health, education, social integration and cultural values, thanks to organisations structured on voluntary lines,
- E. whereas under Article 149 of the EC Treaty as amended by the Lisbon Treaty, EU action shall be aimed at developing the European dimension in sport, by promoting fairness and openness in sporting competitions and cooperation between bodies responsible for sport, and by protecting the physical and moral integrity of sportsmen and sportswomen, especially the youngest sportsmen and sportswomen; whereas action at EU level should complement that taken by other actors without changing the existing attribution of competences,
- F. whereas, with a view to the ratification of the Lisbon Treaty and Article 149, the role of sport in Europe must be given strategic direction by clarifying the application of Community law to sport; whereas a case-by-case approach to deal with the specificity of sport is unsatisfactory from the perspective of sports organisations which will entrench existing legal uncertainty, and whereas there must be further sports-related action at EU level while respecting the autonomy, specificity and self-regulation of sports organisations;
- G. whereas Article 149 of the EC Treaty as amended by the Lisbon Treaty calls on the Community to promote fairness and openness in sporting competitions, and whereas the application of competition rules to sport is leading to a widening gap between sports clubs to the advantage of the richest, or most popular, which is harmful to the fair conduct of sporting competitions and therefore contradicts the objective laid down in that Article,
- H. whereas account must be taken of the independence of sports organisations and representative bodies such as those organising professional championships, together with the fact that organisational responsibility weighs principally on the governing boards of sports bodies and, to a certain extent, on the Member States and social partners,
- I. whereas professional sport is constantly gaining in importance and is helping to enhance the role of sport within society; whereas competition law and internal market provisions apply to professional sport to the extent that it constitutes an economic activity,
- J. whereas sport falls within the scope of EU law, notably with regard to the principle of representative and participatory democracy in the decision-making bodies of European sports institutions and Article 13 of the EC Treaty, which prohibits discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation; whereas in certain instances, in view of the specific characteristics and essential and singular features of sport, it cannot be compared with an ordinary economic activity,

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- K. whereas voluntary activities in the sporting sector strengthen social cohesion and inclusion and promote local democracy and active citizenship and also have an implicit economic value, as without volunteers sporting activities would come at a much higher cost and many of the social activities related to sport would disappear; whereas there is a need to promote voluntary sports structures and to encourage voluntary services in sport by means of measures providing appropriate protection for and acknowledging the economic and social role of volunteers,
- L. whereas a lack of physical exercise leads to an increase in cases of obesity and chronic conditions, such as cardiovascular diseases and diabetes, and as a consequence this puts a burden on the health budgets of Member States,
- M. whereas the number of hours of physical education in both primary and secondary schools has declined over the last decade, and there are major differences between Member States with regard to sporting facilities and the stock of equipment; whereas sport offers young people welcome opportunities for participation and personal commitment within society and can help to steer them away from delinquency,
- N. whereas doping undermines the principle of transparent and fair competition and puts sportsmen and sportswomen under unreasonable pressure,
- O. whereas the 2003 World Anti-Doping Code has succeeded in becoming a model for the harmonisation of national legislation worldwide; whereas efforts deployed by the World Anti-Doping Agency (WADA), however, are mainly focused on sport at the top level,
- P. whereas the Union would benefit from a more coordinated approach in the fight against doping, in particular by defining common positions in relation to WADA, Unesco and the Council of Europe, and through the exchange of information and good practice between governments, national anti-doping organisations and laboratories,
- Q. whereas, despite some progress having been made in the area of gender equality at European level, inequities between sportsmen and sportswomen persist; whereas training systems for talented young sportsmen and sportswomen should be open to all and must not lead to discrimination between EU citizens and residents based on nationality or gender,
- R. whereas all residents should have access to sport and the specific needs of some groups therefore need to be addressed, such as people with disabilities, immigrants and people from less privileged backgrounds, and whereas, in particular, disabled sportsmen and sportswomen must not suffer discrimination compared to their able-bodied counterparts as regards equal access to sport within the Member States,
- S. whereas sport is intended for all citizens, regardless of gender, race, age, disability, religion, nationality, sexual orientation and social or economic background; whereas sport can be a force for social inclusion and integration, and whereas the Parliament and Commission have repeatedly condemned all displays of violence, racism and xenophobia,
- T. whereas violence during sporting events remains an unresolved problem and can take various different forms; whereas major sporting events attract prostitution and trafficking in women and children whilst they are taking place,
- U. whereas according to a study presented during the Austrian Presidency in 2006, sport generated added value of EUR 407 billion in 2004, accounting for 3,7 % of EU GDP and providing employment for 15 million people or 5,4 % of the labour force; whereas sport, thus, contributes to the Lisbon objectives of growth and job creation and serves as a tool for local, regional and rural development, and whereas it can also have synergies with tourist development through the upgrading of infrastructures and the emergence of partnerships for financing sports and leisure facilities,
- V. whereas growing digital piracy (and in particular the unauthorised live and re-transmission of sporting events) is a major threat to the sporting sector, though there is little awareness of the problem,

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- W. whereas the overwhelming majority of sporting activities are run on a non-profit-making basis and many of them depend on financial support to ensure that they are accessible to all; whereas financial support is important for grass-roots sport and sport for all, subject to compliance with Community law; whereas organised sport in almost all Member States is built on specific non-profit making governing structures at grass-roots level, heavily reliant on the commitment of volunteers, with specific forms of legal personality or status that provide the preconditions for a range of financial and fiscal advantages,
- X. whereas Member States have not clearly defined what sport is, and have not clarified whether or not it is a service of general interest which justifies favourable financial treatment (for example tax relief),
- Y. whereas the amount of donations and government funds are decreasing, and whereas in order to survive, the majority of non-profit sports organisations need to raise revenues from some kind of commercial activity, enabling them to fulfil effectively their social objectives, and therefore these organisations are subject to EU law,
- Z. whereas sports organisations have many sources of income, such as club fees and ticket sales, advertising and sponsorship, lotteries, media rights, re-distribution of income within the sports federations and leagues, merchandising and public support, with revenues generated by state-owned or state-licensed lotteries and gambling operators being by far the most important source of income in many Member States,
- AA. whereas media rights are a primary source of income for professional sport in Europe, income which is, inter alia, also reinvested in grass-roots training, facilities and community projects, and sporting events are a popular source of content for many media operators,
- AB. whereas sports organisations in the European Union consider the contribution made to the financing of non-professional sport by state-run lotteries and licensed gambling bodies operating in the general interest as indispensable; whereas no other sustainable and politically feasible solution has so far been either proposed or seriously discussed to make up for the substantial losses from these sources of financing to be expected if profit-making enterprises were authorised to operate in Member States which have thus far applied restrictive gambling policies,
- AC. whereas sports betting activities have developed in an uncontrolled manner (particularly cross-border betting on the Internet), whereas a growing number of matches have been fixed and whereas betting-related scandals have recently come to light in Member States, threatening the integrity of sport and sporting competitions,
- AD. whereas the economic and social developments common to most Member States through growing commercialisation, encouragement to increase public spending and the growing number of participants and the number of volunteers remaining unchanged, have created fresh challenges regarding the organisation of sports in Europe,
- AE. whereas national teams play an important role not only by establishing their own credentials but also by ensuring solidarity with sport at grass-roots level and therefore deserve support,
- AF. whereas the development of a truly European market for sportsmen and sportswomen and players and the rise in the level of their salaries in some professional sports have resulted in an increase in the activities of players' agents, and whereas for this reason there is a need in the Member States for specific training of sports managers and players' agents,
- AG. whereas the sector's high degree of internationalisation has led to cross-border corruption in the sporting sector; when governing bodies face cross-border corruption problems with a European dimension they should be able to call on the Commission for assistance if and when it is needed,
- AH. whereas licensing systems, approved by the respective competition organisers, aim to ensure that all professional clubs respect the same basic rules on financial management and transparency and whereas they should be compatible with competition and internal market provisions and should not go beyond what is necessary to achieve a legitimate objective relating to the proper organisation and conduct of sport,

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- AI. whereas, by the very nature of organised sports, sporting structures at European level are as a rule less developed than at national and international level, while sport at European level is organised continent-wide and not at the level of the European Union,

- AJ. whereas the White Paper on Sport refers frequently to the mainstreaming of sport within European funding programmes, and whereas the Union shall also take the sporting dimension into account when it acts, in particular in order to respect the autonomy, specificity and self-regulation of sports organisations and to promote sport at European level; whereas the outcome of a structured dialogue between all stakeholders is very important in understanding the special nature of sport,

- AK. whereas the Commission has decided to make health-enhancing physical activity a cornerstone of its sport-related activities; whereas the Council of Europe has demonstrated an innovative and effective dialogue with the sports movement in Europe, bringing together governmental and non-governmental sports stakeholders in its meetings,

- AL. whereas social dialogue at European level may allay the concerns shared by employers and sportsmen and sportswomen by including an examination of agreements concerning relations between them and working conditions in the sector,

- AM. whereas sport can contribute to various aspects of the EU's external relations in the context of external aid programmes, contributing to dialogue with partner countries in the framework of EU public diplomacy,

- AN. whereas European sports organisation, the organisers of sporting events and all bodies responsible for sports must set themselves environmental objectives with a view to ensuring the environmental sustainability of their activities,

The organisation of sport

1. Welcomes the publication of the White Paper on Sport and hopes that it serves as a basis for the sports world and the Commission to engage in a fruitful and continuous dialogue; appreciates the importance the Commission attaches to sport by adopting this White Paper;

2. Welcomes the fact that Member States recognised sport officially in the Lisbon Treaty in order to establish a consistent future European policy in this sector; while taking into account the specific nature of sport, its structures based on voluntary activity and its social and educational function while enabling the Commission to promote and complement — but not to regulate — the actions of Member States and sports organisations; notes that existing structures for sport in Europe are based on the principle of nationality;

3. Believes that the complementary competences relating to sport contained in Article 149 of the EC Treaty as amended by the Lisbon Treaty should be exercised by the Commission with regard to the principle of subsidiarity, respecting the autonomy of sports organisations and the relevant governing bodies, and with due regard to the specificity of sport;

4. Asks the Commission to have due respect for the specificity of sports, by not taking a case-by-case approach and to provide more legal certainty by creating clear guidelines on the applicability of European law to sports in Europe and by supporting studies and seminars on the concrete application of the 'acquis communautaire' on sport; invites the Commission to ensure clarity, coherence and public visibility of EU rules, so that sports services of general interest can fulfil their objectives and contribute to a better quality of life for European citizens; further asks the Commission to monitor and regularly review the application of EU law in accordance with the EC Treaty to take account of new realities so as to identify and solve pending or emerging issues;

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5. Agrees with the Commission that most challenges can be addressed through self-regulation in line with good governance principles, provided that EU law is respected; believes a structured partnership and dialogue between the Commission and the sports movement is essential for the good governance of sport and for avoiding legal uncertainty in respect of autonomy and self-regulation of sports organisations; agrees with the Commission regarding the holding of a structured dialogue in two parts: (a) an annual European sports forum attended by all those involved in sports and (b) thematic discussions with a limited number of participants;
6. Welcomes the participation of the following in the proposed structured dialogue:
 - European sports federations,
 - European interdisciplinary sports organisations, in particular the European Olympic Committees, the European Paralympic Committee (EPC), Special Olympics and European non-governmental sports organisations,
 - national sports organisations and national Olympic and Paralympic committees,
 - others involved in sports represented at European level, including the social partners,
 - other European and international organisations, in particular the sports bodies of the Council of Europe and UN bodies such as Unesco, and the WTO;
7. Takes the view that a sports body is free to govern its sport where its rules are purely sporting ones, but where they involve restrictions, these must be proportionate, that is, reasonably necessary to achieve their sporting objective(s), within the framework of EU law;
8. Acknowledges the roles of the principal actors in professional team-sports, i.e. the clubs as the basic unit, employing players and providing the main link with supporters; players' unions as representatives of the employees; leagues, as the competent organisers at national level and employers' representatives, together with the clubs; and the governing bodies as the guardians of the sport and the rules of the game; with all four elements working to achieve good health, integrity and solidarity within sport;
9. Recommends that the specific associations for the different categories of persons involved in sport (players, trainers or coaches, referees, etc.) should all be appropriately represented in the decision-making bodies of international and national federations;
10. Takes the view that, owing to the large-scale movement of capital in the context of transfers, financial transactions should be conducted openly and transparently between all parties involved and believes that, depending on the sport, the system should be run by the relevant governing body;
11. Stresses the importance of volunteer work in the field of sport in that it acts as a major factor in stimulating and promoting social integration and greater awareness among young people; calls on the Member States and the Commission to give more encouragement to volunteer initiatives with regard to sport and sports organisations in the context of policy-making at national and European level;
12. Asks Member States and sports governing bodies to actively promote the social and democratic role of fans by supporting the creation and development of supporters' federations and promoting their involvement in the management and administration of games; believes that the Supporters Direct initiative serves as an example of best practice in this respect and calls on the Commission, the Member States and the sports governing bodies to promote its dissemination;
13. Calls on the Commission to promote greater involvement of non-governmental sports organisations in the dialogue between the Member States and the Commission by organising governmental meetings together with the non-governmental sports organisations akin to ministerial or sports director meetings or the Commission's working group meetings;

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14. Welcomes the Memorandum signed by France and the Netherlands on the White Paper on Sport and invites the Commission to clarify the status of sport in EU law with regard to specific points, such as the composition of teams, the status of players' agents, audiovisual rights etc.;

15. Calls on the Commission, when pursuing the new structured dialogue, to pay particular heed to the Committee of the Regions, taking into account its contribution at regional and local levels to the supervision and implementation of the measures set out in the White Paper on Sport;

16. Calls on international, European and national sports federations to accept in their statutes the right to have recourse to ordinary courts, but recognises that the principle of self-regulation by national authorities, leagues and competitions underpins and justifies the structures of the European sport model and the fundamental principles governing the organisation of sport competitions;

17. Encourages the Commission to promote the implementation and strengthening of self-regulatory licensing systems at national and European level in order to increase good governance and to create a level playing field concerning financial transparency and stability; recommends that measures should be taken that lead to the achievement of financial transparency and cost control in European sport, to ensure not only stability but also a level playing field among European competitors in the sports sector; and recognises the benefit of organisers of national and European competitions granting licences to professional clubs to ensure that those clubs have the necessary structure and meet the required material conditions for taking part in competitions;

18. Calls on the national and European sports competition organisers to ensure that their procedures for licensing sports associations comply with the basic principles of financial transparency, are non-discriminatory and are in accordance with basic internal market provisions and principles, so as to curb distortions of competition; considers that sports organisations must ensure that the requirements regarding transparency and licensing are complied with and that non-compliance is punished;

19. Welcomes the Commission's proposal to hold a conference with UEFA, the Association of European Football Leagues (EPFL), the International Union of Professional Footballers (Fifpro), the national associations and national bodies responsible for organising professional football events in order to discuss licensing arrangements and best practices within this specific domain and calls on the Commission to invite other representative associations concerned to this conference;

Doping

20. Requests Member States to agree on a common legislative approach towards doping in order to ensure similar legal treatment in all Member States and to define common positions in relation to WADA, Unesco and the Council of Europe; calls on those Member States that have not yet signed the Unesco Convention against doping in sport to do so;

21. Calls on the Union, as a participant of WADA, with a view to combating doping, in the first instance to reinforce existing networks, and only then to develop new partnerships between law enforcement agencies, laboratories accredited by WADA, Europol and Interpol to exchange information about new doping substances and practices in a timely manner and in a secure environment;

22. Invites the Commission to implement actions nos. 4 and 5 of the 'Pierre de Coubertin' Action Plan so as to promote the development of partnerships between Member State law enforcement agencies, laboratories accredited by WADA and Interpol to exchange information about new doping substances and practices in a timely manner and in a secure environment, and to facilitate and support actively the creation of a network of national anti-doping organisations of Member States;

23. Urges Member States to treat the trade in illegal doping substances in the same manner as the trade in illicit drugs and to adjust their national legislation accordingly; and invites the Commission to reflect on how to take this recommendation, made in the White Paper further;

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24. Calls for a policy aimed at preventing and combating doping that includes avoiding excessively busy schedules that put pressure on athletes; stresses the need to fight irregularities through checks, research, testing, long-term monitoring by independent doctors and through education and, at the same time, prevention and training; calls on professional clubs and sports organisations to adopt a pledge to combat doping and to monitor compliance through internal and external independent checks;

25. Requests the development of an action plan on the fight against doping in the run-up to the next Olympics scheduled to take place in the EU (London 2012);

26. Requests that funding be made available for research on doping through the Framework Programme on Research and the Public Health Programme;

27. Calls on the Member States to ensure more comprehensive information and education for young sports competitors regarding performance-enhancing drugs, prescriptions which may contain them and their effect on health;

Education, young people and health

28. Stresses the role of sport in education, teaching young people the values of tolerance and mutual respect, honesty and respect for the rules of fair play, and health care prevention, in particular efforts to tackle obesity;

29. Welcomes the Commission proposal to promote sport and physical exercise as major factors regarding education standards, so as to make schools more attractive and improve academic standards; supports the Commission's recommendations to the Member States to develop strategies at national level which, under their educational programmes, would seek to increase and enhance children's and school-children's physical activity from a very early age; emphasises the importance of funding physical activity in schools, which is fundamental to the psychological and physical growth of the youngest children, as well as being a major healthcare instrument for the young and the not-so young;

30. Calls on the Member States to encourage further measures to promote sport and physical exercise as a major factor in raising national education standards and make full use of the opportunities offered by community programmes regarding mobility at all levels of education, vocational training and lifelong learning;

31. Recommends that Member States recognise the need to provide 'dual career' sporting and academic training for young sportsmen and sportswomen, from the outset, in order to ensure that professional sportsmen and sportswomen can reintegrate into the labour market at the end of their careers — with special attention to the education of the youngest — for which purpose stricter supervision and regular checks on training are required so that its quality can be guaranteed and to provide high quality local training centres to safeguard their moral, educational and professional interests;

32. Calls on the Commission and the Member States to step up preventative measures and health checks for young sportspeople and ensure that all the rights enshrined in the United Nations Convention on the Rights of the Child are respected;

33. Welcomes the Commission proposal regarding the award of a European prize to schools actively supporting and promoting physical exercise as part of the curriculum;

34. Agrees with the Commission that investment in young talented sportsmen and sportswomen is crucial for the sustainable development of sport and believes that there is a real challenge for the sports movement to ensure the local training of players; believes that the UEFA home-grown rule can serve as an example to other federations, leagues and clubs;

35. Refers in this respect to the task of the Union, conferred on it by the Lisbon Treaty, of protecting the physical and moral integrity of the youngest sportsmen and sportswomen in particular;

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36. Calls on the Commission to recognise the legality of measures favouring the promotion of players who have come through training schemes, such as a minimum number of locally-trained players, irrespective of their nationality, on the professional staff;

37. Calls on the Commission to encourage measures by sports organisations to protect young sportsmen and sportswomen, with due respect for the specificity of sport, by openly expressing itself in favour of stricter application of the FIFA regulations banning transfers of players aged under 16 within the EU and endorsing the principle that players should sign their first professional contract with the club which has trained them;

38. Calls on the Commission and the Member States to combat the exploitation of girls and boys in sports and child trafficking by strictly enforcing existing laws and rules; suggests that a higher level of legal security, in particular in the application of the 'home-grown players rule', is desirable;

39. Deplores the practice of Member State governments selling school playing-fields for development; considers that Member States should be encouraged to ensure that children have sufficient facilities to engage in sports and physical activities at school; invites the Member States to facilitate free access for people under 14 to all national and international competitions;

40. Given the need to adopt a horizontal approach to questions concerning the protection of the environment and health, recommends that the Commission encourage the promotion of environmental and health protection during European sporting events; welcomes the Commission decision to promote green procurement in its political dialogue with the Member States and other concerned parties;

41. Acknowledges the importance of sport in health protection and for this reason recommends that the owners of the broadcasting rights promote sport with this objective in mind;

42. Points out that the link between sport and health is an important consideration, so that cooperation between sports organisations or associations and health insurance funds and doctors has become an increasingly common practice which represents an enormous added value for health care services and, at the same time, a financial saving; and considers it crucial that young people are educated to become aware of the importance of healthy food, under the circumstances of an inter-relationship between food and physical exercise, through Europe-wide events, such as 'E-free Food Day';

43. Stresses the importance of physical exercise and sport in curbing obesity and eliminating unhealthy lifestyle habits, since this phenomenon has a significant positive impact on citizens' health on the one hand and as regards reducing the cost of health insurance funds on the other; expresses, however, concern at the fact that the extension of working hours and existing employment conditions in general deter workers from taking regular exercise and devoting themselves more single-mindedly to sport; calls on the Commission to develop and issue, together with sport federations, European guidelines and recommendations on physical activity before the end of 2008;

44. Invites the Member States to create the framework for organising European School Championships and European University Championships, in order to prepare young people for performing and to encourage intercultural dialogue;

Social inclusion and anti-discrimination

45. Stresses that sport is one of the most effective tools for social integration and, as such, should be promoted and supported by the European Union to a greater extent, e.g. through special programmes for organisers of European, national and local sporting and recreational events; considers that these opportunities should be extended, in particular, to organisers of sporting events that promote integration and involve disabled people; considers that within the context of the 2008 European Year of Intercultural Dialogue, particular attention must be given to the role of sport as the ultimate arena for intercultural co-existence and a cornerstone for dialogue and cooperation with third countries;

46. Stresses the importance of promoting sports, guaranteeing access to sport for all and equal opportunities and investing in training for sports instructors and coaches and more public sports facilities;

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47. Calls on the Commission and the Member States to regard sport not only as a prerogative of the able-bodied, but also as an important instrument for the rehabilitation and social inclusion of people with disabilities; in this context, urges the Commission and the Member States to support practical measures and initiatives to promote greater integration of disabled participants into traditional sporting disciplines;
48. Welcomes the Commission's initiative to encourage the sports organisations and the Member States to adapt sports' and schools' infrastructure to the needs of disabled people and requests that it be made easier for physical education teachers to undertake kinetotherapy and physical therapy studies, thus enabling them to work with partially disabled students, according to the conditions they have;
49. Welcomes the decision of the Commission and Member States to support further measures for persons with disabilities; urges the Commission to ensure that all rights earmarked for sportspeople are equally accessible to their disabled counterparts;
50. Welcomes the Commission's comprehensive White Paper on Sport; regrets, however, that the gender aspect is not adequately taken into account, especially regarding equal pay for equal value and the fact that female athletes earn less than their male counterparts;
51. Welcomes the Commission's intention to introduce gender mainstreaming in all its sports-related activities, with a specific focus on access to sport for immigrant women and women from ethnic minorities, women's access to decision-making positions in sport and media coverage of women in sport;
52. Calls on the Member States to give equal recognition to women's sporting achievements, providing appropriate financial awards without delay, and to introduce legal provisions to ensure that women are not awarded less valuable financial or other prizes in sporting events;
53. Calls on the Member States to encourage media coverage of women's sporting activities in order to foster the emergence of female role models and overcome gender stereotyping and afford women career opportunities in sport-related areas, including in decision-making positions;
54. Calls on the Member States progressively to adapt their sport infrastructure to take into account the needs of people, and especially children, with disabilities, but also the elderly and women, in view of the increase in active life expectancy and the importance of sport in supporting physical and mental health, as regards access to such infrastructure, and to learn from best practice in this area; calls on the Member States to monitor the use of public funds earmarked for sport and to check that these are allocated equally to the needs of sportswomen and sportsmen;
55. Stresses the particularly important role of sports for the social inclusion of those from less privileged backgrounds, in particular migrants; calls on the Member States in this connection to incorporate sports activities and programmes in initiatives financed by the European Social Fund with a view to achieving social integration and participation by those belonging to less privileged categories;
56. Takes a positive view of the Commission's stance in recognising the role of sport as a useful instrument for integrating migrants and, more generally, as an instrument of social inclusion; proposes that access to sport and integration in social sports infrastructures should be considered an indicator of social integration and a factor for analysing the phenomenon of social exclusion;
57. Stresses the role of regions and local authorities in organising professional and recreational sporting events, developing infrastructure and promoting sport and a healthy lifestyle among EU citizens, particularly schoolchildren;
58. Calls on sports organisations and Member States to adopt the strictest of measures to combat racism and discrimination in sports; considers the sporting arena the working place of the professional athlete and calls on the Commission and Member States to ensure a workplace free of discrimination;

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59. Calls on the Commission and all the Member States to transpose and implement Council Directive 2000/43/EC of 29 June 2000 on implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ⁽¹⁾ and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ⁽²⁾ effectively;

60. Calls on professional sports organisations and sports clubs to launch campaigns to tackle all forms of discrimination, racism and xenophobia before, during and after sporting activities and matches by participants and spectators, both inside and outside stadiums.

Sport and third countries

61. Insists that development through sport should never lead to 'muscle drain' and calls on the Union to address this issue in its policy dialogue and cooperation with partner countries;

62. Calls on the Commission and the Member States to extend the scope of dialogue and cooperation with third countries to issues such as transfers of international players, exploitation of underage players, doping, money-laundering through sport and safety during major international sporting events;

63. Calls on the Member States to provide more facilities to accommodate sportsmen and sportswomen from third countries in accordance with recent pronouncements concerning cyclical migration, partnership arrangements with third countries regarding mobility and the legal migration policy of 2005;

64. Calls on the Commission and the Member States, when addressing sport in the EU's development policies, to create synergies with existing programmes of the UN, Member States, local authorities, NGOs and private bodies;

Policing of sporting events

65. Calls on Member States to encourage the exchange of best practices and of operational information on risk-supporters between police services, supporter initiatives, local anti-violence groups and experts and the sports authorities, in order to prevent and address cases of violence, racism and xenophobia at sporting events; calls on all parties concerned to play an active role, eliciting immediate and more stringent sanctions against racism and violence, be they on the field or in the stands and to draw upon the existing experience of competition organisers and clubs in this field at a domestic and European level to ensure high minimum standards are guaranteed by public authorities and competition organisers in implementing procedures and match security plans; underlines the need to create the conditions for a more comprehensive approach, involving all the stakeholders in a strategy designed to strengthen the non-repressive aspects of the response to challenges, with a strong focus on education and training;

66. Calls on the Commission and the Member States to implement an 'intelligence-led policy' of cross-border police cooperation in the field of sport, including the exchange of information and intelligence between security services, while ensuring respect for freedom, fundamental rights and data protection rules;

67. Draws particular attention to the valuable experience gained through the NFIPs (National Football Information Points, responsible for coordinating and facilitating cross-border police information exchange, including risk assessments and data on high-risk supporters) and the handbook for international police cooperation, which can play a key role in this 'intelligence-led policy'; calls on the Commission and the Member States to cooperate more extensively and to develop and update this approach further where necessary;

68. Welcomes the Commission's initiative to prevent violence during sporting events and recommends developing measures to combat violence in school sports;

69. Welcomes the development of club licensing systems at national and European level and believes that such systems should also include provisions related to the prevention of racism, xenophobia and violence, the protection of minors and respect for fundamental rights;

⁽¹⁾ OJ L 180, 19.7.2000, p. 22.

⁽²⁾ OJ L 303, 2.12.2000, p. 16.

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Economic aspects

70. Calls on the Commission and Member States to introduce legislation and/or strengthen existing regulations and to attach particular importance to respecting intellectual property rights relating to commercial communications, trademarks and images, names, media rights and any other spin-offs from the sporting events organisers are running, so as to protect the professional sport economy, while respecting the right of 'short reporting' as stipulated by Directive 2007/65/EC⁽¹⁾ ('Audiovisual Media Services' Directive) and the self-sustained and balanced development of sport, without putting at stake the proper balance between a sporting organisation's legitimate concerns and the needs of the public to be able to access and create objective, informative and topical information in the forms of written, pictorial and audio content; points out that it is also important to ensure that recipients are guaranteed the possibility of having access to sporting events at cross-border level within the EU at a distance; in particular, problems of ambush marketing, Internet piracy and unlawful sports betting should be addressed as a priority by Member States and the Commission;

71. Acknowledges the right of all media to access and report on organised sporting events of great interest to the public in order to guarantee the right of the public to receive such news and information in news programmes; acknowledges the right of the Member States to be able to take measures to protect the right to information and to ensure wide access by the public to television coverage of national or non-national sporting events of major importance for society, such as the Olympic Games, the Football World Cup and the European Football Championship;

72. Repeats its support for Member States drawing up a list of events of major importance to the public that should be on free-to-air television under Article 3a of the abovementioned Audiovisual Media Services Directive and condemns FIFA's court actions in this respect;

73. Recommends that Member States and national sports federations and leagues introduce collective selling of media rights (where this is not already the case); considers that there needs to be, in the interests of solidarity, an equitable redistribution of income between sports clubs, including the smallest ones, within and between the leagues, and between professional and amateur sport, so as to prevent a situation in which only big clubs benefit from media rights;

74. Recognises that sports rights require the same protection as other media rights; welcomes the Commission's recognition of collective selling of media rights as a tool for achieving greater solidarity within sports and its insistence on the creation and maintenance of solidarity mechanisms; calls on those leagues which do not foresee such mechanisms to introduce them and calls on the Commission to accept collective selling of media rights as generally compliant with EU competition rules, alternatively setting up a block exemption for the collective selling of media rights in the area of sport, thus ensuring legal certainty for both sport event organisers and media investors;

75. States that sport must ensure the interdependence of competitors and the need to guarantee an unpredictable outcome of the results of competitions, which could justify sports organisations implementing a specific framework on the markets for the production and the sale of sporting events; however, these specific features do not warrant an automatic exemption from EU competition rules of any economic activities generated by sport;

76. Asks the Commission and the Member States to further strengthen Intellectual Property Rights (IPR) in the sport sector, and demands concrete action which protects the IPR of sports event organisers with regard to the results and the sporting event as a whole, without prejudice to the freedom of the press;

77. Calls on the Commission to pay sufficient attention to sports piracy in its strategy for the online content sector and its fight against piracy; calls on the Commission and Member States to strengthen the rights of the sports sector in the context of the World Intellectual Property Organization (WIPO) and their dialogue with third countries;

⁽¹⁾ Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (OJ L 332, 18.12.2007, p. 27).

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78. Notes that there is often a mismatch between supply of and demand for tickets for major sporting events, which is detrimental to consumers; stresses that the interests of consumers should be fully taken into account when organising the distribution of tickets and that non-discriminatory and fair ticket sales should be guaranteed at all levels;
79. Calls on the Commission and the Member States to develop a European statistical method for measuring the economic impact of sport as a basis for national statistical accounts for sport, which could in time lead to a European satellite account for sport;
80. Calls on the Commission to include in the scope of its plans for the immediate future an evaluation of the direct contribution made by sport to GDP, development and employment, and its indirect contribution, through education, regional development and greater EU appeal, to the Lisbon Agenda;
81. Recommends that Member States make more effective use of the potential of sport to create jobs and promote economic growth and revitalisation, particularly in disadvantaged areas and that Member States and the Union support sport accordingly through existing EU funding programmes and in this light underlines the important role sport can play in the field of social inclusion; recognises the role of income from media and other intellectual property rights in the growth of expenditure on revitalisation and community projects,
82. Calls on the Member States, with the help of the Commission, to organise the exchange of best practices between themselves and the sports federations regarding the organisation of major sporting events with a view to promoting sustainable economic development, competition and employment;
83. Proposes that an effective mechanism be set up for promoting cross-border and inter-regional cooperation so as to make better use of infrastructure investments connected to sporting events; further proposes to encourage the promotion of sport through the European grouping of territorial cooperation as provided for by Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation (EGTC) ⁽¹⁾;
84. Supports strengthening of solidarity between professional and amateur sport so as to encourage small clubs, promote school sports and develop the relevant local infrastructures; welcomes the Commission's acknowledgement of the particular challenges faced by amateur and non-profit sport and by sport dependent on volunteering and calls for this to be reflected in all economic aspects of future sports policy;
85. Draws attention to non-professional sport, which is often neglected; points to the need to provide greater financial support, better working conditions and other incentives and benefits for non-professional sports, including for non-profit clubs, athletes, managers, trainers/coaches and amateur and voluntary referees;
86. Stresses also the need to guarantee that the State covers the safety costs of non-professional competitions organised by non-profit bodies;
87. Calls on the Commission to help maintain, with a view to ensuring continued sources of financing for non-professional sport, the current system of public financing of non-professional sport through contributions from state-run lotteries and licensed gambling bodies operating in the general interest;
88. Awaits with interest the findings of the independent survey regarding both public and private funding in the Member States for grass-roots sport and sport for all and the impact of the ongoing changes taking place in that sector;
89. Voices its concern at a possible deregulation of the market in gambling and lotteries; considers it appropriate to use the profits derived from such lotteries for purposes that are in the public interest, including the continuing financing for professional and amateur sport; calls on the Commission and the Member States to adopt regulatory measures which ensure that sport is protected from any improper influence relating to betting, which guarantee the sporting events' integrity and ensure the respect of the competitions organisers intellectual property rights; calls on the Commission to carry out a study of the potential effects on society and sport of full deregulation of the market in gambling and lotteries, and of what types of control mechanisms could be used to protect consumers;

⁽¹⁾ OJ L 210, 31.7.2006, p. 19.

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90. Asks the Commission to come forward with a proposal ensuring a clean sports betting sector in the Union, preventing misuse and corruption and respecting the sporting event organisers' rights; and asks the Commission and the Member States to explore with sports and betting operators the creation of a workable, equitable and sustainable framework to ensure that all sports in the European Union remain free from illegal betting practices and that public confidence in their integrity is retained;
91. Points out that the discriminatory tax treatment favouring sports people, in application in the Member States, can have distorting effects on competition;
92. Stresses, together with the Commission, the need to continue to provide for the possibility of reduced VAT in respect of sports activities, given the important social role it fulfils and its close links with the local community;
93. Encourages sports organisations to reinvest a percentage of the revenue generated by the sale of media rights and market ventures relating to a particular sport, such reinvestment to be allocated directly to funding and aiding the volunteer and non-profit sectors of that sport;
94. Considers it important to recognise the specific nature of non-profit sports organisations and asserts that account must be taken in Community law of the difference between volunteer organisations, non-profit organisations and profit-making enterprises; calls on the Member States, together with the Commission, to define the principal challenges facing non-profit-making sports associations and the principal nature of the services provided by them;

Issues related to the employment of sports people

95. Considers it undesirable for professional athletes to have fewer rights than other contracted workers and therefore considers it important that professional athletes have as broad and transparent a range of rights as other workers, including the right to enter or refuse to enter into collective agreements and membership of professional trade unions and to have recourse to ordinary courts of law;
96. Affirms the basic applicability of EU non-discrimination legislation to the field of sports in Europe and calls on the Commission to ensure that any derogations due to the specificity of sports are both legal and limited in scope; considers that there are certain instances, in view of the specific characteristics of sport, where limited and proportionate restrictions on free movement may be appropriate, useful and necessary in order to promote sport in Member States;
97. Calls on Member States to ensure, through their national legislation, that any rule on the transfer of players in a European context respects EU law, with due regard to the specificity of sport and other fundamental principles such as the maintenance of contractual stability and the stability of competitions;
98. Calls on the Member States and sports associations not to introduce new rules that create direct discrimination based on nationality (such as the 6 + 5 rule proposed by FIFA, in contrast to UEFA's more proportionate and non-discriminatory home-grown player scheme); advocates political dialogue with the Member States as a means of combating discrimination in sport by way of recommendations, structured dialogue with those involved in sport and infringement procedures when considered appropriate;
99. Calls on the Member States and relevant regulatory bodies to examine allegations of corruption and exploitation in the recruitment and employment of athletes, in particular under-age athletes from outside the Union;
100. Condemns bad practices in the activities of some representatives of professional sports players which have resulted in instances of corruption, money laundering and the exploitation of under-age players and sportsmen and sportswomen, and takes the view that such practices harm sport in general; believes that the current economic reality surrounding players' agents requires that sport governing bodies at all levels, in consultation with the Commission, improve the rules governing players' agents; in this respect calls on the Commission to support the efforts of sports governing bodies to regulate players' agents, if necessary by presenting a proposal for a directive concerning players' agents; supports public-private partnerships representative of sports interests and anti-corruption authorities, which will assist in the development of effective preventive and repressive strategies to counter such corruption;

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101. Notes that recognition of players' agents' professional qualifications is covered by Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications ⁽¹⁾ where the profession is subject to regulation at national level;

102. Insists that immigration law must always be respected in relation to the recruitment of young foreign talent and calls on the Commission to tackle the problem of child trafficking in the context of Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings ⁽²⁾ and/or in the context of the implementation of Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work ⁽³⁾;

103. Calls on the Member States and sports associations to cooperate in protecting the mental and physical health of young people by means of information regarding the applicable legislation, health insurance for sports people, the establishment of minimum standards and the exchange of best practices;

104. Calls on the sports governing bodies and the clubs to engage in the fight against human trafficking by:

- subscribing to a European charter for solidarity in sports, that commits subscribers to respect good practices concerning the discovery, recruitment and reception of young foreign sports players;
- the creation of a Solidarity Fund that would finance prevention programmes in countries most affected by human trafficking;
- reviewing Article 19 of the FIFA Regulations for the Status and Transfer of Players in relation to the protection of minors;

105. Welcomes the encouragement given to establish European committees for social dialogue in the sports sector; supports efforts by employers and employees in this area and calls on the Commission to continue its open dialogue with all sports organisations regarding this matter;

106. Underlines the importance of social dialogue promoted by the Commission as a valuable platform to promote social consultation and stable relations between employer and employee representatives and ensure legal certainty and contractual stability in sport; in this respect, welcomes the fact that the EPFL and Fifpro, mutually recognising each other as social partners, and have jointly requested to the Commission the formal establishment of an EU social dialogue committee in the professional football sector, with the clubs and UEFA taking part as equal partners;

107. Considers that players' agents should have a role within a strengthened social dialogue in sports, which, in combination with better regulation and a European licensing system for agents, would also prevent cases of improper action by agents;

EU sport funding

108. Requests a special budget line for preparatory actions in the field of sport under the 2009 budget; since Article 149 of the EC Treaty as amended by the Lisbon Treaty, foresees incentive measures in the area of sport and since a specific EU funding programme on sport would not be operational before 2011 — assuming the Lisbon Treaty is ratified by the 27 Member States — acknowledges the need to prepare the programme through preparatory actions as from 2009;

109. Asks to start the implementation process for the various actions mentioned in the 'Pierre de Coubertin' Action Plan;

110. Welcomes the idea of an EU sport policy programme foreseen under the provisions of the Lisbon Treaty and looks forward to the ensuing proposal from the Commission;

⁽¹⁾ OJ L 255, 30.9.2005, p. 22.

⁽²⁾ OJ L 203, 1.8.2002, p. 1.

⁽³⁾ OJ L 216, 20.8.1994, p. 12.

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111. Calls on the Commission to launch preparatory actions in the field of social inclusion and sport, focusing on projects with clear European added value, and urges the Commission to support projects that fulfil this aim, such as the Special Olympics Unified Sports initiative; urges the Commission to devote part of any possible future preparatory action in the field of sport to the issue of the protection of minors;

112. Invites the Commission and the Member States to take into consideration the possibility of creating supporting programmes for students with special physical needs;

113. Calls on the Commission and the Member States, as part of their sustainable development strategies, to provide funding for sports-related infrastructures and projects under the European Regional Development Fund, as well as providing for the possible use of new funding instruments (including Jeremie and Jessica);

114. Urges the Commission to mainstream sport properly in existing EU policies and EU funding programmes and report on the progress of its mainstreaming several times a year;

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115. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the European, international and national sport federations as well as to national leagues and competitions.

Microcredit

P6_TA(2008)0199

Declaration of the European Parliament on microcredit

(2009/C 271 E/08)

The European Parliament,

— having regard to Rule 116 of its Rules of Procedure,

- A. whereas microcredit represents a method of lending small amounts that can be accessed by disadvantaged persons,
- B. whereas microcredit has permitted the extremely successful development of self-help employment projects, while also enabling the improvement of living conditions, and is also an important vehicle for the empowerment of women,
- C. whereas microcredit is a key tool for the combating of poverty and an instrument for achieving the Millennium Goals,
 1. Requests the Commission and the Council to recognise the importance of microcredit in the context of the Barcelona Process and in the neighbourhood and development policies;
 2. Calls on the Commission and the Council to lend greater support to microcredit projects and to bolster programmes to help women in that connection;
 3. Calls for human and financial resources to be allocated to microcredit projects in developing countries and in Mediterranean countries;
 4. Suggests that a joint microcredit association be created to certify the credibility of projects;
 5. Instructs its President to forward this declaration, together with the names of the signatories, to the Council and the Commission.

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List of signatories

Adamos Adamou, Vittorio Agnoletto, Vincenzo Aita, Gabriele Albertini, Jan Andersson, Georgs Andrejevs, Alfonso Andria, Laima Liucija Andrikiienė, Emmanouil Angelakas, Roberta Angelilli, Kader Arif, Stavros Arnautakis, Francisco Assis, Elspeth Attwooll, Marie-Hélène Aubert, Margrete Auken, Inés Ayala Sender, Liam Aylward, Peter Baco, Maria Badia i Cutchet, Mariela Velichkova Baeva, Enrique Barón Crespo, Alessandro Battilocchio, Katerina Batzeli, Edit Bauer, Jean Marie Beaupuy, Zsolt László Becsey, Angelika Beer, Ivo Belet, Irena Belohorská, Monika Beňová, Rolf Berend, Giovanni Berlinguer, Sebastian Valentin Bodu, Herbert Bösch, Vito Bonsignore, Josep Borrell Fontelles, Victor Boștinaru, Costas Botopoulos, Bernadette Bourzai, John Bowis, Emine Bozkurt, Iles Braghetto, Frieda Brepoels, Hiltrud Breyer, André Brie, Elmar Brok, Wolfgang Bulfon, Udo Bullmann, Nicodim Bulzesc, Ieke van den Burg, Philip Bushill-Matthews, Cristian Silviu Bușoi, Philippe Busquin, Simon Busuttill, Jerzy Buzek, Luis Manuel Capoulas Santos, Marco Cappato, Marie-Arlette Carlotti, Carlos Carnero González, Paulo Casaca, Michael Cashman, Carlo Casini, Françoise Castex, Giusto Catania, Alejandro Cercas, Jorgo Chatzimarkakis, Giulietto Chiesa, Ole Christensen, Philip Claeys, Luigi Cocilovo, Carlos Coelho, Richard Corbett, Giovanna Corda, Thierry Cornillet, Jean Louis Cottigny, Paul Marie Coûteaux, Michael Cramer, Corina Crețu, Gabriela Crețu, Brian Crowley, Magor Imre Csibi, Joseph Daul, Antonio De Blasio, Arūnas Degutis, Véronique De Keyser, Panayiotis Demetriou, Gérard Deprez, Proinsias De Rossa, Marie-Hélène Descamps, Albert Deß, Nirj Deva, Mia De Vits, Giorgos Dimitrakopoulos, Alexandra Dobolyi, Beniamino Donnici, Brigitte Douay, Avril Doyle, Mojca Drčar Murko, Bárbara Dührkop Dührkop, Árpád Duka-Zólyomi, Constantin Dumitriu, Christian Ehler, Saïd El Khadraoui, Maria da Assunção Esteves, Edite Estrela, Harald Ettl, Robert Evans, Richard Falbr, Carlo Fatuzzo, Szabolcs Fazakas, Emanuel Jardim Fernandes, Francesco Ferrari, Anne Ferreira, Elisa Ferreira, Ilda Figueiredo, Petru Filip, Věra Flasarová, Hélène Flautre, Alessandro Foglietta, Nicole Fontaine, Glyn Ford, Juan Fraile Cantón, Armando França, Monica Frassoni, Duarte Freitas, Ingo Friedrich, Urszula Gacek, Michael Gahler, Kinga Gál, Milan Gaľa, Gerardo Galeote, Vicente Miguel Garcés Ramón, Iratxe García Pérez, Giuseppe Gargani, Jean- Paul Gauzès, Evelyne Gebhardt, Lidia Joanna Geringer de Oedenberg, Claire Gibault, Adam Gierek, Robert Goebbels, Bogdan Golik, Bruno Gollnisch, Ana Maria Gomes, Donata Gottardi, Hélène Goudin, Genowefa Grabowska, Vasco Graça Moura, Ingeborg Gräßle, Luis de Grandes Pascual, Martí Grau i Segú, Louis Grech, Lissy Gröner, Françoise Grossetête, Lilli Gruber, Ignasi Guardans Cambó, Umberto Guidoni, Zita Gurmai, Catherine Guy-Quint, Fiona Hall, David Hammerstein, Benoît Hamon, Małgorzata Handzlik, Gábor Harangozó, Marian Harkin, Rebecca Harms, Joel Hasse Ferreira, Satu Hassi, Adeline Hazan, Christopher Heaton-Harris, Anna Hedh, Gyula Hegyi, Jacky Hélin, Erna Hennicot-Schoepges, Edit Herczog, Esther Herranz García, Jens Holm, Mary Honeyball, Richard Howitt, Ján Hudacký, Stephen Hughes, Alain Hutchinson, Jana Hybášková, Mikel Irujo Amezaga, Marie Anne Isler Béguin, Lily Jacobs, Mieczysław Edmund Janowski, Lívia Járóka, Elisabeth Jeggle, Rumiana Jeleva, Karin Jöns, Romana Jordan Cizelj, Madeleine Jouye de Grandmaison, Jelko Kacin, Filip Kaczmarek, Gisela Kallenbach, Othmar Karas, Sajjad Karim, Ioannis Kasoulides, Piia-Noora Kauppi, Tunne Kelam, Glenys Kinnock, Evgeni Kirilov, Ewa Klamt, Christa Klaß, Eija-Riitta Korhola, Magda Kósáné Kovács, Miloš Koterec, Sergej Kozlík, Rodi Kratsa- Tsagaropoulou, Ģirts Valdis Kristovskis, Urszula Krupa, Wiesław Stefan Kuc, Helmut Kuhne, Sepp Kusstatscher, André Laignel, Alain Lamassoure, Jean Lambert, Stavros Lambrinidis, Alexander Lambsdorff, Vytautas Landsbergis, Carl Lang, Stéphane Le Foll, Jörg Leichtfried, Jo Leinen, Jean-Marie Le Pen, Bogusław Liberadzki, Marcin Libicki, Eva Lichtenberger, Marie-Noëlle Lienemann, Kartika Tamara Liotard, Alain Lipietz, Pia Elda Locatelli, Antonio López-Istúriz White, Andrea Losco, Patrick Louis, Caroline Lucas, Sarah Ludford, Astrid Lulling, Nils Lundgren, Marusya Ivanova Lyubcheva, Linda McAvan, Arlene McCarthy, Mary Lou McDonald, Edward McMillan-Scott, Jamila Madeira, Eugenijus Maldeikis, Vladimír Maňka, Erika Mann, Thomas Mann, Mario Mantovani, Marian-Jean Marinescu, Helmuth Markov, Sérgio Marques, David Martin, Jean-Claude Martinez, Miguel Ángel Martínez Martínez, Jan Tadeusz Masiel, Antonio Masip Hidalgo, Maria Matsouka, Mario Mauro, Manolis Mavrommatis, Hans-Peter Mayer, Manuel Medina Ortega, Íñigo Méndez de Vigo, Emilio Menéndez del Valle, Willy Meyer Pleite, Rosa Miguélez Ramos, Marianne Mikko, Miroslav Mikolášik, Gay Mitchell, Nickolay Mladenov, Claude Moraes, Javier Moreno Sánchez, Luisa Morgantini, Philippe Morillon, Elisabeth Morin, Roberto Musacchio, Pasqualina Napoletano, Cătălin-Ioan Nechifor, Catherine Neris, Angelika Niebler, Lambert van Nistelrooij, Ljudmila Novak, Raimon Obiols i Germà, Vural Öger, Cem Özdemir, Péter Olajos, Jan Olbrycht, Gérard Onesta, Josu Ortuondo Larrea, Siiri Oviir, Reino Paasilinna, Justas Vincas Paleckis, Marie Panayotopoulos-Cassiotou, Marco Pannella, Pier Antonio Panzeri, Dimitrios Papadimoulis, Atanas Papanizov, Neil Parish, Ioan Mircea Pașcu, Aldo Patriciello, Béatrice Patrie, Vincent Peillon, Alojz Peterle, Maria Petre, Tobias Pflüger, Rihards Pīks, João de Deus Pinheiro, Józef Pinior, Miroslaw Mariusz Piotrowski, Umberto Pirilli, Lapo Pistelli, Gianni Pittella, Francisca Pleguezuelos Aguilar, Zita Pleštinská, Rovana Plumb, Zdzisław Zbigniew Podkański, Bernard Poinant, José Javier Pomés Ruiz, Mihaela Popa, Miguel Portas, Bernd Posselt, Christa Prets, Pierre Pribetich, Vittorio Prodi, Jacek Protasiewicz, John Purvis, Luís Queiró, Reinhard Rack, Bilyana Ilieva Raeva, Poul Nyrup Rasmussen, Karin Resetarits, José Ribeiro e Castro, Teresa Riera Madurell, Giovanni Rivera,

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Marco Rizzo, Michel Rocard, Zuzana Roithová, Raül Romeva i Rueda, Wojciech Roszkowski, Dagmar Roth-Behrendt, Mechtild Rothe, Libor Rouček, Martine Roure, Paul Rübig, Leopold Józef Rutowicz, Eoin Ryan, Tokia Saïfi, Aloyzas Sakalas, José Ignacio Salafranca Sánchez-Neyra, María Isabel Salinas García, Antolín Sánchez Presedo, Manuel António dos Santos, Jacek Saryusz-Wolski, Gilles Savary, Luciana Sbarbati, Pierre Schapira, Karin Scheele, Lydia Schenardi, Agnes Schierhuber, Frithjof Schmidt, Jürgen Schröder, Elisabeth Schroedter, Inger Segelström, Adrian Severin, José Albino Silva Peneda, Peter Skinner, Nina Škottová, Alyn Smith, Csaba Sógor, Bogusław Sonik, María Sornosa Martínez, Sérgio Sousa Pinto, Jean Spautz, Bart Staes, Peter Šťastný, Petya Stavreva, Catherine Stihler, Theodor Dumitru Stolojan, Daniel Stroj, Margie Sudre, László Surján, Eva-Britt Svensson, Hannes Swoboda, József Szájer, Konrad Szymański, Antonio Tajani, Salvatore Tatarella, Britta Thomsen, Silvia-Adriana Țicău, Gary Titley, Patrizia Toia, László Tóké, Ewa Tomaszewska, Jacques Toubon, Kyriacos Triantaphyllides, Evangelia Tzampazi, Felekna Uca, Vladimir Urutchev, Nikolaos Vakalis, Johan Van Hecke, Anne Van Lancker, Ioannis Varvitsiotis, Alejo Vidal-Quadras, Philippe de Villiers, Dominique Vlasto, Johannes Voggenhuber, Sahra Wagenknecht, Henri Weber, Renate Weber, Åsa Westlund, Anders Wijkman, Iuliu Winkler, Bernard Wojciechowski, Corien Wortmann-Kool, Francis Wurtz, Luis Yáñez-Barnuevo García, Anna Záborská, Zbigniew Zaleski, Mauro Zani, Tomáš Zatloukal, Dushana Zdravkova, Gabriele Zimme

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II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS AND BODIES

EUROPEAN PARLIAMENT

Exercise of implementing powers conferred on the Commission

P6_TA(2008)0189

European Parliament decision of 8 May 2008 on the conclusion of an interinstitutional agreement between the European Parliament and the Commission on procedures for implementing Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission, as amended by Decision 2006/512/EC (C6-0009/2008 — 2008/2002(ACI))

(2009/C 271 E/09)

The European Parliament,

- having regard to the letter from its President of 27 March 2008 transmitting the interinstitutional agreement as approved by the Conference of Presidents on 12 December 2007,
 - having regard to Article 202 of the EC Treaty,
 - having regard to Council Decision 2006/512/EC of 17 July 2006 amending Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾,
 - having regard to the draft agreement between the European Parliament and the Commission on procedures for implementing Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission, as amended by Decision 2006/512/EC (hereinafter referred to as 'the Agreement'),
 - having regard to Rules 81 and 120(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs (A6-0107/2008),
- A. whereas certain provisions of the Agreement between the European Parliament and the Commission on procedures for implementing Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽²⁾ ('the 2000 Agreement') have unfortunately been disregarded by the Commission, for example the provision that Parliament is to receive, at the same time as the members of the committee and on the same terms, the various comitology documents, inasmuch as those documents are almost always sent to Parliament too late and, in any case, not at the same time as to the members of the committee,

⁽¹⁾ OJ L 200, 22.7.2006, p. 11.

⁽²⁾ OJ L 256, 10.10.2000, p. 19.

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- B. whereas the procedures for implementing Council Decision 1999/468/EC were highly unsatisfactory and, with the exception of the procedures for the new regulatory procedure with scrutiny, still are, due *inter alia* to the way in which the comitology database has operated; whereas documents are often sent in bits and pieces and without a clear explanation of their status, and sometimes under misleading headings, e.g. draft implementing measures that have not yet been voted on in committee are sent under the heading 'right to scrutiny', when they should be sent under the heading 'right to information', which makes it unclear which deadlines apply,
- C. whereas this problem, in practice, reduces still further Parliament's already very limited control over comitology matters,
- D. whereas the Commission has now undertaken to establish an electronic register containing all documents forwarded to Parliament, to which Parliament is to have direct access, which will enable a clear identification of the documents covered by the same procedure, an indication of the stage reached in the procedure and the timetable, a clear distinction between the draft measures received by Parliament and the final draft following the committee's opinion, and a clear identification of any modification in comparison to documents already forwarded to Parliament,
- E. whereas the Agreement is of great practical significance not only in relation to the new regulatory procedure with scrutiny, but for all comitology procedures; whereas the Agreement may set a precedent for future interinstitutional agreements with similar objectives,
- F. whereas, although the Agreement is to apply for a brief transitional period, the experience gained during that transitional period could be highly instructive, and whereas its aim is to ensure that, after the Lisbon Treaty enters into force, every comitology procedure between the three institutions functions satisfactorily,
1. Emphasises that, when applicable, reference to the regulatory procedure with scrutiny is obligatory for all three institutions and is not subject to bargaining or negotiation; calls on the Council, the Commission and all parliamentary committees to take this circumstance duly into account in all relevant legislative procedures;
 2. Recalls that the regulatory procedure with scrutiny is to be applied in relation to all measures of general scope which seek to amend non-essential elements of a basic instrument adopted in accordance with the procedure referred to in Article 251 of the Treaty, *inter alia* by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements;
 3. Calls on the Council and the Commission, in the case of grey areas where it may be unclear whether the new regulatory procedure with scrutiny, or another comitology procedure, is to apply, to apply the new regulatory procedure with scrutiny;
 4. Stresses that the sole purpose of the new regulatory procedure with scrutiny is to strengthen Parliament's right of control, and that it in no way changes the scope of implementing powers that can be conferred on the Commission;
 5. Is of the opinion that the Agreement represents a step in the right direction as far as Parliament's rights and powers with regard to delegated legislation are concerned;
 6. Welcomes the fact that the Agreement defines more precisely the Commission's obligation to inform Parliament under Article 7(3) of Decision 1999/468/EC by stipulating that Parliament is to be informed of the proceedings of the committees in accordance with arrangements which ensure that the transmission system is transparent and efficient and that the information forwarded and the various stages of the procedure are identified;

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7. Expects that the Commission will fully adhere to all provisions of the Agreement, which is unfortunately not the case as regards the 2000 Agreement;
 8. Calls for a consistently high standard of summary records, with attendance lists that indicate, at the very least, the names of the people who attended the meeting in question, their affiliation and their e-mail addresses;
 9. Points out that effective operation of the new register will be the decisive element with regard to full and satisfactory implementation of the Agreement and, therefore, eagerly awaits its being put into practice; recommends that, after the transitional period, Parliament and the Commission undertake a review of the new register and correct any practical difficulties and faults which may emerge; recommends that Parliament obtain information about the functioning of the register from the parties concerned during the initial period;
 10. Expressly welcomes the new provisions whereby the register is to clearly identify the status of all comitology documents received, any possible link with other documents already forwarded and any changes that have been made;
 11. Calls on the Commission in this context to change its internal procedures in order to ensure that a distinction is made between, on the one hand, draft measures which must be sent to Parliament under its right to information at the same time as to the relevant committee and, on the other hand, draft measures which must be sent to Parliament so as to enable it to exercise its right of scrutiny;
 12. Welcomes the introduction of an 'early warning system' whereby Parliament is informed as soon as becomes apparent that urgent draft implementing measures are going to be submitted to a committee, but insists that this must not be used to turn non-urgent matters into urgent ones, as curtailed time-limits may apply only in duly substantiated, exceptional cases;
 13. Points out that, in order to exercise its right of scrutiny on the basis of adequate information, Parliament needs to be regularly provided with all the background documentation explaining why the Commission is proposing certain measures; welcomes the Commission's readiness to assist Parliament in order to ensure full cooperation when dealing with specific implementing measures, and therefore calls on the Commission to submit to Parliament, upon request, any background document that relates to the draft implementing measure;
 14. Does not share the Commission's view that draft implementing measures submitted to it are not to be made public until the vote in the committee, and insists on its right to consult whomsoever it may wish in relation to any draft measures; calls on the Commission to reconsider its view and to make all draft implementing measures public as soon as they are formally proposed;
 15. Approves conclusion of the Agreement and expects its full implementation without delay after its approval;
 16. Decides to annex the Agreement to its Rules of Procedure, replacing Annex XII thereof;
 17. Instructs its President to forward this decision and its annex, for information, to the Council, the Commission, and the parliaments of the Member States.
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ANNEX

EUROPEAN PARLIAMENT
COMMISSION

AGREEMENT BETWEEN THE EUROPEAN PARLIAMENT AND THE COMMISSION ON PROCEDURES FOR IMPLEMENTING COUNCIL DECISION 1999/468/EC LAYING DOWN THE PROCEDURES FOR THE EXERCISE OF IMPLEMENTING POWERS CONFERRED ON THE COMMISSION, AS AMENDED BY DECISION 2006/512/EC

Information to the European Parliament

1. Pursuant to Article 7(3) of Decision 1999/468/EC ⁽¹⁾, the European Parliament is to be informed by the Commission on a regular basis of proceedings of committees ⁽²⁾ in accordance with arrangements which ensure that the transmission system is transparent and efficient and that the information forwarded and the various stages of the procedure are identified. To that end, it is to receive, at the same time as the members of the committees and on the same terms, the draft agendas for committee meetings, the draft implementing measures submitted to those committees pursuant to basic instruments adopted in accordance with the procedure provided for by Article 251 of the Treaty, the results of voting, summary records of the meetings and lists of the authorities to which the persons designated by the Member States to represent them belong.

Register

2. The Commission will establish a register containing all documents forwarded to the European Parliament ⁽³⁾. The European Parliament will have direct access to this register. In accordance with Article 7(5) of Decision 1999/468/EC, references of all documents transmitted to the European Parliament will be made public.

3. In accordance with the undertakings given by the Commission in its statement on Article 7(3) of Decision 1999/468/EC ⁽⁴⁾, and once the appropriate technical arrangements have been made, the register provided for in paragraph 2 will enable, in particular:

- a clear identification of the documents covered by the same procedure and of any changes to the implementing measure at each stage of the procedure;
- an indication of the stage of the procedure and the timetable;
- a clear distinction between the draft measures received by the European Parliament at the same time as the committee members in accordance with the right to information and the final draft following the committee's opinion that is forwarded to the European Parliament;
- a clear identification of any modification in comparison to documents already forwarded to the European Parliament.

4. When, after a transitional period starting from the entry into force of this Agreement, the European Parliament and the Commission conclude that the system is operational and satisfactory, the transmission of documents to the European Parliament shall be made by electronic notification with a link to the register provided for in paragraph 2. This decision shall be taken through an exchange of letters between the presidents of both institutions. During the transitional period, the documents will be forwarded to the European Parliament as an attachment to an electronic mail.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

⁽²⁾ Throughout this Agreement, the word 'committee' shall be taken to refer to committees established in accordance with Decision 1999/468/EC, except where it is specified that another committee is referred to.

⁽³⁾ The target date for the establishment of the register is 31 March 2008.

⁽⁴⁾ OJ C 171, 22.7.2006, p. 21.

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5. Furthermore, the Commission agrees to forward to the European Parliament, for information and at the request of the parliamentary committee responsible, specific draft measures implementing basic instruments which, although not adopted in accordance with the procedure provided for by Article 251 of the Treaty, are of particular importance to the European Parliament. These measures shall be entered in the register provided for in paragraph 2 with a notification thereof to the European Parliament.

6. In addition to the summary records referred to in paragraph 1, the European Parliament may request access to minutes of committee meetings ⁽¹⁾. The Commission will examine each request, on a case by case basis, under the confidentiality rules set out in Annex 1 to the Framework Agreement on relations between the European Parliament and the Commission ⁽²⁾.

Confidential documents

7. Confidential documents will be processed in accordance with internal administrative procedures drawn up by each institution with a view to providing all the requisite guarantees.

European Parliament resolutions under Article 8 of Decision 1999/468/EC

8. Pursuant to Article 8 of Decision 1999/468/EC, the European Parliament may indicate, in a resolution setting out the grounds on which it is based, that draft measures implementing a basic instrument adopted in accordance with the procedure provided for by Article 251 of the Treaty would exceed the implementing powers provided for in that basic instrument.

9. The European Parliament is to adopt such resolutions in accordance with its Rules of Procedure; it is to have a period of one month in which to do so, beginning on the date of receipt of the final draft of the implementing measures in the language versions submitted to the members of the committee concerned.

10. The European Parliament and the Commission agree that it is appropriate to establish a shorter time limit on a permanent basis for some types of urgent implementing measures on which a decision must be taken within a shorter period of time in the interests of sound management. This applies in particular to some types of measure relating to external action, including humanitarian and emergency aid, to health and safety protection, to transport security and safety and to exemptions from public procurement rules. An agreement between the Member of the Commission and the Chair of the parliamentary committee responsible will lay down the types of measure concerned and the applicable time limits. Such an agreement may be revoked at any time by either side.

11. Without prejudice to the cases referred to in paragraph 10, the time limit will be shorter in urgent cases and in the case of measures relating to day-to-day administrative matters and/or having a limited period of validity. That time limit may be very short in extremely urgent cases, in particular on public health grounds. The Member of the Commission responsible is to set the appropriate time limit and to state the reason for that time limit. The European Parliament may in such cases use a procedure whereby application of Article 8 of Decision 1999/468/EC is delegated to the parliamentary committee responsible, which may send a response to the Commission within the relevant time limit.

⁽¹⁾ See the judgment of the Court of First Instance of the European Communities of 19 July 1999 in Case T-188/97 *Rothmans v Commission* [1999] ECR II-2463.

⁽²⁾ OJ C 177 E, 18.5.2006, p. 123.

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12. As soon as the Commission's services foresee that draft measures covered by paragraphs 10 and 11 might have to be submitted to a committee, they will informally warn the secretariat of the parliamentary committee or committees responsible thereof. As soon as initial draft measures have been submitted to the members of the committee, the Commission's services will notify the secretariat of the parliamentary committee or committees of their urgency and of the time limits that will apply once the final draft has been submitted.

13. Following the adoption by the European Parliament of a resolution as referred to in paragraph 8 or a response as referred to in paragraph 11, the Member of the Commission responsible is to inform the European Parliament or, where appropriate, the parliamentary committee responsible of the action the Commission intends to take thereon.

14. Data pursuant to paragraphs 10 to 13 will be entered in the register.

Regulatory procedure with scrutiny

15. Where the regulatory procedure with scrutiny applies, and following the vote in the committee, the Commission will inform the European Parliament of the applicable time limits. Subject to paragraph 16, these time limits will start to run only once the European Parliament has received all language versions.

16. Where shorter time limits apply (Article 5a(5)(b) of Decision 1999/468/EC) and in cases of urgency (Article 5a(6) of Decision 1999/468/EC), the time limits shall start to run from the date of receipt by the European Parliament of the final draft implementing measures in the language versions submitted to the members of the committee, unless the Chair of the parliamentary committee objects. In any event, the Commission will endeavour to forward all language versions to the European Parliament as soon as possible. As soon as the Commission's services foresee that draft measures covered by Article 5a(5)(b) or (6) might have to be submitted to a committee, they will informally warn the secretariat of the parliamentary committee or committees responsible thereof.

Financial services

17. In accordance with its statement on Article 7(3) of Decision 1999/468/EC, in respect of financial services the Commission undertakes to:

- ensure that the Commission official chairing a committee meeting informs the European Parliament, at its request, after each meeting, of any discussions concerning draft implementing measures that have been submitted to that committee;
- give an oral or written reply to any questions regarding discussions concerning draft implementing measures submitted to a committee.

Finally, the Commission will ensure that the undertakings made at Parliament's plenary sitting of 5 February 2002 ⁽¹⁾ and restated at its plenary sitting of 31 March 2004 ⁽²⁾ and those referred to in points 1 to 7 of the letter of 2 October 2001 ⁽³⁾ from Commissioner Bolkestein to the Chairman of the European Parliament's Committee on Economic and Monetary Affairs are honoured in respect of the entire financial services sector (including securities, banks, insurance, pensions and accounting).

⁽¹⁾ OJ C 284 E, 21.11.2002, p. 19.

⁽²⁾ OJ C 103 E, 29.4.2004, p. 446 and Verbatim Report of Proceedings (CRE) for Parliament's plenary sitting of 31 March 2004, under 'Vote'.

⁽³⁾ OJ C 284 E, 21.11.2002, p. 83.

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Calendar of parliamentary work

18. Except where shorter time limits apply or in cases of urgency, the Commission will take into account, when transmitting draft implementing measures under this Agreement, the European Parliament's periods of recess (winter, summer and European elections), in order to ensure that Parliament is able to exercise its prerogatives within the time limits laid down in Decision 1999/468/EC and this Agreement.

Cooperation between the European Parliament and the Commission

19. The two institutions express their readiness to assist each other in order to ensure full cooperation when dealing with specific implementing measures. To this effect, appropriate contacts at administrative level will be established.

Preceding agreements

20. The 2000 Agreement between the European Parliament and the Commission on procedures for implementing Council Decision 1999/468/EC ⁽¹⁾ is hereby replaced. The European Parliament and the Commission consider the following agreements superseded and thus of no effect in so far as they are concerned: the 1988 Plumb/Delors Agreement, the 1996 Samland/Williamson Agreement and the 1994 *modus vivendi* ⁽²⁾.

⁽¹⁾ OJ L 256, 10.10.2000, p. 19.

⁽²⁾ OJ C 102, 4.4.1996, p. 1.

Implementing measures (amendment of Rule 81)

P6_TA(2008)0190

European Parliament decision of 8 May 2008 on amendment of Rule 81 of Parliament's Rules of Procedure on implementing measures (2008/2027(REG))

(2009/C 271 E/10)

The European Parliament,

- having regard to the letter from its President of 27 March 2008 transmitting the interinstitutional agreement as approved by the Conference of Presidents on 12 December 2007,
 - having regard to the interinstitutional agreement between the European Parliament and the Commission on procedures for implementing Council Decision 1999/468/EC, laying down the procedures for the exercise of implementing powers conferred on the Commission, as amended by Decision 2006/512/EC ⁽¹⁾,
 - having regard to Rules 120(2), 201 and 202 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs (A6-0108/2008),
1. Decides to amend its Rules of Procedure as shown below;
 2. Points out that the amendment 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 Commission, for information.

⁽¹⁾ Texts Adopted, 8.5.2008, P6_TA(2008)0189.

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PRESENT TEXT

AMENDMENT

Amendment 1**Parliament's Rules of Procedure
Rule 81 — paragraph 4 — point (a)**

(a) the time for scrutiny shall start to run when the draft of measures has been submitted to Parliament in all official languages;

(a) the time for scrutiny shall start to run when the draft of measures has been submitted to Parliament in all official languages. **Where shorter time-limits apply (Article 5a(5)(b) of Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission) and in cases of urgency (Article 5a(6) of Decision 1999/468/EC), the time for scrutiny shall, unless the Chair of the committee responsible objects, start to run from the date of receipt by Parliament of the final draft implementing measures in the language versions submitted to the members of the committee established in accordance with Decision 1999/468/EC. Rule 138 shall not apply in this case;**

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III

(Preparatory acts)

EUROPEAN PARLIAMENT

EC-Seychelles Agreement — fishing opportunities and financial contributions *

P6_TA(2008)0187

European Parliament legislative resolution of 8 May 2008 on the proposal for a Council regulation on the conclusion of the Agreement in the form of an Exchange of Letters on the amendments to the Protocol setting out, for the period from 18 January 2005 to 17 January 2011, the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Republic of Seychelles (COM(2007)0664 — C6-0430/2007 — 2007/0232(CNS))

(2009/C 271 E/11)

(Consultation procedure)

The European Parliament,

- having regard to the proposal for a Council regulation (COM(2007)0664),
 - having regard to Article 37 and Article 300(2) of the EC Treaty,
 - having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0430/2007),
 - having regard to Rules 51 and 83(7) of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries and the opinions of the Committee on Budgets and the Committee on Development (A6-0085/2008),
1. Approves the proposal for a Council regulation as amended and approves the conclusion of the Agreement;
 2. Instructs its President to forward its position to the Council and the Commission, and the governments and parliaments of the Member States and the Republic of Seychelles.

TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT**Amendment 1**
Proposal for a regulation
Recital 1a (new)

(1a) Chapter VIII of that Protocol, relating to port equipment, provides that '[t]he Seychelles authorities shall lay down, in agreement with the shipowners, the conditions for using port equipment', but no action has yet been taken to meet the industry's demands for the improvement of the port infrastructure.

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TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT**Amendment 2****Proposal for a regulation
Recital 1b (new)**

(1b) If fisheries sectoral policy in Seychelles is to become a reality, account must be taken of the improvement and modernisation of port infrastructure, which is currently highly congested, and of the possibility of abolishing the special landing fee for tuna, which does not exist in any other port in the world.

Amendment 3**Proposal for a regulation
Article 3 — paragraph 1a (new)**

Each year, the Commission shall determine whether those Member States whose vessels operate under the Protocol to the Agreement have complied with reporting requirements. Where they have not, the Commission shall refuse their requests for fishing licences for the following year.

Amendment 4**Proposal for a regulation
Article 3a (new)**

*Article 3a
The Commission shall report annually to the European Parliament and the Council on the results of the multiannual sectoral programme described in Article 7 of the Protocol as well as on compliance by the Member States with reporting requirements.*

Amendment 5**Proposal for a regulation
Article 3b (new)**

*Article 3b
Before the expiry of the Protocol or the start of negotiations for its possible replacement, the Commission shall submit to the European Parliament and the Council an ex post evaluation of the Protocol, including a cost-benefit analysis.*

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Excise duty on beer produced locally in Madeira *

P6_TA(2008)0188

European Parliament legislative resolution of 8 May 2008 on the proposal for a Council decision authorising Portugal to apply a reduced rate of excise duty on locally produced beer in the autonomous region of Madeira (COM(2007)0772 — C6-0012/2008 — 2007/0273(CNS))

(2009/C 271 E/12)

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2007)0772),
 - having regard to Article 299(2) of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0012/2008),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Regional Development and the opinion of the Committee on Agriculture and Rural Development (A6-0146/2008),
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. Asks 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.

Support schemes for farmers (support for cotton) *

P6_TA(2008)0191

European Parliament legislative resolution of 8 May 2008 on the proposal for a Council regulation amending Regulation (EC) No1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers, as regards the support scheme for cotton (COM(2007)0701 — C6-0447/2007 — 2007/0242(CNS))

(2009/C 271 E/13)

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2007)0701),
- having regard to Article 37(2), third subparagraph of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0447/2007),
- having regard to Rule 51 of its Rules of Procedure,
- having regard to the report of the Committee on Agriculture and Rural Development (A6-0166/2008),

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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. Asks 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.

TEXT PROPOSED
BY THE COMMISSION

AMENDMENTS
BY PARLIAMENT

Amendment 1

Proposal for a regulation — amending act Recital 2

(2) By *judgement* of the Court of Justice of the European Communities of 7 September 2006 in case C-310/04 Chapter 10a of Title IV of Regulation (EC) No 1782/2003 was annulled for breach of the principle of proportionality, in particular with reference to the circumstance that 'the Council, the author of Regulation (EC) No 864/2004, [had] not shown before the Court that in adopting the new cotton support scheme established by that regulation it actually exercised its discretion, involving the taking into consideration of all the relevant factors and circumstances of the case, including all the labour costs linked to cotton growing and the viability of the ginning undertakings, which it was necessary to take into account for assessing the profitability of that crop' and that the Court had not been enabled 'to ascertain whether the Community legislature [had been] able, without exceeding the bounds of the broad discretion it enjoys in the matter, to reach the conclusion that fixing the amount of the specific aid for cotton at 35 % of the total existing aid under the previous support scheme would suffice to guarantee the objective set out in recital 5 in the preamble to Regulation (EC) No 864/2004, namely to ensure **the profitability and hence the continuation of that crop, an objective reflecting that laid down in paragraph 2 of Protocol 4**'. **The Court also ordered that the effects of the annulment be suspended until the adoption, within a reasonable time, of a new regulation.**

(2) By *judgment* of the Court of Justice of the European Communities of 7 September 2006 in case C-310/04 Chapter 10a of Title IV of Regulation (EC) No 1782/2003 was annulled for breach of the principle of proportionality, in particular with reference to the circumstance that 'the Council, the author of Regulation (EC) No 864/2004, [had] not shown before the Court that in adopting the new cotton support scheme established by that regulation it actually exercised its discretion, involving the taking into consideration of all the relevant factors and circumstances of the case, including all the labour costs linked to cotton growing and the viability of the ginning undertakings, which it was necessary to take into account for assessing the profitability of that crop' and that the Court had not been enabled 'to ascertain whether the Community legislature [had been] able, without exceeding the bounds of the broad discretion it enjoys in the matter, to reach the conclusion that fixing the amount of the specific aid for cotton at 35 % of the total existing aid under the previous support scheme would suffice to guarantee the objective set out in recital 5 in the preamble to Regulation (EC) No 864/2004, namely to ensure **that the amount of the specific aid for cotton is calculated in such a way as to create economic conditions which will enable cotton growing to continue in the regions suited to that crop and prevent the replacement of cotton by other crops.**

Amendment 2

Proposal for a regulation — amending act Recital 3

(3) A new scheme of specific payment for cotton needs to be adopted in conformity with the Court's *judgement* in case C-310/04.

(3) A new scheme of specific payment for cotton needs to be adopted in conformity with the Court's *judgment* in case C-310/04 which, **pursuant to the description given in that judgment and to the objective formulated in recital 5 to Regulation (EC) No 864/2004, will lead to profitability and enable cotton growing to continue on a sustainable basis.**

Thursday 8 May 2008

TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT**Amendment 3****Proposal for a regulation — amending act
Recital 3a (new)**

(3a) Cotton is grown mainly in regions whose gross domestic product is amongst the lowest in the European Union and whose economy is closely linked to agriculture. In such regions, cotton growing and the ginning industry which supports it are prime sources of income and employment, accounting in certain cases for over 80 % of activity in the area in which they are established. Furthermore, soil conditions in certain areas are such that, from an agronomic point of view, no alternative crop can be established in the short term.

Amendment 4**Proposal for a regulation — amending act
Recital 3b (new)**

(3b) The current cotton-aid scheme is highly specific in nature. Its roots lie in the Acts of Accession of Greece, Spain and Portugal, and certain of its objectives are to support cotton production in certain regions of the Community which are dependent on that crop, to provide the producers concerned with a fair income and to stabilise the market.

Amendment 5**Proposal for a regulation — amending act
Recital 4**

(4) The new scheme should meet the objectives, set out in paragraph 2 of Protocol No 4 on cotton to the Act of Accession of Greece ('Protocol 4'), to support the production of cotton in regions of the Community where it is important for the agricultural economy, to **permit** the producers concerned **to earn** a fair income, and to stabilise the market by structural improvements at the level of supply and marketing.

(4) The new scheme should meet the objectives, set out in paragraph 2 of Protocol No 4 on cotton to the Act of Accession of Greece ('Protocol 4'), to support the production of cotton in regions of the Community where it is important for the agricultural economy **and the social structure**, to **provide** the producers concerned with a fair income, and to stabilise the market by structural improvements at the level of supply and marketing.

Amendment 6**Proposal for a regulation — amending act
Recital 5**

(5) All the relevant factors and circumstances pertaining to the specific situation of the cotton sector, including all the elements necessary to assess the profitability of that crop, should be taken into consideration. **To this end**, an evaluation and consultation process was launched: two studies were carried out on the socio-economic and on the environmental impact on the cotton sector in the Community of the future cotton support scheme and specific seminars and an Internet consultation were organised with stakeholders.

(5) All the relevant factors and circumstances pertaining to the specific situation of the cotton sector, including all the elements necessary to assess the profitability of that crop, should be taken into consideration. **Cotton is grown in regions which still qualify as convergence-objective regions for the period 2007 to 2013 and which have an essentially agricultural economy with few alternative crops. Furthermore, cotton-growing and the associated agri-industry are a major source of employment and wealth in those areas. Hence an**

Thursday 8 May 2008

TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT

evaluation and consultation process was launched: two studies were carried out on the socio-economic and on the environmental impact on the cotton sector in the Community of the future cotton support scheme and specific seminars and an Internet consultation were organised with stakeholders.

Amendment 7**Proposal for a regulation — amending act****Recital 6**

(6) *The de-coupling of direct producer support and the introduction of the single payment scheme are essential elements in the process of reforming the common agricultural policy (CAP) aimed at moving away from a policy of price and production support to a policy of farmer income support.* Regulation (EC) No 1782/2003 *introduced those elements* for several agricultural products.

(6) Regulation (EC) No 1782/2003 *introduced the de-coupling of direct producer support and a single-payment scheme* for several agricultural products.

Amendment 8**Proposal for a regulation — amending act****Recital 8**

(8) A complete integration in the single payment scheme of the support scheme in the cotton sector is likely to bring a significant risk of production disruption to the cotton producer regions of the Community. Part of the support should therefore continue to be linked to the cultivation of cotton through a crop-specific payment per eligible hectare. Its amount should be calculated in such a way so as to achieve the objectives set out in paragraph 2 of Protocol 4 while also bring the cotton scheme into the mainstream of the CAP reform process and simplification. To that end, in the light of the evaluation carried out, it is justified that the total available aid per hectare per Member State is set at 35 % of the national share of the aid that went indirectly to the producers. Such a rate allows the cotton sector to move towards long-term viability, promotes the sustainable development of the cotton-producing regions and ensures a fair income to farmers.

(8) A complete integration in the single payment scheme of the support scheme in the cotton sector is likely to bring a significant risk of production disruption to the cotton producer regions of the Community. Part of the support should therefore continue to be linked to the cultivation of cotton through a crop-specific payment per eligible hectare. Its amount should be calculated in such a way so as to achieve the objectives set out in paragraph 2 of Protocol 4 while also bring the cotton scheme into the mainstream of the CAP reform process and simplification. To that end, in the light of the evaluation carried out, it is justified that the total available aid per hectare per Member State is **set in line with the Member State's wishes and at no lower than 35 %** of the national share of the aid that went indirectly to the producers, **in line with the principle of subsidiarity**. Such a rate allows the cotton sector to move towards long-term viability, promotes the sustainable development of the cotton-producing regions and ensures a fair income to farmers.

Amendment 9**Proposal for a regulation — amending act****Recital 9**

(9) The remaining **65 %** of the national share of the aid that went indirectly to the producers should be available for the single payment scheme.

(9) The remaining **percentage** of the national share of the aid that went indirectly to the producers (**which would be between 20 % and 65 %**) should be available for the single payment scheme.

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TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT**Amendment 10****Proposal for a regulation — amending act
Recital 10**

(10) *For environmental reasons, a* base area per Member State should be established ***in order to limit the areas sown under cotton***. In addition, the eligible areas should be restricted to those authorised by the Member States.

(10) A base ***cultivation*** area per Member State should be established, ***with priority to be given to traditional growing areas in order to ensure that cotton growing continues in areas in which cotton production is of particular importance to the agricultural economy***. In addition, the eligible areas should be restricted to those authorised by the Member States.

Amendment 11**Proposal for a regulation — amending act
Recital 10a (new)**

(10a) *The extent and, therefore, the amount of coupled aid granted to farmers should be adjusted on the basis of information concerning the current situation, whilst maintaining the sector's financial neutrality.*

Amendment 12**Proposal for a regulation — amending act
Recital 10b (new)**

(10b) *Since there are few possible substitutes for cotton growing, aid schemes must be introduced to ensure that it is profitable and that it continues in the Union's producer regions. For this reason, the Member States should be able to increase coupled aid in cases where the area under cultivation is smaller than the base production areas (although such action must be financially neutral and a ceiling must be established for the amount of aid paid to farmers).*

Amendment 13**Proposal for a regulation — amending act
Recital 11**

(11) *In order to meet the needs of the ginning industry eligibility for the aid should be related to a* minimum quality of cotton actually harvested.

(11) *In accordance with the principle of subsidiarity, Member States should set the level of coupled aid between the abovementioned limits, and should also establish the minimum quality of cotton actually harvested, so that farmers can avail themselves of that aid.*

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TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT**Amendment 14****Proposal for a regulation — amending act**
Recital 11a (new)

(11a) In view of the downward trend in the Member States' cotton production, the ginning industry has entered a restructuring process which should be accompanied by appropriate support measures designed to ensure that units which are forced to redirect their production activity experience a smooth transition. For this reason, a restructuring fund, financed out of the budget for the support scheme for cotton, could be set up.

Amendment 15**Proposal for a regulation — amending act**
Recital 12a (new)

(12a) Being able to adopt support measures that will boost competitiveness is becoming important. Those measures should be defined and financed by the Community. It is up to the Member States to choose the measures they consider effective and well-suited to the nature of their respective regions and to incorporate them into their national support programmes.

Amendment 16**Proposal for a regulation — amending act**
Recital 12b (new)

(12b) National support programmes should be financed mainly from funds transferred pursuant to Article 69 of Regulation (EC) No 1782/2003 and from non-absorbed funds originally earmarked as coupled aid.

Amendment 17**Proposal for a regulation — amending act**
Recital 12c (new)

(12c) The financing of national support programmes should be provided by means of a percentage of coupled support and by appropriations that, owing to the reduction in the area of land used for growing to less than the size of the base area, are not used as coupled support, so as to preserve the sector's financial neutrality.

Thursday 8 May 2008

TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT**Amendment 18****Proposal for a regulation — amending act**
Recital 12d (new)

(12d) The measures that may come under the national support programmes should include those aimed at restructuring varieties, modernising production in order to boost the competitiveness of the cotton sector, supporting environmentally friendly growing methods, and promoting research focused on the creation of varieties of improved quality, along with promotion measures and measures designed to modernise ginning plants.

Amendment 19**Proposal for a regulation — amending act**
Recital 12e (new)

(12e) In order to encourage the production of high-quality cotton, a quality premium should be established under the national support programmes. That premium should be linked to the financing of the measure aimed at improving the quality of cotton and granted to farmers who develop a product of exceptional quality, in line with criteria laid down by the Member State in question, in order to improve production as regards quality and to boost the competitiveness of Community cotton.

Amendment 20**Proposal for a regulation — amending act**
Recital 12f (new)

(12f) On the basis of Regulation (EC) No 864/2004, which is being repealed, it has been proposed that the sum of EUR 22 million (representing 2,74 % of the aid) be transferred to the second pillar and be focused on the restructuring of cotton-producing regions. In order to make the best use of the appropriations for the sector, it would be advisable for that amount to be transferred to the first pillar and to be incorporated into the financing of the national support programmes.

Amendment 21**Proposal for a regulation — amending act**
Recital 13a (new)

(13a) The provisions concerning cotton should remain in force until 2013.

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TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT**Amendment 22****Proposal for a regulation — amending act**
Recital 13b (new)

(13b) In the period since the reform of the cotton sector approved in 2004 and annulled by the Court in case C-310/04, production has decreased considerably and all of the parties involved have consequently suffered damage, which should be duly assessed in order to enable compensation for the losses incurred to be awarded.

Amendment 23**Proposal for a regulation — amending act**
Recital 13c (new)

(13c) In order to facilitate the transition from the previously established cotton-aid scheme to the scheme established under this Regulation, it is necessary to adopt measures for the restructuring of the ginning sector.

Amendment 24**Proposal for a regulation — amending act**
Article 1 — point 1
Regulation (EC) No 1782/2003
Article 110a — paragraph 1a (new)

A percentage of the aid may be used for measures which promote the sustainability of the sector based on specialised programmes under national schemes submitted by the producer Member States and approved in accordance with the management procedure. Such programmes may include crisis prevention and management policies as well as measures to enhance the sustainability of the sector which are not covered by rural development.

Amendment 25**Proposal for a regulation — amending act**
Article 1 — point 1
Regulation (EC) No 1782/2003
Article 110b — paragraph 2a (new)

2a Producer Member States may lay down additional terms and conditions relating to the sowing, growing, harvesting and delivery of cotton to ginning industries with a view to enabling cotton growing to continue in production areas and to prevent it from being replaced by other crops.

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TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT**Amendment 26****Proposal for a regulation — amending act****Article 1 — point 1**

Regulation (EC) No 1782/2003

Article 110c — paragraph 1 — indent 2

— Greece: **370 000** ha,— Greece: **270 000** ha,**Amendment 38****Proposal for a regulation — amending act****Article 1 — point 1**

Regulation (EC) No 1782/2003

Article 110c — paragraph 2 — introductory wording

2. The amount of the aid per eligible hectare shall be as follows:

2. The amount of the aid per eligible hectare, **corresponding to 35 %, as a minimum, of the total payment to the farmer,** shall be as follows:**Amendment 27****Proposal for a regulation — amending act****Article 1 — point 1**

Regulation (EC) No 1782/2003

Article 110c — paragraph 2 — indent 2

— Greece: **EUR 594 for 300 000 hectares and EUR 342,85 for the remaining 70 000 hectares,**— Greece: **EUR 750 upwards,****Amendment 28****Proposal for a regulation — amending act****Article 1 — point 1**

Regulation (EC) No 1782/2003

Article 110c — paragraph 3 — subparagraph 2

However, for Greece the proportionate reduction shall be applied in respect of the amount of the aid fixed for the part of the national base area composed of the 70 000 hectares in order to respect the global amount of EUR 202,2 million.

*deleted***Amendment 29****Proposal for a regulation — amending act****Article 1 — point 1**

Regulation (EC) No 1782/2003

Article 110c — paragraph 3a (new)

3a. Where the admissible cotton area in a given Member State is smaller than the base area laid down in paragraph 1, the aid referred to in paragraph 2 for that Member State shall be increased in proportion to the base area which has not been covered, up to a ceiling established by means of the procedure referred to in Article 144. Any saving brought about by a fall in production shall be allocated to the national support programmes.

Thursday 8 May 2008

TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT**Amendment 30****Proposal for a regulation — amending act****Article 1 — point 1**

Regulation (EC) No 1782/2003

Article 110d — paragraph 1 — indent 5a (new)

— *adopting measures for the management of market crises.*

Amendment 31**Proposal for a regulation — amending act****Article 1 — point 1**

Regulation (EC) No 1782/2003

Article 110ea (new) — paragraph 1

Article 110ea**National support programmes**

1. *National support programmes shall be established for the purpose of improving competitiveness. The Community shall determine and shall finance the eligible actions. The Member States shall select whatever package of measures they consider effective and which is best suited to their regional characteristics. That package could include a restructuring fund for the ginning industry.*

Amendment 32**Proposal for a regulation — amending act****Article 1 — point 1**

Regulation (EC) No 1782/2003

Article 110 ea (new) — paragraph 2

2. *The national support programmes shall be financed by means of a minimum basic rate of 1 % of the overall amount of coupled support. Appropriations unused under coupled support due to the reduction in growing areas to less than the size of the base area of the Member State in question shall be added to this amount.*

Amendment 33**Proposal for a regulation — amending act****Article 1 — point 1**

Regulation (EC) No 1782/2003

Article 110ea (new) — paragraph 3

3. *The national support programmes shall include the sum earmarked for the restructuring of cotton-producing regions, which comes to EUR 22 million (i.e. 2,74 % of aid) and which had been transferred to the second pillar.*

Thursday 8 May 2008

TEXT PROPOSED
BY THE COMMISSIONAMENDMENTS
BY PARLIAMENT**Amendment 34****Proposal for a regulation — amending act****Article 1 — point 1**

Regulation (EC) No 1782/2003

Article 110 *ea* (new) — paragraph 4

4. At the Member States' discretion, measures may be financed under the national support programmes that aim to offset the effects of a possible fall in production and to restructure varieties, along with measures to modernise production in order to improve the competitiveness of the product. Support shall be granted for environmentally friendly growing methods in order to ensure a more rational use of water resources and to minimise the use of plant-health products, research aimed at creating varieties of improved quality shall be encouraged and restructuring and the modernisation of ginning plants shall be promoted. Member States may grant a quality premium to farmers who develop a product of exceptional quality, on the basis of specific criteria laid down by the Member States.

Amendment 35**Proposal for a regulation — amending act****Article 1 — point 1**

Regulation (EC) No 1782/2003

Article 110ea (new) — paragraph 5

5. Policies to forecast, mitigate and combat the effects of climate change on cotton-producing regions may be funded under the national support programmes.

Amendment 36**Proposal for a regulation — amending act****Article 1 — point 1a (new)**

Regulation (EC) No 1782/2003

Article 143d

(1a) Article 143d shall be deleted.

Amendment 37**Proposal for a regulation — amending act****Article 1 — point 1b (new)**

Regulation (EC) No 1782/2003

Article 155a

(1b) Article 155a shall be replaced by the following:

By 31 December 2009, the Commission shall submit a report to the Council on the implementation of this Regulation with regard to [...] olive oil, table olives and olive groves, tobacco and hops, accompanied, if necessary, by appropriate proposals.

The provisions of this Regulation applicable to cotton shall remain in force until 2013.

III *Preparatory acts***European Parliament****Thursday 8 May 2008**

| | | |
|-------------------|--|----|
| (2009/C 271 E/11) | EC-Seychelles Agreement — fishing opportunities and financial contributions * | |
| | European Parliament legislative resolution of 8 May 2008 on the proposal for a Council regulation on the conclusion of the Agreement in the form of an Exchange of Letters on the amendments to the Protocol setting out, for the period from 18 January 2005 to 17 January 2011, the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Republic of Seychelles (COM(2007)0664 — C6-0430/2007 — 2007/0232(CNS)) | 78 |
| (2009/C 271 E/12) | Excise duty on beer produced locally in Madeira * | |
| | European Parliament legislative resolution of 8 May 2008 on the proposal for a Council decision authorising Portugal to apply a reduced rate of excise duty on locally produced beer in the autonomous region of Madeira (COM(2007)0772 — C6-0012/2008 — 2007/0273(CNS)) | 80 |
| (2009/C 271 E/13) | Support schemes for farmers (support for cotton) * | |
| | European Parliament legislative resolution of 8 May 2008 on the proposal for a Council regulation amending Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers, as regards the support scheme for cotton (COM(2007)0701 — C6-0447/2007 — 2007/0242(CNS)) | 80 |



Key to symbols used

- * Consultation procedure
- **I Cooperation procedure: first reading
- **II Cooperation procedure: second reading
- *** Assent procedure
- ***I Codecision procedure: first reading
- ***II Codecision procedure: second reading
- ***III Codecision procedure: third reading

(The type of procedure is determined by the legal basis proposed by the Commission.)

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 *||*.