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I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

Fisheries and aquaculture in the context of ICZM in Europe

P6_TA(2008)0382

European Parliament resolution of 2 September 2008 on Fisheries and Aquaculture in the context of Integrated Coastal Zone Management in Europe (2008/2014(INI))

(2009/C 295 E/01)

The European Parliament,

- having regard to the Recommendation 2002/413/EC of the European Parliament and of the Council of 30 May 2002 concerning the implementation of Integrated Coastal Zone Management in Europe ⁽¹⁾,
- having regard to the Communication from the Commission of 7 June 2007 entitled 'Report to the European Parliament and the Council: An evaluation of Integrated Coastal Zone Management (ICZM) in Europe' (COM(2007)0308),
- having regard to Council Regulation (EC) No 1198/2006 of 27 July 2006 on the European Fisheries Fund ⁽²⁾,
- having regard to Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) ⁽³⁾ and the Communication from the Commission of 24 October 2005 entitled 'Thematic Strategy on the Protection and Conservation of the Marine Environment' (COM(2005)0504),
- having regard to the Communication from the Commission of 10 October 2007 entitled 'An Integrated Maritime Policy for the European Union' (COM(2007)0575),
- having regard to its resolution of 15 June 2006 on inshore fishing and the problems encountered by inshore fishing communities ⁽⁴⁾,
- having regard to the Communication from the Commission of 9 March 2006 on improving the economic situation in the fishing industry (COM(2006)0103) and its resolution of 28 September 2006 on that subject ⁽⁵⁾,

⁽¹⁾ OJ L 148, 6.6.2002, p. 24.⁽²⁾ OJ L 223, 15.8.2006, p. 1.⁽³⁾ OJ L 164, 25.6.2008, p. 19.⁽⁴⁾ OJ C 300 E, 9.12.2006, p. 504.⁽⁵⁾ OJ C 306 E, 15.12.2006, p. 417.

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- having regard to the Communication from the Commission of 19 September 2002 entitled 'A Strategy for the Sustainable Development of European Aquaculture' (COM(2002)0511),
 - having regard to the study for Parliament on 'Regional dependency on fisheries' ⁽¹⁾,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A6-0286/2008),
- A. whereas Integrated Coastal Zone Management (ICZM) is not only an environmental policy but also an ongoing process aimed at improving the economic and social conditions of coastal zones and securing the sustainable development of all the activities pursued in those regions, such as fishing and aquaculture,
- B. whereas the implementation of ICZM is a long-term process and most national strategies adopted within the framework of the abovementioned Recommendation began to be implemented only in 2006,
- C. whereas the management of coastal zones has so far been conducted in the medium term, ignoring the fact that these are complex natural ecosystems which change with the passing of time,
- D. whereas the decisions and measures that have been taken concerned an isolated activity and failed to tackle the problem of the degradation of coastal zones as a whole,
- E. whereas existing planning has so far focused on land and has failed to take into account the impact of some coastal activities on other activities pursued in the same region,
- F. whereas it is expected that national ICZM strategies will cost little to implement, while producing significant financial benefits,
- G. whereas there has been a failure adequately to involve representation of all sectors in planning and implementing measures to address the problems of coastal zones and, as a result, the interests of some sectors are being harmed,
- H. whereas the implementation of integrated-management policies involves the planning in coastal areas of population-related, tourism-related and economic uses and of landscape and environmental protection,
- I. whereas the effective coordination of ICZM bodies has not yet been possible except in isolated cases,
- J. whereas the implementation of policies to promote ICZM may, in some cases, require large-scale spending, which cannot be met by local communities, resulting in appeals to higher administrative levels and delays in implementation,
- K. whereas, owing to the cross-border nature of many coastal processes, regional coordination and cooperation are necessary, even with third countries,
- L. whereas fishing and aquaculture are two coastal activities par excellence which depend on the quality of inshore waters,
- M. whereas a level of technological development has not yet been reached in aquaculture which will enable that activity (which is intensive in nature) to be pursued away from coastal areas,
- N. whereas the fundamental and so far poorly acknowledged role played by women in fisheries-dependent areas must be taken into account,

⁽¹⁾ IP/B/PECH/ST/IC/2006-198.

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- O. whereas inshore fishing accounts for 80 % of the Community fishing fleet and contributes to the economic and social cohesion of coastal communities and the preservation of their cultural traditions,
- P. whereas fishing, even though it is not itself a source of pollution, suffers the impact of pollution caused by other activities pursued in coastal areas, which further undermines its viability,
- Q. whereas fishing and aquaculture are of great economic and social importance, since they are mainly pursued in coastal regions with fragile economies, many of which are disadvantaged and unable to provide their inhabitants with alternative job opportunities,
- R. whereas the existence of a clean and healthy marine environment will contribute to the future increase in fisheries production and thus improve prospects for this sector,
- S. whereas aquaculture is firmly based on the principle of sustainable development, and any environmental impact is offset by Community rules,
- T. whereas in an environment in which fish stocks are in decline and world demand for fish and shellfish is increasing, the importance of aquaculture in Europe is steadily growing,
- U. whereas not all Member States have yet completed their regional planning in line with the principles of ICZM for the balanced development of activities pursued in coastal zones,
- V. whereas there is fierce competition for space in coastal zones, and aquaculturists and fishermen have the same rights and obligations as other users,
- W. whereas the outermost regions, as defined in Article 299(2) of the EC Treaty and Article 349 of the Treaty on the Functioning of the European Union, may require the creation of specific integrated national ICZM strategies and an adequate adaptation of ICZM at EU level,
1. Stresses the economic and social importance of fishing and aquaculture for coastal regions and calls for them to receive assistance within the framework of ICZM;
 2. Points out the need to ensure that the fisheries and aquaculture sectors are involved and well represented in transnational maritime clusters, and exhorts the Commission to stimulate this process;
 3. Emphasises that the European Fisheries Fund can contribute to the long-term funding of measures within the framework of ICZM, since it supports actions which contribute to the sustainable development of fishing regions;
 4. Points out the need to clarify the competences of the administrative bodies of the coastal zones concerned and establish coordinated strategies so that they can be more effective;
 5. Recognises the difficulties in coordinating the activities of coastal zone management bodies and calls on the Commission, in monitoring implementation of ICZM, to re-examine, after consultation with Member States, whether or not a coordinating body needs to be set up;
 6. Stresses the need for representatives of the fishing and aquaculture sectors to be involved in activities linked to the planning and development of ICZM, bearing in mind that their involvement in sustainable development strategies will increase the added value of their products, and recalls that the European Fisheries Fund may support such collective actions;
 7. Acknowledges the important role of women in fisheries-dependent areas and therefore calls on the Commission and the Member States to cooperate in order to promote and incorporate the principle of equal opportunities at the various stages of the implementation of the European Fisheries Fund, including the design, implementation, monitoring and evaluation stages, as provided for in Article 11 of Regulation (EC) No 1198/2006;

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8. Calls for closer cooperation between competent bodies at regional level through exchanges of information relating to the state of coastal zones and the adoption of joint strategies to improve the environmental situation of local marine ecosystems;
9. Calls on the national and regional governments of the outermost regions to prepare integrated ICZM strategies in order to ensure the sustainable development of coastal regions;
10. Emphasises the importance, in the above contexts, of proper spatial planning;
11. Aquaculture for repopulation purposes is an essential tool to achieve ecological conservation in certain coastal zones, and it must therefore be promoted, stimulated and financially supported;
12. Stresses the importance of aquaculture to the food industry for social and economic development in some EU coastal communities;
13. Considers that the fisheries and aquaculture sectors must both be included in a cross-cutting approach to all maritime activities taking place in coastal zones, in order to achieve sustainable development, in accordance with the new maritime policy guidelines;
14. Stresses the need to develop and implement strategies to adjust to the dangers facing coastal zones, including climate change, taking fully into account the impact on fishing and aquaculture;
15. Believes that data collection efforts must continue so as to contribute to the exchange and the use of information with a view to carrying out comparative studies, including data on the state of biodiversity and fish stocks;
16. Considers that greater research efforts should be made in aquaculture with a view to introducing cultivation systems based on closed-circuit intensive production;
17. Proposes that aquaculture projects which use renewable energy sources and which do not infringe areas protected under EU environmental law should be given priority under ICZM;
18. Calls on the Commission, after consulting the Member States, to set a clear timetable for examining progress in the implementation of ICZM in the European Union;
19. Instructs its President to forward this resolution to the Council and the Commission and to the governments and parliaments of the Member States.

Evaluation of the Dublin system

P6_TA(2008)0385

European Parliament resolution of 2 September 2008 on the evaluation of the Dublin system (2007/2262(INI))

(2009/C 295 E/02)

The European Parliament,

- having regard to Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national ('the Dublin Regulation')⁽¹⁾,
- having regard to Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention ('the Eurodac Regulation')⁽²⁾,

⁽¹⁾ OJ L 50, 25.2.2003, p. 1.

⁽²⁾ OJ L 316, 15.12.2000, p. 1.

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- having regard to Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted ⁽¹⁾,
 - having regard to Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers ⁽²⁾ ('the Reception Directive'),
 - having regard to Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers ⁽³⁾,
 - having regard to the Council Conclusions on access to Eurodac by Member States' police and law enforcement authorities as well as Europol ⁽⁴⁾,
 - having regard to Decision No 573/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme Solidarity and Management of Migration Flows and repealing Council Decision 2004/904/EC ⁽⁵⁾,
 - having regard to its resolution of 6 April 2006 on the situation with refugee camps in Malta ⁽⁶⁾,
 - having regard to the reports of the Committee on Civil Liberties, Justice and Home Affairs on its visits to detention centres in several Member States,
 - having regard to its resolution of 21 June 2007 on asylum: practical cooperation, quality of decision-making in the common European asylum system ⁽⁷⁾,
 - having regard to its resolution of 16 January 2008: Towards an EU strategy on the rights of the child ⁽⁸⁾,
 - having regard to its resolution of 13 March 2008 on the case of the Iranian citizen Seyed Mehdi Kazemi ⁽⁹⁾,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0287/2008),
- A. whereas every asylum seeker is entitled to a full, individual examination of his or her claim,
- B. whereas asylum legislation and practice still vary widely from country to country and, as a result, asylum-seekers receive different treatment from one Dublin State to another,
- C. whereas the Dublin system is rooted in such premises as mutual trust and reliability and, if these prerequisites are not fulfilled, i.e. if there are serious gaps in data collection or inconsistencies in the decision-making process in certain Member States, the whole system suffers,

⁽¹⁾ OJ L 304, 30.9.2004, p. 12.

⁽²⁾ OJ L 31, 6.2.2003, p. 18.

⁽³⁾ OJ L 199, 31.7.2007, p. 23.

⁽⁴⁾ 2807th Justice and Home Affairs Council meeting in Luxembourg, 12 and 13 June 2007.

⁽⁵⁾ OJ L 144, 6.6.2007, p. 1.

⁽⁶⁾ OJ C 293 E, 2.12.2006, p. 301.

⁽⁷⁾ OJ C 146 E, 12.6.2008, p. 364.

⁽⁸⁾ Texts Adopted, P6_TA(2008)0012.

⁽⁹⁾ Texts Adopted, P6_TA(2008)0107.

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- D. whereas there is evidence that some Member States do not guarantee effective access to a procedure for determining refugee status,
- E. whereas some Member States do not apply the Reception Directive effectively, either to asylum applicants awaiting transfer to another Member State under the Dublin Regulation, or at the point of return to the Member State responsible,
- F. whereas some Member States systematically place persons subject to the Dublin system in detention,
- G. whereas the high level of multiple requests and the low level of effected transfers are indicators of the deficiencies of the Dublin system and of the need to establish a common European asylum system,
- H. whereas a correct implementation of the Dublin Regulation may well result in the unequal distribution of responsibility for persons seeking protection, to the detriment of some Member States particularly exposed to migration flows simply on the grounds of their geographical location,
- I. whereas the Commission's evaluation reveals that, in 2005, the thirteen Member States at the borders of the Union had to deal with increasing challenges raised by the Dublin system,
- J. whereas southern Member States are having to accept asylum applications from irregular immigrants who are rescued when in distress whilst they are on their way to Europe,
- K. whereas southern Member States are having to accept asylum applications from irregular immigrants without any assistance from third countries which are obliged to provide such assistance under international law,
- L. whereas Member States may have no interest in complying with the obligation of registering illegal entrants in the Eurodac database, as this may result in increasing the number of applications for asylum which they will have to deal with,
- M. whereas the Dublin Regulation establishes a system which is designed to determine the Member State responsible for dealing with a claim, but it was not originally put in place for, and therefore fails to serve as, a burden-sharing mechanism,
- N. whereas it is essential that any evaluation of the Dublin system is accompanied by a concrete, permanent, fair and functional burden-sharing mechanism,
- O. whereas the Dublin system's first-country-of-entry criteria put a lot of pressure on the border Member States,
- P. whereas recognition rates of candidates for refugee status vary for certain third-country nationals from approximately 0 % to 90 % within Member States,
- Q. whereas it is essential that individuals lodging claims are fully apprised of the Dublin process, in a language which they understand, and its possible consequences,
- R. whereas Article 24(2) of the Charter of Fundamental Rights of the European Union states that in all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration,
- S. whereas although family unity is mentioned first in the hierarchy of criteria applied in the Dublin Regulation, that provision is not often applied,

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- T. whereas there is an obvious lack of accuracy in statistical data on transfers, as they do not indicate, for instance, the rate of requests for taking charge of an asylum applicant based on an irregular crossing of the border, or the proportion of 'taking charge' versus 'taking back' requests,
- U. whereas in 2005 nine of the new Member States stated that they were registering more 'incoming' transfers under the Dublin Regulation and Member States with no external land border of the Union stated that they were registering more 'outgoing' transfers,
- V. whereas the Commission has been unable to evaluate the cost of the Dublin system and whereas that information is important to be able to assess its effectiveness,
- W. whereas the Justice and Home Affairs Council meeting in Luxembourg on 12 and 13 June 2007 invited the Commission to present as soon as possible an amendment to the Eurodac Regulation with the aim of enabling Member States' police and law-enforcement authorities, as well as Europol, to have access under certain conditions to Eurodac, a database which was conceived originally as a tool for implementing the Dublin Regulation,

Efficiency of the system and responsibility sharing

1. Strongly believes that unless a satisfactory and consistent level of protection is achieved across the European Union, the Dublin system will always produce unsatisfactory results from both the technical and the human viewpoints, and asylum seekers will continue to have valid reasons for wishing to lodge their application in a specific Member State to take advantage of the most favourable national decision-making;
2. Strongly believes that in the absence of a genuine common European asylum system and a single procedure the Dublin system will continue to be unfair both to asylum seekers and to certain Member States;
3. Reaffirms the urgent need for the improvement of both the quality and the consistency of the decision-making process; is convinced that a European Asylum Support Office could play a valuable role in this respect, for example in providing training to high common standards and through the provision of expert support teams;
4. Asks the Commission to consider ways of providing the United Nations High Commissioner for Refugees (UNHCR) with direct financing to complement project-based funding in order to enable it to enhance its monitoring and advisory work in the EU and continue developing methods intended to support national authorities in their efforts to improve the quality of their decision-making;
5. Asks the Commission to bring forward proposals for burden-sharing mechanisms which could be put in place in order to help alleviate the disproportionate load which could fall on certain Member States, in particular the border Member States, but do not fit into the Dublin system;
6. Calls on the Commission, pending the introduction of European burden-sharing mechanisms, to consider providing for mechanisms other than financial within the Dublin Regulation to correct the adverse effects of its implementation for the smaller Member States at the Union's external borders;
7. Asks the Commission to provide for a binding mechanism to stop transfers of asylum applicants to Member States that do not guarantee full and fair treatment of their claims and to take systematic measures against those States;
8. Calls on the Commission to establish meaningful bilateral working relations with third countries in order to facilitate cooperation and ensure that such third countries meet their international legal obligations with regard to the Geneva Convention relating to the Status of Refugees of 28 July 1951 and rescue at sea;

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Rights of the claimants

9. Asks the Commission to introduce into the new regulation clearer and more stringent provisions concerning the means by which the persons seeking protection are informed of the implications of the Dublin Regulation, and to consider drafting a standard leaflet which could be translated into a certain number of languages and be distributed to all Member States, and which should also take into account the individual levels of literacy;

10. Asks the Commission to amend Articles 19 and 20 of the Dublin Regulation on 'taking charge and taking back', so as to provide applicants with an automatic suspensory right of appeal against a decision to transfer responsibility to another Member State under the Dublin Regulation;

11. Reaffirms that the principle of *non-refoulement* should remain one of the cornerstones of any common asylum system at European Union level, and insists that the implementation of the Dublin Regulation should never lead to a claim being closed for procedural reasons and not reopened for a full and fair examination of the original claim after a transfer via the Dublin process; considers that this should be made clear in the Regulation;

12. Considers that information-sharing on transfers between Member States should be improved, especially with respect to special medical care needed for the transferees;

13. Calls on the Commission to assess the possibility for individuals concerned by a transfer to another Member State under the Dublin system to be able to be transferred to their country of origin, solely at their express request and on the basis of full compliance with procedural rights;

Family reunification and the principle of the best interest of the child

14. Recommends that a set of common guidelines on age-assessment be adopted at European Union level and that in the event of uncertainty, the benefit of the doubt be given to the child;

15. Recalls that in all decisions relating to children, the best interests of the child must be paramount; insists that unaccompanied minors should never be detained or transferred to another Member State, except for the sake of family reunification, and that if such a transfer proves necessary, the child must be duly represented and accompanied throughout the procedure; welcomes, therefore, the Commission's intention to further clarify the applicability of Dublin rules to unaccompanied minors;

16. Regrets that the definition of a family member under the current Regulation is too restrictive and asks the Commission to extend the present definition to include all close relatives and long-term partners, particularly those who have no other family support, and adult children unable to care for themselves;

17. Welcomes the Commission's intention to extend the scope of the Dublin Regulation to include subsidiary protection, as this should enable applicants for subsidiary protection to be reunited with family members who were granted this type of protection or are asking for it in another Member State;

Detention

18. Asks the Commission to add a provision restricting the detention of Dublin claimants to a measure of last resort, thereby specifying the grounds on which detention may be employed and the procedural safeguards which should be provided for;

19. Asks the Commission to state explicitly in the Dublin Regulation that Dublin claimants are entitled to the same reception conditions as other asylum seekers, in accordance with the Reception Directive, Article 3(1) of which lays down general rules notably on material reception conditions, health care, freedom of movement and the schooling of minors;

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Humanitarian and Sovereignty Clauses

20. Considers that the humanitarian clause contained in Article 15 of the Dublin Regulation gives considerable flexibility to the Dublin system, but that it should be applied more widely, so as to avoid undue hardship to families as a result of separation;

21. Considers that where an asylum seeker is in a particularly vulnerable state owing to a serious illness, a severe disability, old age or pregnancy, and he or she is therefore dependent on the assistance of a relative present in the territory of a Member State other than the one in charge of the examination of the application, he or she should, as far as possible, be reunited with that relative; asks the Commission to consider making compulsory the relevant provisions of the humanitarian clause in Article 15(2);

22. Considers that a proactive duty to trace family members should be introduced for organisations such as the Red Cross and Red Crescent;

23. Welcomes the Commission's intention to better specify the circumstances and procedures for applying the Sovereignty clause, notably in order to introduce the condition of the asylum-seeker's consent;

Data collection and Eurodac

24. Expresses its concern at the discrepancies and deficiencies in the collection of data revealed by the Commission's evaluation of the Dublin system, especially in relation to the registering of fingerprints of illegal entrants at the borders of the Union, which casts serious doubts on the validity of the system; trusts that the abovementioned Regulation (EC) No 862/2007 on Community statistics on migration and international protection will give the stakeholders a more accurate picture of the functioning of the Dublin system and other Community instruments on international protection;

25. Expresses its concern that no cost-assessment of the Dublin system is currently available; calls on the Commission to remedy this as it is an important aspect of the evaluation of the system;

26. Notes with interest the concerns expressed by the Commission regarding the collection and the quality of data sent to the Eurodac Central Unit, as well as regarding non-compliance with the obligation to delete certain data and with the rules relating to the protection of personal data; considers that these failings, which call into question the reliability of Eurodac, should be addressed properly before any other use of this database be envisaged;

27. Considers that each Member State should clarify, on a closed list, the agencies and authorities that have access to the Eurodac database, and for what purpose, in order to prevent any illegal use of data;

28. Stresses that extending access to the Eurodac database to Member States' police and law-enforcement authorities as well as to Europol entails the risk that information may pass to third countries, which could have negative repercussions for asylum seekers and their families; is convinced that this would also increase the risk of asylum seekers being stigmatised;

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* * *

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

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Certain issues relating to motor insurance

P6_TA(2008)0386

European Parliament resolution of 2 September 2008 on certain issues relating to motor insurance (2007/2258(INI))

(2009/C 295 E/03)

The European Parliament,

- having regard to the Commission report on certain issues relating to Motor Insurance (COM(2007)0207) (the 'Commission Report'),
- having regard to Directive 2000/26/EC of the European Parliament and of the Council of 16 May 2000 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles (Fourth motor insurance Directive) ⁽¹⁾,
- having regard to Rule 45 of its Rules of Procedure,
- having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinion of the Committee on Legal Affairs (A6-0249/2008),
- A. whereas the free movement of persons in the EU, particularly in the context of the most recent two rounds of enlargement and the corresponding extension of the Schengen group, has resulted in a rapid increase in the number of both persons and vehicles travelling across national borders for both business and private purposes,
- B. whereas the priority of protecting accident victims requires clear, precise and effective motor insurance legislation at EU level,
- C. whereas the Fourth motor insurance Directive called on the Commission to report to the European Parliament and the Council on the implementation and the effectiveness of national penalties introduced in respect of the reasoned offer/reply procedure, as well as on their equivalence, and to submit proposals if necessary,
- D. whereas the Commission Report examines national penalty provisions, the effectiveness of the claims representative mechanism, and the existing availability of voluntary legal expenses insurance to which potential victims of road accidents can additionally subscribe,
- E. whereas Article 4(6) of the Fourth motor insurance Directive governs the reasoned offer procedure, under which victims of car accidents abroad have the right to apply for compensation to the claims representative of the insurer appointed in the country of the victim's residence,
- F. whereas the victim must receive a reasoned reply from the insurer within three months or sanctions are envisaged,
- G. whereas clarification of the functioning of this provision is still needed,
- H. whereas the Commission must take full account of enlargement when implementing EU policies, in particular the relatively high cost of motor insurance in the new Member States,
- I. whereas different penalty provisions in respect of the reasoned offer/reply procedure have been implemented in the Member States,

⁽¹⁾ OJ L 181, 20.7.2000, p. 65.

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- J. whereas consultations with national authorities, including in the new Member States, have confirmed that current penalty provisions, where they exist, are adequate and that their implementation is effective across the EU,
- K. whereas, however, some Member States make no provision for specific sanctions and rely solely upon the insurers' duty to pay statutory interest on the amount of compensation if the reasoned offer/reply is not made within three months,
- L. whereas the claims representatives system is relatively well known in the majority of Member States,
- M. whereas the consultations carried out by the Commission to assess citizens' awareness of the claims representative system involved only the Member States and the insurance industry, without appropriately involving citizens and consumer associations, i.e. those most interested in ensuring that the system works properly,
- N. whereas legal expenses insurance for legal costs borne by the victims of motor vehicle accidents is available in most Member States; whereas more than 90 % of all cases are settled out-of-court and legal costs are reimbursed in many Member States; whereas, additionally, legal expenses insurers have already provided coverage for all types of cross-border case for a number of years and consequently have established their own departments to handle foreign claims and facilitate quick settlements,
- O. whereas the question of whether such reasonable legal costs should be covered by Motor Third Party Liability insurance in all Member States is still open,
- P. whereas, however, coverage of reasonable legal costs in all Member States by Motor Third Party Liability insurance helps to better protect European consumers and increase their confidence,
- Q. whereas insurance markets in the new Member States are steadily developing; whereas, however, in a number of these Member States, legal expenses insurance is a relatively new product that needs to be promoted, as public awareness of legal expenses insurance is comparatively low,
- R. whereas compulsory cover for legal costs should increase consumer confidence in Motor Third Party Liability insurance, particularly in cases where legal redress is sought, since consumers in many new Member States are wary of high legal fees, which would be covered by compulsory insurance,
- S. whereas compulsory legal expenses insurance would create an additional and more complex workload for the judiciary and possibly create delays in the resolution of disputes and a higher percentage of unjustified claims,
- T. whereas Motor Third Party Liability insurance and legal expenses insurance have different objectives and serve different functions, namely that while Motor Third Party Liability insurance allows consumers to meet the cost of claims made against them following a road traffic accident, legal expenses insurance covers the legal costs of pursuing a claim against a third party following a road traffic accident,
- U. whereas public campaigns by national authorities, the insurance industry and consumer organisations are important for the development of national markets,
1. Welcomes the Commission Report and highlights the importance of including, fully and effectively, all stakeholders, in particular consumers, in the process of consultation in the development of EU policy in this field;
 2. Calls therefore for the systematic involvement of consumer organisations representing in particular victims in the process of evaluation of the effectiveness of the systems in place in the Member States;
 3. Welcomes this ex-post evaluation of legislative measures to ensure that the rules are working as intended and to highlight any unforeseen misapplications;

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4. Stresses the importance of increasing consumer confidence in motor insurance policies as regards cross-border motor vehicle travel within the EU, especially for motorists from the old Member States travelling to destinations in the new Member States and vice versa;
5. Considers that the promotion of existing legal and market-led solutions which protect the consumer strengthen consumer confidence in motor insurance;
6. Believes that Member States are also responsible for the good functioning of their national insurance systems in relation to EU legislation regarding the reasoned offer/reply procedure and legal costs borne by victims;
7. Calls on the Commission to continue to closely monitor the effective functioning of market mechanisms and to report periodically to Parliament on this;
8. Considers that the mere requirement that the insurer pay statutory interest in case of delay is not a punitive instrument, and that the Commission therefore needs to exercise greater control and take appropriate measures in this respect to ensure that in all Member States markets are working smoothly and consumers are effectively protected;
9. Underlines that working relations between the Commission, national authorities, the insurance industry and consumers should be strengthened in order to ensure the constant provision of accurate data on the enforcement systems in place;
10. Considers, in line with the generally established EU approach on sanctions, that the principle of subsidiarity should be applied and that there is no need for the harmonisation of national penalty provisions;
11. Considers that national regulatory bodies are better placed to guarantee the highest possible level of consumer protection on their national markets,
12. Recommends therefore with reference to the reasoned offer/reply procedure to leave to the discretion of Member States the imposition of sanctions and the choice of which types and levels of provision are appropriate,
13. Calls on the Member States to ensure that in the event of non-compliance with the three-month deadline for submitting a reasoned reply to the claim for compensation or a reasoned offer of compensation, the penalties introduced are effective;
14. Considers it advisable to carefully consider the reasons for the non-compliance of insurance companies before imposing penalties, taking account in particular of factors which do not depend on the companies themselves; hopes that the Commission will continue to monitor national markets, offering its input to those national authorities which call for its assistance;
15. Reiterates the importance of boosting citizens' confidence in the functioning of the claims representative system by promoting it through public campaigns and by other appropriate measures;
16. Calls on Member States and the Commission to raise consumer confidence by encouraging appropriate measures that increase awareness and use of national insurance information centres, such as requiring insurers to include the contact details of the information centre in the Member State in question in their contractual information package;
17. Calls furthermore on Member States to require insurers, as part of the pre-contractual information package, to provide comprehensive information to consumers on how the claims representative system works and what are its uses and benefits to the insured party;
18. Urges the Commission to continue to monitor the functioning of the system, and to coordinate and help where needed or where national authorities ask for assistance;

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19. Considers furthermore, in relation to Motor Third Party Liability insurance, that the compulsory cover of legal costs would create a clear disincentive for resorting to out-of-court settlements, would potentially increase the number of court proceedings and therefore lead to an unjustified increase in the workload for the judiciary, and would risk destabilising the functioning of the existing and evolving voluntary legal expenses insurance market;
20. Considers therefore on balance that the negative effects of introducing a system of compulsory cover of legal costs in Motor Third Party Liability insurance would outweigh the potential benefits;
21. Urges the Commission to take, in partnership with Member States, the further steps necessary to raise awareness of legal protection insurance, as well as other insurance products, particularly in the new Member States, focusing on informing consumers of the advantages of being offered and holding one or another type of insurance cover;
22. Considers in this context the role of national regulatory bodies to be crucial for the implementation of best practices from other Member States;
23. Calls therefore on the Commission to strengthen consumer protection primarily by urging Member States to encourage their national regulatory bodies and national insurance companies to raise awareness of the availability of voluntary legal expenses insurance;
24. Considers that pre-contractual information on motor insurance could include information concerning the option to take out legal expenses coverage;
25. Calls on Member States to urge national regulatory bodies and intermediaries to inform customers of possible risks and of additional voluntary insurance which might benefit them, such as, for example, legal expenses insurance, assistance cover and insurance for theft;
26. Calls on those Member States that do not have established alternative dispute resolution systems for settling claims to consider introducing such systems based on best practice from other Member States;
27. Asks the Commission not to prejudge the outcome of the studies commissioned on differential personal injury damages following on from the adoption of the Rome II Regulation ⁽¹⁾, which studies may suggest an insurance-based solution and consequent amendment of the Fourth motor insurance Directive;
28. Instructs its President to forward this resolution to the Council and Commission.

⁽¹⁾ Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II) (OJ L 199, 31.7.2007, p. 40).

Coordinated strategy to improve the fight against fiscal fraud

P6_TA(2008)0387

European Parliament resolution of 2 September 2008 on a coordinated strategy to improve the fight against fiscal fraud (2008/2033(INI))

(2009/C 295 E/04)

The European Parliament,

- having regard to the Commission communication of 31 May 2006 concerning the need to develop a coordinated strategy to improve the fight against fiscal fraud (COM(2006)0254),
- having regard to the Commission communication of 23 November 2007 concerning some key elements contributing to the establishment of the VAT anti-fraud strategy within the EU (COM(2007)0758),

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- having regard to the Commission report of 16 April 2004 on the use of administrative cooperation arrangements in the fight against VAT fraud (COM(2004)0260),
 - having regard to the Council conclusions following its meetings on 14 May 2008, 5 June 2007, 28 November 2006 and 7 June 2006,
 - having regard to the Court of Auditors' Special Report No 8/2007 concerning administrative cooperation in the field of value added tax ⁽¹⁾,
 - having regard to the Commission communication of 25 October 2005 on the contribution of taxation and customs policies to the Lisbon Strategy (COM(2005)0532),
 - having regard to the Commission communication of 22 February 2008 on measures to change the VAT system to fight fraud (COM(2008)0109),
 - having regard to the proposals from the Commission of 17 March 2008 for a Council Directive amending Directive 2006/112/EC on the common system of value added tax to combat tax evasion connected with intra-Community transactions and for a Council Regulation amending Regulation (EC) No 1798/2003 to combat tax evasion connected with intra-Community transactions (COM(2008)0147),
 - having regard to Article 8 of the Charter of Fundamental Rights of the European Union,
 - having regard to the recommendations in the Council conclusions following its meeting on 14 May 2008 on tax issues related to agreements to be concluded by the Community and its Member States with third countries,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs and the opinion of the Committee on Legal Affairs (A6-0312/2008),
- A. whereas tax fraud has serious consequences for Member States' budgets and the European Union's resource system, leads to violations of the principle of fair and transparent taxation, and is liable to bring about distortions of competition, thereby affecting the operation of the internal market; whereas honest businesses have competitive disadvantages because of tax fraud, and the loss of tax revenue is ultimately replenished by the European taxpayer through other forms of taxation,
- B. whereas fiscal fraud jeopardises equity and fiscal justice, since the loss of income to public finance is often compensated for by increases in tax, which hit the least affluent and most honest taxpayers who do not have the option or the intention of evading or infringing their tax obligations,
- C. whereas the growth of cross-border trade triggered by the establishment of the internal market has resulted in an increasing number of transactions in which the place of taxation and the place of establishment of the person liable to pay the VAT are in two different Member States,
- D. whereas those using new forms of tax fraud linked to cross-border transactions, such as carousel or missing-trader intra-Community fraud, have taken advantage of the fragmentation and loopholes of the current tax systems, and whereas changes in the way that VAT operates are necessary,
- E. whereas VAT evasion and fraud have an impact on the financing of the budget of the European Union, as they result in an increased need to call on Member States' own resources based on gross national income,

⁽¹⁾ OJ C 20, 25.1.2008, p. 1.

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- F. whereas combating fraud, while for the most part within Member State competence, is not a problem that can be solved at national level alone,
- G. whereas globalisation has led to increasing difficulties in combating fiscal fraud at an international level, given the increased involvement of undertakings established in third countries in carousel fraud, the expansion of electronic commerce and the globalisation of the services markets; whereas those factors militate strongly in favour of improving international cooperation, in particular as regards VAT,
- H. whereas the extent of tax fraud in the European Union is due to the current transitional system of VAT, which is too complex, making intra-Community transactions difficult to track, opaque and thus open to abuse,
- I. whereas when examining options to tackle fiscal fraud, the Commission and the Member States should, to the greatest extent possible, avoid measures that could lead to a disproportionate administrative burden on businesses and tax administrations or that could discriminate between traders,
- J. whereas both the Commission and the Court of Auditors have consistently stated that the system for exchanging information between Member States on intra-Community supplies of goods does not provide relevant or timely information for tackling VAT fraud efficiently; whereas this calls for clearer and more binding rules on cooperation between Member States and the European Anti-Fraud Office (OLAF),
- K. whereas the use of all available technologies, including the electronic storage and transmission of certain data for VAT and excise duties, is indispensable for the proper functioning of Member States' tax systems; whereas the conditions for the exchange of, and direct access of Member States to, electronically stored data in each Member State should be improved; whereas Member States' tax authorities should handle personal data with due care for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law,
- L. whereas traders can often obtain only very fragmented information on the VAT status of their customers,
- M. whereas the strengthening of the means of detecting tax fraud should be accompanied by the reinforcement of the existing legislation on assistance in the recovery of taxes, equality in tax treatment and practicability for businesses,

An EU fiscal fraud strategy

1. Notes that the purpose of an EU fiscal fraud strategy must be to tackle tax losses due to fiscal fraud by identifying the areas in which improvements to both EC legislation and administrative cooperation between Member States can be made, which effectively promote the reduction of tax fraud, to the greatest extent possible without creating unnecessary burdens both for tax administrations and tax payers;
2. Calls on the Member States finally to take the fight against fiscal fraud seriously;
3. Recalls that the establishment of a VAT system based on the 'origin principle', which implies that transactions between Member States liable to VAT bear the tax charged in the country of origin rather than being zero-rated, remains a long-term solution for combating tax fraud effectively; notes that the 'origin principle' would make it unnecessary to exempt from VAT goods traded in the internal market and to tax them subsequently in the country of destination; recalls that in order to be operational, a VAT system based on the 'origin principle' requires the establishment of a clearing system, as originally proposed by the Commission in 1987;
4. Regrets the blockading attitude of some Member States in the last ten years, which has thwarted any effective EU strategy to counter fiscal fraud;

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5. Regrets that in spite of repeated analyses, demands, and objections, the Council has not yet adopted an effective strategy for the fight against fiscal fraud;

6. Urges the Commission not to desist from tackling the problem head-on, despite repeated failures in past decades;

General issues: extent of fiscal fraud and its consequences

7. Acknowledges that estimates of overall (direct and indirect) tax losses due to fiscal fraud range from EUR 200 to 250 billion, which is equal to 2 to 2,25 % of GDP in the European Union, EUR 40 billion of that being due to VAT fraud, estimated to comprise 10 % of VAT receipts, 8 % of the total excise duty receipts on alcoholic beverages in 1998 and 9 % of the total excise duty receipts on tobacco products; regrets, however, that no precise figures are available because national reporting standards vary so widely;

8. Calls for a uniform data survey in all the Member States as the basis for transparency and national measures against tax fraud;

9. Regrets, due to the lack of data collected at national level, that the real extent of the problem cannot be properly assessed and the monitoring of changes, whether positive or negative, cannot be properly evaluated;

10. Calls on the Commission to consider a harmonised European system for collecting data and producing statistics on fiscal fraud, so as to reach an assessment of the full extent of the phenomenon that is as accurate as possible;

11. Recalls that the elimination of the informal economy cannot be realised without the implementation of appropriate incentives; suggests, moreover, that Member States should report, via the Lisbon scoreboard, the extent to which they have succeeded in reducing their informal economies;

The current VAT system and its weaknesses

12. Notes that VAT-related tax fraud is a matter of particular concern for the functioning of the internal market in so far as it has a direct cross-border impact, involves substantial loss of revenue and directly affects the EU budget;

13. Reiterates that the current VAT system, established in 1993, was intended to be only a transitional system and that Parliament has requested that the Commission put forward proposals aimed at making a final decision on the definitive VAT system by 2010;

14. Asserts that the free circulation of persons, goods, services and capital within the internal market since 1993, as well as advances in new technology as regards small, high-value goods, have combined to make it increasingly difficult to combat VAT fraud, this being exacerbated by the complexity and fragmented nature of the current system which makes transactions difficult to track and thus more open to abuse;

15. Notes the increasing occurrence of missing-trader fraud and the deliberate abuse of the VAT system by criminal gangs who set up such schemes to take advantage of the failures in the system; and highlights the VAT carousel fraud case launched by Eurojust, involving 18 Member States and tax fraud amounting to an estimated EUR 2,1 billion;

16. Supports the Commission in its efforts to bring about a fundamental change to the current VAT system; welcomes the fact that Member States do now regard this as a matter of some priority and urges Member States to be prepared to take substantive measures in this context;

17. Considers the current system to be outdated and in need of radical overhaul without over-burdening honest businesses with red tape; believes that maintaining the status quo is not an option;

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Alternative systems to the current VAT system*Reverse-charge system*

18. Notes that in a reverse-charge system VAT is accounted for by the taxable customer instead of the supplier; recognises that that system has the advantage of removing the opportunity to engage in missing-trader fraud, by designating the taxable person to whom the goods are supplied as the person liable to pay the VAT;

19. Notes that the creation of a double-VAT system would run counter to the efficient operation of the internal market and would be the source of a more complex environment that could discourage business investment, which would be overcome in the long term only by a generalised, mandatory reverse-charge system, as opposed to an optional or selected supplies-only system;

20. Notes, furthermore, that the reverse-charge system does not allow for fractionated payment and that total VAT is paid only at the end of the supply chain, removing the self-policing control mechanism of VAT; warns that new forms of fraud may appear including increased tax losses at the retail level and the misuse of VAT identification numbers, and that combating such fraud through the introduction of additional verification could result in additional administrative burdens for honest traders; consequently urges caution and serious consideration before the introduction of a reverse-charge system; notes, nevertheless, that the application of a threshold in order to limit the risk of untaxed final consumption helps combat fraud and considers the EUR 5 000 threshold suggested by the Council to be reasonable;

Pilot project

21. Notes, while remaining wary and critical, that a pilot project may help Member States better to understand the inherent risks of the reverse-charge system, and urges the Commission and the Member States to lay down appropriate guarantees to ensure that neither the participating Member State nor any other Member State is exposed to major risks during the operation of the pilot project;

Taxation of intra-Community supplies

22. Believes that the best solution to tackling VAT fraud related to cross-border supplies would be to introduce a system in which the VAT exemption for intra-Community supplies is replaced by taxation at the rate of 15 %; notes that the operation of such a system would be better served if the variety and complexity of reduced rates were substantially simplified, minimising the administrative burden on both businesses and tax authorities; notes that individual reductions of VAT rates put in place before 1992 should be carefully examined and assessed with respect to whether their persistence is justified on economic grounds;

23. Recognises that because of differential VAT rates, the taxation of intra-Community supplies would require rebalancing payments between Member States; considers that such rebalancing should be made through a clearing house that would facilitate the passing of revenue between Member States; stresses that the operation of a clearing house is technically feasible;

24. Believes that a decentralised clearing house system may be more appropriate and could be developed more rapidly, in so far as it opens up possibilities for Member States to agree details of importance bilaterally, taking into account their individual balance of trade, similarities in the operation of their VAT system and control mechanisms, and mutual trust;

25. Emphasises that it should be the responsibility of the tax administration of the Member State of supply to collect the VAT from its supplier and to make a transfer via the clearing system to the tax administration where the intra-Community acquisition has taken place; recognises that it is necessary to build mutual trust between tax administrations;

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Administrative cooperation and mutual assistance in the field of VAT, excise duties and direct taxation

26. Stresses that Member States cannot combat cross-border tax fraud in isolation; believes that exchanges of information and cooperation between Member States and with the Commission have been insufficient to combat tax fraud effectively as regards either substance or speed; considers that direct contact between local or national anti-fraud offices is neither developed nor sufficiently implemented, leading to inefficiency, under-use of the arrangements for administrative cooperation and delays in communication;

27. Insists that in order to protect the fiscal revenue of all the Member States in relation to the internal market, Member States should take comparable measures against fraudsters, regardless of where losses of revenue take place; calls on the Commission to propose possible mechanisms to promote such cooperation between Member States;

28. Welcomes the Commission's proposals for the amendment of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax ⁽¹⁾ and Council Regulation (EC) No 1798/2003 of 7 October 2003 on administrative cooperation in the field of value added tax ⁽²⁾ to speed up the collection and exchange of information on intra-Community transactions from 2010 onwards; recognises that the proposed reporting rules of one month will add an administrative burden to businesses that provide only services which are presently not subject to that rule, but accepts that this is necessary in view of the possibility of carousel fraud in some services;

29. Urges the Council to adopt proposed measures quickly and invites the Commission to submit further proposals on the automated access by all other Member States to certain non-sensitive data held by Member States on their own taxable persons (such as, in the business sector, certain data concerning turnover), and on the harmonisation of the procedures for the registration and de-registration of persons liable for VAT to ensure the swift detection and de-registration of fake taxable persons; stresses that Member States must take responsibility for keeping their data up to date, in particular, as regards de-registration and the detection of fraudulent registrations;

30. Recalls that tax havens might represent a barrier to the implementation of the Lisbon Strategy, if they put excessive downward pressure on tax rates and, in general, on tax revenues;

31. Stresses also that in times of budgetary discipline any erosion of the fiscal base will jeopardise Member States' ability to comply with the reformed Stability and Growth Pact;

32. Stresses that removing tax havens requires, inter alia, a three-pronged strategy: tackling tax avoidance, widening the scope of Council Directive 2003/48/EC of 3 June 2003 on taxation of savings income in the form of interest payments ⁽³⁾ and requesting that the OECD, through its members, sanction non-cooperative tax havens;

Tax evasion

33. Regrets that the Member States are hindering reform of the Directive 2003/48/EC by their continual new objections and delaying tactics and urges the Commission to put forward its proposals as soon as possible in spite of the signs of resistance;

34. Points out that reform of Directive 2003/48/EC must tackle its various loopholes and deficiencies, as they prevent discovery of tax evasion and fiscal fraud operations;

35. Calls on the Commission, in the context of reform of Directive 2003/48/EC, to examine options for reform, including investigating some widening of the scope of the Directive with regard to types of legal entity and sources of financial revenue;

⁽¹⁾ OJ L 347, 11.12.2006, p. 1.

⁽²⁾ OJ L 264, 15.10.2003, p. 1.

⁽³⁾ OJ L 157, 26.6.2003, p. 38.

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36. Urges the European Union to keep the elimination of tax havens at a worldwide level on the agenda, having regard to their detrimental effects on the tax revenue of individual Member States; invites the Council and the Commission to use the leverage of EU trade power when negotiating trade and cooperation agreements with the governments of tax havens, in order to persuade them to eliminate tax provisions and practices that favour tax evasion and fraud; welcomes, as a first step, the recommendations set out in the Council conclusions following its meeting on 14 May 2008 to include in trade agreements a clause on good governance in tax matters; asks the Commission to put forward such a clause with immediate effect in its negotiations of future trade agreements;

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

Announcing 2011 as the European Year of Volunteering

P6_TA(2008)0389

Declaration of the European Parliament on announcing 2011 as the European Year of Volunteering

(2009/C 295 E/05)

The European Parliament,

- having regard to its resolution of 22 April 2008 on the role of volunteering in contributing to economic and social cohesion ⁽¹⁾,
 - having regard to the resolution of the Council and the Representatives of the Governments of the Member States, meeting within the Council of 16 May 2007 on implementing the common objectives for voluntary activities of young people ⁽²⁾,
 - having regard to Rule 116 of its Rules of Procedure,
- A. whereas there are more than 100 million Europeans of all ages, beliefs and nationalities who volunteer,
 - B. whereas a Eurobarometer survey published in February 2007 revealed that 3 out of 10 Europeans claim to be active in a voluntary capacity and that close to 80 % of respondents feel that voluntary activities are an important part of democratic life in Europe ⁽³⁾,
 - C. whereas the voluntary sector contributes an estimated 5 % to the gross domestic product of Member States' economies, and develops innovative actions to detect, voice and respond to needs arising in society,
 - D. whereas the European Volunteer Centre, the European Youth Forum, the Association of Voluntary Service Organisations, the World Organisation of the Scout Movement, the Red Cross/European Union Office, *volonteuropé*, the European Older People's Platform (AGE), *Solidar*, *Caritas Europa*, *ENGAGE*, *Johanniter International*, the European Non-Governmental Sports Organisation and others — together representing thousands of organisations involving millions of volunteers — have all called upon the institutions of the European Union to announce 2011 as the European Year of Volunteering,

⁽¹⁾ Texts Adopted, P6_TA(2008)0131.

⁽²⁾ OJ C 241, 20.9.2008, p. 1.

⁽³⁾ 'European Social Reality', Special Eurobarometer 273, Wave 66.3.

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1. Calls upon the Commission, supported by all the institutions of the EU, to announce 2011 as the European Year of Volunteering;
2. Instructs its President to forward this declaration, together with the names of the signatories, to the Commission and the Council.

List of signatories

Adamos Adamou, Gabriele Albertini, Jim Allister, Alexander Alvaro, Jan Andersson, Georgs Andrejevs, Alfonso Andria, Laima Liucija Andrikiene, Emmanouil Angelakas, Roberta Angelilli, Stavros Arnautakis, Francisco Assis, Elspeth Attwooll, Marie-Hélène Aubert, Margrete Auken, Liam Aylward, Mariela Velichkova Baeva, Enrique Barón Crespo, Alessandro Battilocchio, Katerina Batzeli, Edit Bauer, Jean Marie Beaupuy, Zsolt László Becsey, Angelika Beer, Ivo Belet, Jean-Luc Bennaïmias, Rolf Berend, Pervenche Berès, Sergio Berlato, Giovanni Berlinguer, Thijs Berman, Adam Bielan, Guy Bono, Josep Borrell Fontelles, Victor Boștinaru, Catherine Boursier, Bernadette Bourzai, John Bowis, Sharon Bowles, Emine Bozkurt, Iles Braghetto, Mihael Brejc, Frieda Brepoels, André Brie, Elmar Brok, Danutė Budreikaitė, Kathalijne Maria Buitenweg, Ieke van den Burg, Colm Burke, Philip Bushill-Matthews, Cristian Silviu Bușoi, Simon Busuttil, Jerzy Buzek, Martin Callanan, Mogens Camre, Luis Manuel Capoulas Santos, Marie-Arlette Carlotti, Giorgio Carollo, Paulo Casaca, Michael Cashman, Carlo Casini, Françoise Castex, Giuseppe Castiglione, Pilar del Castillo Vera, Jorgo Chatzimarkakis, Zdzisław Kazimierz Chmielewski, Ole Christensen, Sylwester Chruszcz, Philip Claeys, Luigi Cocilovo, Carlos Coelho, Richard Corbett, Giovanna Corda, Titus Corlățean, Jean Louis Cottigny, Michael Cramer, Corina Crețu, Gabriela Crețu, Brian Crowley, Marek Aleksander Czarnecki, Ryszard Czarnecki, Daniel Dăianu, Dragoș Florin David, Chris Davies, Bairbre de Brún, Jean-Luc Dehaene, Panayiotis Demetriou, Gérard Deprez, Proinsias De Rossa, Marielle De Sarnez, Marie-Hélène Descamps, Harlem Désir, Albert Deß, Mía De Vits, Jolanta Dičkutė, Koenraad Dillen, Giorgos Dimitrakopoulos, Alexandra Dobolyi, Beniamino Donnici, Den Dover, Avril Doyle, Mojca Drčar Murko, Petr Duchoň, Andrew Duff, Árpád Duka-Zólyomi, Constantin Dumitriu, Michl Ebner, Lena Ek, Saïd El Khadraoui, James Elles, Maria da Assunção Esteves, Edite Estrela, Harald Ettl, Jill Evans, Robert Evans, Göran Färm, Richard Falbr, Markus Ferber, Emanuel Jardim Fernandes, Francesco Ferrari, Elisa Ferreira, Ilda Figueiredo, Petru Filip, Hélène Flautre, Alessandro Foglietta, Hanna Foltyn-Kubicka, Glyn Ford, Janelly Fourtou, Armando França, Duarte Freitas, Ingo Friedrich, Urszula Gacek, Michael Gahler, Milan Gaľa, Gerardo Galeote, Vicente Miguel Garcés Ramón, Eugenijus Gentvilas, Georgios Georgiou, Bronisław Geremek, Lidia Joanna Geringer de Oedenberg, Adam Gierek, Maciej Marian Giertych, Neena Gill, Ioannis Gklavakis, Bogdan Golik, Ana Maria Gomes, Donata Gottardi, Genowefa Grabowska, Dariusz Maciej Grabowski, Vasco Graça Moura, Nathalie Griesbeck, Lissy Gröner, Elly de Groen-Kouwenhoven, Mathieu Grosch, Lilli Gruber, Ignasi Guardans Cambó, Ambroise Guellec, Pedro Guerreiro, Umberto Guidoni, Zita Gurmai, Fiona Hall, David Hammerstein, Małgorzata Handzlik, Gábor Harangozó, Malcolm Harbour, Marian Harkin, Rebecca Harms, Joel Hasse Ferreira, Satu Hassi, Anna Hedh, Jeanine Hennis-Plasschaert, Esther Herranz García, Jim Higgins, Jens Holm, Milan Horáček, Richard Howitt, Ján Hudacký, Stephen Hughes, Alain Hutchinson, Filiz Hakaeva Hyusmenova, Monica Maria Iacob-Ridzi, Sophia in 't Veld, Mikel Irujó Amezaga, Ville Itälä, Lily Jacobs, Anneli Jäätteenmäki, Stanisław Jałowiecki, Mieczysław Edmund Janowski, Lívia Járóka, Elisabeth Jeggle, Rumiana Jeleva, Anne E. 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Devoting more attention to youth empowerment in EU policies

P6_TA(2008)0390

Declaration of the European Parliament on devoting more attention to youth empowerment in EU policies

(2009/C 295 E/06)

The European Parliament,

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

- A. whereas, the Commission in its White Paper ‘A new impetus for European youth’ (COM(2001)0681), which Parliament examined in its resolution of 14 May 2002 ⁽¹⁾, adopted the objective of devoting more attention to young people in other policy fields, especially education and lifelong learning, employment, social integration, health, youth autonomy, mobility, fundamental rights and non-discrimination,
- B. whereas the European Council of 22-23 March 2005 adopted a ‘European Youth Pact’ as one of the instruments contributing to the Lisbon objectives, and renewed its commitment in March 2008, insisting on the need to invest in youth now and in the future,
- C. whereas the Commission reflected the need for the mainstreaming of youth issues in its Communication of 5 September 2007 on ‘Promoting young people’s full participation in education, employment and society’ (COM(2007)0498),
- D. whereas it adopted its resolutions of 19 June 2007 on a regulatory framework for measures enabling young women in the European Union to combine family life with a period of studies ⁽²⁾ and of 21 February 2008 on the demographic future of Europe ⁽³⁾, thus highlighting the need to take greater account of youth,

⁽¹⁾ OJ C 180 E, 31.7.2003, p. 145.

⁽²⁾ OJ C 146 E, 12.6.2008, p. 112.

⁽³⁾ Texts Adopted, P6_TA(2008)0066.

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1. Calls on the Commission, when preparing legislative proposals, to consider and incorporate the impact on youth and the results of the structured dialogue with youth organisations, in particular in the policy fields referred to in recital A;
2. Calls on the Member States to focus on youth when implementing the Lisbon national reform programmes and to take youth into account in the relevant policy fields;
3. Instructs its President to forward this declaration, together with the names of the signatories, to the Council, the Commission and the European Youth Forum.

List of signatories

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Emergency cooperation in recovering missing children

P6_TA(2008)0391

Declaration of the European Parliament on emergency cooperation in recovering missing children

(2009/C 295 E/07)

The European Parliament,

- having regard to Rule 116 of its Rules of Procedure,
- A. whereas the abduction of a child is amongst the most inhumane of crimes,
- B. whereas the commission of such crimes is increasing in Europe and may involve transporting victims across state borders,
- C. whereas the prospects of saving the life of an abducted child decrease as time passes,
- D. whereas there is no Europe-wide system of alert for child disappearances nor any local or national systems throughout much of the European Union,
 1. Calls on Member States to introduce a missing child alert system, which, when activated, would require the immediate forwarding to the relevant news media, border authorities and customs and law enforcement agencies of:
 - details of the missing child, with a photograph if available,
 - information relevant to the disappearance and the suspected abductor(s),
 - a telephone number to call with information (116 000, where operational);

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2. Calls on the Member States to reach cooperation agreements with all bordering states to ensure the capability of raising an alert rapidly across any relevant territories;
3. Calls for the development of a common organisation to provide assistance and training to national bodies;
4. Instructs its President to forward this declaration, together with the names of the signatories, to the Council and the Commission.

List of signatories

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Jensen, Romana Jordan Cizelj, Ona Juknevičienė, Jelko Kacin, Filip Kaczmarek, Syed Kamall, Sajjad Karim, Ioannis Kasoulides, Sylvia-Yvonne Kaufmann, Piia-Noora Kauppi, Robert Kilroy-Silk, Glenys Kinnock, Evgeni Kirilov, Wolf Klinz, Dieter-Lebrecht Koch, Maria Eleni Koppa, Eija-Riitta Korhola, Guntars Krasts, Rodi Kratsa-Tsagaropoulou, Wolfgang Kreissl-Dörfler, Ģirts Valdis Kristovskis, Urszula Krupa, Sepp Kusstatscher, Zbigniew Krzysztof Kuźmiuk, Joost Lagendijk, Alain Lamassoure, Jean Lambert, Alexander Graf Lambsdorff, Vytautas Landsbergis, Anne Laperrouze, Romano Maria La Russa, Vincenzo Lavarra, Henrik Lax, Johannes Lebeck, Kurt Lechner, Bernard Lehideux, Klaus-Heiner Lehne, Jo Leinen, Jean-Marie Le Pen, Bogusław Liberadzki, Marcin Libicki, Pia Elda Locatelli, Andrea Losco, Caroline Lucas, Sarah Ludford, Astrid Lulling, Elizabeth Lynne, Marusya Ivanova Lyubcheva, Jules Maaten, Linda McAvan, Arlene McCarthy, Mary Lou McDonald, Mairead McGuinness, Edward McMillan-Scott, Jamila Madeira, Toine Manders, Ramona Nicole Mănescu, Marian-Jean Marinescu, Catuscia Marini, David Martin, Jan Tadeusz Masiel, Véronique Mathieu, Yiannakis Matsis, Mario Mauro, Manolis Mavrommatis, Erik Meijer, Marianne Mikko, Gay Mitchell, Viktória Mohácsi, Claude Moraes, Eluned Morgan, Luisa Morgantini, Philippe Morillon, Elisabeth Morin, Jan Mulder, Roberto Musacchio, Cristiana Muscardini, Joseph Muscat, Sebastiano (Nello) Musumeci, Pasqualina Napolitano, Robert Navarro, Cătălin-Ioan Nechifor, Catherine Neris, Bill Newton Dunn, Annemie Neyts-Uyttebroeck, James Nicholson, null Nicholson of Winterbourne, Vural Öger, Seán Ó Neachtain, Gérard Onesta, Dumitru Oprea, Josu Ortuondo Larrea, Miroslav Ouzký, Siiri Oviir, Marie Panayotopoulos-Cassiotou, Pier Antonio

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Panzeri, Dimitrios Papadimoulis, Atanas Paparizov, Georgios Papastamkos, Neil Parish, Aldo Patriciello, Vincent Peillon, Maria Petre, Willi Piecyk, Rihards Pīks, João de Deus Pinheiro, Józef Pinior, Umberto Pirilli, Lapo Pistelli, Gianni Pittella, Zita Pleštinská, Rovana Plumb, Guido Podestà, Anni Podimata, Samuli Pohjamo, Lydie Polfer, José Javier Pomés Ruiz, Mihaela Popa, Pierre Pribetich, Vittorio Prodi, Jacek Protasiewicz, John Purvis, Luís Queiró, Reinhard Rack, Bilyana Ilieva Raeva, Miloslav Ransdorf, Poul Nyrup Rasmussen, Karin Resetarits, José Ribeiro e Castro, Frédérique Ries, Karin Riis-Jørgensen, Giovanni Rivera, Giovanni Robusti, Bogusław Rogalski, Zuzana Roithová, Luca Romagnoli, Dagmar Roth-Behrendt, Libor Rouček, Martine Roure, Heide Rühle, Leopold Józef Rutowicz, Eoin Ryan, Tokia Saïfi, Aloyzas Sakalas, Manuel António dos Santos, Amalia Sartori, Jacek Saryusz-Wolski, Toomas Savi, Christel Schaldemose, Margaritis Schinas, György Schöpflin, Jürgen Schröder, Inger Segelström, Adrian Severin, José Albino Silva Peneda, Brian Simpson, Kathy Sinnott, Peter Skinner, Nina Škottová, Alyn Smith, Søren Bo Søndergaard, Bogusław Sonik, Jean Spautz, Bart Staes, Grażyna Staniszevska, Margarita Starkevičiūtė, Dirk Sterckx, Struan Stevenson, Catherine Stihler, Dimitar Stoyanov, Daniel Stroj, Robert Sturdy, Margie Sudre, David Sumberg, Konrad Szymański, Hannu Takkula, Charles Tannock, Andres Tarand, Salvatore Tatarella, Britta Thomsen, Silvia-Adriana Țicău, Jeffrey Titford, Gary Titley, Patrizia Toia, László Tőkés, Ewa Tomaszewska, Witold Tomczak, Antonios Trakatellis, Kyriacos Triantaphyllides, Claude Turmes, Evangelia Tzampazi, Feleknas Uca, Vladimir Urutchev, Inese Vaidere, Nikolaos Vakalis, Frank Vanhecke, Anne Van Lancker, Geoffrey Van Orden, Daniel Varela Suanzes-Carpegna, Ari Vatanen, Yannick Vaugrenard, Armando Veneto, Riccardo Ventre, Donato Tommaso Veraldi, Bernadette Vergnaud, Alejo Vidal-Quadras, Cornelis Visser, Oldřich Vlasák, Dominique Vlasto, Diana Wallis, Graham Watson, Manfred Weber, Renate Weber, Åsa Westlund, Anders Wijkman, Glenis Willmott, Iuliu Winkler, Janusz Wojciechowski, Corien Wortmann-Kool, Anna Záborská, Jan Zahradil, Iva Zanicchi, Stefano Zappalà, Tatjana Ždanoka, Dushana Zdravkova, Vladimír Železný, Gabriele Zimmer, Marian Złotea, Jaroslav Zvěřina, Tadeusz Zwiefka

Wednesday 3 September 2008

Georgia

P6_TA(2008)0396

European Parliament resolution of 3 September 2008 on the situation in Georgia

(2009/C 295 E/08)

The European Parliament,

- having regard to its previous resolutions on Georgia and, in particular, its resolution of 26 October 2006 on the situation in South Ossetia ⁽¹⁾ and its resolutions of 29 November 2007 ⁽²⁾ and 5 June 2008 ⁽³⁾ on the situation in Georgia,
- having regard to its resolution of 15 November 2007 on strengthening the European Neighbourhood Policy (ENP) ⁽⁴⁾ and its resolutions of 17 January 2008 on a more effective EU policy for the South Caucasus ⁽⁵⁾ and on a Black Sea Regional Policy Approach ⁽⁶⁾,
- having regard to the ENP Action Plan adopted with Georgia, which includes a commitment to cooperation for the settlement of Georgia's internal conflicts,
- having regard to Council Joint Action 2008/450/CFSP of 16 June 2008 regarding a further contribution of the European Union to the conflict settlement process in Georgia/South Ossetia ⁽⁷⁾, and other previous Council joint actions on the same subject,
- having regard to its previous resolutions on EU-Russia relations, particularly its resolution of 19 June 2008 on the EU-Russia Summit of 26-27 June 2008 in Khanty-Mansiysk ⁽⁸⁾,
- having regard to the conclusions of the extraordinary meeting of the General Affairs and External Relations Council on the situation in Georgia of 13 August 2008,
- having regard to the conclusions of the extraordinary meeting of the European Council ⁽⁹⁾ held in Brussels on 1 September 2008,
- having regard to UN Security Council Resolutions S/RES/1781 (2007) and S/RES/1808 (2008), which both support the territorial integrity of Georgia and the last of which extends the mandate of the UN Observer Mission in Georgia (UNOMIG) until 15 October 2008,
- having regard to Decision No 861 of the Permanent Council of the Organisation for Security and Cooperation in Europe (OSCE) of 19 August 2008 increasing the number of military monitoring officers in the OSCE mission to Georgia,
- having regard to the NATO Bucharest Summit Declaration of 3 April 2008 and to the outcome of the NATO Council meeting of 19 August 2008,
- having regard to Rule 103(4) of its Rules of Procedure,

⁽¹⁾ OJ C 313 E, 20.12.2006, p. 429.

⁽²⁾ Texts Adopted, P6_TA(2007)0572.

⁽³⁾ Texts Adopted, P6_TA(2008)0253.

⁽⁴⁾ Texts Adopted, P6_TA(2007)0538.

⁽⁵⁾ Texts Adopted, P6_TA(2008)0016.

⁽⁶⁾ Texts Adopted, P6_TA(2008)0017.

⁽⁷⁾ OJ L 157, 17.6.2008, p. 110.

⁽⁸⁾ Texts Adopted, P6_TA(2008)0309.

⁽⁹⁾ Council of the European Union, document 12594/08.

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- A. whereas the EU remains committed to supporting the independence, sovereignty and territorial integrity of Georgia within its internationally recognised borders,
- B. whereas the distribution of Russian passports to citizens in South Ossetia and support for the separatist movement, together with increased military activity by separatists against villages with Georgian populations, have increased the tensions in South Ossetia, combined with large-scale Russian military manoeuvres close to the border with Georgia during July 2008,
- C. whereas, after several weeks of increased tension and skirmishing between the parties, and provocations by the South Ossetian separatist forces involving bomb attacks, deadly clashes, shoot-outs and shellings which caused the deaths of many civilians and left many more injured, during the night of 7/8 August 2008 the Georgian army launched a surprise artillery attack on Tskhinvali followed by a ground operation using both tanks and soldiers aimed at regaining control over South Ossetia,
- D. whereas Russia responded immediately, after a long-term military build-up, with a massive counter-attack, sending in tanks and ground troops, bombing several locations in Georgia, including the town of Gori, and blocking Georgian Black Sea ports,
- E. whereas about 158 000 people were uprooted by the crisis and forced to leave their homes and must now be assisted in their efforts to return; whereas the presence of cluster munitions, unexploded ordnance and landmines, as well as the Russian warnings and the lack of cooperation, make any such return unsafe,
- F. whereas the infrastructure of Georgia has been heavily damaged by the Russian military actions and whereas humanitarian aid is needed,
- G. whereas international human rights researchers and military analysts have documented the use by Russian troops of cluster munitions in Georgia, which has left thousands of items of unexploded ordnance in the conflict areas; whereas Georgia has also admitted to the use of cluster bombs in South Ossetia near the Roki tunnel,
- H. whereas on 12 August 2008 the Presidents of Georgia and Russia committed themselves to an agreement on the basis of the mediation efforts carried out by the EU providing for an immediate ceasefire, the withdrawal of Georgian and Russian forces to their positions prior to 7 August 2008 and the opening of international talks on an international mechanism to be set up rapidly in order to prepare for a peaceful and lasting solution to the conflict,
- I. whereas on 19 August 2008 NATO suspended regular top-level ties with Russia, saying that Russia's military action had been 'disproportionate' and 'inconsistent with its peacekeeping role in parts of Georgia' and that 'business as usual' could not continue while Russian troops remained in Georgia,
- J. whereas on 22 August 2008 Russia withdrew tanks, artillery and hundreds of troops from their most advanced positions in Georgia, but still controls access to the port city of Poti, south of Abkhazia, and the Russian Government announced that it would keep troops in a security zone around South Ossetia, establishing eight checkpoints at which Russian troops will be deployed,
- K. whereas on 25 August 2008 Russia's upper house of parliament adopted a resolution asking the President to recognise the independence of Georgia's breakaway regions of Abkhazia and South Ossetia, which was followed on 26 August 2008 by President Dmitry Medvedev's decision that Russia would formally recognise the two regions as independent states,
- L. whereas this conflict has far-reaching implications for regional stability and security, going well beyond the direct relationship between all sides in the conflict, with possible repercussions for the EU-Russia relationship, the ENP, the Black Sea region and beyond,

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- M. whereas the EU must maintain full political unity in response to the crisis in Georgia and must speak with one voice, in particular in its relations with Russia; whereas the process towards a peaceful and stable solution to the conflicts in Georgia and in the Caucasus will demand a comprehensive revision of the ENP and a new engagement with the whole region, in cooperation with all European and international organisations, notably the OSCE,
- N. whereas last week the Georgian Government broke off diplomatic relations with Russia and the Russian Federation responded by doing the same,
1. Takes the view that there cannot be a military solution to the conflicts in the Caucasus and expresses its firm condemnation of all those who resorted to force and violence in order to change the situation in the Georgian breakaway territories of South Ossetia and Abkhazia;
 2. Calls on Russia to respect the sovereignty and territorial integrity of the Republic of Georgia and the inviolability of its internationally recognised borders, and therefore strongly condemns the recognition by the Russian Federation of the independence of the breakaway Georgian regions of South Ossetia and Abkhazia as contrary to international law;
 3. Points out that any decision on the final status of South Ossetia and Abkhazia must be conditional on compliance with the basic principles of international law, including the 1975 Final Act of the Conference on Security and Cooperation in Europe (Helsinki Final Act), with regard, in particular, to the return of refugees and respect for their property and guarantees of, and respect for, minority rights;
 4. Condemns the unacceptable and disproportionate military action by Russia and its deep incursion into Georgia, which violates international law; underlines that there is no legitimate reason for Russia to invade Georgia, to occupy parts of it and to threaten to override the government of a democratic country;
 5. Deplores the loss of life and human suffering caused by the use of indiscriminate force by all parties engaged in the conflict;
 6. Expresses deep concern at the effect of Russian mines on the social and economic activity of Georgia, in particular with regard to the blowing-up of a railway bridge near Kaspi on the main rail link from Tbilisi to Poti on 16 August 2008 and the explosion caused near Gori on 24 August 2008 to the fuel train carrying crude oil from Kazakhstan for export through Poti; underlines that both actions violated the ceasefire commitment;
 7. Reiterates its firm belief in the principle that no third country has a veto over the sovereign decision of another country to join any international organisation or alliance or the right to destabilise a democratically elected government;
 8. Stresses that the partnership between Europe and Russia must be based on respect for the fundamental rules of European cooperation, upheld not just in words but in action;
 9. Praises the EU Presidency for the efficiency and speed with which it has reacted to this conflict and the unity shown by the Member States in mediating between the two sides, enabling them to sign a ceasefire peace plan; welcomes in this regard the conclusions of the abovementioned extraordinary meeting of the European Council;
 10. Strongly urges Russia to honour all its commitments under the ceasefire agreement reached and signed through the diplomatic efforts of the EU, beginning with the complete and immediate withdrawal of its troops from Georgia proper and the reduction of its military presence in South Ossetia and Abkhazia to the Russian force deployed as peacekeepers in the two provinces before the conflict erupted; condemns the extensive looting perpetrated by the Russian invasion forces and accompanying mercenaries;
 11. Demands that an independent international investigation be carried out as a matter of urgency in order to establish the facts and bring greater clarity to certain allegations;

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12. Urges Georgia, which ratified the Rome Statute of the International Criminal Court (ICC), and the Russian authorities to lend support to and fully cooperate with the Office of the Prosecutor of the ICC as regards its investigation into the tragic events and the attacks against civilians which took place during the conflict in order to determine responsibility and bring those responsible to justice;
13. Calls on the Russian and Georgian authorities to provide full information concerning the areas where their armed forces dropped cluster bombs so that an immediate start can be made on de-mining operations and in order to prevent further casualties among innocent civilians and facilitate the safe return of displaced persons;
14. Calls on the EU and NATO and its members to use, on the basis of a common position, all possibilities to persuade the Russian Government to abide by international law, which is the necessary condition for playing a responsible role in the international community; reminds Russia of its responsibility as a UN veto power for a global order of peace;
15. Calls on the Council and the Commission to review their policy towards Russia should Russia not fulfil its commitments under the ceasefire agreement; supports in consequence the decision of the European Council to postpone the Partnership and Cooperation Agreement negotiations until the withdrawal of the Russian troops to their positions prior to 7 August 2008;
16. Calls on the Commission to propose visa facilitation and readmission agreements with Georgia at least equivalent to those for Russia;
17. Calls on the Member States to review the issuing of visas for economic activities based in South Ossetia and Abkhazia;
18. Strongly condemns the forced resettlement of Georgians from South Ossetia and Abkhazia and calls on the de facto South Ossetian and Abkhazian authorities to guarantee the safe return of the displaced civilian population, in line with international humanitarian law;
19. Welcomes the initiatives taken by the OSCE to increase the number of unarmed observers; calls for a further strengthening of the OSCE Georgia Mission, with full freedom of movement throughout the country, and encourages the EU Member States to make a contribution to these efforts;
20. Calls for a robust contribution by the EU to the planned international mechanism for the resolution of the conflict and therefore welcomes the decision of the European Council to deploy an ESDP (European Security and Defence Policy) monitoring mission to complement the UN and OSCE missions and to ask for a UN or OSCE mandate for an ESDP peace mission;
21. Welcomes the EU's active and continued support for all international efforts to find a peaceful and lasting solution to the conflict, in particular the Council's commitment to supporting all UN, OSCE and other efforts to settle the conflict; welcomes in particular the decision to appoint an EU Special Representative for the crisis in Georgia;
22. Welcomes the Commission's EUR 6 million fast-track humanitarian aid package for civilians, which must be bolstered by further funds on the basis of a needs assessment on the ground; notes the urgent need for reconstruction aid in the aftermath of the conflict;
23. Welcomes the Council's decision to convene an international donors' conference for the reconstruction of Georgia, and urges the Council and the Commission to examine the possibility of a major EU plan to provide financial support for the rebuilding of the affected areas of Georgia and to establish a stronger EU presence in the country and throughout the region;
24. Calls on all parties to the conflict to allow full and unfettered access for humanitarian assistance to victims, including refugees and internally displaced persons;

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25. Takes the view that the search for solutions to the conflict in Georgia, along with the other unresolved conflicts in the South Caucasus, will benefit from increased internationalisation of conflict resolution mechanisms; proposes therefore that the EU convene a 'Trans-Caucasian Conference for Peace' as a key element of this process; considers that such a conference should discuss international guarantees concerning full respect for civil and political rights and the promotion of democracy through the international rule of law; stresses that the conference should also provide an opportunity to listen to the voice of the unrepresented or silenced groups of the Caucasian region;
26. Calls on the Council and Commission to develop the ENP further by making it better adapted to the needs of our eastern partners, including a strengthening of EU involvement in the Black Sea region, to take up Parliament's proposal for a European Economic Area Plus or the Swedish-Polish proposal for an Eastern Partnership and to speed up, in relation to Georgia, Ukraine and the Republic of Moldova in particular, the establishment of a free trade zone; notes that liberalisation of EU visa policy towards these countries must take account of the fact that Russia has been granted better conditions in this area than they have;
27. Stresses the interrelatedness of a number of problems in the South Caucasus region and the need for a comprehensive solution in the form of a stability pact, with the involvement of the major external actors; underlines the need to enhance cooperation with the neighbouring countries of the Black Sea region by setting up a special institutional and multilateral mechanism such as a Union for the Black Sea, and organising an international security and cooperation conference on the South Caucasus region; asks the Commission, therefore, to make a specific proposal to Parliament and the Council on the setting-up of a multilateral framework for the Black Sea region, including Turkey and Ukraine; considers that neighbouring countries, such as Kazakhstan, should be involved in the interests of the whole region's stability and energy flows;
28. Recalls that at the Bucharest Summit on 3 April 2008 NATO agreed that Georgia would become a member of the Alliance;
29. Stresses the importance of Georgia in improving EU energy security by providing an alternative to the Russian energy transit route; considers it crucial that existing infrastructure such as the Baku-Tbilisi-Ceyhan pipeline be effectively protected, and calls on the Commission to offer Georgia all necessary assistance to this end; expects a strong EU political and budgetary commitment in pursuing the Nabucco pipeline project, recognised as an EU priority project that would cross Georgia's territory and representing the most serious alternative to the projects undertaken in cooperation with Russia which will all potentially increase the economic and political dependence of Member States on Russia;
30. Calls on the Council and the Commission to continue their efforts to adopt the EU common energy policy which, *inter alia*, caters for the need to diversify sources of supply;
31. Takes the view that cooperation in the South Caucasus should not be about mutually exclusive zones of influence between the EU and Russia (so-called 'spheres of interest');
32. Takes the view that the role of the EU in the current crisis underlines the need to strengthen the European foreign, defence and security policy, and believes that the Treaty of Lisbon, including the creation of the position of High Representative, the solidarity clause and the EU Energy Security Policy, represents the right way of doing this;
33. Stresses the need to safeguard stability in the South Caucasus region and calls on the Armenian and Azerbaijani Governments to contribute to achieving this aim, while respecting all their international commitments;
34. Reaffirms the principle that pluralistic and democratic governance, with functioning opposition parties and respect for human and civil rights, constitutes the best guarantee for stability in the entire South Caucasus region;
35. Instructs its President to forward this resolution to the Council, the Commission, the Member States, the Presidents and Parliaments of Georgia and the Russian Federation, NATO, the OSCE and the Council of Europe.
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Wednesday 3 September 2008

European contract law

P6_TA(2008)0397

European Parliament resolution of 3 September 2008 on the common frame of reference for European contract law

(2009/C 295 E/09)

The European Parliament,

- having regard to its resolution of 12 December 2007 on European contract law ⁽¹⁾,
 - having regard to its resolution of 7 September 2006 on European contract law ⁽²⁾,
 - having regard to its resolution of 23 March 2006 on European contract law and the revision of the *acquis*: the way forward ⁽³⁾,
 - having regard to its resolutions of 26 May 1989 ⁽⁴⁾, 6 May 1994 ⁽⁵⁾, 15 November 2001 ⁽⁶⁾ and 2 September 2003 ⁽⁷⁾,
 - having regard to the Commission's report of 25 July 2007 entitled 'Second Progress Report on the Common Frame of Reference' (COM(2007)0447),
 - having regard to the position defined by the Justice and Home Affairs Council of 18 April 2008,
 - having regard to Rule 108(5) of its Rules of Procedure,
- A. whereas the academic Draft Common Frame of Reference (DCFR) ⁽⁸⁾ was submitted to the Commission at the end of 2007,
- B. whereas the DCFR is currently undergoing a process of evaluation by a network of several academic groups, including the 'Association Henri Capitant des amis de la culture juridique française' and the 'Société de législation comparée', which have already published 'Principes contractuels communs' and 'Terminologie contractuelle commune' ⁽⁹⁾,
- C. whereas the Commission has launched an internal selection process with the aim of identifying which parts of the DCFR will be integrated into a forthcoming document, e.g. a Commission White Paper on a Common Frame of Reference (CFR),
- D. whereas the DCFR is merely an academic document and the possible selection of what parts of the DCFR are to be integrated into the forthcoming Commission document is a highly political exercise,

⁽¹⁾ Texts Adopted, P6_TA(2007)0615.

⁽²⁾ OJ C 305 E, 14.12.2006, p. 247.

⁽³⁾ OJ C 292 E, 1.12.2006, p. 109.

⁽⁴⁾ OJ C 158, 26.6.1989, p. 400.

⁽⁵⁾ OJ C 205, 25.7.1994, p. 518.

⁽⁶⁾ OJ C 140 E, 13.6.2002, p. 538.

⁽⁷⁾ OJ C 76 E, 25.3.2004, p. 95.

⁽⁸⁾ Von Bar, Clive, Schulte-Nölke et al. (eds.), *Principles, Definitions and Model Rules of European Private Law — Draft Common Frame of Reference (DCFR)*, 2008.

⁽⁹⁾ B. Fauvarque-Cosson, D. Mazeaud (dir.), collection 'Droit privé comparé et européen', Volumes 6 and 7, 2008.

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1. Welcomes the presentation of the DCFR and awaits the final academic DCFR to be submitted to the Commission by the end of December 2008;
 2. Calls on the Commission to present a precise and transparent plan as to how the selection process leading to the Commission document will be organised and coordinated, in particular with regard to all Directorates-General (DGs) involved;
 3. Calls on the Commission to ensure that the DCFR is made available in the greatest possible number of relevant languages in order to ensure its accessibility for all interested stakeholders;
 4. Calls on the Commission to consider assigning the project to DG Justice, Freedom and Security with the full involvement of all other relevant DGs, since the CFR goes well beyond consumer contract law, and to make the necessary materials and human resources available;
 5. Points out that the Commission document will be the basis for the decision of the European Institutions and all interested stakeholders on the future purpose of the CFR, its content and legal effect, which may range from a non-binding legislative tool to the foundation for an optional instrument in European contract law;
 6. Considers that, regardless of the future shape of the CFR, measures must be put in place to ensure that it is regularly updated in order to reflect changes and national developments in contract law;
 7. Points out that, when taking any decision about the content of the CFR, the Commission should bear in mind the Council's statement of 18 April 2008 that the CFR should be 'a tool for better lawmaking', forming 'a set of non-binding guidelines to be used by lawmakers at Community level';
 8. Suggests that, if this is the case, the CFR should be as wide-ranging as possible and that there may be no need to exclude any content or materials at this stage;
 9. Emphasises once again that the outcome of the recent CFR workshops should be reflected in any selection process; emphasises that further consultations should be broad and guarantee a balanced input of all relevant stakeholders;
 10. Suggests that, if used as a non-binding legislative tool, the relevant parts of the CFR should be appended to any future legislative proposal or communication made by the Commission which touches on contract law, so as to ensure that this is considered by the Community legislature;
 11. Points out that, when taking a decision about the content of the CFR, the Commission should bear in mind that the CFR could go well beyond a mere legislative tool and could result in an optional instrument;
 12. Suggests that, if the future format of the CFR is likely to be that of an optional instrument, it should confine itself to those areas where the Community legislature has been active or is likely to be active in the near future, or which are closely linked to contract law; suggests that any optional instrument should be based on the DCFR; considers that, in all instances, care should be taken to ensure that the overall coherence of the optional instrument is not jeopardised by the selection process;
 13. Insists that Parliament should be fully consulted and involved in any selection process leading to the Commission's forthcoming document on the CFR;
 14. Instructs its President to forward this resolution to the Council and the Commission.
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Wednesday 3 September 2008

Special Report from the European Ombudsman following the draft recommendation to the European Commission in complaint 3453/2005/GG

P6_TA(2008)0398

European Parliament resolution of 3 September 2008 on the Special Report from the European Ombudsman following the draft recommendation to the European Commission in complaint 3453/2005/GG (2007/2264(INI))

(2009/C 295 E/10)

The European Parliament,

- having regard to the Special Report from the European Ombudsman to the European Parliament,
 - having regard to Article 195(1), second subparagraph, and Article 211 of the EC Treaty,
 - having regard to Decision 94/262/ECSC, EC, Euratom of the European Parliament of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties ⁽¹⁾, particularly Article 3(7) thereof,
 - having regard to the Commission communication of 20 March 2002 on relations with the complainant regarding infringements of Community law (COM(2002)0141) ⁽²⁾,
 - having regard to Rule 195(2), first sentence, of its Rules of Procedure,
 - having regard to the report of the Committee on Petitions and the opinion of the Committee on Employment and Social Affairs (A6-0289/2008),
- A. whereas Article 195 of the EC Treaty empowers the European Ombudsman to receive complaints from any citizen of the Union concerning instances of maladministration in the activities of the Community institutions or bodies,
- B. whereas complaints submitted by citizens constitute an important source of information on possible infringements of Community law,
- C. whereas under Article 211 of the EC Treaty the Commission in its role as guardian of the Treaties is responsible for ensuring that the provisions of the Treaty and the measures taken by the institutions pursuant thereto are applied,
- D. whereas, pursuant to the first paragraph of Article 226 of the EC Treaty, if the Commission considers that a Member State has failed to fulfil an obligation under the Treaty, it 'shall' deliver a reasoned opinion on the matter after giving the State concerned the opportunity to submit its observations, and whereas, pursuant to the second paragraph of that article, if the State concerned does not comply with the opinion within the period laid down by the Commission, the latter 'may' bring the matter before the Court of Justice,
- E. whereas the Ombudsman has previously emphasised, in his Decision on complaint 995/98/OV, that, even though the Commission enjoys discretionary powers with respect to the opening of infringement procedures, these are nevertheless subject to legal limits 'established by the case law of the Court of Justice which requires, for example, that administrative authorities should act consistently and in good faith, avoid discrimination, comply with the principles of proportionality, equality and legitimate expectations and respect human rights and fundamental freedoms',

⁽¹⁾ OJ L 113, 4.5.1994, p. 15.

⁽²⁾ OJ C 244, 10.10.2002, p. 5.

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- F. whereas the Commission has stressed that this role is essential to the interests of European citizens, and has recognised the importance of the rule of law in this context ⁽¹⁾,
- G. whereas the Commission confirms that its abovementioned communication of 20 March 2002 sets out the administrative measures for the benefit of the complainant with which the Commission undertakes to comply when handling his/her complaint and assessing the infringement in question,
- H. whereas the Ombudsman considers that the Commission's failure to decide on a definitive position as regards the complainant's infringement complaint constitutes an instance of maladministration,
- I. whereas the Ombudsman's recommendation to the Commission is that it should deal with the complainant's complaint as rapidly and diligently as possible,
1. Endorses the European Ombudsman's recommendation to the Commission;
 2. Stresses that the way in which the Commission handles complaints submitted by citizens in which an infringement of Community law by Member States is alleged should always be in conformity with principles of good administration;
 3. Points out that, in its abovementioned communication of 20 March 2002, the Commission has entered into certain commitments as regards its handling of infringement complaints;
 4. Points out that the Commission has indicated in that communication that, as a general rule, it will decide whether to open infringement proceedings or to close the file within one year from the date of registration of the complaint and that it will inform the complainant in writing when this time-limit is exceeded;
 5. Accepts that in difficult and complicated cases the Commission's investigations may require more than one year; considers, however, that exceeding the one-year time-limit is justified only when investigations are indeed still ongoing;
 6. Notes that in the present case concerning the German Government's failure to properly apply the Working Time Directive ⁽²⁾ the Commission intended to deal with the complaint in the light of its proposal for an amendment of the Directive and decided to await the outcome of the discussions on its proposal with the other Community institutions;
 7. Recalls that that proposal was submitted in September 2004 and that there is no evidence that the Commission has taken any further steps since then in order to proceed with its investigation;
 8. Notes that instead of taking one of two possible decisions — either to initiate formal infringement proceedings or to close the case — the Commission abstained from taking any further action as regards its investigation;
 9. Is of the opinion that Community law does not envisage the possibility of disregarding existing laws and judgments on the grounds that new rules are being considered; points out that the Commission also failed to deal with issues in the complaint that are not related to the proposed changes to the applicable Directive;
 10. Acknowledges that the Commission has certain discretionary powers with regard to the management of complaints and infringement proceedings, in particular as regards bringing matters before the Court of Justice, but points out that Article 226 of the EC Treaty stipulates that the Commission is to initiate the pre-litigation phase if it considers that a Member State has failed to fulfil an obligation under the Treaty;

⁽¹⁾ Commission communication of 11 December 2002 entitled 'Better monitoring of the application of Community law' (COM(2002)0725 final).

⁽²⁾ Directive 2003/88/EC, which replaced and repealed Directive 93/104/EC (OJ L 299, 18.11.2003, p. 9).

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11. Is of the opinion that those discretionary powers are also subject to legal limits set by general principles of administrative law, as established by the case-law of the Court of Justice, and should not exceed the limits indicated by the Commission itself in its abovementioned communication of 20 March 2002;
12. Restates its concern at the unjustified and excessive amount of time — often spanning several years — which the Commission takes to pursue and conclude infringement proceedings and its dissatisfaction with the frequent examples of non-compliance by Member States with decisions of the Court of Justice; considers that this undermines the credibility of the formulation and coherent application of Community law and that it serves to discredit the objectives of the EU;
13. Emphasises once again the key role of the Member States in correctly implementing Community legislation and underlines the fact that the practical application thereof is decisive for the purposes of increasing the relevance of the European Union for its citizens;
14. Asks the Commission to provide a list naming the Member States whose legislation is not in line with all provisions of the Working Time Directive and specifying the action it is taking with regard to this; urges the Commission to take prompt action, in accordance with its prerogatives, in all cases and in all Member States where the transposition or implementation of the Directive does not comply with the law laid down by the legislature and by the Court of Justice;
15. Urges the Commission to analyse forthwith the new German law adopted on 1 January 2004, and which came into effect on 1 January 2007, in order to establish whether it is in line with all the provisions of the Working Time Directive and all applicable judgments of the Court of Justice; underlines the need for the Commission to examine the details of the implementation of that Directive;
16. Notes that the Commission has recently revised its guidelines on infringement procedures; understands from this document that a list of the decisions will be provided in advance to the Permanent Representatives and the Member States and that press releases on adopted infringement decisions may be issued on the day of formal adoption; notes, however, that no provision is made to inform Parliament or its responsible committees;
17. Reiterates its urgent call on the Commission to keep Parliament, and in particular its Committee on Petitions, fully informed of decisions in infringement files at all stages of the procedure;
18. Stresses that, under Article 230 of the EC Treaty, Parliament has the right to bring actions before the Court of Justice under the same conditions as the Council and the Commission and that Parliament, pursuant to Article 201 of the Treaty, is empowered to exercise control over the activities of the Commission;
19. Also urges all the Member States, in the light of the foregoing, to apply faithfully all the rules relating to health and safety at work on the basis of the principle that, in the event of any doubt, the interpretation of the law which is most favourable to the health and safety of workers should prevail (*in dubio pro operario*);
20. Instructs its President to forward this resolution to the Council, the Commission and the European Ombudsman.

Equality between women and men — 2008

P6_TA(2008)0399

European Parliament resolution of 3 September 2008 on Equality between women and men — 2008 (2008/2047(INI))

(2009/C 295 E/11)

The European Parliament,

- having regard to Articles 2, 3(2) and 141 of the EC Treaty,
- having regard to Article 23 of the Charter of Fundamental Rights of the European Union,

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- having regard to the Commission's report of 23 January 2008 on equality between women and men — 2008 (COM(2008)0010) ('the Commission report on equality'), and the annual reports of previous years (COM(2001)0179, COM(2002)0258, COM(2003)0098, COM(2004)0115, COM(2005)0044, COM(2006)0071 and COM(2007)0049),
- having regard to the Communication from the Commission of 1 March 2006 entitled 'A Roadmap for equality between women and men 2006-2010' (COM(2006)0092),
- having regard to Council Decision 2001/51/EC of 20 December 2000 establishing a Programme relating to the Community framework strategy on gender equality (2001-2005) ⁽¹⁾
- having regard to Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund ⁽²⁾, in particular Article 16(1) thereof,
- having regard to the European Pact for Gender Equality adopted by the Brussels European Council of 23 and 24 March 2006,
- having regard to the common declaration adopted on 4 February 2005 by Member State ministers responsible for gender equality policies,
- having regard to its resolution of 9 March 2004 on reconciling professional, family and private lives ⁽³⁾,
- having regard to its resolution of 24 October 2006 on women's immigration: the role and the place of immigrant women in the European Union ⁽⁴⁾,
- having regard to its resolution of 26 April 2007 on the situation of women with disabilities in the European Union ⁽⁵⁾,
- having regard to its resolution of 13 March 2007 on a roadmap for equality between women and men (2006-2010) ⁽⁶⁾,
- having regard to its resolution of 19 June 2007 on a regulatory framework for measures enabling young women in the European Union to combine family life with a period of studies ⁽⁷⁾,
- having regard to its resolution of 27 September 2007 on equality between women and men in the European Union — 2007 ⁽⁸⁾,
- having regard to its resolution of 17 January 2008 on the role of women in industry ⁽⁹⁾,
- having regard to its resolution of 12 March 2008 on the situation of women in rural areas of the EU ⁽¹⁰⁾,
- having regard to its resolution of 13 March 2008 on the particular situation of women in prison and the impact of the imprisonment of parents on social and family life ⁽¹¹⁾,
- having regard to the Advisory Committee on Equal Opportunities for women and men and its opinion on the gender pay gap, adopted on 22 March 2007,

⁽¹⁾ OJ L 17, 19.1.2001, p. 22.

⁽²⁾ OJ L 210, 31.7.2006, p. 25.

⁽³⁾ OJ C 102 E, 28.4.2004, p. 492.

⁽⁴⁾ OJ C 313 E, 20.12.2006, p. 118.

⁽⁵⁾ OJ C 74 E, 20.3.2008, p. 742.

⁽⁶⁾ OJ C 301 E, 13.12.2007, p. 56.

⁽⁷⁾ OJ C 146 E, 12.6.2008, p. 112.

⁽⁸⁾ Texts Adopted, P6_TA(2007)0423.

⁽⁹⁾ Texts Adopted, P6_TA(2008)0019.

⁽¹⁰⁾ Texts Adopted, P6_TA(2008)0094.

⁽¹¹⁾ Texts Adopted, P6_TA(2008)0102.

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- having regard to the Framework of actions on gender equality adopted by the European social partners on 22 March 2005,
- having regard to Rule 45 of its Rules of Procedure,
- having regard to the report of the Committee on Women's Rights and Gender Equality and the opinions of the Committee on Employment and Social Affairs and the Committee on Culture and Education (A6-0325/2008),
- A. whereas equality between women and men is a fundamental principle of the EU, recognised by the Treaty establishing the European Community and by the Charter of Fundamental Rights of the European Union; whereas in spite of the significant progress made in this field, many inequalities between women and men remain,
- B. whereas violence against women is a major hindrance to equality between women and men and is one of the most widespread human rights violations, knowing no geographical, economic, or social limits; whereas the number of women who are victims of violence is alarming,
- C. whereas the term 'violence against women' is to be understood as any act of gender-based violence which results in, or is likely to result in, physical, sexual or psychological harm to or suffering of women, including threats of such acts, coercion, or the arbitrary deprivation of liberty, whether occurring in public or private life,
- D. whereas trafficking in human beings for sexual exploitation is an unacceptable violation of human rights, and is a modern form of slavery closely linked to other forms of criminality which significantly undermines all efforts for achieving equality between women and men,
- E. whereas the promotion of a flexible enterprise policy on the labour market must not focus primarily on the requirements of companies or public administrations, but must first and foremost take as its starting point the time that women and men need to be able to take seriously their respective duties within their families,
- F. whereas neither specific gender guidelines nor the equal opportunities pillar remains in the European employment strategy,
- G. whereas gender gaps in employment indicate persistence of both qualitative and quantitative disparities between women and men,
- H. whereas the pay gap has remained steady at 15 % since 2003 and has narrowed by only one percentage point since 2000,
- I. whereas sectoral and occupational segregation between women and men is not diminishing and is even increasing in certain countries,
- J. whereas women's participation in decision making is a decisive indicator of equality between women and men; whereas the presence of female managers in companies and universities remains slight and the number of female politicians and researchers is rising only very slowly,
- K. whereas the stereotypes which still exist with regard to the educational and occupational options available to women help to perpetuate inequalities,
- L. whereas the Lisbon targets on generating growth and promoting the social market economy can be met only by making full use of the significant potential of women in the labour market,
- M. whereas there is a risk of 'enforced' part-time work, particularly for women, a choice often forced on them by a lack of affordable childcare facilities,

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- N. whereas a number of challenges and difficulties affect women more than men, notably quality of employment, the situation of 'helping' spouses in areas such as agriculture or fisheries and small family businesses, health and safety at work and maternity protection, as well as their being at a higher risk of poverty,
- O. whereas, for both men and women, employment rates are lower in rural areas, and, in addition, a lot of women are never active in the official labour market and, therefore, are neither registered as unemployed nor included in unemployment statistics, which leads to particular financial and legal problems in relation to the right to maternity and sick leave, the acquisition of pension rights and access to social security, as well as problems in the event of divorce; whereas rural areas are badly affected by the lack of high-quality employment opportunities,
- P. whereas the conditions of some groups of women who often face several combined difficulties and risks as well as double discrimination — in particular disabled women, women with dependants, elderly women, minority and immigrant women and women prisoners — show signs of deterioration,
- Q. whereas gaps between women and men persist in all other aspects of work quality, e.g. reconciling professional and private life, working arrangements which do not fully exploit people's skills and in the field of health and safety at work; whereas the employment rate for women with dependent children is only 62,4 %, compared with 91,4 % for men; whereas women's participation in the labour market is still largely characterised by a high and increasing share of part-time work — 31,4 % for women in the EU-27 in 2007 compared to only 7,8 % for men — and 76,5 % of all part-time workers are women; whereas temporary employment contracts are also more common for women (15,1 %, one percentage point more than for men); whereas long-term unemployment is still much more common among women (4,5 %) than men (3,5 %),
- R. whereas the risk of falling into poverty is higher for women than for men, especially for the over-65s (21 %, 5 percentage points more than men),
- S. whereas reconciling professional, family and private lives remains an unresolved issue for women as well as for men,
- T. whereas the social partners play an important role in defining and effectively implementing actions for gender equality at European, national, regional, sectoral and corporate levels,
- U. whereas the sharing of family and domestic duties between men and women, not least by developing the use of parental leave and paternity leave, is a precondition for promoting and achieving gender equality; and whereas not counting periods of maternity and parental leave towards aggregate working times is discriminatory and places women in a worse situation on the labour market,
- V. whereas access to services for the care of children, the elderly and other dependants is essential for equal participation of women and men in the labour market, education and training,
- W. whereas the Structural Funds regulations state that the Member States and the Commission shall ensure that equality between women and men and the integration of the gender perspective are promoted during the various stages of implementation of the funds,
1. Welcomes the abovementioned Commission report on equality and reiterates the two-fold nature of policy on equal opportunities for women and men at EU level: on the one hand ensuring equality between women and men in all policy areas (gender mainstreaming) and, on the other hand, targeted measures to curb discrimination against women, including awareness-raising campaigns, exchange of best practice, dialogue with citizens and public-private partnership initiatives;

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2. Stresses the importance of combating violence against women to achieving equality between women and men; calls on the Member States and the Commission, therefore, to undertake concerted action in the field; urges the Commission to consider the possibility of new measures on combating violence against women;
3. Calls on the Commission and the Member States to combine their efforts in fighting organised crime and trafficking networks, and to adopt and strengthen legislative, administrative, educational, social and cultural measures that discourage demand for prostitution;
4. Calls on the Member States to urgently ratify the Council of Europe Convention on Action against Trafficking in Human Beings;
5. Considers overall participation of women in decision making at local, national and EU levels to be insufficient; invites the Commission, Member States and political parties, therefore, to consider action to improve the situation; notes in this regard the positive effects of the use of electoral quotas on the representation of women;
6. Points out the correlation between participation of women in politics and decision making and their involvement in NGOs and civil society activities; urges the Commission and the Member States, therefore, to support actions promoting that involvement;
7. Stresses the importance of women's active involvement in trade unions with tasks centred on protecting women at the workplace and granting them the rights to which they are entitled;
8. Notes the importance to women's empowerment of their control over their sexual and reproductive rights; therefore supports measures and actions to improve women's access to sexual and reproductive health services and to raise their awareness of their rights and of available services;
9. Calls on the Commission and the Member States to take the necessary measures to implement gender mainstreaming in all social, employment and social security policies, in particular in the flexicurity strategy, and to combat all forms of discrimination;
10. Supports the measures promoted by the European Social Fund and the Progress programme for 2007-2013, which improve the situation of women in the labour market and help eliminate discrimination;
11. Is concerned about the lack of progress as regards the gender pay gap between women and men over the last few years; urges the Commission and the Member States, therefore, to assess the strategies and actions in this area and to establish, where necessary in cooperation with the social partners, any new measures or new approaches in the implementation of existing measures, to improve the situation; supports, in this regard, the suggestion of the Advisory Committee on Equal Opportunities to render existing European legislation on the subject more stringent by inserting a requirement for employers to conduct wage audits and draw up action plans in order to close the pay gap; stresses the need for concerted action, especially in the context of the new cycle of the European Strategy for Growth and Jobs, and for common principles of flexicurity;
12. Is concerned about women being disadvantaged in the labour market, which leads to them accumulating fewer individual rights to pensions and other social welfare payments, especially in systems where entitlement is based predominantly on an individual's record of employment contributions or earnings; for this reason, calls upon the Member States to take effective action designed to enforce the rules on welfare and employment and to make jobs which respect the rights of employees available in the various activity sectors, thereby ensuring that workers (in particular women) earn decent wages and are entitled to health and safety at work, to social protection and to trade-union freedom, as a contribution to eliminating discrimination between men and women at work;

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13. Calls on the Member States to support the Commission in its monitoring of the implementation of national measures, the objective of which is to assess observance of the principle of equality, particularly as regards legal entitlements and pension and social security regimes;
14. Calls on the Community institutions and the Member States to make 22 February 'International Equal Pay Day';
15. Is concerned about the persistent discrepancy between women's and men's education level on the one hand, where women's performance is better than men's, and the situation in the labour market on the other hand, where women earn lower wages, are in less secure jobs and experience slower career progress than men; urges the Commission and Member States to explore the reasons for and find solutions to this situation;
16. Recommends that Member States actively promote equal treatment of pupils and take steps to combat the segregation of work still existing in the education sector, in which the percentage of women teachers at the pre-school and primary levels is well above the percentage in secondary education, a more markedly male preserve with more to offer in terms of recognition, pay and social status;
17. Proposes that the Commission consider adopting measures to encourage women and men to study scientific and technological subjects, so as to increase the supply of professionals in the corresponding sector and meet the manifest demand;
18. Calls on the Commission and the Member States to take further measures to improve women's access to and participation in the labour market, especially in sectors such as high-technology, research, science and engineering, in which they are still under-represented, and to improve the quality of employment of women, in particular by means of lifelong learning and education programmes at every level; urges the Commission and Member States to make use of the European Structural Funds to achieve this;
19. Calls on the Commission and the Member States to give consideration to the situation of spouses helping in handicrafts, trade, agriculture, fisheries and small family businesses, both from the gender equality perspective and taking into account the fact that women are in a more vulnerable position than men; calls on the Commission, as a matter of urgency, to submit a proposal for revision of Directive 86/613/EEC on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood⁽¹⁾, with a view to eliminating indirect discrimination, introducing a positive requirement of equal treatment and improving the legal status of assisting spouses;
20. Calls on the Member States to develop the legal construct of shared ownership, in order to ensure full recognition of women's rights in the agricultural sector, appropriate protection in the field of social security and recognition of their work;
21. Encourages the Member States to promote female entrepreneurship in the industrial sector and to provide financial support and vocational guidance structures for women setting up companies, as well as the appropriate training;
22. Calls on the Member States to pay particular attention to the availability of maternity facilities for self-employed women;
23. Calls on the Commission and Member States to take particular note of the situation of the increasing numbers of workers who are formally self-employed, but can in reality be categorised as 'economically dependent workers';
24. Calls on the Member States to acknowledge companies that take action to promote equality between women and men and facilitate work-life balance, in order to foster the spread of good practices in this area;

⁽¹⁾ OJ L 359, 19.12.1986, p. 56.

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25. Calls on the Commission and the Member States to give priority to and take particular note of more vulnerable groups of women, in particular disabled women, women with dependants, elderly women, minority and immigrant women and women prisoners, and to develop targeted measures to meet their needs;
26. Calls on the Commission and the Member States to adopt and implement the necessary measures to support women with disabilities so that they may progress in those areas of social life and in the world of work, culture and politics in which they are still under-represented;
27. Calls on the Commission and the Member States to promote immigrant women's access to education and employment by adopting measures to combat the two-fold discrimination suffered by immigrant women in the labour market, to create favourable conditions for their access to the labour market, to balance their professional and private life, and to ensure adequate vocational training;
28. Welcomes the consultation between the Commission and the social partners aimed at improving the legislative and non-legislative frameworks for reconciling professional, family and private lives; is looking forward to an analysis of the results of that consultation and to proposals emerging from it, in particular proposals relating to maternity leave and its inclusion in aggregate working time, parental leave, paternity leave, adoption leave and care-for-dependant leave; considers, moreover, that the Framework Agreement on Parental Leave could be improved in respect of the following points: providing incentives for fathers to take parental leave, improving the employment rights of workers who take parental leave, making the leave arrangements more flexible, increasing the duration of parental leave and pay during such leave;
29. Points out that any policy on reconciling work and family life must be based on the principle of free personal choice and adapted to different life cycles;
30. Calls on the Member States to put forward specific measures to combat inequalities between women and men caused by interrupted patterns of employment resulting in particular from maternity leave or leave to care for dependants, and to reduce their negative effects on careers, wages and pension entitlements;
31. Notes that reconciling work, private and family lives is one of the keys to increasing employment and calls on the Commission to gather and disseminate best practice regarding an effective work-life balance and greater involvement of men in family life;
32. Urges the Commission and the Member States to promote male involvement in the implementation of gender equality policies, especially in the field of reconciling work, private and family lives;
33. Asks the Member States and regional and local authorities to improve the availability, quality and accessibility of childcare services and care services for dependent persons in line with the Barcelona objectives, and to ensure that the availability of these services is compatible with full-time working schedules of women and men with responsibility for children and dependent persons;
34. Calls on those responsible inside firms to include flexible family policy measures in their workforce-management plan to make it easier for employees to return to work after a career break;
35. Draws the attention of the Commission and the Member States to the feminisation of poverty, at a time when women, especially elderly women and single mothers, are at risk of exclusion and poverty, and urges them to develop measures to prevent this tendency;
36. Asks the Commission and the Member States to develop training and implementation tools to allow all stakeholders to take on board in their respective areas of competence a perspective based on equal opportunities for women and men, including the assessment of the specific impact of policies on women and men;
37. Urges the Member States and regional and local authorities to ensure the effective use of existing tools, such as the manuals for mainstreaming equal opportunities for women and men in employment policies produced by the Commission;

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38. Urges Member States to provide appropriate training in gender mainstreaming to officials responsible for implementing Community programmes at national, regional and local levels;
39. Calls on the Commission and the Member States to devise a number of quantity and quality indicators, as well as gender-based statistics which are reliable, comparable and available when needed, to be used during the follow-up of the implementation of the Lisbon Strategy for Growth and Jobs, in order to take into account the gender dimension and to ensure the appropriate implementation and follow-up of policies;
40. Welcomes the establishment of the European Institute for Gender Equality and the appointment of the members of the Management Board which has provided the Institute with a decision-making body; is concerned, however, at the delay in recruitment of an Institute director and urges the Commission to remedy the situation;
41. Asks the Commission, with the help of the European Institute for Gender Equality, to include facts and statistics from candidate and potential candidate countries in future annual reports on equality between women and men;
42. Calls on the Member States to encourage the population as a whole to play sports and lead healthy lives, bearing in mind that, where sport is concerned, women's participation rates are lower;
43. 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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Cloning of animals for food supply

P6_TA(2008)0400

**European Parliament resolution of 3 September 2008 on the cloning of animals for food supply
(2009/C 295 E/12)***The European Parliament,*

— having regard to Rule 108(5) of its Rules of Procedure,

- A. whereas the Protocol on protection and welfare of animals requires the Community and Member States to pay full regard to animal welfare requirements in formulating and implementing agriculture and research policies,
- B. whereas cloning processes show low rates of survival for transferred embryos and cloned animals, with many cloned animals dying in the early stages of life from cardiovascular failure, immuno-deficiencies, liver failure, respiratory problems, and kidney and musculoskeletal abnormalities,
- C. whereas the European Food Safety Authority (EFSA) concluded in its opinion of 2008 that mortality and morbidity levels in cloned animals are higher than in sexually produced animals and late pregnancy losses and disorders are likely to affect the welfare of surrogate mothers,
- D. whereas, given current levels of suffering and health problems of surrogate dams and cloned animals, the European Group on Ethics in Science and New Technologies (EGE) questions whether cloning animals for food supply is ethically justified and does not view as convincing arguments to justify food production from cloned animals and their offspring,

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- E. whereas Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes⁽¹⁾ provides that 'natural or artificial breeding or breeding procedures which cause or are likely to cause suffering or injury to any of the animals concerned must not be practised' (Annex, paragraph 20),
- F. whereas cloning would significantly reduce genetic diversity within livestock populations, increasing the possibility of whole herds being wiped out by diseases to which they are susceptible,
- G. whereas EFSA published on 24 July 2008 a scientific opinion on the implications of animal cloning for food safety, animal health and welfare and the environment, in which it concluded that the health and welfare of a significant proportion of cloned animals was adversely affected, often severely and fatally,
- H. whereas, while the principal purpose of cloning is to produce multiple copies of animals with fast growth rates or high yields, traditional selective breeding has already led to leg disorders and cardiovascular malfunction in fast-growing pigs, and lameness, mastitis and premature culling in high-yielding cattle; and whereas cloning the fastest-growing and highest-yielding animals will lead to even higher levels of health and welfare problems,
- I. whereas, in addition to the fact that the implications of the cloning of animals for food supply have not been adequately studied, it poses a serious threat to the image and substance of the European agricultural model, which is based on product quality, environment-friendly principles and respect for stringent animal welfare conditions,
1. Calls on the Commission to submit proposals prohibiting for food supply purposes (i) the cloning of animals, (ii) the farming of cloned animals or their offspring, (iii) the placing on the market of meat or dairy products derived from cloned animals or their offspring and (iv) the importing of cloned animals, their offspring, semen and embryos from cloned animals or their offspring, and meat or dairy products derived from cloned animals or their offspring, taking into account the recommendations of EFSA and the EGE;
 2. Instructs its President to forward this resolution to the Council and the Commission.

⁽¹⁾ OJ L 221, 8.8.1998, p. 23.

How marketing and advertising affect equality between women and men

P6_TA(2008)0401

European Parliament resolution of 3 September 2008 on how marketing and advertising affect equality between women and men (2008/2038(INI))

(2009/C 295 E/13)

The European Parliament,

- having regard to the EC Treaty, in particular Articles 2, 3(2) and 152 thereof,
- having regard to the Community acquis in the field of women's rights and gender equality,
- having regard to the Platform for Action adopted at the Fourth World Conference on Women held in Beijing on 15 September 1995 and its resolution of 18 May 2000 on the follow-up to the Beijing Platform for Action⁽¹⁾,

⁽¹⁾ OJ C 59, 23.2.2001, p. 258.

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- having regard to Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) ⁽¹⁾,
 - having regard to Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services ⁽²⁾,
 - having regard to the Commission's roadmap for equality between women and men 2006-2010 (COM(2006)0092) and the related impact assessment (SEC(2006)0275),
 - having regard to its resolution of 25 July 1997 on discrimination against women in advertising ⁽³⁾,
 - having regard to Resolution 1557 (2007) of the Parliamentary Assembly of the Council of Europe, entitled Image of women in advertising,
 - having regard to the European Pact for Gender Equality adopted by the Brussels European Council of 23 and 24 March 2006,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Women's Rights and Gender Equality (A6-0199/2008),
- A. whereas socialisation (through school, the family and the socio-cultural environment) is a process that forges identity, values, beliefs and attitudes that give the individual a place and role in the society in which he/she grows up; whereas the concept of identification is key to understanding how this process works,
- B. whereas more should be done to promote reasonable and responsible use of television and new technologies both at school and at home, from an early age onwards,
- C. whereas advertising which conveys discriminatory and/or degrading messages based on gender and all forms of gender stereotyping are obstacles to a modern and egalitarian society,
- D. whereas stereotypes may contribute to behaviour that is a vector for identification,
- E. whereas advertising and marketing reflect culture, and also contribute to its creation,
- F. whereas advertising is a component part of the market economy and one of the aspects of reality with which everyone is confronted in daily life,
- G. whereas advertising can sometimes present a caricatured view of women's and men's lives,
- H. whereas gender discrimination in the media is still widespread; whereas gender stereotyping in advertising and the media can be considered part of this discrimination,
- I. whereas gender stereotyping in advertising thus echoes the unequal distribution of power between the sexes,
- J. whereas gender stereotyping must be opposed at all levels of society in order to foster equality and cooperation between women and men in both the private and public domains,
- K. whereas, right from the first years of a child's socialisation, gender stereotyping may contribute to the gender discrimination which reinforces the perpetuation of lifelong inequalities between women and men and the emergence of gender-specific clichés,

⁽¹⁾ OJ L 298, 17.10.1989, p. 23.

⁽²⁾ OJ L 373, 21.12.2004, p. 37.

⁽³⁾ OJ C 304, 6.10.1997, p. 60.

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- L. whereas gender stereotyping is counterproductive and in the labour market contributes to gender divisions in professions, with women generally earning less than men,
- M. whereas society as a whole has to be involved in efforts to avoid the perpetuation of gender stereotyping; whereas responsibility for so doing should be shared by all,
- N. whereas the barriers preventing positive images of men and women from being conveyed in all social situations need to be removed,
- O. whereas children are a particularly vulnerable group that places its trust not only in authority but also in characters from myths, TV programmes, picture-books, educational materials, TV games, advertisements for toys, etc.; whereas children learn by imitation and mimick what they have just experienced; whereas for that reason gender stereotyping in advertising influences individual development and accentuates the perception that a person's gender dictates what is possible and what is not,
- P. whereas advertising through different types of media is part of our daily lives, whereas it is of particular importance that advertising through media be subject to existing ethically and/or legally binding rules and/or codes of conduct to prevent adverts communicating discriminatory or degrading messages based on gender stereotypes as well as incitement to violence,
- Q. whereas responsible advertising can have a positive influence over society's perceptions of issues such as 'body image', 'gender roles' and 'normality'; whereas advertising can be an effective tool in challenging and tackling stereotypes,
1. Emphasises the importance of giving women and men the same opportunities to develop as individuals;
 2. Notes the continued widespread existence of male and female stereotypes despite various Community programmes to promote gender equality;
 3. Notes that further research would help to elucidate any link between gender stereotyping in advertising and gender inequality;
 4. Calls on the Council, Commission and Member States to exploit, and disseminate, the abovementioned research and its results;
 5. Emphasises the importance of Member States honouring the commitments made in the abovementioned European Pact for Gender Equality;
 6. Calls on the Council, Commission and Member States to adhere to the guidelines adopted through various Community programmes, such as EQUAL, and guidelines focusing on gender equality;
 7. Calls on the Council and Commission to monitor the implementation of existing provisions of Community law on sex discrimination and incitement to hatred on the grounds of sex;
 8. Calls on the Council, Commission and Member States to develop awareness-raising actions against sexist insults or degrading images of women and men in advertising and marketing;
 9. Calls on the Member States to study and report on the image of women and men in advertising and marketing;
 10. Stresses that stereotypes in advertising on children's television programmes are a particular problem because of their potential impact on gender socialisation and, subsequently, children's views of themselves, of their family members and of the outside world;
 11. Notes that efforts to combat gender stereotypes in the media and advertising should be accompanied by education strategies and measures to cultivate awareness from an early age and to develop critical faculties from adolescence onwards;

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12. Stresses the fundamental role which should be played by the education system in developing children's critical faculties with regard to images and the media in general, in order to prevent the unwelcome effects of the perpetuation of gender stereotypes in marketing and advertising;
 13. Notes the need to challenge traditional gender roles in order to achieve gender equality;
 14. Draws attention in particular to the need to eliminate from textbooks, toys, video and computer games, the Internet and the new information and communications technologies (ICTs), and from advertising through different types of media, messages which are contrary to human dignity and which convey gender stereotypes;
 15. Notes with extreme concern the advertising of sexual services which reinforces stereotypes of women as objects, in publications, such as local newspapers, which are readily visible and available to children;
 16. Notes the need to conduct continuous training for and in collaboration with media professionals, and awareness training for society on the negative effects of gender stereotypes;
 17. Draws attention to the fact that the use of television and new technologies is increasing among children and adolescents, that such use starts at a very early age, and that unsupervised television viewing is on the rise;
 18. Notes that marketing and advertising portrayals of the ideal body image can adversely affect the self-esteem of women and men, particularly teenagers and those susceptible to eating disorders such as anorexia nervosa and bulimia nervosa; calls on advertisers to consider carefully their use of extremely thin women to advertise products;
 19. Calls on the Member States to ensure by appropriate means that marketing and advertising guarantee respect for human dignity and the integrity of the person, are neither directly nor indirectly discriminatory nor contain any incitement to hatred based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, and do not contain material which, judged in its context, sanctions, promotes or glamorises violence against women;
 20. Recognises the work already done by media regulators in some Member States to explore the effects of gender stereotyping and encourages regulators in all Member States to share best practice in this area;
 21. Reminds the Commission that the abovementioned Council Directive 2004/113/EC, when first proposed by the Commission, also covered discrimination in the media; calls on the Commission to intensify its efforts against this discrimination;
 22. Emphasises the need for positive examples (from a gender perspective) in the media and advertising world to show that change is possible and desirable; considers that Member States should formally establish awards given by advertisers to their peers, and by the public for advertising which best breaks with gender stereotypes and presents a positive or affirming image of women and men and of the relations between them;
 23. Emphasises the need to disseminate the principles of gender equality through the media by means of publications and programmes, designed for different age groups, to popularise best practice and respect for gender differences;
 24. Emphasises the need for an ongoing debate on marketing and advertising and their role in creating and perpetuating gender stereotypes;
 25. Calls on the Member States to design and launch educational initiatives developed in a spirit of tolerance and eschewing all forms of stereotyping and to promote the culture of gender equality by means of appropriate educational programmes;
 26. Emphasises that gender stereotypes must be eliminated;
 27. 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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Palestinian prisoners in Israeli jails

P6_TA(2008)0404

European Parliament resolution of 4 September 2008 on the situation of Palestinian prisoners in Israeli jails

(2009/C 295 E/14)

The European Parliament,

- having regard to its previous resolutions on the Middle East,
 - having regard to the statement made to Parliament by Commissioner Benita Ferrero-Waldner on 9 July 2008 on the situation of Palestinian prisoners in Israeli jails,
 - having regard to the EU-Israel Association Agreement and to the results of the eighth meeting of the EU-Israel Association Council of 16 June 2008,
 - having regard to the report drawn up by its ad hoc delegation to Israel and the Palestinian territories (30 May to 2 June 2008) and its conclusions,
 - having regard to the Geneva Conventions, in particular Convention (IV) relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and in particular to Articles 1 to 12, 27, 29 to 34, 47, 49, 51, 52, 53, 59, 61 to 77 and 143 thereof,
 - having regard to the UN International Covenant on Civil and Political Rights of 1966,
 - having regard to the International Committee of the Red Cross Annual Report for 2007, and in particular the section dealing with the Occupied Palestinian Territories,
 - having regard to the reports published in 2006, 2007 and 2008 by the Public Committee Against Torture in Israel with the help of financial contributions from the European Commission and several Member States,
 - having regard to the relevant UN resolutions on the Middle East conflict,
 - having regard to Rule 108(5) of its Rules of Procedure,
- A. whereas Israel has been facing many deadly terrorist attacks against its civilian population in recent years and whereas the Israeli authorities have taken a number of measures to prevent those terrorist actions, including arresting suspected Palestinian militants, but whereas the fight against terrorism is no justification for violating humanitarian law,
- B. whereas today more than 11 000 Palestinians, including hundreds of women and children, are being held in Israeli prisons and detention centres and whereas most of those detainees were arrested in the Occupied Palestinian Territories,
- C. whereas, according to the Convention on the Rights of the Child, to which Israel is a signatory, a child is defined as a human being under the age of 18 years; whereas, however, Palestinian children from the age of 16 years are considered adults under Israeli military regulations governing the Occupied Palestinian Territories, and are often held in inappropriate conditions,

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- D. whereas 198 Palestinians were freed by the Israeli Government on 25 August 2008 as a gesture of good will and to build mutual trust and whereas further negotiations are being conducted between the two sides with a view to reaching a more comprehensive agreement on the release of other prisoners,
- E. whereas positive steps were recently taken by the Governments of Israel and Lebanon to exchange prisoners for the remains of Israeli soldiers,
- F. whereas around 1 000 prisoners are detained in Israel on the basis of 'administrative detention orders', with the right of appeal but without charge, trial and rights of defence; whereas such 'administrative detention orders' can be, and in some cases are, prolonged for many years,
- G. whereas human rights reports state that Palestinian prisoners are subject to abuses and use of torture,
- H. whereas it is often impossible or very difficult for the vast majority of Palestinian prisoners held in prisons situated inside Israeli territory to exercise their right to visits by their families, despite calls to this effect from the International Committee of the Red Cross to Israel,
- I. whereas the issue of prisoners has important political, social and humanitarian implications, and the arrest of 48 elected members of the Palestinian Legislative Council and other local councillors has serious consequences for political developments in the occupied Palestinian territory; whereas the 'Prisoners' Document', adopted in May 2006 by detained Palestinian political leaders from various factions, served as a basis for national reconciliation and paved the way for the establishment of a national unity government,
- J. whereas relations between the European Communities and Israel, under Article 2 of the EU-Israel Association Agreement, are based on respect for human rights and democratic principles, which constitute an essential element of that agreement; whereas the EU-Israel Action Plan stresses that respect for human rights and for international humanitarian law is among the values shared by the parties,
1. Welcomes the recent decision by the Israeli Government to free a number of Palestinian prisoners, this being a positive gesture to strengthen the authority of the Palestinian Authority and install a climate of mutual trust;
 2. Calls for steps to be taken by Hamas and Israel with a view to the immediate release of the Israeli Corporal Gilad Shalit;
 3. Stresses that the issue of Palestinian prisoners has a major impact on both Palestinian society and the Israeli-Palestinian conflict and considers that, in this context, a substantial release of Palestinian prisoners, as well as the immediate release of the imprisoned members of the Palestinian Legislative Council including Marwan Barghouti, could be a positive step towards establishing the climate of mutual trust needed to make substantial progress in the peace negotiations;
 4. Supports the legitimate security concerns of Israel; believes that the rule of law must be fully respected in the treatment of all prisoners, this being crucial for a democratic country;
 5. Calls on Israel to guarantee that minimum standards on detention be respected, to bring to trial all detainees, to put an end to the use of 'administrative detention orders', and to implement adequate measures for minors and prisoners' visiting rights, in full compliance with international standards including the Convention on the Rights of the Child and the UN Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;
 6. Expresses its concern at the situation of Palestinian women and vulnerable prisoners, who are reportedly subjected to mistreatment and a lack of access to health care;

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7. Calls on the Palestinian Authority to make every effort to prevent any violent or terrorist acts, particularly by former prisoners and, especially, by children;
8. Expresses its belief that the upgrading of EU-Israel relations should be consistent with and linked to Israel's compliance with all obligations under international law;
9. Welcomes the decision taken at the eighth meeting of the EU-Israel Association Council to establish a fully-fledged Subcommittee on Human Rights replacing the current Working Group on Human Rights; calls for human rights organisations and non-governmental organisations in Israel and in the Occupied Palestinian Territories to be extensively consulted and fully involved in monitoring Israel's progress towards compliance with its obligations under international law;
10. Instructs its President to forward this resolution to the Council, the Commission, the Israeli Government, the Knesset, the President of the Palestinian Authority, the Palestinian Legislative Council, the High Representative for the Common Foreign and Security Policy, the governments and parliaments of the Member States, the UN Secretary-General, the Quartet Envoy to the Middle East, the President of the Euro-Mediterranean Parliamentary Assembly, the UN High Commissioner for Human Rights and the International Committee of the Red Cross.

The evaluation of EU sanctions as part of the EU's actions and policies in the area of human rights

P6_TA(2008)0405

European Parliament resolution of 4 September 2008 on the evaluation of EU sanctions as part of the EU's actions and policies in the area of human rights (2008/2031(INI))

(2009/C 295 E/15)

The European Parliament,

- having regard to the Universal Declaration of Human Rights,
- having regard to all United Nations human rights conventions and the optional protocols thereto,
- having regard to the International Covenant on Civil and Political Rights and the two optional protocols thereto,
- having regard to the UN Charter and specifically Articles 1 and 25 and, in Chapter VII, Articles 39 and 41 thereof,
- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms (the European Convention on Human Rights) and the protocols thereto,
- having regard to the Charter of Paris for a New Europe (the Paris Charter),
- having regard to the 1975 Final Act of the Conference on Security and Cooperation in Europe (the Helsinki Final Act),
- having regard to Articles 3, 6, 11, 13, 19, 21, 29 and 39 of the Treaty on European Union (TEU) and Articles 60, 133, 296, 297, 301 and 308 of the Treaty establishing the European Community (TEC),

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- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to its previous resolutions on the situation with regard to human rights in the world,
- having regard to its previous debates and urgency resolutions on cases of breaches of human rights, democracy and the rule of law,
- having regard to its resolution of 20 September 1996 on the Communication from the Commission on the inclusion of respect for democratic principles and human rights in agreements between the Community and third countries ⁽¹⁾,
- having regard to the international obligations of the European Community and its Member States, including those contained in WTO Agreements,
- having regard to 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 (the Cotonou Agreement) ⁽²⁾, specifically Articles 8, 9, 33, 96 and 98 thereof, and to the revision of that Agreement ⁽³⁾,
- having regard to the Council document entitled 'Establishment of a Sanctions formation of the Foreign Relations Counsellors Working party (RELEX/Sanctions)' of 22 January 2004 (5603/2004),
- having regard to the Council document entitled 'Basic Principles on the Use of Restrictive Measures (Sanctions)' of 7 June 2004 (10198/1/2004),
- having regard to the Council document entitled 'Guidelines on implementation and evaluation of restrictive measures (sanctions) in the framework of the EU Common Foreign and Security Policy', last reviewed on 2 December 2005 (15114/2005),
- having regard to the Council document entitled 'EU Best Practices for the effective implementation of restrictive measures' of 9 July 2007 (11679/2007),
- having regard to Common Position 96/697/CFSP on Cuba ⁽⁴⁾, adopted on 2 December 1996 by the Council,
- having regard to Council Common Positions 2001/930/CFSP on combating terrorism ⁽⁵⁾ and 2001/931/CFSP on the application of specific measures to combat terrorism ⁽⁶⁾, both of 27 December 2001, and Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism ⁽⁷⁾,
- having regard to Council Common Position 2002/402/CFSP concerning restrictive measures against Usama bin Laden, members of the Al-Qaida organisation and the Taliban and other individuals, groups, undertakings and entities associated with them ⁽⁸⁾, and Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban ⁽⁹⁾, both of 27 May 2002,

⁽¹⁾ OJ C 320, 28.10.1996, p. 261.

⁽²⁾ OJ L 317, 15.12.2000, p. 3.

⁽³⁾ OJ L 209, 11.8.2005, p. 27.

⁽⁴⁾ OJ L 322, 12.12.1996, p. 1.

⁽⁵⁾ OJ L 344, 28.12.2001, p. 90.

⁽⁶⁾ OJ L 344, 28.12.2001, p. 93.

⁽⁷⁾ OJ L 344, 28.12.2001, p. 70.

⁽⁸⁾ OJ L 139, 29.5.2002, p. 4.

⁽⁹⁾ OJ L 139, 29.5.2002, p. 9.

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- having regard to the Common Military List of the European Union ⁽¹⁾,
 - having regard to its resolution of 25 April 2002 on the Communication from the Commission to the Council and the European Parliament on the European Union's role in promoting human rights and democratisation in third countries ⁽²⁾,
 - having regard to its resolution of 14 February 2006 on the human rights and democracy clause in European Union agreements ⁽³⁾,
 - having regard to all the agreements concluded between the European Union and third countries and the human rights clauses contained in these agreements,
 - having regard to its resolution of 11 October 1982 on the significance of economic sanctions, particularly trade embargoes and boycotts, and their consequences for the EEC's relations with third countries ⁽⁴⁾,
 - having regard to the resolution on the impact of sanctions and, in particular, of embargoes on the people of the countries on which such measures are imposed ⁽⁵⁾, adopted by the ACP-EU Joint Parliamentary Assembly on 1 November 2001 in Brussels (Belgium),
 - 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 ⁽⁶⁾,
 - having regard to Resolution 1597 (2008) and Recommendation 1824 (2008) on United Nations Security Council and European Union blacklists, adopted by the Parliamentary Assembly of the Council of Europe on 23 January 2008,
 - having regard to the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007, which is expected to enter into force on 1 January 2009,
 - having regard to Rule 45 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 International Trade (A6-0309/2008),
- A. whereas Article 11(1) of the TEU recognises respect for human rights as one of the objectives of the Common Foreign and Security Policy (CFSP), and whereas the new Article 21 of the TEU, as introduced by Article 1(24) of the Treaty of Lisbon, recognises that 'the Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity and respect for the principles of the United Nations Charter and international law',

⁽¹⁾ OJ C 98, 18.4.2008, p. 1.

⁽²⁾ OJ C 131 E, 5.6.2003, p. 147.

⁽³⁾ OJ C 290 E, 29.11.2006, p. 107.

⁽⁴⁾ OJ C 292, 8.11.1982, p. 13.

⁽⁵⁾ OJ C 78, 2.4.2002, p. 32.

⁽⁶⁾ OJ C 187 E, 24.7.2008, p. 214.

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- B. whereas sanctions are applied in pursuit of specific CFSP objectives set out in Article 11 of the TEU, which include, but are not limited to, promoting respect for human rights and fundamental freedoms, democracy, the rule of law and good governance,
- C. whereas the abovementioned Basic Principles on the Use of Restrictive Measures (Sanctions) is the first pragmatic document defining the framework within which the EU imposes sanctions; whereas, however, the EU has in practice been doing so since the early 1980s and, in particular, following the entry into force of the TEU in 1993; whereas that document formally establishes sanctions as an instrument of the CFSP and, as a result, represents the starting point for an EU sanctions policy,
- D. whereas this sanctions policy is based principally on the following five objectives within the CFSP: to safeguard the common values, fundamental interests, independence and integrity of the Union in conformity with the principles of the UN Charter; to strengthen the security of the Union in all ways; to preserve peace and strengthen international security, in accordance with the principles of the UN Charter and the Helsinki Final Act, and the objectives of the Paris Charter, including those on external borders; to promote international cooperation; to develop and consolidate democracy and the rule of law and respect for human rights and fundamental freedoms,
- E. whereas international consensus is growing that any serious and voluntary damage caused to the environment undermines world peace and security and constitutes a violation of human rights,
- F. whereas the EU is committed to the systematic implementation of sanctions decided on by the UN Security Council under Chapter VII of the UN Charter and at the same time imposes autonomous sanctions in the absence of a UN Security Council mandate, in cases where the UN Security Council is not empowered to take action or is prevented from doing so by a lack of agreement amongst its members; stressing in this regard the obligation incumbent on both the UN and the EU to impose sanctions in conformity with international law,
- G. whereas the EU's sanctions policy therefore incorporates UN Security Council sanctions, but its scope and objectives are broader than those of the UN Security Council policy (international peace and security),
- H. whereas sanctions are one of the instruments which the EU may use to implement its policy on human rights; recalling that the use of sanctions must be consistent with the Union's overall strategy in the area concerned and must constitute the final attempt, in the list of priorities, to pursue the specific objectives of the CFSP; whereas the effectiveness of sanctions depends on their simultaneous application by all Member States,
- I. whereas there is no authoritative definition of what a sanction is under either international law or EU/EC law; whereas, however, within the framework of the CFSP, sanctions or restrictive measures are regarded as measures interrupting or reducing, wholly or in part, diplomatic or economic relations with one or more third countries which seek to bring about a change in certain activities or policies, such as violations of international law or human rights, or policies that do not respect the rule of law or democratic principles by governments of third countries, non-state entities or natural and legal persons,
- J. whereas the types of restrictive measures include a variety of measures such as arms embargoes, trade sanctions, financial/economic sanctions, freezing of assets, flight bans, restriction on admission, diplomatic sanctions, boycotts of sports and cultural events, and suspension of cooperation with a third country,

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- K. whereas, in line with general EU practice, this resolution makes no distinction between the terms 'sanctions' and 'restrictive measures'; whereas this resolution takes over the definition of 'appropriate measures' contained in Article 96 of the Cotonou Agreement ⁽¹⁾
- L. whereas EU sanctions themselves are founded on a variety of legal bases, depending on the exact nature of the restrictive measures and on the legal nature of the relations with the third country concerned, as well as on the sectors and objectives in question; whereas these factors determine both the procedure for adoption of the sanctions — which often, but not always, require a CFSP Common Position and therefore unanimity within the Council — and the legislative procedure to be followed in order to make the sanctions legally binding and enforceable, the common procedure being that set out in Article 301 of the TEC,
- M. whereas visa bans and arms embargoes have become the most frequently imposed CFSP sanctions and constitute one of the initial steps in the EU's sanctions sequence; whereas these two types of measures are the only ones directly implemented by the Member States due to the fact that they do not require specific sanctions legislation under the TEC; whereas, on the other hand, financial sanctions (asset freezing) and trade sanctions require the adoption of specific sanctions legislation,
- N. whereas, in accordance with the abovementioned Basic Principles on the Use of Restrictive Measures (Sanctions) and the guidelines on the subject, targeted sanctions can be more effective than more general sanctions, and are hence preferable, firstly because they avoid negative consequences for a larger proportion of the population and, secondly, because they directly affect the people responsible and are thus more likely to bring about change in the policies pursued by those people,
- O. acknowledging the existence of measures which, while they are adopted by the Council in Presidency Conclusions, are not labelled 'sanctions' and differ, at the same time, from the other restrictive measures listed as a CFSP tool,

⁽¹⁾ Article 96 of the Cotonou Agreement of 23 June 2000 reads as follows:

'Essential elements: consultation procedure and appropriate measures as regards human rights, democratic principles and the rule of law

1. Within the meaning of this Article, the term Party refers to the Community and the Member States of the European Union, of the one part, and each ACP State, of the other part.

2. (a) If, despite the political dialogue conducted regularly between the Parties, a Party considers that the other Party has failed to fulfil an obligation stemming from respect for human rights, democratic principles and the rule of law referred to in paragraph 2 of Article 9, it shall, except in cases of special urgency, supply the other Party and the Council of Ministers with the relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Parties. To this end, it shall invite the other Party to hold consultations that focus on the measures taken or to be taken by the party concerned to remedy the situation.

The consultations shall be conducted at the level and in the form considered most appropriate for finding a solution. The consultations shall begin no later than 15 days after the invitation and shall continue for a period established by mutual agreement, depending on the nature and gravity of the violation. In any case, the consultations shall last no longer than 60 days.

If the consultations do not lead to a solution acceptable to both Parties, if consultation is refused, or in cases of special urgency, appropriate measures may be taken. These measures shall be revoked as soon as the reasons for taking them have disappeared.

(b) The term cases of special urgency shall refer to exceptional cases of particularly serious and flagrant violation of one of the essential elements referred to in paragraph 2 of Article 9, that require an immediate reaction. The Party resorting to the special urgency procedure shall inform the other Party and the Council of Ministers separately of the fact unless it does not have time to do so.

(c) The appropriate measures referred to in this Article are measures taken in accordance with international law, and proportional to the violation. In the selection of these measures, priority must be given to those which least disrupt the application of this agreement. It is understood that suspension would be a measure of last resort.

If measures are taken in cases of special urgency, they shall be immediately notified to the other Party and the Council of Ministers. At the request of the Party concerned, consultations may then be called in order to examine the situation thoroughly and, if possible, find solutions. These consultations shall be conducted according to the arrangements set out in the second and third subparagraphs of paragraph (a).'

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- P. whereas economic relations between the EU and third states are often governed by sectoral bilateral or multilateral agreements which the EU is required to respect while applying sanctions; whereas, where necessary, the EU should therefore suspend or denounce the relevant agreement before applying economic sanctions which are not compatible with the rights granted to the third country in question by an existing agreement,
- Q. whereas relations between the EU and third states are often governed by bilateral or multilateral agreements which allow one of the parties to take appropriate measures in cases of violation by the other party of an essential element of the agreement, namely respect for human rights, international law, democratic principles and the rule of law (the human rights clause), the Cotonou Agreement being a prominent example,
- R. whereas the introduction and implementation of restrictive measures must comply with human rights and international humanitarian law, including due process and the right to an effective remedy, as well as proportionality, and must provide for appropriate exemptions to take account of basic human needs of the targeted persons, such as access to primary education, to drinkable water and to basic medical care including basic medicines; whereas a sanctions policy has to take fully into account the standards established by the Geneva Convention, the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights, as well as the UN resolutions concerning the protection of civilians and of children in armed conflict,
- S. whereas the credibility of the EU and its individual Member States is compromised when EU sanctions appear to be broken, and whereas Robert Mugabe was invited to attend the EU-Africa Summit in Lisbon on 8-9 December 2007 despite having been formally banned from all territories of EU Member States under Council Common Position 2004/161/CFSP of 19 February 2004 renewing restrictive measures against Zimbabwe ⁽¹⁾ as most recently extended by Council Common Position 2008/135/CFSP of 18 February 2008 ⁽²⁾,

General considerations with a view to an effective EU sanctions policy

1. Deplores the fact that, to date, no evaluation or impact assessment has been carried out in respect of the EU's sanctions policy and that it is therefore extremely difficult to gauge the policy's impact and effectiveness on the ground and thus to draw the necessary conclusions; calls on the Council and the Commission to carry out this evaluation work; considers, nevertheless, that the sanctions policy used against South Africa proved effective in helping to end apartheid;
2. Considers that disparities in the legal bases for the implementation of the EU's sanctions policy, involving different decision-making, implementation and supervision levels, are undermining the transparency and coherence of the EU's sanctions policy and, as a result, the credibility thereof;
3. Considers that, for sanctions to be effective, their introduction must be seen as legitimate by public opinion at European and international levels and in countries in which changes are expected; stresses that consultation of Parliament in the decision-making process gives them added legitimacy;
4. Notes also that sanctions can have symbolic value as an expression of the EU's moral condemnation, thus giving added visibility and credibility to EU foreign policy; warns, however, against placing too much emphasis on the idea of sanctions as symbolic measures, as this could result in them becoming totally devalued;
5. Considers that recourse to sanctions should be envisaged in the case of actions by authorities or non-state entities or natural and legal persons which seriously undermine security and human rights or where all contractual and/or diplomatic options have been explored or have clearly reached stalemate, owing to the actions of the third party;

⁽¹⁾ OJ L 50, 20.2.2004, p. 66.

⁽²⁾ OJ L 43, 19.2.2008, p. 39.

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6. Takes the view that any voluntary and irreversible degradation of the environment constitutes a threat to security and a serious violation of human rights; in this connection, calls on the Council and the Commission to include any voluntary and irreversible damage caused to the environment among the grounds which may lead to the adoption of sanctions;
7. Acknowledges that the overall EU sanctions instruments are generally deployed flexibly in accordance with needs on a case-by-case basis; deplores, however, the fact that the EU has often applied its sanctions policy inconsistently, by treating third countries differently even though their human rights and democratic records are similar, and thus triggering criticism for applying 'double standards';
8. Believes in this respect that the application and evaluation of sanctions by the European Union for infringements of human rights must in principle prevail over any harm deriving from their application to the trading interests of the European Union and its citizens;
9. Regrets that the existence of intra-EU disagreements on policies towards a given country such as Cuba or the reluctance of Member States to antagonise major partners such as Russia have led the EU to adopt only 'informal sanctions' in Presidency Conclusions, reflecting an unbalanced or inconsistent application of EU sanctions; recognises, however, that measures included in the Council conclusions, such as the deferral of the signing of agreements with countries such as Serbia, could be a useful tool in order to pressurise third countries into cooperating fully with international mechanisms;
10. Recalls that, with regard to Cuba, the abovementioned Common Position adopted in 1996 and periodically renewed reflects the roadmap for peaceful transition to democracy, remains fully in force and is not the subject of controversy in the European institutions; regrets that, to date, there has been no significant improvement as regards human rights; notes the Council's decision of 20 June 2008 to lift the informal sanctions with regard to Cuba whilst calling on that country to free all political prisoners immediately and unconditionally, to facilitate access to prisons and to ratify and implement the International Covenant on Civil and Political Rights; notes that the Council will decide in a year's time whether to pursue the political dialogue with Cuba, depending on whether or not there have been significant improvements as regards human rights; recalls that the Council's position is also binding on the European Union institutions as regards dialogue both with the Cuban authorities and with the representatives of civil society; reiterates its position with regard to the Sakharov Prize winners Oswaldo Payá Sardiñas and the group known as 'Damas de Blanco' ('Ladies in White');
11. Considers that the argument of the 'ineffectiveness' of sanctions cannot be used in favour of lifting them and that it should be used instead to re-orientate and reassess the sanction itself; takes the view, moreover, that the continuation or not of sanctions should depend solely on whether their objectives have been achieved, and that their type may be strengthened or altered on the basis of their evaluation; considers that, to this end, sanctions should always be accompanied by clear benchmarks;
12. Considers that the effectiveness of sanctions should be analysed at a number of levels, both in terms of the measures' intrinsic effectiveness, i.e. their ability to have an impact on the private and professional activities of the individuals targeted as members of a target regime, or on the operation thereof, and in terms of their political effectiveness, i.e. their ability to bring about a stop to, or to alter, the activities or policies which have led to their adoption;
13. Believes that the effectiveness of a sanction depends on the European Union's capacity to maintain it for the full period and, in this connection, deplores the use of provisions such as 'sunset clauses' involving the automatic lifting of sanctions;
14. Opposes the application, in all circumstances, of generalised, indiscriminate sanctions to any country, since this approach leads de facto to the total isolation of the population; considers that, unless coordinated with other political instruments, economic sanctions can succeed only with great difficulty in facilitating political reform within the regime targeted; stresses, therefore, that any sanctions taken against government authorities should systematically be coupled with support for civil society in the country concerned;

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Sanctions as part of an overall human rights strategy

15. Points out that most EU sanctions are being imposed on the basis of security concerns; underlines however that human rights violations should constitute a sufficient basis for the application of sanctions since they likewise represent a threat to security and stability;

16. Points out that the main purpose of sanctions is to bring about a change of policy or activities in line with the objectives of the CFSP Common Position or conclusions adopted by the Council, or the international decision on which the sanctions are based;

17. Insists on the fact that the Council, by adopting the abovementioned Basic Principles on the Use of Restrictive Measures (Sanctions), has committed itself to using sanctions as part of a comprehensive and integrated policy approach; stresses in this respect that this approach includes in parallel political dialogue, incentives and conditionality, and could even involve, as a last resort, the use of coercive measures, as set out in the Basic Principles; considers that human rights and democracy clauses, the system of generalised preferences and development aid should be used as tools of such a comprehensive and integrated policy approach;

18. Stresses that the implementation of the human rights clause cannot be regarded as an entirely autonomous or unilateral EU sanction, as it stems directly from the bilateral or multilateral agreement, which establishes a reciprocal undertaking to respect human rights; considers that appropriate measures taken in accordance with this clause exclusively concern the implementation of the relevant agreement in giving either party the lawful basis for suspending or annulling the agreement; considers, therefore, that the implementation of human rights clauses and autonomous or unilateral sanctions necessarily complement each other;

19. Welcomes, therefore, the systematic inclusion of human rights clauses and insists on the incorporation of a specific implementation mechanism in all new bilateral agreements, including sector-specific agreements, signed with third countries; recalls, in this connection, the importance of the recommendations issued with a view to more effective and systematic implementation of the clause, namely the formulation of objectives and reference criteria and regular evaluation; reiterates its call for the human rights clauses to be implemented through a more transparent procedure of consultation between the parties, including the European Parliament and civil society, 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; supports the procedural model established under the Cotonou Agreement for reacting to grave violations of human rights, for democratic principles and for the rule of law; believes that the system of intensive political dialogue (Article 8 of the Cotonou Agreement) and consultations (Article 96 of the Cotonou Agreement), before and after the adoption of appropriate measures, has in several cases provided a successful instrument for improving the situation on the ground;

20. Urges the Commission and the Member States not to propose free trade agreements and/or association agreements — even containing human rights clauses — to governments of countries where, according to reports by the Office of the High Commissioner for Human Rights of the United Nations, massive human rights violations are being perpetrated;

21. Considers that failure to take appropriate or restrictive measures in the event of a situation marked by persistent human rights violations seriously undermines the Union's human rights strategy, sanctions policy and credibility;

22. Considers that a sanctions policy will be much more effective when it forms part of a coherent human rights strategy; reiterates its request to the Council and the Commission to devise a specific strategy on human rights and the situation as regards democracy as part of each country strategy paper and other similar types of documents;

23. Considers that, in the case of the imposition of sanctions, the human rights dialogues and consultations should necessarily and systematically incorporate discussions on progress made in the fulfilment of the objectives and benchmarks set out at the time of the adoption of the restrictive measures; considers, at the same time, that the objectives achieved in human rights dialogues and consultations should under no circumstances replace the achievement of the objectives underpinning sanctions;

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Coordinated action by the international community

24. Takes the view that coordinated action by the international community has a stronger impact than disparate and uneven actions by States or regional entities; welcomes, therefore, the fact that the EU's sanctions policy should continue to be based on the notion of a preference in favour of the UN regime;

25. Calls on the Council, in the absence of UN Security Council sanctions, to cooperate with non-EU sanctioning states, to share information, and to coordinate action at international level to prevent sanctions evasions and to maximise the effectiveness and implementation of EU sanctions and other sanctions, in conformity with international law;

26. Considers that the EU should seek cooperation with other regional organisations, such as the African Union and the Association of Southeast Asian Nations (ASEAN), in order to promote human rights and ensure coordination of actions on sanctions;

27. Calls on the EU to systematically develop a dialogue with non-sanctioning states with a view to reaching a common position on restrictive measures, especially at regional level; points out that, as shown in the case of Burma/Myanmar, sanctions do not often bring about the required change of policy or activities when the international community is divided and major players are not involved in their implementation;

28. Calls on the Council and the Commission systematically to include on the agenda for political dialogues with non-sanctioning states the issue of their role and influence vis-à-vis the target regime or non-state actors, whether individuals, organisations or companies;

29. Considers that the prospect of the signing of a free trade agreement with the regions in which a target country is situated should be used as a 'carrot' and means of pressure and that such an agreement should, in any case, not include the country to which sanctions are being applied;

Setting-up of clear decision-making processes, objectives, benchmarks and review mechanisms

30. Underlines the need for an in-depth analysis of each specific situation prior to the adoption of sanctions in order to assess the potential impact of different sanctions, and to determine which are the most effective in the light of all other relevant factors and comparable experiences; considers that such prior analysis is all the more justified since it is difficult to backtrack once the sanctions process has been initiated without undermining the EU's credibility and the expression of the EU's support for the population of the target third country, given the fact that the country's authorities can instrumentalise the EU decision; takes note in this respect of the current practice whereby the appropriateness, nature and effectiveness of the proposed sanctions are discussed in the Council on the basis of assessment by the EU Heads of Mission in the country concerned, and calls for the inclusion of an independent expert's report in such assessment;

31. Stresses, however, that such analysis should not be used to delay the adoption of sanctions; emphasises in this respect that the two-step procedure for the imposition of sanctions under the CFSP provides scope for an urgent political reaction, initially through the adoption of a common position to be set out after a more in-depth analysis of the Regulation, detailing the exact nature and scope of the sanctions;

32. Calls for the systematic inclusion in the legal instruments of clear and specific benchmarks as conditions for the lifting of the sanctions; insists, in particular, that the reference criteria should be established on the basis of an independent evaluation and that those criteria should not be altered at a later stage, depending on political changes within the Council;

33. Calls on the Council and the Commission to set up an exemplary sanctions review process, notably involving the systematic inclusion of a review clause which entails revisiting the sanctions regime on the basis of the established benchmarks and assessing whether the objectives have been met; insists that declarations of intent or the will to establish procedures that will produce positive results are to be welcomed, but stresses that they should under no circumstances, when sanctions are evaluated, replace the achievement of tangible and genuine progress in meeting reference criteria;

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34. Believes that the arms embargo imposed on China is an illustration of EU coherence and consistency, given that this embargo was originally established following the 1989 Tiananmen massacre and the EU has not received to date any explanations about that massacre, and that there is therefore no reason to lift this embargo;

35. Calls on the 'Sanctions' formation of the Foreign Relations Counsellors Working Party (RELEX/Sanctions) to fulfil their mandate to the full; insists in particular on the need to conduct research prior to the adoption of sanctions and, after their adoption, to provide on a regular basis updated information on developments and to develop best practices with regard to the implementation and enforcement of restrictive measures;

36. Recognises that states as well as international and regional organisations should be accountable for internationally wrongful acts in the implementation of sanctions and stresses in this regard the need for a judicial mechanism with a view to guaranteeing conformity with international law and humanitarian law;

37. Requests that Parliament be associated in all the stages of a sanctions process: the decision-making process leading to sanctions, the selection of the sanctions most appropriate to the situation, and also the definition of benchmarks and the evaluation of their implementation within the framework of the review mechanism and the lifting of the sanction;

Targeted sanctions as a more efficient tool?

38. Deplores the fact that, owing to a lack of evaluation, it is impossible to assess the effectiveness of targeted measures; recognises, however, the EU's strong humanitarian concern, which has led to the abandonment of sanctions of general economic scope, as previously done in the case of Iraq, and to the imposition of more targeted, 'smart' sanctions, geared to achieving the maximum impact on those whose behaviour it wants to influence while minimising adverse humanitarian effects or consequences for persons not targeted or neighbouring countries;

39. Considers that economic sanctions used in isolation from other policy instruments are extremely unlikely to force a targeted regime to make major policy changes; stresses, moreover, that far-reaching economic restrictions may entail excessively high economic and humanitarian costs, and therefore reiterates its call for more carefully designed and better targeted economic sanctions, designed to have an impact primarily on key leaders of targeted regimes and perpetrators of human rights violations;

40. Emphasises that any economic sanctions should first and foremost target those sectors that are not employment-intensive and are of limited relevance for small and medium-sized enterprises, which are important both for economic development and for redistribution of income;

41. Supports the use of targeted financial sanctions against key leaders of targeted regimes and their immediate family members, which act directly on the income of the sanctioned individuals; stresses the need for these sanctions to be accompanied by appropriate measures against EU economic operators cooperating with such persons; stresses that targeted commodity sanctions targeting a specific or major source of income of a regime present the risk of more wide-ranging, indiscriminate effects on the population and may favour the development of a 'black economy';

42. Considers that economic and financial sanctions, even when they are targeted, must be applied by all natural and legal persons pursuing commercial activities in the EU, including citizens of third countries, and EU citizens or legal persons registered or established in accordance with the legislation of an EU Member State who pursue commercial activities outside the EU;

43. Calls for a limited application of the 'extraordinary exemptions' to the freezing of assets; calls for the creation of a specific procedure for objections in the event that a Member State wishes to grant an exemption to the freezing of assets, since the efficiency of the restrictive measure is undermined by the lack of such a procedure given that the Member States are only required to inform the Commission in advance of such an exemption;

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44. Calls for action to improve the application of the EU's targeted financial sanctions, in order to ensure that, in practice, the measures comprehensively deny designated persons and entities access to all financial services within the EU's jurisdiction, including those that pass through EU clearing-house banks or otherwise make use of financial services within the EU's jurisdiction; stresses the need for greater flexibility in the distribution of sanction lists within the EU and within Member States to all persons covered by the obligations laid down in the Third Money Laundering Directive ⁽¹⁾; proposes that each Member State designate one institution responsible for disseminating this information;

45. Calls for enhanced cooperation by the Council and the Commission with the SWIFT management and shareholders in Europe, so as to achieve improved results in the freezing of blacklisted accounts and the elimination of money transfers from/to such accounts;

46. Calls on the Council and the Commission to investigate the possibilities and ways to use frozen income of targeted authorities in a constructive manner, for example by allocating them to victims of human rights violations or for development purposes within the framework of Chapter VII of the UN Charter;

47. Notes that arms embargoes are a form of sanction designed to stop the flow of arms and military equipment to conflict areas or to regimes that are likely to use them for internal repression or aggression against a foreign country as set out in the Code of Conduct on arms exports;

48. Calls for coordinated cooperation between Member States and the Commission regarding the implementation of EU arms embargoes which are applied by each Member State;

49. Calls on the Member States to adopt the common position on arms exports that will make the current Code of Conduct on arms exports legally binding;

50. Urges the Council, the Commission and Member States to continue to work for improvements in UN monitoring and enforcement capabilities, and supports the view that a permanent UN team should be established to assess trade in conflict commodities and the value of sanctions in relation to them;

51. Recalls that restrictions on admission (travel bans, visa bans) constitute one of the initial steps in the EU's sanctions sequence, entailing the prohibition of blacklisted persons or non-state entities from attending EU official meetings and also from travelling to the EU for private reasons;

52. Notes with concern that Member States' adherence to EU visa bans has not been optimal; calls on the Member States to adopt a concerted approach in applying travel restrictions and the relevant exemption clauses;

Respect for human rights in applying targeted sanctions in the fight against terrorism

53. Takes account of the fact that both the autonomous EU anti-terrorist sanctions and the EU implementation of UN Security Council anti-terrorist sanctions are the subject of several cases before the Court of Justice and the Court of First Instance;

54. Recalls the obligation of Member States to draft sanctions in compliance with Article 6(2) of the TEU, which requires the Union to respect fundamental rights, as guaranteed by the European Convention on Human Rights and as they result from the constitutional traditions common to the Member States; stresses that the present blacklisting procedures at both the EU and the UN levels are deficient from the perspective of legal security and legal remedies; urges the Council to draw all the necessary conclusions and to fully apply the judgments of the Court of First Instance as regards EU autonomous sanctions;

⁽¹⁾ Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (OJ L 309, 25.11.2005, p. 15).

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55. Calls on the Council and the Commission to review the existing procedure for blacklisting and delisting, in order to respect blacklisted individuals' and entities' procedural and substantive human rights and notably international standards as regards the obtaining of an effective remedy before an independent and impartial body and due process, including the right to be notified and adequately informed of the charges brought against the individual or entity in question and of the decisions taken and the right to compensation for any violation of human rights; calls, similarly, on the EU Member States to promote such a review within the UN mechanisms in order to ensure respect for fundamental rights when applying targeted sanctions in the fight against terrorism;

56. Considers that Article 75 of the TFEU would be an opportunity to be seized by Parliament in order to remedy the shortcomings in current practice as regards the inclusion of names on a blacklist, and supports all the current parliamentary work aimed at being included on the agenda for the 2009 legislative programme;

57. Regrets that none of the judicial bodies is in position to assess the appropriateness of blacklisting, given that the evidence leading to blacklisting is based primarily on information held by the secret services, which *ipso facto* operate in secret; considers, however, that this fundamental discretion should not be transformed into impunity in the case of breaches of international law; calls in this regard on Member States to guarantee effective parliamentary control over the work of the secret services; considers in this regard that it is necessary to associate Parliament with the work done by the Conference of Oversight Committees of the Intelligence Bodies of the Member States already in place;

58. Reiterates, however, that the system of anti-terrorist lists, provided that it respects the most recent case-law of the Court of Justice, is an effective instrument of European Union anti-terrorist policy;

59. Stresses that terrorism is a threat to safety and freedom, and therefore urges the Council to review and update the list of terrorist organisations, taking into account their activities on all continents;

A varied sanctions policy

60. Notes that the EU has always promoted a positive approach to the use of sanctions with a view to encouraging change; stresses, to this end, that it is important to give priority to an integrated global action through a progressive strategy of pressures and incentives;

61. Considers that a strategy of openness and a policy of sanctions are not mutually exclusive; takes the view, therefore, that the EU's sanctions policy may help to improve respect for human rights in the sanctioned country when revised for the express purpose of introducing a policy of positive measures; in this respect, notes the cycle of sanctions imposed in respect of Uzbekistan from November 2007 to April 2008: while continuing for one year the sanctions imposed for failure to satisfy initial criteria pertaining to investigations into the Andijan massacre and respect for human rights, the Council decided to suspend the implementation of the visa ban, leaving the Uzbek Government six months in which to fulfil a set of human rights criteria, and with the looming threat of the automatic re-establishment of the visa ban; notes that the mix of engagement and sanctions produced some positive developments, thanks to the possible automatic re-establishment of the sanctions and the definition of precise conditions; emphasises that these conditions must be capable of being satisfied within a limited time frame and relevant to the general sanctions regime; regrets, however, that there have not yet been any substantial positive developments and that the lack of cooperation with the Uzbek Government continues;

62. Urges that sanctions be systematically accompanied, in the context of a multifold strategy, by enhanced positive measures to support civil society, human rights defenders and all kinds of projects promoting human rights and democracy; calls for the thematic programmes and instruments (EIDHR ⁽¹⁾, non-state actors, investing in people) to contribute fully to achieving this objective;

⁽¹⁾ 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 (OJ L 386, 29.12.2006, p. 1).

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63. Calls on the Council and the Commission to seize the opportunity provided by the ratification of the Lisbon Treaty and the subsequent creation of the European External Action Service (EEAS) to guarantee optimum consistency in the EU's various external action instruments as a key element of the further efficiency of the EU's sanctions policy;

Recommendations in relation to the EU institutions and Member States

64. Calls on the Council and the Commission to undertake a comprehensive and in-depth evaluation of the EU's sanctions policy so as to determine what influence it has and what measures should be taken to strengthen it; urges the Council and the Commission to submit a programme of such measures; calls on the Council and the Commission to assess the impact of sanctions on the development policy of the countries in question and on the EU's trade policy;

65. Calls on the Commission to ensure that development assistance strategies under the Development Cooperation Instrument and the European Development Fund are consistent with existing sanction regimes and human rights dialogues; calls on the Commission to ensure that the conditions for general budget support, including under the so-called 'Millennium Development Goals contracts', are explicitly linked to human rights and democracy criteria;

66. Calls on the Council and the Commission to take advantage of the opportunity afforded by the ratification of the Lisbon Treaty, the appointment of a High Representative of the Union for Foreign Affairs and Security Policy — who will at the same time be Vice-President of the Commission and chair of the Foreign Affairs Council — and the subsequent creation of the EEAS in order to make the EU's external action more coherent and consistent, to improve the expertise of the relevant EU services working in the field of sanctions and to enhance cooperation between the different services;

67. Calls at the same time for enhanced cooperation between the competent authorities of the Member States and the Commission in order to ensure more coherent and effective implementation of restrictive measures;

68. Calls also on those Member States that are members of the UN Security Council systematically to seek to internationalise sanctions issued by the European Union, pursuant to Article 19 of the TEU;

69. Calls on the Member States, in their actions within the UN Security Council, not to infringe the human rights obligations which they have contracted, in particular under the European Convention on Human Rights;

70. Commits its parliamentary bodies, specifically its standing and ad hoc delegations, to using their contacts with parliaments in non-sanctioning countries so as to enhance understanding of existing EU sanctions regimes relevant to the region concerned and to examine possibilities for coordinated action for the promotion of human rights;

71. Calls on the Commission to set up a network of independent experts to put forward to the Council, as and when necessary, the most appropriate restrictive measures, to draw up regular reports on developments on the basis of the established criteria and objectives and, where necessary, to suggest ways in which implementation of sanctions might be improved; considers that the setting-up of such a network would improve transparency and discussions on sanctions in general, and would also strengthen the implementation and ongoing monitoring of sanctions in particular cases; considers at the same time that the Commission should play a more proactive role in defining a clear EU policy on sanctions;

72. Considers that the legitimacy of the EU's sanctions policy, which constitutes a key and sensitive element of the CFSP, must be enhanced by involving Parliament at all stages of the procedure, in accordance with Article 21 of the TEU, in particular in the drafting and implementation of sanctions in the form of systematic consultation with, and reports from, the Council and the Commission; considers also that Parliament should be involved in overseeing the attainment of benchmarks by those who are subject to sanctions; instructs its Subcommittee on Human Rights to structure and supervise work in this area as regards any sanction the objectives and reference criteria of which relate to human rights;

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73. Instructs its President to forward this resolution to the Council and the Commission, the governments and parliaments of the Member States and the Secretaries-General of the United Nations and of the Council of Europe.

Maternal health

P6_TA(2008)0406

European Parliament resolution of 4 September 2008 on Maternal Mortality ahead of the UN High-level Event on the Millennium Development Goals to be held on 25 September 2008

(2009/C 295 E/16)

The European Parliament,

- having regard to the Millennium Development Goals (MDGs), adopted at the UN Millennium Summit in September 2000,
- having regard to the 'EU Agenda for Action on MDGs' of the June 2008 European Council and its 2010 milestones,
- having regard to the High-level Event on the Millennium Development Goals to be held at UN headquarters in New York on 25 September 2008,
- having regard to the 'EU report on Millennium Development Goals 2000-2004' of the Commission (SEC(2005)0456),
- having regard to the Presidency Conclusions of the Brussels European Council of 16 and 17 December 2004, confirming the full commitment of the European Union to the Millennium Development Goals and to policy coherence,
- having regard to the UN Declaration of the Rights of the Child of 20 November 1959, according to which 'special care and protection shall be provided both to [the child] and to his mother, including adequate pre-natal and post-natal care', and to the UN Convention on the Rights of the Child of 20 November 1989, under which States Parties shall 'ensure appropriate pre-natal and post-natal health care for mothers',
- having regard to the Communication from the Commission to the European Parliament and the Council on 'Gender Equality and Women Empowerment in Development Cooperation' (COM(2007)0100),
- having regard to the Joint Africa-EU Strategy adopted at the EU-Africa Lisbon Summit in 2007,
- having regard to its resolution of 13 March 2008 on Gender Equality and Women's Empowerment in Development Cooperation ⁽¹⁾,
- having regard to its resolutions of 12 April 2005 on the role of the European Union in the achievement of the Millennium Development Goals (MDGs) ⁽²⁾ and of 20 June 2007 on the Millennium Development Goals — the midway point ⁽³⁾,
- having regard to its resolutions of 17 November 2005 on a development strategy for Africa ⁽⁴⁾ and of 25 October 2007 on the state of play of EU-Africa relations ⁽⁵⁾,

⁽¹⁾ Texts Adopted, P6_TA(2008)0103.

⁽²⁾ OJ C 33 E, 9.2.2006, p. 311.

⁽³⁾ OJ C 146 E, 12.6.2008, p. 232.

⁽⁴⁾ OJ C 280 E, 18.11.2006, p. 475.

⁽⁵⁾ Texts Adopted, P6_TA(2007)0483.

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- having regard to the Fourth World Conference on Women held in Beijing in September 1995, to the Declaration and the Platform for Action adopted in Beijing, as well as to the subsequent outcome documents adopted at the UN's Beijing +5 and Beijing +10 Special Sessions entitled 'further actions and initiatives to implement the Beijing Declaration and Platform for Action', adopted respectively on 10 June 2000 and 11 March 2005,
 - having regard to the joint statements by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy: 'The European Consensus' (The European Consensus on Development) ⁽¹⁾ and 'The European Consensus on Humanitarian Aid' ⁽²⁾,
 - having regard to the UN Population Fund's (UNFPA) State of World Population reports entitled 'The Promise of Equality: Gender Equity, Reproductive Health and the Millennium Development Goals' of 2005 and 'A Passage to Hope: Women and International Migration' of 2006,
 - having regard to Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation ('Development Cooperation Instrument' (DCI)) ⁽³⁾,
 - having regard to the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, also known as the 'Maputo Protocol', which came into force on 25 November 2005, and to the Maputo Plan of Action for the Operationalisation of the Continental Policy Framework for sexual and reproductive health and rights 2007-2010, adopted at the special session of the Conference of African Union ministers of health held in September 2006,
 - having regard to the UN International Conference on Population and Development (ICPD) held in Cairo in September 1994, to the Final Programme of Action adopted in Cairo, and to the subsequent outcome documents adopted in 1999 at the UN General Assembly's Special Session for the further implementation of the ICPD Programme for Action (ICPD+5),
 - having regard to the Brussels framework for action and recommendations on health for sustainable development, adopted at the 1st Meeting of the African, Caribbean and Pacific Group of States (ACP) ministers of health held in Brussels in October 2007,
 - having regard to the UN International Covenant on Economic, Social and Cultural Rights (ICESCR), which entered into force on 3 January 1976, and in particular to Article 12 thereof,
 - having regard to the General Comment No. 14 of the UN Committee on Economic, Social and Cultural Rights on Article 12 of the ICESCR ('The Right to the Highest Attainable Standard of Health'),
 - having regard to the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which entered into force on 3 September 1981,
 - having regard to Rule 103(4) of its Rules of Procedure,
- A. whereas maternal health (MDG 5) is the area in which the least progress among all the MDGs has been made and, therefore, it is among the goals least likely to be achieved by 2015, in particular in sub-Saharan Africa and South Asia,
- B. whereas over half a million women die in pregnancy or childbirth every year, and 99 % of these deaths take place in developing countries; whereas in 20 years, the mortality rate in sub-Saharan Africa has barely moved with only a 0,1 % annual rate of reduction in the region and women there run a lifetime risk of one in sixteen of dying in pregnancy or in childbirth; whereas maternal mortality is the most dramatic indicator of global health inequalities,

⁽¹⁾ OJ C 46, 24.2.2006, p. 1.

⁽²⁾ OJ C 25, 30.1.2008, p. 1.

⁽³⁾ OJ L 378, 27.12.2006, p. 41.

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- C. Whereas, besides geographical inequality, experience and research on maternal mortality reveals significant disparities in maternal mortality rates arising from wealth, race and ethnicity, urban or rural location, literacy level, and even linguistic or religious divisions within countries, including industrialised countries, a disparity which is the largest among all public health statistics,
- D. whereas the G8 has agreed a package on health that will help the training and recruitment of 1,5 million health workers in Africa and will ensure that 80 % of mothers are accompanied in childbirth by a trained health worker; whereas this includes a commitment to upscale to 2,3 health workers per 1 000 people in 36 African countries experiencing a critical shortage; whereas, however, there is no mention of ring-fencing the USD 10 billion which civil society activists claim would be required to save the lives of six million mothers and children each year,
- E. whereas maternal mortality and morbidity constitute a global health emergency and, each year, it is estimated that approximately 536 000 women die during childbirth, while one in twenty experience serious complications, ranging from chronic infections to disabling injuries such as obstetric fistula or lifelong disabilities,
- F. whereas there is no mystery about why women die in pregnancy and childbirth, the causes of maternal mortality being clear and well-known, as are the means to avoid it,
- G. whereas the causes of maternal mortality could be prevented by the provision of safe maternal care, access to effective contraception, and legal and safe abortions,
- H. whereas maternal mortality could be prevented by increasing access to and adoption of family planning methods, by access to and the provision of safe, quality maternal care, particularly during pregnancy, at delivery, with emergency obstetric care, and in the post-natal period, and by improving women's health and nutritional status and their position in society,
- I. whereas this preventive approach includes training women and health workers to recognise complications in pregnancy and childbirth and to seek appropriate care, a network of appropriate health facilities that can be reached within a reasonable time period given available infrastructure and transport, and the provision of adequate care at these nearby health facilities, by trained staff and with effective management and available electricity, water and medical supplies, rural areas included,
- J. whereas preventable maternal deaths constitute violations of the right to life of women and adolescent girls, as laid down in numerous international human rights commitments, including the United Nations Universal Declaration of Human Rights, and the causes of maternal mortality and morbidity can also involve violations of other human rights, including the right to the highest attainable standard of physical and mental health and the right to non-discrimination in access to basic health care,
- K. whereas the right to sexual and reproductive self-determination includes the right to marry, have a family and to enter into sexual relationships voluntarily, and the right to freedom from sexual violence and coercion,
- L. whereas it is the responsibility of governments to provide, either themselves or through others, health care services as of right, and whereas even for governments with limited resources there are immediate measures that can be taken that will have an impact on maternal health,
- M. whereas, ultimately, the underlying causes of maternal mortality and birth-related injuries are less likely to be practical or structural than symptomatic of the low value and status accorded to women, who are generally disadvantaged in society, and whereas, in countries with similar levels of economic development, the higher the status of women, the lower the rate of maternal mortality,

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- N. whereas women are particularly vulnerable during pregnancy or childbirth because of several forms of discrimination, including disparities between men and women in the household, traditional practices that are harmful to women, violence against women, women's lack of control over their reproductive health and rights, rejection of female babies, and stereotypes of women as primarily mothers and carers; whereas the CEDAW has been ratified by all EU Member States,
- O. whereas the UN General Assembly has included 'universal access to reproductive health by 2015' as one of the international community's Millennium Development targets, under MDG5 to reduce maternal mortality,
- P. whereas the international community pledged new resources at the ICPD, identifying reproductive health (including family planning and maternal health services) as a central priority for international development efforts,
- Q. whereas rather than support being increased, total donor funding for family planning is now far lower than it was in 1994, having fallen from USD 723 million in 1995 to USD 442 million in 2004 in absolute dollar terms,
- R. whereas the EU has made regular and consistent commitments to meeting the MDG 5 target, most recently in the abovementioned 'EU Agenda for Action on MDGs',
- S. whereas despite the gravity of this problem and the violation of human rights, maternal health services have remained low on the international agenda, overshadowed by attention to disease-specific interventions, and this has led to the marginalisation of maternal mortality, while high HIV rates have contributed to stagnating or deteriorating progress towards reduction of maternal mortality and morbidity,
1. Expresses strong concern over the fact that maternal mortality (within MDG 5) is the only MDG on which not only has there been no progress since 2000, particularly in sub-Saharan Africa and South Asia, but 20 years ago the figures were the same as they are now;
 2. Notes that alongside education, the empowerment of women significantly contributes to the improvement of maternal health (MDG 5);
 3. Calls on the Council and the Commission, ahead of the UN High Level Event on the MDGs, to prioritise action to meet MDG 5 targets;
 4. Calls on the Council and the Commission to reduce the disparity between maternal mortality rates in industrialised and developing countries, through increased investment and action to improve human resources for health, and greater resources and commitment for strengthening health systems and basic health infrastructure, including allocations for monitoring, supervision, basic public health functions, community action and other necessary support functions;
 5. Calls on the Council and the Commission to intensify efforts to eliminate preventable maternal mortality and morbidity through development, implementation, and regular evaluation of 'road maps' and action plans for the reduction of the global burden of maternal mortality and morbidity, which adopt an equity-based, systematic and sustained human rights-centred approach, adequately supported and facilitated by strong institutional mechanisms and financing;
 6. Calls on the Council and the Commission to expand the provision of maternal health services in the context of primary health care, based on the concept of informed choice, education on safe motherhood, focused and effective prenatal care, maternal nutrition programmes, adequate delivery assistance that avoids excessive recourse to caesarean sections and provides for obstetric emergencies, referral services for pregnancy, childbirth and abortion complications, and post-natal care and family planning;
 7. Calls on the Council and the Commission to promote access for all women to comprehensive sexual and reproductive health information and services;

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8. Calls on the Council and the Commission to adopt and develop the already well-established indicators and benchmarks for reducing maternal mortality (including Official Development Assistance (ODA) allocations) and to establish monitoring and accountability mechanisms that could lead to a constant improvement of the existing policies and programmes;
9. Calls on the Council and the Commission to guarantee that reproductive health care services are affordable, available, accessible and of good quality, and to devote the maximum available resources to the policies and programmes on maternal mortality;
10. Calls on the Council and the Commission to ensure the collection of reliable and timely data to guide the implementation of measures addressing maternal mortality and morbidity;
11. Calls on the Council and the Commission to enable training, capacity-building, and infrastructure for an adequate number of skilled birth attendants, and to ensure that all pregnant women and girls have access to such attendants and that 'road maps' and national action plans reflect this goal;
12. Calls for the upscaling in national health programmes of HIV testing prior to and during pregnancy, antiretroviral treatment for HIV-positive pregnant women, and HIV-preventive measures such as information campaigns and education;
13. Urges the EU to remain in the vanguard of efforts to support sexual and reproductive health rights by maintaining levels of funding for the implementation of the ICPD Programme of Action, and regrets the fact that while sub-Saharan Africa has the highest rates of maternal mortality, it also has the lowest rate of contraceptive use in the world (19 %), and 30 % of all maternal deaths in the region are caused by unsafe abortions;
14. Believes that in order to meet the MDG targets on universal access to reproductive health by 2015, the level of funding from the EU has to be increased since, if not, women will continue to die from pregnancy and related causes;
15. Calls on the Council and the Commission to develop programmes and policies to address the underlying health determinants that are essential to prevent maternal mortality, such as participation in health-related decision-making processes, information on sexual and reproductive health, literacy, nutrition, non-discrimination, and the social norms underlying gender equality;
16. Calls on the Council and the Commission to follow up the advances made in the reduction of maternal mortality, to participate actively in global forums such as 'Countdown to 2015', to share best practices on programmes and policies in this area, and to promote a continued momentum for improvement;
17. Urges Member States to refrain from renegeing on funding commitments to meet the MDGs, including MDG 5, and calls on the Council Presidency to take the lead and set an example by ensuring that adequate and predictable funding is available and that efforts are upscaled so that lives can be saved;
18. Recalls the commitment of Member States to achieving ODA levels of 0,7 % of Gross National Income (GNI) by 2015, and calls on those Member States not currently on track to increase their efforts;
19. Calls on those countries which have not yet introduced a ban on harmful practices and traditions such as female genital mutilation (FGM) to take action and to support information campaigns to this end;
20. Asks the Commission to ensure that MDG contracts concentrate primarily on the health and education sectors;
21. Deplores the ban on the use of contraceptives advocated by churches, as condom use is crucial in preventing diseases and unwanted pregnancies;

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22. Condemns the US's 'global gag rule' which prevents foreign NGOs that receive USAID (United States Agency for International Development) family planning funding from using their own, non-US funds to provide legal abortion services, medical counselling or abortion referrals;

23. Instructs its President to forward this resolution to the Council, the Commission, the Governments and Parliaments of the Member States, the UN Secretary-General, the Inter-Parliamentary Union, and the Development Assistance Committee of the Organisation for Economic Cooperation and Development (OECD).

Trade in services

P6_TA(2008)0407

European Parliament resolution of 4 September 2008 on Trade in services (2008/2004(INI))

(2009/C 295 E/17)

The European Parliament,

- having regard to the General Agreement on Trade in Services (GATS) entering into force in January 1995,
- 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 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'Global Europe: A stronger partnership to deliver market access for European exporters' (COM(2007)0183),
- having regard to the proposal for a Council Decision on the signature and provisional application of the Economic Partnership Agreement between the European Community and its Member States, of the one part, and the Cariforum States, of the other part (COM(2008)0155),
- having regard to the proposal for a Council Decision concluding the Economic Partnership Agreement between the European Community and its Member States, of the one part, and the Cariforum States, of the other part (COM(2008)0156),
- having regard to its resolution of 22 May 2007 on the Global Europe — External Aspects of Competitiveness ⁽¹⁾,
- having regard to its resolution of 19 February 2008 on the EU's Strategy to deliver market access for European companies ⁽²⁾,
- having regard to its resolution of 13 December 2007 on trade and economic relations with Korea ⁽³⁾,
- having regard to its resolution of 8 May 2008 on trade and economic relations with the Association of South East Asian Nations (ASEAN) ⁽⁴⁾,
- having regard to its resolution of 4 April 2006 on the assessment of the Doha Round following the WTO Ministerial Conference in Hong Kong ⁽⁵⁾,

⁽¹⁾ OJ C 102 E, 24.4.2008, p. 128.

⁽²⁾ Texts Adopted, P6_TA(2008)0053.

⁽³⁾ Texts Adopted, P6_TA(2007)0629.

⁽⁴⁾ Texts Adopted, P6_TA(2008)0195.

⁽⁵⁾ OJ C 293 E, 2.12.2006, p. 155.

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- having regard to its resolution of 12 October 2006 on economic and trade relations between the EU and Mercosur with a view to the conclusion of an Interregional Association Agreement ⁽¹⁾,
 - having regard to its resolution of 1 June 2006 on EU-US transatlantic economic relations ⁽²⁾,
 - having regard to its resolution of 13 October 2005 on prospects for trade relations between the EU and China ⁽³⁾,
 - having regard to its resolution of 28 September 2006 on the EU's economic and trade relations with India ⁽⁴⁾,
 - 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 Economic and Monetary Affairs and the Committee on Internal Market and Consumer Protection (A6-0283/2008),
- A. whereas the EU is the most competitive actor regarding trade in services; whereas the EU is the world's largest exporter and the biggest service provider with more than 28 % of the world's total exports and therefore has a strong interest in ensuring that new markets for goods, services and investments are opened,
- B. whereas the total percentage of the share of GDP in the EU 25 in 2007 was comprised of more than 75 % for the service sector; whereas the share of GDP for services in 2007 was around 78 % for North America, 52 % for Africa and 60 % for Asia,
- C. whereas trade in services so far amount to 25 % of world trade; whereas the sector has a huge potential and more jobs are created in this sector than in any other sector of the economy,
- D. whereas the development of quality employment has been accompanied by a quantitative increase in jobs; notes that it is in the services sector that the highest level of part-time employment is being created and that, for the development of this economic sector, account must be taken of the recommendations of the International Labour Organisation (ILO),
- E. whereas the multilateral trading system, embodied in the World Trade Organization (WTO), remains the most effective framework for achieving fair and equitable trade in goods and services on a global basis, by developing appropriate rules and ensuring compliance with those rules; whereas the role of the WTO with regard to the General Agreement on Trade in Services (GATS) has to take into account the different nature of the services sector which does not lend itself to quantitative measurements of its degree of liberalisation or remaining barriers to trade,
- F. whereas GATS is and must be the multilateral framework for the regulation of trade in services; whereas this does not prohibit states and notably the EU from negotiating bilateral agreements which have further reaching schedules of specific commitments, taking however into account that bilateral agreements may impact negatively on the advancement and importance of the multilateral framework,
- G. whereas an efficient services infrastructure is a precondition for economic success; whereas access to world-class services helps exporters and producers of goods and services in developing countries to capitalise on their competitive strength; whereas a number of developing countries have also been able, building on foreign investment and expertise, to advance in international services markets; whereas services liberalisation has thus become a key element of many development strategies,
- H. whereas obstacles to trade and behind-the-border barriers not only limit trade in goods but also significantly affect trade in services and public procurement,

⁽¹⁾ OJ C 308 E, 16.12.2006, p. 182.

⁽²⁾ OJ C 298 E, 8.12.2006, p. 235.

⁽³⁾ OJ C 233 E, 28.9.2006, p. 103.

⁽⁴⁾ OJ C 306 E, 15.12.2006, p. 400.

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- I. whereas in opening up the services market a clear distinction should be made between industrialised countries and developing countries and between the individual developing countries in order to take into account different levels of development,
- J. whereas some developing countries, and in particular the least developed countries, should reinforce their governance and create efficient structures and infrastructures for enhancing trade and expanding services markets,
- K. whereas it is important that the Parliament has access, in due time, to the texts of the various negotiating mandates given to the Commission,

General remarks

1. Notes that international trade geared to development and poverty reduction must also contribute to social progress and quality employment; trade regulations must comply with ILO social standards; measures to combat all forms of exploitation at the workplace (prohibiting forced labour and child labour in particular), together with respect for trade union liberties, are essential for balanced trade in the interest of all; reaffirms the need to examine the interaction between trade and social issues;
2. Draws attention to the high level of external competitiveness of EU services providers; calls on the Commission to pursue, in trade negotiations, both the progressive and reciprocal opening of access to the services market and a policy of increased transparency and predictability of rules and regulations, accompanied by strict rules and sanctions to fight against corruption and monopolies, in order that citizens and entrepreneurs of both parties to an agreement can have access to a wider range of services;
3. Fully recognises the existing distinction among the different nature of services, especially the need to distinguish between commercial and non-commercial services; stresses the need for a differentiated approach in opening the markets in services of general interest;
4. Recalls that the Commission must take the different Member State interests and those of the developing countries, together with economic inequalities between categories of individuals, into account when negotiating commitment schedules;
5. Takes the view that an effectively functioning internal market in services is important for the global competitiveness of EU enterprises; stresses that the timely and correct implementation and transposition of Community legislation, including Directive 2006/123/EC on services in the internal market ⁽¹⁾, is important to this end;
6. Underlines that the services sector can bring many solutions to environmental problems and believes services are one of the main elements of added value in the EU's exportation of know-how; underlines that the importance of the services sector needs to be taken into account when designing a policy for sustainable development;
7. Welcomes the Commission's emphasis on ensuring that the positive effects of globalisation are passed on to consumers; stresses that, in combination with a high level of consumer protection, fair competition in services is crucial in order to ensure that consumers benefit from liberalised EU markets;
8. Is convinced that services play an important role in every economy and considers that a wider opening of access to the services market, which takes into consideration the different economic realities is therefore important not only for developed countries, but also for developing countries;
9. Emphasises the need for the EU to take into account the different degrees of development when requiring deregulation and liberalisation of services, and therefore underlines that the EU cannot and should not impose a one-size-fits-all model on other countries;

⁽¹⁾ OJ L 376, 29.12.2006, p. 36.

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10. Takes the view that, in order to ensure favourable results, liberalisation of a new services sector, particularly in the developing countries, must in every case be accompanied by new regulations and supervision and implementation mechanisms so as to contain the impact on the population and the environment, and to limit any abuse of a dominant position or concentration, and be phased in and accompanied by the necessary ancillary measures;

11. Is aware that the newly proposed disciplines on domestic regulation would be added in the form of an annex to the GATS requiring an amendment to the agreement; calls on the Commission to keep Parliament informed about the proceedings of the GATS Working Party on Domestic Regulation and to submit any decision about an amendment to the GATS Agreement to Parliament under the codecision procedure;

12. Acknowledges states' sovereignty and thus their right to regulate in all areas of services in particular in the area of public services, irrespective of whether commitments have been undertaken in the framework of the GATS, provided that any such regulations are made in conformity with Article VI of GATS on Domestic Regulation; believes that service markets require clear and legally unequivocal regulations in order to operate efficiently;

13. Suggests that the efficiency gains that could be obtained thanks to opening markets to services competition, when accompanied by domestic regulatory measures, could allow less developed countries to provide a greater range of services for their citizens; stresses the importance of universal accessible and sustainable services with affordable prices and high-quality standards;

14. Underlines the need for rules and standards to govern liberalisation; encourages compliance with environmental and quality standards in a reasonable and objective manner, without constituting unnecessary barriers to trade;

15. Welcomes the fact that the Commission has publicised the Community's package of offers in the current GATS negotiations; considers, however, that the Commission should discuss current developments in greater detail with Parliament and its relevant committees;

16. Points out that trade in services is in large measure a transfer of expertise between countries and that, therefore, free trade in services is an important part of any development strategy since it enables in depth know-how to be transferred swiftly and effectively;

17. Recognises that frequently some of the problems regarding fairness and transparency in the provision of services in some developing countries are brought about with the complicity of companies from developed economies;

18. Requests from the Commission a detailed overview of specific service sectors like software, film, logistics and financial services which play a crucial role in certain developing countries and which are provided and distributed worldwide; further requests from the Commission a detailed analysis of how this affects the European service market;

19. Requests from the Commission a detailed overview of substantial data mining services which are operating on a global scale; further requests from the Commission detailed information about location, operators, size and quality of service in this sector;

The Doha Development Round and GATS

20. Recalls Article XIX of GATS stating that members shall enter into successive rounds of negotiations, beginning not later than five years from the date of entry into force of the WTO Agreement and periodically thereafter, with a view to achieving a progressively higher level of liberalisation; recalls that such negotiations take place in the frame of the single undertaking principle and therefore have to be balanced against interests put forward in other areas of negotiations;

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21. Recalls that the principles of GATS do not prohibit either privatisation or deregulation; underlines therefore that each state is free to liberalise any service sector; stresses that GATS schedules deal with the bound commitments of each WTO member in terms of trade in services and that each member is free to open its market beyond its GATS commitments provided that the Most Favoured Nation principle enshrined in Article II or Article V of GATS on Economic Integration is respected;

22. Recalls that the Doha Development Round must focus on development and, accordingly, that negotiations on trade in services must serve both the interests of the EU and the economic growth of the poorest countries;

23. Stresses the need to allow developing countries political space regarding the level of reciprocity in the opening up of trade by enabling them to decide for themselves the depth and the speed at which liberalisation may be pursued;

24. Takes note of the request from developing countries to the EU and US in particular to improve offers in Mode 4; considers it necessary to find the right balance in order to satisfy both sides; requests that the Commission inform it about any changes from the original requests;

Bilateral and Regional Agreements

25. Encourages a clear and ambitious level of commitments in the upcoming bilateral and regional trade agreements and those currently being negotiated; stresses the importance of including therein provisions relating to human rights and social standards;

26. Takes note of the results achieved in the Economic Partnership Agreement with the Caribbean Forum of ACP States (Cariforum); believes that trade in services is a vehicle for development subject to the condition that sound and transparent domestic regulations to govern services are in place; calls for universal, accessible, sustainable and affordable public services with high-quality standards to be ensured for all;

27. Notes that the investment chapter of the Cariforum EPA guarantees to foreign investors their expected benefits, as a result of commitments made under that Agreement;

28. Supports specifically the agreement on Mode 4 in the EU-Cariforum agreement; considers this to be a means of avoiding the brain drain;

29. Believes with regards to the negotiation of the EU-ASEAN Free Trade Agreement (FTA) that aspects of the agreement affecting public procurement, investments and services should recognise the varying level of development of ASEAN members and respect the right of all participants to regulate public services, particularly those relating to basic needs — this, however, should not prevent private companies filling in the gap where the state fails to provide services required by citizens;

30. Is aware with regards to the negotiation of the EU-Korea FTA about the difficulties that foreign firms face in gaining access to the Korean market for services including banking, insurance, telecommunications, news agencies and legal advice; also urges the Commission, when addressing this issue in the negotiations on the FTA, to take into account the growing concerns in the EU about the crisis-prone effects of a banking and insurance sector whose pace of liberalisation is not accompanied by sound and transparent domestic regulation;

31. Stresses with regards to the negotiation of the EU-India FTA the importance of our partnership with India and the need to get an ambitious agreement with substantial and broad commitments, with the fewest restrictions on Indian market access possible across all modes of supply. Points out that liberalisation of trade in services should be at least 90 % by both sectoral coverage and volume of trade in line with the requirement of substantial coverage under GATS Article V; Stresses that restrictions are particularly acute in financial services, securities, accountancy, telecommunications, distribution, postal and courier, and legal services;

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32. Is concerned with regards to the negotiation of an EU-Gulf Cooperation Council FTA about the level of transparency and accountability in financial services and, in particular, in the area of investments made by sovereign wealth funds;

Specific sectoral issues

33. Notes that no WTO member has yet made any commitments on the water distribution sector; stresses that should a such commitment be made it does not prohibit the state from setting levels of quality, safety, price or other policy objectives as they see fit, and the same regulations would apply to foreign suppliers as to local suppliers;

34. Underlines the importance of cultural services, such as the audiovisual, musical and publishing sectors for both EU industries and for our trading partners; calls on the Commission to ensure that trade in cultural services is therefore properly balanced, while respecting the protection of intellectual property rights;

35. Stresses that specifically the tourism sector contributes largely to the economy in a number of developing countries; considers it therefore vital that the EU assists through development cooperation and technical assistance;

36. Believes that, on the basis of prior established sound and transparent domestic regulation, a cautious and phased opening up of the market in financial services in developing countries may offer citizens and entrepreneurs access to funds in order to create local jobs and alleviate poverty since they are no longer forced to rely on state monopolies or institutions;

37. Considers, that, in order to increase its external competitiveness, the EU must take measures under its commercial policy to strengthen the security of electronic transactions and trade and to improve data protection;

38. Notes that services, in particular financial services, affect many fields of competence and underlines that the focus of this Resolution is on trade in services, i.e. achieving market access by the voluntary opening of markets through the request and offer method of negotiations; suggests that areas such as financial supervision, regulation and other issues dealing with different aspects of financial services should be dealt with in the appropriate forum;

39. Strongly supports the Commission's view that market access and free trade in services are an essential component of the Lisbon agenda for growth and jobs; underlines that open markets in combination with balanced and regulated free trade in services will benefit all participating countries and regions;

40. Notes that EU companies are increasingly active internationally, that global economic growth is, to a large extent, driven by third countries, and that improved market access would therefore contribute towards strengthening the EU's competitiveness;

41. Considers that trade in services is a necessary complement to trade in goods but that they should be considered as distinct from one another;

42. Considers that the service economy has become the most quantitatively important economic sector in the OECD economies and that increased trade and availability of services will increase economic growth and facilitates business growth and development, improving the performance of other industries, as services provide key intermediate inputs especially in an increasingly interlinked globalised world;

43. Recognises that achieving market access for services is a difficult process within the ongoing WTO Doha Development Agenda negotiations; calls on the Commission to pursue a balanced package with an ambitious offer in services, especially in financial services, where the EU industry has competitive expertise and has a strong potential for growth; Notes that compliance with rules and standards is necessary in order to prevent non-tariff barriers, which may be sensitive in the area of services;

44. Calls on the Commission to take full account in trade negotiations of the existence of general interest services and the potential impact of market opening on their organisation;

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45. Notes that with regard to financial services, the EU has one of the most open markets in the world, but underlines that the EU has to pursue more offensive and balanced trade in services negotiations and endorse the principles of openness, development and reciprocity;
46. Stresses the importance of financial service authorities keeping pace with all developments on the European and global financial services markets; calls on the Commission and the Member States to enhance the European regulatory frameworks, as well as to intensify the regulatory dialogue between the EU and its trading partners with the aim of reducing trade barriers;
47. Calls on the Commission to look into the 'offshore' practices of third countries which jeopardise a mutually beneficial opening up of markets;
48. Calls on Member States to work towards a more integrated and coherent trade policy with the Commission, in particular in the area of investments; points out that Member States should not overstate the risks of foreign investment, but aim for effective openness of their economies, and for a common approach in the context of sovereign wealth funds; takes note of the need to evaluate issues such as security of supply, especially concerning foreign investments in the energy sector made by state-owned entities, recalls that such evaluation cannot be used as a protectionist measure;
49. Draws the Commission's attention to the potential risks, with regard to compliance with the competition rules within the EU, due to the lack of reciprocity in the WTO agreement on public procurement;
50. Calls on the Commission to take stronger action against counterfeiting, particularly via the Internet, inter alia, by encouraging better cooperation between national administrations, and strengthening the means of observation and evaluation of counterfeiting; furthermore asks the Commission to present to Parliament and to the Council a proposal with a view to providing the Community and its Member States with qualitative and statistical data at European level on counterfeiting, particularly via the Internet;
51. Shares the Commission's strong support for multilateral trade negotiations, but notes that for trade in services, especially concerning financial services, free trade agreements may be better suited for achieving market access; considers that, when full Economic Partnership Agreements with the ACP countries are to be finalised, they could cover not only goods but also services and investment, but only if this is the wish of those countries;
52. Underlines that effective market access for financial services creates better opportunities for competition, transparency and diversification; notes that, in the emerging economies in particular, effective market access could lead to a stronger local financial market development for the benefit of firms wishing to establish themselves, as well as provide consumers with more choice and better products;
53. Mindful of the weak financial, administrative and institutional capacity of the ACP countries, invites the Commission to ensure respect for the internationally agreed standards for regulation and supervision in the financial services sector when negotiating and implementing trade agreements with countries that are considered to be tax havens;
54. Considers that access to financial services (micro credits, access to bank accounts, basic banking services, mortgages, leasing and factoring, insurance, pensions and local and international transfers), in particular, is necessary for individuals in developing countries to engage in basic economic activities, and therefore asks the Commission to promote better market access for financial services in developing countries and to encourage sound prudential regulation, the development of competitive markets and financial services education.

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55. Instructs its President to forward this resolution to the Council and Commission, the governments and parliaments of the Member States, the World Trade Organisation and to its member countries.
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European ports policy

P6_TA(2008)0408

European Parliament resolution of 4 September 2008 on a European ports policy (2008/2007(INI)) (2009/C 295 E/18)

The European Parliament,

- having regard to the Commission communication on a European ports policy (COM(2007)0616),
 - having regard to the Commission communication ‘Towards a future maritime policy for the Union: a European vision for the oceans and seas’ (COM(2006)0275),
 - having regard to its resolution of 12 July 2007 on a future maritime policy for the European Union: a European vision for the oceans and seas ⁽¹⁾,
 - having regard to its resolution of 11 March 2008 on sustainable European transport policy, taking into account European energy and environment policies ⁽²⁾,
 - having regard to Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds ⁽³⁾,
 - having regard to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ⁽⁴⁾,
 - having regard to Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste ⁽⁵⁾,
 - having regard to Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy ⁽⁶⁾,
 - having regard to Article 299(2) of the EC Treaty,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on Regional Development (A6-0308/2008),
- A. whereas market access to port services has been a subject of debate within Parliament, prompting the Commission to undertake an extensive consultation of stakeholders,
- B. whereas the abovementioned Commission communication on a European ports policy proposes no new measures on market access to port services,
- C. whereas a European ports policy at Community level, exploiting their comparative geopolitical advantages, is appropriate for this sector because of its international dimension,
- D. whereas ports are important not only for maritime, river and intermodal transport in Europe, but also as economic axes, sources of employment and means to integrate the population,
- E. whereas, in view of its objectives of boosting the competitiveness of maritime transport and providing high-quality modern services, a European ports policy should promote the following four principles: safety, swift service, low cost, and respect for the environment,

⁽¹⁾ OJ C 175 E, 10.7.2008, p. 531.

⁽²⁾ Texts Adopted, P6_TA(2008)0087.

⁽³⁾ OJ L 103, 25.4.1979, p. 1.

⁽⁴⁾ OJ L 206, 22.7.1992, p. 7.

⁽⁵⁾ OJ L 182, 16.7.1999, p. 1.

⁽⁶⁾ OJ L 327, 22.12.2000, p. 1.

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- F. whereas there are a number of challenges that European ports will face in the future, particularly in the areas of the environment, globalisation, sustainable development, employment and social conditions, especially as regards safety and lifelong learning, finance, market access and administration, as well as anti-competitive and discriminatory measures taken by non-EU countries in relevant geographical markets,
- G. whereas the lack of potential areas for port development in Europe, together with the rarity and fragility of natural habitats, highlight how important it is for the legislator to ensure balance and legal clarity when it comes to environmental, economic and social obligations,
- H. whereas great diversity exists in the European ports sector and substantial growth is expected in future years,
- I. whereas the widening of the Panama Canal will have an impact, which will probably accentuate the current trend towards larger vessels,
- J. whereas modern infrastructure and effective hinterland and island connections are important to ports,
1. Welcomes the abovementioned Commission communication on a European ports policy;
 2. Commends the Commission on the approach it took when drawing up the communication, particularly the extensive process of consultation;
 3. Welcomes the Commission's focus on soft law measures such as publishing guidelines and removing administrative obstacles;
 4. Emphasises the crucial importance of the ports sector to the EU from the economic, commercial, social, environmental and strategic points of view;
 5. Believes that the Commission's role is important in order to ensure that all European ports are able to reach their full potential;
 6. Welcomes the Commission's intention to publish guidelines on the application of Community environmental legislation to port development and their infrastructure, the main objective being to protect the marine environment and the areas surrounding ports; urges the Commission to publish these guidelines before the end of 2008;
 7. Considers it possible for ports and nature to coexist in a sustainable manner, as the destruction of nature often causes economic damage to other sectors, such as tourism, agriculture and fisheries, and therefore calls on the Transport Commissioner to work closely with the Environment Commissioner in drawing up and enforcing EU legislation and guidelines on ports and on environmental issues;
 8. Believes that the aim of these guidelines should be to tackle the legal uncertainty deriving from certain environmental directives and thereby genuinely to address environment policy, while taking account of the specific situation of ports in the Union;
 9. Underlines the need to involve port and local authorities in drawing up plans to manage the water quality of river basins and maritime ports in accordance with Directive 2000/60/EC;
 10. Draws attention to the need for regional authorities to support the efforts to reduce CO₂ emissions from ships and from land and air transport by laying down air quality management plans and complying with the Marpol Convention and with Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management ⁽¹⁾;
 11. Stresses the need to develop an integrated European policy to boost regional competitiveness and territorial cohesion, taking account of social, environmental, economic and security aspects at all territorial levels, by organising interinstitutional, intersectoral and multi-territory partnerships;

⁽¹⁾ OJ L 296, 21.11.1996, p. 55.

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12. Notes that the Commission is concerned about the distribution of traffic flows in Europe, and points to the diversity of the ports sector and the increase in small and medium-sized ports in Europe; considers also that the Commission should take account of the major changes expected in international maritime traffic as a result of technological and economic progress, the widening of the Panama Canal and the increase in the size and capacity of vessels, which will undoubtedly have a substantial impact on the sector;
13. Highlights the territorial dimension of the development of European ports, particularly the need for cross-border cooperation and coordination between neighbouring port regions; stresses the importance of the European Neighbourhood Policy and the regional strategy for the Mediterranean, Baltic and Black Seas; welcomes the Commission's proposal for drawing up a list of bottlenecks between EU ports and ports of the EU's neighbouring states;
14. Calls on the Commission systematically to monitor the development of new technologies and management methods used internationally at ports and ship service, freight, passenger and land transport terminals with the aim of promoting policies and initiatives to develop Community ports and enhance their efficiency and productivity for the benefit of themselves and users;
15. Considers that the technological changes needed to enable intermediate ports to meet the challenges of an increased volume of traffic will have major financial implications for the regions concerned; considers that these regions should be entitled to draw on the structural funds to that end, particularly to finance the acquisition of advanced technological installations, to create jobs in innovative fields, and to rehabilitate urban areas freed up by the transfer of port business to out-of-town areas;
16. Considers that the legal certainty of the Community legal framework in the maritime field, flowing from the international legal framework, depends on the speedy approval of the Erika III maritime package,
17. Calls on the Commission and Member States to promote cooperation between European ports; stresses in this connection the role which ports play in the regional economy of their hinterland; in this regard, underlines that the harmonious development of ports is a key element of the Union's integrated maritime policy;
18. Stresses the social and cultural role of ports for the population of the hinterland and considers it essential to improve public awareness of the importance of ports as means of development;
19. Considers that maritime and river transport cannot be considered in isolation from land and air transport and that links to a port's hinterland are of great importance to its commercial success, and that it is therefore necessary to establish interconnections between ports, inland logistics platforms and 'dry ports'; with this in mind, also believes that the co-modal participation of ports is needed in relation to both the trans-European transport networks (TEN-Ts) and the future Community green corridors to ensure better exploitation of transport capacity in the area of cabotage and river transport, and also as regards connections with land and air transport, so as to ensure a coherent and genuine transport policy;
20. Supports the intention of the Commission, therefore, to evaluate ports' hinterland connections status and needs and their impact on a balanced network of traffic flows on the occasion of the mid-term review of the TEN-T in 2010 ⁽¹⁾;
21. Considers that one of the aims of the mid-term review of the TEN-T in 2010 should be to integrate maritime and river transport with land transport via European ports;
22. Calls on the regional authorities concerned to implement a more multimodal transport policy in order to ensure that, in addition to motorways, more traffic goes by rail and inland waterways, to connect port areas effectively with the TEN-Ts and to give ports more effective hinterland connections, in particular through the use of railways and inland waterways;

⁽¹⁾ Cf. Article 19 of Regulation (EC) No 680/2007 of the European Parliament and of the Council of 20 June 2007 laying down general rules for the granting of Community financial aid in the field of the trans-European transport and energy networks (OJ L 162, 22.6.2007, p. 1).

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23. Notes that EU ports are in competition with third country ports which are often not subject to the same rules, and also face discriminatory economic policies implemented by EU neighbouring countries, for example via discriminatory tariff policies;
24. Calls on the Commission to study port safety issues anew and to factor in the increased cost with regard to the competitiveness of European ports;
25. Welcomes the Commission's intention to conduct a survey of the problems encountered by European ports in this area and calls on the Commission to consider compiling a log of these problems, so as specifically to tackle problems generated by competition with non-EU ports and anti-competitive and discriminatory measures taken by EU neighbouring countries;
26. Stresses the need to develop cooperation with third countries in order to prepare and submit programmes for the development, coordination and transfer of know-how among neighbouring ports;
27. Considers that the Commission should examine the possibility of introducing a Community programme on the renewal of cargo vessels, particularly those intended for cabotage and river transport;
28. Believes that new technologies, particularly information technologies, are key elements that will enable European ports, which are already facing competitive pressures from third country ports but also in some cases suffering from a lack of space, to expand, and to increase their efficiency and profitability;
29. Urges the Commission and the Member States to hasten, through the appropriate bodies, the implementation of remote pilotage systems in order to increase efficiency and security in traffic management in ports as well as in roadstead areas;
30. Urges the Commission to pursue research and innovation in this sector under the Union's framework programmes and calls on the Commission and Member States to support research into safety issues, so as to keep accidents to a minimum, into logistics, so as to improve the use of space in ports, and into environmental questions, so as to curb CO₂ emissions and pollution caused by waste;
31. Calls on the Commission and Member States to support the proposals before the International Maritime Organisation to replace the current fuel with diesel by 2020, and the possibility of including the maritime sector in the emissions trading scheme;
32. Calls on the Commission and Member States to support actively the continuous improvement of the 'Search and Rescue' (SAR) fleet and other SAR functionalities in ports, under SOLAS (Safety of Life at Sea) and SAR Conventions and to further improve cooperation between Maritime Rescue Coordination Centres;
33. Considers that there is a need for the further development of the 'Clean ship' and 'Clean port' programmes;
34. Calls on the Commission and the sector to encourage shipping companies to reduce the number of empty containers transported and to make full use of this capacity and to support initiatives with this aim (e.g. via research programmes), taking account of the real and specific needs of clients as well as reducing the environmental impact;
35. Warmly welcomes the Commission's intention to submit a legislative proposal on creating a barrier-free European maritime transport area and considers that the aim of this proposal should be to ensure fair competition between maritime transport and land transport in the Union;
36. Recommends that Community-cleared goods should be exempt from customs controls in short-sea shipping in the Community and also advocates, as far as possible, the creation of separate port zones for intra-community and international traffic, together with simplification of internal transport, standardisation and identification of special containers;
37. Calls on the Commission to review and improve policies to develop and support short sea shipping;

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38. Calls on the Commission to examine the possibility of introducing a single transport document for containers in the Community so as to streamline administrative procedures;
39. Calls on the Commission to undertake a study of the funds provided by public authorities to European commercial ports so as to identify possible distortions of competition and to clarify in the State aid guidelines which types of aid given to port authorities should be seen as State aid; believes that possible investments by public authorities to develop ports must not be seen as State aid where they are directly intended for environmental improvements or decongestion and reducing the use of roads for freight transport, particularly when it is considered to be essential to ensure economic, social and territorial cohesion (e.g. in relation to islands), unless it would benefit a single user or operator;
40. Urges the Commission to publish guidelines for State aid to ports in 2008, and believes that these guidelines should cover the port area as such, with a distinction made between access and defence infrastructure, project-related infrastructure and superstructure and with no distinction made between different categories of ports;
41. Approves the extension of the transparency requirements laid down by Commission Directive 2006/111/EC of 16 November 2006 on the transparency of financial relations between Member States and public undertakings as well as on financial transparency within certain undertakings ⁽¹⁾, but calls on the Commission to consider a reduced minimum threshold for annual revenue rather than an absolute obligation;
42. Takes note, in particular, of the Commission's analysis of port concessions and calls on it to bear in mind the importance of some flexibility for port authorities in this area, particularly as regards the renewal of concessions linked to major investments, but believes that this flexibility should not be used to prevent competition within ports;
43. Believes that it is of the utmost importance to maintain a balance between the freedom to provide services and the specific requirements of ports, while stressing the need for cooperation between the public and private sector in order to modernise ports;
44. Encourages the use of European territorial cooperation programmes under the cohesion policy and cooperation programmes under the EU neighbourhood and enlargement policy, but also urges the Commission, the Member States and the regional authorities concerned to employ a trans-border approach as far as possible to the use of existing capacity when co-financing port infrastructure;
45. Strongly supports the role of locally owned, not-for-profit trust ports, and urges local, regional, national and European authorities to take steps to protect them from disrepair, as their social, recreational and touristic benefit for the surrounding communities goes beyond their original economic function;
46. Emphasises most strongly that any debate on Europe and its maritime policy, if it is to succeed, must include the major role played by the European recreational craft sector in terms of local economic development, since marinas are not only a showcase for their hinterland, and a powerful tool for promoting the exploitation of the port and its environs, but also an essential supply service for local businesses;
47. Welcomes the emphasis placed on dialogue in the port sector; calls for a European social dialogue committee to be set up and considers that it should deal with subjects related to ports, including workers' rights, concessions and the 1979 International Labour Organisation Convention No 152 on occupational safety and health (dock work);
48. Stresses the importance of protecting and securing the highest possible level of training for port workers; supports the Commission's desire to provide port workers with a mutually recognisable basic qualification so as to foster flexibility in the sector; with this in mind and, as a first step, considers that a comparison should be made between the different existing systems of professional qualifications for port workers; considers, however, that this basic qualification must not have the effect of lowering the average level of qualification of port workers in a Member State;

⁽¹⁾ OJ L 318, 17.11.2006, p. 17.

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49. Proposes that the topic of professional qualifications and lifelong training be addressed together with the social partners within the future European social dialogue committee;
50. Urges the Commission to promote the exchange of good practice in the port sector in general and with regard to innovation and the training of workers in particular in order to improve the quality of services, competitiveness and the level of investment attracted;
51. Welcomes the introduction of the European maritime day, on 20 May, and in particular supports the introduction of an 'open day' which could help the public gain a better understanding of the work and importance of the port sector;
52. Urges the Commission, in line with Parliament's resolution of 8 May 2008 on the Transatlantic Economic Council ⁽¹⁾, to continue its efforts to ensure that the US regulation to scan 100 % of US-bound cargo is changed to ensure cooperation based on the mutual recognition of 'authorised economic operators' and of security standards agreed by the World Customs Organisation (C-TPAT, SAFE) framework; calls on the Commission to evaluate the potential costs to business and to the EU economy of scanning 100 % of US-bound maritime cargo containers, as well as its potential impact on customs operations;
53. Instructs its President to forward this resolution to the Council and Commission, and to the governments and parliaments of the Member States.

⁽¹⁾ Texts Adopted, P6_TA(2008)0192.

Freight transport in Europe

P6_TA(2008)0409

European Parliament resolution of 4 September 2008 on Freight transport in Europe (2008/2008(INI))

(2009/C 295 E/19)

The European Parliament

- having regard to the Commission communications entitled 'The EU's freight transport agenda: Boosting the efficiency, integration and sustainability of freight transport in Europe' (COM(2007)0606), 'Freight Transport Logistics Action Plan' (COM(2007)0607), 'Towards a rail network giving priority to freight' (COM(2007)0608) and 'Multi-annual contracts for rail infrastructure quality' (COM(2008)0054),
- having regard to the Commission communication entitled 'Freight Transport Logistics in Europe — the key to sustainable mobility' (COM(2006)0336),
- having regard to the Commission communication on the deployment of the European rail signalling system ERTMS/ETCS (COM(2005)0298),
- having regard to the Conclusions of the Council of 29-30 November and 3 December 2007 on the Commission communication on the Freight Transport Logistics Action Plan, and of 7 April 2008 on the Commission communication entitled 'Towards a rail network giving priority to freight',
- having regard to the Commission Green Paper entitled 'Towards a new culture for urban mobility' (COM(2007)0551),
- having regard to its resolution of 5 September 2007 on Freight Transport Logistics in Europe — the key to sustainable mobility ⁽¹⁾,

⁽¹⁾ OJ C 187 E, 24.7.2008, p. 154.

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- having regard to its resolution of 9 July 2008 on ‘Towards a new culture of urban mobility’⁽¹⁾
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A6-0326/2008),
- A. whereas the transport sector is responsible for almost 30 % of CO₂ emissions in the EU — as much as 40 % in cities — and, despite some efforts made in respect of technical improvement and innovation, CO₂ emissions grew by 26 % between 1990 and 2005, while in other sectors they were cut by 10 % due to substantial investments (running into billions of Euros),
- B. whereas sustainable and efficient freight transport in Europe plays a vital role in having a successful and competitive economy, in meeting consumer demands and in creating a considerable number of jobs and wealth for European citizens,
- C. whereas freight transport is expected to grow by some 50 % (in tonne-kilometres) between 2000 and 2020, in line with forecasts in the Commission White Paper entitled ‘European transport policy for 2010: time to decide’ (COM(2001)0370), and whereas it grew some 30 % faster than GDP between 1995 and 2005; whereas, furthermore, growth in freight transport as a whole has mainly been the result of an increase in road and air transport relative to other modes of transport,
- D. whereas solutions aimed at more sustainable and efficient logistics and freight transport systems and at intermodal integration of all modes of transport not only lead to improvements in the economy and in security, but also meet the EU’s objectives in the fields of climate change and energy savings to be achieved by 2020,
- E. whereas, in order to meet these challenges, the EU and the Member States should, in the current context of inadequate budgetary resources, set themselves specific coordinated priorities, concentrate their resources on a limited number of measures favouring sustainability and intermodality in freight transport, and take account of sensitive regions,
- F. whereas the European corridor network should be better developed, starting from the existing network and existing structures and technologies, and should also incorporate ‘green’ corridors for all modes of freight transport, with ambitious sustainable environmental criteria,
- G. whereas the aim of the abovementioned Freight Transport Logistics Action Plan must be to facilitate freight transport operations in Europe and beyond for the benefit of all European companies and for European competitiveness as a whole,
1. Stresses that Europe’s freight transport systems must meet pressing challenges to increase effective integration and sustainability of freight transport in Europe, making a greater contribution to improving mobility, energy efficiency, and reducing oil consumption, polluting emissions, and external costs, and therefore welcomes the abovementioned Commission communications and Council conclusions; encourages the Commission, the Member States and industry to support in future a freight transport policy which is more sustainable in terms of mobility, the environment, climate, the economy, security and social interests, by promoting the use, in an enlarged European Union, of more efficient logistics systems as part of the gradual integration of priority cross-border rail freight corridors, hubs and conventional networks, and by promoting the user and polluter pays principles for all modes of transport;
 2. Supports the view of the Commission that co-modality and intermodality remain key factors in creating sustainable and efficient freight transport in Europe;
 3. Notes, however, that the EU’s powers and resources for improving freight transport markets are limited; notes that key parts of the network are already being used at full capacity; therefore urges transport ministers responsible for the main European corridors to take up the issue of infrastructure investments and at least agree on coordinating their National Investment Plans in relation to their respective corridors;

⁽¹⁾ Texts Adopted, P6_TA(2008)0356.

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4. Is convinced that urban freight logistics require a specific approach; hopes that the debate on the abovementioned Green Paper on Urban Mobility, together with the Freight Transport Logistics Action Plan, can result in an exchange of good practices between towns in order to find sustainable ways of transporting supplies to towns;
5. Requests therefore, that the Commission proposes, no later than the end of 2008, a programme for strengthening cooperation between the Member States responsible for projects in this area, and that it facilitates and assesses solutions to the current blockages, with particular attention to goods transport, taking due account of the added value of the logistics factor;
6. Supports the idea of dedicated goods transport networks, which should exploit existing conventional traffic networks which are being freed up as a result of the progress being made with high-speed trains;
7. Stresses that the rail freight network should be based on the most 'market-relevant' freight corridors taking into account the existing ERTMS (European Rail Traffic Management System) corridors and TEN-T (Trans-European Transport) network, (i.e. extended as necessary to include specific areas generating heavy volumes of traffic, e.g. ports); considers that 'high level corridor coordinators' should be appointed, wherever this has not yet been done; calls upon the European Railway Agency, as the ERTMS authority, to ensure that these routes become interoperable;
8. Looks to the Commission to define the 'green corridors' as exemplary mobility and inter-modality projects, to shift to environmentally friendly modes to reduce overall accidents, congestion, noise, local toxic and non-toxic pollution, CO₂ emissions, landscape and energy consumption and to increase the use of renewable sources (particularly wind and solar energy) in accordance with EU legislation, its objectives and the intelligent transport systems;
9. Urges the Commission and the Member States in this regard to offer stronger incentives to boost the environmental performance of all modes of transport and to support the most efficient combinations of modes of transport with a view to achieving the lowest possible impact on the environment, especially in the 'green' corridors;
10. Proposes that support be given to the integration of regional planning, production processes and market structures — including the avoidance of unnecessary transport — and to shortening distances and adjusting speeds in freight transport; takes the view that time-consuming and energy-intensive 'stop-go' freight transport should be avoided by means of computerised speed adjustment;
11. Regards it as a priority to improve proper implementation and strengthening of existing legislation regarding the transport of hazardous and polluting goods;
12. Urges the Commission and Member States to press forward with the exchange of best practice in sensitive cross-border areas (mountainous areas and conurbations), as well as in cities, taking account of the recommendations included in its abovementioned resolution on urban mobility and of the experience gained from the Civitas programme on cleaner and better transport in cities, by enhancing the logistics aspect;
13. Calls on the Commission to concentrate EU co-financing on the efficiency, interoperability and upgrading of rail infrastructure, intermodal hubs as well as all other modes of freight transport;
14. Calls also on the Commission and Member States, pending the overhaul of the European Union's budget expected in 2009, already to consider the position of transport in that budget, in order to avoid any repetition of past errors and to ensure sufficient future investment in strategic infrastructure in order to attain the objectives which the Union has set for itself with regard to sustainable development and emission reduction;
15. Stresses the utmost importance of interoperable road charging for efficient freight transport in Europe;

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16. Considers better links from maritime and inland ports to their hinterland rail and road network to be an important element in transport infrastructure; highlights the important role of internal platforms and dry docks;
17. Is convinced of the potential of inland waterways regarding freight transport and urges the Commission to ensure proper implementation of the Naiades action programme on promoting inland waterway transport in Europe;
18. Stresses that investments in hinterland terminals can be put into effect flexibly and rapidly, thereby eliminating bottlenecks in the intermodal chain as a whole;
19. Calls for the compliance with, and/or introduction of, stable intermodal standards for the dimensions and weight of vehicles, containers and loading equipment, to be considered as being of strategic importance with a view to shifting freight transport to rail and sustainable waterways, thereby reducing infrastructure costs;
20. Notes that various horizontal techniques which would help simplify the transfer of freight not only from lorries to rail but also between differing rail gauges are often insufficiently standardised; therefore urges the international and European bodies to standardise these technologies in particular with a view to greater efficiency and cost reduction; stresses in this regard the importance of quickly adopting a worldwide standard for intermodal loading units;
21. Calls on the Commission to draft its guidelines for environmental and railway subsidies in such a way as to simplify investments in sustainable rail freight transport; stresses in this regard the strategic importance of co-financing noise reduction, including at source (retrofitting of goods trucks), such as already exists for the fitting of rolling stock with ERTMS;
22. Is convinced that infrastructure management and the provision of services must take place on a cross-border, non-discriminatory and transparent basis with a view to achieving efficient, interoperable and smooth-running freight transport logistics; stresses in this respect the importance of the further completion of the internal transport market for all modes of transport; welcomes in this regard the Commission proposal for the establishment of a 'European maritime transport space without barriers' and supports the idea of a single transport document and 'single points of interface' for all modes of transport;
23. Stresses that an internal market in road haulage which functions effectively could help to make transport more efficient and reduce the number of unladen journeys; calls on the Commission to strictly enforce EU legislation on international road haulage and cabotage; recognises that Member States are permitted to restrict cabotage under certain conditions, but calls on the Commission, as guardian of the Treaty, to take rigorous action against disproportionate restrictions and penalties which a number of Member States are imposing on foreign carriers in this regard;
24. Calls on the Commission, in multi-annual contracts for rail infrastructure quality, to draw up framework conditions for minimum quality standards throughout Europe; proposes that the Member States link the availability of appropriations for rail infrastructure construction, extension and maintenance to these quality standards and treat them as indivisible packages, thus contributing to increased efficiency and financial savings;
25. Calls on the Commission to monitor and promote effective and consistent application of best practice on multi-annual contracts for infrastructure quality; invites the Commission, on the basis of its abovementioned Communication COM(2008)0054, to develop a format for benchmarking infrastructure services in close collaboration with infrastructure managers, including publication of key performance indicators;

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26. Calls on the Commission to present stronger recommendations on multi-annual contracts for infrastructure quality and capacity (based on the transparent monitoring of the current implementation of Article 6 of Directive 2001/14/EC ⁽¹⁾); in that respect, calls on the Commission to urge Member States to implement these multi-annual funding frameworks in order to guarantee to rail infrastructure managers financial stability in respect of their maintenance and renewal needs (entailing adequate public funding);

27. Calls on the Commission to support projects concerning the differential use of high-speed lines e.g. for light freight transport;

28. Urges the Commission to carry out a survey of freight trucks equipped with satellite navigation in the EU with a view to testing the cross-border interoperability or compatibility of such systems with existing technology, to ensure the fitting of inter-operable satellite navigation systems for new freight trucks and promote the retrofitting of existing trucks; advocates the adoption of best practice in loading techniques, thereby structuring the intermodal chain from the beginning to the end of the transfer and unloading process in such a way as to boost the efficiency of the whole sector;

29. Stresses the need to standardise and to simplify the administrative procedures of the authorities involved in the freight transport market, together with simplified customs rules and procedures at borders; welcomes in particular the decision to establish a European maritime space without barriers; urges the Commission to ask the appropriate international associations and organisations to develop a single intermodal document;

30. Stresses that there is a lack of good logistics education delivered by universities and therefore calls on the Member States to give absolute priority to higher education and further education in the logistics and freight transport sector;

31. Urges the Commission to support projects and research, and to work towards standard information flows to ensure the integration and interoperability of modes at data level;

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

⁽¹⁾ Directive 2001/14/EC of the European Parliament and of the Council of 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (OJ L 75, 15.3.2001, p. 29).

Mid-term review of the European Environment and Health Action Plan 2004-2010

P6_TA(2008)0410

European Parliament resolution of 4 September 2008 on the mid-term review of the European Environment and Health Action Plan 2004-2010 (2007/2252(INI))

(2009/C 295 E/20)

The European Parliament,

— having regard to the Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee on the mid-term review of the European Environment and Health Action Plan 2004-2010 (COM(2007)0314),

— having regard to its resolution of 23 February 2005 on the European Environment and Health Action Plan 2004-2010 ⁽¹⁾,

⁽¹⁾ OJ C 304 E, 1.12.2005, p. 264.

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- having regard to the World Health Organisation (WHO) report of 27 July 2007 entitled 'Principles for evaluating health risks in children associated with exposure to chemicals',
 - having regard to Articles 152 and 174 of the EC Treaty targeting a high level of protection for human health and the environment,
 - having regard to Decision No 1350/2007/EC of the European Parliament and of the Council of 23 October 2007 establishing a second programme of Community action in the field of health (2008-13) ⁽¹⁾,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A6-0260/2008),
- A. noting with interest the fact that, since 2003, the EU has based its health-protection policy on closer cooperation between the health, environment and research sectors, so that it may be hoped that a coherent and integrated European environmental health strategy will eventually be introduced,
- B. whereas the courses of action currently being followed by the EU as part of its first environment and health action plan (2004-2010) (COM(2004)0416) — namely, the preparation of indicators, the development of integrated monitoring, the collection and evaluation of relevant data as well as an increase in the volume of research — will allow greater insight into the interactions between sources of pollution and health effects but are known to be inadequate as a means of reducing the growing number of diseases related to environmental factors,
- C. whereas it is virtually impossible to establish a mid-term assessment of the aforementioned action plan, since the latter pursues no clear, quantified objective and the total budget allocated to it is difficult to determine and definitely insufficient for its efficient promotion,
- D. whereas the main objective of the 2008-2013 health programme is to act upon the factors which traditionally determine health (diet, smoking, alcohol consumption and the use of drugs); whereas this 2004-2010 action plan should focus on certain new health challenges and in addition address the determining environmental factors which affect human health, such as indoor and outdoor air quality, electromagnetic waves, nanoparticles and chemicals which are a cause for serious concern (substances classed as carcinogenic, mutagenic or toxic to reproduction [CMR], endocrine disruptors), as well as risks to health arising from climate change,
- E. whereas respiratory illnesses rank second as a cause of death and in terms of incidence, prevalence and cost within the EU, whereas they constitute the main cause of death amongst children under the age of five and whereas such diseases are continuing to progress on account of — in particular — indoor and outdoor air pollution,
- F. whereas atmospheric pollution caused, in particular, by fine particles and ground-level ozone, is a significant threat to human health which is affecting the proper development of children and reducing life expectancy in the EU ⁽²⁾,
- G. whereas, with reference to the issue of urban environmental health, particularly the quality of indoor air, the Community — in accordance with the subsidiarity and proportionality principles — should do more to combat domestic pollution, since Europeans spend on average 90 % of their time inside buildings,

⁽¹⁾ OJ L 301, 20.11.2007, p. 3.

⁽²⁾ Europe's environment, the fourth assessment, summary, European Environment Agency (10.10.2007).

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- H. whereas at the 2004 and 2007 WHO ministerial conferences on health and the environment, attention was drawn to the links between the complex combined influence of chemical pollutants and a number of chronic illnesses and disorders (affecting children in particular); whereas those concerns are also expressed in official documents issued in connection with the United Nations Environment Programme (UNEP) and by the Intergovernmental Forum on Chemical Safety (IFCS),
- I. whereas there is increasing scientific evidence that certain cancers, such as cancer of the bladder, bone cancer, lung cancer, skin cancer, breast cancer and others are caused not only by the effects of chemical substances, radiation and airborne particles but also by other environmental factors,
- J. whereas these problematic developments in environmental health have been accompanied in recent years by the emergence of new diseases or syndromes, such as multiple chemical hypersensitivity, dental-amalgam syndrome, hypersensitivity to electromagnetic radiation, sick-building syndrome and attention-deficit and hyperactivity syndrome in children,
- K. whereas the precautionary principle has been enshrined in the Treaty since 1992 and whereas the European Court of Justice has repeatedly specified the substance and the scope of that principle in Community law, which constitutes one of the cornerstones of the protection policy pursued by the Community in the field of health and the environment ⁽¹⁾,
- L. having regard to the highly restrictive — if not to say impracticable — nature of the criteria adopted by the Commission in its 2 February 2000 Communication on the precautionary principle (COM(2000)0001),
- M. having regard to the importance of human biological monitoring as a tool for assessing the European population's degree of exposure to the effects of pollution and the determination (repeatedly expressed by Parliament in Paragraph 3 of its aforementioned resolution of 23 February 2005 and in the conclusions issued at the end of the 20 December 2007 Council meeting of Environment Ministers) to expedite the introduction of a biological-monitoring programme at EU level,
- N. whereas it is readily acknowledged that climate change can play an important role in increasing the severity and incidence of certain diseases and in particular that heat-wave frequency, flooding and wildfires as the most frequent natural disasters in the EU can lead to additional diseases, poor sanitation and deaths, while at the same time recognising the beneficial effects on health of measures to alleviate climate change,
- O. whereas climate change will have significant effects on human health, inter alia by encouraging the development of certain infectious and parasitic diseases mainly because of changes in temperature and humidity and their impact on ecosystems, animals, plants, insects, parasites, protozoa, microbes and viruses,
- P. whereas Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy ⁽²⁾ and its daughter directives contain clear provisions concerning the preservation and restoration of healthy waters,
- Q. whereas environmental medicine is a new medical discipline based on university teaching which is still too fragmentary and unevenly distributed amongst the Member States and which thus deserves to be supported and promoted within the EU,
- R. whereas the number of persons suffering as a result of environmental factors is increasing and epidemiologies should be developed in order to obtain a full picture of diseases which are caused wholly or in part by environmental factors,

⁽¹⁾ Judgment of 23 September 2003 in Case C-192/01, Commission/Denmark, ECR 2003, p. I-9693; judgment of 7 September 2004 in Case C-127/02, Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels, ECR 2004, p. I-7405.

⁽²⁾ OJ L 327, 22.12.2000, p. 1.

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1. Acknowledges the efforts made by the Commission since the action plan was launched in 2004, particularly in terms of improving the chain of information concerning health and the environment, integrating and expanding European research in this area and cooperating with specialist international organisations such as the WHO;
2. Considers, however, that such an action plan is bound to fail at least in part, since it is designed solely to accompany existing Community policies, it is not based upon a preventive policy intended to reduce illnesses linked to environmental factors, and it pursues no clear, quantified objective;
3. Draws the Commission's attention to the fact that a programme has already been carried out under the aegis of the WHO as part of which the WHO Member States established their own national and local environmental health action plans comprising specific objectives and implementation plans; recommends to the Commission therefore that it review this WHO programme as a possible model which could also serve as a useful example to the Union in the future;
4. Deeply regrets the fact that the Commission (and in particular its Research DG) has not provided sufficient funding for human biological monitoring in 2008 to enable it (as it had promised Parliament and the Member States) to introduce a consistent approach to biological monitoring within the EU;
5. Calls upon the Commission to respond by 2010 to two essential objectives which the Commission set itself in 2004 and to establish and carry out a practicable communication strategy for these objectives, namely to make members of the general public aware of environmental pollution and the impact thereof on their health, and to reconsider and adapt European risk-reduction policy;
6. Strongly recommends that the Commission and Member States meet their obligations as regards implementation of Community legislation;
7. Stresses that, when it comes to assessing the impact of environmental factors on health, consideration should be given first and foremost to vulnerable groups such as pregnant women, newborn babies, children and the elderly;
8. Calls for special attention to be given to vulnerable groups, who are the most susceptible to pollutants, by introducing measures to reduce exposure to indoor environmental contaminants in healthcare facilities and schools through the adoption of sound indoor air quality management practices;
9. Urges the Commission, when drafting proposals for the revision of existing laws, not to weaken those laws under pressure from lobbies or regional or international organisations;
10. Points that the EU needs to apply a continuous dynamic and flexible approach to the Action Plan; considers that it is therefore of paramount importance to acquire specific expertise on the subject of environmental health, to be based on transparency and on a multidisciplinary and adversarial approach which would thus enable the general public's distrust of official agencies and committees of experts to be countered; points to the importance of improving the training of health experts by means, in particular, of exchanges of best practice at Community level;
11. Points out that in recent years there have been genuine advances in environmental policy in the form of (for example) a reduction in air pollution, an improvement in water quality, the collection and recycling of waste, the monitoring of chemicals and a ban on leaded petrol, but notes at the same time that EU policy still lacks a comprehensive preventive strategy and fails to apply the precautionary principle;
12. Calls, therefore, on the Commission to revise the criteria laid down in its aforementioned Communication as regards recourse to the precautionary principle pursuant to European Court of Justice case-law, in order to ensure that an action and security principle based on the adoption of provisional and proportionate measures lies at the heart of Community health and environment policies;

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13. Considers that shifting the burden of proof onto producers or importers and requiring them to demonstrate that a product is harmless would make it possible for a policy based on prevention to be promoted (as provided for in European Parliament and Council Regulation (EC) No 1907/2006 of 18 December 2006 concerning the registration, evaluation, authorisation and restriction of chemicals (REACH) and establishing a European Chemicals Agency⁽¹⁾), and encourages the Commission to extend that obligation to Community legislation concerning all products; considers that any increase in animal testing under the Action Plan should be avoided and full regard should be paid to the development and use of alternative methods;

14. Calls once again upon the Commission to come forward as soon as possible with concrete measures on indoor air quality which would ensure a high level of protection of health and safety indoors to be established, in particular when revising Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products⁽²⁾, and to propose measures to increase the energy efficiency of buildings and the safety and the harmlessness of chemical compounds used in equipment and furnishings;

15. Recommends that, in order to reduce damaging effects of the environment on health, the Commission should call upon Member States, by means of tax concessions and/or other economic incentives, to interest market operators in improving the quality of indoor air and reducing exposure to electromagnetic radiation in their buildings, branch establishments and offices;

16. Recommends that the Commission draft appropriate minimum requirements to guarantee the quality of indoor air in buildings to be newly built;

17. Recommends that, in awarding individual European Union support, the Commission bear in mind its impact on the quality of indoor air, exposure to electromagnetic radiation and the health of particularly endangered sections of the population in the projects concerned in a similar way to that in which attention is devoted to environmental protection criteria;

18. Calls for environmental quality standards for priority substances in water to be laid down in accordance with the latest scientific knowledge and regularly brought into line with current scientific thinking;

19. Points out that certain Member States have successfully introduced mobile analysis laboratories (or 'green ambulances') to enable habitat pollution in public and private places to be diagnosed swiftly and reliably; considers that the Commission could promote such a practice within the Member States which have not yet acquired such a means of direct intervention at a polluted site;

20. Is concerned about the lack of specific legal provisions to ensure the safety of consumer products containing nanoparticles and the relaxed attitude of the Commission with regard to the need to review the regulatory framework for the use of nanoparticles in consumer products in light of the increasing number of consumer products containing nanoparticles being put on the market;

21. Is greatly concerned at the Bio-Initiative international report⁽³⁾ concerning electromagnetic fields, which summarises over 1 500 studies on that topic and which points in its conclusions to the health risks posed by emissions from mobile-telephony devices such as mobile telephones, UMTS, Wifi, Wimax and Bluetooth, and also DECT landline telephones;

⁽¹⁾ OJ L 396, 30.12.2006, p. 1; corrected version in OJ L 136, 29.5.2007, p. 3.

⁽²⁾ OJ L 40, 11.2.1989, p. 12.

⁽³⁾ Published by a group of independent scientists on 31 August 2007. For details, see: www.bioinitiative.org.

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22. Notes that the limits on exposure to electromagnetic fields which have been set for the general public are obsolete, since they have not been adjusted in the wake of Council Recommendation 1999/519/EC of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 30 GHz) ⁽¹⁾, obviously take no account of developments in information and communication technologies, of the recommendations issued by the European Environment Agency or of the stricter emission standards adopted, for example, by Belgium, Italy and Austria, and do not address the issue of vulnerable groups, such as pregnant women, newborn babies and children;

23. Calls, consequently, upon the Council to amend its Recommendation 1999/519/EC in order to take into account the Member States' best practices and thus to set stricter exposure limits for all equipment which emits electromagnetic waves in the frequencies between 0,1 MHz and 300 GHz;

24. Takes a very serious view of the multiple health risks created by global warming on EU territory and calls for enhanced cooperation between the WHO, the Member States' monitoring authorities, the Commission and the European Centre for Disease Prevention and Control in order to bolster the early-warning system and thus to curb the harmful effects which climate change has on health;

25. Highlights that this Action Plan would benefit from being extended to cover negative impacts of climate change on human health by elaborating on effective adaptation measures necessary at Community level, such as:

- systematic public education programmes and awareness-raising;
- integration of climate change adaptation measures into public health strategies and programmes, such as communicable and non-communicable diseases, workers' health and animal diseases hazardous to health;
- proper surveillance aiming at the early detection of disease outbreaks;
- health-related early warning systems and response;
- coordination of existing environmental data monitoring networks with disease outbreak networks;

26. Calls on Member States and the Commission to respond adequately to the new threats posed by climate change such as the increased presence of emerging viruses and undetected pathogens and therefore implement new existing pathogen reduction technologies that reduce known and undetected viruses and other pathogens transmitted by blood;

27. Regrets that the current cost benefit impact assessment of the '20 20 by 2020 Europe's Climate Change Opportunity' (COM(2008)0030) only considers the health benefits of reduced air pollution at a 20 % reduction of greenhouse gas emissions by 2020; calls on the Commission to ensure that the (ancillary) co-benefits to health of various levels of ambition, in line with the International Panel on Climate Change recommendations of domestic 25 % to 40 % as well as possibly 50 % or more of greenhouse gas emission reduction by 2020, are urgently investigated and modelled into an impact assessment by the Commission;

28. Calls on the Commission to pay attention to the serious problem of mental health, considering the number of suicides in the EU, and to devote more resources to the development of adequate prevention strategies and therapies;

29. Reiterates that the Commission and the Member States should support the WHO Children's Environment and Health Action Plan in Europe, to encourage it both through EU and bilateral development policy, and to encourage similar processes outside the WHO Europe Region;

⁽¹⁾ OJ L 199, 30.7.1999, p. 59.

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30. Calls on the Commission to reincorporate into its second action plan the initiative SCALE (Science, Children, Awareness, Legal instruments, Evaluation) relating to the reduction of exposure to pollution, as set out in the European Environment and Health Strategy (COM(2003)0338);
31. Urges the Commission to work on and provide instruments that would foster the development and promotion of innovative solutions, as stressed within the Lisbon agenda framework, in order to minimise major health risks from environmental stressors;
32. Urges the Council to take a decision without delay on the proposal for a regulation establishing the Union Solidarity Fund, as Parliament adopted its position as long ago as 18 May 2006 ⁽¹⁾; considers that the new regulation, which, together with other measures, will lower thresholds for the entry into force of the Union Solidarity Fund, will make it possible to alleviate more effectively, flexibly and quickly damage caused by natural or man-made disasters; stresses that such a financial instrument is very important, particularly because it is assumed that natural disasters will occur more frequently in future, partly on account of climate change;
33. Recommends, as SMEs are of decisive economic importance in Europe, that the Commission should provide technical support to SMEs to make it possible, and help them, to comply with binding environmental health regulations and encourage them to make other changes which are positive from the point of view of environmental health and affect the operation of enterprises;
34. Advises the Commission to envisage (by 2010 and under the 'second cycle' of the health and environment action plan) refocusing its initiatives on vulnerable populations and to devise new methods of risk assessment, taking into account the fundamental fact that children, pregnant women and older people are particularly vulnerable;
35. Urges the Commission and Member States therefore to acknowledge the advantages of the prevention and precautionary principles and to develop and implement tools enabling potential environmental and health threats to be anticipated and countered; recommends that the Commission cost the 'second cycle' of this action plan and make provision for appropriate funding covering a larger number of practical measures to reduce environmental impact on health and to implement prevention and precautionary measures;
36. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the WHO.

⁽¹⁾ OJ C 297 E, 7.12.2006, p. 331.

Coup in Mauritania

P6_TA(2008)0411

European Parliament resolution of 4 September 2008 on the coup in Mauritania

(2009/C 295 E/21)

The European Parliament,

- having regard to the statements, following the coup in Mauritania, by the President of the European Parliament, the Presidency of the Council in the name of the European Union, the High Representative for the Common Foreign and Security Policy, the Commission, the UN Security Council, the African Union (AU), the Economic Community of West African States (ECOWAS), and the Organisation Internationale de la Francophonie,
- having regard to the second visit to Mauritania since the coup by the UN Secretary-General's Special Representative for West Africa, Saïd Djinnit,

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- having regard to the Constitutive Act of the AU, which condemns all attempts to seize power by force,
 - having regard to Rule 115(2) of its Rules of Procedure,
- A. whereas a coup took place in Mauritania on 6 August 2008, when President Sidi Mohamed Ould Cheikh Abdallahi was ousted by a group of high-ranking generals whom he had dismissed from office earlier that day,
- B. whereas the legislative elections of November and December 2006, the senatorial elections of January 2007 and the election of President Sidi Mohamed Ould Cheikh Abdallahi in March 2007 were found to have been fair and transparent by the international observers, including the EU observers and, in particular, Parliament's observation missions, through which Parliament endorsed the legality of the elections,
- C. whereas more than two thirds of the members of Mauritania's parliament have signed a declaration of support for the leader of the coup, Mohamed Ould Abdel Aziz, and his fellow generals; whereas in June 2008, the legislature passed a vote of no confidence, prompting President Abdallahi to reshuffle his cabinet and 49 members withdrew from parliament after President Abdallahi appointed 12 cabinet ministers from among those who had served in the highly unpopular previous regime,
- D. whereas all decisions concerning the political, economic and social future of Mauritania are a matter for the people's elected representatives alone and whereas democracy entails a system of checks and balances between the executive and the legislature, both of which derive their legitimacy from the electorate;
- E. whereas the coup has occurred in a deteriorating economic and social context, while the success of democracy is best ensured by development,
- F. recognising the progress made regarding the return of refugees and the adoption of the law criminalising slavery in Mauritania,
- G. whereas the EU's backing of the democratic transition and the 'support programme' of EUR 156 000 000 for the period 2008 to 2013 in the framework of the 10th European Development Fund, complementing the assistance already in place, and the EUR 335 000 000 granted in aid since 1985,
- H. whereas the World Bank has suspended USD 175 000 000 in aid to Mauritania; whereas that suspension will affect some 17 national projects in Mauritania as well as the country's participation in World Bank regional projects relating to rural development, health, education and infrastructure (such as road building),
- I. whereas a democratic Mauritania represents a pole of stability in a particularly fragile subregion, marked by the presence in the Sahara on the north-eastern border with Algeria and Mali of the Salafist Group for Preaching and Combat, which has become Al-Qaeda in the Islamic Maghreb, as well as by the Tuareg rebellion,
- J. whereas the 'constitutional ordinance' in which the junta defines its powers and which enables it to govern by decree is without any legal basis,
1. Condemns the military coup perpetrated by the generals in Mauritania, the second coup in that country in three years, which has violated both constitutional legality and the results of democratic and internationally validated elections; regrets this setback, given the notable advances made in the development of democracy and the rule of law over the past few years in Mauritania; calls for the current political tensions in Mauritania to be resolved within an institutional framework reflecting the transition to democracy, and for the constitutional order and civilian rule to be restored as soon as possible;

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2. Calls for the immediate release of President Sidi Mohamed Ould Cheikh Abdallahi, Prime Minister Yahya Ould Ahmed el-Waghef, and other members of the government, who are still under house arrest in various locations;
3. Calls for full respect for the constitutional legality of the powers of the Mauritanian President and parliament, implying that the mechanisms for cohabitation between President and parliament and for the balance between executive and legislature need to be adjusted on a basis of respect and within the framework of the constitution, which can be amended only in the interests of greater stability if such amendment is effected in line with the provisions of the constitution and following a large-scale debate including all political forces;
4. Believes that the constitutional means and forms required for putting an end to the crisis must be the outcome of an open and frank debate involving the main political forces;
5. Welcomes the return of the refugees, the adoption of a law criminalising slavery, and the draft law liberalising the media; deplores the absence of democratic means of dealing with the legacy of human rights violations and the abuses perpetrated in 1990 against the black Mauritanian community, despite the President's promises to set up a committee of inquiry;
6. Calls for the restoration of the rights of the refugees who have returned to Mauritania, and demands the return of the property confiscated from them;
7. Insists that the people of Mauritania, who are already severely affected by the economic and food crises, must not be made hostages of that crisis and calls on the Commission to implement the support projects for civil society under the European Instrument for Democracy and Human Rights;
8. Notes the announcement of new presidential elections by the junta, but deplores the failure — contrary to the position of the 2005-2007 junta — of a commitment to neutrality; calls on the military in power to commit themselves forthwith to a timetable for the restoration of the democratic institutions in cooperation with the political forces;
9. Supports the AU's efforts to seek a rational solution to the crisis;
10. Calls on the Commission to engage in a political dialogue, pursuant to Article 8 of 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 at Cotonou on 23 June 2000 ⁽¹⁾, as amended in Luxembourg on 24 June 2005 (the Cotonou Agreement), with a view to restoring constitutional legality, and to inform Parliament of the outcome of that dialogue; should it not succeed, calls for the reactivation of Article 96 of the Cotonou Agreement, which could lead to the freezing of aid, excluding food and humanitarian assistance;
11. Urges the Council Presidency to continue to monitor the political situation in Mauritania in close collaboration with the AU, and to ensure the safety of citizens of the European Union;
12. Calls for a parliamentary delegation to be sent as soon as possible, with a view to its members meeting their counterparts and proposing forms of aid to end the crisis;
13. Instructs its President to forward this resolution to the Commission, the Council, the governments of the Member States, the institutions of the African Union, the Economic Community of West African States, the Organisation Internationale de la Francophonie, and the UN Security Council.

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

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Iran

P6_TA(2008)0412

European Parliament resolution of 4 September 2008 on executions in Iran

(2009/C 295 E/22)

The European Parliament,

- having regard to its previous resolutions on Iran, notably those concerning human rights and in particular its resolution of 19 June 2008 ⁽¹⁾ on the execution of juvenile offenders in Iran,
 - having regard to the Declaration by the Presidency on behalf of the European Union, of 13 June 2008, on the execution of Mohammad Hassanzadeh,
 - having regard to the Declaration by the Presidency on behalf of the European Union, of 18 July 2008, concerning application of the death penalty in Iran,
 - having regard to the Declaration by the Presidency on behalf of the European Union, of 29 July 2008, on the execution of 29 people in Evin prison in Iran,
 - having regard to the Declaration by the Presidency on behalf of the European Union, of 25 August 2008, on the execution by hanging of Reza Hejazi,
 - having regard to the Statements by the Presidency of the Council of the European Union on 19 and 28 August 2008 on the imminent execution of Behnood Shojaee and of Bahman Soleimani respectively,
 - having regard to the resolutions of the General Assembly of the United Nations, in particular Resolution A/RES/62/168 of 18 December 2007 on the situation of human rights in the Islamic Republic of Iran and Resolution A/RES/62/149 of 18 December 2007 on a moratorium on the use of the death penalty,
 - having regard to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child, to which the Islamic Republic of Iran is a party,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas, according to Amnesty International, the number of executions carried out in Iran so far this year totals at least 191, while in 2007 more executions were carried out in Iran — 317 — than in any other country in the world except China, although its population is 18 times smaller than China's,
- B. whereas 29 simultaneous executions took place in Evin prison in Tehran on 27 July 2008,
- C. whereas on 10 June 2008 16-year-old Mohammad Hassanzadeh, an Iranian Kurd, was executed for a crime he committed at the age of 14; whereas on 22 July 2008 juvenile offenders Hassan Mozafari and Rahman Shahidi were executed, and on 19 August 2008 19-year-old Reza Hejazi was hanged for an alleged murder which he committed when he was 15 years old; whereas on 26 August 2008 19-year-old Behnam Zare was executed for an offence he committed at the age of 15, making him the sixth juvenile offender to be put to death in Iran in 2008 alone,
- D. whereas neither Zare's nor Hejazi's family, nor their lawyer, were notified of the time and place of the scheduled executions, in violation of Iranian law,

⁽¹⁾ Texts Adopted, P6_TA(2008)0314.

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- E. whereas juvenile offenders Amir Marollahi, Behnood Shojaee, Mohammed Fadaei and Bahman Soleimani face imminent risk of execution,
- F. whereas the execution of juvenile offenders is prohibited under international law, as stated in Article 6(5) of the ICCPR and the Convention on the Rights of the Child; whereas there are currently at least 130 children and child offenders on death row despite Iran's legal obligations,
- G. whereas minority rights activists are increasingly exposed to the threat of the death penalty, as in the case of Yaghoob Mehrnehad, an ethnic Baluchi and executive director of the Voice of Justice Youth Association, who was executed on 4 August 2008, after having publicly confronted local officials demanding accountability for their poor performance,
- H. whereas another minority rights activist, Kurdish teacher Farzad Kamangar, has been condemned to death on charges, without evidence, of taking up arms against the state,
- I. whereas confessions are often obtained following torture, without access to lawyers, and court rulings lack the minimum standards to be met to ensure a fair trial,
- J. whereas, on 5 August 2008, the Iranian Judiciary announced the suspension of the use of stoning as a means of execution, with the consequence that 10 unnamed women facing death by lapidation would not be stoned,
- K. whereas there are grounds for concern that members and associates of the Iranian opposition who are regrouped and protected in Camp Ashraf in Northern Iraq by US-led multinational forces under Article 27 of the Fourth Geneva Convention may be under threat of being expelled or forcibly returned to Iran, where they could face heavy persecution and possibly even the death penalty,
1. Is profoundly saddened at the recent execution of several juvenile offenders in Iran, making Iran the only country in the world where this grave and inhumane punishment is still practised in 2008;
 2. Draws particular attention to the fate of Soghra Najafpour, who has spent almost the entire past 19 years of her life on death row for a murder which took place when she was 13 years old;
 3. Calls on the Head of the Judiciary, Ayatollah Mahmoud Hashemi Sharoudi, to systematically commute all death penalties for juvenile offenders, and pleads with the Iranian authorities in particular to halt the execution of Amir Marollahi, Behnood Shojaee, Mohammed Fadaei and Bahman Soleimani;
 4. Strongly condemns the growing number of executions, and urges the Iranian authorities to establish a moratorium on the use of the death penalty with a view to its abolition in accordance with the resolution adopted by the United Nations General Assembly on 18 December 2007;
 5. Reiterates its call on the members of the Majlis to urgently amend legislation in order to ensure that no-one is executed for a crime committed when less than 18 years of age and to raise the age of legal responsibility to international standards;
 6. Supports legislative efforts in Iran to introduce a separate legislative and court system for juvenile offenders, and calls on the members of the Majlis to provide for measures aimed at education and social reintegration of child offenders; calls on the Commission to support the Iranian authorities in any request for international cooperation in this domain;
 7. Strongly condemns the persecution and imprisonment of citizens in Iran who engage in the defence of human rights and campaign against the death penalty, and are frequently charged with 'activities against national security'; calls, in particular, for the unconditional release of Emadeddin Baghi and Mohammad Sadegh Kabovand and the commutation of the death sentence on Farzad Kamangar, as well as a reinvestigation into his case;

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8. Welcomes the recent announcement of the suspension of stoning as a means of execution; expresses its concern, however, that in the penal code reform proposal currently under consideration by the Majlis, stoning for certain forms of adultery is being maintained, and calls on the members of the Majlis to commit themselves to the full abolition of stoning;
9. Calls on the Iraqi and US authorities not to forcibly return to Iran any Iranian opposition members, refugees and asylum seekers who would be at serious risk of persecution and, in particular, to work together with the UN High Commissioner for Refugees and others to find a satisfactory long-term solution to the situation of those currently in Camp Ashraf;
10. Calls for the presentation of a resolution, at the next UN General Assembly, with a request to all countries who retain the death penalty to make available to the UN Secretary General and to public opinion all information on capital punishment and executions, so as to overcome State secrecy on the death penalty, which is also a direct cause of a greater number of executions;
11. Calls for a new resolution to provide for the creation of a Special Envoy of the Secretary General, with the task of monitoring the situation, ensuring maximum transparency in the capital punishment system and favouring an internal process directed to the implementation of the United Nations resolution on the moratorium on executions;
12. Instructs its President to forward this resolution to the Government and Parliament of the Islamic Republic of Iran, the Council, the Commission, the High Representative for the CFSP, the governments and parliaments of the Member States, the Secretary-General of the United Nations, the UN Human Rights Council, the UN High Commissioner for Refugees, and the Governments of the United States and of Iraq.

Albino killings in Tanzania

P6_TA(2008)0413

European Parliament resolution of 4 September 2008 on the killing of albinos in Tanzania

(2009/C 295 E/23)

The European Parliament,

- having regard to its previous resolutions on serious human rights violations,
 - having regard to the United Nations General Assembly's Universal Declaration of Human Rights of 10 December 1948,
 - having regard to the African Charter on Human and Peoples' Rights which was adopted on 27 June 1981 and entered into force on 21 October 1986,
 - having regard to the UN Convention on the Rights of the Child, which was adopted on 20 November 1989 and entered into force on 2 September 1990, and which is binding and applied without exception,
 - having regard to the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities of 18 December 1992,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas according to NGOs and media reports, confirmed by the Government of Tanzania, at least 25 albinos, including children, have been killed and mutilated since March 2008 in the Lake Victoria zone, especially in Mwanza, Shinyanga and Mara, where there is a high concentration of albinos,

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- B. whereas the three abovementioned regions are not only notorious for the killings of albinos but also for the killings of people believed to be witches or wizards; whereas mere rumours are often enough justification for an angry mob to kill a person suspected of witchcraft,
- C. whereas according to the Tanzanian authorities, the killings of albinos are the work of organised gangs hired by witch-doctors,
- D. whereas the media in Dar es Salaam have reported the arrest of 173 people in connection with the killing of albinos in Tanzania, including a considerable number of witch-doctors and their clients,
- E. whereas according to the national police, witch-doctors sell severed body parts and blood from albinos to miners and fishermen who believe that these parts can bring them luck, health and fortune,
- F. whereas these killings have caused great apprehension and fear among the albino community as they now feel very insecure and are even afraid of staying, walking or travelling alone because of the potential risks,
- G. whereas 36 % of the Tanzanian population lives below the national poverty line; whereas access to the health care system is severely restricted, making recourse by the population to witch-doctors or traditional healers a common practice,
- H. whereas albinos constitute a minority and discrimination against albinos is a serious problem throughout sub-Saharan Africa; whereas albinism affects one in 20 000 people worldwide,
- I. whereas according to a study by the United Nations Development Programme (UNDP), nearly half of the parents of albino children felt humiliated at the time of the child's birth; whereas albino women are subject to discrimination from other women and whereas women who give birth to albino babies are often mocked or rejected and suffer discrimination at work; whereas some two thirds of parents were reported as saying that specific health interventions for albino children were expensive, and half said that their children had serious vision problems; whereas, however, 83 % said that their children did as well at school as any other children,
1. Strongly condemns the killings of albinos in Tanzania and speculative trading in their body parts;
 2. Welcomes the condemnations by Tanzania's President Jakaya Mrisho Kikwete of the killings of albinos and his promise of concentrated efforts to put an end to these crimes; stresses that these words must be backed up with actions;
 3. Congratulates President Jakaya Mrisho Kikwete on his decision to nominate Ms Al-Shymaa Kway-Geer as the first albino Member of Parliament, owing to her determination to fight the discrimination that she and other albinos suffer from;
 4. Supports and welcomes the steps taken by the Tanzanian Government so far, such as the creation of an albino census and the establishment of a police escort service for albino children; endorses Tanzanian Members of Parliament's demand that the Government take further measures to address the root of the problem and end all discrimination against albinos;
 5. Calls on the Tanzanian authorities, local government authorities and civil society in general to collaborate in order to protect all albinos; urges the Tanzanian Government to undertake immediate action, promoting social awareness and providing information related to albinism; considers that such measures should particularly be implemented in rural areas, where people tend to be less educated and more superstitious;
 6. Welcomes the arrest last month of 173 suspects in connection with the killing of albinos in Tanzania; strongly urges the authorities to proceed speedily and bring those responsible before a court of law;

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7. Notes with regret that an investigative journalist, Vicky Ntetema, has gone into hiding after receiving death threats for exposing witch-doctors and police involvement in these killings; urges the Tanzanian authorities to initiate an in-depth and independent investigation of these accusations made by Vicky Ntetema;
 8. Expresses its appreciation and support for the work of the Albino Association of Tanzania, which assists the albino community; calls on the Commission to actively support this association and its call on academics, religious leaders and human rights activists to make the public aware that the killing of albinos is socially and morally unacceptable;
 9. Calls on the Commission to support the UNDP's efforts to promote and protect albinos in Africa;
 10. Considers that the best way to protect the rights of Tanzanian albinos is to guarantee them equal access to quality education and health care, within the framework of inclusion policies, and to provide them with adequate social and legal protection;
 11. Calls on the Commission and Member States to support the efforts of the Tanzanian Government, NGOs and civil society to formulate policies to address the needs and rights of albinos, based on non-discrimination and social inclusion, and equal access to employment;
 12. Calls for improved training of healthcare workers and for workshops to be held for teachers and parents to encourage them to ensure that albino children are protected from the sun, as many die of skin cancer before they reach 30;
 13. Insists that the Commission and the Member States do their utmost to ensure that healthcare funds reach the poorest in Tanzania; highlights the urgent need for access to healthcare in rural and remote areas;
 14. Calls on the Council and the Commission to closely monitor the human rights situation of albinos in Tanzania;
 15. Instructs its President to forward this resolution to the Council, the Commission, the Member States, the African Union, the Government and Parliament of Tanzania, the UN Secretary-General, the Co-Presidents of the ACP-EU Joint Parliamentary Assembly and the ACP Council.
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Tuesday 2 September 2008

II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS AND BODIES

EUROPEAN PARLIAMENT

Involvement of the chairs of subcommittees (interpretation of Rule 182)

P6_TA(2008)0388

European Parliament decision of 2 September 2008 on interpretation of Rule 182 of Parliament's Rules of Procedure on the involvement of the chairs of subcommittees

(2009/C 295 E/24)

The European Parliament,

— having regard to the letter of 22 July 2008 from the chair of the Committee on Constitutional Affairs,

— having regard to Rule 201 of its Rules of Procedure,

1. Decides to append the following interpretation to Rule 182(1):

This Rule 182(1) does not preclude the chair of the main committee from involving the chairs of the subcommittees in the work of the bureau or from permitting them to chair debates on issues specifically dealt with by the subcommittees in question — indeed, it allows this — provided that this way of proceeding is submitted to the bureau in its entirety for its consideration and that it receives the bureau's agreement

2. Instructs its President to forward this decision to the Council and the Commission, for information.

Tuesday 2 September 2008

III

(Preparatory acts)

EUROPEAN PARLIAMENT

Youth in Action programme (2007-2013) *I**

P6_TA(2008)0369

European Parliament legislative resolution of 2 September 2008 on the proposal for a decision of the European Parliament and of the Council amending Decision No 1719/2006/EC establishing the Youth in Action programme for the period 2007 to 2013 (COM(2008)0056 — C6-0057/2008 — 2008/0023(COD))

(2009/C 295 E/25)

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2008)0056),
 - having regard to Article 251(2) and Article 149(4) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0057/2008),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Culture and Education (A6-0274/2008),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and the Commission.

P6_TC1-COD(2008)0023

Position of the European Parliament adopted at first reading on 2 September 2008 with a view to the adoption of Decision No .../2008/EC of the European Parliament and of the Council amending Decision No 1719/2006/EC establishing the Youth in Action programme for the period 2007 to 2013

(As an agreement was reached between Parliament and Council, Parliament's position at first reading corresponds to the final legislative act, Decision No 1349/2008/EC.)

Tuesday 2 September 2008

Culture Programme (2007-2013) *I**

P6_TA(2008)0370

European Parliament legislative resolution of 2 September 2008 on the proposal for a decision of the European Parliament and of the Council amending Decision No 1855/2006/EC establishing the Culture Programme (2007 to 2013) (COM(2008)0057 — C6-0058/2008 — 2008/0024(COD))

(2009/C 295 E/26)

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2008)0057),
 - having regard to Article 251(2) and Article 151(5), first indent, of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0058/2008),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Culture and Education (A6-0273/2008),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and the Commission.

P6_TC1-COD(2008)0024**Position of the European Parliament adopted at first reading on 2 September 2008 with a view to the adoption of Decision No .../2008/EC of the European Parliament and of the Council amending Decision No 1855/2006/EC establishing the Culture Programme (2007 to 2013)***(As an agreement was reached between Parliament and Council, Parliament's position at first reading corresponds to the final legislative act, Decision No 1352/2008/EC.)*

Tuesday 2 September 2008

Europe for Citizens programme (2007-2013) *I**

P6_TA(2008)0371

European Parliament legislative resolution of 2 September 2008 on the proposal for a decision of the European Parliament and of the Council amending Decision No 1904/2006/EC establishing for the period 2007 to 2013 the programme Europe for Citizens to promote active European citizenship (COM(2008)0059 — C6-0060/2008 — 2008/0029(COD))

(2009/C 295 E/27)

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2008)0059),
 - having regard to Article 251(2) and Articles 151 and 308 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0060/2008),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Culture and Education (A6-0275/2008),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and the Commission.

P6_TC1-COD(2008)0029

Position of the European Parliament adopted at first reading on 2 September 2008 with a view to the adoption of Decision No .../2008/EC of the European Parliament and of the Council amending Decision No 1904/2006/EC establishing for the period 2007 to 2013 the programme 'Europe for Citizens' to promote active European citizenship

(As an agreement was reached between Parliament and Council, Parliament's position at first reading corresponds to the final legislative act, Decision No 1358/2008/EC.)

Tuesday 2 September 2008

Action programme in the field of lifelong learning *I**

P6_TA(2008)0372

European Parliament legislative resolution of 2 September 2008 on the proposal for a decision of the European Parliament and of the Council amending Decision No 1720/2006/EC establishing an action programme in the field of lifelong learning (COM(2008)0061 — C6-0064/2008 — 2008/0025(COD))

(2009/C 295 E/28)

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2008)0061),
 - having regard to Article 251(2) and Articles 149(4) and 150(4) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0064/2008),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Culture and Education (A6-0276/2008),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and the Commission.

P6_TC1-COD(2008)0025

Position of the European Parliament adopted at first reading on 2 September 2008 with a view to the adoption of Decision No .../2008/EC of the European Parliament and of the Council amending Decision No 1720/2006/EC establishing an action programme in the field of lifelong learning

(As an agreement was reached between Parliament and Council, Parliament's position at first reading corresponds to the final legislative act, Decision No 1357/2008/EC.)

Tuesday 2 September 2008

Protocol to the EC-Uzbekistan Partnership and Cooperation Agreement *

P6_TA(2008)0373

European Parliament legislative resolution of 2 September 2008 on the proposal for a Council and Commission decision on the conclusion of the Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Uzbekistan, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union (COM(2007)0117 — C6-0213/2008 — 2007/0044(CNS))

(2009/C 295 E/29)

(Consultation procedure)

The European Parliament,

- having regard to the proposal for a Council and Commission decision (COM(2007)0117),
 - having regard to the Partnership and Cooperation Agreement with the Republic of Uzbekistan,
 - having regard to Article 44(2), Article 47(2), last sentence, Articles 55, 57(2), 71, 80(2), 93, 94, 133, 181a, and Article 300(2), second sentence, of the EC Treaty,
 - having regard to Article 101 of the Euratom Treaty,
 - having regard to Article 6(2) of the Act of Accession of Bulgaria and Romania,
 - having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0213/2008),
 - having regard to Rules 51, 83(7) and 43(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A6-0306/2008),
1. Approves the conclusion of the Protocol;
 2. Instructs its President to forward its position to the Council and the Commission, and to the governments and parliaments of the Member States and of the Republic of Uzbekistan.

Protocol to the EC-Kyrgyzstan Partnership and Cooperation Agreement *

P6_TA(2008)0374

European Parliament legislative resolution of 2 September 2008 on the proposal for a Council and Commission decision on conclusion of the Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Kyrgyz Republic, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union (COM(2007)0133 — C6-0228/2008 — 2007/0047(CNS))

(2009/C 295 E/30)

(Consultation procedure)

The European Parliament,

- having regard to the proposal for a Council and Commission decision (COM(2007)0133),
- having regard to the Partnership and Cooperation Agreement with the Kyrgyz Republic,

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- having regard to Article 44(2), Article 47(2), last sentence, Articles 55, 57(2), 71, 80(2), 93, 94, 133, 181a, and Article 300(2), second sentence, of the EC Treaty,
 - having regard to Article 101 of the Euratom Treaty,
 - having regard to Article 6(2) of the Act of Accession of Bulgaria and Romania,
 - having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0228/2008),
 - having regard to Rules 51, 83(7) and 43(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A6-0307/2008),
1. Approves the conclusion of the Protocol;
 2. Instructs its President to forward its position to the Council and the Commission, and to the governments and parliaments of the Member States and of the Krygyz Republic.

Protocol to the EC-Tajikistan Partnership and Cooperation Agreement *

P6_TA(2008)0375

European Parliament legislative resolution of 2 September 2008 on the proposal for a Council and Commission decision on the conclusion of the Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union (COM(2007)0143 — C6-0254/2008 — 2007/0050(CNS))

(2009/C 295 E/31)

(Consultation procedure)

The European Parliament,

- having regard to the proposal for a Council and Commission decision (COM(2007)0143),
 - having regard to the Partnership and Cooperation Agreement with the Republic of Tajikistan,
 - having regard to Article 44(2), Article 47(2), last sentence, Articles 55, 57(2), 71, 80(2), 93, 94, 133, 181a, and Article 300(2), second sentence, of the EC Treaty,
 - having regard to Article 101 of the Euratom Treaty,
 - having regard to Article 6(2) of the Act of Accession of Bulgaria and Romania,
 - having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0254/2008),
 - having regard to Rules 51, 83(7) and 43(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A6-0320/2008),
1. Approves the conclusion of the Protocol;
 2. Instructs its President to forward its position to the Council and the Commission, and to the governments and parliaments of the Member States and of the Republic of Tajikistan.
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Separate liability of Montenegro with regard to the long-term loans to Serbia and Montenegro (formerly the Republic of Yugoslavia) *

P6_TA(2008)0376

European Parliament legislative resolution of 2 September 2008 on the proposal for a Council decision establishing a separate liability of Montenegro and reducing proportionately the liability of Serbia with regard to the long-term loans granted by the Community to the State Union of Serbia and Montenegro (formerly the Federal Republic of Yugoslavia) pursuant to Council Decisions 2001/549/EC and 2002/882/EC (COM(2008)0228 — C6-0221/2008 — 2008/0086(CNS))

(2009/C 295 E/32)

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2008)0228),
 - having regard to Article 308 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0221/2008),
 - having regard to Rules 51 and 43(1) of its Rules of Procedure,
 - having regard to the report of the Committee on International Trade (A6-0281/2008),
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. Calls for initiation of the conciliation procedure under the Joint Declaration of 4 March 1975 if the Council 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 the Commission.

Organic production and labelling of organic products *

P6_TA(2008)0377

European Parliament legislative resolution of 2 September 2008 on the proposal for a Council regulation amending Regulation (EC) No 834/2007 on organic production and labelling of organic products (COM(2008)0314) — C6-0219/2008 — 2008/0097(CNS))

(2009/C 295 E/33)

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2008)0314),
- having regard to Article 37(2) of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0219/2008),

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- having regard to Rules 51 and 43(1) of its Rules of Procedure,
- having regard to the report of the Committee on Agriculture and Rural Development (A6-0311/2008),
- 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 the Commission.

Southern Indian Ocean Fisheries Agreement *

P6_TA(2008)0378

European Parliament legislative resolution of 2 September 2008 on the proposal for a Council decision on the conclusion, on behalf of the European Community, of the Southern Indian Ocean Fisheries Agreement (COM(2007)0831 — C6-0047/2008 — 2007/0285(CNS))

(2009/C 295 E/34)

(Consultation procedure)

The European Parliament,

- having regard to the proposal for a Council decision (COM(2007)0831),
- having regard to Articles 37 and 300(2), first subparagraph, of the EC Treaty,
- having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0047/2008),
- having regard to the opinion of the Committee on Legal Affairs on the proposed legal base,
- having regard to Rules 51, 35 and 83(7) of its Rules of Procedure,
- having regard to the report of the Committee on Fisheries (A6-0315/2008),
- 1. Approves the proposal for a Council decision as amended and approves the conclusion of the Agreement;
- 2. Instructs its President to forward its position to the Council and the Commission.

TEXT PROPOSED
BY THE COMMISSION

AMENDMENT

Amendment 1

Proposal for a Council decision — amending act

Citation 1

Having regard to the Treaty establishing the European Community, and in particular Article 37 in conjunction with the first sentence of the first subparagraph of Article 300(2) and the **first** subparagraph of Article 300(3) thereof,

Having regard to the Treaty establishing the European Community, and in particular Article 37 in conjunction with the first sentence of the first subparagraph of Article 300(2) and the **second** subparagraph of Article 300(3) thereof,

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Draft amending budget No 5/2008

P6_TA(2008)0379

European Parliament resolution of 2 September 2008 on Draft amending budget No 5/2008 of the European Union for the financial year 2008 (11571/2008 — C6-0294/2008 — 2008/2161(BUD))

(2009/C 295 E/35)

The European Parliament,

- having regard to Article 272 of the EC Treaty and Article 177 of the Euratom Treaty,
 - having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽¹⁾, and particularly Articles 37 and 38 thereof,
 - having regard to the general budget of the European Union for the financial year 2008, as finally adopted on 13 December 2007 ⁽²⁾,
 - having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽³⁾,
 - having regard to Preliminary Draft amending budget No 5/2008 of the European Union for the financial year 2008, which the Commission presented on 18 June 2008 (COM(2008)0381),
 - having regard to Draft amending budget No 5/2008, which the Council established on 22 July 2008 (11571/2008 — C6-0294/2008),
 - having regard to Rule 69 of and Annex IV to its Rules of Procedure,
 - having regard to the report of the Committee on Budgets (A6-0328/2008),
1. Approves Draft Amending Budget No 5/2008 unamended;
 2. Instructs its President to forward this resolution to the Council and the Commission.

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.

⁽²⁾ OJ L 71, 14.3.2008, p. 1.

⁽³⁾ OJ C 139, 14.6.2006, p. 1.

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European Judicial Network *

P6_TA(2008)0380

European Parliament legislative resolution of 2 September 2008 on the initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic, with a view to adopting a Council Decision on the European Judicial Network (5620/2008 — C6-0074/2008 — 2008/0802(CNS))

(2009/C 295 E/36)

(Consultation procedure)

The European Parliament,

- having regard to the initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic (5620/2008),
 - having regard to Article 34(2)(c) of the EU Treaty,
 - having regard to Article 39(1) of the EU Treaty, pursuant to which the Council consulted Parliament (C6-0074/2008),
 - having regard to Rules 93 and 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0292/2008),
1. Approves the initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic as amended;
 2. Calls on the Council to amend the text accordingly;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Calls on the Council to consult Parliament again if it intends to amend the initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic substantially;
 5. Calls on the Council and the Commission, following the entry into force of the Treaty of Lisbon, to give priority to any future proposal to amend the Decision in accordance with Declaration No 50 concerning Article 10 of the Protocol on transitional provisions to be annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community;
 6. Is determined to examine any such future proposal by the urgent procedure in accordance with the procedure referred to in paragraph 5 and in close cooperation with national parliaments;

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7. Instructs its President to forward its position to the Council and the Commission, and the governments of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic.

TEXT PROPOSED BY 14 MEMBER STATES

AMENDMENTS

Amendment 1

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Recital 7

(7) It is necessary to strengthen judicial cooperation between the Member States of the European Union and to allow contact points of the European Judicial Network and Eurojust for this purpose to communicate whenever needed, directly and more efficiently through **a** secure telecommunications **network**,

(7) It is necessary to strengthen judicial cooperation between the Member States of the European Union and to allow contact points of the European Judicial Network and Eurojust for this purpose to communicate whenever needed, directly and more efficiently through secure telecommunications **connections**,

Amendment 2

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Recital 7a (new)

(7a) As regards the processing of personal data, Council Framework Decision (.../.../JHA) on the Protection of Personal Data Processed in the Framework of Police and Judicial Cooperation in Criminal Matters ⁽¹⁾, providing for an adequate level of data protection, should apply. Member States should ensure a level of protection of personal data in their national laws at least equivalent to that provided under the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of 28 January 1981 and its Additional Protocol of 8 November 2001 and, in so doing, should take account of Recommendation No R (87) 15 of 17 September 1987 of the Committee of Ministers of the Council of Europe to the Member States regulating the use of personal data in the police sector, which also applies where data are not processed automatically.

⁽¹⁾ OJ L ...

Amendment 3

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Article 2 — paragraph 3

3. Each Member State shall appoint, among the contact points, a national correspondent for the European Judicial Network.

3. Each Member State shall appoint, among the contact points, a national correspondent for the European Judicial Network, **as well as a national information contact point**.

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TEXT PROPOSED BY 14 MEMBER STATES

AMENDMENTS

Amendment 4

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Article 2 — paragraph 4

4. Each Member State shall ensure that its contact points have functions in relation to judicial cooperation in criminal matters and an adequate knowledge of a language of the European Union other than its own national language, bearing in mind the need to be able to communicate with the contact points in the other Member States. ***Before appointing a new contact point, the Member States may seek the national correspondents' opinion.***

4. Each Member State shall ensure that its contact points have functions in relation to judicial cooperation in criminal matters and an adequate knowledge of a language of the European Union other than its own national language, bearing in mind the need to be able to communicate with the contact points in the other Member States. ***When selecting contact points, the Member States shall comply with the criteria set out in the Guidelines for the selection of contact points of the European Judicial Network.***

Amendment 5

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Article 2 — paragraph 4a (new)

4a. The Member States shall also ensure that their contact points have sufficient resources to adequately fulfil their tasks as contact points.

Amendment 6

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Article 2 — paragraph 5

5. Where the liaison magistrates referred to in Joint Action 96/277/JHA have been appointed in a Member State and have duties analogous to those assigned by Article 4 to the contact points, they shall be linked to the European Judicial Network and to the secure telecommunications ***network*** pursuant to Article 10 by the Member State appointing the liaison magistrate in each case, in accordance with the procedures to be laid down by that State.

5. Where the liaison magistrates referred to in Joint Action 96/277/JHA have been appointed in a Member State and have duties analogous to those assigned by Article 4 to the contact points, they shall be linked to the European Judicial Network and to the secure telecommunications ***connections*** pursuant to Article 10 by the Member State appointing the liaison magistrate in each case, in accordance with the procedures to be laid down by that State.

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TEXT PROPOSED BY 14 MEMBER STATES

AMENDMENTS

Amendment 7

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Article 2 — paragraph 7

7. The European Judicial Network shall have a Secretariat which shall be responsible for the administration of the network, **in cooperation and in consultation with the Presidency of the Council. The Secretariat may represent the Network, in consultation with the Presidency.**

7. The European Judicial Network shall have a Secretariat which shall be responsible for the administration of the network.

Amendment 8

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Article 3 — point b

(b) it shall organise periodic meetings of the Member States' representatives in accordance with the procedures laid down in **Articles 5, 6 and 7;**

(b) it shall organise periodic meetings of the Member States' representatives in accordance with the procedures laid down in **Articles 5 and 6;**

Amendment 9

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Article 3 — point c

(c) it shall constantly provide a certain amount of up-to-date background information, in particular by means of an **appropriate telecommunications network**, under the procedures laid down in **Articles 8, 9 and 10.**

(c) it shall constantly provide a certain amount of up-to-date background information, in particular by means of an **IT tool** under the procedures laid down in **Articles 8 and 9, as well as provide for secure telecommunications connections in accordance with Article 10.**

Amendment 10

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Article 4 — Title

Functions of contact **point including** the national **correspondent**

Functions of **the** contact **points**, the national **correspondents** and the **information contact points**

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TEXT PROPOSED BY 14 MEMBER STATES

AMENDMENTS

Amendment 11

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Article 4 — paragraph 1

1. The contact points, *including the national correspondent*, shall be active intermediaries with the task of facilitating judicial cooperation between Member States, particularly in action to combat forms of serious crime. They shall be available to enable local judicial authorities and other competent authorities in their own country, contact points in the other countries and local judicial and other competent authorities in the other countries to establish the most appropriate direct contacts.

They may if necessary travel to meet other Member States' contact points, *on the basis of an agreement between the administrations concerned*.

1. The contact points shall be active intermediaries with the task of facilitating judicial cooperation between Member States, particularly in action to combat forms of serious crime. They shall be available to enable local judicial authorities and other competent authorities in their own country, contact points in the other countries and local judicial and other competent authorities in the other countries to establish the most appropriate direct contacts.

They may if necessary travel to meet other Member States' contact points *in order to allow the exchange of useful experience and problems, especially as regards the functioning of the network in the respective Member States*.

Amendment 12

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Article 4 — paragraph 2

2. The contact points, *including the national correspondent*, shall provide the local judicial authorities in their own country, the contact points in the other countries and the local judicial authorities in the other countries with the legal and practical information necessary to enable them to prepare an effective request for judicial cooperation or to improve judicial cooperation in general.

2. The contact points shall provide the local judicial authorities in their own country, the contact points in the other countries and the local judicial authorities in the other countries with the legal and practical information necessary to enable them to prepare an effective request for judicial cooperation or to improve judicial cooperation in general.

Amendment 13

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Article 4 — paragraph 3

3. At their respective level the contact points, *including the national correspondent*, shall *organise* training sessions on judicial cooperation for the benefit of the competent authorities of their Member State, in cooperation with the European Judicial Training Network.

3. At their respective level the contact points shall *be involved in and promote the organisation of* training sessions on judicial cooperation for the benefit of the competent authorities of their Member State, *where appropriate* in cooperation with the European Judicial Training Network.

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TEXT PROPOSED BY 14 MEMBER STATES

AMENDMENTS

Amendment 14

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Article 4 — paragraph 3a (new)

3a. The contact points shall improve the coordination of judicial cooperation in cases where a series of requests from the local judicial authorities in a Member State necessitates coordinated action in another Member State.

Amendment 15

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Article 4 — paragraph 3b (new)

3b. The national correspondents, in addition to their tasks as contact points as referred to in paragraphs 1 to 3a, shall:

- (a) be responsible, in their respective Member States, for issues relating to the internal functioning of the network, including the coordination of requests for information and replies issued by the competent national authorities;*
- (b) be responsible for contacts with the Secretariat of the European Judicial Network, including participation in the meetings referred to in Article 6;*
- (c) where requested by their respective Member States, give an opinion concerning the appointment of new contact points.*

Amendment 16

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Article 4 — paragraph 3c (new)

3c. The national information contact points, in addition to their tasks as contact points referred to in paragraphs 1 to 3a, shall ensure that the information relating to their Member States and referred to in Article 8 is provided and updated in accordance with Article 9.

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TEXT PROPOSED BY 14 MEMBER STATES

AMENDMENTS

Amendment 17

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Article 5 — Title

Purposes of the periodic
meetings of contact points

Plenary
meetings of contact points

Amendment 18

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Article 5 — paragraph 1 — introductory part

1. The purposes of the *periodic* meetings of the European Judicial Network, to which at least **two** contact points per Member State shall be invited, shall be as follows:

1. The purposes of the *plenary* meetings of the European Judicial Network, to which at least **three** contact points per Member State shall be invited, shall be as follows:

Amendment 19

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Article 5 — paragraph 2a (new)

2a. Plenary meetings shall be held regularly at least three times a year. Once a year the meeting may be held on the premises of the Council in Brussels, in accordance with the provisions laid down in the Council's Rules of Procedure. Two contact points shall be invited to meetings held on the premises of the Council.

Amendment 20

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Article 5 — paragraph 2b (new)

2b. However, alternative meetings may be held in the Member States to enable the contact points of all the Member States to meet the authorities of the host State other than its contact points and visit specific bodies in that State with responsibilities in the field of international judicial cooperation or of the fight against certain forms of serious crime.

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TEXT PROPOSED BY 14 MEMBER STATES

AMENDMENTS

Amendment 21

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic
Article 6 — Title

*Frequency of plenary meetings**Meetings of the national correspondents***Amendment 22**

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic
Article 6

The *European Judicial Network plenary, composed of the national correspondents*, shall meet periodically on an ad hoc basis, at least once a year and as *its members* feel the need, at the invitation of the Presidency of the Council, which shall also take account of the Member States' wishes for the Network to meet.

The national correspondents shall meet periodically, on an ad hoc basis, at least once a year and as *they* feel the need, at the invitation of the Presidency of the Council, which shall also take account of the Member States' wishes for the Network to meet. *During these meetings, matters related to their tasks under Article 4(3b) shall be discussed, including the issue of how the access to secure telecommunications connections can be optimised and provided for all competent judicial authorities.*

Amendment 23

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic
Article 7

*Article 7**deleted**Venue of meetings*

1. *Meetings may be held on the premises of the Council in Brussels, in accordance with the provisions laid down in the Council's Rules of Procedure.*
2. *However, alternative meetings in the Member States may be held to enable the contact points of all the Member States to meet authorities of the host State other than its contact points and visit specific bodies in that State with responsibilities in the context of international judicial cooperation or of combating certain forms of serious crime.*

Tuesday 2 September 2008

TEXT PROPOSED BY 14 MEMBER STATES

AMENDMENTS

Amendment 24

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic
Article 8 — Title

Content of the information disseminated
within the European Judicial Network

Information provided
within the European Judicial Network

Amendment 25

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic
Article 8 — introductory part

The European Judicial Network shall make the following information available to contact points and competent judicial authorities:

The ***Secretariat of the*** European Judicial Network shall make the following information available to contact points and competent judicial authorities:

Amendment 26

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic
Article 8 — point 2

(2) ***an IT tool*** allowing the issuing authority of a Member State to identify the competent authority in another Member State to receive and execute its request for judicial cooperation, including European Arrest Warrants, European Evidence Warrants, orders for the freezing of assets and requests for mutual legal assistance;

(2) ***information*** allowing the issuing authority of a Member State to identify the competent authority in another Member State to receive and execute its request for judicial cooperation, including European Arrest Warrants, European Evidence Warrants, orders for the freezing of assets and requests for mutual legal assistance ***by means of an IT tool***;

Amendment 27

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic
Article 10 — paragraph 1 — point b

(b) ***a*** secure telecommunications ***network is*** set up for the operational work of the ***contact points of the*** European Judicial Network;

(b) secure telecommunications ***connections are*** set up for the operational work of the European Judicial Network;

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TEXT PROPOSED BY 14 MEMBER STATES

AMENDMENTS

Amendment 28

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Article 10 — paragraph 1 — point c

(c) the secure telecommunications **network makes** possible the flow of data and of all requests for judicial cooperation between Member States, as well as between them and the national members, national correspondents of Eurojust and liaison magistrates appointed by Eurojust;

(c) the secure telecommunications **connections make** possible the flow of data and of all requests for judicial cooperation between Member States, as well as between them and the national members, national correspondents of Eurojust and liaison magistrates appointed by Eurojust;

Amendment 29

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Article 10 — paragraph 2

2. The secure telecommunications **network** referred to in paragraph 1 may also be used for their operational work by the national correspondents, national correspondents for terrorist matters, the national members of Eurojust and liaison magistrates appointed by Eurojust. **It** may be linked to the Case Management System of Eurojust referred to in Article 16 of Decision 2002/187/JHA.

2. The secure telecommunications **connections** referred to in paragraph 1 may also be used for their operational work by the national correspondents, national correspondents for terrorist matters, the national members of Eurojust and liaison magistrates appointed by Eurojust. **They** may be linked to the Case Management System of Eurojust referred to in Article 16 of Decision 2002/187/JHA.

Amendment 30

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Article 10 — paragraph 2a (new)

2a. The use of secure telecommunications connections shall not preclude direct contacts between contact points or between the competent authorities of the Member States.

Amendment 31

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Article 11 — paragraph 1 — point a

(a) Eurojust shall have access to centralised information from the European Judicial Network in accordance with Article 8 of this Decision and to the secured **telecommunication network** set up under Article 10 of this Decision;

(a) Eurojust shall have access to centralised information from the European Judicial Network in accordance with Article 8 of this Decision and to the secured **telecommunications connections** set up under Article 10 of this Decision;

Tuesday 2 September 2008

TEXT PROPOSED BY 14 MEMBER STATES

AMENDMENTS

Amendment 32

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Article 11 — paragraph 1 — point b

(b) *without prejudice to* Article 13 of Decision 2002/187/JHA *and in accordance with Article 4(4) of this Decision*, the contact points of the European Judicial Network shall, on a case-by-case basis, inform Eurojust *on cases involving two Member States and entering the field of competence of Eurojust:*

— *in cases where conflicts of jurisdiction are likely to arise*

or

— *in cases of a refusal of a request for judicial cooperation, including European Arrest Warrants, European Evidence Warrants, orders for the freezing of assets and requests for mutual legal assistance.*

(b) *in addition to the obligation to transmit information to Eurojust stipulated in* Article 13 of Decision 2002/187/JHA, the contact points of the European Judicial Network shall, on a case-by-case basis, inform *their national member of Eurojust of all other cases with which Eurojust is deemed to be in a better position to deal.*

Amendment 33

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Article 11 — paragraph 1 — point c

(c) *The contact points of the European Judicial Network shall also inform Eurojust, on a case-by-case basis, on all cases entering the field of competence of Eurojust and involving at least three Member States;*

deleted

Amendment 34

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Article 11 — paragraph 1 — point f

(f) the national members of Eurojust may attend meetings of the European Judicial Network at the latter's invitation. European Judicial Network contact points may *be invited on a case-by-case basis to attend Eurojust meetings.*

(f) the national members of Eurojust may attend meetings of the European Judicial Network at the latter's invitation. *Likewise, European Judicial Network contact points may attend meetings of Eurojust at its invitation.*

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TEXT PROPOSED BY 14 MEMBER STATES

AMENDMENTS

Amendment 35

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Article 11a (new)**Article 11a****Data protection**

1. When personal data are exchanged between the competent authorities or the contact points of the Member States, they shall ensure that:

- the receiving competent authority processes the data only for the purposes for which the data have been supplied;**
- steps are taken to ensure that personal data are effectively protected against accidental or unauthorised destruction, accidental loss, unauthorised access, unauthorised or accidental alteration and unauthorised disclosure.**

2. Specific categories of data (personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, party or trade union membership, sexual orientation or health or data relating to offences, criminal convictions or security measures) shall be processed only when it is strictly necessary for the performance of the activities of the European Judicial Network. In that case, additional safeguards shall be put in place, such as:

- access to the data concerned only for personnel who are responsible for the performance of the legitimate task that justifies the processing;**
- strong encryption for transmission;**
- retention of the data for only as long as necessary for the competent authorities and the contact points to perform their tasks.**

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TEXT PROPOSED BY 14 MEMBER STATES

AMENDMENTS

Amendment 36

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Article 12**Article 12***deleted***Informing the Council and the Commission**

The Administrative Director of Eurojust and the Presidency of the Council shall report to the Council and the Commission in writing every second year on the activities and management, including budgetary management, of the European Judicial Network. To that end, the Presidency shall prepare a bi-annual report on the activities of the European Judicial Network and on any criminal policy problems within the Union highlighted as a result of the European Judicial Network's activities. In that report, the European Judicial Network, through the Presidency, may also make proposals for the improvement of judicial cooperation in criminal matters. The European Judicial Network may also submit any report or any other information on the operation of the European Judicial Network which may be required by the Council or the Presidency.

Amendment 37

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Article 15 — Title**Assessment** of the operation of the European Judicial Network

Reporting to the European Parliament, the Council and the Commission and assessment of the operation of the European Judicial Network

Amendment 38

Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic

Article 15

1. *The European Judicial Network shall report to the European Parliament, the Council and the Commission in writing every second year on its activities and management, including its budgetary management. The European Judicial Network may in its report also indicate any criminal policy problems within the Union highlighted as a result of the European Judicial Network's activities and may also make proposals for the improvement of judicial cooperation in criminal matters.*

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TEXT PROPOSED BY 14 MEMBER STATES

AMENDMENTS

The Council shall, every four years, carry out an assessment of the operation of the European Judicial Network on the basis of a report drawn up by the Commission, in cooperation with the European Judicial Network.

2. The European Judicial Network may also submit any report or provide any other information on the operation of the European Judicial Network which may be requested by the Council.

3. The Council shall, every four years, carry out an assessment of the operation of the European Judicial Network on the basis of a report drawn up by the Commission, in cooperation with the European Judicial Network.

Application of the principle of mutual recognition to judgments in criminal matters *

P6_TA(2008)0381

European Parliament legislative resolution, of 2 September 2008, on the initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany with a view to adopting a Council Framework Decision on the enforcement of decisions rendered in absentia and amending Framework Decision 2002/584/JHA on the European arrest warrant and the surrender procedures between Member States, Framework Decision 2005/214/JHA on the application of the principle of mutual recognition to financial penalties, Framework Decision 2006/783/JHA on the application of the principle of mutual recognition to confiscation orders and Framework Decision 2008/.../JHA on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union (5598/2008 — C6-0075/2008 — 2008/0803(CNS))

(2009/C 295 E/37)

(Consultation procedure)

The European Parliament,

- having regard to the initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany (5598/2008),
- having regard to Article 34(2)(b) of the EU Treaty,
- having regard to Article 39(1) of the EU Treaty, pursuant to which the Council consulted Parliament (C6-0075/2008),
- having regard to Rules 93 and 51 of its Rules of Procedure,
- having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Legal Affairs (A6-0285/2008),

1. Approves the initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany as amended;

2. Calls on the Council to amend the text accordingly;

Tuesday 2 September 2008

3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
4. Calls on the Council to consult Parliament again if it intends to amend the initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany substantially;
5. Calls on the Council and the Commission, following the entry into force of the Treaty of Lisbon, to give priority to any future proposal to amend the Decision in accordance with Declaration No 50 concerning Article 10 of the Protocol on transitional provisions to be annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community;
6. Is determined to examine any such future proposal by the urgent procedure in accordance with the procedure referred to in paragraph 5 and in close cooperation with national parliaments;
7. Instructs its President to forward its position to the Council and the Commission, and the governments of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany.

TEXT PROPOSED BY SEVEN MEMBER STATES

AMENDMENTS

Amendment 1

**Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany —
amending act
Title**

Council Framework Decision *on the enforcement of decisions rendered in absentia* and amending Framework Decision 2002/584/JHA on the European arrest warrant and the surrender procedures between Member States, Framework Decision 2005/214/JHA on the application of the principle of mutual recognition to financial penalties, Framework Decision 2006/783/JHA on the application of the principle of mutual recognition to confiscation orders, **and** Framework Decision 2008/.../JHA on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union

on strengthening citizens' rights, promoting the application of the principle of mutual recognition in respect of decisions rendered following a trial at which the person concerned did not appear in person, and amending Framework Decision 2002/584/JHA on the European arrest warrant and the surrender procedures between Member States, Framework Decision 2005/214/JHA on the application of the principle of mutual recognition to financial penalties, Framework Decision 2006/783/JHA on the application of the principle of mutual recognition to confiscation orders, Framework Decision 2008/.../JHA on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union, **and Framework Decision 2008/.../JHA on the recognition and supervision of suspended sentences, alternative sanctions and conditional sentences**

Amendment 2

**Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany —
amending act
Recital 1a (new)**

(1a) It is necessary to strengthen mutual trust in the European area of freedom, security and justice in criminal matters by means of measures at European Union level designed to ensure greater harmonisation and mutual recognition of judgments in criminal matters and by adopting at that level some provisions and practices in criminal matters.

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TEXT PROPOSED BY SEVEN MEMBER STATES

AMENDMENTS

Amendment 3

**Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany —
amending act
Recital 1b (new)**

(1b) Adequate procedural safeguards are a necessary precondition for the mutual recognition of judicial decisions in criminal matters. It is therefore important to adopt the framework decision on procedural rights in criminal proceedings as soon as possible.

Amendment 4

**Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany —
amending act
Recital 4**

(4) It is therefore necessary to provide clear and common solutions which define the grounds for refusal and the discretion left to the executing authority.

(4) It is therefore necessary to provide clear and common solutions which define the grounds for refusal **of the execution of a decision rendered following a trial at which the person concerned did not appear in person** and the discretion left to the executing authority. **The purpose of this Framework Decision is to define such common grounds in order to allow the executing authority to execute a decision despite the absence of the person concerned at the trial. It is not designed to regulate the applicable forms and methods, or the procedural requirements, that are used to achieve the results specified in this Framework Decision, which are a matter for the national law of the Member States. By completing the relevant section of the European arrest warrant or of the relevant certificate under the other Framework Decisions, the issuing authority gives an assurance that the requirements have been or will be met, which should be sufficient for the purposes of the execution of a decision on the basis of the principle of mutual recognition.**

Amendment 5

**Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany —
amending act
Recital 6**

(6) Common solutions on grounds for **refusal** in the relevant existing Framework Decisions should take into account the diversity of situations with regard to **informing the accused person of his right to a retrial**.

(6) Common solutions on grounds for **non-recognition** in the relevant existing Framework Decisions should take into account the diversity of situations with regard to **the right of the person concerned to a retrial or to an appeal. Such a retrial, which aims to safeguard the rights of the defence, is characterised by the following elements: the person concerned has the right to participate in the retrial; the merits of the case, including fresh evidence, will be (re)examined, and the proceedings may lead to the original decision being quashed.**

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TEXT PROPOSED BY SEVEN MEMBER STATES

AMENDMENTS

Amendment 6

**Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany —
amending act
Recital 6a (new)**

(6a) The recognition and execution of a decision rendered following a trial at which the defendant did not appear in person should not be refused if, on the basis of the information provided by the issuing State, it is satisfactorily established that the defendant was summoned in person, or by other means actually received official information about the scheduled date and place of the trial. In this context it is understood that the person should have received such information in good time, i.e. sufficiently in advance to allow him or her to participate in the trial and to effectively exercise his or her right of defence. All information should be provided in a language which the defendant understands.

Amendment 7

**Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany —
amending act
Recital 6b (new)**

(6b) The recognition and execution of a decision following a trial at which the person concerned did not appear in person should not be refused where the person concerned, being aware of the scheduled trial, was defended at the trial by a legal counsellor to whom he or she had given an explicit mandate to do so, thus ensuring that the legal assistance was practical and effective. In this context, it should be immaterial whether the legal counsellor was chosen, appointed and paid by the person concerned, or was appointed and paid by the State in accordance with its national law applicable to the rights of the defence, it being understood that the person concerned would have chosen to be represented by a legal counsellor instead of appearing him- or herself at the trial.

Amendment 8

**Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany —
amending act
Recital 7a (new)**

(7a) At a retrial following a conviction resulting from a trial at which the person concerned did not appear in person, that person should be in the same position as someone standing trial for the first time. Therefore the person concerned should have the right to be present at the retrial, the merits of the case, including fresh evidence, should be (re)examined, the retrial could lead to the original decision being quashed and the defendant may appeal against the new decision.

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TEXT PROPOSED BY SEVEN MEMBER STATES

AMENDMENTS

Amendment 9

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 1 — paragraph 2

2. This Framework Decision shall not have the effect of modifying the obligation to respect fundamental rights and fundamental legal principles as enshrined in Article 6 of the Treaty, and any obligations incumbent upon judicial authorities in this respect shall remain unaffected.

2. This Framework Decision shall not have the effect of modifying the obligation to respect fundamental rights and fundamental legal principles as enshrined in Article 6 of the Treaty **on European Union**, and any obligations incumbent upon judicial authorities in this respect shall remain unaffected.

Amendment 10

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 1 — paragraph 3

3. The scope of this Framework Decision is to establish common rules for the recognition and/or execution of judicial decisions in one Member State (the executing Member State) issued by another Member State (the issuing Member State) following **proceedings** where the person was not present, according to the provisions in Article 5(1) of Framework Decision 2002/584/JHA, in Article 7(2)(g) of Framework Decision 2005/214/JHA, in Article 8(2)(e) of Framework Decision 2006/783/JHA **and** Article 9(1)(f) of Framework Decision 2008/.../JHA.

3. The scope of this Framework Decision is to establish common rules for the recognition and/or execution of judicial decisions in one Member State (the executing Member State) issued by another Member State (the issuing Member State) following **a trial** where the person was not present, according to the provisions in Article 5(1) of Framework Decision 2002/584/JHA, in Article 7(2)(g) of Framework Decision 2005/214/JHA, in Article 8(2)(e) of Framework Decision 2006/783/JHA, Article [9(1)(f)] of Framework Decision 2008/.../JHA **and in Article [9(1)(h)] of Framework Decision 2008/.../JHA.**

Amendment 11

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 2 — point 1

Framework Decision 2002/584/JHA

Article 1 — paragraph 4

1) *the following paragraph shall be added to Article 1:*

deleted

4. *For the purpose of this Framework Decision, 'decision rendered in absentia' shall mean a custodial sentence or a detention order when the person did not personally appear in the proceedings resulting in that decision.*

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TEXT PROPOSED BY SEVEN MEMBER STATES

AMENDMENTS

Amendment 12

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 2 — point 2

Framework Decision 2002/584/JHA

Article 4a — title and paragraph 1

Article 4a

Decisions rendered *in absentia*

The executing judicial authority may also refuse to execute the European arrest warrant issued for the purpose of executing a custodial sentence or a detention order, if the decision was rendered *in absentia*, unless the European arrest warrant states that the person:

Article 4a

Decisions rendered *following a trial at which the person concerned did not appear in person*

1. The executing judicial authority may also refuse to execute the European arrest warrant issued for the purpose of executing a custodial sentence or a detention order, if the decision was rendered *following a trial at which the person concerned did not appear in person*, unless the European arrest warrant states that the person, *in accordance with the national law of the issuing Member State*:

Amendment 13

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 2 — point 2

Framework Decision 2002/584/JHA

Article 4a — paragraph 1 — point a

(a) was summoned in person or *informed in accordance with the national law of the issuing Member State through a competent representative and in due time*, of the scheduled date and place of *the hearing which led to the decision rendered in absentia* and informed *about the fact that such a* decision may be handed down *in case the person does not appear for* the trial;

(a) *in due time, and in a language which he or she understood*,

(i) *either* was *directly* summoned in person or *by other means actually received official information* about the scheduled date and place of *that trial in such a manner that it was unequivocally established that he or she was aware of the trial*,

and

(ii) *was personally informed that the decision may be handed down if he or she did not appear at the trial*;

or

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TEXT PROPOSED BY SEVEN MEMBER STATES

AMENDMENTS

Amendment 14

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 2 — point 2

Framework Decision 2002/584/JHA
Article 4a — paragraph 1 — point aa (new)

(aa) **after having been directly summoned in person or by other means having actually received official information about the scheduled date and place of the trial in such a manner that it was unequivocally established that he or she was aware of the trial, had given an explicit mandate to a legal counsellor who was chosen, appointed and paid by the person concerned or who was appointed and paid by the State in accordance with its national law applicable to the rights of the defence, and was indeed defended by that counsellor during the trial;**

Amendment 15

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 2 — point 2

Framework Decision 2002/584/JHA
Article 4a — paragraph 1 — point b

(b) after being served with the decision **rendered in absentia** and being expressly informed about the right to a retrial **and to be present at that trial:**

(i) expressly stated that he or she *does* not contest the decision **rendered in absentia;**

or

(ii) did not request a retrial in the applicable timeframe which **was of at least [...] days;**

(b) after being **personally** served with the decision and being expressly informed, **in a language which he or she understood**, about the right to a retrial **or to an appeal** (*), **in which he or she would have the right to participate, at which the merits of the case, including fresh evidence, would be (re)examined and which could lead to the original decision being quashed:**

(i) expressly stated that he or she *did* not contest the decision;

or

(ii) did not request a retrial **or an appeal** in the applicable timeframe, which **shall be a minimum of 10 days and a maximum of 15 days.**

(*) This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout (each time there is a reference to a retrial the expression 'or an appeal' should be added.)

Tuesday 2 September 2008

TEXT PROPOSED BY SEVEN MEMBER STATES

AMENDMENTS

Amendment 16

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 2 — point 2

Framework Decision 2002/584/JHA
Article 4a — paragraph 1 — point c

(c) was not personally served with the decision **rendered in absentia** but:

(i) will be served with it **at the latest on the fifth day** after the surrender and will be expressly informed about the right to a retrial **and to be present at that trial**;

and

(ii) will have **at least [...] days** to request a retrial.

(c) was not personally served with the decision but:

(i) will be **personally** served with it **immediately and in any event not later than three days** after the surrender and will be expressly informed **in a language which he or she understands** about the right to a retrial **or an appeal, in which he or she will have the right to participate, which will allow the merits of the case, including fresh evidence, to be (re)examined and which may lead to the original decision being quashed**;

and

(ii) will **be informed about the timeframe, which shall be a minimum of 10 days and a maximum of 15 days, within which he or she must request such a retrial or appeal**;

Amendment 17

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 2 — point 2

Framework Decision 2002/584/JHA
Article 4a — paragraph 1a (new)

1a. If a European arrest warrant is issued for the purpose of executing a custodial sentence or detention order under the conditions set out in paragraph (1)(c) and the person concerned has not previously received any official information about the existence of the criminal proceedings against him or her, that person, when he or she is informed about the content of the European arrest warrant, may request a copy of the judgment before being surrendered. Immediately after having been informed of that request, the issuing judicial authority shall provide a copy of the judgment via the executing judicial authority to the person who made the request. If the judgment is rendered in a language which the person concerned does not understand, the issuing judicial authority via the executing judicial authority shall provide an extract from the judgment in a language which the person concerned understands. The provision of the judgment or an extract from the judgment to the person concerned shall be for information purposes only; it shall not be construed as constituting formal service of the judgment nor shall it activate any time-limits applicable for requesting a retrial or appeal.

Tuesday 2 September 2008

TEXT PROPOSED BY SEVEN MEMBER STATES

AMENDMENTS

Amendment 18

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 2 — point 4

Framework Decision 2002/584/JHA
Annex — box d — introductory part and points 1 and 2

(d) Indicate if the *decision was rendered in absentia*:

1. **No, it was not**
2. **Yes, it was. If you have answered yes, please confirm that:**

(d) Indicate if the *person appeared in person at the trial resulting in the decision*:

1. **Yes, the person appeared in person at the trial resulting in the decision.**
2. **No, the person did not appear in person at the trial resulting in the decision.**

If you answered 'no' to this question, please indicate if:

Amendment 19

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 2 — point 4

Framework Decision 2002/584/JHA
Annex — box d — point 2 — subpoint 2.1

2.1. the person was summoned in person or **informed** in accordance with the national law of the issuing Member State **through a competent representative and in due time**, of the scheduled date and place of the **hearing** which led to the decision **rendered in absentia** and informed **about the** fact that **such** a decision may be handed down *in case the person does not appear for the trial*

Time and place when and where the person was summoned or **otherwise informed**:

.....

Describe how the person was informed:

.....

2.1. the person was **directly** summoned in person or **by other means actually received official information in due time, in a language which he /she understood**, in accordance with the national law of the issuing Member State, about the scheduled date and place of the **trial** which led to the decision **in such a manner that it was unequivocally established that the person concerned was aware of the scheduled date and place of the trial** and **was personally** informed that a decision may be handed down *if he or she did not appear at the trial*

Time and place when and where the person was summoned or **received in person the official information by other means**:

.....

Language in which the information was delivered:

.....

Describe how the person was informed:

.....

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TEXT PROPOSED BY SEVEN MEMBER STATES

AMENDMENTS

Amendment 20

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 2 — point 4

Framework Decision 2002/584/JHA

Annex — box d — point 2 — subpoint 2.1a (new)

2.1a. after having been directly summoned in person or by other means having actually received official information about the scheduled date and place of the trial in such a manner that it was unequivocally established that he or she was aware of the trial, had given an explicit mandate to a legal counsellor who was chosen, appointed and paid by the person concerned or who was appointed and paid by the State in accordance with its national law applicable to the rights of the defence, and was indeed defended by that counsellor during the trial;

Provide information on how this condition was met:

.....

Amendment 21

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 2 — point 4

Framework Decision 2002/584/JHA

Annex — box d — point 2 — subpoint 2.2

2.2. the person, after being served with the decision **rendered in absentia**, expressly stated that he or she *does* not contest the decision **rendered in absentia**

2.2. the person, after being personally served with the decision **and being expressly informed, in a language which he or she understood, about the right to a retrial or to an appeal, in which he or she would have the right to participate, at which the merits of the case, including fresh evidence, would be (re)examined and which could lead to the original decision being quashed**, expressly stated that he or she *did* not contest the decision

Describe when and how the person expressly stated that he or she *does* not contest the decision **rendered in absentia**:

Describe **when the person was served with the decision, how he or she was informed about his/her right to a retrial or an appeal and** when and how the person expressly stated that he or she *did* not contest the decision:

.....

.....

Tuesday 2 September 2008

TEXT PROPOSED BY SEVEN MEMBER STATES

AMENDMENTS

Amendment 22

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 2 — point 4

Framework Decision 2002/584/JHA

Annex — box d — point 2 — subpoint 2.3.1 — indent 1

— the person was expressly informed about the right to a retrial **and to be present at that trial**; and

— the person was expressly informed, **in a language which he or she understood**, about the right to a retrial **or an appeal, in which he or she would have the right to participate, at which the merits of the case, including fresh evidence, would be (re)examined and which could lead to the original decision being quashed**, and

Amendment 23

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 2 — point 4

Framework Decision 2002/584/JHA

Annex — box d — point 2.3.2

2.3.2. the person was not served with the decision **rendered in absentia**, and

2.3.2. the person was not served with the decision and

— the person will be served with the decision **rendered in absentia** within ... days after the surrender; and

— the person will be **personally** served with the decision within ... days after the surrender; and

— when served with the decision **rendered in absentia**, the person will be expressly informed about the right to a retrial **and to be present at that trial**; and

— when served with the decision, the person will be expressly informed, **in a language which he or she understands**, about the right to a retrial **or an appeal, in which he or she will have the right to participate, which will allow the merits of the case, including fresh evidence, to be (re)examined and which may lead to the original decision being quashed**; and

— after being served with the decision **rendered in absentia**, the person will have ... days to request a retrial.

— after being served with the decision, the person will have ... days to request a retrial **or an appeal**.

If you ticked box 2.3.2, please confirm

that if the person concerned, when being informed in the executing State about the content of the European arrest warrant, requests a copy of the judgment before being surrendered, he or she will be provided with a copy of the judgment or with an extract from the judgment in a language which he or she understands ... days after the request is made via the executing judicial authority.

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TEXT PROPOSED BY SEVEN MEMBER STATES

AMENDMENTS

Amendment 24

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 3 — point 1

Framework Decision 2005/214/JHA

Article 1 — point e

1) *the following point shall be added to Article 1:* **deleted**

(e) *'Decision rendered in absentia' shall mean a decision as defined in (a) when the person did not personally appear in the proceedings resulting in that decision.*

Amendment 25

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 3 — point 2 — subpoint b

Framework Decision 2005/214/JHA

Article 7 — paragraph 2 — point i — introductory part

(i) according to the certificate provided for in Article 4, the decision was rendered **in absentia**, unless the certificate states that the person:

(i) according to the certificate provided for in Article 4, the decision was rendered **following a trial at which the person concerned did not appear in person**, unless the certificate states that the person, **in accordance with the national law of the issuing State:**

Amendment 26

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 3 — point 2 — subpoint b

Framework Decision 2005/214/JHA

Article 7 — paragraph 2 — point i — subpoint i

(i) was summoned in person or **informed in accordance with the national law of the issuing State through a competent representative and in due time, of** the scheduled date and place of **the hearing which led to the decision rendered in absentia**

(i) **in due time, and in a language which he or she understood,**

(a) **either** was **directly** summoned in person or **by other means actually received official information about** the scheduled date and place of **that trial in such a manner that it was unequivocally established that he or she was aware of the trial,**

and

and

informed **about the fact that such a** decision may be handed down **in case the person does** not appear for the trial;

(b) **was personally** informed **that the** decision may be handed down **if he or she did** not appear at the trial;

or

or

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TEXT PROPOSED BY SEVEN MEMBER STATES

AMENDMENTS

Amendment 27

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 3 — point 2 — subpoint b

Framework Decision 2005/214/JHA

Article 7 — paragraph 2 — point i — subpoint ia (new)

- (ia) *after having been directly summoned in person or by other means having actually received official information about the scheduled date and place of the trial in such a manner that it was unequivocally established that he or she was aware of the trial, had given an explicit mandate to a legal counsellor who was chosen, appointed and paid by the person concerned or who was appointed and paid by the State in accordance with its national law applicable to the rights of the defence, and was indeed defended by that counsellor during the trial; or*

Amendment 28

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 3 — point 2 — subpoint b

Framework Decision 2005/214/JHA

Article 7 — paragraph 2 — point i — subpoint ii

- (ii) *expressly stated to a competent authority that he or she does not contest the case; or* **deleted**

Amendment 29

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 3 — point 2 — subpoint b

Framework Decision 2005/214/JHA

Article 7 — paragraph 2 — point i — subpoint iii

- (iii) *after being served with the decision rendered in absentia and being expressly informed about the right to a retrial and to be present at that trial:*
- (iii) *after being personally served with the decision and being expressly informed, in a language which he or she understood, about the right to a retrial or to an appeal, in which he or she would have the right to participate, at which the merits of the case, including fresh evidence, would be (re)examined and which could lead to the original decision being quashed:*

— expressly stated that he or she *does* not contest the decision **rendered in absentia**;

— expressly stated that he or she *did* not contest the decision;

or

or

— did not request a retrial in the applicable timeframe which **was of at least [...] days**;

— did not request a retrial **or an appeal** in the applicable timeframe, which **shall be a minimum of 10 days and a maximum of 15 days**;

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TEXT PROPOSED BY SEVEN MEMBER STATES

AMENDMENTS

Amendment 30

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 3 — point 2 — subpoint b

Framework Decision 2005/214/JHA

Article 7 — paragraph 2 — point ia (new)

(ia) *according to the certificate provided for in Article 4, the person did not appear in person, unless the certificate states that the person, having been expressly informed about the proceedings and the possibility of participating in person in the trial, expressly waived the right to an oral hearing and expressly indicated that he or she did not contest the case.*

Amendment 31

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 3 — point 3

Framework Decision 2005/214/JHA

Annex — box h — point 3 — introductory part and subpoints 1 and 2

3. Indicate if the *decision was rendered in absentia*:

1. *No, it was not*

2. *Yes, it was. If you have answered yes, please confirm that:*

3. Indicate if the *person appeared in person at the trial which led to the decision*:

1. *Yes, the person appeared in person at the trial which led to the decision.*

2. *No, the person did not appear in person at the trial which led to the decision.*

If you answered 'no' to this question, please indicate if:

Amendment 32

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 3 — point 3

Framework Decision 2005/214/JHA

Annex — box h — point 3 — subpoint 2.1

2.1. the person was summoned in person or **informed** in accordance with the national law of the issuing Member State **through a competent representative and** in due time, **of** the scheduled date and place of the **hearing** which led to the decision **rendered in absentia** and informed about the fact that such a decision may be handed down **in case the person does not appear** for the trial

2.1. the person was **directly** summoned in person or **by other means actually received**, in accordance with the national law of the issuing State, **official information** in due time **and in a language which he or she understood**, about the scheduled date and place of the **trial** which led to the decision **in such a manner that it was unequivocally established that the person concerned was aware of the scheduled date and place of the trial** and **was personally** informed that such a decision may be handed down **if he or she did not appear** at the trial

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TEXT PROPOSED BY SEVEN MEMBER STATES

AMENDMENTS

Time and place when and where the person was summoned or *otherwise informed*:

.....

Time and place when and where the person was summoned or *by other means received the official information in person*:

.....

Language in which the information was delivered:

.....

Describe how the person was informed:

.....

Describe how the person was informed:

.....

OR

OR

Amendment 33

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 3 — point 3

Framework Decision 2005/214/JHA

Annex — box h — point 3 — subpoint 2.1a (new)

2.1a. after having been directly summoned in person or by other means having actually received official information about the scheduled date and place of the trial in such a manner that it was unequivocally established that he or she was aware of the trial, had given an explicit mandate to a legal counsellor who was chosen, appointed and paid by the person concerned or who was appointed and paid by the State in accordance with its national law applicable to the rights of the defence, and was indeed defended by that counsellor during the trial;

Provide information on how this condition was met:

.....

OR

Amendment 34

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 3 — point 3

Framework Decision 2005/214/JHA

Annex — box h — point 3 — subpoint 2.2

2.2. the person, before or after being served with the decision *rendered in absentia*, expressly stated that he or she does not contest the decision *rendered in absentia*.

2.2. the person, before or after being *personally* served with the decision *and being expressly informed, in a language which he or she understood, of the right to a retrial or to an appeal, in which he or she would have the right to participate, at which the merits of the case, including fresh evidence, would be (re)examined and which could lead to the original decision being quashed*, expressly stated that he or she did not contest the decision.

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TEXT PROPOSED BY SEVEN MEMBER STATES

AMENDMENTS

Describe when and how the person expressly stated that he or she *does* not contest the decision **rendered in absentia**:

Describe **when the person was served with the decision, how he or she was informed of his/her right to a retrial or to an appeal and** when and how the person expressly stated that he or she *did* not contest the decision:

OR

OR

Amendment 35

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany —
amending act

Article 3 — point 3

Framework Decision 2005/214/JHA
Annex — box h — point 3 — subpoint 2.3

2.3. the person was served with the decision **rendered in absentia** on ... (day/month/year) and was entitled to a retrial in the issuing State under the following conditions:

2.3. the person was **personally** served with the decision **following a trial at which he or she did not appear in person** on ... (day/month/year) and was entitled to a retrial **or to an appeal** in the issuing State under the following conditions:

— the person was expressly informed **about** the right to a retrial **and to be present at that trial**; and

— the person was expressly informed, **in a language which he or she understood, of** the right to a retrial **or to an appeal, in which he or she would have the right to participate, at which the merits of the case, including fresh evidence, would be (re)examined and which could lead to the original decision being quashed**, and

— after being informed of this right, the person had ... days to request a retrial and he or she did not request it during *this* period.

— after being informed of this right, the person had ... days to request a retrial **or an appeal** and he or she did not request it during *that* period.

OR

Amendment 36

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany —
amending act

Article 3 — point 3

Framework Decision 2005/214/JHA
Annex — box h — point 3 — subpoint 2.3a (new)

2.3a. the person, having been expressly informed of the proceedings and the possibility of participating in person in the trial, expressly waived the right to an oral hearing and expressly indicated that he or she did not contest the case.

Describe when and how the person waived the right to an oral hearing and indicated that he or she did not contest the case:

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TEXT PROPOSED BY SEVEN MEMBER STATES

AMENDMENTS

Amendment 37

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 4 — point 1

Framework Decision 2006/783/JHA

Article 2 — point i

(1) *the following point shall be added to Article 2:* *deleted*

(i) *'Decision rendered in absentia' shall mean a confiscation order as defined in (c) when the person did not personally appear in the proceedings resulting in that decision.*

Amendment 38

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 4 — point 2

Framework Decision 2006/783/JHA

Article 8 — paragraph 2 — point e — introductory part

(e) according to the certificate provided for in Article 4(2), the decision was rendered *in absentia*, unless the certificate states that the person:

(e) according to the certificate provided for in Article 4(2), the decision was rendered ***following a trial at which the person concerned did not appear in person***, unless the certificate states that the person, ***in accordance with the national law of the issuing State:***

Amendment 39

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 4 — point 2

Framework Decision 2006/783/JHA

Article 8 — paragraph 2 — point e — subpoint i

(i) ***in due time, and in a language which he or she understood,***

(i) was summoned in person or ***informed in accordance with the national law of the issuing State through a competent representative and in due time, of*** the scheduled date and place of ***the hearing which led to the confiscation order rendered in absentia***

(a) ***either*** was ***directly*** summoned in person or ***by other means actually received official information about*** the scheduled date and place of ***that trial in such a manner that it was unequivocally established that he or she was aware of the trial,***

and

and

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TEXT PROPOSED BY SEVEN MEMBER STATES

AMENDMENTS

informed **about the fact that such a** confiscation order may be handed down **in case the person** does not appear for the trial;

or

(b) **was personally** informed **that a** confiscation order may be handed down **if he or she did** not appear at the trial;

or

Amendment 40

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany —
amending act

Article 4 — point 2

Framework Decision 2006/783/JHA

Article 8 — paragraph 2 — point e — subpoint ia (new)

(ia) **after having been directly summoned in person or by other means having actually received official information about the scheduled date and place of the trial in such a manner that it was unequivocally established that he or she was aware of the trial, had given an explicit mandate to a legal counsellor who was chosen, appointed and paid by the person concerned or who was appointed and paid by the State in accordance with its national law applicable to the rights of the defence, and was indeed defended by that counsellor during the trial;**

or

Amendment 41

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany —
amending act

Article 4 — point 2

Framework Decision 2006/783/JHA

Article 8 — paragraph 2 — point e — subpoint ii

(ii) after being served with the confiscation order **rendered in absentia** and being expressly informed **about** the right to a retrial **and to be present at that trial**:

— expressly stated that he or she *does* not contest the confiscation order;

or

— did not request a retrial in the applicable timeframe which **was of at least [...] days**;

(ii) after being **personally** served with the confiscation order and being expressly informed, **in a language which he or she understood, of** the right to a retrial **or to an appeal, in which he or she would have the right to participate, at which the merits of the case, including fresh evidence, would be (re)examined and which could lead to the original decision being quashed**:

— expressly stated that he or she *did* not contest the confiscation order;

or

— did not request a retrial **or an appeal** in the applicable timeframe, which **shall be a minimum of 10 days and a maximum of 15 days**.

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TEXT PROPOSED BY SEVEN MEMBER STATES

AMENDMENTS

Amendment 42

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 4 — point 3

Framework Decision 2006/783/JHA Annex — box j — introductory part and points 1 and 2

(j) Indicate if the decision was rendered in absentia:

1. No, it was not

2. Yes, it was. If you have answered yes, please confirm that:

(j) Indicate if the person appeared in person at the trial which led to the confiscation order:

1. Yes, the person appeared in person at the trial which led to the confiscation order.

2. No, the person did not appear in person at the trial which led to the confiscation order.

If you answered 'no' to this question, please indicate if:

Amendment 43

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 4 — point 3

Framework Decision 2006/783/JHA Annex — box j — point 2 — subpoint 2.1

2.1. the person was summoned in person or informed in accordance with the national law of the issuing Member State through a competent representative and in due time, of the scheduled date and place of the hearing which led to the decision rendered in absentia and informed about the fact that such a decision may be handed down in case the person does not appear for the trial

Time and place when and where the person was summoned or otherwise informed:

.....

Describe how the person was informed:

.....

OR

2.1. the person was directly summoned in person or by other means actually received official information in due time, in accordance with the national law of the issuing State and in a language which he or she understood, about the scheduled date and place of the trial which led to the confiscation order, in such a manner that it was unequivocally established that the person concerned was aware of the scheduled date and place of the trial and was personally informed that such a decision may be handed down if he or she did not appear at the trial

Time and place when and where the person was summoned or received the official information in person by other means:

.....

Language in which the information was delivered:

.....

Describe how the person was informed:

.....

OR

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TEXT PROPOSED BY SEVEN MEMBER STATES

AMENDMENTS

Amendment 44

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 4 — point 3

Framework Decision 2006/783/JHA

Annex — box j — point 2 — subpoint 2.1a (new)

2.1a. after having been directly summoned in person or by other means having actually received official information about the scheduled date and place of the trial in such a manner that it was unequivocally established that he or she was aware of the trial, had given an explicit mandate to a legal counsellor who was chosen, appointed and paid by the person concerned or who was appointed and paid by the State in accordance with its national law applicable to the rights of the defence, and was indeed defended by that counsellor during the trial;

Provide information on how this condition was met:

.....

OR

Amendment 45

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 4 — point 3

Framework Decision 2006/783/JHA

Annex — box j — point 2 — subpoint 2.2

2.2. the person, after being served with the **decision rendered in absentia**, expressly stated that he or she does not contest **the decision rendered in absentia**.

Describe when and how the person expressly stated that he or she *does* not contest the **decision rendered in absentia**:

.....

OR

2.2. the person, after being **personally** served with the **confiscation order and being expressly informed, in a language which he or she understood, about the right to a retrial or to an appeal, in which he or she would have the right to participate, at which the merits of the case, including fresh evidence, would be (re)examined and which could lead to the original decision being quashed**, expressly stated that he or she *did* not contest **the order**.

Describe **when the person was served with the confiscation order, how he or she was informed about his/her right to a retrial or to an appeal and** when and how the person expressly stated that he or she *did* not contest the **confiscation order**:

.....

OR

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TEXT PROPOSED BY SEVEN MEMBER STATES

AMENDMENTS

Amendment 46

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 4 — point 3

Framework Decision 2006/783/JHA
Annex — box j — point 2 — subpoint 2.3

2.3. the person was served with the **decision rendered in absentia** on ... (day/month/year) and was entitled to a retrial in the issuing State under the following conditions:

— the person was expressly informed about the right to a retrial **and to be present at that trial**; and

— after being informed of *this* right, the person had ... days to request a retrial and he or she did not request it during *this* period.

2.3. the person was **personally** served with the **confiscation order** on ... (day/month/year) and was entitled to a retrial **or an appeal** in the issuing State under the following conditions:

— the person was expressly informed, **in a language which he or she understood**, about the right to a retrial **or to an appeal, in which he or she would have the right to participate, at which the merits of the case, including fresh evidence, would be (re)examined and which could lead to the original decision being quashed**, and

— after being informed of *that* right, the person had ... days to request a retrial **or an appeal** and he or she did not request it during *that* period.

Amendment 47

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 5 — point 1

Framework Decision 2008/.../JHA
Article 1 — point e

(1) *the following point shall be added to Article 1:*

(e) *'Decision rendered in absentia' shall mean a decision as defined in (a) when the person did not personally appear in the proceedings resulting in that decision.*

deleted

Amendment 48

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 5 — point 2

Framework Decision 2008/.../JHA
Article 9 — paragraph 1 — point f

(f) according to the certificate provided for in Article 4, the decision was rendered **in absentia**, unless the certificate states that the person:

(f) according to the certificate provided for in Article [4], the decision was rendered **following a trial at which the person concerned did not appear in person**, unless the certificate states that the person, **in accordance with the national law of the issuing State**:

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TEXT PROPOSED BY SEVEN MEMBER STATES

AMENDMENTS

Amendment 49

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 5 — point 2

Framework Decision 2008/.../JHA

Article 9 — paragraph 1 — point f — subpoint i

- | | |
|---|---|
| (i) was summoned in person or informed in accordance with the national law of the issuing State through a competent representative and in due time, of the scheduled date and place of the hearing which led to the decision rendered in absentia | (i) in due time, and in a language which he or she understood, |
| and | and |
| informed about the fact that such a decision may be handed down in case the person does not appear for the trial; | (b) was personally informed that a decision may be handed down if he or she did not appear at the trial; |
| or | or |

Amendment 50

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 5 — point 2

Framework Decision 2008/.../JHA

Article 9 — paragraph 1 — point f — subpoint ia (new)

- (ia) **after having been directly summoned in person or by other means having actually received official information about the scheduled date and place of the trial in such a manner that it was unequivocally established that he or she was aware of the trial, had given an explicit mandate to a legal counsellor who was chosen, appointed and paid by the person concerned or who was appointed and paid by the State in accordance with its national law applicable to the rights of the defence, and was indeed defended by that counsellor during the trial;**

or

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TEXT PROPOSED BY SEVEN MEMBER STATES

AMENDMENTS

Amendment 51

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 5 — point 2

Framework Decision 2008/.../JHA

Article 9 — paragraph 1 — point f — subpoint ii

(ii) after being served with the decision **rendered in absentia** and being expressly informed about the right to a retrial **and to be present at that trial**:

— expressly stated that he or she *does* not contest the decision **rendered in absentia**;

or

— did not request a retrial in the applicable timeframe which **was of at least [...] days**;

(ii) after being **personally** served with the decision and being expressly informed, **in a language which he or she understood**, about the right to a retrial **or to an appeal, in which he or she would have the right to participate, at which the merits of the case, including fresh evidence, would be (re)examined and which could lead to the original decision being quashed**:

— expressly stated that he or she *did* not contest the decision;

or

— did not request a retrial **or an appeal** in the applicable timeframe, which **shall be a minimum of 10 days and a maximum of 15 days**.

Amendment 52

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 5 — point 3

Framework Decision 2008/.../JHA

Annex — box k — point 1 — introductory part and subpoints a and b

1. Indicate if the **decision was rendered in absentia**:

a. **No, it was not**

b. **Yes, it was. If you have answered yes, please confirm that:**

1. Indicate if the **person appeared in person at the trial which led to the decision**:

a. **Yes, the person appeared in person at the trial which led to the decision.**

b. **No, the person did not appear in person at the trial which led to the decision.**

If you answered 'no' to this question, please indicate if:

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TEXT PROPOSED BY SEVEN MEMBER STATES

AMENDMENTS

Amendment 53

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 5 — point 3

Framework Decision 2008/.../JHA Annex — box k — point 1 — subpoint b.1

□ b.1. the person was summoned in person or **informed** in accordance with the national law of the issuing Member State **through a competent representative and in due time, of** the scheduled date and place of the **hearing** which led to the decision **rendered in absentia** and informed **about the fact** that **such** a decision may be handed down **in case the person** does not appear for the trial

□ b.1. the person was **directly** summoned in person or **by other means actually received official information in due time and in a language which he or she understood**, in accordance with the national law of the issuing State, **about** the scheduled date and place of the **trial** which led to the decision **in such a manner that it was unequivocally established that the person concerned was aware of the scheduled date and place of the trial and was personally informed that a decision may be handed down if he or she did not appear at the trial**

Time and place when and where the person was summoned or **otherwise informed**:

Time and place when and where the person was summoned or **received the official information in person by other means**:

.....

.....

Language in which the information was delivered:

.....

Describe how the person was informed:

Describe how the person was informed:

.....

.....

OR

OR

Amendment 54

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany — amending act

Article 5 — point 3

Framework Decision 2008/.../JHA Annex — box k — point 1 — subpoint b.1a (new)

□ **b.1a. after having been directly summoned in person or by other means having actually received official information about the scheduled date and place of the trial in such a manner that it was unequivocally established that he or she was aware of the trial, had given an explicit mandate to a legal counsellor who was chosen, appointed and paid by the person concerned or who was appointed and paid by the State in accordance with its national law applicable to the rights of the defence, and was indeed defended by that counsellor during the trial;**

Provide information on how this condition was met:

.....

OR

Tuesday 2 September 2008

TEXT PROPOSED BY SEVEN MEMBER STATES

AMENDMENTS

Amendment 55

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany —
amending act

Article 5 — point 3

Framework Decision 2008/.../JHA
Annex — box k — point 1 — subpoint b.2

b.2. the person, after being served with the decision **rendered in absentia**, expressly stated that he or she *does* not contest the decision **rendered in absentia**.

Describe when and how the person expressly stated that he or she *does* not contest the decision **rendered in absentia**:

.....

OR

b.2. the person, after being **personally** served with the decision **and being expressly informed, in a language which he or she understood, about the right to a retrial or to an appeal, in which he or she would have the right to participate, at which the merits of the case, including fresh evidence, would be (re)examined and which could lead to the original decision being quashed**, expressly stated that he or she *did* not contest the decision.

Describe **when the person was served with the decision, how he or she was informed about his/her right to a retrial or to an appeal and** when and how the person expressly stated that he or she *did* not contest the decision:

.....

OR

Amendment 56

Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany —
amending act

Article 5 — point 3

Framework Decision 2008/.../JHA
Annex — box k — point 1 — subpoint b.3

b.3. the person was served with the decision **rendered in absentia** on ... (day/month/year) and was entitled to a retrial in the issuing State under the following conditions:

— the person was expressly informed about the right to a retrial **and to be present at that trial**; and

— after being informed of *this* right, the person had ... days to request a retrial and he or she did not request it during *this* period.

b.3. the person was **personally** served with the decision **following a trial at which the person concerned did not appear in person** on ... (day/month/year) and was entitled to a retrial **or to an appeal** in the issuing State under the following conditions:

— the person was expressly informed, **in a language which he or she understood**, about the right to a retrial **or to an appeal, in which he or she would have the right to participate, at which the merits of the case, including fresh evidence, would be (re)examined and which could lead to the original decision being quashed**, and

— after being informed of *that* right, the person had ... days to request a retrial **or an appeal** and he or she did not *make such a request* during *that* period.

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TEXT PROPOSED BY SEVEN MEMBER STATES

AMENDMENTS

Amendment 57

**Initiative by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany —
amending act
Article 5a (new)**

Article 5a**Amendments to Framework Decision 2008/.../JHA**

Framework Decision 2008/.../JHA is hereby amended as follows:

1) in Article [9(1)], point [h] shall be replaced by the following:

(h) *according to the certificate provided for in Article [6], the decision was rendered following a trial at which the person concerned did not appear in person, unless the certificate states that the person, in accordance with the national law of the issuing State:*

(i) *in due time, and in a language which he or she understood,*

— *either was directly summoned in person or by other means actually received official information about the scheduled date and place of that trial in such a manner that it was unequivocally established that he or she was aware of the trial,*

and

— *was personally informed that a decision may be handed down if he or she did not appear at the trial;*

or

(ii) *after having been directly summoned in person or by other means having actually received official information about the scheduled date and place of the trial in such a manner that it was unequivocally established that he or she was aware of the trial, had given an explicit mandate to a legal counsellor who was chosen, appointed and paid by the person concerned or who was appointed and paid by the State in accordance with its national law applicable to the rights of the defence, and was indeed defended by that counsellor during the trial; or*

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TEXT PROPOSED BY SEVEN MEMBER STATES

AMENDMENTS

(iii) after being personally served with the decision and being expressly informed, in a language which he or she understood, about the right to a retrial or to an appeal, in which he or she would have the right to participate, at which the merits of the case, including fresh evidence, would be (re)examined and which could lead to the original decision being quashed:

— expressly stated that he or she did not contest the decision;

or

— did not request a retrial or an appeal in the applicable timeframe, which shall be a minimum of 10 days and a maximum of 15 days.

2) In box [(i)] of the Annex ('Certificate'), point [1] shall be replaced by the following:

1. Indicate if the person appeared in person at the trial resulting in the decision:

Yes, the person appeared in person at the trial resulting in the decision.

No, the person did not appear in person at the trial resulting in the decision.

If you answered 'no' to this question, please indicate if:

(i) the person was directly summoned in person or in accordance with the national law of the issuing State by other means actually received official information, in due time and in a language which he or she understood, about the scheduled date and place of the trial which led to the decision in such a manner that it was unequivocally established that the person concerned was aware of the scheduled date and place of the trial and was personally informed that a decision may be handed down if he or she did not appear at the trial

Time and place when and where the person was summoned or received the official information in person by other means:

.....

Language in which the information was delivered:

.....

Describe how the person was informed:

.....

OR

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TEXT PROPOSED BY SEVEN MEMBER STATES

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- (ii) *after having been directly summoned in person or by other means having actually received official information about the scheduled date and place of the trial in such a manner that it was unequivocally established that he or she was aware of the trial, had given an explicit mandate to a legal counsellor who was chosen, appointed and paid by the person concerned or who was appointed and paid by the State in accordance with its national law applicable to the rights of the defence, and was indeed defended by that counsellor during the trial;*

Provide information on how this condition was met:

.....

OR

- (iii) *the person, after being personally served with the decision and being expressly informed, in a language which he or she understood, about the right to a retrial or to an appeal, in which he or she would have the right to participate, at which the merits of the case, including fresh evidence, would be (re)examined and which could lead to the original decision being quashed, expressly stated that he or she did not contest the decision.*

Describe when the person was served with the decision, how he or she was informed about his/her right to a retrial or to an appeal and when and how the person expressly stated that he or she did not contest the decision:

.....

OR

- (iv) *the person was personally served with the decision following a trial at which he or she did not appear in person on ... (day/month/year) and was entitled to a retrial or to an appeal in the issuing State under the following conditions:*

— *the person was expressly informed, in a language which he or she understood, about the right to a retrial or to an appeal, in which he or she would have the right to participate, at which the merits of the case, including fresh evidence, would be (re)examined and which could lead to the original decision being quashed, and*

— *after being informed of that right, the person had ... days to request a retrial or an appeal and he or she did not make such a request during that period.*

Tuesday 2 September 2008

Use of the Visa Information System (VIS) under the Schengen Borders Code *I**

P6_TA(2008)0383

European Parliament legislative resolution of 2 September 2008 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 as regards the use of the Visa Information System (VIS) under the Schengen Borders Code (COM(2008)0101 — C6-0086/2008 — 2008/0041(COD))

(2009/C 295 E/38)

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2008)0101),
 - having regard to Articles 251(2) and 62(2)(a) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0086/2008),
 - having regard to the undertakings given by the Council representative by letter of 25 June 2008 to adopt the proposal as amended, in accordance with Article 251(2), second sentence, first indent of the EC Treaty,
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0208/2008),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and the Commission.

P6_TC1-COD(2008)0041

Position of the European Parliament adopted at first reading on 2 September 2008 with a view to the adoption of Regulation (EC) No .../2009 of the European Parliament and of the Council amending Regulation (EC) No 562/2006 as regards the use of the Visa Information System (VIS) under the Schengen Borders Code

(As an agreement was reached between Parliament and Council, Parliament's position at first reading corresponds to the final legislative act, Regulation (EC) No 81/2009.)

Tuesday 2 September 2008

Strengthening of Eurojust and amendment of Decision 2002/187/JHA *

P6_TA(2008)0384

European Parliament legislative resolution of 2 September 2008 on the initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden with a view to adopting a Council Decision on the strengthening of Eurojust and amending Decision 2002/187/JHA (5613/2008 — C6-0076/2008 — 2008/0804(CNS))

(2009/C 295 E/39)

(Consultation procedure)

The European Parliament,

- having regard to the initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden (5613/2008),
 - having regard to Article 34(2)(b) of the EU Treaty,
 - having regard to Article 39(1) of the EU Treaty, pursuant to which the Council consulted Parliament (C6-0076/2008),
 - having regard to Rules 93 and 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0293/2008),
1. Approves the initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden as amended;
 2. Calls on the Council to amend the text accordingly;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Calls on the Council to consult Parliament again if it intends to amend the initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden substantially;
 5. Calls on the Council and the Commission, following the entry into force of the Treaty of Lisbon, to give priority to any future proposal to amend the Decision in accordance with Declaration No 50 concerning Article 10 of the Protocol on transitional provisions to be annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community;

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6. Is determined to examine any such future proposal by the urgent procedure in accordance with the procedure referred to in paragraph 5 and in close cooperation with national parliaments;

7. Instructs its President to forward its position to the Council and Commission, and the governments of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden.

TEXT PROPOSED BY 14 MEMBER STATES

AMENDMENTS

Amendment 1

**Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act
Recital 5a (new)**

(5a) In the light of Article 86 of the Treaty on the Functioning of the European Union, it is necessary to draw up a Green Paper on the establishment of a European Public Prosecutor's Office.

Amendment 2

**Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act
Recital 5b (new)**

(5b) The rights of defendants and victims need to be taken into account in determining which Member State is best placed to prosecute or take other law enforcement action.

Amendment 3

**Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act
Recital 8a (new)**

(8a) Adequate procedural safeguards, including during the investigations, are a necessary precondition for the mutual recognition of judicial decisions in criminal matters. In particular, a framework decision on procedural rights should be adopted as soon as possible in order to lay down certain minimum rules on the availability of legal assistance to individuals in the Member States.

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TEXT PROPOSED BY 14 MEMBER STATES

AMENDMENTS

Amendment 4

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act
Recital 8b (new)

(8b) It is also necessary for the Council to adopt as soon as possible a framework decision on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters, providing for an adequate level of data protection. Member States should ensure a level of protection of personal data in their national law at least equal to that provided under the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of 28 January 1981 and its Additional Protocol of 8 November 2001 and, in so doing, should take account of Recommendation No R (87) 15 of 17 September 1987 of the Committee of Ministers of the Council of Europe to the Member States regulating the use of personal data in the police sector, as well as ensure the protection of data which are not processed automatically.

Amendment 5

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act
Recital 8c (new)

(8c) It is important to ensure appropriate protection of personal data for all types of personal data filing systems used by Eurojust. In this respect, the Rules of Procedure on the processing and protection of personal data at Eurojust ⁽¹⁾ should also apply to structured manual files, that is to say, to case-related files that are compiled manually by national members or assistants and are organised in a logical way.

⁽¹⁾ OJ C 68, 19.3.2005, p. 1.

Amendment 6

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act
Recital 8d (new)

(8d) When processing e-mail traffic-related data in accordance with Article 14(1), Eurojust should ensure that the content and titles of e-mails are not disclosed.

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TEXT PROPOSED BY 14 MEMBER STATES

AMENDMENTS

Amendment 7

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act
Recital 8e (new)

(8e) Persons who have been the subject of a criminal investigation based on a Eurojust request but have not been prosecuted should be informed of that investigation no later than one year after the decision not to prosecute was taken.

Amendment 8

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act
Recital 8f (new)

(8f) The Member States shall provide a judicial remedy where an investigation was carried out at the request of Eurojust on the basis of manifestly insufficient grounds.

Amendment 9

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act
Article 1 — point 3
Decision 2002/187/JHA
Article 5a — paragraph 1

1. In order to fulfil its tasks on an emergency basis, Eurojust shall set up an 'Emergency Coordination Cell' (ECC).

1. In order to fulfil its tasks on an emergency basis, Eurojust shall set up an 'Emergency Coordination Cell' (ECC), **which shall be contactable via a single contact point.**

Amendment 10

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act
Article 1 — point 3
Decision 2002/187/JHA
Article 5a — paragraph 2

2. The ECC shall be composed of one representative per Member State, who may be either the national member, his or her deputy, or an assistant entitled to replace the national member. The ECC shall be **contactable and** able to act on **an around the clock** basis.

2. The ECC shall be composed of one representative per Member State, who may be either the national member, his or her deputy, or an assistant entitled to replace the national member. The **representative** shall be able to act on **a 24 hour/7 day** basis.

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TEXT PROPOSED BY 14 MEMBER STATES

AMENDMENTS

Amendment 11

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act

Article 1 — point 3

Decision 2002/187/JHA

Article 5a — paragraph 3

3. When in urgent cases a request for judicial cooperation needs to be executed in several Member States, the competent authority may forward it to the ECC through the representative of its Member State in the ECC. The representative of the Member State concerned in the ECC shall transmit the request to the competent authorities of the relevant Member States for execution. Where **no** competent national authority **has been identified or** it is not possible to identify **it** in a timely manner, the member of the ECC shall have the power to execute the request himself.

3. When in urgent cases a request for judicial cooperation needs to be executed in several Member States, the competent authority may forward it to the ECC through the representative of its Member State in the ECC. The representative of the Member State concerned in the ECC shall transmit the request to the competent authorities of the relevant Member States for execution. Where is not possible to identify **a** competent national authority in a timely manner, the member of the ECC shall have the power to execute the request himself. **In such a case, the ECC member concerned shall inform the College in writing without delay of the steps taken and the reasons for the failure to identify a competent national authority in a timely manner.**

Amendment 12

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act

Article 1 — point 4

Decision 2002/187/JHA

Article 6 — paragraph 1 — point a — subpoint vi

(vi) *take special investigative measures;**deleted***Amendment 13**

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act

Article 1 — point 4

Decision 2002/187/JHA

Article 6 — paragraph 1 — point a — subpoint vii

(vii) *take any other measure justified for the investigation or prosecution;**deleted*

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TEXT PROPOSED BY 14 MEMBER STATES

AMENDMENTS

Amendment 14

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act

Article 1 — point 6

Decision 2002/187/JHA

Article 8

If the competent authorities of the Member States concerned decide not to comply with a request referred to in Articles 6(1)(a), 6(1)(g), 7(1)(a), 7(2) and 7(3), they shall inform Eurojust of their decision and of the reasons for it.

1. If the competent authorities of the Member States concerned decide not to comply with a request referred to in Articles 6(1)(a), 6(1)(g), 7(1)(a), 7(2) and 7(3), they shall inform Eurojust of their decision and of the reasons for it.

2. *The Member States shall ensure that a decision of the national competent authority may be judicially reviewed before it is communicated to Eurojust.*

Amendment 15

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act

Article 1 — point 7 — subpoint c

Decision 2002/187/JHA

Article 9 — paragraph 4

4. In order to meet Eurojust's objectives, the national member shall have full access to:

4. In order to meet Eurojust's objectives, the national member shall have full access to **or at least be able to obtain**

(a) the information contained in the following registers:

the information contained in the following **types of national registers when they exist in his or her Member State:**

(i) **national** criminal records;

(i) criminal records;

(ii) registers of arrested persons;

(ii) registers of arrested persons;

(iii) investigation registers;

(iii) investigation registers;

(iv) DNA registers;

(iv) DNA registers;

(b) registers, **other than those in (a), of** his Member State containing information that is necessary for him to be able to fulfil his tasks

(v) **other** registers of his **or her** Member State containing information that is necessary for him **or her** to be able to fulfil his **or her** tasks.

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TEXT PROPOSED BY 14 MEMBER STATES

AMENDMENTS

Amendment 16

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act

Article 1 — point 8
 Decision 2002/187/JHA
 Article 9a — paragraph 3

3. National members may, in urgent cases and where **no** competent national authority **has been identified or it is not possible to identify it** in a timely manner, be able to authorise and coordinate controlled deliveries.

3. National members may, in urgent cases and where it is not possible to identify **a** competent national authority in a timely manner, be able to authorise and coordinate controlled deliveries. **In such a case the national member concerned shall inform the College in writing without delay of the steps taken and the reasons for the failure to identify the competent national authority in a timely manner.**

Amendment 17

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act

Article 1 — point 11 — subpoint –a (new)
 Decision 2002/187/JHA
 Article 13, paragraph 1

(–a) paragraph 1 shall be replaced by the following:

1. The competent authorities of the Member States may exchange with Eurojust any information necessary for the performance of its tasks in compliance with Articles 4 and 5 in accordance with the rules on data protection set out in this Decision.

Amendment 18

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act

Article 1 — point 11 — subpoint b
 Decision 2002/187/JHA
 Article 13, paragraph 5

5. Member States shall ensure that their national member is informed in a timely manner, at an early stage, and as soon as the information is available of **all criminal investigations** concerning three or more States, **two or more of which are Member States, that fall within the remit of Eurojust and insofar as necessary for the performance of Eurojust's functions, in particular where parallel letters rogatory are needed in several States or where there is a need for coordination by Eurojust or in cases of positive or negative conflicts of jurisdiction. The Member States shall ensure that the obligation to report is supervised at national level.**

5. Member States shall ensure that their national member is informed in a timely manner, at an early stage, and as soon as the information is available of **any case directly** concerning three or more **Member States and for which requests for or decisions on judicial cooperation, including those regarding instruments giving effect to the principle of mutual recognition, have been transmitted to at least two Member States.**

Tuesday 2 September 2008

TEXT PROPOSED BY 14 MEMBER STATES

AMENDMENTS

Amendment 19

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act

Article 1 — point 11 — subpoint b

Decision 2002/187/JHA

Article 13, paragraph 6

6. As a first step, Member States shall implement paragraph 5 with regard to cases relating to the following offences:

- (a) trafficking in drugs;
- (b) trafficking in human beings and arms;
- (c) trafficking in nuclear waste;
- (d) trafficking in works of art;
- (e) trading in endangered species;
- (f) trading in human organs;
- (g) money laundering;
- (h) fraud, including fraud against the Community's financial interests;
- (i) counterfeiting, including of the euro;
- (j) terrorism, including financing of terrorism;
- (k) environmental crime;
- (l) other forms of **organised crime**.

6. As a first step, Member States shall implement paragraph 5 with regard to cases relating to the following offences:

- (a) trafficking in drugs;
- (aa) sexual exploitation of children and child pornography;**
- (b) trafficking in human beings and arms;
- (c) trafficking in nuclear waste;
- (d) trafficking in works of art;
- (e) trading in endangered species;
- (f) trading in human organs;
- (g) money laundering;
- (h) fraud, including fraud against the Community's financial interests;
- (i) counterfeiting, including of the euro;
- (j) terrorism, including financing of terrorism;
- (k) environmental crime;
- (l) other forms of **offences where there are factual indications that a criminal organisation or serious crimes are involved**.

Amendment 20

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act

Article 1 — point 11 — subpoint b

Decision 2002/187/JHA

Article 13, paragraph 8

8. Member States shall ensure that their national member is also informed of:

- (a) **all requests for judicial cooperation regarding instruments adopted under Title VI of the Treaty, including instruments giving effect to the principle of mutual recognition, sent by their competent authorities in cases involving at least three States, two or more of which are Member States;**

8. Member States shall ensure that their national member is also informed of:

- (a) **cases where conflicts of jurisdiction have arisen or are likely to arise;**

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TEXT PROPOSED BY 14 MEMBER STATES

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- (b) all controlled deliveries and undercover investigations affecting at least three States, at least two of which are Member States;
- (c) **all** refusals of requests for judicial cooperation **regarding instruments adopted under Title VI of the Treaty**, including instruments giving effect to the principle of mutual recognition;
- (d) **all requests for mutual legal assistance emanating from a non-Member State where it appears that these requests are part of an investigation involving other requests sent by that non-Member State to, at least, two other Member States.**

- (b) all controlled deliveries and undercover investigations affecting at least three States, at least two of which are Member States;
- (c) **repeated difficulties or** refusals **regarding the execution** of requests for, **and decisions on**, judicial cooperation, including instruments giving effect to the principle of mutual recognition;

Amendment 21

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act

Article 1 — point 11 — subpoint b

Decision 2002/187/JHA

Article 13, paragraph 9

9. *In addition, competent authorities shall provide the latter with any other information which the latter deems necessary to fulfil its tasks.* *deleted*

Amendment 22

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act

Article 1 — point 11 — subpoint b

Decision 2002/187/JHA

Article 13, paragraph 10a (new)

10a. *By ... (*), the Commission shall establish, on the basis of information transmitted by Eurojust, a report on the implementation of this Article, accompanied where appropriate by any proposals, including proposals considering the addition of offences other than those referred to in paragraph 6.*

(*) *Three years after the entry into force of this Decision.*

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Amendment 23

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act

Article 1 — point 13

Decision 2002/187/JHA

Article 14, paragraph 4 and Article 16, paragraph 1

(13) in Articles 14(4) and 16(1), the words ‘an index of’ shall be replaced by ‘a Case Management System containing’ *deleted*

Amendment 24

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act

Article 1 — point 14

Decision 2002/187/JHA

Article 15, paragraph 4 and Article 16, paragraphs 1 and 2

(14) in Articles 15(4), 16(1) and 16(2), the word ‘index’ shall be replaced by ‘Case Management System’ and the words ‘an index’ in Article 16(1) by ‘a Case Management System’; *deleted*

Amendment 25

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act

Article 1 — point 15 — subpoint a — subpoint i

Decision 2002/187/JHA

Article 15 — paragraph 1 — introductory part

1. When processing data in accordance with Article 14(1), Eurojust may process personal data on persons who, under the national legislation of the Member States concerned, are the subject of a criminal investigation or prosecution for one or more of the types of crime and the offences defined in Article 4, **such as**:

1. When processing data in accordance with Article 14(1), Eurojust may process **only the following** personal data on persons who, under the national legislation of the Member States concerned, are the subject of a criminal investigation or prosecution for one or more of the types of crime and the offences defined in Article 4:

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TEXT PROPOSED BY 14 MEMBER STATES

AMENDMENTS

Amendment 26

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act

Article 1 — point 15 — subpoint a — subpoint ii*Decision 2002/187/JHA**Article 15 — paragraph 1 — point l*

(l) *telephone numbers, vehicle registration data, e-mail accounts, phone and e-mail traffic related data, DNA records and photographs.*

(l) *DNA identification patterns, i.e. a letter or a number code which represents a set of identification characteristics of the non-coding part of an analysed human DNA sample, i.e. the particular chemical form of the various DNA locations (loci);*

(la) photographs;

(lb) telephone numbers;

(lc) telephone and e-mail traffic-related data excluding the transmission of content data;

(ld) e-mail accounts;

(le) vehicle registration data.

Amendment 27

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act

Article 1 — point 15 — subpoint b*Decision 2002/187/JHA**Article 15 — paragraph 2*

(b) *in paragraph 2, the word 'only' shall be deleted;*

deleted

Amendment 28

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act

Article 1 — point 17a (new)*Decision 2002/187/JHA**Article 23 — paragraph 12*

(17a) Article 23(12) shall be replaced by the following:

12. The Joint Supervisory Body shall submit an annual report to the European Parliament and the Council.

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TEXT PROPOSED BY 14 MEMBER STATES

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Amendment 29

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act

Article 1 — point 18 — subpoint a

Decision 2002/187/JHA

Article 26 — paragraph 1a

1a. Member States shall ensure that the College may actually be able to open a Europol Analytical Work File and that it may participate in its functioning.

1a. Member States shall ensure that the College may actually be able to open a Europol Analytical Work File, **as referred to in Article 10 of the Convention based on Article K.3 of the Treaty on European Union on the establishment of a European Police Office (Europol Convention) ⁽¹⁾ and that it** may participate in its functioning.

⁽¹⁾ OJ C 316, 27.11.1995, p. 2.

Amendment 30

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act

Article 1 — point 18 — subpoint b

Decision 2002/187/JHA

Article 26 — paragraph 2 — point b

(b) without prejudice to Article 13 of this Decision and in accordance with **Article 4(4)** of Decision .../.../JHA, the contact points of the European Judicial Network shall, on a case-by-case basis, inform Eurojust **on cases involving two Member States and entering the field of competence of Eurojust:**

— **in cases where conflicts of jurisdiction are likely to arise,**

or

— **in cases of a refusal of a request for judicial cooperation regarding instruments adopted under Title VI of the Treaty, including instruments giving effect to the principle of mutual recognition.**

The contact points of the European Judicial Network shall, also on a case-by-case basis, inform Eurojust on all cases entering the field of competence of Eurojust and involving at least three Member States.

National members shall, on a case-by-case basis, inform European Judicial Network **contact points on** all cases with which the network is deemed to be in a better position to deal;

(b) without prejudice to Article 13 of this Decision and in accordance with **Article 4** of Decision .../.../JHA, the contact points of the European Judicial Network shall, on a case-by-case basis, inform **their national member of Eurojust of all other cases with which Eurojust is deemed to be in a better position to deal.**

National members shall, on a case-by-case basis, inform **their respective national correspondents of the** European Judicial Network **of** all cases with which the Network is deemed to be in a better position to deal.

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TEXT PROPOSED BY 14 MEMBER STATES

AMENDMENTS

Amendment 31

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act

Article 1 — point 19a (new)

Decision 2002/187/JHA

Article 27 — paragraph 4

(19a) Article 27(4) shall be replaced by the following:

4. Without prejudice to paragraph 3, the transmission of personal data by Eurojust to the entities referred to in paragraph 1(b) and to the authorities referred to in paragraph 1(c) of third States which are not subject to the Council of Europe Convention of 28 January 1981 may be effected only when an adequate level of data protection is ensured, which shall be assessed in accordance with Article 28(3) of the Rules of Procedure on the processing and protection of personal data at Eurojust.

Amendment 32

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act

Article 1 — point 19b (new)

Decision 2002/187/JHA

Article 27 — paragraph 5a (new)

(19b) in Article 27 the following paragraph shall be inserted after paragraph 5:

5a. Once every two years the Joint Supervisory Body, together with the respective third State or entity referred to in paragraph 1(b) and (c), shall evaluate the implementation of the provisions of the relevant cooperation agreement relating to the protection of the data exchanged. The report on this evaluation shall be sent to the European Parliament, the Council and the Commission.

Amendment 33

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act

Article 1 — point 22 — indent 1a (new)

Decision 2002/187/JHA

Article 32 — paragraph 1 — subparagraph 1

— the first subparagraph of paragraph 1 shall be replaced by the following:

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TEXT PROPOSED BY 14 MEMBER STATES

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1. The President, on behalf of the College, shall report every year to the European Parliament and the Council in writing [...] on the activities and management, including budgetary management, of Eurojust.

Amendment 34

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act

Article 1 — point 22 — indent 1b (new)

Decision 2002/187/JHA

Article 32 — paragraph 1 — subparagraph 2

— the second subparagraph of paragraph 1 shall be replaced by the following:

To that end, the College shall prepare an annual report on the activities of Eurojust and on any criminal policy problems within the Union highlighted as a result of Eurojust's activities. In that report, Eurojust shall also include analyses of situations when national members have exercised their powers as referred to in Article 5a(3) and in Article 9a(3). The report may also make proposals for the improvement of judicial cooperation in criminal matters.

Amendment 35

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act

Article 1 — point 22 — indent 1c (new)

Decision 2002/187/JHA

Article 32 — paragraph 2

— paragraph 2 shall be replaced by the following:

2. Each year the representative of the Joint Supervisory Body shall report to the European Parliament on its activities [...].

Amendment 36

Initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden — amending act

Article 1 — point 26

Decision 2002/187/JHA

Article 42 — paragraph 2

2. The Commission shall at regular intervals examine the implementation by the Member States of this Decision and shall submit a report thereon to the Council together with, if appropriate, necessary proposals to improve judicial cooperation and the functioning of Eurojust. This shall in particular apply to Eurojust's capacities to support Member States in fighting terrorism

2. The Commission shall at regular intervals examine the implementation by the Member States of this Decision and shall submit a report thereon to **the European Parliament and** the Council together with, if appropriate, necessary proposals to improve judicial cooperation and the functioning of Eurojust. This shall in particular apply to Eurojust's capacities to support Member States in fighting terrorism

Wednesday 3 September 2008

Classification, labelling and packaging of substances and mixtures *I**

P6_TA(2008)0392

European Parliament legislative resolution of 3 September 2008 on the proposal for a regulation of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, and amending Directive 67/548/EEC and Regulation (EC) No 1907/2006 (COM(2007)0355 — C6-0197/2007 — 2007/0121(COD))

(2009/C 295 E/40)

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2007)0355),
 - having regard to Article 251(2) and Article 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0197/2007),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on the Internal Market and Consumer Protection and the Committee on Industry, Research and Energy (A6-0140/2008),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and the Commission.

P6_TC1-COD(2007)0121

Position of the European Parliament adopted at first reading of 3 September 2008 with a view to the adoption of Regulation (EC) No .../2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006

(As an agreement was reached between Parliament and Council, Parliament's position at first reading corresponds to the final legislative act, Regulation (EC) No 1272/2008.)

Wednesday 3 September 2008

Classification, labelling and packaging of substances and mixtures (amendment of Directives 76/768/EEC, 88/378/EEC, 1999/13/EC, 2000/53/EC, 2002/96/EC and 2004/42/EC) *I**

P6_TA(2008)0393

European Parliament legislative resolution of 3 September 2008 on the proposal for a decision of the European Parliament and of the Council amending Council Directives 76/768/EEC, 88/378/EEC, 1999/13/EC and Directives 2000/53/EC, 2002/96/EC and 2004/42/EC in order to adapt them to Regulation (EC) ... on Classification, Labelling and Packaging of Substances and Mixtures, and amending Directive 67/548/EEC and Regulation (EC) No1907/2006 (COM(2007)0611 — C6-0347/2007 — 2007/0212(COD))

(2009/C 295 E/41)

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2007)0611),
 - having regard to Articles 251(2), 95 and 175(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0347/2007),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinion of the Committee on the Internal Market and Consumer Protection (A6-0142/2008),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and the Commission.

P6_TC1-COD(2007)0212

Position of the European Parliament adopted at first reading of 3 September 2008 with a view to the adoption of Directive 2008/.../EC of the European Parliament and of the Council amending Council Directives 76/768/EEC, 88/378/EEC, 1999/13/EC and Directives 2000/53/EC, 2002/96/EC and 2004/42/EC of the European Parliament and of the Council in order to adapt them to Regulation (EC) No ... on classification, labelling and packaging of substances and mixtures

(As an agreement was reached between Parliament and Council, Parliament's position at first reading corresponds to the final legislative act, Directive 2008/112/EC.)

Wednesday 3 September 2008

Classification, labelling and packaging of substances and mixtures (amendment of Regulation (EC) No 648/2004) *I**

P6_TA(2008)0394

European Parliament legislative resolution of 3 September 2008 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 648/2004 in order to adapt it to Regulation (EC) No ... on Classification, Labelling and Packaging of Substances and Mixtures, and amending Directive 67/548/EEC and Regulation (EC) No 1907/2006 (COM(2007)0613 — C6-0349/2007 — 2007/0213(COD))

(2009/C 295 E/42)

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2007)0613),
 - having regard to Articles 251(2) and 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0349/2007),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinion of the Committee on the Internal Market and Consumer Protection (A6-0141/2008),
1. Approves the Commission proposal;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and the Commission.

Type-approval of hydrogen powered motor vehicles *I**

P6_TA(2008)0395

European Parliament legislative resolution of 3 September 2008 on the proposal for a regulation of the European Parliament and of the Council on type-approval of hydrogen powered motor vehicles and amending Directive 2007/46/EC (COM(2007)0593 — C6-0342/2007 — 2007/0214(COD))

(2009/C 295 E/43)

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2007)0593),
- having regard to Article 251(2) and Article 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0342/2007),

Wednesday 3 September 2008

- having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinions of the Committee on the Environment, Public Health and Food Safety and the Committee on Industry, Research and Energy (A6-0201/2008),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and the Commission.

P6_TC1-COD(2007)0214

Position of the European Parliament adopted at first reading of 3 September 2008 with a view to the adoption of Regulation (EC) No .../2008 of the European Parliament and of the Council on type-approval of hydrogen-powered motor vehicles, and amending Directive 2007/46/EC

(As an agreement was reached between Parliament and Council, Parliament's position at first reading corresponds to the final legislative act, Regulation (EC) No 79/2009.)

Thursday 4 September 2008

Code of Conduct for computerised reservation systems *I**

P6_TA(2008)0402

European Parliament legislative resolution of 4 September 2008 on the proposal for a regulation of the European Parliament and of the Council on a Code of Conduct for computerised reservation systems (COM(2007)0709 — C6-0418/2007 — 2007/0243(COD))

(2009/C 295 E/44)

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2007)0709),
 - having regard to Articles 251(2), 71 and 80(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0418/2007),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism and the opinions of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Internal Market and Consumer Protection (A6-0248/2008),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and the Commission.

P6_TC1-COD(2007)0243**Position of the European Parliament adopted at first reading on 4 September 2008 with a view to the adoption of Regulation (EC) No .../2008 of the European Parliament and of the Council on a Code of Conduct for computerised reservation systems and repealing Council Regulation (EEC) No 2299/89***(As an agreement was reached between Parliament and Council, Parliament's position at first reading corresponds to the final legislative act, Regulation (EC) No 80/2009.)*

Thursday 4 September 2008

Eligibility of Central Asian countries under Council Decision 2006/1016/EC *

P6_TA(2008)0403

European Parliament legislative resolution of 4 September 2008 on the proposal for a Council decision on the eligibility of Central Asian countries under Council Decision 2006/1016/EC granting a Community guarantee to the European Investment Bank against losses under loans and loan guarantees for projects outside the Community (COM(2008)0172 — C6-0182/2008 — 2008/0067(CNS))

(2009/C 295 E/45)

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2008)0172),
 - having regard to Article 181a of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0182/2008),
 - having regard to its resolution of 20 February 2008 on an EU Strategy for Central Asia ⁽¹⁾,
 - having regard to the EU Strategy for a new partnership with Central Asia adopted by the European Council on 21-22 June 2007,
 - having regard to case C-155/07, European Parliament v Council of the European Union, pending before the Court of Justice of the European Communities,
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgets and the opinion of the Committee on International Trade (A6-0317/2008),
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 the Parliament again if it intends to amend the Commission proposal substantially;
 5. Asks the Commission to withdraw its proposal, should Decision 2006/1016/EC currently pending before the Court of Justice of the European Communities be annulled;
 6. Instructs its President to forward its position to the Council and Commission.

TEXT PROPOSED
BY THE COMMISSION

AMENDMENTS

Amendment 1

Proposal for a decision

Recital 3a (new)

(3a) There is an acknowledged need for EIB lending in Central Asia to focus on energy supply and energy transport projects which also serve EU energy interests.

⁽¹⁾ Texts Adopted, P6_TA(2008)0059.

Thursday 4 September 2008

TEXT PROPOSED
BY THE COMMISSION

AMENDMENTS

Amendment 2**Proposal for a decision
Recital 3b (new)**

(3b) Regarding energy supply and transport projects, EIB financing operations in Central Asia should be consistent with and support the EU policy objectives of diversification of energy sources and the Kyoto requirements, and of enhancement of environmental protection.

Amendment 3**Proposal for a decision
Recital 3c (new)**

(3c) All EIB financing operations in Central Asia should be consistent with and support EU external policies, including specific regional objectives, and should contribute to the general objective of developing and consolidating democracy and the rule of law, the objective of respecting human rights and fundamental freedoms, and the observance of international environmental agreements to which the European Community or its Member States are parties.

Amendment 4**Proposal for a decision
Recital 3d (new)**

(3d) The EIB should ensure that individual projects are subject to a Sustainability Impact Assessment carried out independently of the project sponsors and the EIB.

Amendment 5**Proposal for a decision
Recital 4**

The macroeconomic conditions prevailing in the Central Asian countries, and in particular the situation of external finances and debt sustainability, have improved in the recent years as a result of strong economic growth and prudent macro-economic policies, and they should therefore be allowed access to financing from the EIB.

The macroeconomic conditions prevailing in the Central Asian countries, and in particular the situation of external finances and debt sustainability, have improved in the recent years as a result of strong economic growth and prudent macro-economic policies, and they should therefore be allowed access to financing from the EIB. ***There should nevertheless be pre-conditions for their eligibility for EIB loans: these countries must show clear progress in establishing the rule of law, freedom of speech and the media and freedom of NGOs, and in achieving the Millennium Development Goals as specified in the EU Partnership and Cooperation Agreements. They should not be subject to EU sanctions for human rights violations and they should have made real progress in terms of the human rights situation as required by the European Parliament's resolution of 20 February 2008 on an EU Strategy for Central Asia*** ⁽¹⁾.

⁽¹⁾ Texts Adopted, P6_TA(2008)0059.

Thursday 4 September 2008

TEXT PROPOSED
BY THE COMMISSION

AMENDMENTS

Amendment 6
Proposal for a decision
Recital 5a (new)

(5a) Lending activities should support the EU's policy objective of promoting stability in the region.

Amendment 10
Proposal for a decision
Article 1

Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan **and Uzbekistan** are eligible for EIB financing under Community guarantee in accordance with Council Decision 2006/1016/EC.

Kazakhstan, Kyrgyzstan, Tajikistan **and** Turkmenistan are eligible for EIB financing under Community guarantee in accordance with Council Decision 2006/1016/EC. **Uzbekistan will become eligible as soon as the EU sanctions against the country are lifted.**

Amendment 7
Proposal for a decision
Article 1a (new)

Article 1a

The guarantee agreement between the Commission and the EIB, as foreseen in Article 8 of Council Decision 2006/1016/EC, shall lay down the detailed provisions and procedures relating to the Community guarantee and shall contain conditions with clear benchmarks regarding respect for human rights.

Amendment 8
Proposal for a decision
Article 1b (new)

Article 1b

On the basis of the information received from the EIB, the Commission shall produce an assessment and a report, on an annual basis, to be forwarded to the European Parliament and the Council, on the EIB financing operations carried out under this Decision. The report should include an assessment of the contribution of EIB financing operations to the achievement of the external policy objectives of the EU, and especially the contribution to the general objective of developing and consolidating democracy and the rule of law, the objective of respecting human rights and fundamental freedoms, and the observance of international environmental agreements to which the European Community or its Member States are parties.

Thursday 4 September 2008

TEXT PROPOSED
BY THE COMMISSION

AMENDMENTS

Amendment 9
Proposal for a decision**Article 1c (new)***Article 1c*

The EIB shall ensure that framework agreements between the Bank and the countries concerned are made available to the public and that adequate and timely objective information is made available to enable them to play a full part in the decision-making process.

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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 *||*.