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Wednesday 18 February 2009

I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

Humanitarian aid to the Gaza Strip

P6_TA(2009)0057

European Parliament resolution of 18 February 2009 on humanitarian aid to the Gaza Strip

(2010/C 76 E/01)

The European Parliament,

- having regard to its previous resolutions on Gaza, in particular those of 16 November 2006 on the situation in the Gaza Strip ⁽¹⁾, of 11 October 2007 on the humanitarian situation in Gaza ⁽²⁾, of 21 February 2008 on the situation in the Gaza Strip ⁽³⁾ and of 15 January 2009 on the situation in the Gaza Strip ⁽⁴⁾,
 - having regard to UN Security Council Resolutions 242 of 22 November 1967 (S/RES/242), 338 of 22 October 1973 (S/RES/338), and 1860 of 8 January 2009 (S/RES/1860),
 - having regard to the Fourth Geneva Convention of 12 August 1949 relative to the Protection of Civilian Persons in Time of War,
 - having regard to the Quick Response Plan of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), designed to restore critical services to refugees in Gaza (January-September 2009),
 - having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas the conflict in the Gaza Strip has further aggravated the humanitarian crisis in the area, which has reached an inhuman level, and whereas 88 % of the Gaza population is dependent on food aid,
- B. whereas the border crossings in and out of the Gaza Strip have been closed for 18 months, whereas the embargo on the movement of people and goods obstructs the delivery of humanitarian aid to the population and whereas the quantity of goods allowed into the Gaza Strip is insufficient to meet even basic humanitarian needs,
- C. whereas key public services in the Gaza Strip are facing serious shortages owing to a lack of basic materials required for their functioning, and whereas the lack of medicines and fuel at hospitals continues to endanger Palestinian lives,

⁽¹⁾ OJ C 314 E, 21.12.2006, p. 324.

⁽²⁾ OJ C 227 E, 4.9.2008, p. 138.

⁽³⁾ Texts adopted, P6_TA(2008)0064.

⁽⁴⁾ Texts adopted, P6_TA(2009)0025.

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- D. whereas UNRWA and WFP (World Food Programme) are playing a crucial role in providing basic goods for the population in the Gaza Strip with the full support of the international community, whereas part of the humanitarian food aid aimed at improving living conditions in the area has perished as a result of obstacles to the delivery chain, and whereas on 3 and 5 February 2009 Hamas confiscated hundreds of food parcels and thousands of blankets destined for Gaza civilians, which were returned following the suspension of all imports of aid by UNRWA into the Gaza Strip,
- E. whereas the considerable European Union financial support to the Palestinians has played an important role in the attempt to prevent a humanitarian disaster in the Gaza Strip, and whereas the Union, in spite of all obstacles, continues to provide humanitarian aid,
- F. whereas an International Conference in support of the Palestinian Economy for the Reconstruction of Gaza will be held in Sharm el-Sheikh on 2 March 2009,
1. Recognises the sufferings of the Palestinian population in the Gaza Strip and calls for increased, immediate and unhindered humanitarian aid to them, which it is a moral duty to provide and which must be delivered without any conditions and restrictions; calls on the Israeli authorities to allow a continuous and adequate flow of humanitarian aid, which includes all the necessary materials for UNRWA and other UN and international agencies to perform their duties, and which meets the needs of the population;
 2. Calls once again for an end to the blockade of the Gaza Strip, in compliance with the Agreement on Movement and Access of 15 November 2005, for the immediate and sustainable reopening of the crossing points for people and goods, and for the prevention of the smuggling of, and illicit trafficking in, arms and ammunition;
 3. Calls for a detailed damage assessment in the Gaza Strip and an in-depth evaluation of the needs of the Gaza population which can serve as a basis for reconstruction plans;
 4. Calls for the financial, economic and social rehabilitation of the Gaza Strip, which is an essential factor for security in the region; recalls that, in line with the commitments of the international community and the Union, aid should include payments in cash to pay salaries, pensions and allowances for the most vulnerable people and families, and calls on the Israeli authorities not to hinder the bank transfer of money;
 5. Believes, inter alia with a view to the International Conference in support of the Palestinian Economy for the Reconstruction of Gaza to be held in Sharm el-Sheikh on 2 March 2009, that any sustainable reconstruction and development policy in the Gaza Strip needs a durable cease-fire supported by the resumption of serious peace negotiations between Israelis and Palestinians together with a Palestinian national reconciliation process;
 6. Stresses again that the Union's financial support to the Palestinians should not be undermined by continuous destruction, which is diminishing support for reconstruction projects amongst the European public;
 7. Calls on the Commission to draw up a comprehensive overview and evaluation of the medium- and long-term prospects for reconstruction projects in the Gaza Strip financed by the Union within the framework of PEGASE (Palestinian-European Mechanism for Management of Socio-Economic Aid) and ECHO (Humanitarian Aid Department of the European Commission) and their budgetary implications; urges other donors to make pledges at the above-mentioned International Conference and to commit to the pledges they made at the donors' conference in Paris on 17 December 2007;
 8. Underlines once again that heading 4 of the EU budget is chronically underfinanced and that pledging additional assistance to Gaza should not be at the expense of other policies; further underlines that additional funds could be mobilised only by using all the means provided for under the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾;

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

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9. Instructs its President to forward this resolution to the Council, the Commission, the High Representative for the Common Foreign and Security Policy, the governments and parliaments of the Member States, the Quartet Envoy to the Middle East, the President of the Palestinian Authority, the Palestinian Legislative Council, the Israeli Government and the Knesset.

A Special Place for Children in EU External Action

P6_TA(2009)0060

European Parliament resolution of 19 February 2009 on a special place for children in EU external action (2008/2203(INI))

(2010/C 76 E/02)

The European Parliament,

- having regard to the Commission Communication of 5 February 2008 entitled 'A special place for children in EU external action' (COM(2008)0055),
- having regard to the Commission Staff Working Paper of 5 February 2008 entitled 'Children in Emergency and Crisis Situations' (SEC(2008)0135),
- having regard to the Commission Staff Working Paper of 5 February 2008 entitled 'The European Union's Action Plan on Children's Rights in External Action' (SEC(2008)0136),
- having regard to the Commission Communication of 9 April 2008 entitled 'The EU - a global partner for development - Speeding up progress towards the Millennium Development Goals' (COM(2008)0177),
- having regard to the Council Conclusions on the promotion and protection on the rights of the child in the European Union's external action - the development and humanitarian dimensions of 26 May 2008,
- having regard to the European Council Conclusions of 19 and 20 June 2008,
- having regard to the EU Guidelines for the Promotion and Protection of the Rights of the Child adopted by the Council in December 2007,
- having regard to the EU Guidelines on Children and Armed Conflict adopted by the Council in December 2003 and updated in June 2008,
- having regard to the Checklist for the Integration of the Protection of Children affected by Armed Conflict into European Security and Defence Policy (ESDP) Operations adopted by the Council in May 2006,
- having regard to the United Nations Convention on the Rights of the Child (CRC), adopted by the General Assembly on 20 November 1989, and the optional protocols thereto,
- having regard to the EU Agenda for Action on MDGs adopted by the Council on 18 June 2008,
- having regard to UN resolution 1612 (2005) on children and armed conflict, adopted by the UN Security Council at its 5235th meeting on 26 July 2005,

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- having regard to the International Labour Organisation (ILO) Conventions No.138 on 'Minimum age' adopted in Geneva on 26 June 1973 and No.182 on 'the Prohibition and Immediate Action for the Elimination of the Worst forms of Child Labour' adopted in Geneva on 17 June 1999,
- having regard to United Nations (UN) Millennium Declaration adopted by the General Assembly on 8 September 2000,
- having regard to the outcome document of the UN Special Session on Children held at UN headquarters in May 2002, entitled 'A World Fit for Children',
- having regard to the UN Secretary General's Study on Violence against Children, presented to the UN General Assembly on 11 October 2006,
- having regard to the report 'Children and the Millennium Development Goals' prepared by United Nation Children's Fund (UNICEF) for the United Nations in December 2007,
- having regard to the report 'The state of the world's children 2008' published by UNICEF in December 2007,
- having regard to the Millennium Development Goals (MDGs) Report 2008 published by the UN Department of Economic and Social Affairs in August 2008,
- having regard to the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups adopted by Ministers and representatives of countries having gathered in Paris on 5 and 6 February 2007,
- having regard to the African Charter on the Rights and Welfare of the Child adopted by the Organization of African Unity (OAU) in 1990, which entered into force on 29 November 1999,
- having regard to the Cotonou Agreement ⁽¹⁾ as amended ⁽²⁾, in particular to Article 9 on 'Essential elements regarding human rights, democratic principles and the rule of law, and fundamental element regarding good governance' and Article 26 on 'Youth issues',
- having regard to the ACP-EU Joint Parliamentary Assembly Resolution on children's rights and child soldiers ⁽³⁾ adopted in Addis Ababa on 19 February 2004,
- having regard to the ACP-EU Joint Parliamentary Assembly Resolution on the social consequences of child labour and strategies to combat child labour adopted in Port Moresby on 28 November 2008,
- having regard to the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community signed at Lisbon on 13 December 2007, and the Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union, in particular Article 3 of the Treaty on European Union, which states that the European Union 'shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child', and that, in its relations with the wider world, the EU shall 'contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child',

⁽¹⁾ 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 (OJ L 317, 15.12.2000, p. 3).

⁽²⁾ OJ L 209, 11.8.2005, p. 27.

⁽³⁾ OJ C 26, 29.1.2004, p. 17.

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- having regard to the Joint Statement 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' ⁽¹⁾, and, in particular, the requirement that children's rights be mainstreamed throughout the implementation of Community development policy,
 - having regard to the Joint Statement by the Council and the Representatives of the Governments of the Member States meeting within the Council, the European Parliament and the European Commission, 'The European Consensus on Humanitarian Aid' ⁽²⁾; in particular the requirement to pay special attention to children and to addressing their specific needs,
 - having regard to the Charter of Fundamental Rights of the European Union, in particular to Article 24 on the rights of the child,
 - having regard to the action programme established by Decision No 293/2000/EC of the European Parliament and of the Council of 24 January 2000 adopting a programme of Community action (the Daphne programme) (2000 to 2003) on preventive measures to fight violence against children, young persons and women ⁽³⁾,
 - having regard to the political declaration adopted in Berlin on 4 June 2007 at the European Forum on the Rights of the Child, which reiterates the desire systematically to take children's rights into account in the internal and external policies of the European Union,
 - having regard to 'The Framework for the Protection, Care and Support of Orphans and Vulnerable Children Living in a World with HIV and AIDS' published by the Global Partners Forum in July 2004,
 - having regard to its resolution of 3 July 2003 on 'Trafficking in children and child soldiers' ⁽⁴⁾,
 - having regard to its resolution of 5 July 2005 on 'The exploitation of children in developing countries, with a special focus on child labour' ⁽⁵⁾,
 - having regard to its resolution of 16 January 2008 on 'Towards an EU strategy on the rights of the child' ⁽⁶⁾,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Development and the opinions of the Committee on Foreign Affairs, the Committee on Culture and Education and the Committee on Women's Rights and Gender Equality (A6-0039/2009),
- A. whereas the fulfilment of children's rights is key to their individual life chances as well as to making progress towards the eradication of poverty,
- B. whereas the gender roles that a society assigns to its children have a determining effect on their future: their access to food and education, their labour force participation, their status in relationships and their physical and psychological health,
- C. whereas the aims set out in the Convention on the Rights of the Child remain largely unfulfilled,

⁽¹⁾ OJ C 46, 24.2.2006, p. 1.

⁽²⁾ OJ C 25, 30.1.2008, p. 1.

⁽³⁾ OJ L 34, 9.2.2000, p. 1.

⁽⁴⁾ OJ C 74 E, 24.3.2004, p. 854.

⁽⁵⁾ OJ C 157 E, 6.7.2006, p. 84.

⁽⁶⁾ Texts adopted, P6_TA(2008)0012.

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- D. whereas of the 2.2 billion children in the world, 1.9 billion (86 %) live in developing countries, and over 98 % of the children living in extreme poverty do so in developing countries,
 - E. whereas every day, more than 26 000 children under the age of five die around the world, mostly from preventable causes and, on current trends, the MDG goal to reduce child deaths by two thirds will not be reached until 2045,
 - F. having regard to point 9 of the action programme adopted by the Fourth World Conference on Women (which met in Beijing from 4 to 15 September 1995), which is also a fundamental principle which was set out at all international conferences concerning children's rights in the preceding decade,
 - G. whereas if the Treaty of Lisbon is ratified by all Member States, protection of the rights of the child will become a specific objective of the Union's external policy,
 - H. whereas the Commission has been mandated by the Council to analyse the impact of positive incentives on the sale of products that have been produced without using child labour, and to examine and report on the possibility of additional measures on products that have been produced using the worst forms of child labour,
 - I. whereas the right of children to education is non-negotiable and education and vocational training play an important role in the strategy for the gradual elimination of child labour,
 - J. whereas the commercial exploitation of children is a gross violation of their human dignity and is against the principles of social justice,
 - K. whereas purchasers of goods from the developing world are in a key position to detect and refuse to purchase goods which are made wholly or in part with child labour, and can thus bring direct and effective economic pressure to bear,
1. Welcomes the above-mentioned Commission Communication on 'A Special Place for Children in EU External Action' and the supplementary Staff Working Papers, as well as the accompanying Council Conclusions as important steps forward towards an EU strategy on the rights of the child;
 2. Recognises that the EU institutions have attached increasing importance to children's rights, but underlines that much remains to be done to put the political commitments into practice, and stresses that none of the plans will be realised unless adequate funding is available;
 3. Highlights the importance of meeting the MDGs on efforts to safeguard children's rights, and urges Member States to fulfil their pledges to provide adequate, predictable funding through timetabled budgetary aid designed to meet the 2010 benchmarks;
 4. Calls on the Union to firmly pursue the elimination of all forms of discrimination against girls (since conception) and commit adequate resources in order to overcome the subsequent asymmetries;
 5. Welcomes the four guiding principles of the Commission's Action Plan on Children's Rights in External Action which include a holistic and coherent child rights-based approach;
 6. Recognises that a child rights-based approach is based upon the norms and principles defined in the Convention on the Rights of the Child and directed towards their realisation;
 7. Calls on the European Community to accede to the European Convention on Human Rights and other conventions relating to the exercise of children's rights, adoption, sexual exploitation, child labour, the protection of children in armed conflicts and child abuse;

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8. Calls on the Commission and the Member States to promote the implementation of the Convention on the Rights of the Child and the protocols thereto, and to enhance the support given to reforms of third countries' legal systems, which are designed to protect children;
9. Emphasises that all action for children's rights should respect the primary role of the child's parents and immediate family as well as primary carers and guardians, and in particular the need to improve the position of mothers;
10. Points out, nonetheless, that it may be in the interests of a child having problems at home to be separated from his or her family temporarily as a protective measure, particularly where the parents have psychosocial or psychiatric problems or there is evidence of domestic violence, mistreatment or sexual abuse;
11. Underlines the urgent need to pay special attention to the most vulnerable and socially excluded girls and boys, including disabled children, migrant children, children from minorities, separated or unaccompanied children and children without parental care;
12. Underlines that in order to put the child rights-based approach into practice, the EU must undertake a thorough analysis of children's rights, ideally when Country, Regional and Thematic Strategy Papers are adopted or reviewed, on the basis of which actions and programmes targeting children's issues can be selected; in this respect, calls on the Commission to provide to Parliament, as early as possible or during mid-term reviews of development programmes, an overview of child-related actions and financial allocations;
13. Stresses that children's rights must be systematically included in the EU's political dialogue and policy discussions with partner countries;
14. Calls on the Commission to draw up a report examining whether the existing international agreements between the European Union and third countries already contain a legally binding clause on the protection of children's rights and, if not, whether such a clause could be inserted into agreements;
15. Believes that the participation of children must be institutionalised and better funded in partner countries and at EU level;
16. Supports building up existing youth and children's networks as sustainable platforms for engaging and consulting children, and calls on the Commission systematically to invite these networks to contribute towards the discussions on Country Strategy Papers, as well as to encourage their involvement in the development of national planning instruments;
17. Calls on the Commission to help partner countries adopt child-friendly budgeting, especially when the European Union is providing budget support, and to develop integrated, comprehensive National Action Plans for Children with clear benchmarks, measurable targets, timelines and review and reporting mechanisms on children's rights;
18. Insists that the general budget support of the EU should include funds for capacity- building for relevant ministries (such as Ministries of Welfare, Health, Education and Justice) to ensure that they have the appropriate policies and tools to budget and implement services for children;
19. Stresses that, in its external actions, the EU should strongly encourage third-country governments to comply with international children's rights standards, in particular as regards the provision of basic social welfare services to children, such as through free food distribution in schools and nurseries, and access to health care; stresses, at the same time, that ensuring equitable access to education for children in situations of armed conflict and post-conflict situations constitutes an important investment in conflict prevention;
20. Notes that despite the recent positive developments at EU level, the EU institutions and staff resources devoted to children's rights remain inadequate;

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21. Recommends that in order to ensure visibility and leadership on children's rights, an EU Special Representative should be appointed;
22. Considers that responsibility for children's issues should be given to an individual in each Commission Delegation, and calls on the Commission and Member States to ensure that all staff in Headquarters and Missions/Delegations are properly trained and supplied with guidance notes on how to integrate children's rights into external actions, and manage safe and effective child participation;
23. Calls for the protection of children's rights under the UN Convention on the Rights of the Child to be given a central place in the Multiannual Framework of the European Union Agency for Fundamental Rights; believes that this agency should build up a network with international organisations, ombudspersons for children and non-governmental organisations, in order to benefit from their store of knowledge and experience;
24. Welcomes the Commission's commitment to address the violation of children's rights such as child labour, child trafficking, child soldiers, children affected by armed conflict and all forms of violence against children, including sexual exploitation and harmful traditional practices; insists, however, that the focus should be on the root causes and prevention of violation of children's rights;
25. Requests that the Commission include the fight against impunity in its external actions and relations with third countries, as an important measure to prevent violations of children's rights;
26. Calls on the Commission and the Member States to prioritise the development of national child protection strategies and systems in partner countries which can provide children and families with support services before children are harmed;
27. Calls on the Commission and Member States to support institutional structures in partner countries to protect and promote children's rights, including independent ombudspersons;
28. Believes that efforts should also be made to increase the understanding of, and respect for, children's rights among parents and carers, as well as those who work with children such as teachers and health workers;
29. Calls on the Council and Commission to make official birth registration a part of development cooperation policy as a basic right and an important means of protecting the rights of the child;
30. Recognises that early childhood care and education are a child's right - including immunisation, parenting, and access to kindergarten and nurseries - and recognises that early childhood is a time of significant development and that malnutrition and lack of care can lead to both physical and intellectual impairment;
31. Underlines that achieving MDG 2 on universal primary school education and MDG 3 on gender parity are central to preventing violations of children's rights;
32. Underlines that interventions focussing specifically on girls are required in order to give them the same opportunities as boys to attend school, obtain sufficient food, be allowed to express their opinions and gain access to healthcare;
33. Urges the Union to prioritise the right to education, especially for girl children, in aid programmes and policy dialogue with partner countries; stresses the need to fight persistent discrimination in poor families that cannot afford school fees for all their children and opt to send boys to school at the expense of girls;

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34. Stresses that education facilities and programmes need to be 'girl friendly', and offer, for example, alternative forms of education outside formal institutions, or flexible hours to cater for girls who take care of siblings;
35. Stresses that investing in girls' education is an investment that will have the greatest impact in terms of poverty eradication, reduction of population growth, lower infant and child mortality, less widespread malnutrition, rising school attendance and improving health;
36. Emphasises that quality education should be a priority including in situations of conflict and fragility, and welcomes the Commission's plan to address education in its humanitarian aid operations; underlines the need for operational guidelines committing the EU to including education in every stage of its humanitarian response, in line with the minimum standards outlined by the Interagency Network for Education in Emergencies, and calls for sufficient funding and staffing at EU level to implement the new policy commitment;
37. Insists that no child should be deprived of the fundamental right to education owing to a lack of economic resources and reiterates its appeal to all governments of developing countries to draw up a clear timetable for the rapid abolition of direct and indirect school fees for basic education, while at the same time maintaining a high level of education;
38. Emphasises that, in EU relations with third countries, projects for the development of children's social competences, tolerance, solidarity and responsibility for their environment, especially in the context of fighting climate change, are of the utmost importance;
39. Recalls that a political commitment to making coherent policy choices in the areas of poverty reduction, quality education and human rights, is key to reducing incentives for child labour;
40. Calls on the European Community and Member States to provide more support to fair trade and labelling initiatives which encourage companies not to use child labour; recommends that compliance with voluntary codes of conduct regarding core labour rights should be better controlled and made transparent to European consumers; believes that public procurement contracts should be made conditional on compliance with international child labour standards;
41. Welcomes the Council's initiative to launch a study on the impact of positive incentives on the sale of products produced without using child labour and on possible additional measures, including trade-related measures; calls on the Commission to inform Parliament about the design, implementation and outcome of this study;
42. Urges the Commission to propose a uniform method for labelling products imported into the European Union so as to certify that they have been manufactured without the use of child labour at each stage in the chain of production, for example, by placing the indication 'without child labour' on the packaging of the products in question, thereby ensuring that this system is in line with the WTO's international trade rules;
43. Highlights MDG 4 on reducing child mortality and MDG 6 on combating HIV/AIDS, malaria and other diseases and urges the Community and other donors to strengthen public health systems which deliver cost-effective maternal, neo-natal and child health services to whole populations, and to integrate disease-specific interventions such as the provision of anti-malarial bed nets and antiretroviral drugs into these health services;
44. Deplores the pressures which exist to undermine policies on sexual and reproductive health rights, with the resulting increase in unwanted pregnancies and unsafe abortions for young women, and urges the EU to maintain levels of funding for the full range of sexual and reproductive health services to meet MDG 5 on improving maternal health;

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45. Notes the particularly adverse effects of the food price crisis on children, and underlines the need for broad strategies to enhance nutrition security, which means not just access to adequate food, but also access to appropriate micronutrients, safe water, hygiene and sanitation, healthcare, adequate childcare and a healthy environment;
46. Acknowledges the European Union's impressive policy framework to tackle the tragedy of children affected by armed conflict, and calls for enhanced monitoring, awareness-raising and training mechanisms to ensure that this is properly implemented on the ground;
47. Believes that a child protection adviser should be part of all ESDP missions, and stresses that training for ESDP mission staff should cover child protection issues;
48. Stresses that Disarmament, Demobilisation and Reintegration (DDR) programmes supported by ESDP missions should take specific children's needs into consideration;
49. Calls for special attention to be given to the needs of girl-child mothers in conflict and post-conflict situations and to refugees and internally displaced girls, as well as girls who are subjected to rape and sexual violence;
50. Calls on the Commission to invest in programmes aiming at preventing and responding to sexual and gender-based violence against girls and boys, which should include provision of post-exposure prophylaxis (PEP) kits to prevent HIV infection, support for recovery and social reintegration services, and confidential reporting mechanisms;
51. Underlines that the EU should also support measures to overcome stigma and discrimination, as often vulnerable girls or young women – such as those who are HIV positive, victims of rape or sexual violence, have had children through rape, or have undergone abortion – are rejected by their communities;
52. Draws attention to the particularly difficult situation of HIV-infected children, children with AIDS and AIDS orphans; condemns, in particular, the rape of women and girls in the belief that sexual intercourse with a virgin can cure AIDS, and calls on local information campaigns to eradicate this mistaken belief and thereby offer increased protection to girls in particular;
53. Stresses the need to comply with the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, so as to guarantee the rights of children from migrant families;
54. Calls on the EU to use the thematic programme on asylum and migration, which forms part of the Instrument for Development Cooperation, to support especially vulnerable groups such as children of migrants and children in poverty;
55. Calls on the European Union, in its external action, to pay specific attention to the situation of children facing discrimination, including children in conflict with the law and children deprived of their liberty and placed in closed institutions; stresses that children should have easier access to justice and specialised assistance, and that their age must be taken into consideration throughout the judicial proceedings by means of special protective measures;
56. Calls on the Council and the Commission, when designing aid programmes and negotiating action plans on justice and home affairs with third countries, to address the issue of juvenile justice, having regard not only to the ratification of relevant international and regional standards but also to the effective implementation thereof;
57. Calls on the Commission and Member States to promote policy coherence on children's issues, incorporating consideration of children's rights into other major policies areas such as security, climate change, migration and aid effectiveness;

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58. Calls for all EU policies with a likely effect on children in third countries to be subject to consistent child rights impact assessments prior to their adoption, as well as subsequent evaluations; underlines that children should be considered as a separate and distinct group as they are not affected in the same way as adults;

59. Welcomes the initiative launched in the above-mentioned Council Conclusions to better coordinate and enhance the division of labour in the area of children's rights, by mapping out existing Commission and Member State policies and activities in pilot countries;

60. Is concerned that pilot countries have still not been identified, and calls on Member States to work closely with the Commission to ensure that this exercise is implemented quickly;

61. Calls on the Commission to develop procedures, benchmarks and indicators to ensure that 'mainstreamed' children's rights do not fall off the agenda, and shares the Commission's view that besides 'mainstreaming' of children's rights, specific actions are also needed under the geographical funds and the European Development Fund, possibly in non-focal sectors;

62. Believes that Parliament could play a more coordinated and systematic role in the monitoring of EU commitments on children, through for example the Annual Report on Human Rights;

63. Suggests that the interparliamentary assemblies (ACP-EU JPA, Eurolat, Euro-Mediterranean Parliamentary Assembly) invite children's organisations of the host country to their meetings, and supports the creation of inter-regional youth fora, such as an EU-Africa Youth Platform;

64. Instructs its President to forward this resolution to the Council and the Commission, the governments and parliaments of the Member States, the Secretary-General of the United Nations and the Co-Chairs of the ACP-EU Joint Parliamentary Assembly.

Implementation of Directive 2002/14/EC: informing and consulting employees in the European Community

P6_TA(2009)0061

European Parliament resolution of 19 February 2009 on the implementation of Directive 2002/14/EC establishing a general framework for informing and consulting employees in the European Community (2008/2246(INI))

(2010/C 76 E/03)

The European Parliament,

- having regard to Articles 136 to 145 of the EC Treaty,
- having regard to the declaration of the Heads of State and Government of 9 December 1989 on the Community Charter of the Social Rights of Workers, and in particular Articles 17 and 18 thereof,
- having regard to the European Social Charter of the Council of Europe, as revised in 1996, and in particular Article 21 thereof,
- having regard to the Charter of Fundamental Rights of the European Union, adopted in Nice on 7 December 2000 and formally signed by the Heads of State and Government of the 27 Member States in the European Parliament in December 2007, and in particular Article 27 thereof,

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- having regard to Convention 135 of the International Labour Organisation (ILO) concerning Protection and Facilities to be Afforded to Workers' Representatives in the Undertaking, adopted on 23 June 1971, and in particular Article 5 thereof,
- having regard to Council Directive 94/45/EC of 22 September 1994 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees ⁽¹⁾,
- having regard to Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies ⁽²⁾,
- having regard to Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses ⁽³⁾,
- having regard to Council Regulation (EC) No 2157/2001 of 8 October 2001 on the Statute for a European company (SE) ⁽⁴⁾,
- having regard to Council Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees ⁽⁵⁾,
- having regard to Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community ⁽⁶⁾ and the Joint declaration of the European Parliament, the Council and the Commission on employee representation ⁽⁷⁾,
- having regard to Council Directive 2003/72/EC of 22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees ⁽⁸⁾,
- having regard to its resolution of 10 May 2007 on strengthening European legislation in the field of information and consultation of workers ⁽⁹⁾,
- having regard to the proposal for a European Parliament and Council directive on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees (recast) (COM(2008)0419), and the annex thereto (SEC(2008)2166),
- having regard to the Commission communication of 17 March 2008 on the review of the application of Directive 2002/14/EC in the EU (COM(2008)0146) and the accompanying working document (SEC(2008)0334),
- having regard to Rule 45 of its Rules of Procedure,
- having regard to the report of the Committee on Employment and Social Affairs and the opinions of the Committee on Economic and Monetary Affairs and the Committee on Legal Affairs (A6-0023/2009),

⁽¹⁾ OJ L 254, 30.9.1994, p. 64.

⁽²⁾ OJ L 225, 12.8.1998, p. 16.

⁽³⁾ OJ L 82, 22.3.2001, p. 16.

⁽⁴⁾ OJ L 294, 10.11.2001, p. 1.

⁽⁵⁾ OJ L 294, 10.11.2001, p. 22.

⁽⁶⁾ OJ L 80, 23.3.2002, p. 29.

⁽⁷⁾ OJ L 80, 23.3.2002, p. 34.

⁽⁸⁾ OJ L 207, 18.8.2003, p. 25.

⁽⁹⁾ OJ C 76 E, 27.3.2008, p. 138.

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- A. whereas the Member States are late in transposing Directive 2002/14/EC, and whereas some Member States have confined themselves to transcribing certain aspects of its minimum applicable provisions,
- B. whereas the current financial crisis will have consequences for the EU economy in terms of the restructuring, merging and relocation of undertakings at EU level,
- C. whereas the aim of Directive 2002/14/EC is to establish a general framework for informing and consulting employees about the future of the undertaking in which they are employed and for consulting them effectively in anticipation of the economic developments of that undertaking,
- D. whereas the principle of informing and consulting employees is central to the social market economy and should not be seen as an obstacle to the economic development of undertakings,
- E. whereas in the European Union there are 23 000 000 undertakings with fewer than 250 employees (accounting for 99 % of undertakings and employing over 100 000 000 people), and whereas the EU institutions have a duty to guarantee and enhance the right of employees to be informed and consulted,

Gradual strengthening of the process of informing and consulting employees within the EU

- 1. Acknowledges that the transposition of Directive 2002/14/EC has been significantly delayed in some Member States and that more time will therefore be needed for its evaluation; stresses, however, that in Member States where no general system for informing and consulting employees existed before the directive will have an obvious impact;
- 2. Urges those Member States that have not yet correctly transposed Directive 2002/14/EC to do so as soon as possible;
- 3. Considers that the action taken to this end by the Commission should allow, in close cooperation with the national authorities of the Member States concerned and the social partners, further progress and a resolution of the problems identified in connection with the interpretation of Directive 2002/14/EC and the conformity of transposition measures;
- 4. Notes that some Member States, in their measures transposing Directive 2002/14/EC, have failed to take account of certain young workers, women working part-time or workers employed for short periods on fixed-term contracts; urges the Member States, accordingly, to bring their provisions governing the calculation of workforce numbers into line with the spirit and letter of the directive in order to ensure that the calculation of thresholds is always based on the actual number of workers, to the exclusion of all other conditions;
- 5. Considers it desirable for the Member States, whilst respecting their national practices, to specify precisely the conditions and restrictions relating to Article 6 of Directive 2002/14/EC on confidential information and to focus on:
 - (a) the duration of that obligation after the expiry of the mandate of such employees' representatives;
 - (b) the criteria and instances for the undertaking's legitimate interest in keeping such information confidential or the risk of harm to the undertaking if such information were disclosed;
- 6. Calls on the Member States, in their transposition measures, to:
 - (a) define precisely the term 'information', leaving no scope for alternative interpretations, at the same time and complying with the spirit of Directive 2002/14/EC by enabling workers' representatives to scrutinise the information provided, without waiting for the end of the information procedure, if decisions by undertakings have direct implications for workers;

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- (b) include, connection with the content of information, references to Article 4(2)(a), (b) and (c) of Directive 2002/14/EC;
 - (c) require that information be provided in good time before consultation;
 - (d) ensure full compliance with the requirements laid down in Article 4 of Directive 2002/14/EC as regards information and consultation rights and with a view to seeking an agreement within the meaning of Article 4(4)(e);
 - (e) involve the trade unions represented in the undertaking, in order to consolidate the social dialogue;
7. Urges those Member States that do not have effective, proportional and dissuasive sanctions, as provided for in Article 6(3) of the directive, which they can impose in the event of non-compliance with the rules governing the exercise of workers' information and consultation rights to introduce such sanctions;
8. Calls on all Member States which do not possess a system for the protection of employees' representatives to establish such a system;
9. Suggests that those Member States in which protection for employees' representatives is traditionally guaranteed by means of an agreement negotiated between trade unions and employers' associations provide for a high level of subsidiary protection for such employees' representatives should the negotiations fail;

Implementing and improving the measures transposing Directive 2002/14/EC

10. Considers that it is necessary for a range of possible sanctions that Member States could take against employers that fail to comply with the right of employees to be informed and consulted under Directive 2002/14/EC to be identified and made available to Member States;
11. Stresses that the Member States cannot invoke subsidiarity to justify not meeting their obligation to adopt sufficiently severe sanctions to dissuade employers from breaching Directive 2002/14/EC;
12. Draws attention to the judgments of the Court of Justice of the European Communities of 8 June 1994⁽¹⁾ establishing the principle that those Member States in which procedural and institutional arrangements are inadequate have an obligation to introduce suitable statutory provisions laying down appropriate administrative and judicial review procedures and appropriate, effective, proportional and dissuasive sanctions against employers who fail to meet their obligations to inform and consult employees;
13. Calls on the Member States, pending a revision of Directive 2002/14/EC, to draw on the case law of the Court of Justice when laying down administrative or judicial review measures and sanctions against employers that fail to meet their obligations to inform and consult employees;
14. Considers that the transposition measures adopted by the Member States must ensure that the right of employees' representatives to be informed and consulted remains an automatic right, in line with the correct interpretation of Directive 2002/14/EC;
15. Considers that it is necessary to lay down arrangements governing performance of the duties of employees' representative in such a way that those duties can be carried out during working hours and remunerated accordingly;

⁽¹⁾ Case C-382/92, Commission v. United Kingdom [1994] ECRI-2435 and case C-383/92, Commission v. United Kingdom [1994] ECRI-2479.

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16. Considers that it is necessary to guarantee that representatives of public administration employees and employees in the public and financial sector enjoy the same rights to information and consultation as are granted to other employees;
17. Considers that it is necessary to review the scope for employing direct consultation in cases where an elected or trade union representation structure exists, thereby ensuring that employers do not use direct consultation to intervene in matters covered by the right of trade unions to conduct collective bargaining, such as pay;
18. Calls for consideration to be given to the need to revise the workforce thresholds triggering the application of Directive 2002/14/EC so that only micro-undertakings are excluded from its scope;
19. Points out to the Member States that, although doubts persist as to precise meaning of the term 'undertaking' in Directive 2002/14/EC, the case law of the Court of Justice on this matter is comprehensive, and calls on the Member States to refer to that case law in their transposition measures, in order to rule out infringement actions relating to those measures;
20. Urges the Commission to take measures as soon as possible to guarantee the effective transposition of Directive 2002/14/EC by the Member States, at the same time checking all the points in respect of which shortcomings have been noted or which have given rise to problems, such as the provisions and national practices concerning the calculation of workforce numbers, the use of the specific provisions laid down in Article 3(2) and (3) and the safeguards to be applied in connection with the confidentiality clause laid down in Article 6; calls on the Commission to initiate infringement proceedings against those Member States which have failed to transpose the directive or which have not done so correctly;
21. Calls on the Commission to submit an evaluation report on the results achieved through the application of Directive 2002/14/EC as regards strengthening the social dialogue, the ability to anticipate, prevention and employability on the labour market, and as regards its ability to prevent administrative, legal and financial difficulties among small and medium-sized undertakings, attaching appropriate proposals where necessary;
22. Welcomes the proposal for a Council regulation on the Statute for a European private company (COM(2008)0396), which takes into account the specific needs of small undertakings;
23. Calls on the Commission, which is responsible for monitoring mergers and takeovers, to ensure that the rules laid down in national and Community law concerning the information and consultation of workers are complied with when decisions on mergers and takeovers are taken;
24. Takes the view that information which could be extremely economically damaging to an undertaking, if disclosed, should be kept absolutely confidential until a final decision is taken on substantial economic issues concerning the undertaking (e.g. in the form of a letter of intent);
25. Calls on the Commission regularly to advocate improvements to the right of employees to be informed and consulted and to place this issue on agendas for the European social dialogue, at both inter-professional and sectoral levels;
26. Calls on the Commission to encourage the social partners to take proactive, positive steps to influence implementation at national level, for example through the dissemination of good practices;
27. Calls on the Commission to take initiatives as soon as possible in order to boost an effective culture of cooperation between the social partners in the European Union in the field of the information and consultation of employees, taking account of the nature of the subject matter and the characteristics and size of undertakings;

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28. Notes with satisfaction that the agreement concluded between the European Community Shipowners' Associations and the European Transport Workers' Federation on the Maritime Labour Convention, 2006 makes reference to consultation in relation to various issues, such as risks to the health and safety of workers and the early termination of contracts;

29. Welcomes the proposal in the Commission communication of 10 October 2007 on Reassessing the regulatory social framework for more and better seafaring jobs in the EU (COM(2007)0591), to review Directive 2002/14/EC and calls on the Commission, in so doing, to remove the possibility of derogating from Directive 2002/14/EC offered by Article 3(3) thereof;

30. Calls on the Commission to consider the need to coordinate Directives 94/45/EC, 98/59/EC, 2001/23/EC, 2001/86/EC, 2002/14/EC and 2003/72/EC and Regulation (EC) No 2157/2001 with a view to determining what changes may be required in order to eliminate duplications and contradictions; takes the view that any changes required should be made simultaneously;

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31. Instructs its President to forward this resolution to the Council, the Commission, the European Economic and Social Committee, the Committee of the Regions and the governments and parliaments of the Member States.

Social Economy

P6_TA(2009)0062

European Parliament resolution of 19 February 2009 on Social Economy (2008/2250(INI))

(2010/C 76 E/04)

The European Parliament,

- having regard to Articles 3, 48, 125 to 130 and 136 of the EC Treaty,
- having regard to Council Regulation (EC) No 1435/2003 of 22 July 2003 on the Statute for a European Cooperative Society (SCE) ⁽¹⁾, and Council Directive 2003/72/EC of 22 July 2003 supplementing the Statute with regard to the involvement of employees ⁽²⁾,
- having regard to Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market ⁽³⁾,
- having regard to Council Decision 2008/618/EC of 15 July 2008 on guidelines for the employment policies of the Member States ⁽⁴⁾,
- having regard to the Commission Communication of 30 January 2008 on a proposal for the Joint Report on Social Protection and Social Inclusion 2008 (COM(2008)0042), the Accompanying document to the Commission Communication on a Proposal for the Joint Report (SEC(2008)0091), and to the Joint Employment Report 2007/2008, as endorsed in the Presidency conclusions following the Spring European Council of 13 to 14 March 2008,
- having regard to its resolution of 6 May 1994 on the alternative, social economy ⁽⁵⁾,

⁽¹⁾ OJ L 207, 18.8.2003, p. 1.

⁽²⁾ OJ L 207, 18.8.2003, p. 25.

⁽³⁾ OJ L 376, 27.12.2006, p. 36.

⁽⁴⁾ OJ L 198, 26.7.2008, p. 47.

⁽⁵⁾ OJ C 205, 25.7.1994, p. 481.

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- having regard to its resolution of 18 September 1998 on the role of cooperatives in the growth of women's employment ⁽¹⁾,
- having regard to its position of 17 June 2008 on the proposal for a decision of the European Parliament and of the Council on the European Year for Combating Poverty and Social Exclusion (2010) ⁽²⁾,
- having regard to its resolution of 23 May 2007 on promoting decent work for all ⁽³⁾,
- having regard to its resolution of 9 October 2008 on promoting social inclusion and combating poverty, including child poverty, in the EU ⁽⁴⁾,
- having regard to the Commission Communication of 23 February 2004 on the promotion of cooperative societies in Europe (COM(2004)0018),
- having regard to the Commission Communication of 4 June 1997 on Promoting the Role of Voluntary Organisations and Foundations in Europe (COM(1997)0241) and to Parliament's resolution of 2 July 1998 thereon ⁽⁵⁾,
- having regard to the Commission Communication of 7 April 2000 on Acting Locally for Employment: A Local Dimension for the European Employment Strategy (COM(2000)0196),
- having regard to the Commission Communication of 6 November 2001 on Strengthening the local dimension of the European Employment Strategy (COM(2001)0629) and Parliament's resolution of 4 July 2002 thereon ⁽⁶⁾,
- having regard to opinions of the European Economic and Social Committee on the social economy, in particular to those on The Social Economy and the Single Market ⁽⁷⁾, Economic diversification in the accession countries – role of SMEs and social economy enterprises ⁽⁸⁾ and the Ability of SMEs and social economy enterprises to adapt to changes imposed by economic growth ⁽⁹⁾,
- having regard to its resolution of 22 April 2008 on the role of volunteering in contributing to economic and social cohesion ⁽¹⁰⁾,
- having regard to its resolution of 6 September 2006 on a European Social Model for the future ⁽¹¹⁾,
- having regard to the Commission Communication of 2 July 2008 on the Renewed social agenda: Opportunities, access and solidarity in 21st century Europe (COM(2008)0412),
- having regard to the Commission Communication of 2 July 2008 on A renewed commitment to social Europe: Reinforcing the Open Method of Coordination for Social Protection and Social Inclusion (COM(2008)0418) and the first Biennial Report on social services of general interest (SEC(2008)2179) of the same date,
- having regard to Rule 45 of its Rules for Procedure,

⁽¹⁾ OJ C 313, 12.10.1998, p. 234.

⁽²⁾ Texts Adopted, P6_TA(2008)0286.

⁽³⁾ OJ C 102 E, 24.4.2008, p. 321.

⁽⁴⁾ Texts Adopted, P6_TA(2008)0467.

⁽⁵⁾ OJ C 226, 20.7.1998, p. 66.

⁽⁶⁾ OJ C 271 E, 12.11.2003, p. 593.

⁽⁷⁾ OJ C 117, 26.4.2000, p. 52.

⁽⁸⁾ OJ C 112, 30.4.2004, p. 105.

⁽⁹⁾ OJ C 120, 20.5.2005, p. 10.

⁽¹⁰⁾ Texts Adopted, P6_TA(2008)0131.

⁽¹¹⁾ OJ C 305 E, 14.12.2006, p. 141.

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- having regard to the report of the Committee on Employment and Social Affairs and the opinion of the Committee on Economic and Monetary Affairs (A6-0015/2009),
- A. whereas the European social model is built mainly upon a high level of services, goods and jobs generated by the social economy with the support of forecasting and innovation capacities developed by its promoters,
- B. whereas the social economy is based on a social paradigm which is in line with the fundamental principles of the European social and welfare model, and whereas the social economy plays a key role today in preserving and strengthening that model by regulating the production and supply of numerous social services of general interest,
- C. whereas the social economy models should consequently be built on to achieve the aims of economic growth, employability, training and personal services, which permeate all EU policies,
- D. whereas the wealth and stability of society derives from its diversity, and whereas the social economy actively contributes to that diversity by improving and reinforcing the European social model and by providing a distinctive business model, which enables the social economy to contribute to stable and sustainable growth,
- E. whereas social economy values are highly consistent with the common EU objectives of social inclusion and whereas decent employment, training and re-inclusion should be linked thereto; whereas the social economy has demonstrated that it can greatly improve the social status of disadvantaged people (as has been demonstrated, for example, by the microcredit cooperatives devised by Nobel Prize winner Professor Mohammed Yunus which, facilitating financial inclusion, increased women's influence) and that it has a substantial capacity for social innovation, supporting people facing difficulties in finding solutions to their own social problems, for example as regards reconciling their professional and private life, gender equality, the quality of their family life, and their ability to care for children, elderly people and people with disabilities,
- F. whereas the social economy represents 10 % of all European businesses, with 2 million undertakings or 6 % of total employment, and has great potential for generating and maintaining stable employment, due mainly to the fact that those activities, by their very nature, are not likely to be delocalised,
- G. whereas social economy enterprises are usually small and medium-sized enterprises (SMEs) contributing to a sustainable economic model, under which individuals are more important than capital, and whereas such enterprises are often active in the internal market and therefore need to ensure that their activities comply with the relevant law,
- H. whereas the social economy has developed from particular organisational or legal business formations such as cooperatives, mutual societies, associations, social enterprises and organisations, foundations and other entities in each of the Member States; whereas the social economy covers a range of concepts used in the various Member States such as 'the solidarity economy' and 'the third sector', and although those concepts are not considered to form part of the social economy in all the Member States, comparable activities sharing the same features exist throughout the European Union,
- I. whereas there is a need to recognise the statute of some of the types of organisation forming part of the social economy at EU level, taking into account the rules of the internal market, in order to reduce bureaucratic obstacles to obtaining Community funding,
- J. whereas the social economy gives prominence to a business model that cannot be characterised either by its size or by its areas of activity, but by its respect for common values, namely, the primacy of democracy, social stakeholder participation, and individual and social objectives over gain; the defence and implementation of the principles of solidarity and responsibility; the conjunction of the interests of its user members with the general interest; democratic control by its members; voluntary and open membership; management autonomy and independence in relation to public authorities; and the allocation of the bulk of surpluses in pursuit of the aims of sustainable development and of service to its members in accordance with the general interest,

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- K. whereas despite the increasing importance of the social economy and of the organisations that form part of it, it remains little-known and is often the target of criticism stemming from misguided technical approaches; and whereas lack of institutional visibility is one of the most important obstacles that the social economy faces in the EU and in some of its Member States, which is due in part to the peculiarities of national accounting systems,
- L. whereas Parliament's intergroup on the social economy has undertaken detailed work,

General remarks

1. Points out that the social economy plays an essential role in the European economy, by combining profitability with solidarity, creating high-quality jobs, strengthening social, economic and regional cohesion, generating social capital, promoting active citizenship, solidarity and a type of economy with democratic values which puts people first, in addition to supporting sustainable development and social, environmental and technological innovation;
2. Considers the social economy to be important, both symbolically and in terms of performance, for the purpose of strengthening industrial and economic democracy;
3. Recognises that the social economy can prosper and develop its full potential only if it is able to benefit from suitable political, legislative and operational conditions and prerequisites, taking due account of the wealth of diversity among social economy institutions and the specificities thereof;
4. Considers that social economy enterprises should not be subject to the same application of the competition rules as other undertakings and that they need a secure legal framework, based on recognition of their specific values, in order to be able to operate on a level playing field with such other undertakings;
5. Underlines the fact that an economic system in which social economy enterprises play a more significant role would reduce exposure to speculation in financial markets on which some private companies are not subject to the supervision of shareholders and regulatory bodies;

Recognising the concept of the social economy

6. Points out that the diversity of entrepreneurial forms has been recognised in the EC Treaty and by adoption of the Statute for a European cooperative society;
7. Points out that the Commission has repeatedly recognised the concept of the social economy;
8. Asks the Commission to promote the social economy in its new policies and to defend the social economy's concept of 'a different approach to entrepreneurship', which is driven primarily not by a profit but by social benefit motive, to ensure that the particular features of the social economy are properly taken into account in the framing of legislation;
9. Takes the view that the European Union and the Member States should recognise the social economy and its stakeholders – cooperatives, mutual societies, associations and foundations – in their legislation and policies; suggests that those measures include easy access to credit and tax relief, the development of microcredit, the establishment of European statutes for associations, foundations and mutual societies, as well as tailored EU funding and incentives to provide better support to social economy organisations operating within market and non-market sectors, which are created for the purpose of social utility;

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Legal recognition: European statutes for associations, foundations and mutual societies

10. Notes that there is a need for the recognition of European statutes for associations, mutual societies and foundations to ensure that social economy enterprises benefit from equal treatment in internal market law; considers that the withdrawal of the Commission's proposals for regulations of the European Parliament and of the Council on the statute for a European association and on the statute for a European mutual society (COM(1991)0273) is a significant setback for the development of these forms of social economy within the European Union; therefore urges the Commission to review its work programme accordingly;

11. Calls on the Commission to follow up the feasibility report on the statute for a European foundation which was to be published by the end of 2008 and to launch an impact assessment of the statutes for a European association and a European mutual society;

12. Calls on the Commission and the Member States to develop a legal framework that recognises the components of the social economy;

13. Calls on the Commission to ensure that the European private company will be a corporate form that can be adopted by all types of businesses;

14. Calls on the Commission to establish clear rules to identify which entities can legally operate as social economy enterprises and to introduce effective legal barriers to entry so that only social economy organisations are able to benefit from financing destined for social economy enterprises or from public policies designed to encourage social economy enterprises;

Statistical recognition

15. Calls on the Commission and the Member States to support the creation of national statistical registers for social economy enterprises, to establish national satellite accounts for each institutional sector and branch of activity and allow for this data to be collated by Eurostat, also by making use of competences available in universities;

16. Points out that the measurement of the social economy is complementary to the measurement of non-profit institutions (NPIs); calls on the Commission and the Member States to promote the use of the UN Handbook on Non-Profit Institutions in the System of National Accounts and to prepare satellite accounts which will improve the visibility of NPIs and social economy organisations;

Recognition as a social partner

17. Supports the fact that the components of the social economy should be recognised in the EU sectoral and inter-sectoral social dialogue and suggests that the process for including social economy actors in social consultations and the civil dialogue should be strongly encouraged by both the Commission and the Member States;

The social economy as a key operator for fulfilling the Lisbon Strategy objectives

18. Points out that social economy enterprises and organisations help to strengthen the entrepreneurial spirit, facilitate better democratic functioning of the business world, incorporate social responsibility and promote the active social integration of vulnerable categories;

19. Stresses that employers in the social economy are significant agents of re-inclusion, and welcomes their efforts to create and maintain high-quality, good, stable jobs and to invest in workers; calls on the Commission and the Member States to support and strengthen the social economy in its role as a good employer and to respect its special status;

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20. Stresses that the social economy helps to rectify three major labour market imbalances: unemployment, job instability, and the social and labour-market exclusion of unemployed people; furthermore notes that the social economy plays a role in improving employability and creates jobs that do not normally delocalise, which contributes to meeting the Lisbon Strategy objectives;

21. Considers that Member State support of social economy enterprises should be interpreted as a genuine investment in creating solidarity networks that can strengthen the role of local communities and authorities in developing social policies;

22. Considers that social problems call for reflection, but that in the current circumstances, what is needed most is action; considers that most social problems should be approached through local solutions, in order to deal with practical situations and problems; considers that, in order to be effective, such action requires strict rules on coordination, which means a high level of cooperation between public authorities and social economy enterprises;

23. Notes that because they are strongly tied to the local level, social economy enterprises enable links to be created between citizens and their regional, national and European representative bodies, and are able to contribute to EU governance that is effective for social cohesion; assesses very favourably the efforts of social economy enterprises and organisations to regroup within coordination platforms at EU level;

24. Points out that the social economy has a key role to play in attaining the Lisbon Strategy objectives of sustainable growth and full employment, since it counteracts the numerous imbalances on the labour market, in particular by supporting female employment, and establishes and provides community care services (such as social, health, and welfare services), in addition to creating and maintaining the economic fabric of society, thus helping to promote local development and social cohesion;

25. Is of the opinion that the European Union should take action to establish a framework for the social economy agenda as that would strengthen local and EU competitiveness and innovation capacity, given the ability of the social economy to generate stability in a context of eminently cyclical economies, by redistributing and reinvesting profits locally, where appropriate, promoting an entrepreneurial culture, linking economic activities to the local needs, sustaining activities at risk (e.g. crafts) and generating social capital;

26. Calls on the competent authorities and the operators in the sector to assess and enhance the role of women in the social economy, both in quantitative terms, given the high rate of employment of women in all fields of the sector, including associations and voluntary work, and as regards the quality and organisational aspects of work and service provision; is concerned about the persisting problem of vertical integration, even in the social economy, which limits the participation of women in decision-making;

27. Calls on Member State governments and local authorities and on operators in the sector to encourage and support the potential synergies which could be generated in the services sector by stakeholders in, and users of, the social economy by broadening the scope of participation, consultation and co-responsibility;

28. Calls on the Commission to take account of the realities of the social economy when reviewing State aid policy, given that small businesses and organisations operating at local level encounter considerable difficulties in accessing funding, particularly during the current economic and financial crisis; also calls on the Commission not to obstruct national company law or fiscal provisions such as those applying to cooperatives in the banking and distribution sectors that operate on the basis of mutuality principles, company democracy, the intergenerational transmission of assets, the indivisibility of reserves, solidarity, the work ethic and business ethics;

29. Highlights the fact that some of the social economy enterprises are micro-enterprises or small businesses that may lack the necessary resources to operate in the internal market and participate in national and EU programmes, and proposes that targeted support and instruments be put in place to enable them to improve their contribution to sustainable economic growth in the European Union, as well as to facilitate, in the event of a business crisis, the possibility of transforming enterprises into worker-owned undertakings;

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30. Calls on the Commission and the Member States to develop programmes directed towards potential and existing social enterprises offering financial support, information, advice and training and to simplify the process of establishment (including reducing the initial capital requirements for companies), in order to help them cope with an economy which is increasingly global and which is currently affected by a financial crisis;

31. Emphasises that social economy enterprises encounter more difficulties than large companies, for example in coping with regulatory burdens, in obtaining financing, and in accessing new technology and information;

32. Points to the importance of the social economy as regards services of general interest; points to the added value provided by public-private integrated networks, as well as to the risk of exploitation, for instance in the form of outsourcing to help public authorities cut their costs, not least by making use of contributions in the form of voluntary work;

33. Urges the Commission to continue its work of dialogue and clarification with the parties concerned and to support the Member States with regard to services of general interest and social services of general interest and make use of the 'bundled indicator' method;

Resources needed to achieve the objectives

34. Calls on the Commission to ensure that the features of the social economy (its aims, values and working methods) are taken into account when devising EU policies and, in particular, to incorporate the social economy into its policies and strategies in the sphere of social, economic, and enterprise development, especially in connection with the 'Small Business Act' for Europe (COM(2008)0394); asks that when the social economy is affected impact assessments are carried out and the interests of the social economy are respected and given priority; urges the Commission, in addition, to look again at the possibility of setting up a social economy inter-service unit linking the relevant directorates-general;

35. Calls on the Commission to ensure that the Observatory of European SMEs systematically includes social economy enterprises in its surveys and to make recommendations for measures to assist their functioning and development; calls on the Commission also to take the necessary measures to enable social economy enterprises to be linked together and promoted by the European e-business support network;

36. Calls on the Member States to support small and medium-sized social economy organisations with aspirations to reduce grant dependency and enhance sustainability;

37. Calls on the Commission to invite participants in the social economy to join permanent bodies for dialogue and to participate in, and work together with, high-level expert groups likely to be concerned with issues relating to the social economy; calls on the Commission to participate in strengthening the structures for representation of the social economy at regional, national and Community level and to create a legal framework designed to promote active partnership between local authorities and social economy enterprises;

38. Calls on the Commission to promote dialogue between public agencies and representatives of the social economy at national and Community level and thus foster mutual understanding and promote good practices;

39. Calls on the Commission to support the EU think-tank on co-operative banks set up by the association of the sector or other financial services that might be of interest to social economy organisations which would study how these specific social economy entities have performed so far in the EU, especially during the current global credit and financial crisis, and how they will avert future risks of this kind;

40. Calls on the Commission to investigate reactivating the budget heading specifically for the social economy;

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41. Calls for programmes to be set up that will encourage experimentation with new economic and social models, to initiate framework research programmes, by including social economy subjects in calls for proposals under the Seventh Framework Programme, to envisage the use of a 'multiplier' applied to the official statistics and to introduce instruments for measuring economic growth from a qualitative and quantitative point of view;
42. Calls on the Commission and the Member States to include a social economy dimension in the establishment of Community and national policies and in EU programmes for enterprises in the fields of research, innovation, finance, regional development and development cooperation, and to support the establishment of social economy training programmes for EU, national and local administrators and to ensure the access of social economy enterprises to programmes and actions for development and external relations;
43. Urges the Member States to make provision for training projects involving higher education, university and vocational training courses designed to create awareness of the social economy and of business initiatives based on its values;
44. Calls on the Commission and the Member States to support the development of skills and professionalism in the sector, in order to enhance the role of the social economy in labour market integration;
45. Calls on the Commission to devise a EU legal framework enabling territorial partnerships to be established and maintained between the social economy sector and local authorities, and to lay down criteria for the purposes of recognising and enhancing the social economy, fostering sustainable local development, and promoting the general interest;
46. Calls on the Commission to aim for conditions which will facilitate investments in the social economy, in particular through investment funds, guaranteed loans and subsidies;
47. Calls on the Commission to reassess:
- its Communication on the promotion of co-operative societies in Europe, and Regulation (EC) No 1435/2003 on the Statute for a European Cooperative society, as provided for therein;
 - its Communication on Promoting the Role of Voluntary Organisations and Foundations in Europe;

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48. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the European Economic and Social Committee, the Committee of the Regions, and the Social Protection Committee.

Mental Health

P6_TA(2009)0063

European Parliament resolution of 19 February 2009 on Mental Health (2008/2209(INI))

(2010/C 76 E/05)

The European Parliament,

- having regard to the EU high-level conference 'Together for Mental Health and Well-Being' held in Brussels on 12-13 June 2008, which established the European Pact for Mental Health and Well-Being,

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- having regard to the Commission's Green Paper on 'Improving the mental health of the population - Towards a strategy on mental health for the European Union' (COM(2005)0484),
 - having regard to its resolution of 6 September 2006 on improving the mental health of the population - towards a strategy on mental health for the European Union ⁽¹⁾,
 - having regard to the declaration of the European Ministerial Conference of the World Health Organisation (WHO) of 15 January 2005 on facing the challenges of mental health in Europe and building solutions,
 - having regard to the conclusions of the European Council of 19-20 June 2008, which underlined the importance of closing the gap in health and in life expectancy between and within Member States and stressed the importance of prevention activities in the field of major chronic non-communicable diseases,
 - having regard to its resolution of 15 January 2008 on the Community strategy 2007-2012 on health and safety at work ⁽²⁾
 - having regard to the United Nations (UN) Convention on the Rights of Persons with Disabilities,
 - having regard to Articles 2, 13 and 152 of the EC Treaty,
 - having regard to the Charter of Fundamental Rights of the Union,
 - 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 (A6-0034/2009),
- A. whereas mental health and well-being are central to the quality of life of individuals and society and are key factors in the EU's Lisbon Strategy objectives and the revised strategy on sustainable development, and whereas the prevention, early detection, intervention and treatment of mental disorders significantly reduce the personal, financial and social consequences thereof,
- B. whereas various EU strategic documents have highlighted the importance of mental health in realising those objectives and the need for practical measures in that respect,
- C. whereas the added value of the Community's mental health strategy lies primarily in the field of prevention and the promotion of the human and civil rights of people with mental health problems,
- D. whereas mental health problems are widespread in Europe, with one in four people experiencing mental health problems at least once in their lives, while many more are indirectly affected, and whereas the standard of mental health care varies considerably between different Member States, especially between the old Member States and some of the new Member States,
- E. whereas gender-specific aspects should be taken into account when considering the subject of mental health, and whereas more women than men suffer from mental disorders and more men than women commit suicide,

⁽¹⁾ OJ C 305 E, 14.12.2006, p. 148.

⁽²⁾ Text adopted, P6_TA(2008)0009.

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- F. whereas suicide remains a significant cause of premature death in Europe, with over 50 000 deaths a year in the EU, and whereas, in nine out of ten cases, it is preceded by the development of mental disorders, frequently depression, and whereas, moreover, the rate of suicide and attempted suicide among people who are in prison or in detention is higher than among the general population,
- G. whereas devising policies to reduce the incidence of depression and suicide goes hand in hand with the protection of human dignity,
- H. whereas, even though depression constitutes one of the most frequent and serious disorders, measures to combat it often remain inadequate, and whereas only a few Member States have implemented prevention programmes,
- I. whereas, however, there is still a lack of understanding and investment in the promotion of mental health and prevention of disorders and a lack of support for medical research and for people with mental health problems,
- J. whereas the financial cost to society of mental ill-health is estimated at between 3 % and 4 % of the Member States' gross domestic product (GDP), and whereas in 2006 the cost to the EU of mental illness was EUR 436 000 million, and whereas most of that expenditure was made outside the health sector, primarily because of systematic absence from work, incapacity for work and early retirement and estimated costs do not in many cases reflect the additional financial burden of co-morbidity, which is more likely to affect persons with mental health problems,
- K. whereas social and economic disparities can increase mental health problems, and whereas the rates of mental ill-health are higher among vulnerable and marginalised groups, such as the unemployed, immigrants, prisoners and former prisoners, users of psychotropic substances, persons with disabilities and persons with long-term illnesses, and whereas specific actions and appropriate policies are necessary to assist their integration and social inclusion,
- L. whereas there are significant disparities between and within the Member States in the field of mental health, including with regard to the areas of treatment as well as social integration,
- M. whereas persons with mental health problems are more at risk than the rest of the population of developing a physical disease and have a lower likelihood of receiving treatment for these physical diseases,
- N. whereas, while physical and mental health are of equal importance and there is interaction between them, mental health often remains undiagnosed or underestimated and receives inadequate treatment,
- O. whereas in most Member States there has been a move away from long-term institutionalised care towards supported living in the community, and whereas, however, this process has taken place without proper planning and resourcing, without control mechanisms and often with budget cuts, which are threatening to cause re-institutionalisation of thousands of citizens with mental illness,
- P. whereas the European Mental Health and Physical Health Platform was set up in 2008, gathering high-level representatives from key organisations,
- Q. whereas the foundations for lifelong mental health are laid during a person's first few years of life and whereas mental illness is common among young people, in whom early diagnosis and treatment is of the utmost importance,
- R. whereas the ageing of the EU's population entails more frequent occurrence of neurodegenerative disorders,

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- S. whereas the discrimination and social exclusion experienced by people with mental health problems and their families are the consequences not only of mental disorder but also of the stigma, rejection and social marginalisation they encounter, and are risk factors which impede their search for assistance and treatment,
 - T. whereas the European Union has designated 2010 as the European Year for Combating Poverty and Social Exclusion,
 - U. whereas research is producing new data on the medical and social dimensions of mental health, and whereas, however, there are still significant gaps and consequently care should be taken not to hamper the public or private medical research effort by imposing a series of, often onerous, administrative requirements or excessive restrictions on the use of relevant models for the development of safe and effective medication,
 - V. whereas learning disabilities (mental handicap) share many of the same characteristics and give rise to the same needs as mental disorders;
 - W. whereas much improvement is essential in the training of medical professionals who encounter mental illness sufferers, including medical practitioners and members of the judiciary,
 - X. whereas mental health disorders are ranked first in terms of human morbidity,
1. Welcomes the European Pact on Mental Health and Well-Being and the recognition of mental health and well-being as a basic priority for action;
 2. Firmly supports the invitation to cooperate and foster action between the EU institutions, the Member States, the regional and local authorities and the social partners on five priority areas for the promotion of the mental health and well-being of the population, including all age groups, and different genders, ethnic origins and socio-economic groups, combating stigma and social exclusion, strengthening preventive action and self-help and providing support and adequate treatment to people with mental health problems and to their families and carers; stresses that any such cooperation must fully comply with the principle of subsidiarity;
 3. Calls on the Member States to develop an awareness of the importance of good mental health, particularly among healthcare professionals and target groups such as parents, teachers, those providing social and legal services, employers, carers and, particularly, the public at large;
 4. Calls on the Member States, in cooperation with the Commission and Eurostat, to improve knowledge about mental health and about the relationship between mental health and the years of healthy life, through establishing mechanisms for the exchange and dissemination of information in a clear, easily accessible and comprehensible manner;
 5. Calls on the Commission to propose common indicators to improve the comparability of data and facilitate the exchange of best practices and cooperation between the Member States to promote mental health;
 6. Considers that the emphasis should be on the prevention of mental ill-health through social intervention, with particular focus on the most vulnerable groups; stresses that, in cases where prevention is insufficient, non-discriminatory access to therapeutic treatment should be encouraged and facilitated and that people with mental health problems should have full access to information about innovative forms of treatment;
 7. Calls on the EU to use the funding facilities available under the Seventh Framework Programme for more research in the field of mental health and well-being and the interaction between mental and physical health problems; calls on the Member States to explore the funding facilities for mental health initiatives under the European Social Fund and the European Regional Development Fund;

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8. Calls on the Member States to make optimum use of the Community and national resources available to promote mental health issues and organise awareness and training programmes for everyone in key positions to promote early diagnosis, immediate intervention and proper management of mental health problems;
9. Calls on the Commission to conduct and publish a survey of mental illness services and mental health promotion policies across the EU;
10. Calls on the Member States to adopt UN resolution 46/119 on 'the protection of persons with mental illness and the improvement of mental health care' drawn up by the United Nations Commission on Human Rights and adopted by the General Assembly of the United Nations in 1991;
11. Calls on the Member States to give people with mental health problems the right to equal, full and appropriate access to education, training and employment, in accordance with the principles of lifelong learning, and to ensure that they receive adequate support for their needs;
12. Stresses the need for clear and long-term planning for the provision of high-quality, effective, accessible and universal community and in-patient mental health services and for the adoption of criteria for monitoring by independent bodies; calls for better cooperation and communication between primary healthcare professionals and mental health professionals to deal effectively with problems associated with mental and physical health, by encouraging a holistic approach which takes into account the overall profile of individuals from the point of view of physical and mental health;
13. Calls on Member States to introduce screening for mental health problems in general health services and for physical health problems in mental health services; furthermore, calls on Member States to establish a comprehensive model of care;
14. Asks the Commission to seek and record the experiences of patients regarding side effects of medication through European Medicines Agency (EMA) guidelines;
15. Asks the Commission to extend the mandate of the European Centre for Disease prevention and Control (ECDC) to include mental health;
16. Calls on the Commission to disseminate the results of the thematic conferences to be held in order to implement the goals of the European Pact and to propose a 'European Action Plan for the Mental Health and Well-Being of Citizens and Medical Research';
17. Encourages the establishment of an EU Platform on Mental Health and Well-being to implement the European Pact, consisting of representatives of the Commission, the Presidency of the Council, Parliament, the WHO and service users, people with mental health problems, families, carers, non-governmental organisations, the pharmaceutical industry, academics and other relevant stakeholders, while deploring the failure to adopt a directive at European level as advocated in the above-mentioned European Parliament resolution on the Commission's Green Paper on mental health;
18. Calls on the Commission to keep the proposal for a European Strategy on Mental Health and Wellbeing as its long-term objective;
19. Calls on Member States to draw up up-to-date mental health legislation which is in line with international obligations as regards human rights – equality and the eradication of discrimination, the inviolability of private life, autonomy, bodily integrity, the right to information and participation – and which codifies and enshrines the basic principles, values and objectives of mental health policy;

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20. Calls for the adoption of common European guidelines defining disability in accordance with the provisions of the UN Convention on the Rights of Persons with Disabilities;

Prevention of depression and suicide

21. Calls on the Member States to implement cross-sectoral programmes for the prevention of suicide, especially among young people and adolescents, promoting a healthy lifestyle, reducing the risk factors such as easy access to pharmaceuticals, drugs, harmful chemical substances and alcohol abuse; considers that it is particularly necessary to guarantee the provision of treatment for people who have attempted to commit suicide and of psychotherapeutic treatment for the families of people who have committed suicide;

22. Calls on the Member States to set up regional information networks between healthcare professionals, service users and people with mental health problems, their families, their educational establishments and places of work, together with local organisations and the public in order to reduce depression and suicidal behaviour;

23. Calls for information to be made more widely available concerning the single European emergency call number 112, such as attempted suicide or mental crises, so as to allow rapid intervention and the provision of emergency medical assistance;

24. Calls on the Member States to set up specific training courses for general practitioners and for the staff of psychiatric services, including doctors, psychologists and nurses, on the prevention and treatment of depressive disorders and suicide risk awareness and management;

Mental health in youth and education

25. Calls on the Member States to provide support to school staff in order to develop a healthy climate, and build relationships between school, parents, health service providers and the community in order to strengthen the social integration of young people;

26. Calls on the Member States to organise support programmes for parents, particularly for disadvantaged families, and to promote the allocation of posts for counsellors in each secondary school to assist the social-emotional needs of young people, with a special focus on prevention programmes such as self-esteem enhancement and crisis management;

27. Stresses the need for health system planning which meets the need for specialist mental health services for children and adolescents, taking into account the move from long-term institutionalised care towards supported living in the community;

28. Stresses the need for the early detection and treatment of mental health problems in vulnerable groups, with particular reference to minors;

29. Proposes that mental health should be incorporated into the programmes of study of all healthcare professionals and that provision should be made for continuous education and training in that sector;

30. Calls on Member States and the European Union to cooperate in raising awareness of the deteriorating mental health situation of children with emigrant parents and to introduce school programs aimed at helping these youngsters to cope with the psychological problems related to the absence of their parents;

Mental health in workplace settings

31. Declares that the workplace plays a central role in the social integration of people with mental health problems and calls for support for their recruitment, retention, rehabilitation and return to work, with the emphasis on the integration of the most vulnerable groups, including ethnic minority communities;

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32. Calls on the Member States to encourage research into the working conditions which may increase the incidence of mental illness, particularly among women;
33. Calls on the Member States to promote and implement specific vocational training courses for people with mental health problems taking into account their abilities and potential, in order to facilitate their integration into the employment market as well as to develop workplace reintegration programmes; stresses also the need for proper training of employers and their employees to deal with the specific needs of people with mental health problems;
34. Calls on employers to promote a healthy working climate, paying attention to work-related stress, the underlying causes of mental disorder at the workplace, and tackling those causes;
35. Calls on the Commission to require businesses and public bodies to publish annually a report on their policy and work for the mental health of their employees on the same basis as they report on physical health and safety at work;
36. Encourages employers, as part of their health and safety at work strategies, to adopt programmes to promote the emotional and mental health of their workers, provide support options which are confidential and non-stigmatising and introduce anti-bullying policies; calls on the Commission to disseminate positive models by publishing such programmes on the Internet;
37. Calls on the Member States to ensure that people who are entitled to sickness or disability benefits because of mental health problems are not deprived of their right of access to employment and that they will not lose the benefits related to their disability/sickness as soon as they find a new job;
38. Calls for the full and effective implementation by Member States of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ⁽¹⁾;

Mental health of older people

39. Calls on the Member States to adopt appropriate measures to improve and maintain a high quality of life for the elderly and to promote health and active ageing through participation in community life, including the development of flexible retirement schemes;
40. Stresses the need to promote research into prevention and care with regard to neurodegenerative disorders and other age-related mental illnesses and for any future Commission action or proposal to distinguish between Alzheimer's disease or similar neurodegenerative disorders and other forms of mental illness;
41. Encourages the development of an interface between research and policy in the field of mental health and wellbeing;
42. Notes the need to assess the co-morbidity of elderly people and the need for the training of healthcare personnel to increase knowledge about the needs of the elderly with mental health problems;
43. Calls on the Commission and the Member States, in the context of the open method of coordination on social protection and integration, to take measures to support carers and to develop guidelines for nursing and long-term care in order to help prevent maltreatment of the elderly and to allow them to live with dignity in an appropriate environment;

⁽¹⁾ OJ L 303, 2.12.2000, p. 16.

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Combating stigma and social exclusion

44. Calls for the organisation of public information and awareness campaigns through the media, the Internet, schools and workplaces, in order to promote mental health, increase knowledge about the most common symptoms of depression and suicidal tendencies, de-stigmatise mental disorders, encourage people to seek the best and most effective assistance and promote the active integration of people experiencing mental health problems;
45. Stresses the crucial role of the media in changing perceptions of mental illness and calls for the development of European guidelines for responsible coverage of mental health by the media;
46. Calls on the Member States to support and encourage the empowerment of organisations which represent people with mental health problems and their carers in order to facilitate their participation in the formulation and implementation of policy and in all stages of research into mental health;
47. Considers that de-stigmatising mental illness involves abandoning the use of invasive and inhumane practices as well as those practices based on the custodial approach;
48. Considers that it is necessary to promote and support psychological and social rehabilitation activities delivered by small public, private or public-private residential centres which provide day-care facilities or continuous care, are similar in scale and ethos to family units and are located in an urban setting, so as to encourage residents' integration at every stage of the therapeutic and rehabilitation process;
49. Welcomes the Commission proposal for a new directive against discrimination on the basis of religion or beliefs, disability, age or sexual orientation beyond the employment sector and calls for the immediate adoption of this directive in order effectively to protect persons with mental health problems from discrimination;
50. Calls on all Member States to ratify without delay the Hague Convention of 13 January 2000 on the International Protection of Adults;
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- * *
51. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the European Office of the WHO.

Follow-up of the energy efficiency national action plans: a first assessment

P6_TA(2009)0064

European Parliament resolution of 19 February 2009 on Follow-up of the energy efficiency National Action Plans: a first assessment (2008/2214(INI))

(2010/C 76 E/06)

The European Parliament,

- having regard to the Council Resolution of 7 December 1998 on energy efficiency in the European Community ⁽¹⁾,
- having regard to the Commission Communication of 19 October 2006 entitled Action Plan for Energy Efficiency: Realising the Potential (COM(2006)0545),

⁽¹⁾ OJ C 394, 17.12.1998, p. 1.

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- having regard to the Commission staff working documents accompanying the above-mentioned Communication, namely the analysis of the Action Plan (SEC(2006)1173), the impact assessment of the Action Plan (SEC(2006)1174) and the executive summary thereof (SEC(2006)1175),
- having regard to the Commission Communication of 10 January 2007 entitled An Energy Policy for Europe (COM(2007)0001),
- having regard to the Presidency Conclusions of the European Council of 8 and 9 March 2007 concerning the Council's adoption of the European Council Action Plan (2007-2009) – Energy Policy for Europe,
- having regard to Council Directive 92/75/EEC of 22 September 1992 on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances ⁽¹⁾,
- having regard to Directive 2002/91/EC of the European Parliament and of the Council of 16 December 2002 on the energy performance of buildings ⁽²⁾,
- having regard to Directive 2004/8/EC of the European Parliament and of the Council of 11 February 2004 on the promotion of cogeneration based on a useful heat demand in the internal energy market ⁽³⁾,
- having regard to Directive 2005/32/EC of the European Parliament and of the Council of 6 July 2005 establishing a framework for the setting of ecodesign requirements for energy-using products ⁽⁴⁾,
- having regard to Directive 2006/32/EC of the European Parliament and of the Council of 5 April 2006 on energy end-use efficiency and energy services ⁽⁵⁾,
- having regard to Council Decision 2006/1005/EC of 18 December 2006 concerning conclusion of the Agreement between the Government of the United States of America and the European Community on the coordination of energy-efficiency labelling programmes for office equipment ⁽⁶⁾,
- having regard to Regulation (EC) No 106/2008 of the European Parliament and of the Council of 15 January 2008 on a Community energy-efficiency labelling programme for office equipment (recast version) ⁽⁷⁾,
- having regard to Decision No 1639/2006/EC of the European Parliament and of the Council of 24 October 2006 establishing a Competitiveness and Innovation Framework Programme (2007 to 2013) ⁽⁸⁾ and in particular Chapter III of Title II thereof, concerning the Intelligent Energy-Europe Programme,
- having regard to Decision No 1982/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013) ⁽⁹⁾,

⁽¹⁾ OJ L 297, 13.10.1992, p. 16.

⁽²⁾ OJ L 1, 4.1.2003, p. 65.

⁽³⁾ OJ L 52, 21.2.2004, p. 50.

⁽⁴⁾ OJ L 191, 22.7.2005, p. 29.

⁽⁵⁾ OJ L 114, 27.4.2006, p. 64.

⁽⁶⁾ OJ L 381, 28.12.2006, p. 24.

⁽⁷⁾ OJ L 39, 13.2.2008, p. 1.

⁽⁸⁾ OJ L 310, 9.11.2006, p. 15.

⁽⁹⁾ OJ L 412, 30.12.2006, p. 1.

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- having regard to its resolution of 1 June 2006 on Energy efficiency or doing more with less – Green Paper ⁽¹⁾,
 - having regard to its resolution of 14 December 2006 on a European Strategy for Sustainable, Competitive and Secure Energy – Green Paper ⁽²⁾,
 - having regard to the Commission Communication of 23 January 2008 on a first assessment of National Energy Efficiency Action Plans as required by Directive 2006/32/EC on energy end-use efficiency and energy services (COM(2008)0011),
 - having regard to the proposal for a directive of the European Parliament and of the Council on the promotion of the use of energy from renewable sources (COM(2008)0019),
 - having regard to the Commission Communication of 13 November 2008 entitled Energy efficiency: delivering the 20 % target (COM(2008)0772),
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Industry, Research and Energy and the opinion of the Committee on Regional Development (A6-0030/2009),
- A. whereas the European Union wastes more than 20 % of its energy due to inefficiency and, if the saving objective of 20 % were met, the EU would use about 400 Mtoe (million tonnes of oil equivalent) less primary energy and the CO₂ emissions reduction would be about 860Mt,
- B. whereas energy consumption in combination with the national energy mix, which is mainly based on conventional energy sources, remain the main source of greenhouse gas emissions in the European Union,
- C. whereas there are increasingly complex risks concerning the security and dependence of supply in connection with the import of energy sources into the EU,
- D. whereas more incentives to invest in energy efficiency during a financial crisis or recession, and in times of volatility and unpredictability in oil prices could help stimulate the economy,
- E. whereas a rise in energy prices can become one of the main causes of poverty; whereas improvements in energy efficiency are the most effective way of reducing the vulnerability of the needy,
- F. whereas improving energy efficiency is also the most cost-effective way to attain the binding emissions reduction and renewable energy targets that the EU has set for itself,
- G. whereas improving energy efficiency and exploiting the possibilities inherent therein is in the common interest of the Member States; whereas it would be advisable to apply different sets of measures to the Member States, so as to reflect their divergent economic and climatic characteristics,
- H. whereas energy efficiency measures can only achieve the desired result if they are applied in all sectoral policies,

⁽¹⁾ OJ C 298 E, 8.12.2006, p. 273.

⁽²⁾ OJ C 317 E, 23.12.2006, p. 876.

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- I. whereas, in view of the fact that several Member States have not submitted a national energy efficiency plan, the Commission must take measures to encourage more Member States to implement decisions taken in that area,
- J. whereas the international economic crisis and the increasing volatility of energy source prices are raising the profile of energy efficiency, which may considerably improve the international competitiveness of European enterprises,
- K. whereas, according to the above-mentioned Commission Communication entitled Energy efficiency: delivering the 20 % target, there is a real danger that the energy efficiency target set for 2020 will not be met,
- L. whereas under the proposal for a directive on the promotion of the use of energy from renewable sources, Member States are required to promote and encourage energy efficiency and energy savings in order to achieve more easily their renewable targets,
- M. whereas residential buildings offer an energy-saving potential of approximately 27 %,
- N. whereas there are still no legally binding targets for energy efficiency, at EU or at national level,
- O. whereas there is a visible lack of capacity for implementing energy efficiency projects,
1. Welcomes the action plans produced by the Member States; is, at the same time, concerned that the delays in submitting the plans and the contents of a number of National Action Plans point to deficiencies which might endanger the attainment of the EU's energy efficiency and climate protection objectives; stresses that the emphasis must now be on effective implementation of measures focusing on energy efficiency, including the development of best practices and synergies, and better information and advice on energy efficiency to end users;
2. Considers it timely that, as part of the 2009 review of the action plans, the extent to which the legislation and the action plans cover all the possibilities for economising in the area of energy efficiency, should be examined in detail, as should the division of responsibility between the Commission, Member States and the regional and local authorities in terms of implementation and enforcement;
3. Urges the Commission to make energy efficiency and energy savings the cornerstone of the Energy Policy for Europe; welcomes the undertaking from the Commission, in the above-mentioned Communication entitled Energy efficiency: delivering the 20 % target, to prepare a revised EU action plan on energy efficiency; calls on the Commission to make the 20 % energy efficiency target by 2020 legally binding as part of the assessment it must prepare on the progress of the Community towards this target, under Decision No 406/2009/EC of the European Parliament and of the Council on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020 ⁽¹⁾;
4. Welcomes the increase in the Commission's human resources in the field of energy efficiency, which, although still insufficient to be fully operational, has resulted in an acceleration in the preparation of legislative proposals in the areas of, for example, eco-product design, the energy performance of buildings and energy labelling, the transport sector and end user installations; stresses that there is a continued need for legislation in these areas;
5. Regards Directive 2006/32/EC as a good regulatory framework; at the same time, notes that the Directive is limited in application to the period up to 2016 and in any case is too limited in ambition to deliver the goal of at least 20 % energy efficiency improvement by 2020, so that a review in 2012, based on a comprehensive study of Member States' experiences, is called for;

⁽¹⁾ OJ L 140, 5.6.2009, p. 136.

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6. Welcomes the fact that energy providers and professional associations in a number of Member States have, on the basis of the Directive, begun improving and coordinating their own smart metering systems; notes, however, that with the present regulatory framework it is unlikely that smart metering will be widely adopted by households; supports therefore the compulsory introduction of smart meters in all buildings within 10 years of the entry into force of Directive 2009/72/EC of the European Parliament and of the Council concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC⁽¹⁾; urges the Commission to enforce more rigorously the requirements of Article 13 of Directive 2006/32/EC in order to accelerate the roll-out of smart-metering systems;
7. Considers it necessary for the Commission to support the compulsory introduction of smart metering, to draw up a comprehensive study of Member States' experiences in the field; considers that future rules should impose a requirement to equip consumers' homes with readable displays alongside the metering system and that the Commission should also devote attention to rules on compatibility of metering systems and on data communication, differentiated tariffs and microproduction;
8. Considers that provisions which reinforce the exemplary role of the public sector should be supported; considers that, in the light of rising energy costs, energy efficiency criteria should be defined for the public procurement procedures of public sector institutions;
9. Recognises that increasing the energy efficiency of buildings has immense potential for the reduction of greenhouse gas emissions and the fight against climate change, in terms both of adaptation and of tackling the causes of climate change;
10. Encourages Member States to make substantial use of alternative renewable energy sources such as wind, biomass, biofuels and also wave and tidal energy, where possible;
11. Welcomes the Commission's preparation to extend Directive 2002/91/EC as regards the standardisation of low-energy-intensive and net zero carbon buildings, and calls for EU-wide requirements on positive energy buildings, as these could reduce costs for end-users; urges that the exact timetable for standardisation and minimum levels of energy from renewables be set down for both new and existing buildings;
12. Underlines that residential buildings are among the most energy-wasteful sectors and therefore urges that financial support at both national and Community levels for the energy performance of buildings be increased and existing financial incentives be compared with the commitments set out in the National Action Plans as part of the Commission's review of Action Plans;
13. Encourages in particular Member States and the regions to use Structural Funds to set up on their territories thematic networks in the framework of the Concerted Action provided for by the 2008 Intelligent Energy Europe Work Programme in order to be informed about practices of other EU regions as regards the efficient use of energy and to exchange know-how and experience in this domain;
14. Stresses that energy policies in the National Action Plans addressing the residential sector should set as a priority the improvement of the envelope quality of dwellings where low income people reside, taking into account the fact that unpredictable fuel prices will seriously aggravate the economic situation of these households and may create serious social problems;
15. Welcomes the on-schedule, ongoing additions to the legislation containing provisions on the labelling of equipment and minimum energy efficiency with regard to the Action Plan and Directive 2005/32/EC; considers it important that the range of equipment covered by the legislation be extended, alongside monitoring of consumer habits;
16. Recommends that, in order to reduce the use of standby power, the Commission examine the possibility of regulating external power sources which supply multiple devices; calls on the Commission, in accordance with the provisions of Directive 2005/32/EC, to ensure that those provisions include the whole life cycle of the product in terms of energy efficiency consequences; in this regard, calls for this Directive to be supplemented with provisions concerning the whole life cycle, product liability and repairability;

⁽¹⁾ OJ L 211, 14.8.2009, p. 55.

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17. Considers it important that enterprises not governed by the European Emissions Trading Scheme be involved in increased energy efficiency, in particular where hidden costs or other difficulties hinder the market achievement of energy efficiency; in order to attain such efficiencies, considers it necessary – in addition to the extension of ecodesign – to introduce a ‘white certificates’ system; believes that, to enable this, the Commission should complete the relevant checks as soon as possible; notes the crucial role that energy efficiency can play in helping Member States to achieve their mandatory effort-sharing targets; underlines the particular potential for cost-effective reductions through improved energy efficiency in buildings;

18. Welcomes Regulation (EC) No 443/2009 of the European Parliament and of the Council setting emission performance standards for new passenger cars as part of the Community’s integrated approach to reduce CO₂ emissions from light-duty vehicles ⁽¹⁾ and the consultation on further legislation to improve the specific energy efficiency of vehicles; underlines the importance of stringent future emissions targets to be set as soon as possible in the interests of industry certainty; expresses disappointment that the 95g CO₂ limit for 2020 called for by Parliament is not yet confirmed; notes, however, with concern that the new legislation will not offset the increasing energy demand for transport;

19. Welcomes the drawing up of the Green Paper on Urban Mobility (COM(2007)0551) but notes that, in the absence of specific, quantifiable provisions, the efficiency reserves cannot be mobilised; calls on the Commission to examine how the promotion of energy-efficient urban mobility and development of public transport can play a greater role in structural and cohesion policy and how the efficiency of mobility can be assigned more weight in the conditions for Community cofinancing projects;

20. Stresses that the spread of information and communication tools has made it possible to apply tolling methods for road freight transport which cover not only the high-speed road network; urges that the possibilities for uniform monitoring legislation for the internal market be studied;

21. Welcomes the Commission proposal for the promotion of efficient cogeneration, but observes that promotion of this technology may play a role where it can contribute effectively to meeting useful heating needs; notes that in district heating systems the efficiency of the network is just as vital as the efficiency of equipment used on the consumer side; considers that, in allocating structural funding, considerably greater weight should in future be attached to the network efficiency of the existing district heating systems;

22. Continues to find that individual sector policies run counter to the European Union’s endeavours to be energy efficient; is of the opinion that the same is also true in the current structure of structural and cohesion support;

23. Considers that SMEs have an important role to play in improving energy efficiency but that they do not have the same capacity to comply with legislation or new standards in the energy sector; considers, therefore, that the facilities which will be created by the Small Business Act should also handle information and contacts with SMEs concerning energy efficiency;

24. Calls on Member States to increase their level of ambition and turn their National Energy Efficiency Action Plans (NEEAPs) into a practical tool for delivery not only of their energy efficiency targets under Directive 2006/32/EC, but also for their wider and longer term targets, notably to improve energy efficiency by at least 20 % by 2020 and to meet binding national effort sharing targets for emissions reduction;

25. Calls on the Member States to go beyond the minimum national indicative energy saving target of 9 % by 2016 in Directive 2006/32/EC and set clear interim targets to achieve the final target;

⁽¹⁾ OJ L 140, 5.6.2009, p. 1.

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26. Considers it necessary for the National Action Plans to formulate realistic, substantiated binding targets and to specify the measures to be put in place in order to ensure these targets are reached;
27. Regards it as extremely important that the National Action Plans be adapted to geographical, climatic, economic structure and consumer characteristics, which can differ widely between regions;
28. Stresses the relationship between energy and territorial cohesion, as pointed out in the Commission Green Paper on Territorial Cohesion (COM(2008)0616), in terms of the positive contribution made by energy efficiency measures to sustainable development and energy security, and the importance of a well-designed spatial strategy, and the creation of long-term solutions for all regions;
29. Considers it necessary for the National Action Plans to reach the energy efficiency targets set in a cost-effective way and to guarantee the value added by State aid;
30. Calls on the Member States to incorporate, in their existing structures for contacts between government agencies and the public, information on energy efficiency, best practice in those areas and consumer rights which have been established in the energy and climate sector;
31. Considers it indispensable that, in contrast with the current practice of a number of Member States, the National Action Plans be prepared with the substantive involvement of local and regional governments, civil organisations and economic partners in order to ensure better grassroots implementation;
32. Considers it important that the National Action Plans pay special attention to poverty caused by rising energy prices and guarantee suitable protection for those at risk of poverty; considers that improving energy efficiency and awareness is a vital and urgent task;
33. Emphasises the importance of Member States including in their NEEAPs appropriate financial instruments for energy saving, as required by Article 9 of Directive 2006/32/EC; considers that these financial instruments should be designed to overcome recognised barriers to energy efficiency improvement such as the cost/benefit split between owner and tenant and the longer pay-back period required when bringing older, hard-to-treat properties up to contemporary energy efficiency standards;
34. Considers it necessary for the National Action Plans to place special emphasis on how governments intend to promote and support energy efficiency investments on the part of SMEs; stresses, therefore, that particular account should be taken of such investments when the National Action Plans are drawn up;
35. Notes with regret that in most Member States the funding allocated to energy efficiency projects is still insufficient and fails adequately to account for regional variances; calls on Member States and regions to focus on the implementation of their respective operational programmes on innovative measures, in order to develop cost-effective energy efficiency solutions;
36. Stresses the need, from now on, for an effective implementation of these measures, including the development of best practices and synergies and the organisation of information exchange and coordination of the diverse and dispersed actors in the energy efficiency sector;
37. Underlines the need for more comprehensive and clear commitments in the second National Action Plans in 2011 in order to create a favourable business environment and predictable investment conditions for market actors;
38. Stresses that the private sector, supported by national measures, should play a prominent role in investing in and developing new, sustainable energy technologies, while also taking innovative actions to adopt an approach more focussed on energy efficiency;

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39. Stresses the strategic role of EU public authorities, in particular at regional and local level, in strengthening the implementation of the necessary institutional support for energy-efficiency initiatives, as described in Directive 2006/32/EC; recommends the strengthening of capillary information and education campaigns, for example through the use of easily understandable energy efficiency labels, and of energy-related pilot initiatives and training on the territories of those regional and local authorities who are aiming at raising citizens' awareness and changing behaviour;

40. Calls on the Member States to develop long-term energy efficiency awareness campaigns, focusing on efficiency in buildings, both public and private, and also on convincing the public that energy efficiency can bring them real savings;

41. Calls on the Commission to disseminate a detailed analysis of all the first round of plans submitted so that the reasons for delays are fully known and to take strong action against further delays and omissions;

42. Asks that the Commission examine, at Community and Member State level, the consistency of each sectoral policy with the energy efficiency objectives, considers in this context that a detailed review of Community aid schemes is indispensable;

43. Calls on the Commission to significantly increase the proportion of the Structural Funds and the Cohesion Fund devoted under Article 7 of Regulation (EC) No 1080/2006 of the European Parliament and of the Council of 5 July 2006 on the European Regional Development Fund ⁽¹⁾ to improving the energy efficiency of existing housing, and to require the Member States to take full advantage of this option;

44. Encourages Member States and the regions in particular to use Structural Funds to set up on their territories thematic networks in the framework of the Concerted Action provided for by the 2008 Intelligent Energy Europe Work Programme in order to be informed about practice in other EU regions as regards the efficient use of energy and to exchange know-how and experience in this domain;

45. Asks the Commission for the next programming period of the Structural Funds to support energy-efficiency objectives, to reinforce priority criteria related to such objectives and to support the implementation of concrete measures and technologies for saving energy and fostering its efficient use, including through the promotion of partnerships in projects such as renovating buildings, modernising street lighting and ecological transport, modernising installations for urban heating and producing heating and electricity;

46. Calls on the Commission to adopt the measures needed to equip Member States with the institutional capacity to prepare and implement effective National Action Plans, including official monitoring and quality control of individual measures, inter alia those arising from obligations relating to the energy certificates of buildings, and for supporting public education and training programmes in energy efficiency; calls on the Commission to establish a public database of Member States' energy efficiency measures and/or of critical elements of their application;

47. Calls on the Commission to establish minimum requirements for a harmonised template, methodology and evaluation process for NEEAPs; notes that this will reduce the administrative burden on Member States, ensure NEEAPs are well-founded and facilitate comparative analysis; believes that this harmonised template and methodology must require chapters by sector and must make a clear distinction between policies and actions on energy efficiency previously adopted by Member States on the one hand, and new and additional policies and actions on the other; points to the relevant provisions of the proposed directive on the promotion of the use of energy from renewable sources; stresses that the checking by the Commission and if necessary rejection of the national action plans at the moment of their submission would ensure a better quality of implementation downstream; calls for the coordination of National Action Plans and reports provided for under different legislative instruments linked with climate change objectives; calls on the Commission to cross-check the NEEAPs with other such National Action Plans and reports, including those submitted in connection with the Kyoto Protocol and the National Strategic Reference Framework documents of the Structural Funds;

⁽¹⁾ OJ L 210, 31.7.2006, p. 1.

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48. Calls on the Commission to develop common principles on methods to measure energy savings with due respect to the subsidiarity principle; notes that the need for quantification and verification of energy savings resulting from energy efficiency improvement measures is not only of interest within the scope of Directive 2006/32/EC, but also in relation to measuring the achievement of the 20 % energy saving objective for 2020 and any other future energy saving objectives;

49. Urges the Commission to ensure that NEEAPs present a clear and joined-up approach, and in particular that the requirements of Directive 2002/91/EC, including any subsequent recasting, are fully integrated into the NEEAPs so that the NEEAPs propose measures that are genuinely additional to energy efficiency improvements already required under existing national and Community legislation;

50. Urges the Commission to insist that the NEEAPs clearly state how the obligation under Directive 2006/32/EC for the public sector to play an exemplary role is to be fulfilled and if necessary to make a proposal for Community legislation which will ensure the leading role of the public sector in the area of energy efficiency investments;

51. Invites the Commission to examine possible ways of reinforcing public procurement procedures with a set of energy efficiency conditions, to be achieved by giving priority to 'green' products in public contracts, including mandatory application of energy efficiency standards and mandatory inclusion of life cycle energy costs in the evaluation of investments; stresses that public authorities at all levels should be the first to set an example through the implementation of Green Public Procurement in their procedures;

52. Calls on the Commission to study the Community resources dedicated to research and development in order to boost the resources dedicated to improving energy efficiency in the next financial perspective;

53. Considers that the Commission should encourage those Member States which have not yet adopted their national energy efficiency plan to implement decisions which have been taken in that area;

54. Instructs its President to forward this resolution to the Council and Commission and to the governments and Parliaments of the Member States.

Applied research relating to the common fisheries policy

P6_TA(2009)0065

European Parliament resolution of 19 February 2009 on applied research relating to the common fisheries policy (2008/2222(INI))

(2010/C 76 E/07)

The European Parliament,

- having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy⁽¹⁾,
- having regard to Decision No 1982/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013)⁽²⁾,
- having regard to the Communication from the Commission of 3 September 2008 entitled 'A European Strategy for Marine and Maritime Research: A coherent European Research Area framework in support of a sustainable use of oceans and seas' (COM(2008)0534) ('the marine and maritime research strategy'),

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 412, 30.12.2006, p. 1.

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- having regard to the Communication from the Commission of 19 September 2002 on a strategy for the sustainable development of European aquaculture (COM(2002)0511),
 - having regard to its position adopted at first reading on 15 June 2006 with a view to the adoption of a decision of the European Parliament and of the Council concerning the seventh framework programme of the European Community for research, technological development and demonstration activities (2007 to 2013) ⁽¹⁾,
 - having regard to its resolution of 20 May 2008 on an integrated maritime policy for the European Union ⁽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⁾,
 - having regard to Council Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy ⁽⁴⁾,
 - having regard to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ⁽⁵⁾,
 - having regard to the report of the world summit on sustainable development held in Johannesburg (South Africa) from 26 August to 4 September 2002,
 - having regard to the Aberdeen Declaration adopted on 22 June 2007 at the EurOCEAN conference by European marine and maritime research organisations, scientific networks and a large number of scientists from across Europe,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A6-0016/2009),
- A. whereas the Commission has sought to stimulate European research on fisheries and aquaculture since the 4th Framework Programme in order to support the common fisheries policy (CFP),
- B. whereas in the 7th Framework Programme, all research on fisheries and aquaculture is incorporated in the wider context of research on agriculture (thematic area 2), whilst marine sciences and the management of coastal zones come under environmental science,
- C. whereas the code of conduct for responsible fishing of the United Nations Food and Agriculture Organisation (FAO) and the agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea relating to the conservation and management of straddling fish stocks and highly migratory fish stocks both stress the need to develop research activities and the collection of data in order to improve scientific knowledge in the sector,
- D. whereas the CFP is among the Community policies most dependent on scientific research and the credibility of the measures adopted under the CFP rests on high-quality scientific opinions,

⁽¹⁾ OJ C 300 E, 9.12.2006, p. 400.

⁽²⁾ Texts Adopted, P6_TA(2008)0213.

⁽³⁾ OJ L 164, 25.6.2008, p. 19.

⁽⁴⁾ OJ L 60, 5.3.2008, p. 1.

⁽⁵⁾ OJ L 206, 22.7.1992, p. 7.

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- E. whereas the CFP is founded on principles of good governance, which require that the decision-making process should be based on serious scientific opinions and should produce timely results,
 - F. whereas scientific data must be taken as the basis for setting quotas and the Maximum Sustainable Yield (MSY),
 - G. whereas fishermen and scientists often disagree in their estimates of the state of the sea and fish stocks,
 - H. whereas the marine and maritime research strategy, while recognising the importance of continuing efforts in the various marine and maritime disciplines, focuses on improving interactions between marine research and maritime research rather than targeting research sectors that are already well established,
 - I. whereas the centres of research excellence existing in the outermost regions are especially useful means of observing the marine landscape for Europe, in the context of the marine and maritime research strategy,
 - J. whereas the forthcoming review of the CFP, attaching greater importance to regional and ecosystem management, requires a solid basis of scientific knowledge,
1. Is convinced that it is necessary, in the policies pursued with regard to research, to pay greater attention to the specific problems of fisheries and aquaculture in view of the sector's economic, social and political importance in the EU;
 2. Welcomes the fresh efforts made by the Commission through its marine and maritime research strategy to mobilise resources with a view to improved integration between marine research and maritime research;
 3. Reminds the Commission that, in accordance with Regulation (EC) No 2371/2002, it has a legal obligation to base its proposals relating to the CFP on 'sound scientific advice and on the precautionary approach'; calls on the Commission to emphasise and make a case for the importance of scientific research into the state of the sea and fish stocks;
 4. Is concerned at the reorganisation of themes in the 7th Framework Programme, which means that research on fish production has been separated from fisheries and marine ecology, even though a clear reorientation of the CFP towards an ecosystem approach would on the contrary require a greater degree of integration;
 5. Deplores the fact that the 7th Framework Programme does not consider either fisheries or aquaculture as specific strands, and refers only to thematic area 2, 'Food, agriculture and fisheries, and biotechnology', which covers fisheries research, but only remotely and if interpreted in the wider sense; notes that the same applies to thematic area 6, 'Environment (including climate change)';
 6. Calls on the Commission to review the 7th Framework Programme when the mid-term evaluation is carried out, scheduled for 2010, taking account of this resolution and paying greater attention to the specific problems of fisheries and aquaculture;
 7. Is convinced that both policy-makers and operators in the fisheries sector have a crucial need for a more practical type of research and, given the duration of the 7th Framework Programme, it is imperative to include the objectives to be achieved;
 8. Takes the view that, owing to the absence of specific strands for fisheries and aquaculture in the 7th Framework Programme, there is not enough incentive for a sufficient number of research projects to be drawn up in these areas, which has a detrimental effect on the importance and relevance of the projects selected;

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9. Stresses that, in order to ensure the effective implementation of the CFP, specific programmes need to be put in place in the field of applied research, and their funding needs to be ensured through an adequate budget allocation; takes the view that, to this end, it is vital to include an allocation key in the 7th Framework Programme;
10. Calls on the Commission for the funding of applied research in the field of the CFP under the 7th Framework Programme to be used as a lever to promote synergies between research efforts in the various Member States and attain the critical mass necessary to meet the great challenges of cross-thematic marine research;
11. Recommends that, in the field of scientific marine research, priority be given not only to research to gain knowledge of the state of fish stocks but also to the ecosystemic, commercial, economic and social aspects that determine fisheries management, since all these aspects are of crucial importance;
12. Takes the view that, in the fields of fisheries and aquaculture in particular, priority should be given to applied research whose fundamental objective should be to improve the scientific data used as a basis for legislation and fisheries management, particularly as regards recovery plans for species at biological risk;
13. Notes a clear conflict of interest between fishermen and scientists in the short term, whereas their long-term objectives are more compatible; considers that a consensus about the state of the sea must be the basis for a fisheries policy geared to sustainability; calls on the Commission to promote better cooperation between fishermen and scientists;
14. Calls on the Commission and the Member States to demonstrate and better convey to fishermen that it is in their interests to take into account the economic benefit that they can expect in the medium or long term in the assessment of their presumed short-term economic loss;
15. Stresses the worrying problem of the shortage of young scientists in applied research in the fisheries sector, because careers are not very attractive compared to basic research and other scientific disciplines;
16. Stresses the need to re-establish interesting and status-enhancing university degree courses leading on to remunerative careers for this scientific path;
17. Is in favour of an education policy that provides greater motivation for young scientists to take up applied research in the fisheries sector, rather than basic research;
18. Urges the Commission to promote the creation of a stable European network, based on the existing physical infrastructure in the Member States and geared to the observation of and collection of data on the marine environment, that would facilitate the exchange of information between operators in the sector and European research bodies, and would maintain the EU in a position of excellence; calls on the Commission to take particular account for this network of the research centres existing in the outermost regions;
19. Recalls the need to standardise the various applied research models currently used in the Member States to make it easier to compare the results and facilitate the aggregation of data;
20. Calls on the Commission to encourage the scientific community to draw up more common methodology standards in fisheries research and step up cooperation between national research institutes;
21. Calls on the Commission to gather specific information on the way in which the dialogue between scientists and fishermen currently operates in the various Member States and to list best practices;

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22. Stresses that the Regional Advisory Councils have an important role to play in the context of applied research and asks, consequently, that it should be possible for scientists to be full members of these bodies;
23. Notes with concern that the total amount spent by Member States on collecting data in the fisheries sector has declined constantly since 2006;
24. Calls on the Commission and Member States to allocate the appropriations entered in the EU budget for the collection of data in the fisheries sector, in particular under budget heading 11 07 02: 'Support for the management of fishery resources (improvement of scientific advice)';
25. Instructs its President to forward this resolution to the Council and the Commission, and the governments and parliaments of the Member States.

European professional card for service providers

P6_TA(2009)0066

European Parliament resolution of 19 February 2009 on the creation of a European professional card for service providers (2008/2172(INI))

(2010/C 76 E/08)

The European Parliament,

- having regard to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications ⁽¹⁾,
- having regard to Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market ⁽²⁾,
- having regard to Decision No 2241/2004/EC of the European Parliament and of the Council of 15 December 2004 on a single Community framework for the transparency of qualifications and competences (Europass) ⁽³⁾,
- having regard to the Recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning ⁽⁴⁾,
- having regard to the Communication from the Commission of 6 December 2007 entitled 'Mobility, an instrument for more and better jobs: The European Job Mobility Action Plan (2007-2010)' (COM(2007)0773),
- having regard to the Communication from the Commission of 11 December 2007 entitled 'Proposal for a Community Lisbon Programme 2008 - 2010' (COM(2007)0804),
- having regard to its resolution of 23 May 2007 on the impact and consequences of the exclusion of health services from the Directive on services in the internal market ⁽⁵⁾,

⁽¹⁾ OJ L 255, 30.9.2005, p. 22.

⁽²⁾ OJ L 376, 27.12.2006, p. 36.

⁽³⁾ OJ L 390, 31.12.2004, p. 6.

⁽⁴⁾ OJ C 111, 6.5.2008, p. 1.

⁽⁵⁾ OJ C 102 E, 24.4.2008, p. 279.

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- having regard to its resolution of 27 September 2007 on the obligations of cross-border service providers ⁽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 (A6-0029/2009),
- A. whereas the right of EU citizens to establish themselves or to provide services anywhere in the EU are fundamental freedoms of the Single Market which include the right to pursue a profession, in a self-employed or employed capacity, in a Member State other than the one in which the professional qualification was obtained,
- B. whereas, pursuant to Article 3(1)(c) of the Treaty, the abolition, as between Member States, of obstacles to the free movement of persons and services is one of the activities of the Community,
- C. whereas greater mobility of persons and services between Member States and between regions is an essential element in achieving the Lisbon agenda for growth and jobs and can boost productivity by bringing fresh perspectives, ideas and skills,
- D. whereas mobility in the EU remains low, only 4 % of the workforce has ever lived and worked in another Member State and approximately 2 % currently lives and works in another Member State ⁽²⁾,
- E. whereas there are still major obstacles for persons wanting to work in another Member State, and 20 % of complaints received by SOLVIT in 2007 concerned the recognition of professional qualifications required to pursue a regulated profession,
- F. whereas the Commission has started infringement procedures under Article 226 of the Treaty against several Member States for failing to notify it of measures adopted in transposition of Directive 2005/36/EC,
- G. whereas recital 32 to Directive 2005/36/EC states that ‘the introduction, at European level, of professional cards by professional associations or organisations could facilitate the mobility of professionals, in particular by speeding up the exchange of information between the host Member State and the Member State of origin. This professional card should make it possible to monitor the career of professionals who establish themselves in various Member States. Such cards could contain information, in full respect of data protection provisions, on the professional’s professional qualifications (university or institution attended, qualifications obtained, professional experience), his legal establishment, penalties received relating to his profession and the details of the relevant competent authority’,
- H. whereas, in its above-mentioned resolution on the impact and consequences of the exclusion of health services from the Directive on services in the internal market, it called for the setting up of ‘a European card to provide access to information on the skills of health care professionals and to make that information available to patients’,

Cross-border mobility

1. Encourages all initiatives that aim to facilitate cross-border mobility as a means to the efficient functioning of the services and labour markets, and as a means to enhance economic growth within the EU;

⁽¹⁾ OJ C 219 E, 28.8.2008, p. 312.

⁽²⁾ Eurobarometer survey 64.1 of 2005 on geographical and labour market mobility.

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2. Underlines the responsibility of the EU to further facilitate geographic and occupational mobility by enhancing transparency in the recognition and comparability of qualifications and in guaranteeing the safety of patients and consumers;
3. Stresses however the need for a more efficient and coordinated approach by the Commission between initiatives that aim to facilitate and stimulate the mobility of professionals between Member States, such as EUROPASS (European CV), EURES (job mobility portal) and the European Qualifications Framework (EQF), as well as between the different associated Community funded or co-funded networks involved in these issues, such as SOLVIT, IMI, EUROGUIDANCE and ENIC/NARIC;
4. Emphasises the co-responsibility of civil society, including employers, unions, professional organisations and the competent authorities, in easing and improving mobility within the internal market;

Transposition of Directive 2005/36/EC

5. Urges those Member States that are lagging behind in transposing Directive 2005/36/EC, which should have been completed by 20 October 2007, to bring into force the laws, regulations and administrative provisions necessary;
6. Calls on the Commission to take action against those Member States that have not yet transposed Directive 2005/36/EC;
7. Calls on the Commission to assess the impact on mobility of the application of Article 7 of Directive 2005/36/EC in the report it will draw up pursuant to Article 60(2) of that Directive;
8. Urges the Member States to strive for a more harmonised approach to the recognition of qualifications and competences, to simplify the administrative processes involved and to reduce the costs incurred by professionals;

Necessity of a European professional card

9. Is of the opinion that the added value of a European professional card, in addition to existing measures which aim to facilitate and stimulate mobility, needs to be established for most professions;
10. Notes that in some regulated and harmonised professions, such as lawyers and health professionals, European professional cards are in place or in development, but that in other non- or less harmonised professions, the introduction of professional cards seems difficult since regulation varies from Member State to Member State and data on qualifications has to be validated and mutually recognised first;
11. Points out that a European professional card could be an advantage even for non-regulated and non-harmonised professions, as it would have an information role particularly for employers and consumers, which would be the case for most liberal professions;
12. Invites the Commission to take stock of different initiatives concerning the development of professional cards and to report to Parliament on a representative inventory;
13. Calls on the Commission to examine the initiatives in order to see whether a European professional card, in addition to other measures, could:
 - (a) contribute to the security of citizens in the event of contact with a provider of cross-border services, as citizens can check the identity and qualifications of the service provider by means of the professional card,

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- (b) lead to administrative simplification and cost reductions and, in the long term, replace paper-based files and dossiers and increase transparency,
- (c) stimulate the provision of temporary services,
- (d) stimulate the provision of appropriate services of a high standard in the European Union and third countries,
- (e) serve as means of communication of appropriate information to recipients of services in order to increase consumer health and safety,
- (f) serve as means of communication of appropriate information to employers (in the public and private sectors) in order to facilitate cross-border recruitment;

is of the opinion that any further public steps should involve a well-defined description of the types of profession and specific needs that the card is supposed to cover;

Characteristics of a European professional card

14. Is of the opinion that any professional card, if there is sufficient demand to develop one, should be as simple, easy and liberal as possible, avoiding any new bureaucratic burdens, and that it could establish a 'common language' in the qualifications of certain professions;

15. Urges that a European professional card should not have a negative effect on cross-border mobility, and should only be used as proof of the right to move without being a condition for such movement; emphasises that specific groups should not be excluded from offering their services in other Member States, and that especially for people with fewer or less specific qualifications, the card should not create new obstacles;

16. Emphasises that the use of one or more European professional cards should allow for diversity, for instance to accommodate differences between professions or differences between Member States; considers that the professions themselves should finance the development and implementation of a European professional card, if felt appropriate;

17. Underlines that, in the event of the profession concerned already having a national professional card, it would, for practical reasons, be appropriate for the functions of the national card to be integrated into the European professional card;

18. Emphasises that information on a European professional card should be reliable, validated and updated by the competent national authorities; is of the opinion that, where appropriate, information contained in EUROPASS CVs could also be included on the European professional card;

19. Stresses that access to the data contained on the card should comply with the highest standards of the protection of privacy;

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

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Community action in relation to whaling

P6_TA(2009)0067

European Parliament resolution of 19 February 2009 on Community action in relation to whaling (2008/2101(INI))

(2010/C 76 E/09)

The European Parliament,

- having regard to the 1946 International Convention for the Regulation of Whaling and the establishment of the International Whaling Commission (IWC),
- having regard to the IWC's agreement on zero catch limits (the 'moratorium') for commercial whaling that came into effect in 1986,
- having regard to the Cetacean update of the 2008 Red List of Threatened Species by the International Union for Conservation of Nature,
- having regard to the meeting of the International Union for Conservation of Nature in Barcelona, 5-14 October 2008,
- having regard to Articles 37 and 175 of the EC Treaty,
- having regard to the Commission Communication of 19 December 2007 on Community action in relation to whaling (COM(2007)0823),
- having regard to the decision adopted by the Council on 5 June 2008 establishing a Community position on whaling ⁽¹⁾,
- having regard to the establishment by the IWC at its 60th annual meeting in Santiago, Chile, in June 2008, of a Small Working Group on the future of the IWC (the 'Working Group'),
- having regard to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ⁽²⁾ (the Habitats Directive),
- having regard to the 1997 Treaty of Amsterdam amending the Treaty on European Union - Protocol on protection and welfare of animals,
- having regard to the adoption by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and its implementation by the EU of a ban on international commercial trade in the products of all species of great whales,
- having regard to Rule 45 of its Rules of Procedure,
- having regard to the report of the Committee on Fisheries and the opinion of the Committee on the Environment, Public Health and Food Safety (A6-0025/2009),

⁽¹⁾ Council Decision establishing the position to be adopted on behalf of the European Community at the 60th meeting of the IWC in 2008 with regard to proposals for amendments to the Schedule of the International Convention on the Regulation of Whaling (Council document No 9818/2008).

⁽²⁾ OJ L 206, 22.7.1992, p. 7.

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- A. whereas the primary objective must be the protection of biodiversity, including the conservation of species,
- B. whereas animal welfare must always be taken into consideration,
- C. whereas there are, nonetheless, issues of food security and supply, particularly for communities that have traditionally engaged in whaling,
- D. whereas the 'deliberate disturbance, capture or killing' of all whale species is currently prohibited in Community waters under the Habitats Directive,
- E. whereas almost one in four cetacean species are currently regarded as under threat, with nine species listed as either endangered or critically endangered, and the status of many species and populations remains unclear,
- F. whereas, although some whale populations have achieved some degree of recovery since the introduction of the moratorium, others have not and their ability to adapt to changing environmental conditions remains unknown,
- G. whereas the moratorium was originally intended to last until an adequate management scheme was put in place and to allow adequate time for depleted stocks to recover,
- H. whereas not all members of the IWC subscribe to the moratorium,
- I. whereas the moratorium does not, in any event, cover the killing of whales for scientific purposes,
- J. whereas the number of whales killed under Special Permit has actually increased since the introduction of the moratorium,
- K. whereas the IWC (in over 30 resolutions) and a number of NGOs and other bodies have expressed deep concern that current Special Permit whaling is 'contrary to the spirit of the moratorium on commercial whaling' (IWC2003-2); the meat from such whaling should not be used for commercial purposes,
- L. whereas, despite recent improvements, the methods by which whales are killed still fall short of the desired standard,
- M. whereas cetaceans are endangered not only by hunting but also by climate change, pollution, ship strikes, fishing gear, sonar and other hazards,
- N. whereas the above-mentioned Council decision relied only on Article 175 of the EC Treaty and related only to the above-mentioned meeting of the IWC in Santiago, Chile, in June 2008,
 - 1. Warmly welcomes the above-mentioned Commission Communication on Community action in relation to whaling and the decision on whaling, which was adopted by qualified majority at the Council; and supports the maintenance of the global moratorium on commercial whaling and a ban on international commercial trade in whale products; seeks to end 'scientific whaling' and supports the designation of substantial regions of ocean and seas as sanctuaries in which all whaling is indefinitely prohibited;
 - 2. Calls on the Council to adopt a new common position under Article 37 as well as Article 175 of the EC Treaty;

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3. Believes that the conservation of whales and other cetaceans depends ultimately on the development of measures that are the subject of sufficiently broad agreement to be implemented effectively;
 4. Calls on the Council, the Commission and those Member States participating in the Working Group to work toward the achievement of such an agreement;
 5. Believes that discussions in the Working Group should be the subject of the greatest possible transparency;
 6. Hopes that the Working Group will address the issue of lethal whaling for scientific purposes in order to find a basis for eliminating it;
 7. Respects the need for a limited amount of hunting to be done by those traditionally engaged in it for the purposes of sustenance, but calls for much greater emphasis on research into and the employment of humane killing methods;
 8. Calls for any such hunting to take place only with clear quotas based on the advice of the IWC Scientific Committee and regulated under strict controls incorporating full recording and reporting to the IWC;
 9. Calls also for the establishment, in suitable locations around the world, of more Marine Protected Areas in which whales would receive special protection;
 10. Notes that the Habitats Directive, which defines the Community position with respect to whales (and dolphins), would not allow the resumption of commercial whaling in respect of any stock of whales in EU waters;
 11. Draws attention to the need to use more selective fishing gear to avoid by-catches of other species, particularly cetaceans;
 12. Considers that the tragic history of commercial whaling, combined with the numerous threats currently faced by whale populations (including, inter alia, incidental catches in fishing operations, collisions with vessels, global climate change and ocean noise pollution), dictates that the EU must promote, in key international fora, in a coordinated and coherent way, the highest level of protection for whales at a global level;
 13. Calls also for threats to the cetacean population arising from climate change, pollution, ship strikes, fishing gear, anthropogenic ocean noise (including sonar, seismic surveys and vessel noise) and other hazards to be tackled outside such protected areas;
 14. Considers that the Commission should, in advance of global action, bring forward further proposals to counter such threats in respect of Community waters and Community vessels;
 15. Takes the view that the Commission should define a revised regulatory framework for the practice of whale-watching that protects the economic and social interests of coastal regions where this activity is carried out, taking account of its recent development;
 16. Instructs its President to forward this resolution to the Council and the Commission, the governments and parliaments of the Member States, the International Whaling Commission, the Regional Advisory Councils, the Advisory Committee on Fisheries and Aquaculture and the Regional Fisheries Management Organisations to which the EU belongs.
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Community participation in the European Audiovisual Observatory

P6_TA(2009)0068

European Parliament resolution of 19 February 2009 on Community participation in the European Audiovisual Observatory (2008/2179(INI))

(2010/C 76 E/10)

The European Parliament,

- having regard to Resolution (92) 70 of the Committee of Ministers of the Council of Europe of 15 December 1992 establishing a European Audiovisual Observatory and to Resolution (97) 4 of 20 March 1997 confirming the continuation of the European Audiovisual Observatory and to the Statute of the Observatory annexed to it,
 - having regard to Resolution Res (2000) 7 of the Committee of Ministers of the Council of Europe of 21 September 2000 concerning amendments to the Statute of the European Audiovisual Observatory,
 - having regard to Council Decision 1999/784/EC of 22 November 1999 concerning Community participation in the European Audiovisual Observatory ⁽¹⁾,
 - having regard to Decision No 1718/2006/EC of the European Parliament and of the Council of 15 November 2006 concerning the implementation of a programme of support for the European audiovisual sector (MEDIA 2007) ⁽²⁾,
 - having regard to the Commission report of 10 January 2007 on the implementation of Council Decision 1999/784/EC of 22 November 1999 as amended by Decision 2239/2004/EC of the EP and the Council concerning Community participation in the European Audiovisual Observatory (COM(2006)0835),
 - 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) ⁽³⁾,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Culture and Education (A6-0010/2009),
- A. whereas the audiovisual sector makes an important contribution to the European creative and knowledge economy and plays a central role in promoting cultural diversity and pluralism in the European Union,
- B. whereas the convergence of information society services and media services, networks and devices sets new challenges in terms of adapting the existing legal framework with its rights and obligations in many areas, and offers a host of new opportunities,
- C. whereas the transparency and the availability of reliable and comparable information concerning the European audiovisual market can make operators in the sector, especially SMEs, more competitive, by improving the understanding of the industry's potential, and can be to the benefit of users,

⁽¹⁾ OJ L 307, 2.12.1999, p. 61.

⁽²⁾ OJ L 327, 24.11.2006, p. 12.

⁽³⁾ OJ L 298, 17.10.1989, p. 23.

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- D. whereas the European Audiovisual Observatory (the 'Observatory') thus contributes to the competitiveness of the European audiovisual industry by collecting and disseminating detailed information about the audiovisual sector,
- E. whereas the Observatory provides a wide variety of products including online services, publications and databases, which have proved to be of great value for both industry and policy makers, at national and Community level,
- F. whereas Community action to support the competitiveness of the audiovisual industry will contribute to achieving the objectives set by the Lisbon strategy,
1. Recognises that the Observatory is the only pan-European public service organisation dedicated to gathering and distributing information on the European audiovisual industry and plays a vital role by providing detailed information on the sector to both public and private bodies in the field;
 2. Stresses that the convergence of information society services and media services, networks and devices has raised new challenges for research in the audiovisual sector, which should be reflected in the Observatory's activities;
 3. Reiterates that multimedia and new technologies will play an ever greater role in the audiovisual sector and that the Observatory must, in due course, strengthen its capacity to follow these new developments in order to continue to play an important role in the sector;
 4. Emphasises that the Observatory must be provided with the resources necessary to continue realising its objectives, thereby effectively keeping step with new developments in multimedia and new technologies;
 5. Calls on the Observatory in this respect to extend its activities to cover more specifically the latest challenges that are created by media convergence and new developments, giving particular attention to the analysis of the impact of digitalisation on the film and audiovisual industry in general and the analysis of online audiovisual services, mobile TV and video games;
 6. Stresses the importance of contact and co-ordination with national regulators and stakeholders in the audiovisual media sector in order to guarantee added value;
 7. Welcomes the Observatory's publication on copyright and other related rights and suggests that the Observatory cover these issues systematically and, also as far as possible in the light of the UNESCO Convention on Cultural Diversity⁽¹⁾, extend its coverage to include the issue of tax and labour law in the audiovisual sector in Europe;
 8. Calls on the Observatory, as an expert body, to make suggestions and provide policy options which could serve as a basis for European policy, having regard to best practices in the audiovisual media field in other parts of the world with equivalent developments (such as Asia or North America);
 9. Welcomes the Observatory's investigation into the significance of audiovisual works from third countries on the European market and recommends an analysis on developing models of cooperation with partners from third countries on the implementation of the UNESCO Convention on Cultural Diversity and the abovementioned Audiovisual Media Services Directive with respect to the 'European works' under Article 1(n) of that Directive and including the Media International pilot project;

⁽¹⁾ The United Nations Educational, Scientific and Cultural Organization (UNESCO) 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

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10. Recognises the cultural differences between Member States which may result in different ways of dealing with harmful or offensive audiovisual material, especially vis-à-vis minors, while taking into account the minimum harmonisation in the field of protection of minors laid down in the Audiovisual Media Services Directive and the actions taken under the Safer Internet Plus programme which aims to promote safer use of the internet and new online technologies, particularly for children, and to combat illegal content and content not wanted by the end-user;
11. Calls on the Observatory, in this respect, to monitor the different (legal) instruments and to develop policy options;
12. Encourages the wider dissemination of the Observatory's publications through an intensified communications policy in order to promote awareness of its activities;
13. Welcomes the planned overhaul of the Observatory website which ought to reflect the latest and highest standards in multimedia and technology, and supports the planned efforts to improve its design and interactivity which will make it more informative and more user friendly;
14. Recognises that whilst some specific areas, such as media literacy, are not currently within the field of activity of the Observatory, exploration of such issues should be envisaged;
15. Encourages the Observatory to provide, in cooperation with its members, more data on the availability of specific audiovisual services such as subtitling, audio description and sign language, designed to assist people with disabilities;
16. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States as well as the Council of Europe and the European Audiovisual Observatory.

Alleged use of European countries by the CIA for the transportation and illegal detention of prisoners

P6_TA(2009)0073

European Parliament resolution of 19 February 2009 on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners

(2010/C 76 E/11)

The European Parliament,

- having regard to the international, European and national instruments on human rights and fundamental freedoms and on the prohibition of arbitrary detention, enforced disappearances and torture, such as the International Covenant on Civil and Political Rights of 16 December 1966 and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984 and the relevant protocols thereto,
- having regard to its resolution of 14 February 2007 on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners⁽¹⁾, as well as to other reports and resolutions raising the issue, including the Council of Europe work on this matter,
- having regard to its resolution of 4 February 2009 on the return and resettlement of the Guantánamo detention facility inmates⁽²⁾,
- having regard to the letter sent by its President to national parliaments on the follow-up by Member States to Parliament's resolution of 14 February 2007,

⁽¹⁾ OJ C 287 E, 29.11.2007, p. 309.

⁽²⁾ *Texts adopted*, P6_TA(2009)0045.

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- having regard to Rule 103(4) of its Rules of Procedure,
- A. whereas its resolution of 14 February 2007 addressed a series of 46 detailed recommendations to Member States, the Council and the Commission,
- B. whereas since the adoption of its resolution of 14 February 2007, a series of developments have taken place in Member States, including:
 - the statements by the UK Foreign Secretary on two US extraordinary rendition flights carrying two prisoners that landed on UK territory in 2002 and the compiling of a list of suspect flights that would be sent to US authorities to request specific assurances that they had not been used for rendition, as well as the statements by the Prime Minister in this regard; the referral by the UK Home Secretary to the UK Attorney General of the question of possible ‘criminal wrongdoing’ by MI5 and the CIA in relation to Binyam Mohamed’s treatment; the High Court’s ruling of 5 February 2009 that it was unable to order the disclosure of information about the alleged torture of Binyam Mohamed because the UK Foreign Secretary asserted that the UK was threatened by the US with the blocking of intelligence-sharing about terrorism, and the legal challenge to the ruling based on doubts about the veracity of that assertion,
 - the decision by the Polish Prime Minister to hand over to prosecutors documents on CIA flights and prisons, and the finding of the Polish Public Prosecutor that over a dozen CIA flights had used Szymany Airport, thereby confirming the findings of Parliament’s Temporary Committee,
 - the statements by the Spanish Foreign Minister in the Spanish Parliament clarifying the information published by El País about military flights,
 - the imposition of state secrecy requirements by some governments on information relevant to the inquiries into rendition, as occurred in Italy, where the proceedings on the rendition of Abu Omar are currently suspended and a ruling by the Constitutional Court on the legitimacy of the invocation of state secrecy is awaited,
- C. whereas on 3 February 2009 the Commissioner for Justice, Freedom and Security stated in Parliament that he had undertaken a series of actions to implement Parliament’s recommendations, including writing to the authorities of Poland and Romania to ask them to clarify in full the position regarding the alleged existence of secret prisons on their soil, and issuing a communication proposing new measures in the field of civil aviation,
- D. whereas extraordinary rendition and secret detention are contrary to international human rights law, the UN Convention against Torture, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights of the European Union, and whereas the US authorities are currently reviewing these practices,
- E. whereas those kidnapped in some Member States under the extraordinary rendition programme have been flown to Guantánamo or to other states by the US authorities on military or CIA flights, which have often flown over EU territory and in some cases have also made stopovers in certain Member States; whereas those taken to third countries have undergone torture in local prisons,
- F. whereas some Member States have approached the US authorities requesting the release and repatriation of persons who have undergone extraordinary rendition and who are their nationals or who were previously resident on their territory; whereas officials of some Member States have had access to prisoners in Guantánamo or in other detention centres and have also interrogated them to verify the charges brought against them by the US authorities, thus legitimating the existence of such detention facilities,

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- G. whereas its resolution of 14 February 2007 stated, and subsequent events have confirmed, that several Member States had been involved in, or had cooperated actively or passively with the US authorities in, the CIA's and US military's illegal transportation of prisoners to, and/or their detention in, Guantánamo and the 'secret prisons' acknowledged by President Bush – as proven by some recently disclosed information concerning governments' authorisations of US requests for over-flight and by government information on secret prisons – and that Member States bear a particular share of political, moral and legal responsibility for the transportation and detention of those imprisoned in Guantánamo and in secret detention facilities,
- H. whereas the US Senate ratified the EU-US Agreements on Extradition and Mutual Legal Assistance, ratified by all the Member States except Italy,
- I. whereas the executive orders issued by President Obama on 22 January 2009, though a considerable step forward, do not seem to fully address the issues of secret detention and abduction or that of the use of torture,
1. Denounces the lack of action taken so far by the Member States and the Council to shed light on the extraordinary rendition programme and to implement Parliament's recommendations; deplores the lack of satisfactory answers given by the Council to Parliament on 3 February 2009;
 2. Calls on the Member States, the Council and the Commission to fully implement the recommendations made by Parliament in its resolution of 14 February 2007 and to assist in ascertaining the truth by opening inquiries or collaborating with the competent bodies, by disclosing and providing all relevant information, and by ensuring effective parliamentary scrutiny of the action of secret services; asks the Council to disclose all relevant information concerning the transportation and illegal detention of prisoners, including in the framework of the Working Party on Public International Law (COJUR); calls on Member States and EU institutions to cooperate with all competent international bodies, including UN and Council of Europe bodies, and to transmit to Parliament any relevant information, parliamentary inquiry report or judgment;
 3. Calls on the European Union and the United States to strengthen transatlantic dialogue on a new common approach to tackling terrorism based on the common values of respect for international human rights law, democracy and the rule of law, in a framework of international cooperation;
 4. Believes that the EU-US Agreements on Extradition and Mutual Legal Assistance constitute a relevant tool for legally sound law enforcement and judicial cooperation in the fight against terrorism; welcomes, therefore, their ratification by the US Senate and calls on Italy to ratify them as soon as possible;
 5. Welcomes the issuing by President Obama of three executive orders on closing the Guantánamo detention centre, halting the proceedings of military commissions, ending the use of torture and shutting secret prisons abroad;
 6. Highlights the fact, however, that some ambiguities persist as to the continuation of a limited number of rendition schemes and of secret detention facilities, and is confident that clarifications will be made as to the closure and prohibition of all other secret detention facilities directly or indirectly managed by US authorities in the US or abroad; recalls that secret detention is in itself a serious violation of basic human rights;
 7. Reaffirms that, according to Article 14 of the UN Convention against Torture, any victim of an act of torture has an enforceable right to redress and to fair and adequate compensation;
 8. Welcomes the forthcoming visit to the United States, on 16 and 17 March 2009, by the Commissioner for Justice, Freedom and Security, the Czech Presidency and the EU Counter-Terrorism Coordinator, and calls on the EU representatives to raise the issue of extraordinary rendition and of secret detention facilities, as these are serious violations of international and European human rights law; calls on the Justice and Home Affairs Council of 26 February 2009 to take a firm stance on this, and to discuss the issue of the closure of Guantánamo and the resettlement of detainees, taking into due consideration Parliament's resolution of 4 February 2009 on the subject;

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9. Calls on the European Union, the Member States and the US authorities to investigate and provide full clarification about the abuses and violations of international and national law on human rights, fundamental freedoms, the prohibition of torture and ill-treatment, enforced disappearance and the right to a fair trial committed in connection with the 'war against terror', so as to establish responsibility for secret detention centres - including Guantánamo - and the extraordinary rendition programme, and to ensure that such violations will not recur in the future and that the fight against terrorism is pursued without breaching human rights, fundamental freedoms, democracy and the rule of law;

10. Calls on the Council, the Commission and the EU Counter-Terrorism Coordinator, after the visit of the EU delegation to the US, to report to Parliament on the application of the Agreements on Extradition and on Mutual Legal Assistance, as well as on EU-US cooperation in the field of anti-terrorism while ensuring full respect for human rights, so that the competent committee can address these issues in a report drafted inter alia on the basis of paragraph 232 of its resolution of 14 February 2007;

11. Instructs its President to forward this resolution to the Council, the Commission, the High Representative for the Common Foreign and Security Policy, the EU Counter-Terrorism Coordinator, the governments and parliaments of the Member States, the NATO Secretary-General, the Secretary-General and President of the Parliamentary Assembly of the Council of Europe, the United Nations Secretary-General and the President and Congress of the United States of America.

Annual Report (2007) on the main aspects and basic choices of the CFSP

P6_TA(2009)0074

European Parliament resolution of 19 February 2009 on the annual report from the Council to the European Parliament on the main aspects and basic choices of the Common Foreign and Security Policy (CFSP) in 2007, presented to the European Parliament in application of point G, paragraph 43 of the Interinstitutional Agreement of 17 May 2006 (2008/2241(INI))

(2010/C 76 E/12)

The European Parliament,

- having regard to Article 21 of the EU Treaty,
- having regard to the annual report (2007) from the Council to the European Parliament on the main aspects and basic choices of the Common Foreign and Security Policy (CFSP), presented to the European Parliament in application of point G, paragraph 43 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾,
- having regard to the European Security Strategy (ESS) adopted by the European Council of 12 and 13 December 2003,
- having regard to its resolutions of 14 April 2005 ⁽²⁾, 2 February 2006 ⁽³⁾, 23 May 2007 ⁽⁴⁾ and 5 June 2008 ⁽⁵⁾ on the annual report from the Council to the European Parliament on the main aspects and basic choices of CFSP,
- having regard to Rule 112(1) of its Rules of Procedure,

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ C 33 E, 9.2.2006, p. 573.

⁽³⁾ OJ C 288 E, 25.11.2006, p. 59.

⁽⁴⁾ OJ C 102 E, 24.4.2008, p. 309.

⁽⁵⁾ Texts adopted, P6_TA(2008)0254.

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- having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on Budgets (A6-0019/2009),
- A. whereas a clear definition of the common interests of the EU is essential in order to attain the goals of the EU's external action and in particular those of its CFSP,
- B. whereas whenever the EU has spoken with one voice it has enjoyed substantial authority, achieved tangible results and exercised considerable influence on the course of events, an influence commensurate with its economic power,
- C. whereas the CFSP, which now relies on a wide range of consolidated operational tools, is entering a new stage, marked by an increased emphasis on strategic thinking and clearly prioritised action,
- D. whereas, in order to improve the effectiveness and consistency of its action on a global stage, the EU needs, first and foremost, the foreign policy tools provided for by the Lisbon Treaty; whereas, none the less, all the practical possibilities offered by the current Treaties, coupled with a strong common political will, should be used to strengthen the institutional coherence of the EU's external action,
- E. whereas the Council and the Commission have already taken initiatives towards promoting greater synergy and consistency between themselves; whereas Parliament should therefore undertake similar efforts to avoid internal fragmentation in the area of external relations,

Principles

1. Reiterates that the CFSP must be underpinned and guided by the values which the EU and its Member States cherish, notably democracy, the rule of law and respect for the dignity of the human person, for human rights and for fundamental freedoms, as well as the promotion of peace and effective multilateralism;
2. Underlines that the EU must use the CFSP to fight for the common interests of its citizens, including their right to live in peace and security in a clean environment and to have diversified access to vital resources such as energy;
3. Strongly believes that the EU can make an impact only if it speaks with one voice, if it is equipped with appropriate instruments, if it further strengthens its cooperation with the UN, and if it is granted the robust democratic legitimacy which results from informed scrutiny by both the European Parliament and national parliaments acting at their respective levels and in accordance with their own mandates; believes in this respect that members of the committees on foreign affairs and defence of national parliaments should be invited by the European Parliament to meet it regularly in order to scrutinise, on the basis of appropriate analytical tools and methodologies, the main developments in the CFSP; takes the view that fresh efforts should be made to raise the awareness of EU citizens with regard to the CFSP;
4. Is also of the opinion that Parliament's structures and organisation should be reviewed in order to pool together and better exploit all expertise in matters relating to CFSP, so as to provide a more effective and coherent contribution to the development of a more strategic and democratic CFSP;

Budgetary aspects

5. Regrets the fact that the CFSP budget is seriously under-funded and recalls that, in order to be credible and respond to the expectations of EU citizens, the CFSP must be allocated resources commensurate with its objectives and specific targets;

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6. Welcomes the regular holding of CFSP consultation meetings between Parliament and the Presidency of the Council as provided for by the above-mentioned Interinstitutional Agreement; stresses, nevertheless, that these meetings should be understood as an opportunity to exchange views on the forthcoming needs, on the intended actions in the field of CFSP and on medium and long-term strategies of the EU in third countries;

7. Would welcome more information from the Council on the activities financed by the Council's budget or via the ATHENA mechanism, and particularly on how the appropriations concerned complement the funds for CFSP actions under the EU budget;

8. Requests that the CFSP budget be fully transparent to the budgetary and discharge authority; reiterates its concerns about the practice of carrying over unspent appropriations under the CFSP chapter, and calls on the Commission to inform Parliament in due time about internal transfers, especially since most of the CFSP missions concerned, not least the EU Monitoring Mission (EUMM) in Georgia or the EU Rule of Law Mission (EULEX) in Kosovo, are of a sensitive political nature and address well publicised crises;

The Council's 2007 Annual Report on the CFSP

9. Notes with satisfaction that, for the first time, the Council's report systematically refers to the resolutions adopted by Parliament; regrets, however, that the Council does not engage in a substantive dialogue on the views advanced by Parliament, nor does it refer to those resolutions in operational documents such as joint actions or common positions;

10. Is of the opinion that, rather than content itself with providing an exhaustive catalogue of the activities carried out, the Council's annual report should provide the opportunity to establish a dialogue with Parliament aimed at developing a more strategic approach to the CFSP, based on the identification of the main challenges, and defining priorities and objectives for future action;

11. Therefore urges the Council to reconsider the general rationale and the specific format of the report in order to ensure that it includes an in-depth assessment of the EU's policy towards third countries or regional blocs and the EU's response to humanitarian and security crises, as well as specific proposals for future action;

A new transatlantic agenda

12. Believes that the coming months will provide a unique opportunity for the EU to work out a new transatlantic agenda with the new US administration, covering strategic issues of common concern, such as a new, more inclusive and more effective global governance based on stronger multilateral organisations, the financial crisis, the establishment of a new set of Euro-Atlantic institutions and of a deep and comprehensive transatlantic market, measures to tackle climate change, energy security, the promotion of a durable peace in the Middle East, the situation in Iran, Iraq and Afghanistan, the fight against terrorism and organised crime, nuclear non-proliferation and disarmament, and the Millennium Development Goals;

CFSP horizontal aspects

13. Believes that the CFSP should continue to focus on upholding human rights, on promoting peace and security in Europe's neighbourhood and at global level, on support for effective multilateralism and respect for international law, on the fight against terrorism, on non-proliferation of weapons of mass destruction and disarmament, and on climate change and energy security, since these issues constitute the greatest challenges to our planet and hence directly relate to the concerns of European citizens;

14. In relation to the kidnapping and murder of hostages by Islamic terrorists, underlines the need for enhanced cooperation and coordination of anti-terrorist policy as between EU Member States, the US and NATO, aiming in particular at improving the effectiveness of rescue operations launched with a view to saving hostages' lives;

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15. Calls on the Council to pursue with determination the recommendations made by Parliament for the development of a common European external energy policy, in particular by promoting EU cohesion in negotiations with energy suppliers and transit countries and defending EU common interests, by developing effective energy diplomacy and more efficient mechanisms for responding to crisis situations and, finally, by ensuring the diversification of energy supplies, sustainable energy use and the development of renewable energy sources;

16. Welcomes the fact that the current revision of the ESS takes into account new security challenges, such as energy security, climate change and cyber-security, and aims at improving the quality of implementation of the strategy itself; notes in this context the debate initiated by the Council, the European Parliament and Member States' national parliaments on the future of European security; emphasises that, far from pursuing a radically new architecture, those discussions, involving the EU, Russia, the USA and non-EU member states of the Organization for Security and Co-operation in Europe, should build on the achievements and values of the EU, as expressed in Article 11 of the Treaty on European Union and embodied by the Helsinki Final Act and the Charter of Paris;

17. Believes also that the war in Georgia confirms the need for further development, within the framework of the revision of the ESS, of EU preventive diplomacy, matched by adequate crisis-prevention tools, including the Instrument for Stability, contingency planning and reliable long-term funding, and the need to make full use of the EU's capabilities and experience in managing disasters and crises;

Main EU security concerns

The Western Balkans

18. Recalls that the consolidation of the post-status Kosovo is essential for the achievement of stability in the Western Balkans; welcomes, therefore, the consensus reached in the UN Security Council on 26 November 2008, which has allowed the deployment of EULEX throughout Kosovo, and urges the Council, in cooperation with the UN Interim Administration Mission in Kosovo (UNMIK), to achieve a clear working relationship and a smooth handover between the two missions in the area of the rule of law; calls on EULEX to deliver quick results in the area of the fight against organised crime and the prosecution of those accused of war crimes; furthermore, expresses its support for the work of the EU Special Representative in Kosovo and encourages him to continue to implement his mandate and to promote a spirit of pragmatic cooperation between the authorities in Priština and those in Belgrade, for the benefit of the Serb communities living in Kosovo;

19. Reasserts that the EU's objective in Bosnia and Herzegovina (BiH) remains to ensure a stable, peaceful and multi-ethnic country irreversibly on track to EU membership; encourages BiH's political leaders to implement the agreement reached on 8 November 2008 in order to rapidly address the remaining objectives and conditions set by the Peace Implementation Council for the transition from the Office of the High Representative to the EU Special Representative's office by mid-2009; expresses its concern at the possible disengagement on the part of the international community from BiH; believes in fact that the end of international involvement can only take place in full agreement with the BiH authorities and once BiH finally becomes a stable state with well-functioning institutions;

Eastern Partnership

20. Reiterates its conviction that incentives for European Neighbourhood Policy partner countries to conduct reforms need to be strengthened, and takes the view that the recent crisis in the South Caucasus has clearly demonstrated the need for a stronger EU presence in its eastern neighbourhood; therefore supports the approach pursued by the Commission in its communication of 3 December 2008 on an Eastern Partnership (COM(2008)0823), which aims at establishing a comprehensive and deep free trade area, the progressive removal of all obstacles to the free movement of persons (including, eventually, visa-free travel) and cooperation in all aspects of security, especially energy security; is of the opinion that the Eastern Partnership and the Black Sea Cooperation should reinforce each other, thus creating an area of peace, security, stability and respect for territorial integrity; takes the view that the partnership should be matched by a doubling of EU financial assistance and by a strong political dimension of which EURONEST, the proposed joint parliamentary assembly comprising Members of the European Parliament and of the parliaments of the neighbourhood, should be an integral part;

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21. Supports the Council's decision to re-engage with the authorities of Belarus, whilst continuing the dialogue with all democratic forces in the country, provided the Belarusian authorities respond positively to this offer by making tangible progress in terms of respect for democratic values, the rule of law, human rights and fundamental freedoms; is of the opinion that, on this basis, a step-by-step cooperation based on strict conditionality should be developed, thus gradually involving Belarus in the Eastern Partnership; urges the Council and the Commission to take effective steps without any further delay in order to facilitate visa procedures for Belarusian citizens, including the lowering of costs for their entry into the Schengen Area;

Georgia

22. Commends the French Presidency of the Council for ensuring that the EU has played a key role in bringing an end to the war in Georgia; calls on the EU, and in particular on its Special Representative for the crisis in Georgia, to uphold the principle of Georgia's territorial integrity and respect for minorities, whilst endeavouring to reach a settlement which provides for efficient mechanisms for the safe return of internally displaced persons and refugees and for effective monitoring of the region's security;

23. Urges the Council to insist on full implementation of the ceasefire agreement and to ensure that EU monitors are granted full access to all areas affected by the conflict, in compliance with the EUMM's mandate; attaches great importance to being regularly and fully informed about the reports drawn up by the EUMM;

24. Is of the opinion that the EU should closely monitor, and commit itself to contributing to the resolution of, other potential conflicts in this part of the European neighbourhood, including by establishing contacts and opening channels of communications with all relevant regional actors; emphasises in this respect that close cooperation with Turkey should be established;

Russia

25. Believes that the EU's partnership with Russia must be based on a coherent strategy and a clear commitment by both sides to acting in a manner which fully respects international law and their bilateral and multilateral agreements; in line with the Presidency conclusions of the European Council of 1 September and 15-16 October 2008, underlines that Russia must comply with the commitments it entered into under the agreements of 12 August and 8 September 2008; is convinced, therefore, that Russia's agreement to allow international observers to monitor the situation in South Ossetia and Abkhazia and its full compliance with the terms of the 6-point plan are necessary for the normalisation of EU-Russia relations; also takes the view that no strategic partnership is possible if the values of democracy, respect for human rights and the rule of law are not fully shared and respected; calls on the Council to place those values at the core of the ongoing negotiations for a new Partnership and Cooperation Agreement with Russia;

The Middle East

26. Regrets the deterioration of the situation in the Middle East and the heavy toll in civilian lives caused by the armed conflict in the Gaza Strip, compounded by the lack of substantial progress in the peace process; warns of the expiry of the deadline agreed at the 2007 Annapolis Conference and is convinced of the added value that strengthened transatlantic cooperation can bring to the Annapolis process; believes that the EU should assume a strong and visible political role in the region, commensurate with the financial resources it has made available, in particular to address the dramatic humanitarian crisis in the Gaza Strip; calls on the Council to pursue its efforts to achieve a permanent ceasefire in the Gaza Strip, in compliance with UN Security Council Resolution 1860 (2009), so as to allow the start of peace negotiations between Israel and the Palestinian people, in coordination with other regional actors; urges the Council to consider all means to promote a lasting peace in the region, including the deployment of an ESDP (European Security and Defence Policy) mission;

27. Welcomes the Council's intention to renew the mandate of the EU Police Mission in the Palestinian Territories, and believes that more robust support for the development of the rule of law and policing capacity is still required; furthermore, takes note of the decision by the Council to extend the mandate of the EU Border Assistance Mission in Rafah and its determination and readiness to reactivate that mission; believes that this determination should result in concrete initiatives to restore freedom of movement in the Palestinian territories;

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The Union for the Mediterranean

28. Is satisfied with the progress achieved at the Euro-Mediterranean Ministerial Summit in Marseilles on 3 and 4 November 2008 in further defining the institutional framework of the Union for the Mediterranean; is of the opinion that human rights, peace, security and development concerns in the Mediterranean region cannot be pursued in isolation; stresses that political and cultural dialogue, economic relations, management of migration flows, environmental policies and security – including the fight against terrorism – must all form a substantive part of the Euro-Mediterranean agenda; calls on the Council and the Commission to include a significant and appropriate role for Turkey in the Union for the Mediterranean; considers it essential for the Euro-Mediterranean Parliamentary Assembly to be integrated into the structure of the Union for the Mediterranean in order to provide its parliamentary dimension;

The broader Middle East

29. Believes that the EU should strengthen its engagement with Iraq and, in cooperation with the Iraqi Government and the UN, should support the process of developing democratic institutions, the rule of law and respect for human rights as well as fostering the reconciliation process not only within Iraq but also as between Iraq and its neighbours; welcomes the extension of the EU Integrated Rule of Law Mission for Iraq (EUJUST LEX) and the progress made in preparing the first ever trade and cooperation agreement between the EU and Iraq;

30. Calls on the EU to develop a more effective and comprehensive relationship with Iran which, besides dealing with the nuclear issue, should also cover trade and energy cooperation, regional stability and, last but not least, good governance and respect for human rights;

31. Considers that the EU should promote a new approach to Afghanistan and should coordinate with the new US administration with a view to opening the door to negotiations between the Afghan Government and those elements that are willing to accept the constitution and relinquish violence; notes that assistance should focus more on the rule of law, good governance, the provision of basic services (with particular attention being paid to health) and economic and rural development, including through the promotion of real alternatives to opium production;

32. Is concerned about the deterioration of the security situation in Afghanistan; reiterates the urgent need to overcome institutional obstacles and improve cooperation between the EU and NATO in order to facilitate the operation of the EU Police Mission in Afghanistan (EUPOL); believes that the EU and the USA should better coordinate their respective initiatives in the area of police reform; welcomes the commitment by the Member States to increasing the number of EUPOL staff and calls for their swift deployment; is convinced that the success of the operation is of great importance for the future of the transatlantic alliance and that, with this in mind, all Member States should make a greater commitment to stability in Afghanistan;

Africa

33. Calls on the Council to widen the agenda with Africa, to cover a broader range of policies than is currently the case, and to make it a priority for EU external action;

34. Believes that EU support for the UN in eastern Chad remains important, as part of a region-wide solution for Darfur; notes that European Union Force Chad (EUFOR Chad) will wind down as planned and hand over its operations to a UN-led mission; calls on the Council to facilitate a smooth transition and to consider, in a coordinated fashion, how the EU can assist the currently overstretched UN Department for Peacekeeping Operations in the deployment of the UN mission;

35. Is gravely concerned by the dire humanitarian situation in Somalia; calls on the EU to consider how it can assist the UN, in close coordination with the African Union, in expeditiously tackling this security, political and humanitarian challenge; draws attention to the growing threats from piracy off the Somali coast and welcomes, in this regard, the decision taken by the EU to launch a maritime ESDP operation;

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36. Is concerned by the stepping-up of violence and conflict in the Democratic Republic of the Congo (DRC), which could result in a major humanitarian crisis; calls on all the parties, including government troops, to cease the indiscriminate violence and violations of human rights involving the civilian population, to re-engage in the peace negotiations launched in Goma and Nairobi and to endorse the programme adopted by the DRC National Assembly; believes that the EU's engagement in the DRC must go beyond the technical assistance provided by the EU Security Sector Reform Mission (EUSEC RD Congo) and the EU Police Mission (EUPOL RD Congo) and must result in the provision of tangible support to the UN peacekeeping mission, which has so far proved unable to stop the violence;

Asia

37. Welcomes the significant reduction of tension in the Taiwan Straits area and the ongoing dialogue between Beijing and Taipei concerning bilateral interactions and Taiwan's meaningful participation in international organisations; strongly supports the Council's declaration of 19 September 2008, which reiterates its support for Taiwan's participation in specialised multilateral forums including the grant of observer status where Taiwan's membership is not possible;

38. Takes note of the fact that EU-China economic relations have experienced steady growth and that people-to-people contacts have grown in scope and scale; at the same time, remains gravely concerned by the lack of willingness on the part of the Chinese authorities to tackle numerous human rights violations and to ensure that the people enjoy basic rights and freedoms; in this context, expresses its profound disappointment over the reasons given for the decision of the Chinese authorities to postpone the 11th EU-China summit; notes that a new EU-China summit is planned for the first half of 2009 and hopes that on that occasion progress can be made in all areas of cooperation;

39. Deplores the decision of the Chinese authorities to end the talks with the representatives of the Dalai Lama, and reminds them of undertakings given after the tragic events of March 2008 before the Olympic Games; once again calls on the Council to appoint a special envoy for Tibetan issues in order to follow the situation closely and to facilitate the resumption of dialogue between the parties;

Latin America

40. Recalls the proposal made in its resolution of 15 November 2001 on a global partnership and a common strategy for relations between the European Union and Latin America ⁽⁶⁾, subsequently repeated in its resolutions of 27 April 2006 ⁽⁷⁾ and 24 April 2008 ⁽⁸⁾, adopted with a view to the EU-LAC (Latin America and the Caribbean) summits held in, respectively, Vienna and Lima, to draw up a Euro-Latin American Charter for Peace and Security which, on the basis of the UN Charter, would allow for joint political, strategic and security-related actions and initiatives; calls on the Council and the Commission to take active steps to realise this ambitious goal;

41. Welcomes efforts leading to the conclusion of bi-regional association agreements with Latin America, the first agreements of this kind to be concluded by the EU;

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42. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Secretary-General of the United Nations, the Secretary General of NATO, the Chairman-in-office of the OSCE, the President of the OSCE Parliamentary Assembly, the Chairman of the Committee of Ministers of the Council of Europe and the President of the Parliamentary Assembly of the Council of Europe.

⁽⁶⁾ OJ C 140 E, 13.6.2002, p. 569.

⁽⁷⁾ OJ C 296 E, 6.12.2006, p. 123.

⁽⁸⁾ Texts adopted, P6_TA(2008)0177.

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European Security Strategy and ESDP

P6_TA(2009)0075

European Parliament resolution of 19 February 2009 on the European Security Strategy and ESDP (2008/2202(INI))

(2010/C 76 E/13)

The European Parliament,

- having regard to Title V of the Treaty on European Union,
- having regard to the Treaty of Lisbon,
- having regard to the European Security Strategy (ESS) entitled 'A secure Europe in a better world', adopted by the European Council on 12 December 2003,
- having regard to the EU Strategy against the Proliferation of Weapons of Mass Destruction, adopted by the European Council on 12 December 2003,
- having regard to the Presidency Conclusions of the European Council of 11-12 December 2008, endorsing the report of 11 December 2008 of the Secretary-General of the Council/EU High Representative for the Common Foreign and Security Policy (CFSP) on the implementation of the European Security Strategy – Providing Security in an Changing World ⁽¹⁾,
- having regard to the European Council Conclusions concerning the European Security and Defence Policy (ESDP) adopted on 12 December 2008,
- having regard to the paper of 14 March 2008 from the High Representative and the Commission to the European Council entitled 'Climate change and international security' ⁽²⁾,
- having regard to Council Joint Action 2008/851/CFSP of 10 November 2008 on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast ⁽³⁾ (the so-called 'operation Atalanta'),
- having regard to its resolution of 14 April 2005 on the European Security Strategy ⁽⁴⁾,
- having regard to its resolution of 16 November 2006 on the implementation of the European Security Strategy in the context of the ESDP ⁽⁵⁾,
- having regard to its resolution of 5 June 2008 on the implementation of the European Security Strategy and ESDP ⁽⁶⁾,
- having regard to its resolution of 10 July 2008 on space and security ⁽⁷⁾,
- having regard to Rule 45 of its Rules of Procedure,

⁽¹⁾ S407/08.

⁽²⁾ S113/08.

⁽³⁾ OJ L 301, 12.11.2008, p. 33.

⁽⁴⁾ OJ C 33 E, 9.2.2006, p. 580.

⁽⁵⁾ OJ C 314 E, 21.12.2006, p. 334.

⁽⁶⁾ Texts adopted, P6_TA(2008)0255.

⁽⁷⁾ Texts adopted, P6_TA(2008)0365.

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— having regard to the report of the Committee on Foreign Affairs (A6-0032/2009),

General considerations

1. Points out that the European Union needs to develop its strategic autonomy through a strong and effective foreign, security and defence policy in order to promote peace and international security, to defend its interests in the world, to protect the security of its own citizens, to contribute to effective multilateralism, to advance respect for human rights and democratic values worldwide, and to safeguard world peace;
2. Recognises the need for the EU to pursue these objectives through multilateral cooperation in international organisations, above all the United Nations, and through partnerships with other key players in accordance with the United Nations Charter, the principles of the Helsinki Final Act and the objectives of the Paris Charter;
3. Reiterates the need for a reform of the United Nations Organization in order to make it capable of fully meeting its responsibilities and acting effectively in providing solutions to global challenges and responding to key threats;
4. Reiterates the importance of the transatlantic relationship and recognises the need for coordination of actions between the ESDP and NATO, but at the same time stresses the need for a more balanced partnership, without competition and with respect for each others' autonomy and mutual understanding where there are diverging strategic considerations;
5. Considers that many of the new threats are not simply military and cannot be tackled by military means alone;
6. Notes that this policy has to combine the use of both civilian and military assets and capabilities, and that it requires close and seamless cooperation between all stakeholders;
7. Embraces the concept of the 'responsibility to protect', adopted by the UN in 2005, and the concept of 'human security', which is based on the primacy of the individual and not of the state; underlines that these concepts entail both practical consequences and strong political guidelines for the strategic orientation of European security policy in order to be able to act effectively in crises; highlights, nevertheless, that there is neither an automatic obligation nor the means available for the EU to deploy ESDP missions, be they civilian or military, in all crisis situations;
8. Stresses that the pooling of efforts and capabilities at the EU level is crucial in overcoming the combined effects of the increasing costs of defence equipment and the existing limits on defence spending;
9. Notes that a common defence policy in Europe requires an integrated European Armed Force which consequently needs to be equipped with common weapon systems so as to guarantee commonality and interoperability;
10. Stresses that transparency and cost-efficiency, as well as parliamentary accountability and observance of international human rights law and humanitarian law, are crucial in order to ensure public support for European defence; stresses in this connection the particular importance of effective parliamentary scrutiny of the ESDP in the form of close cooperation between the European Parliament and the parliaments of EU Member States;
11. Considers that the updated ESS and the future new NATO Strategic Concept should be mutually coherent and that this should be reflected in the Declaration which will be adopted on the occasion of the summit marking the 60th anniversary of NATO, to be held in Strasbourg and Kehl on 3 and 4 April 2009;
12. Stresses that full and timely implementation of the ESS is of key importance;

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13. Welcomes the Council's report on the implementation of the ESS; notes, however, that because many of the goals of the ESS in 2003 remain largely unfulfilled, the EU – reinforced by the Treaty of Lisbon – should play a more decisive role in boosting the legitimacy, transparency and effectiveness of the institutions of global governance;

14. Welcomes the launch of the above-mentioned ESDP operation Atalanta against piracy off the Somali coast; reminds the Council, the Commission and the EU Member States, however, that the reasons for the problem of piracy in that region are deeper rooted, including as they do poverty in a failed state, and demands more profound European actions to tackle those problems;

15. In relation to the kidnapping and murder of hostages by Islamic terrorists, underlines the need for enhanced cooperation and coordination of anti-terrorist policy as between EU Member States, the USA and NATO, aiming in particular at improving the effectiveness of rescue operations launched with a view to saving hostages' lives;

16. Strongly reiterates its call for all necessary guarantees to be provided through the ESS and the ESDP so as to ensure the successful implementation of UN Security Council resolutions on women and peace and security, namely resolutions 1325 of 31 October 2000 (S/RES/1325) and 1820 of 19 June 2008 (S/RES/1820), in furthering women's equal participation in all matters and decisions concerning peace and security and categorising the systematic use of sexual violence against women in conflict situations as a war crime and a crime against humanity; regrets that progress on gender equality in ESDP operations is happening far too slowly;

European security interests

17. Points out that, all too often, thinking in the Member States remains confined within the framework of national security interests and that the common responsibility for protecting joint European interests is thus neglected; regards this approach as counterproductive and urges Member States to widen their thinking in order to make the EU a more important player on the international scene, providing for more effective European security arrangements;

18. Considers it necessary, therefore, to define the EU's common security interests; stresses that only if it has a clear idea of its common interests can the EU make its common policy more coherent and effective;

19. Is of the opinion that, in addition to the challenges identified in the ESS as adopted in 2003, the security interests of the Union include the protection of its citizens and its interests inside the EU as well as abroad, the security of its neighbourhood and the protection of its external borders and critical infrastructure, as well as the improvement of its cyber security, the security of energy supply and sea lanes, the protection of its space assets and protection against the consequences of climate change;

European security ambitions

20. Notes that the EU recognises an international order founded on effective multilateralism on the basis of international law, and that this is an expression of Europeans' conviction that no nation can face the new threats on its own;

21. Considers that the European Union must define more clearly its ambitions concerning its role in the world; is of the opinion that the European Union should not try to become a superpower like the United States but that it should guarantee its security, work for stability in its neighbourhood, and contribute to a multilateral global system of security within the framework of the United Nations, ensuring respect for international law and effective crisis and conflict prevention, as well as post-conflict management and resolution;

22. Stresses that the EU gives priority to crisis prevention in the ESDP; points out that security and the rule of law are indispensable preconditions for development and long-term stability;

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Developing Europe's security strategy

23. Notes that the 2003 ESS highlights the main threats faced by the EU (terrorism, proliferation of weapons of mass destruction, regional conflicts, state failure and organised crime) and identifies strategic objectives, which have become the basis for substrategies;

24. Congratulates the recent French EU Presidency for its initiatives concerning ESDP; takes note of the High Representative's above-mentioned report of 11 December 2008 on the implementation of the ESS as endorsed by the European Council, and welcomes the fact that many recommendations from Parliament's previous reports on the ESS and the ESDP have been taken up, particularly as regards:

- cyber security;
- energy security, including supplies to Europe;
- unresolved regional disputes in the EU's neighbourhood;
- challenges on the African continent;
- consequences of climate change;
- competition for natural resources;
- projects to strengthen civilian and military capabilities;
- the importance of space for our common security;
- maritime security;

25. Welcomes the Council's commitment to the idea that the EU should actually be capable in the years ahead, within the framework of the level of ambition established, inter alia of deploying 60 000 men in 60 days for a major operation, within the range of operations envisaged within the headline goal for 2010, and, within the civilian headline goal for 2010, of planning and conducting simultaneously:

- two major stabilisation and reconstruction operations, with a suitable civilian component, supported by a maximum of 10 000 men for at least two years;
- two rapid response operations of limited duration using inter alia the EU's Battlegroups;
- an emergency operation for the evacuation of European nationals (in less than ten days), bearing in mind the primary role of each Member State as regards its nationals and making use of the consular lead State concept;
- a maritime or air surveillance/interdiction mission;
- a civilian-military humanitarian assistance operation lasting up to 90 days;
- around a dozen ESDP civilian missions (including inter alia police, rule of law, civil administration, civil protection, security sector reform and observation missions) of varying formats, operating inter alia in a rapid reaction situation, including a major mission (potentially involving up to 3 000 experts) which could last several years;

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26. Deplores, however, the unclear manner in which the conclusions concerning the ESS and ESDP are presented (in four documents instead of one); regrets the often vague wording used, which fails to describe a real strategy; criticises the fact that the Council has not acceded to Parliament's demand for a White Paper and that it is therefore unlikely that a fruitful, wide-ranging public debate will be initiated;

27. Further deplores the fact that demands made in Parliament's previous reports on the ESS and the ESDP have not been considered by the Council, above all:

- the definition of common European security interests,
- the definition of criteria for the launching of ESDP missions,
- proposals for a new EU-NATO partnership,
- tackling the issue of national 'caveats';

28. Suggests that the ESS should be reviewed every five years at the beginning of a new EU legislative period;

29. Regrets the relative lack of progress since 2003 in strengthening EU cooperation in defence; therefore calls once again for a White Paper to be drawn up on European security and defence as a tool to be used to initiate a wide-ranging public debate and to ensure that the ESS is implemented in an efficient way;

30. Regrets that, despite extensive preparation but in consequence of a loss of momentum caused by the impasse over the Lisbon Treaty, the revision of the ESS has resulted not in a new strategic orientation but merely in a report expressing day-to-day policy concerns as these arise; notes that the range of threats has been expanded to cover, inter alia, cyber security and piracy; welcomes innovative aspects of the revision such as its focus on climate change, energy security (including, in the nuclear field, support for a multilateral nuclear fuel cycle and a multilateral treaty banning the production of fissile material for nuclear weapons) and the International Arms Trade Treaty as well as other disarmament treaties such as the new Oslo Convention on Cluster Munitions;

31. Finds it unacceptable that there was only limited parliamentary debate and no public debate before the adoption of the report proposing revision of the ESS;

Relationship with Russia

32. Considers that the violent escalation of the hitherto frozen conflicts in South Ossetia and Abkhazia, and the subsequent recognition of the independence of those provinces by Russia, underscores the urgent need to invest in durable political solutions for such conflicts in our neighbourhood; reiterates its view that the conflicts in the Caucasus cannot be resolved by military means and its firm condemnation of all those who resorted to violence during the conflict; emphasises that the further development of the EU's strategic partnership with Russia needs to include meaningful dialogue on security, based on the stated commitment of both parties to their shared values, respect for international law and territorial integrity, and commitment to, and the fulfilment of, obligations under the Helsinki Final Act;

33. Stresses that the security dimension of EU-Russia relations and the role of the CFSP and the ESDP cannot be seen in isolation from the wider European security architecture, which includes NATO, the Organization for Security and Co-operation in Europe (OSCE) and international arrangements such as the Anti-Ballistic Missile Treaty and the Treaty on Conventional Armed Forces in Europe; considers that relevant developments in this wider security structure should be addressed in dialogue with both Russia and the United States, and asks the Council to adopt an open and constructive attitude towards possible talks between the EU, the United States, Russia and non-EU OSCE member states with a view to renewing transatlantic consensus on security, taking the Helsinki Final Act as a basis;

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34. Welcomes the concerted action taken by the EU to mediate between Russia and Georgia in response to the challenge posed by the war in Georgia; points out that the rapid reaction and unity of the European Union, which led to the signing of a ceasefire agreement and the rapid deployment of a monitoring mission under the ESDP, has demonstrated its capacity for crisis management and common action; commends the recent French EU Presidency for its positive role in maintaining a common European approach;

35. Welcomes the Council's decision of 2 December 2008 to establish an independent commission headed by the EU to examine the causes of the conflict in Georgia;

36. Notes the concerns expressed by the Baltic states and takes note of the clear confirmation by NATO and its member states of the continuing validity of their commitments under Article 5 of the North Atlantic Treaty;

37. Welcomes the fact that NATO has decided once again to use existing channels of communication and that the NATO-Russia Council is to be reactivated;

38. Considers that both the EU and NATO should pursue a frank and realistic dialogue with Russia covering such matters as regional security, energy, missile defence, non-proliferation of weapons of mass destruction, limitation of armed forces and space policy;

39. Considers it important to enhance a multilateral dialogue on security issues within the framework of the Euro-Atlantic Partnership Council;

40. Points out that, due to its geopolitical position, its military power and political weight, its energy wealth and its economic potential, Russia is of strategic importance for Europe;

Building Europe's capabilities

41. Stresses that the EU has to have the means to implement its policies, and that, in addition to strengthening its diplomatic capacities, it therefore needs both civilian and military capabilities in order to strengthen the ESDP and to fulfil its responsibilities in the world;

42. Points out that, since its creation, 22 missions have been carried out within the framework of the ESDP, including 16 civilian missions; stresses the importance of the civilian components of the ESDP; welcomes in this connection the establishment of the Civilian Planning and Conduct Capability within the Council of the European Union; calls on the Member States to redouble their efforts to make qualified personnel available for civilian ESDP missions; stresses in this connection the importance of the civilian headline goal 2010;

43. Also emphasises that, with most of the emphasis being placed on the military dimension of the ESDP, progress in the area of civil capabilities and conflict prevention is far too slow and that, in this area, new dynamics need to be proposed as a matter of urgency by both the Council and the Commission;

44. Calls for the further development of the Peace-building Partnership into a European Civil Peace Corps;

45. Is of the opinion that the EU should continue to build its capabilities on the basis of the civilian and military headline goals; notes that it should endeavour to make a force of 60 000 soldiers permanently available; reaffirms its proposal that the Eurocorps should be the core of this force, if necessary reinforced by additional maritime and air capacities; welcomes the agreement concluded between Germany and France on maintaining the Franco-German Brigade at joint locations; furthermore, considers that the EU should make an adequate number of police officers, judges and prosecutors permanently available; finds it confusing that the EU Battlegroup concept and specific scenarios for potential missions do not seem to lead to the Battlegroups being used in the EU's external operations;

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46. Points out that the EU Member States together spend more than EUR 200 000 000 000 per year on defence, which is more than half the defence expenditure of the United States; remains deeply concerned about the lack of efficiency and coordination in the utilisation of those funds; therefore urges that greater efforts be made to eliminate unnecessary duplication between Member States, namely through specialisation, pooling and sharing of existing capabilities, and joint development of new ones; commends the European Defence Agency (EDA) for the excellent work it has performed so far and calls on EU Member States to take full advantage of the EDA's potential;

47. Stresses that capability needs are often technologically very similar or even identical for armed forces operations, border surveillance, protection of critical infrastructure and disaster management; emphasises that this creates new opportunities to exploit synergies and enhance interoperability between armed forces and security forces;

48. Strongly requests that the EU and its Member States focus their efforts on common capabilities which can be used for both defence and security purposes; in this context, considers satellite-based intelligence, surveillance and warning equipment, unmanned air vehicles, helicopters and telecommunication equipment and air and sea transport to be crucial; demands a common technical standard for protected telecommunications and ways of protecting critical infrastructure;

49. Welcomes the decision taken by the Steering Board of the EDA on 10 November 2008 on the establishment of a European Air Transport Fleet and takes note of the Declaration of Intent on participation in this initiative, signed by the Defence Ministers of twelve EU Member States;

50. Considers it necessary to allow the use of the Galileo and GMES (Global Monitoring for Environment and Security) systems for security and defence purposes;

51. Approves the dynamic further development of cooperation between national armed forces so that they become increasingly synchronised; proposes that this process and the armed forces be given the name 'SAFE' – Synchronised Armed Forces Europe;

52. Considers that SAFE provides sufficient room for manoeuvre for neutral EU Member States as well as those bound by military alliances, for those which already work closely together and for those which are still reluctant to do so; proposes an opt-in model for the organisation of SAFE based on more intensive voluntary synchronisation;

53. Approves the idea of a European statute for soldiers within the framework of SAFE governing training standards, operational doctrine and freedom of operational action, issues relating to duties and rights, as well as the level of equipment quality, medical care and social security arrangements in the event of death, injury or incapacity;

54. Approves in respect of SAFE the principle of a Europe-wide division of labour in military capabilities;

55. Advocates closer European cooperation in the area of training, maintenance and logistics as a crucial prerequisite for greater efficiency in defence spending;

The need for new structures

56. Is of the opinion that the EU's capacity for autonomous foreign and security policy action should be improved through goal-oriented enhancement of its analysis, planning, leadership and intelligence capacities; in this context, welcomes the decision of the European Council to work towards establishing an integrated civilian and military strategic planning structure for ESDP operations and missions;

57. Likewise welcomes the decision of the European Council to set up an informal EU-NATO high-level group which will be tasked with strengthening cooperation between the two organisations in a pragmatic manner;

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58. Calls for the setting-up of an autonomous and permanent EU Operational Headquarters with the capacity to undertake strategic planning and to conduct ESDP operations and missions;
59. Supports the idea of creating a Council of Defence Ministers in order to make the various national defence policies more coherent, thus boosting the respective national contributions to the ESDP; stresses the objective of full parliamentary scrutiny of ESDP missions and operations, including by the European Parliament;
60. Strongly supports the reinforcement of a European defence and security market by means of adoption of the Commission's legislative proposals for public procurement and intra-Community transfers, and suggests further initiatives to achieve this objective, in particular in the areas of security of supply and security of information;
61. Welcomes in this connection the adoption of Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment ⁽¹⁾, which transforms the Code of Conduct on Arms Exports into a legally binding instrument; furthermore, welcomes the fact that EU Member States remain free to adopt more stringent measures on an individual basis;
62. Recalls that common weapons systems should be provided through a strong European defence industry which will be capable of satisfying the current and future requirements of the European Armed Force and will enable Europe to become self-sufficient and independent;
63. Demands an increase in Community funding for security research and the creation of joint research programmes involving the Commission and the EDA;

The need for a new spirit

64. Considers it particularly important to strengthen the European Security and Defence College and to transform it into permanent structure which will further enhance the development of a specifically European security culture; urges the Commission to continue funding EU-level training activities in the field of civilian crisis management beyond 2009;
65. Calls for further initiatives concerning common training and common standards for personnel who are to be deployed and to work together in civilian and military operations, increased interaction between the armed forces and civilian personnel of EU Member States, coordination of crisis-related training, exchange programmes among armed forces in Europe and the opening-up of armies to citizens of other EU Member States;
66. Strongly supports successful European programmes such as the Eurofighter, which will serve as the backbone of the fighter capability of five European air forces in the coming decades; considers, for this reason, that the EU Member States should encourage and support such initiatives;

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67. Instructs its President to forward this resolution to the Council, the Commission, the parliaments of the Member States and the Secretaries-General of the United Nations, the North Atlantic Treaty Organization, the Organization for Security and Co-operation in Europe and the Council of Europe.

⁽¹⁾ OJ L 335, 13.12.2008, p. 99.

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The role of NATO in the security architecture of the EU

P6_TA(2009)0076

European Parliament resolution of 19 February 2009 on the role of NATO in the security architecture of the EU (2008/2197(INI))

(2010/C 76 E/14)

The European Parliament,

- having regard to the EU-NATO Joint Declaration of 16 December 2002,
 - having regard to the Charter of the United Nations,
 - having regard to the North Atlantic Treaty, signed in Washington on 4 April 1949,
 - having regard to Title V of the Treaty on European Union,
 - having regard to the Treaty of Lisbon, signed on 13 December 2007 and ratified by the great majority of the EU Member States,
 - having regard to the comprehensive framework for EU-NATO permanent relations, concluded by the EU Council Secretary-General/High Representative for the Common Foreign and Security Policy and the NATO Secretary General on 17 March 2003,
 - having regard to the European Security Strategy (ESS) adopted by the European Council on 12 December 2003,
 - having regard to the Summit Declaration of the North Atlantic Council issued in Bucharest on 3 April 2008,
 - having regard to the reports on the European Security and Defence Policy (ESDP) issued by the EU Council Presidency on 11 December 2007 and 16 June 2008,
 - having regard to its resolutions of 14 April 2005 on the European Security Strategy ⁽¹⁾, of 16 November 2006 on the implementation of the European Security Strategy in the context of the ESDP ⁽²⁾, of 25 April 2007 on transatlantic relations ⁽³⁾, of 5 June 2008 on the implementation of the European Security Strategy and ESDP ⁽⁴⁾ and of 5 June 2008 on the forthcoming EU-US Summit ⁽⁵⁾,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A6-0033/2009),
- A. whereas the EU and NATO are founded on shared values of freedom, democracy, human rights and the rule of law, and throughout their existence have served to avoid wars on European territory, whereas after the election of the new President of the United States, there is a growing consensus on both sides of the Atlantic about the decreasing usefulness of nuclear weapons in the face of current threats and a new sense of urgency about the need to decrease the size of nuclear arsenals in line with commitments made under Article VI of the Nuclear Non-Proliferation Treaty,

⁽¹⁾ OJ C 33 E, 9.2.2006, p. 580.

⁽²⁾ OJ C 314 E, 21.12.2006, p. 334.

⁽³⁾ OJ C 74 E, 20.3.2008, p. 670.

⁽⁴⁾ Texts adopted, P6_TA(2008)0255.

⁽⁵⁾ Texts adopted, P6_TA(2008)0256.

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- B. whereas according to the UN Charter the overall responsibility for international peace and security lies with the UN Security Council; whereas the Charter provides the legal basis for the creation of NATO; whereas, by signing the North Atlantic Treaty, NATO member states affirmed their faith in the purposes and principles of the Charter, committing themselves to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations,
- C. whereas the EU Member States recognise in the UN system the fundamental framework for international relations; whereas they remain committed to the preservation of peace and the strengthening of international security, in accordance with the principles of the United Nations Charter, as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter, and to the development and consolidation of democracy and the rule of law, respect for human rights and fundamental freedoms; whereas the EU Member States have set as a priority measures to reform and strengthen the United Nations Organization in order to make it capable of fulfilling its responsibilities and acting effectively in providing solutions to global challenges and responding to key threats,
- D. whereas NATO forms the core of European military security and the EU has sufficient potential to support its activities, so that strengthening the European defence capabilities and deepening cooperation will benefit both organisations,
- E. considering that the European security architecture also includes the Organisation for Security and Co-operation in Europe (OSCE) and international instruments such as the Treaty on Conventional Armed Forces in Europe,
- F. whereas NATO is an intergovernmental organisation of democratic nations, in which the principle 'civilians decide and the military executes' exists,
- G. whereas 94 per cent of the EU population are citizens of NATO member states, 21 EU Member States out of 27 are NATO allies, 21 NATO allies out of 26 are EU Member States and Turkey, a long-standing NATO ally, is a candidate for accession to the EU,
- H. whereas in 2007 and 2008 the European Council took important decisions in the field of the ESDP with the aim of further improving its operational capabilities; whereas the keenly awaited entry into force of the Treaty of Lisbon will introduce major innovations in the field of the ESDP, making European cooperation more coherent and efficient in that field,
- I. whereas EU and NATO must improve their cooperation and should allow for greater maximisation of the assets of both organisations and ensure effective cooperation by putting an end to institutional bickering,
- J. whereas although NATO is currently the forum for discussion and the expected choice for a joint military operation involving the European and American allies, the ultimate responsibility for peace and security lies with the United Nations,
- K. whereas troops and equipment committed to ESDP missions are more or less the same as those committed to NATO operations,
- L. whereas NATO as a whole is not engaged in ESDP operations; whereas the EU, in undertaking such an operation, will choose whether or not to have recourse to NATO assets and capabilities, through the so-called 'Berlin plus' arrangements,
- M. whereas EU and NATO cooperation falling within the framework of the 'Berlin plus' arrangements has not been working satisfactorily up until now, because of unresolved problems connected with the fact that some countries are members of NATO but not of the EU,

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- N. whereas outside the 'Berlin plus' arrangements, NATO and the EU should ensure efficient crisis management and should work better together in order to identify the best possible response to a crisis, such as in Afghanistan and in Kosovo,
- O. whereas EU-NATO relations should be further improved by both organisations, with the EU involving the European non-EU NATO allies further in the ESDP and NATO involving the non-NATO EU Member States further in EU-NATO talks; whereas EU-US relations should be strengthened,
- P. whereas NATO and the EU enlargement processes, even though they differ, should be mutually reinforcing in order to secure stability and prosperity in the European continent,
- Q. whereas an important element of the EU-NATO relationship is support for national efforts to develop and deliver military capabilities for crisis management in a mutually reinforcing way, which for its part enhances the primary task of safeguarding the territorial defence and security interests of member countries,
- R. whereas synergy between the EU and NATO in certain military capabilities areas could be improved through joint pilot projects,
- S. whereas Europe's collective defence is based on a combination of conventional and nuclear forces which ought to have been adapted more thoroughly to the changing security situation,
- T. whereas both the EU and NATO are currently undertaking a reappraisal of their respective security strategies (the ESS and the Declaration on Alliance Security),
- U. whereas the Treaty of Lisbon commits civilian and military capabilities of all Member States to the ESDP, provides for permanent structured cooperation in defence between a pioneer group of states, commits states to the progressive improvement of military capabilities, expands the role of the European Defence Agency, obliges states to come to the aid of another under attack (without prejudice to the neutrality of certain states or to the NATO membership of others), upgrades EU objectives (the Petersberg tasks) to include the fight against terrorism and, finally, insists on mutual solidarity in the event of a terrorist attack or natural disaster,

Strategic overview

1. Underlines that all policies of the European Union must be fully consistent with international law;
2. Underlines that the *raison d'être* of the European Union is to build peace within its borders and beyond, through a commitment to effective multilateralism and to the letter and spirit of the UN Charter; notes that an effective security strategy bolsters democracy and the protection of fundamental rights; notes, on the contrary, that an ineffective security strategy leads to unnecessary human suffering; is of the view that the EU's ability to build peace depends on the development of the right security strategy or security policy, including the capacity for autonomous action and an efficient and complementary relationship with NATO;
3. Therefore calls on the EU to continue to deploy missions while ensuring greater sustainability of the ESDP so as to prevent conflicts, promote stability and bring relief to where it is needed, subject to a consensus between EU Member States or within the framework of structured cooperation; believes in the further need for the EU and NATO to develop a comprehensive approach to crisis management;
4. Recognises that the diversity of interests inherent in a Union of 27 or more Member States – in other words, the mosaic-like composition of the EU – gives it a unique character and the potential to intervene, mediate and help in different parts of the world; calls for the EU's existing crisis-management tools to be further developed and hopes that the existing military capability of EU Member States will become more integrated, cost-effective and militarily efficient, since only then will the Union be able to muster sufficient forces to exploit its unique abilities in the fields of conflict prevention and conflict resolution and to complement its broad range of civilian crisis-management mechanisms;

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5. Strongly advocates increased solidarity among the EU Member States in developing common security and defence strategies;
6. Is convinced that a strong and vibrant Euro-Atlantic partnership is the best guarantor of security and stability across Europe and of respect for the principles of democracy, human rights, the rule of law and good governance;
7. Is convinced that democratic freedoms and the rule of law are the answer to aspirations for people around the world; believes that no country or nation should be excluded from such a perspective, because every human being has the right to live in a democratic state governed by the rule of law;
8. Welcomes the updating of the ESS as part of the European Union's commitment to defining and protecting European security interests and strengthening effective multilateralism, thus equipping the Union with a strategy for tackling the threats of the 21st century; notes that a genuine, comprehensive and democratic consensus between the European Union and NATO is an essential element of the implementation of this strategy, based on a security consensus between the EU and the United States of America, reflecting their common values, goals and priorities, namely the primacy of human rights and international law;
9. Underlines that this is still more important in the light of recent events in the Caucasus, new developments in the approach to NATO in Europe, the change of leadership in the United States of America and the start of the work on reviewing the strategic concept of NATO;
10. Urges that the concurrent review of the security strategies of the EU and NATO should be not only complementary but also convergent, each giving due weight to the potential of the other;
11. Is of the view that both NATO and the EU should endorse as their long-term and common goal a commitment to building a safer world in accordance with the letter and spirit of the UN Charter, for the inhabitants of their member states and in general, and should also actively prevent and react to mass atrocities and regional conflicts which continue to cause much human suffering;
12. Insists that all democracies should be united in their efforts to build stability and peace under the authority of the United Nations;
13. Recognises that security and development are mutually dependent and that there is no clear sequence of events to achieve sustainable development in conflict areas; points out that, in practice, all instruments are deployed in parallel; therefore calls on the Commission to carry out further research into the importance of the sequencing of military and civil interventions in conflict areas and to integrate their findings into its security and development policies;

The relationship between NATO and the security architecture of the EU

14. Recognises the important role of NATO, in the past as well as today, in the security architecture of Europe; notes that for the majority of EU Member States, which are also NATO allies, the Alliance remains the foundation of their collective defence, and that the security of Europe as a whole, regardless of the individual positions adopted by its states, continues to benefit from the maintenance of the transatlantic alliance; therefore takes the view that the future collective defence of the EU should as far as possible be organised in cooperation with NATO; takes the view that the USA and the EU need to intensify their bilateral relationship and extend it to issues pertaining to peace and security;
15. Notes that security risks in the modern world are increasingly characterised by phenomena such as international terrorism, the proliferation of weapons of mass destruction, failed states, intractable conflicts, organised crime, cyber threats, environmental deterioration and associated security risks, natural disasters and other disasters, and that these require still closer partnership and concentration on strengthening the core capabilities of the EU and NATO, and closer coordination in the areas of planning, technology, equipment and training;

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16. Emphasises the increasing importance of the ESDP, which will help to improve the EU's ability to confront 21st-century security threats, particularly in joint civilian-military operations and crisis-management measures ranging from intelligence-driven crisis-prevention actions to security-sector reform, reform of the police and judiciary and military action;

17. Is of the view that the EU and NATO could strengthen each other by avoiding competition and developing greater cooperation in crisis-management operations based on a practical division of labour; considers that a decision on which organisation should deploy forces should be based on the political will expressed by both organisations, on operational needs and political legitimacy on the ground, and on their ability to deliver peace and stability; notes that cooperation in elaborating the new ESS and the new NATO Strategic Concept is crucial to the attainment of that objective;

18. Is of the view that the EU must develop its own security and defence capabilities, which will allow improved burden-sharing with the non-European allies and an appropriate response to those security challenges and threats which concern the EU Member States only;

19. Calls on the EU to develop the instruments of its security strategy, ranging from diplomatic crisis-prevention and economic and development assistance to civilian capabilities in the field of stabilisation and reconstruction, as well as military means; moreover, considers that strategic use should be made of the 'soft power' instruments in the EU's neighbourhood;

20. Notes that the 'Berlin plus' arrangements, which allow the EU to have recourse to NATO assets and capabilities, need to be improved in order to allow the two organisations to intervene and effectively deliver relief in current crises which demand a multi-task civilian-military response; regards it as necessary, therefore, to further develop the relationship between NATO and the EU, by creating permanent structures of cooperation, while respecting the independent and autonomous nature of both organisations and not excluding the participation of all NATO members and all EU Member States that wish to be involved;

21. Calls on Turkey to cease hindering the cooperation between the EU and NATO;

22. Calls on the EU, in the process of developing a White Book on European security and defence, to also evaluate the coherence of Europe's external operations, especially as regards cooperation with other international partners in crisis areas;

Cooperation between NATO and the EU in security and defence issues

23. Strongly welcomes the French initiative of a formal return to the military structures of NATO, and the efforts by the French Presidency within the EU Council to bring the EU and NATO further together in response to the new security challenges; welcomes the efforts of the French Presidency aimed at the adoption of concrete initiatives for the pooling of European defence capabilities; also welcomes the newly positive approach of the United States of America towards the consolidation of EU defence capabilities;

24. Urges the member states of both organisations to be more flexible, goal-oriented and pragmatic in the implementation of the EU-NATO partnership; supports, therefore, the French Government's proposal for the establishment of systematic contacts between the Secretaries-General of NATO and the EU Council, in particular so as to avoid confusion where the EU and NATO operate side by side in different missions towards the same common purpose in the same theatre, as in Kosovo and Afghanistan;

25. Emphasises that the EU is a crucial NATO partner on account of its specific combination of available instruments: civil operations, sanctions, humanitarian aid, development and trade policies, and political dialogue; therefore calls on the EU and NATO to redouble their efforts towards the establishment of a framework for integrated cooperation in anticipation of the ratification of the Treaty of Lisbon;

26. Recognises the vital importance of improving the pooling of intelligence among NATO allies and EU partners;

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27. Notes that EU citizens support missions aimed at alleviating human suffering in conflict zones; notes that citizens are insufficiently informed about EU and NATO missions and their purpose; therefore calls on the EU and NATO to better inform people of their missions and of the role those missions play in creating security and stability around the world;

28. Notes that, in order to consolidate their cooperation, both NATO and the European Union should concentrate on strengthening their basic capabilities, improving interoperability and coordinating their doctrines, planning, technologies, equipment and training methods;

EU Operational Headquarters

29. Supports the establishment of a permanent EU Operational Headquarters, under the authority of the Vice-President of the Commission/High Representative, having as part of its mandate the planning and conduct of military ESDP operations;

30. Underlines that the experience of EU operations demonstrates that a permanent planning and command capability for EU operations would increase the effectiveness and credibility of EU operations; recalls that, given the civilian-military focus of the EU, such a structure would not duplicate anything that exists elsewhere; further recalls that the NATO Headquarters is primarily intended for military planning whereas the EU possesses expertise in planning and conducting civilian, military and civilian-military operations which no other global actor is currently able to conduct successfully;

31. Stresses that an EU Operational Headquarters should complement the current NATO command structures and would not undermine NATO's transatlantic integrity;

32. Proposes that, in agreement with NATO, each EU Member State which is a member of NATO should demarcate those forces that can be deployed only for EU operations, so as to prevent such deployment being blocked by NATO members which are not EU Member States; considers that duplication in the use of these forces should be avoided;

Capabilities and military spending

33. Is of the view that the mutual challenge for the EU and NATO is to make use of the same national pool of resources in terms of personnel and capabilities; calls on the EU and NATO to ensure that these limited resources are spent on the most appropriate capabilities for facing the difficult challenges of today, avoiding duplication of work and fostering coherence; is of the view that strategic airlift, a particular example of a relatively scarce and expensive operational asset, should represent an opportunity for cooperation between EU and NATO member countries; calls on EU Member States to pool, share and jointly develop military capabilities in order to avoid waste, create economies of scale and strengthen the European defence technological and industrial base;

34. Is of the view that, in addition to the need for the much more efficient use of military resources, a better and more efficient coordination of investments in defence, in the interest of synergy, by EU Member States is essential in the interests of European security; calls for a significant increase in the proportion of common costs in every NATO and EU military operation; notes the significant difference in scale as well as effectiveness between the defence spending of European members of NATO, on the one hand, and the USA, on the other; calls on the EU to commit itself to fairer global burden-sharing; also calls on the USA to show a greater willingness to consult its European allies on issues related to peace and security;

35. Recognises the important potential contribution of the European Defence Agency, strengthened by the Treaty of Lisbon, towards cost-effective procurement and enhanced interoperability of armaments;

Compatibility between NATO and EU membership

36. Insists that all the EU Member States must be present at the joint EU-NATO meetings, without discrimination; stresses that unity of values and security arrangements is a vital factor guaranteeing European peace, stability and prosperity;

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37. Proposes that those NATO allies that are candidates for EU accession should be more closely involved in the work of the ESDP and the European Defence Agency;
38. Notes that it is essential that the problem of the compatibility between non-membership of the EU and membership of NATO, as well as non-membership of NATO and membership of the EU, be addressed and tackled so as not to harm the functioning of EU-NATO cooperation;
39. Deplores, in particular, the fact that the Turkish-Cypriot dispute continues to badly impair the development of EU-NATO cooperation, given that, on the one hand, Turkey refuses to allow Cyprus to participate in ESDP missions involving NATO intelligence and resources and that, on the other hand, in response, Cyprus refuses to allow Turkey to engage in the overall development of ESDP to an extent commensurate with Turkey's military weight and strategic importance to Europe and transatlantic alliance;
40. Encourages Cyprus, as an EU Member State, to review its political position on its membership of the Partnership for Peace, and calls on NATO member states to refrain from using their veto to prevent EU Member States from becoming members of NATO;
41. Welcomes the fact that, at the NATO summit held in Bucharest, the Allies recognised the contribution made by a stronger and more capable Europe, and that the Alliance remains open to future enlargement; notes that for the European Neighbourhood Policy countries in the east, and with a view to their democratic development and development of the rule of law, the policy of a European perspective and therefore of the Eastern Partnership project is of the utmost importance;
42. Is of the view that, as regards future enlargements of NATO, each case should be judged on its own merits; nevertheless, on the grounds of European security interests, would be opposed to enlarging the organisation to include any country where membership does not have the support of the population or where there are serious unresolved territorial disputes with its neighbours;
43. Notes that, for many of the EU's neighbours, membership of NATO and membership of the EU are realistic and compatible goals, if only in the long term;
44. Considers that the EU and NATO must maintain a realistic and frank dialogue with Russia, including on human rights and the rule of law, regional security, energy, missile defence, non-proliferation of weapons of mass destruction, the limitation of armed forces and space policy; is of the view that, if and when Russia becomes a genuine democracy, and refuses military threats as a means of political pressure on its neighbours, the depth of cooperation between it and the EU could reach unprecedented levels, including the prospect of Russia's membership in all Euro-Atlantic structures;
45. Looks forward to the opportunities afforded by NATO's forthcoming 60th anniversary summit in Strasbourg and Kehl for the rejuvenation of the Alliance and the strengthening of its relations with the European Union;

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46. Instructs its President to forward this resolution to the Council, the Commission, the Parliaments of the EU Member States and of NATO countries, the NATO Parliamentary Assembly and the Secretaries-General of the United Nations, NATO, the Organization for Security and Co-operation in Europe and the Council of Europe.
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The Barcelona Process: Union for the Mediterranean

P6_TA(2009)0077

European Parliament resolution of 19 February 2009 on the Barcelona Process: Union for the Mediterranean (2008/2231(INI))

(2010/C 76 E/15)

The European Parliament,

- having regard to the Barcelona Declaration establishing a Euro-Mediterranean partnership, which was adopted at the Euro-Mediterranean Conference of Ministers for Foreign Affairs held in Barcelona on 27-28 November 1995,
- having regard to the Commission's Communication of 20 May 2008 entitled 'Barcelona Process: Union for the Mediterranean' (COM(2008)0319),
- having regard to the approval of the Barcelona Process: Union for the Mediterranean by the Brussels European Council of 13-14 March 2008,
- having regard to the Joint Declaration of the Paris Summit for the Mediterranean, held on 13 July 2008,
- having regard to the Final Declaration of the Meeting of the Ministers for Foreign Affairs of the Union for the Mediterranean, held in Marseilles on 3-4 November 2008,
- having regard to the Conclusions of the Meeting of Euro-Mediterranean Ministers for Foreign Affairs held in Lisbon on 5-6 November 2007,
- having regard to the Conclusions of the Euro-Mediterranean Summit held in Barcelona on 27-28 November 2005 to mark the tenth anniversary of the Euro-Mediterranean partnership,
- having regard to the Declaration of the Bureau of the Euro-Mediterranean Parliamentary Assembly (EMPA) of 12 July 2008, the EMPA Declaration on the Middle East Peace Process of 13 October 2008 and the EMPA Recommendation to the First Meeting of the Ministers for Foreign Affairs of the Barcelona Process: Union for the Mediterranean, of 13 October 2008,
- having regard to the opinion of the Committee of the Regions of 9 October 2008,
- having regard to the Declaration of the Euro-Mediterranean Summit of Economic and Social Councils, held in Rabat on 16 October 2008,
- having regard to the Final Declaration of the Presidency of EMPA and the recommendations adopted by EMPA at its fourth plenary session, held in Athens on 27-28 March 2008,
- having regard to the first meeting of EuroMed-Scola, which brought together young citizens from the partner countries and the EU countries in Strasbourg on 16-17 November 2008,
- having regard to its previous resolutions on the European Union's Mediterranean policy, and in particular that of 5 June 2008 on the Barcelona Process: Union for the Mediterranean ⁽¹⁾,

⁽¹⁾ Texts adopted, P6_TA(2008)0257.

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- having regard to the Commission's Communication of 21 May 2003 entitled 'Reinvigorating EU actions on Human Rights and democratisation with Mediterranean partners - Strategic guidelines' (COM(2003)0294),
 - having regard to the Commission's Communication of 4 December 2006 on strengthening the European Neighbourhood Policy (COM(2006)0726),
 - having regard to its resolution of 15 November 2007 on strengthening the European Neighbourhood Policy ⁽¹⁾,
 - having regard to its priorities for its Presidency of the EMPA (March 2008 - March 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 International Trade, the Committee on Constitutional Affairs and the Committee on Women's Rights and Gender Equality (A6-0502/2008),
- A. whereas the Mediterranean basin is becoming an area of key importance and the European Union and partner countries increasingly have shared interests in meeting the challenges of globalisation and peaceful coexistence, meaning that there is a need to ensure greater regional cohesion and the development of a joint policy strategy for the area,
- B. whereas the EU is, and should continue to be, committed to the fulfilment of the UN Millennium Development Goals,
- C. whereas the economic, political and cultural distance between the two sides of the Mediterranean is increasing and those disparities need to be rectified in order eventually to create a shared area of peace, security and prosperity,
- D. whereas there is a need for an extensive results-oriented overhaul and deepening of the relations between the EU and the Mediterranean partner countries, based on the principle of equality between all the partners and capitalising on the work already done, but also addressing the limitations and shortfalls of the policies implemented to date, and in particular the disappointing track record of the Barcelona Process,
- E. whereas the European Neighbourhood Policy (ENP) conducted with the Mediterranean countries has its limitations and, by placing the emphasis on bilateral relations, is proving to be lacking in balance and unable to contribute to a shared process of significant reform in the region,
- F. whereas there is a need to establish relations based on a close partnership and founded on respect for human rights and the rule of law between the EU and the Mediterranean countries of the Mediterranean basin in its entirety,
- G. whereas since the launching of the Barcelona Process no substantial progress has been made in some of the partner countries as regards adherence to, and respect for, some of the common values and principles highlighted in the 1995 Barcelona Declaration to which they subscribed, especially as regards democracy, human rights and the rule of law,
- H. whereas there is a need to promote regional and economic integration between the countries of the Mediterranean basin; whereas genuine regional and economic integration can be achieved only if concrete progress is made as regards settlement of the existing conflicts and progress in the field of democracy and human rights,

⁽¹⁾ OJ C 282E, 6.11.2008, p. 443.

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- I. whereas closer relations between the EU and the countries of the Mediterranean have led to a significant increase in trade between those countries without, however, the necessary upgrading and modernisation of the corresponding infrastructure,
 - J. whereas the Heads of State and of Government recognised in the Joint Declaration of the Paris Summit for the Mediterranean, dated 13 July 2008, that the EMPA will be the legitimate parliamentary expression of the Barcelona Process: Union for the Mediterranean, declaring at the same time their strong support for the strengthening of the role of the EMPA in its relations with Mediterranean partners,
 - K. emphasising that it is insufficient to address the gamut of political relations between the countries of the Euro-Mediterranean area solely from an intergovernmental perspective,
 - L. emphasising the importance of the role played by EMPA, which is the only parliamentary assembly enabling dialogue and cooperation in the Euro-Mediterranean area to bring together the 27 EU Member States and all the parties connected with the Middle East peace process,
 - M. whereas it is important to ensure the involvement of local and regional authorities in the projects and initiatives established by the Barcelona Process: Union for the Mediterranean and to take into account the recent proposals emanating from those authorities,
 - N. whereas it is important to ensure the involvement of the social partners and civil society in revitalising Euro-Mediterranean relations,
 - O. pointing to the need to avoid any duplication or overlap of existing instruments, policies or institutional levels, and to ensure the overall cohesion of the system of Euro-Mediterranean relations,
 - P. emphasising the need for a speedy and peaceful resolution of all conflicts involving Mediterranean countries and realising the importance of the maintenance of intercultural dialogue in this respect,
 - Q. whereas the recent recrudescence of the Israeli-Palestinian conflict affects the political dialogue of the Euro-Mediterranean Partnership and may imperil the achievement of several of the objectives pursued by the new institution,
 - R. whereas the persistent absence of a solution to the serious political tensions in Western Sahara does not contribute to the re-launch of the Euro-Mediterranean partnership,
1. Believes that the proposal of the Barcelona Process: Union for the Mediterranean, adopted by the Heads of State and Government at the Summit for the Mediterranean held in Paris on 13 July 2008, contributes towards peace and prosperity and that it will constitute a step towards economic and regional integration as well as ecological and climatic cooperation between the Mediterranean countries, provided that it delivers what it promises and yields concrete and visible results; points out that opening up the process to countries not involved in the partnership increases the likelihood of establishing parity in relations between the EU and the Mediterranean partner countries and of tackling the problems of the region in a comprehensive way;
 2. Reiterates its position in its resolution of 15 January 2009 on the situation in the Gaza Strip ⁽¹⁾ and expresses its concern for the recrudescence of the Israeli-Palestinian conflict which has already affected the political dialogue among the partners of the Euro-Mediterranean partnership; considers it important to avoid further delay in this initial phase of the Union for the Mediterranean and hopes that the cooperation will gather pace again as soon as possible, making its contribution to the shared goal of peace in the Middle East; stresses that, having regard to the principles agreed at the above-mentioned Paris summit of 13 July 2008 and meeting of the Ministers of Foreign Affairs at Marseille on 3 and 4 November 2008, the new institutions of the Union for the Mediterranean should concentrate on a clear project-oriented dimension, which constitutes its principal added value;

⁽¹⁾ Texts adopted, P6_TA(2009)0025.

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3. Notes that the meeting of the Ministers of Foreign Affairs, held in Marseilles on 3-4 November 2008, proposed that the 'Barcelona Process: Union for the Mediterranean' be named henceforth the 'Union for the Mediterranean'; takes the view that this name would help highlight the joint nature of the partnership with a view to the implementation of economic regional integration projects; considers it necessary, however, for the strategic value of Euro-Mediterranean relations and the Barcelona Process *acquis*, including the involvement of civil society, to be reaffirmed, taking as a starting-point the policies which the EU is already developing with its Mediterranean partners in the shape of regional and sub-regional programmes and common guidelines for bilateral cooperation;
4. Calls on the Council and the Commission in this respect to ensure the cohesion of EU action, especially with regard to possible institutional developments (in particular the role of the European Union's High Representative for Foreign Affairs and Security Policy as Vice-President of the Commission) and the utilisation of the Community budget;
5. Welcomes the fact that the establishment of the Union for the Mediterranean has been supported within the framework of the EU institutions;
6. Agrees with the decision to place the emphasis on a multilateral framework by pinpointing certain large-scale projects to be implemented using the new instruments under the Barcelona Process: Union for the Mediterranean; nevertheless highlights the lack of any strategies for economic or regional integration in the Mediterranean basin to support those projects;
7. Takes the view that a 'programme agreements' approach should be adopted to the implementation of projects, drawing on the principle of subsidiarity to clearly define the financial, managerial and supervisory responsibilities of the various institutional levels: European Union, Member States, regions, enterprises and the social partners;
8. Points out that the projects financed within the framework of the Union for the Mediterranean should be supported by funding from the Community, from partner states and from private financing; calls on the Council and Commission, to that end, to specify and strengthen the role and the initiatives of the Facility for Euro-Mediterranean Investment and Partnership (FEMIP) which, through its investment programme, is facilitating the economic opening-up and modernisation of the Mediterranean countries; reiterates its support for the creation of a Euro-Mediterranean Investment Bank and coordination with international investors; emphasises the importance of the remittance of savings by emigrants from the Southern Mediterranean countries to their countries of origin and considers this to be a tremendous and as yet insufficiently used lever for development;
9. Takes the view that, pending review of the financial perspective, the European Union's share of funding for Mediterranean projects must be guaranteed, but not to the detriment of the Euro-Mediterranean regional projects already in progress or scheduled, the bolstering of which the European Parliament has called for many times; emphasises, in this connection, the powers vested in the European Parliament in the EU budgetary procedure; hopes that Parliament will be regularly updated on the stage reached in projects;
10. Considers that the Secretariat will be able to demonstrate major potential for revitalising Euro-Mediterranean relations thanks to its operational capacity and the political value of its composition; calls for the Secretariat to be brought into operation as a matter of urgency, in order to prove that it is possible to overcome current tensions by promoting real and concrete projects of mutual cooperation; welcomes the fact that unanimous agreement has been reached on the seat of the Secretariat; points out that the city of Barcelona was the birthplace of the Euro-Mediterranean Partnership;
11. Agrees that, from an EU perspective, the co-presidency must be compatible with the external representation of the EU in accordance with the Treaty provisions in force; hopes in this regard, on the assumption that the Treaty of Lisbon will enter into force, that the European Union will ensure consistency and continuity in its representation in the new institutions of the Union for the Mediterranean;

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12. Welcomes the decision of the Ministerial Conference of 3 November 2008, which duly took note of the recommendation adopted by the EMPA in Jordan on 13 October 2008; supports the decision to bring a strong parliamentary dimension to the Union for the Mediterranean, thereby reinforcing its democratic legitimacy, by building on the EMPA, which should be further consolidated and its work better articulated with that of the other institutions of the Partnership, with the possibility being envisaged of granting it legal personality and entitling it to propose and assess economic and regional integration strategies and projects and allowing it to make recommendations to the meetings of foreign affairs ministers; expects this recognition of the EMPA as an institution also to be reflected by its participating as an observer at all meetings of the executive, at meetings of the Heads of State and Government, at ministerial meetings and at the preparatory meetings of senior officials;

13. Welcomes the decision of the Ministers for Foreign Affairs of the Union for the Mediterranean to include the League of Arab States as a participant at all meetings at all levels, in consideration of its positive contribution to the goals of peace, prosperity and stability in the Mediterranean region;

14. Emphasises the need to include regional and local authorities in the new institutional framework; welcomes the opinion delivered by the Committee of the Regions and the proposal to create a Euro-Mediterranean Regional and Local Assembly (EMRLA);

15. Considers that, in parallel with the enhancement of the parliamentary dimension, a similar development is required in securing the involvement of civil society within the appropriate institutional structure of the Union for the Mediterranean, not least through mechanisms to ensure that civil society is consulted on the selection, implementation and monitoring of projects; invites the EMPA, in that connection, to involve civil society in the Northern and Southern Mediterranean countries more closely in its work; calls for the role of the social partners to be enhanced with a view to the establishing of a Euro-Mediterranean Economic and Social Committee;

16. Observes that some of the countries participating in the Barcelona Process: Union for the Mediterranean were not part of the Euro-Mediterranean partnership; calls on the Council, the Commission and all the States participating in the Barcelona Process: Union for the Mediterranean to establish, in this connection, a cohesive framework of relations geared to economic and regional integration between the EU and all the countries of the Mediterranean basin; calls on the Council and the Commission to ensure that all member countries of the Union for the Mediterranean are able to access the regional programmes already provided for under the Euro-Mediterranean partnership;

17. Underlines that participation in the Union for the Mediterranean does not constitute an alternative to enlargement of the EU and does not affect the accession prospects of any current or future candidate state; considers that the Union for the Mediterranean will not hamper other regional cooperation initiatives;

18. Stresses the need for an extensive overhaul of Euro-Mediterranean policy as a whole by strengthening its political dimension and joint development; points out that in any event the Barcelona Process: Union for the Mediterranean initiative does not weaken the broader perspectives of that policy;

19. Takes the view that the Barcelona Process: Union for the Mediterranean should step up existing forms of cooperation under EuroMed in order to provide all partner countries with the chance of participating in the EU's regional programmes and corresponding policies on the basis of priorities and objectives set by mutual agreement; recalls that it is important to strengthen the extension of the scope of Community programmes to participation by partner countries, particularly in the fields of education, research and professional training (student exchanges, etc.);

20. Takes the view that the issues of peace and security, human rights and democracy, and cultural cooperation, must be addressed via the Euro-Mediterranean dimension; reaffirms that the Union for the Mediterranean is intended to address regional, infrastructural and environmental issues by means of strategic plans and specific projects; hopes that this practical dimension can contribute to a renewal of the Euro-Mediterranean partnership;

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21. Recalls the first initiatives proposed at the Paris Summit for the Mediterranean on 13 July 2008: depollution of the Mediterranean, maritime and land highways, civil protection, the Mediterranean Solar Plan, higher education and research, and the Mediterranean Business Development Initiative;
22. Recalls that, in order to attain the ambitious objectives of the Barcelona Process, it is necessary rapidly to extend the areas of cooperation to cover water management, agriculture, food security, energy, professional training, culture, health, tourism, etc.;
23. Strongly supports the environmental dimension of the Barcelona Process: Union for the Mediterranean and the related initiatives and projects, such as the new Euro-Mediterranean initiative for the depollution of the Mediterranean and the Mediterranean Project for Solar Energy;
24. Takes the view that the inclusion of all the Mediterranean countries in the Barcelona Process: Union for the Mediterranean provides the opportunity to deal with the problems of the region in a more comprehensive manner and to link and coordinate the process, in a more effective way, with already existing programmes such as the Mediterranean Action Plan of the UNEP (United Nations Environment Plan);
25. Welcomes the proposal, contained in the Final Declaration of the Presidency of the Fourth EMPA Plenary Session held on 27 and 28 March 2008, for the creation of a Euro-Mediterranean Energy Community supported by the EMPA; recognises the importance of strengthening cooperation in the field of energy between the Euro-Mediterranean partners and the need to develop a regional energy market, with a view to the implementation of large-scale renewable energy and energy infrastructure projects in the Mediterranean region;
26. Hopes that the strengthening of Euro-Mediterranean relations will provide a boost to the development of an area of peace and prosperity; emphasises that peace and political stability in the Mediterranean are vital for collective and individual security far beyond its shores; emphasises that this aim can only be achieved through negotiated and comprehensive settlement of the conflicts in the region; believes that the EU must assume the role of leadership in the resolution of those conflicts by winning the confidence of all parties involved; stresses the need to formally maintain cooperation in the field of combating international terrorism, drugs trafficking, organised crime and the trafficking of human beings; welcomes the call made in the Marseilles declaration to the parties concerned to endeavour to implement a process of gradual demilitarisation and disarmament of the Middle East with a view, in particular, to creating an area free of nuclear armaments and weapons of mass destruction;
27. Considers that, in order to ease tensions around the Mediterranean, intercultural and inter-societal understanding among its peoples must be improved, and that initiatives such as the Alliance of Civilisations must therefore be supported as a prime forum for dialogue contributing to stabilisation of the region; urges the Council and the Commission to propose strategies for promoting that dialogue; encourages an upgrading of links between the EMPA and the Anna Lindh Foundation, including the organisation of meetings between leading networks of the Anna Lindh Foundation and the EMPA Culture Committee;
28. Points out that one of the main goals of Euro-Mediterranean policy is to promote the rule of law, democracy, respect for human rights and political pluralism, and notes that there are still severe violations thereof; reiterates the importance of promoting human rights and the rule of law; calls for an assessment of what has been achieved so far and for adjustment of the instruments implemented under the partnership; urges the Commission to set precise criteria for eligibility of those instruments, including as regards other international organisations such as the Council of Europe, and to put in place an effective system to monitor their implementation; in that connection, calls on all the parties concerned to further and promote respect for freedom of religion and belief and for minority rights; hopes that a joint policy-making and institutional framework will be defined that facilitates greater mutual cooperation in the pinpointing of problems and in the search for common solutions;

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29. Calls on the Council and the Commission, therefore, clearly to enshrine the promotion of human rights and democracy in the objectives of this new initiative, to further strengthen the implementation of existing mechanisms such as the human rights clause contained in the Association agreements and the setting-up of subcommittees on human rights, and to create a mechanism for the implementation of that clause in the new generation of agreements and the bilateral Action Plans of the ENP; emphasises that the instruments for promoting human rights available under the ENP must be exploited to the full, guaranteeing greater political cohesion between the European institutions;

30. Calls on all the countries participating in the partnership, the Commission and the future institutions of the Union for the Mediterranean to inject fresh vigour into the management of joint migration policies in order to better harness human resources and strengthen exchanges between the peoples of the Mediterranean while also eschewing a 'security-first' approach; considers that immigration issues must focus on the possibilities for legal migration, on the combating of illegal migratory flows, on smoother integration of immigrant groups and on the exercising of the right of asylum; highlights the importance of there being close cooperation and a spirit of joint responsibility between the EU Member States and the Southern Mediterranean countries; welcomes the holding of the EuroMed Ministerial Conference on Migration in November 2007 and takes the view that the Union for the Mediterranean needs to give priority attention to the structured management of migratory flows;

31. Notes the joint declaration issued by the Heads of State and Government at the Paris Summit for the Mediterranean on 13 July 2008, in which they stated that the Barcelona Process: Union for the Mediterranean demonstrates a determination to favour the development of human resources and employment in line with the Millennium Development Goals, including by alleviating poverty, and looks forward to the emergence of new initiatives, programmes and financial provisions to that end;

32. Considers that, in order to permit the creation of a mutually beneficial Euro-Mediterranean free trade area, the economic and commercial initiatives of the Union for the Mediterranean must favour the economic growth of the region, help improve its integration into the world economy and contribute to reducing the development gap between the Northern and Southern Mediterranean, whilst boosting social cohesion;

33. Stresses the need to assess and take systematically into account the social impact of liberalisation processes, particularly in terms of food security; further stresses that this impact may vary significantly from one sector to another and from one country to another;

34. Stresses the importance of the informal sector and the mass economy in the countries of the Southern and Eastern Mediterranean; considers that, in the interests of the development of the region, support must be given to progressively integrating those activities into the formal economy;

35. Notes that, since the 2004 and 2007 enlargements, trade between the new Member States of the EU and its Mediterranean partners has been constantly increasing; calls for this trend to be taken into account and supported in the context of the partnership;

36. Stresses the need to encourage young people to create small businesses, including by facilitating access to credits and microcredit; also considers that support for the FEMIP must be stepped up;

37. Notes that the agreements between the European Union and its Member States, of the one part, and the Mediterranean countries, of the other part, provide for cooperation measures in the field of immigration and political asylum, including the funding of immigration centres, and urges the European Union and the Member States to verify that human rights and fundamental freedoms are being fully respected in those centres;

38. Believes it essential to achieve concrete and tangible targets in the social field; points out in this regard that the objective of a free-trade area cannot be measured simply in terms of economic growth, but also and above all in terms of job creation; points out that youth and female unemployment is the foremost social emergency in the Mediterranean countries;

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39. Invites the Southern Mediterranean partner countries to develop south-south trade, as in the Agadir Economic Agreement signed by Egypt, Jordan, Morocco and Tunisia, and stresses that the EU institutions must respond positively to requests for technical support to promote such south-south economic integration;

40. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the governments and parliaments of all the partner countries of the Union for the Mediterranean.

Review of the European Neighbourhood Policy Instrument

P6_TA(2009)0078

European Parliament resolution of 19 February 2009 on the review of the European Neighbourhood and Partnership Instrument (2008/2236(INI))

(2010/C 76 E/16)

The European Parliament,

- having regard to Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument ⁽¹⁾ (ENPI),
- having regard to the development of the European Neighbourhood Policy (ENP) since 2004, and in particular to the Commission's progress reports on its implementation;
- having regard to the action plans adopted jointly with Armenia, Azerbaijan, Egypt, Georgia, Israel, Jordan, Lebanon, Moldova, Morocco, the Palestinian Authority, Tunisia and Ukraine;
- having regard to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, which entered into force on 1 December 1997, and to the resumption of the negotiations held in December 2008 with a view to the conclusion of a renewed Partnership and Cooperation Agreement,
- having regard to the decisions adopted by the General Affairs and External Relations Councils in September and October 2008 to restore dialogue with the Belarusian authorities and to suspend travel restrictions for leading figures for a period of six months, following the release of political prisoners and minor improvements in the conduct of parliamentary elections,
- having regard to the Barcelona Declaration adopted at the Euro-Mediterranean Conference of Ministers for Foreign Affairs in Barcelona on 27 and 28 November 1995, establishing a Euro-Mediterranean Partnership,
- having regard to the communication from the Commission of 20 May 2008 entitled 'Barcelona Process: Union for the Mediterranean' (COM(2008)0319),
- having regard to the endorsement of the Barcelona Process: Union for the Mediterranean by the European Council of 13 and 14 March 2008,
- having regard to the Joint Declaration of the Paris Summit for the Mediterranean, held in Paris on 13 July 2008,
- having regard to the declaration on governance, projects and regional political dialogue adopted at the 'Barcelona Process: Union for the Mediterranean' ministerial conference held in Marseilles on 3 and 4 November 2008,

⁽¹⁾ OJ L 310, 9.11.2006, p. 1.

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- having regard to the Commission's communications of 4 December 2006 (COM(2006)0726) on strengthening the ENP and of 5 December 2007 (COM(2007)0774) on a strong ENP,
 - having regard to the Commission's communications of 11 April 2007 entitled 'Black Sea Synergy – A New Regional Cooperation Initiative' (COM(2007)0160) and of 19 June 2008 (COM(2008)0391) reporting on the first year of implementation of that initiative,
 - having regard to the Commission's communication of 3 December 2008 entitled 'Eastern Partnership' (COM(2008)0823),
 - having regard to the letter of 26 April 2006 from Commissioner Benita Ferrero-Waldner to Parliament's Committee on Foreign Affairs,
 - having regard to its resolutions on the ENP and the EU's enlargement strategy,
 - having regard to its earlier resolutions on the neighbouring countries and regions of the EU,
 - 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, the Committee on Budgets and the Committee on Regional Development (A6-0037/2009),
- A. whereas the 2006 reform of financial instruments and the agreement on the new external assistance framework contained a commitment by the Commission to carry out a mid-term review of the implementation of the ENPI Regulation before the 2009 European elections and granted Parliament increased powers of scrutiny in respect of Community assistance,
- B. whereas in 2006 the Committee on Foreign Affairs set up working groups in relation to the ENPI South and ENPI East, in order to hold a structured dialogue with the Commission on the implementation documents, which set out the policy framework for the delivery of assistance under the ENPI,
- C. whereas since the beginning of the current financial perspective in 2007 the aim of the ENPI has been to support the implementation of the ENP and in particular the ENP action plans, as well as of the strategic partnership with the Russian Federation through its support for the implementation of the road maps for the four Common Spaces,
- D. whereas the main objective of the ENP is to establish a friendly environment in the closest environs of the European Union; whereas neighbouring countries are divided naturally into two categories: Southern and Eastern, with different goals and approaches to the European Union; whereas this division is exemplified by the two recently proposed initiatives, namely the Union for the Mediterranean and the Eastern Partnership,
- E. whereas the ENPI has also been designed to finance cross-border and multi-country programmes in the ENPI area, with the aim of supporting *inter alia* initiatives such as the Black Sea Synergy, the Union for the Mediterranean and the Eastern Partnership,
- F. whereas the ENP remains one of the principal priorities of the European Union's foreign policy and offers all the States concerned the possibility of closer integration with the EU,
- G. whereas the ENP is independent from, but not exclusive of, the accession process and constitutes a step towards economic and political rapprochement between the EU and neighbouring countries,

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H. whereas the rapid demographic growth of the countries neighbouring the EU, resulting in their populations becoming increasingly urbanised, represents a new challenge for the ENPI,

General remarks

1. Considers that, overall, the provisions of the ENPI Regulation are adequate and valid for the purposes of cooperation with neighbouring countries and other multilateral organisations;
2. Calls on the Commission, together with the partner governments, to further develop mechanisms for consultation with civil society and local authorities, in order to better involve them in the design and monitoring of the implementation of the ENPI and of the national reform programmes; asks the Commission to speed up publication of the annual action programmes on its website and to persuade the partner governments to make their national programming documents regularly available to the public;
3. Calls on the Council to develop, in conjunction with Parliament, a flexible and transparent instrument for the provision of information in this field and to forward promptly to Parliament minutes of the decisions adopted;
4. Urges the Commission and national, regional and local authorities to promote twinning programmes between towns and regions and to provide appropriate assistance to that end, with a view to building administrative capacity at local and regional levels in neighbouring countries and promoting both exchange programmes for civil society and micro-projects;
5. Welcomes the launching by the Commission, under the ENPI, of the new Cooperation in Urban Development and Dialogue (CIUDAD) programme to enable support to be provided for specific cooperation projects between European towns and towns in countries covered by the ENPI; points out that this type of initiative is a very appropriate means of furthering dialogue and the democratisation process; calls for larger sums to be released in view of this, in order to strengthen these initiatives when the mid-term review of the financial framework is conducted in 2008-2009;
6. Takes the view that the visibility of the Community assistance should be increased through targeted communication with stakeholders and the general public, and recommends that contacts be developed to that end with civil society and local authorities, as they are closer to the citizens and therefore represent a competent and effective level at which to act;
7. Calls for the annual action programmes in the fields of democracy, the rule of law and human rights to be pursued more ambitiously, in line with the objectives set in the ENP action plans, in order to avoid a significant allocations gap between the Eastern and the Mediterranean partners; believes that more should be done to persuade the partner governments to commit themselves to action in those fields;
8. Emphasises the need to define clear, concrete and measurable objectives within all new ENP action plans under negotiation; underlines the necessary interdependence between all chapters of those action plans with a view to moving forward towards progress in all chapters without discrimination; in this respect, reiterates its call for a global Human Rights and Democracy Policy encompassing all existing instruments in this field;
9. Finds that, despite the increased flexibility and simplicity of the Community assistance instruments, as evidenced in particular by the European Instrument for Democracy and Human Rights ⁽¹⁾, the procedures and timeframes under the ENPI remain burdensome for civil society organisations and local authorities; calls on the Commission to conduct a comparative analysis of the procedures applied by other major donors and to present the results thereof to Parliament;

⁽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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10. Believes that sectoral and general budget support under the ENPI should be made available only to governments which are able to implement it in a transparent, effective and accountable manner and where it constitutes a real incentive; calls on the Commission to review the appropriateness of budget support in countries which have problems with budgetary management and control procedures and high levels of corruption; asks the Commission to strike the right balance between flexibility and transparency during the selection, implementation and monitoring of ENPI programmes;

11. Stresses the need for a country-specific approach with regard to political conditionality, designed *inter alia* to promote democracy, the rule of law and good governance, respect for human rights and minority rights and the independence of the judiciary; considers therefore that an in-depth and thorough evaluation of all 'Justice' projects financed under this instrument should be made public and provided to Parliament;

12. Welcomes the inclusion of cross-border cooperation within the scope of the ENPI Regulation as a strategic tool for developing common projects and strengthening relations between the ENP countries and the Member States; insists, however, on the need to create specific instruments in order to ensure regular monitoring of the management and process of implementation of joint operational programmes on both sides of the EU's border;

13. Calls on the Commission to prepare a detailed overview of all joint operational programmes approved for the period 2007-2013, together with an assessment of the degree to which the principles of transparency, efficiency and partnership have been respected in the implementation of projects; encourages the Commission to prepare an inventory of the most frequent problems faced by the managing authorities both in EU border regions and in the ENP countries, in order to identify more appropriate solutions for them for the next programming period;

14. Encourages the Commission to facilitate the exchange of experiences of, and best practices in, cross-border cooperation between ENP programmes and projects and action taken under the 'European territorial cooperation' objective and under the already completed Interreg III A Community initiative; believes, in particular, that training (including programmes for learning the languages of neighbouring countries) and twinning initiatives for civil servants should be fostered; suggests, in this context, periodical analyses of the improvements made in terms of capacity and institution-building on both sides of the EU's border;

15. Underlines the importance of clarifying the relationship between the ENP as a framework policy and the regional ENP initiatives such as the Black Sea Synergy, the Union for the Mediterranean and the future Eastern Partnership, and of enhancing the coordination and complementarity of those initiatives and of the different Community assistance instruments; calls for improved synchronisation between ENPI programmes and the financial cooperation provided by the Member States and by international organisations;

16. Stresses the need for enhanced cooperation on the part of the ENPI countries with the EU agencies and increased opportunities for the ENPI countries to participate in the Community programmes, provided that the objectives of the ENP action plans have been fulfilled; calls on the Commission to take effective measures to minimise the financial burden that falls upon third countries seeking to participate in these Community programmes;

17. Stresses the need for payments under the ENPI to be transparent as regards country, region and priority field;

18. Calls for greater emphasis to be placed on increased mobility, particularly via the establishment of mobility partnerships with the ENPI countries, and people-to-people contacts, particularly in the areas of education, research and development, business and political dialogue; supports urgent action to reduce visa fees for nationals and residents of all ENPI countries, with the ultimate goal of visa liberalisation;

19. Endorses the Commission's approach to economic integration, which includes the aim of establishing a deep and comprehensive free trade area;

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20. Notes that despite efforts in some ENPI countries to promote gender equality and to enhance women's participation in political, social and economic life, such measures have not yet led to any significant improvement in the Mediterranean Neighbourhood as well as in some Eastern Neighbourhood countries; calls on the Commission to address more systematically gender inequalities in the programming and implementation of the ENPI;
21. Supports the Commission's approach to the energy security issue, aimed at the creation in the medium term of a mutually beneficial interconnected and diversified energy market between the EU and neighbouring countries; stresses, however, that as well as further developing harmonisation of partners' energy policies and legislation with the EU practice and the *acquis communautaire*, particular attention should be given to the modernisation of the energy infrastructure in partner countries;
22. Welcomes the fact that the Commission's proposal for the Eastern Partnership includes the establishment of thematic platforms (democracy, good governance and stability, economic integration and convergence with EU policies, energy security, contacts between people) corresponding to the main areas of cooperation;
23. Underlines the need to increase the ENPI financial envelope in order to enable the ENP to attain its increasingly ambitious objectives and to support its new regional initiatives; asks that, when this occurs, the Mediterranean countries and the countries of eastern Europe can both benefit;
24. Calls for evaluation of the current efficiency and impact of spending in the wider context, such as the aid activities of third countries;
25. Calls on the Commission to prepare an evaluation of the impact of third countries' foreign aid policies in ENP countries, especially those of China and Russia, and of the impact of the financial crisis on all ENPI countries;
26. Calls on the Commission to strictly assess the real needs of the countries to which it currently provides Official Development Aid and similar assistance, with particular reference to levels of GDP and rates of economic growth in recipient states;
27. Calls on the Member States to provide financial support for the reform agenda set out in the ENP action plans through further contributions to the Neighbourhood Investment Facility and similar ENPI initiatives and increased bilateral assistance;
28. Recalls that, during the negotiations on the ENPI's legal basis, Parliament had legitimate concerns over how the medium and short-term strategy papers and country papers, often containing indicative financial amounts, would be subject to parliamentary scrutiny; calls for an evaluation of how these indicative financial commitments have been implemented during the past two years;
29. Expresses, in this context, its concerns about the high level of requested budgetary transfers for chapter 19 08 of the budget, which already amount to a cumulative increase of EUR 410 million in commitments and EUR 635 million in payments for the years 2007 and 2008;
30. Notes with satisfaction that countries covered by the ENPI are entitled to benefit from loans from the European Investment Bank (EIB) ⁽¹⁾, and that financing operations should be consistent with and support EU external policies including specific regional objectives; recalls that the current maximum ceiling of the EIB financing operations for ENPI countries over the period 2007-2013 is EUR 12,4 billion, broken down into two indicative sub-ceilings of EUR 8,7 billion for Mediterranean countries and EUR 3,7 billion for Eastern countries and Russia; calls for an evaluation in conjunction with the EIB to determine how such loans are being implemented;

⁽¹⁾ Council Decision 2006/1016/EC of 19 December 2006 granting a Community guarantee to the European Investment Bank against losses under loans and loan guarantees for projects outside the Community (OJ L 414, 30.12.2006, p. 95).

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31. Notes with satisfaction that the Court of Justice recently annulled the original legal basis for such loans, following a challenge by Parliament ⁽¹⁾, and ruled that in these cases the codecision procedure should apply under Articles 179 and 181a of the EC Treaty; stresses that the review of the ENPI and the adoption of a regulation replacing the annulled Council Decision on a Community guarantee of EIB loans must be conducted in parallel, since they are complementary instruments with regard to EU policy towards neighbouring countries and contradictory or counter-effective provisions need to be avoided;

32. Reiterates its concern about the potential deficiencies of accountability and the risk of misappropriations of Community funds when EU assistance is channelled through multi-donors' trust funds; stresses the importance of a sound public financial system based on transparency and democratic accountability; calls on the Commission, therefore, to avoid channelling funds through these intermediaries where possible, and where better and more transparent means for channelling such funds exist;

Country and region-specific remarks

33. Notes the progress made under the Union for the Mediterranean initiative; stresses, however, that:

- the ENPI financing of the ENP initiative for the South or East should not be used to the detriment of each other,
- Parliament should be adequately informed of the Union for the Mediterranean projects funded from the ENPI;
- when ENPI funds are used, the transparency of other sources, including private funding, is particularly important;

34. Reiterates that the Mediterranean component of the ENP should complement the Barcelona Process, and that the ENP's objectives need to be more clearly defined in order to strengthen the Barcelona Process by favouring a multilateral regional approach;

35. Considers that, in order to strengthen the effectiveness of the regional, multilateral and cross-border projects within the framework of the ENPI, an extension of the participation in those programmes to all the new Union for the Mediterranean partners should be envisaged;

36. Takes the view that the recent geopolitical developments in the EU's Eastern neighbourhood underscore the importance of developing the ENP further by adapting it better to the needs of the partners, including enhanced EU involvement in the Black Sea region and an ambitious Eastern Partnership; stresses the need to speed up, in relation to Armenia, Azerbaijan, Georgia, Moldova and Ukraine in particular, the establishment of a free-trade zone as soon as partner countries are ready, and the need to finalise as soon as possible steps towards visa freedom with the EU, as well as the need to enhance regional cooperation so as to promote stability and prosperity in the European neighbourhood;

37. Proposes that an Eastern Neighbourhood assembly ('Euroeast'), with the participation of the European Parliament, be created on the same lines as the Euromed and EuroLat assemblies with a view to implementing the ENPI in the countries of eastern Europe, namely Armenia, Azerbaijan, Georgia, Moldova, Ukraine and Belarus;

38. Points out that the frozen conflicts represent an obstacle to the full development of the ENP with regard to the South Caucasus, and calls on the Council to engage more actively in the conflict resolution;

⁽¹⁾ Judgment of 6 November 2008 in Case C-155/07 *Parliament v Council* (OJ C 327, 20.12.2008, p. 2).

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39. Stresses that a stronger engagement in the Black Sea region is needed if the EU is to help to resolve some of the outstanding conflicts and to enhance cooperation between the countries of the region; considers that increased regional cooperation in the Black Sea region should be one of the key priorities for the ENP as well as for various regional initiatives launched by the EU; looks forward to seeing further implementation of the Black Sea Synergy; calls for enhanced cooperation with Turkey in the Black Sea, given its strategic importance and the future role it could play in the common foreign and security policy, as well as with Russia, emphasising the need for the full involvement of those countries in the resolution of regional conflicts and in the promotion of peace and stability in the European neighbourhood; takes the view that several projects of common interest could be implemented within this framework;

40. Welcomes the fact that the Eastern Partnership offers a more significant incentive to ambitious partner countries such as Ukraine; welcomes in particular the new Comprehensive Institution-Building programme for improving administrative capacity in the relevant sectors of cooperation;

41. Considers that the Eastern Partnership should not hinder EU membership for neighbouring countries wishing to apply on the basis of Article 49 of the EU Treaty;

42. Supports the Commission's proposal that new relations with the Eastern Partnership countries would be constructed on the basis of country-tailored new association agreements, which would provide a better response to partners' aspirations for a closer relationship;

43. Welcomes the fact that energy security is an integral part of the proposal for the Eastern Partnership in relations with Eastern partners; endorses the main goals of the Commission's above-mentioned communication of 3 December 2008, such as the swift completion of negotiations on Ukraine's and Moldova's membership of the Energy Community and the enhancement of political engagement with Azerbaijan, aimed at its convergence with the EU energy market and infrastructural integration; points out that all ENP countries should be included in energy cooperation measures;

44. Endorses the Economic Recovery and Stability package under the Community budget, which will provide up to EUR 500 million over the years 2008-2010 to rebuild Georgia after a damaging war and to ensure the economic rehabilitation of internally displaced people pending their return to their homes and properties; underlines that, in order to guarantee that the assistance is allocated to the most urgent needs of Georgia, proper conditionality and monitoring mechanisms should be attached to the Community financing; emphasises that the aid should be targeted to supporting the reform agenda as defined in the ENP action plan and the ENPI programming documents, which remain highly appropriate;

45. Stresses that the financial envelope for Belarus needs to be reviewed to see whether cooperation can be broadened to cover areas beyond energy, the environment and migration, with a view to pursuing the policy of re-engagement initiated by the Council in September 2008; recalls that relations between the EU and Belarus will depend very much on the commitment of the government of Belarus to democratic values; underlines the need for effective political conditionality and for guarantees that the assistance will have an immediate positive impact on citizens and will not be misused by the authorities against their political opponents; stresses that the EU should give more effective support to civil society and to political parties who are defending democracy;

46. Takes the view that the EU should focus on the following issues during the negotiations on a new EU-Russia Partnership and Cooperation Agreement:

- greater Russian cooperation in identifying clear financial cooperation priorities, which would lead to better planning and multi-annual programming of aid;

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- guarantees that any financial assistance granted to the Russian authorities contributes to the strengthening of democratic standards in the Russian Federation;
- increased joint ownership of projects identified for funding;

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47. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and of the ENPI countries, the Council of Europe, the Organization for Security and Co-operation in Europe and the Euro-Mediterranean Parliamentary Assembly.

The fight against Alzheimer's disease

P6_TA(2009)0081

Declaration of the European Parliament on priorities in the fight against Alzheimer's disease

(2010/C 76 E/17)

The European Parliament,

- having regard to Rule 116 of its Rules of Procedure,
 - A. whereas Alzheimer's disease currently affects 6.1 million Europeans and that figure will double or triple between now and 2050 with the ageing of the population,
 - B. whereas this disease is the most common cause of dependency,
 - C. whereas it is vital that political commitment be made in the areas of research, prevention and social protection,
1. Calls on the Council, the Commission, and the governments of the Member States to recognise Alzheimer's disease as a European public health priority and to develop a European action plan with a view to:
 - promoting pan-European research on the causes, prevention and treatment of Alzheimer's disease,
 - improving early diagnosis,
 - simplifying procedures for patients and carers and improving their quality of life,
 - promoting the role of Alzheimer's associations and giving them regular support;
 2. Instructs its President to forward this declaration, together with the names of the signatories, to the Council, the Commission, and the governments of the Member States, as well as to the national, regional and local authorities concerned.

Thursday 19 February 2009

List of signatories

Adamos Adamou, Vittorio Agnoletto, Gabriele Albertini, Georgs Andrejevs, Laima Liucija Andrikenė, Emmanouil Angelakas, Alfredo Antoniozzi, Kader Arif, Stavros Arnautakis, Richard James Ashworth, Robert Atkins, John Attard-Montalto, Elspeth Attwooll, Jean-Pierre Audy, Margrete Auken, Liam Aylward, Pilar Ayuso, Peter Baco, Mariela Velichkova Baeva, Enrique Barón Crespo, Paolo Bartolozzi, Domenico Antonio Basile, Alessandro Battilocchio, Katerina Batzeli, Edit Bauer, Jean Marie Beaupuy, Christopher Beazley, Zsolt László Becsey, Glenn Bedingfield, Angelika Beer, Bastiaan Belder, Ivo Belet, Irena Belohorská, Jean-Luc Bennaehmas, Maria Berger, Slavi Binev, Johannes Blokland, Sebastian Valentin Bodu, Guy Bono, Vito Bonsignore, Mario Borghezio, Erminio Enzo Boso, Costas Botopoulos, John Bowis, Sharon Bowles, Emine Bozkurt, Iles Braghetto, Mihael Brejc, Frieda Brepoels, André Brie, Danutė Budreikaitė, Kathalijne Maria Buitenweg, Udo Bullmann, Nicodim Bulzesc, Colm Burke, Philip Bushill-Matthews, Niels Busk, Cristian Silviu Bușoi, Philippe Busquin, Simon Busuttill, Milan Cabrnach, Maddalena Calia, Martin Callanan, Mogens Camre, Luis Manuel Capoulas Santos, Marco Cappato, Giorgio Carollo, David Casa, Paulo Casaca, Jean-Marie Cavada, Alejandro Cercas, Giles Chichester, Giulietto Chiesa, Zdzisław Kazimierz Chmielewski, Ole Christensen, Sylwester Chruszcz, Fabio Ciani, Philip Claeys, Luigi Cocilovo, Carlos Coelho, Richard Corbett, Dorette Corbey, Giovanna Corda, Thierry Cornillet, Michael Cramer, Jan Cremers, Gabriela Crețu, Brian Crowley, Magor Imre Csibi, Marek Aleksander Czarnecki, Ryszard Czarnecki, Joseph Daul, Dragoș Florin David, Bairbre de Brún, Jean-Luc Dehaene, Panayiotis Demetriou, Gérard Deprez, Proinsias De Rossa, Marielle De Sarnez, Marie-Hélène Descamps, Nirj Deva, Christine De Veyrac, Mia De Vits, Agustín Díaz de Mera García Consuegra, Jolanta Dičkutė, Giorgos Dimitrakopoulos, Alexandra Dobolyi, Bert Doorn, Brigitte Douay, Den Dover, Avril Doyle, Mojca Drčar Murko, Konstantinos Droutsas, Andrew Duff, Árpád Duka-Zólyomi, Constantin Dumitriu, Lena Ek, Saïd El Khadraoui, James Elles, Maria da Assunção Esteves, Edite Estrela, Harald Ettl, Jill Evans, Jonathan Evans, Robert Evans, Carlo Fatuzzo, Emanuel Jardim Fernandes, Elisa Ferreira, Ilda Figueiredo, Petru Filip, Věra Flasarová, Alessandro Foglietta, Hanna Foltyn-Kubicka, Nicole Fontaine, Glyn Ford, Brigitte Fouré, Janelly Fourtou, Juan Fraile Cantón, Armando França, Monica Frassoni, Duarte Freitas, Kinga Gál, Milan Gaľa, Gerardo Galeote, Vicente Miguel Garcés Ramón, José Manuel García-Margallo y Marfil, Elisabetta Gardini, Salvador Garriga Polledo, Patrick Gaubert, Jean-Paul Gauzès, Jas Gawronski, Georgios Georgiou, Lidia Joanna Geringer de Oedenberg, Claire Gibault, Monica Giuntini, Ioannis Gklavakis, Robert Goebbels, Bogdan Golik, Bruno Gollnisch, Ana Maria Gomes, Dariusz Maciej Grabowski, Luis de Grandes Pascual, Martí Grau i Segú, Nathalie Griesbeck, Lissy Gröner, Mathieu Grosch, Françoise Grossetête, Ignasi Guardans Cambó, Ambroise Guellec, Pedro Guerreiro, Zita Gurmai, Cristina Gutiérrez-Cortines, Fiona Hall, Małgorzata Handzlik, Gábor Harangozó, Malcolm Harbour, Marian Harkin, Gyula Hegyi, Erna Hennicot-Schoepges, Jeanine Hennis-Plasschaert, Edit Herczog, Esther Herranz García, Luis Herrero-Tejedor, Jens Holm, Mary Honeyball, Karsten Friedrich Hoppenstedt, Milan Horáček, Ian Hudghton, Stephen Hughes, Jana Hybášková, Filiz Hakaeva Hyusmenova, Ville Itälä, Carlos José Iturgaiz Angulo, Caroline Jackson, Lily Jacobs, Mieczysław Edmund Janowski, Lívia Járóka, Rumiana Jeleva, Anne E. Jensen, Romana Jordan Cizelj, Madeleine Jouye de Grandmaison, Aurelio Juri, Jelko Kacin, Filip Kaczmarek, Gisela Kallenbach, Othmar Karas, Ioannis Kasoulides, Sylvia-Yvonne Kaufmann, Metin Kazak, Glenys Kinnock, Evgeni Kirilov, Timothy Kirkhope, Christa Klauß, Jaromír Kohlíček, Maria Eleni Koppa, Magda Kósáné Kovács, Sergej Kozlík, Guntars Krasts, Rodi Kratsa-Tsagaropoulou, Ģirts Valdis Kristovskis, Urszula Krupa, Wiesław Stefan Kuc, Sepp Kusstatscher, Zbigniew Krzysztof Kuźmiuk, Alain Lamassoure, Jean Lambert, Stavros Lambrinidis, Carl Lang, Esther De Lange, Raymond Langendries, Anne Laperrouze, Kurt Joachim Lauk, Henrik Lax, Johannes Lebech, Roselyne Lefrançois, Bernard Lefebvre, Fernand Le Rachinel, Katalin Lévai, Bogusław Liberadzki, Marcin Libicki, Marie-Noëlle Lienemann, Kartika Tamara Liotard, Alain Lipietz, Eleonora Lo Curto, Antonio López-Istúriz White, Andrea Losco, Patrick Louis, Caroline Lucas, Sarah Ludford, Astrid Lulling, Florencio Luque Aguilar, Elizabeth Lynne, Marusya Ivanova Lyubcheva, Linda McAvan, Arlene McCarthy, Mairead McGuinness, Jamila Madeira, Eugenijus Maldeikis, Toine Manders, Ramona Nicole Mănescu, Marian-Jean Marinescu, Catuscia Marini, Sérgio Marques, Maria Martens, David Martin, Jean-Claude Martinez, Miguel Angel Martínez Martínez, Jan Tadeusz Masiel, Jiří Maštálka, Véronique Mathieu, Marios Matsakis, Yiannakis Matsis, Maria Matsouka, Iosif Matula, Mario Mauro, Manolis Mavrommatis, Íñigo Méndez de Vigo, Emilio Menéndez del Valle, Rosa Miguélez Ramos, Marianne Mikko, Gay Mitchell, Nickolay Mladenov, Viktória Mohácsi, Claude Moraes, Javier Moreno Sánchez, Eluned Morgan, Luisa Morgantini, Philippe Morillon, Elisabeth Morin, Roberto Musacchio, Cristiana Muscardini, Riitta Myller, Pasqualina Napoletano, Juan Andrés Naranjo Escobar, Bill Newton Dunn, Annemie Neyts-Uyttebroeck, James Nicholson, Angelika Niebler, Lambert van Nistelrooij, Ljudmila Novak, Cem Özdemir, Péter Olajos, Jan Olbrycht, Seán Ó Neachtain, Gérard Onesta, Ria Oomen-Ruijten, Dumitru Oprea, Josu Ortuondo Larrea, Csaba Óry, Siiri Oviir, Reino Paasilinna, Athanasios Pafilis, Justas Vincas Paleckis, Marie Panayotopoulos-Cassiotou, Vladko Todorov Panayotov, Dimitrios Papadimoulis, Atanas Papanizov, Georgios Papastamkos, Aldo Patriciello, Bogdan Pęk, Alojz Peterle, Maria Petre, Sirpa Pietikäinen, Rihards Pīks, João de Deus Pinheiro, Józef Pinior, Hubert Pirker, Gianni Pittella, Francisca Pleguezuelos Aguilar, Anni Podimata, Zdzisław Zbigniew Podkański, José Javier Pomés Ruiz, Miguel Portas, Horst Posdorf, Bernd Posselt, Christa Prets, Vittorio Prodi, Jacek Protasiewicz, John Purvis, Luís Queiró, Bilyana Ilieva Raeva, Miloslav Ransdorf, Poul Nyrup

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Rasmussen, Vladimír Remek, Karin Resetarits, José Ribeiro e Castro, Teresa Riera Madurell, Frédérique Ries, Karin Riis-Jørgensen, Giovanni Rivera, Marco Rizzo, Giovanni Robusti, Bogusław Rogalski, Zuzana Roithová, Luca Romagnoli, Raül Romeva i Rueda, Dagmar Roth-Behrendt, Libor Rouček, Paul Rübig, Heide Rühle, Leopold Józef Rutowicz, Eoin Ryan, Tokia Saïfi, Aloyzas Sakalas, José Ignacio Salafranca Sánchez-Neyra, María Isabel Salinas García, Antolín Sánchez Presedo, Manuel António dos Santos, Salvador Domingo Sanz Palacio, Jacek Saryusz-Wolski, Gilles Savary, Lydia Schenardi, Agnes Schierhuber, Margaritis Schinas, Carl Schlyter, Frithjof Schmidt, Olle Schmidt, Pál Schmitt, György Schöpflin, Inger Segelström, Esko Seppänen, Czesław Adam Siekierski, José Albino Silva Peneda, Brian Simpson, Kathy Sinnott, Nina Škottová, Csaba Sógor, Renate Sommer, Søren Bo Søndergaard, María Sornosa Martínez, Jean Spautz, Bart Staes, Grażyna Staniszevska, Peter Šťastný, Petya Stavreva, Dirk Sterckx, Struan Stevenson, Catherine Stihler, Dimitar Stoyanov, Daniel Strož, Margie Sudre, David Sumberg, Gianluca Susta, Eva-Britt Svensson, Hannes Swoboda, József Szájer, Andrzej Jan Szejna, István Szent-Iványi, Csaba Sándor Tabajdi, Hannu Takkula, Charles Tannock, Salvatore Tatarella, Michel Teychenné, Britta Thomsen, Marianne Thyssen, Silvia-Adriana Țicău, Gary Titley, Patrizia Toia, Ewa Tomaszewska, Witold Tomczak, Jacques Toubon, Georgios Toussas, Antonios Trakatellis, Catherine Trautmann, Kyriacos Triantaphyllides, Claude Turmes, Evangelia Tzampazi, Vladimir Urutchev, Nikolaos Vakalis, Anne Van Lancker, Geoffrey Van Orden, Daniel Varela Suanzes-Carpegna, Ioannis Varvitsiotis, Ari Vatanen, Armando Veneto, Donato Tommaso Veraldi, Bernadette Vergnaud, Alejo Vidal-Quadras, Kristian Vigenin, Oldřich Vlasák, Dominique Vlasto, Sahra Wagenknecht, Diana Wallis, Graham Watson, Henri Weber, Andrzej Wielowieyski, Anders Wijkman, Glenis Willmott, Bernard Wojciechowski, Janusz Wojciechowski, Corien Wortmann-Kool, Francis Wurtz, Anna Záborská, Jan Zahradil, Zbigniew Zaleski, Mauro Zani, Andrzej Tomasz Zapałowski, Stefano Zappalà, Tomáš Zatloukal, Tatjana Ždanoka, Dushana Zdravkova, Vladimír Železný, Gabriele Zimmer, Jaroslav Zvěřina, Tadeusz Zwiefka

Thursday 19 February 2009

II

*(Information)*INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES
AND AGENCIES

EUROPEAN PARLIAMENT

Procedure with associated Committees — establishment of quorum (interpretation of Rules 47 and 149)

P6_TA(2009)0080

European Parliament decision of 19 February 2009 on interpretation of Rules 47 and 149(4) of Parliament's Rules of Procedure on the procedure with associated Committees and establishment of quorum

(2010/C 76 E/18)

The European Parliament,

- having regard to the letters of 27 January and 13 February 2009 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 47:

'For the purposes of examining international agreements under Rule 83, the procedure with associated committees set out in Rule 47 may not be applied in relation to the assent procedure under Rule 75.'

2. Decides to append the following interpretation to Rule 149(4):

'Members who have asked for the quorum to be established must be present in the Chamber when the request is made.'

3. Instructs its President to forward this decision to the Council and the Commission, for information.
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Thursday 19 February 2009

III

(Preparatory acts)

EUROPEAN PARLIAMENT

Community legal framework for a European Research Infrastructure (ERI) *

P6_TA(2009)0058

European Parliament legislative resolution of 19 February 2009 on the proposal for a Council regulation on the Community legal framework for a European Research Infrastructure (ERI) (COM(2008)0467 – C6-0306/2008 – 2008/0148(CNS))

(2010/C 76 E/19)

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2008)0467),
 - having regard to Article 171 and the first paragraph of Article 172 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0306/2008),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Industry, Research and Energy (A6-0007/2009),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 5. Instructs its President to forward its position to the Council and Commission.

Thursday 19 February 2009

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 1**Proposal for a regulation****Recital 3**

(3) While traditional support for the use and development of European research infrastructures has essentially taken the form of grants in favour of established research infrastructures in the Member States, the need for additional efforts has become apparent in recent years in order to stimulate the development of new structures by creating an appropriate legal framework which should facilitate their establishment and operation at the level of the Community.

(3) While traditional support for the use and development of European research infrastructures has essentially taken the form of grants in favour of established research infrastructures in the Member States, the need for additional efforts has become apparent in recent years in order to stimulate the development of new structures **or to upgrade existing structures in order to optimise their use** by creating an appropriate legal framework which should facilitate their establishment and operation at the level of the Community.

Amendment 2**Proposal for a regulation****Recital 4**

(4) This need has been expressed on numerous occasions both at political level by the Member States and the Community institutions, as well as by the various actors within the European research community such as undertakings, research centres **and** universities.

(4) This need has been expressed on numerous occasions both at political level by the Member States and the Community institutions, as well as by the various actors within the European research community such as undertakings, research centres, universities **and, in particular, the European Strategy Forum on Research Infrastructures (ESFRI)**.

Amendment 3**Proposal for a regulation****Recital 6 a (new)**

(6a) A research infrastructure to be set up under this Regulation as a European Research Infrastructure (ERI) should aim at facilitating and promoting research of pan-European interest. It should do so on a non-economic basis, that is, by not offering to undertake work or to provide supplies and/or services which could distort competition. However, in order to promote innovation, knowledge and technology transfer, the ERI should be allowed to carry out some limited economic activities under certain conditions.

Amendment 4**Proposal for a regulation****Recital 7**

(7) In contrast to Joint Technology Initiatives (JTI) constituted as Joint Undertakings of which the Community is a member and to which it makes financial contributions, **a European Research Infrastructure (hereinafter referred to as "ERI")** should not be conceived as a Community body within the meaning of Article 185 of the Financial Regulation, but as a legal entity of which the Community is not **necessarily** a member and to which it does not make financial contributions within the meaning of Article 108(2), point (f), of the Financial Regulation.

(7) In contrast to Joint Technology Initiatives (JTI) constituted as Joint Undertakings of which the Community is a member and to which it makes financial contributions, **an** ERI should not be conceived as a Community body within the meaning of Article 185 of the Financial Regulation, but as a legal entity of which the Community is not a member and to which it does not make financial contributions within the meaning of Article 108(2), point (f), of the Financial Regulation. **This should not apply where the Community becomes a member of an ERI and makes a relevant financial contribution referred to in Article 185(1) of the Financial Regulation. Community funding of eris should, in all cases, be subject to the relevant provisions of the Financial Regulation.**

Thursday 19 February 2009

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 5
Proposal for a regulation
Recital 8

(8) Given the close cooperation between Member States and the Community in programming and implementing their respective research activities in a complementary manner, as set out in Articles 164 and 165 of the Treaty, it should be for interested Member States, ***on their own or in conjunction with other qualified entities***, to define their needs for the establishment of research infrastructures based on their research and technological development activities and on the requirements of the Community. For the same reasons, membership of an ERI should be open for interested Member States with the possible participation of qualified third countries and specialised intergovernmental organisations.

(8) Given the close cooperation between Member States and the Community in programming and implementing their respective research activities in a complementary manner, as set out in Articles 164 and 165 of the Treaty, it should be for interested Member States, to define their needs for the establishment of research infrastructures based on their research and technological development activities and on the requirements of the Community. For the same reasons, membership of an ERI should be open for interested Member States with the possible participation of qualified third countries and specialised intergovernmental organisations.

Amendment 6
Proposal for a regulation
Recital 9

(9) ***A European Research Infrastructure (hereinafter referred to as "ERI") set up under this Regulation should have as its task the establishment and operation of a research infrastructure. It should do so on a non-economic basis in order to prevent distortions of competition. In order to promote innovation and knowledge and technology transfer, the ERI should be allowed to carry out some limited economic activities on certain conditions.*** The establishment of research infrastructures as ERIs does not exclude that research infrastructures of pan-European interest that have another legal form can equally be recognised as contributing ***to the implementation of the roadmap developed by the European Strategy Forum for Research Infrastructure (ESFRI) and*** to the progress of European research. The Commission will ensure that ***ESFRI members and other*** interested parties are informed about these alternative legal forms.

(9) The establishment of research infrastructures as ERIs ***under this Regulation*** does not exclude that research infrastructures of pan-European interest that have another legal form can equally be recognised as contributing to the progress of European research. The Commission will ensure that interested parties are informed about these alternative legal forms.

Amendment 7
Proposal for a regulation
Recital 10

(10) Research infrastructures should help to safeguard scientific excellence of Community research and the competitiveness of its economy, as based on medium-term to long-term forecasts, through the efficient support of European research activities. To achieve this they should be effectively open to the European research community at large and have the ambition to enhance the European scientific capabilities beyond the current state of the art and thereby contribute to the development of the European Research Area.

(10) Research infrastructures should help to safeguard scientific excellence of Community research and the competitiveness of its economy, as based on medium-term to long-term forecasts, through the efficient support of European research activities. To achieve this they should be effectively open to the European research community at large ***in accordance with the rules established in their Statutes*** and have the ambition to enhance the European scientific capabilities beyond the current state of the art and thereby contribute to the development of the European Research Area, ***in particular by promoting synergies with the EU cohesion policy.***

Thursday 19 February 2009

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 8**Proposal for a regulation
Recital 10a (new)**

(10a) In particular, new research infrastructures should take into account, where appropriate, the importance of unlocking the potential for scientific excellence in the convergence regions, as a means of enhancing the EU's long-term performance in research, innovation and economic competitiveness.

Amendment 9**Proposal for a regulation
Recital 12**

(12) For reasons of transparency, the decision of setting up an ERI should be published in the *Official Journal of the European Union*. For the same reasons, an extract from the Statutes, providing their essential elements, should be annexed to that decision.

(12) For reasons of transparency, the decision of setting up **a research infrastructure** as an ERI should be published in the *Official Journal of the European Union*. For the same reasons, an extract from the Statutes, providing their essential elements, should be annexed to that decision.

Amendment 10**Proposal for a regulation
Recital 14**

(14) Membership of an ERI must comprise at least three Member States and may include qualified third countries and specialised intergovernmental organisations. Therefore, an ERI should qualify as an international body or organisation for the purpose of the application of the Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax, Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products and Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, in conformity with State aid rules. In order to support more effectively the research activities of the ERI, Member States and participating third countries should take all possible measures to accord to such ERI the most extensive exemption from other taxes.

(14) Membership of an ERI must comprise at least three Member States and may include qualified third countries and specialised intergovernmental organisations. Therefore, **an essential provision of this Regulation should be that** an ERI should qualify as an international body or organisation for the purpose of the application of the Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax, Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products and Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, in conformity with State aid rules. In order to support more effectively the research activities of the ERI, **thereby making them more competitive at global level**, Member States and participating third countries should take all possible measures to accord to such ERI the most extensive exemption from other taxes.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 11
Proposal for a regulation
Recital 17

(17) It is necessary to ensure that, on the one hand, an ERI has flexibility to amend its Statutes and, on the other hand, that the Community which sets up **the** ERI retains control over certain essential elements. If an amendment concerns a matter covered in the extract from the Statutes annexed to the decision setting up the ERI, such amendment has to be approved, prior to taking effect, by a Commission decision taken following the same procedure as the one for setting up the ERI, since the information contained therein is considered as essential. Any other amendment should be notified to the Commission which has an opportunity to object if it considers it contrary to this Regulation. If no objection is raised, an appropriate notice accompanied by a concise summary of the amendment should be published.

(17) It is necessary to ensure that, on the one hand, an ERI has flexibility to amend its Statutes and, on the other hand, that the Community which sets up **a research infrastructure as an** ERI retains control over certain essential elements. If an amendment concerns a matter covered in the extract from the Statutes annexed to the decision setting up the ERI, such amendment has to be approved, prior to taking effect, by a Commission decision taken following the same procedure as the one for setting up the ERI, since the information contained therein is considered as essential. Any other amendment should be notified to the Commission which has an opportunity to object if it considers it contrary to this Regulation. If no objection is raised, an appropriate notice accompanied by a concise summary of the amendment should be published.

Amendment 12
Proposal for a regulation
Recital 20

(20) ERIs may receive co-funding from Cohesion Policy financial instruments in conformity with 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 and repealing Regulation (EC) No 1260/1999.

(20) ERIs may receive co-funding from Cohesion Policy financial instruments in conformity with 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 and repealing Regulation (EC) No 1260/1999, **and Council Regulation (EC) No 1084/2006 of 11 July 2006 establishing a Cohesion Fund** ⁽¹⁾.

⁽¹⁾ OJ L 210, 31.7.2006, p. 79.

Amendment 13
Proposal for a regulation
Recital 22

(22) As the ERI is established under Community law, it should be governed by Community law, next to the law of the country where it has its statutory seat. However, the ERI could have **a place** of operation in **another country**. In that case, the law of **that country** should apply as regards public and occupational health and safety, environmental protection, treatment of hazardous substances and issuance of permits required. Further, an ERI should be governed by its Statutes adopted in compliance with the preceding sources of law, and by implementing rules complying with the Statutes.

(22) As the ERI is established under Community law, it should be governed by Community law, next to the law of the country where it has its statutory seat. However, the ERI could have **places** of operation in **other countries**. In that case, the law of **these countries** should apply as regards public and occupational health and safety, environmental protection, treatment of hazardous substances and issuance of permits required. Further, an ERI should be governed by its Statutes adopted in compliance with the preceding sources of law, and by implementing rules complying with the Statutes.

Thursday 19 February 2009

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 14
Proposal for a regulation
Recital 23

(23) In order to ensure sufficient control of compliance with this Regulation, an ERI should submit to the Commission the annual report **of the ERI** and any information about circumstances threatening to seriously jeopardise the achievement of **the tasks of the ERI**. If the Commission obtains indications, through the annual report or otherwise, that the ERI acts in serious breach of this Regulation or other applicable law, it shall request explanations and/or actions from the ERI and/or its members. In extreme cases and if no remedial action is taken, the Commission may repeal the decision setting up the ERI; this will trigger the winding up of the ERI.

(23) In order to ensure sufficient control of compliance with this Regulation, an ERI should submit to the Commission the annual report and any information about circumstances threatening to seriously jeopardise the achievement of **its objective**. If the Commission obtains indications, through the annual report or otherwise, that the ERI acts in serious breach of this Regulation or other applicable law, it shall request explanations and/or actions from the ERI and/or its members. In extreme cases and if no remedial action is taken, the Commission may repeal the decision setting up the ERI; this will trigger the winding up of the ERI.

Amendment 15
Proposal for a regulation
Recital 23 a (new)

(23a) Based on the practice of its regular ESFRI Roadmap updates, the Commission should inform the European Parliament on a regular basis on the state of evolution of the ERIs in the European research Area, together with its evaluation and recommendations in this field.

Amendment 16
Proposal for a regulation
Recital 24

(24) Since the objectives of the action to be taken; i.e. the establishment of a framework for *European Research Infrastructures between* Member States, cannot be sufficiently achieved by the Member States in the framework of their national constitutional systems, therefore, by reason of the trans-national nature of the problem, these objectives can better be achieved at Community level. The Community may therefore adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

(24) Since the objectives of the action to be taken; i.e. the establishment of a framework for *ERIs set up collectively by* Member States, cannot be sufficiently achieved by the Member States in the framework of their national constitutional systems, therefore, by reason of the trans-national nature of the problem, these objectives can better be achieved at Community level. The Community may therefore adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

Amendment 17
Proposal for a regulation
Article 1

1. This Regulation establishes **a framework laying down** the requirements and procedures for **and the effects of setting up a** European Research Infrastructure (hereinafter referred to as 'ERI').

2. It shall apply to research infrastructures of pan-European interest.

1. This Regulation establishes the requirements and procedures for **a research infrastructure of pan-European interest to be set up as a** European Research Infrastructure (hereinafter referred to as ERI).

Thursday 19 February 2009

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 18**Proposal for a regulation
Article 1 – paragraph 2 a (new)**

2a. A research structure of pan-European interest is a facility, including resources and related services, which can be used by the scientific community to conduct high level research in their respective fields. This definition covers major scientific equipment or sets of instruments; knowledge-based resources such as collections, archives or structured scientific information; enabling ICT-based infrastructures such as grid, computing, software and communications; any other entity of a unique nature essential to achieve excellence in research. Such research infrastructures may be single-sited or distributed (an organised network of resources).

Amendment 19**Proposal for a regulation
Article 2 – title****Task** and *other* activities*Objective* and activities of an ERI**Amendment 20****Proposal for a regulation
Article 2 – paragraph 1**

1. The **task** of an ERI shall be to **establish** and **operate a** research infrastructure.

1. The **objective** of an ERI shall be to **facilitate** and **promote** research of **pan-European interest, either in an existing European** infrastructure **or in a new infrastructure established jointly by several Member States.**

Amendment 21**Proposal for a regulation
Article 2 – paragraph 2**

2. An ERI shall **pursue its task on** a non-economic **basis**. However, it may carry out limited economic activities closely related to its **task** provided that they do not jeopardise the achievement of that **task**.

2. **The activities pursued by an ERI shall be of** a non economic **nature**. However, it may carry out limited economic activities closely related to its **objective** provided that they do not jeopardise the achievement of that **objective and income from such activities is used exclusively to achieve that objective.**

Amendment 22**Proposal for a regulation
Article 2 – paragraph 3 a (new)**

3a. ERIs shall pay special attention to patents and other valuable intellectual property rights and interests which arise as a result of their activities and shall inform the Commission of such intellectual property rights by means of an annual report.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 23
Proposal for a regulation
Article 3 – title

Requirements *relating to infrastructure**General* requirements

Amendment 24
Proposal for a regulation
Article 3 – paragraph 1 – introductory part

The research infrastructure to be **established by** an ERI shall meet the following requirements:The research infrastructure to be **set up as** an ERI shall meet the following requirements:

Amendment 25
Proposal for a regulation
Article 3 – paragraph 1 – point b

(b) it represents an added value in the development of the European Research Area and a significant improvement in the relevant scientific and technological fields at international level;

(b) it represents an added value in the development of the European Research Area **including by unlocking research potential in all EU regions, and by improving research methods**, a significant improvement in the relevant **specialist** scientific and technological fields at international level;

Amendment 26
Proposal for a regulation
Article 3 – paragraph 1 – point c

(c) the European research community, composed of researchers from Member States and from countries associated to the Community research, technological development and demonstration programmes *can effectively have access to it; and*

(c) *it is effectively accessible to the European research community, composed of researchers from Member States and from countries associated to the Community research, technological development and demonstration programmes, in accordance with the rules established in its Statutes;*

Amendment 27
Proposal for a regulation
Article 3 – paragraph 1 – point c a (new)

(ca) *it contributes to the training of young researchers; and*

Amendment 28
Proposal for a regulation
Article 3 – paragraph 1 – point d a (new)

(da) *it enhances the efficiency of interdisciplinary research as a result of the concentration of research projects within a given time-scale.*

Thursday 19 February 2009

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 29**Proposal for a regulation
Article 3 – paragraph 1 a (new)**

The research infrastructure to be set up as an ERI shall submit an impact assessment with its application.

Amendment 30**Proposal for a regulation
Article 3 – paragraph 1 b (new)**

The members of a research infrastructure to be set up as an ERI shall commit the necessary human and financial resources for its establishment and operation.

Amendment 31**Proposal for a regulation
Article 4 – title**Application *for the setting-up of an ERI*

Application

Amendment 32**Proposal for a regulation
Article 4 – paragraph 1 – introductory part**

1. The entities applying for *the setting up of* an ERI (hereinafter referred to as 'applicants') shall submit an application to the Commission. The application shall be submitted in writing in one of the official languages of the Community and shall contain the following:

1. The entities applying for *a research infrastructure to be set up as* an ERI (hereinafter referred to as 'applicants') shall submit an application to the Commission. The application shall be submitted in writing in one of the official languages of the Community and shall contain the following:

Amendment 33**Proposal for a regulation
Article 4 – paragraph 1 – point a**

(a) a request to the Commission to set up *the* ERI;

(a) a request to the Commission *for a research infrastructure to be set up as an* ERI;

Amendment 34**Proposal for a regulation
Article 4 – paragraph 1 – point c**

(c) a technical and scientific description of the research infrastructure to be *established and operated by the* ERI, addressing in particular the requirements set out in Article 3.

(c) a technical and scientific description of the research infrastructure to be *set up as an* ERI, *and the socio-economic effects and the contribution to the EU's convergence objectives*, addressing in particular the requirements set out in Article 3;

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 35**Proposal for a regulation
Article 4 – paragraph 2**

2. *The Commission shall assess the application. During the assessment it may obtain the views of independent experts in particular in the field of the intended activities of the ERI. The result of such assessment shall be communicated to the applicants who shall be, if necessary, invited to complete or amend the application within a reasonable time.*

*deleted***Amendment 36****Proposal for a regulation
Article 5 – title**

Decision on the application

Assessment and decision on the application**Amendment 37****Proposal for a regulation
Article 5 – paragraph – -1 (new)**

-1. The Commission shall assess the application. During the assessment it must obtain the views of independent experts in particular in the field of the intended activities of the ERI. The result of such assessment shall be communicated to the applicants who shall, if necessary, be invited to complete or amend the application within a reasonable time.

Amendment 38**Proposal for a regulation
Article 5 – paragraph 1 – introductory part**

1. The Commission shall, taking into account the results of the assessment referred to in **Article 4(2)** and in accordance with the procedure referred to in Article 21:

1. The Commission shall, taking into account the results of the assessment referred to in **Article 5(-1) and the needs identified in the European Strategy Forum on Research Infrastructures (ESFRI) Roadmap** and in accordance with the procedure referred to in Article 21:

Amendment 39**Proposal for a regulation
Article 5 – paragraph 1 – point a**

(a) adopt a decision setting up the ERI after it has satisfied itself that the requirements laid down in this Regulation are met;
or

(a) adopt a decision setting up the **research infrastructure as an** ERI after it has satisfied itself that the requirements laid down in this Regulation are met; or

Amendment 40**Proposal for a regulation
Article 5 – paragraph 2**

2. The decision on the application shall be notified to the applicants. The decision setting up the ERI shall also be published in the L series of the *Official Journal of the European Union*.

2. The decision on the application shall be notified to the applicants. The decision setting up the **research infrastructure as an** ERI shall also be published in the L series of the *Official Journal of the European Union*. **In cases of refusal, applicants shall have access to the evaluation report.**

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 42**Proposal for a regulation
Article 6 – paragraph 1 a (new)**

1a. In the case of infrastructures with a different legal form, the original legal person shall cease to exist on the date referred to in paragraph 1, and the ERI shall operate as its successor in title by legal succession;

Amendment 43**Proposal for a regulation
Article 7 – paragraph 2**

2. An ERI shall have a name containing the words 'European Research Infrastructure' or the abbreviation 'ERI'.

2. An ERI shall have a name containing the words 'European Research Infrastructure' or the abbreviation 'ERI' **and a reference to its research area.**

Amendment 44**Proposal for a regulation
Article 8 – paragraph 2**

2. An ERI must at all times have at least three Member States as members. Further Member States may join as members at any time on fair and reasonable terms specified in the Statutes.

2. An ERI must at all times have at least three Member States as members. Further Member States, **third countries and international organisations** may join as members at any time on fair and reasonable terms specified in the Statutes.

Amendment 45**Proposal for a regulation
Article 8 – paragraph 4**

4. Any Member State or third country may be represented by one or more public entities, including regions, or private entities with a public-service mission as regards the exercise of specified rights and the discharge of specified obligations as a member of the ERI.

4. Any Member State or third country may be represented **in the assembly of members** by one or more public entities, including regions, or private entities with a public-service mission as regards the exercise of specified rights and the discharge of specified obligations as a member of the ERI.

Amendment 46**Proposal for a regulation
Article 8 – paragraph 5**

5. Third countries and intergovernmental organisations applying for a membership of an ERI shall recognise that that ERI shall have legal personality and capacity in accordance with Article 6(1) and (2) and that it shall be subject to rules determined in application of Article 16.

5. Third countries and intergovernmental organisations applying for a membership of an ERI shall recognise that that ERI shall have legal personality and capacity in **their respective territories and organisations** in accordance with Article 6(1) and (2) and that it shall be subject to rules determined in application of Article 16.

In the event that Community funds are being used by an ERI, the international or intergovernmental ERI members shall maintain their ERI status only if they commit to sending their internal and external audits to the European Court of Auditors and to the Internal Auditor of the Commission.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 47**Proposal for a regulation
Article 8 – paragraph 6 a (new)**

6a. Should the Community become a member of an ERI either directly or through any intermediary, the Commission shall notify the two arms of the budgetary authority immediately.

Amendment 48**Proposal for a regulation
Article 9 – paragraph 1 – point b**(b) *tasks* and activities of the ERI;(b) *objective* and activities of the ERI;**Amendment 49****Proposal for a regulation
Article 9 – paragraph 1 – point e**

(e) rights and obligations of the members, including the obligation to make contributions to a balanced budget;

(e) rights and obligations of the members, including the obligation to make contributions to a balanced budget **and voting rights**;**Amendment 50****Proposal for a regulation
Article 9 – paragraph 1 – point h – point i**

(i) access policy for users;

(i) access policy for users **based on scientific excellence**;**Amendment 51****Proposal for a regulation
Article 9 – paragraph 1 – point h – point i a (new)**(ia) *investment policy*;**Amendment 52****Proposal for a regulation
Article 9 – paragraph 1 – point h – point vi a (new)**(via) *an anti-discrimination policy, taking particular account of gender equality and equal opportunities for the disabled*;**Amendment 53****Proposal for a regulation
Article 9 – paragraph 1 – point j a (new)**(ja) *an agreement on the individual authorised to deal with patents and other intellectual property rights and interests which arise as a result of the activities of the ERI and the use to which the income deriving from such rights is put*;

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 54**Proposal for a regulation
Article 13 – paragraph 6**

6. An ERI shall take out appropriate insurance to cover all risks specific to its operation.

6. An ERI shall take out appropriate insurance to cover all risks specific to **the construction of the infrastructure and** its operation.

Amendment 55**Proposal for a regulation
Article 14**

Community funding to an ERI may be awarded **solely** in accordance with Title VI of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities. Funding under Cohesion Policy shall also be possible, in conformity with the relevant Community legislation.

Community funding to an ERI may **only** be awarded in accordance with Title VI of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities. Funding under Cohesion Policy shall also be possible, in conformity with the relevant Community legislation.

Should the Community at any time become a member of an ERI either directly or through any intermediary, that ERI shall be treated as a body having legal personality under Article 185 of the Financial Regulation. This also applies to an ERI which receives contributions (operative grants) under Article 185 of the Financial Regulation.

Amendment 56**Proposal for a regulation
Article 16 – paragraph 1 – point a**

(a) by Community law, in particular this Regulation and the decisions referred to in Articles 5(1)(a) and 10(1);

(a) by Community law, in particular this Regulation and the decisions referred to in Articles 5(1)(a) and 10(1) **and the Financial Regulation where applicable;**

Amendment 57**Proposal for a regulation
Article 18 – paragraph 5**

5. If no remedial action is taken, the Commission may repeal the decision **establishing the** ERI. Such decision shall be notified to the ERI and be published in the L series of the *Official Journal of the European Union*. This shall trigger the winding-up of the ERI.

5. If no remedial action is taken, the Commission may repeal the decision **setting up the research infrastructure as an** ERI. Such decision shall be notified to the ERI and be published in the L series of the *Official Journal of the European Union*. This shall trigger the winding-up of the ERI.

Amendment 58**Proposal for a regulation
Article 18 – paragraph 5 a (new)**

5a. The Commission shall submit the annual activity report to the European Parliament and to the Council and shall notify them of any decisions adopted under paragraphs 3 to 5.

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Amendments to the Convention on future multilateral co-operation in the North-East Atlantic Fisheries *

P6_TA(2009)0059

European Parliament legislative resolution of 19 February 2009 on the proposal for a Council decision on the approval of amendments to the Convention on future multilateral cooperation in the North-East Atlantic Fisheries allowing for the establishment of dispute settlement procedures, the extension of the scope of the Convention and a review of the objectives of the Convention (COM(2008)0512 – C6-0338/2008 – 2008/0166(CNS))

(2010/C 76 E/20)

(Consultation procedure)

The European Parliament,

- having regard to the proposal for a Council decision (COM(2008)0512),
 - having regard to Article 37 and Article 300(2) of the EC Treaty,
 - having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0338/2008),
 - having regard to Rules 51 and 83(7) of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A6-0009/2009),
1. Approves the amendments to the Convention on future multilateral cooperation in the North-East Atlantic Fisheries;
 2. Instructs its President to forward its position to the Council and the Commission.

Sanctions against employers of illegally staying third-country nationals *I**

P6_TA(2009)0069

European Parliament legislative resolution of 19 February 2009 on the proposal for a directive of the European Parliament and of the Council providing for sanctions against employers of illegally staying third-country nationals (COM(2007)0249 – C6-0143/2007 – 2007/0094(COD))

(2010/C 76 E/21)

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2007)0249),
- having regard to Article 251(2) and Article 63(3)(b) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0143/2007),

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- 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 and the opinions of the Committee on Employment and Social Affairs, the Committee on Agriculture and Rural Development and the Committee on Women's Rights and Gender Equality (A6-0026/2009),
1. Approves the Commission proposal as amended on 4 February 2009 ⁽¹⁾;
 2. Approves the Joint Statement annexed hereto;
 3. 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;
 4. Instructs its President to forward its position to the Council and the Commission.

⁽¹⁾ Texts adopted, P6_TA(2009)0043.

P6_TC1-COD(2007)0094

Position of the European Parliament adopted at first reading on 19 February 2009 with a view to the adoption of Directive 2009/.../EC of the European Parliament and of the Council providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals

(As an agreement was reached between Parliament and Council, Parliament's position at first reading corresponds to the final legislative act, Directive 2009/52/EC.)

ANNEX

Joint Statement by the European Parliament and the Council

The Parliament and the Council state that rules on subcontracting agreed upon in Article 8 [former Article 9] of this Directive shall be without prejudice to other provisions on this issue to be adopted in future legislative instruments.

Crop statistics *I**

P6_TA(2009)0070

European Parliament legislative resolution of 19 February 2009 on the proposal for a regulation of the European Parliament and of the Council concerning crop statistics (COM(2008)0210 – C6-0179/2008 – 2008/0079(COD))

(2010/C 76 E/22)

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2008)0210),
- having regard to Article 251(2) and Article 285(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0179/2008),

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- having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development (A6-0472/2008),
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 Commission.

P6_TC1-COD(2008)0079

Position of the European Parliament adopted at first reading on 19 February 2009 with a view to the adoption of Regulation (EC) No .../2009 of the European Parliament and of the Council concerning crop statistics and repealing Council regulations (EEC) No 837/90 and (EEC) No 959/93

(As an agreement was reached between Parliament and Council, Parliament's position at first reading corresponds to the final legislative act, Regulation (EC) No 543/2009.)

Rules on aromatised wines, aromatised wine-based drinks and aromatised wine-product cocktails (recast) *I**

P6_TA(2009)0071

European Parliament legislative resolution of 19 February 2009 on the proposal for a regulation of the European Parliament and of the Council concerning the general rules on the definition, description and presentation of aromatised wines, aromatised wine-based drinks and aromatised wine-product cocktails (recast) (COM(2007)0848 – C6-0006/2008 – 2007/0287(COD))

(2010/C 76 E/23)

(Codecision procedure – recast)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2007)0848),
- having regard to Articles 251(2), 37 and 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0006/2008),
- having regard to the undertakings given by the Council representative by letter of 2 February 2009 to adopt the proposal as amended, in accordance with Article 251(2), second subparagraph, first indent of the EC Treaty,
- having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts ⁽¹⁾,

⁽¹⁾ OJ C 77, 28.3.2002, p. 1.

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- having regard to Rules 80a and 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs and the opinion of the Committee on Agriculture and Rural Development (A6-0216/2008),
- A. whereas, according to the Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission, the proposal in question does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts without any change in their substance,
1. Approves the Commission proposal as adapted to the recommendations of the Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission and as amended hereunder;
 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)0287

Position of the European Parliament adopted at first reading on 19 February 2009 with a view to the adoption of Regulation (EC) No .../2009 of the European Parliament and of the Council concerning the general rules on the definition, description and presentation of aromatised wines, aromatised wine-based drinks and aromatised wine-product cocktails (recast)

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

Reduced rates of value added tax *

P6_TA(2009)0072

European Parliament legislative resolution of 19 February 2009 on the proposal for a Council directive amending Directive 2006/112/EC as regards reduced rates of value added tax (COM(2008)0428 – C6-0299/2008 – 2008/0143(CNS))

(2010/C 76 E/24)

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2008)0428),
- having regard to Article 93 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0299/2008),
- having regard to Rule 51 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 the Internal Market and Consumer Protection (A6-0047/2009),

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

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 6**Proposal for a directive – amending act****Recital 4**

(4) In that Communication, it was concluded that different VAT rates applied to locally supplied services pose no **real detriment** to the smooth functioning of the internal market. It is therefore appropriate to allow all Member States the possibility to apply reduced VAT rates to services such as labour-intensive services covered by the temporary provisions applicable until the end of 2010, services related to the housing sector and to **the** personal care and restaurant services. **These changes will make it possible for** Member States **to apply** reduced VAT rates **to renovation and repair work aiming at increased energy-saving and efficiency.**

(4) In that Communication, it was concluded that different VAT rates applied to locally supplied services pose no **major risk** to the smooth functioning of the internal market **and could have positive effects in terms of job creation and the fight against the underground economy.** It is therefore appropriate to allow all Member States the possibility to apply reduced VAT rates to services such as labour-intensive services covered by the temporary provisions applicable until the end of 2010, **to** services related to the housing sector and to personal care and restaurant services. **Reduced VAT rates in these areas would have a positive impact in reshaping many service sectors as they would reduce the level of undeclared work.** Member States **should provide clear and accessible guidance to undertakings on the scope of** reduced VAT rates.

Amendment 7**Proposal for a directive – amending act****Recital 4 a (new)**

(4a) With regard to the housing sector, this Directive also makes it possible for Member States to apply reduced VAT rates to renovation and repair work aimed at increased energy savings and efficiency.

Amendment 2**Proposal for a directive – amending act****Annex - point 5 a (new)**

Directive 2006/112/EC

Annex III - point 11

(5a) Point (11) is replaced by the following:

‘(11) supplies of goods and services of a kind normally intended for use in agricultural production, including machinery, with the exception of capital goods, such as buildings.’

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 5**Proposal for a directive – amending act****Annex – point 7**

Directive 2006/112/EC

Annex III – point 16

- | | |
|---|--|
| (16) supply of funeral undertaking services or cremation services, and the supply of goods related thereto; | (16) supply of funeral undertaking services or cremation services, and the supply of goods related thereto, such as monuments and gravestones and the care thereof; |
|---|--|

Amendment 4**Proposal for a directive – amending act****Annex - point 7 a (new)**

Directive 2006/112/EC

Annex III - point 18 a (new)

(7a) The following point is added:**‘(18a) children’s clothing, children’s footwear;’****Organisation and operation of the Publications Office of the European Union**

P6_TA(2009)0079

European Parliament decision of 19 February 2009 on the draft Decision of the European Parliament, the Council, the Commission, the Court of Justice, the Court of Auditors, the European Economic and Social Committee and the Committee of the Regions on the organisation and operation of the Publications Office of the European Union (2008/2164(ACI))

(2010/C 76 E/25)

The European Parliament,

- having regard to the letter from its President of 1 October 2008,
- having regard to the draft Decision of the European Parliament, the Council, the Commission, the Court of Justice, the Court of Auditors, the European Economic and Social Committee and the Committee of the Regions on the organisation and operation of the Publications Office of the European Union (SEC(2008)2109 - C6-0256/2008),
- having regard to Article 254(1) and (2) of the EC Treaty,
- having regard to Declaration No 3 on Article 10 of the Treaty establishing the European Community annexed to the Final Act of the Intergovernmental Conference which adopted the Treaty of Nice,
- having regard to the letter from the Council of 26 January 2009 informing the other Institutions and bodies responsible for establishing the Publications Office of certain modifications to the draft decision approved by the Management Committee of the Publications Office on 9 January 2001 and adopted by the Council on 19 January 2009 ⁽¹⁾,
- having regard to Rule 120(1) of its Rules of Procedure,
- having regard to the report of the Committee on Constitutional Affairs and the opinion of the Committee on Legal Affairs (A6-0426/2008),

⁽¹⁾ Document 14485/1/08 REV 1 and REV 2.

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- A. whereas the Office for Official Publications of the European Communities (OPOCE, hereinafter 'the Office') was established in 1969 by Decision 69/13/Euratom/ECSC/EEC of the European Parliament, the Council, the Commission, the Court of Justice and the Economic and Social Committee ⁽¹⁾,
- B. whereas that decision was amended in 1980 ⁽²⁾ and repealed and replaced by a new decision in 2000 ⁽³⁾,
- C. whereas Parliament, in paragraph 45 of its resolution of 29 January 2004 ⁽⁴⁾ concerning discharge in respect of the 2001 financial year, made the following observation: '[Parliament ...] Considers, as the case of OPOCE proves, that it is particularly difficult to identify clear political responsibility in inter-institutional bodies; calls therefore on the Institutions to re-examine the legal provisions governing existing interinstitutional bodies without however calling into question the principle of interinstitutional cooperation, which allows significant savings to be made in the European budget; calls therefore on the European institutions to alter the legal bases for interinstitutional bodies in such a way as to permit a clear allocation of administrative and political responsibilities';
- D. whereas the Commission has forwarded a draft decision repealing and replacing Decision 2000/459/EC, ECSC, Euratom currently in force,
- E. whereas the draft decision is intended to lay down in more detail the competences and tasks of the Publications Office of the European Union, the respective responsibilities of the institutions, the roles of the Management Committee and the Director of the Office,
- F. whereas the Office is a body established by common accord of the institutions, thus fulfilling the criteria of an interinstitutional agreement,
- G. whereas the Secretaries General of the institutions involved approved the draft decision on 18 April 2008 and the Bureau of the Parliament gave its approval on 3 September 2008,
- H. whereas Rule 120(1) of its Rules of Procedure provides that interinstitutional agreements are to be signed by the President after examination by the committee responsible for constitutional affairs and after approval by Parliament,
1. Approves the draft decision together with the modifications proposed by the Council as annexed hereto;
 2. Instructs its President to forward this decision to the Council, the Commission, the Court of Justice, the Court of Auditors, the European Economic and Social Committee and the Committee of the Regions, for information.

⁽¹⁾ OJ L 13, 18.1.1969, p. 19.

⁽²⁾ Decision 80/443/EEC, Euratom, ECSC of 7 February 1980 amending the Decision of 16 January 1969 establishing the Office for Official Publications of the European Communities (OJ L 107, 25.4.1980, p. 44).

⁽³⁾ Decision 2000/459/EC, ECSC, Euratom of the European Parliament, the Council, the Commission, the Court of Justice, the Court of Auditors, the Economic and Social Committee and the Committee of the Regions of 20 July 2000 on the organisation and operation of the Office for Official Publications of the European Communities (OJ L 183, 22.7.2000, p. 12).

⁽⁴⁾ European Parliament resolution of 29 January 2004 on the action taken by the Commission on the observations contained in the resolution accompanying the decision giving discharge in respect of the implementation of the general budget of the European Union for the 2001 financial year (OJ C 96 E, 21.4.2004, p. 112).

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ANNEX

Draft

DECISION OF THE EUROPEAN PARLIAMENT, THE COUNCIL, THE COMMISSION, THE COURT OF JUSTICE, THE COURT OF AUDITORS, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS

of

on the organisation and operation of the Publications Office of the European Union

THE EUROPEAN PARLIAMENT,

THE COUNCIL,

THE COMMISSION,

THE COURT OF JUSTICE,

THE COURT OF AUDITORS,

THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE,

THE COMMITTEE OF THE REGIONS,

Having regard to the Treaty on European Union,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty establishing the European Atomic Energy Community,

Whereas:

- (1) Article 8 of the Decision of the representatives of the Governments of the Member States of 8 April 1965 on the provisional location of certain Institutions and departments of the Communities ⁽¹⁾ provided for an Office for Official Publications of the Communities (hereinafter 'the Office') to be located in Luxembourg. That provision was last implemented by Decision 2000/459/EC, ECSC, Euratom ⁽²⁾.
- (2) The rules and regulations applicable to officials and other servants of the European Communities apply to the Office. Account should be taken of the recent amendments to those rules and regulations.
- (3) Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽³⁾ (hereinafter 'the Financial Regulation') contains specific provisions concerning the operation of the Office.
- (4) Major technological advances are taking place in publishing and these need to be taken into account in the way the Office operates.

⁽¹⁾ OJ L 152, 13.7.1967, p. 18.

⁽²⁾ OJ L 183, 22.7.2000, p. 12.

⁽³⁾ OJ L 248, 16.9.2002, p. 1.

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- (5) For the sake of clarity, it is appropriate to repeal Decision 2000/459/EC, ECSC, Euratom and to replace it by this Decision,

HAVE DECIDED AS FOLLOWS:

Article 1

The Publications Office

1. The task of the Publications Office of the European Union (hereinafter 'the Office'), which is an interinstitutional office, shall be to publish the publications of the institutions of the European Communities and the European Union under optimum conditions.

To this end it shall, firstly, enable the institutions to fulfil their obligations to publish legislative texts and, secondly, contribute to the technical formulation and implementation of information and communication policies within its areas of competence.

2. The Office shall be managed by its Director following the strategic guidelines set by the Management Committee. Apart from the provisions of this Decision which are specific to the interinstitutional role of the Office, the Office shall apply the administrative and financial procedures of the Commission. In establishing those procedures, the Commission shall take account of the specific nature of the Office.

Article 2

Definitions

For the purposes of this Decision, the following definitions shall apply:

- 1) 'publishing' means any action necessary for the design, checking, allocation of international standard numbers and/or catalogue numbers, production, cataloguing, indexation, distribution, promotion, sale, storage and archiving of publications in any shape or form and by any means, present or future;
- 2) 'publications' means all texts, published on whatever medium and in whatever format, bearing an international standard number and/or a catalogue number;
- 3) 'mandatory publications' means publications published pursuant to the Treaties or other legislative texts;
- 4) 'non-mandatory publications' means any publications edited under the prerogatives of any institution;
- 5) 'management of copyright' means that the author services hold the copyright or the right to re-use and includes the management of those rights by the Office in respect of the publications entrusted to the Office for publishing;
- 6) 'net receipts from sales' means the total sum of invoices, minus trade discounts granted and management, collection and banking costs;
- 7) 'institutions' means the institutions, bodies, offices and agencies established by or under the Treaties.

Article 3

Scope of competence of the Office

1. The Office shall have competence for the following:
 - (a) publishing the *Official Journal of the European Union* (hereinafter 'Official Journal') and guaranteeing that it is authentic;

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- (b) publishing the other mandatory publications;
 - (c) publishing or co-publishing non-mandatory publications entrusted to the Office under the prerogatives of each institution, in particular in the context of the institutions' communication activities;
 - (d) publishing or co-publishing publications on its own initiative, including publications intended to promote its own services; in this context, the Office may procure translations by means of a service contract;
 - (e) developing, maintaining and updating electronic publishing services for the public;
 - (f) making all legislation and other official texts available to the public;
 - (g) preserving all publications of the institutions and making them available to the public in electronic form;
 - (h) allocating international standard numbers and/or catalogue numbers to the institutions' publications;
 - (i) managing reproduction and translation rights in respect of the institutions' publications;
 - (j) promoting and selling the publications and services which it offers to the public.
2. The Office shall provide advice and assistance to the institutions for:
- (a) programming and planning their publications programmes;
 - (b) implementing their publishing projects, whatever the publishing medium;
 - (c) providing page make-up and design for their publishing projects;
 - (d) providing information on trends in the publications market in the Member States and on the subjects likely to find the widest audience;
 - (e) deciding print-runs and establishing distribution plans;
 - (f) pricing and selling publications;
 - (g) promoting, distributing and evaluating their publications, whether free of charge or offered for sale;
 - (h) analysing, evaluating and setting up websites and web services for the public;
 - (i) drafting framework contracts for publishing activities;
 - (j) providing technological supervision of publishing systems.

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*Article 4***Responsibilities of the institutions**

1. Each institution shall have exclusive competence to take decisions on the publishing of its own publications.
2. The institutions shall use the services of the Office to publish their mandatory publications.
3. The institutions may publish their non-mandatory publications without the involvement of the Office. In that case, they shall ask the Office for international standard numbers and/or catalogue numbers and give the Office an electronic version of the publication, whatever its format, as well as two paper copies of the publication where appropriate.
4. The institutions shall undertake to guarantee all reproduction, translation and distribution rights in respect of all the constituent elements of a publication.
5. The institutions shall undertake to establish a distribution plan, approved by the Office, for their publications.
6. The institutions may conclude service agreements with the Office in order to define the methods of their cooperation.

*Article 5***Tasks of the Office**

1. Tasks performed by the Office shall include the following:
 - (a) the collation of documents for publication;
 - (b) the preparation, graphic design, correction, page make-up and verification of the texts and other components, in whatever format and on whatever medium, as instructed by the institutions and in compliance with the typographical and linguistic presentation requirements established in cooperation with the institutions;
 - (c) the indexation and cataloguing of publications;
 - (d) the documentary analysis of texts published in the Official Journal and other official texts;
 - (e) the consolidation of legislative texts;
 - (f) the management, development, updating and distribution of the Eurovoc multilingual thesaurus;
 - (g) the organisation of printing by its service providers;
 - (h) the monitoring of the performance of work;
 - (i) quality control;
 - (j) acceptance as regards quality and quantity;

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- (k) the physical and electronic distribution of the Official Journal, official texts other than those published in the Official Journal and other non-mandatory publications;
 - (l) storage;
 - (m) physical and electronic archiving;
 - (n) the reprinting of publications that are out of print and printing on request;
 - (o) the creation of a consolidated catalogue of the institutions' publications;
 - (p) the sale, including the issue of invoices, collection and transfer of revenue, and management of claims;
 - (q) promotion;
 - (r) the creation, purchase, management, updating, monitoring and supervision of the mailing lists of the institutions and the creation of targeted mailing lists;
2. Within the framework of its own powers or on the basis of the delegation of authorising officer powers by the institutions, the Office shall be responsible for:
- (a) public procurement, including entering into legally binding commitments;
 - (b) financial oversight of contracts with suppliers;
 - (c) settlement of expenditure, including acceptance as regards quality and quantity, expressed by signing an authorisation for payment;
 - (d) authorisation of expenditure;
 - (e) revenue operations.

Article 6

Management Committee

1. A Management Committee shall be established within which all the signatory institutions are represented. The Management Committee shall be made up of the Registrar of the Court of Justice, the Deputy Secretary-General of the Council and the Secretaries-General of the other institutions or their representatives. The European Central Bank shall take part in the work of the Management Committee as an observer.
2. The Management Committee shall designate a Chairperson, to be chosen among its members, for a period of two years.
3. The Management Committee shall meet at least four times a year at the initiative of its Chairperson or at the request of an institution.
4. The Management Committee shall adopt its Rules of Procedure, which shall be published in the Official Journal.
5. The Management Committee's decisions shall be taken by simple majority, except where otherwise provided.

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6. Each institution which is a signatory to this Decision shall have one vote on the Management Committee.

Article 7

Tasks and responsibilities of the Management Committee

1. By way of derogation from Article 6, the Management Committee shall, by unanimous decision, in the common interest of the institutions and within the scope of competence of the Office, adopt the following decisions:

- (a) on the basis of a proposal from the Director, it shall adopt the strategic objectives of the Office and the rules governing its operation;
- (b) it shall set the guidelines for the general policies of the Office, particularly as regards sales, distribution and publishing, and shall ensure that the Office contributes to the formulation and implementation of information and communication policies within its areas of competence;
- (c) on the basis of a draft prepared by the Director of the Office, it shall adopt an annual management report to the institutions concerning the implementation of the strategy and services supplied by the Office; by 1 May of each year, it shall send its report on the financial year just ended to the institutions;
- (d) it shall approve the estimates of the Office's revenue and expenditure under the budget procedure for the Office's administrative budget;
- (e) it shall approve the criteria by which the Office conducts its cost accounting, which the Director of the Office shall adopt;
- (f) it shall submit to the institutions any suggestions it has for improving the smooth running of the Office.

2. The Management Committee shall take account of the guidelines produced by the interinstitutional bodies on communication and information set up for this purpose. The Chairperson of the Management Committee shall communicate with these bodies every year.

3. The contact person with discharge authority for strategic decisions within the areas of competence of the Office shall be the Chairperson of the Management Committee in his capacity as representative of interinstitutional cooperation.

4. The Chairperson of the Management Committee and the Director of the Office shall by common agreement draw up mutual information and communication rules to formalise their relations. This agreement shall be sent to the members of the Management Committee for information.

Article 8

Director of the Office

The Director of the Office shall be responsible for the smooth running of the Office, acting under the authority of the Management Committee and within its scope of competence. For the application of administrative and financial procedures, he shall act under the authority of the Commission.

Article 9

Tasks and responsibilities of the Director of the Office

1. The Director of the Office shall provide the secretariat for the Management Committee and shall submit quarterly reports to the Management Committee on the performance of his duties.

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2. The Director of the Office shall submit to the Management Committee any proposal for improving the smooth running of the Office.
3. After consulting the Management Committee for advice, the Director of the Office shall determine the types of service which the Office may perform against payment for the institutions, and the corresponding charges.
4. The Director of the Office shall, after obtaining the approval of the Management Committee, determine the criteria by which the Office is to conduct its cost accounting. He shall define the procedures for accounting cooperation between the Office and the institutions in agreement with the Commission Accounting Officer.
5. The Director of the Office shall draw up draft estimates of the Office's revenue and expenditure under the budget procedure for the Office's administrative budget. After approval by the Management Committee, these proposals shall be submitted to the Commission.
6. The Director of the Office shall decide whether, and in accordance with what procedures, publications from third parties may be published.
7. The Director of the Office shall take part in interinstitutional activities concerning information and communication within the areas of competence of the Office.
8. As regards the publishing of legislation and official documents relating to the legislative procedure, including the Official Journal, the Director of the Office shall:
 - (a) ensure that the competent authorities in each institution take the basic decisions that are to be applied jointly;
 - (b) submit proposals for improving the structure and presentation of the Official Journal and official legislative texts;
 - (c) submit proposals to the institutions for harmonising the presentation of texts for publication;
 - (d) examine any difficulties encountered in the course of day-to-day operations, draft, within the context of the Office, the necessary instructions and suggest to the institutions appropriate recommendations in order to overcome such difficulties.
9. The Director of the Office shall, in accordance with the Financial Regulation, draw up an annual activity report covering the management of funds assigned by the Commission and other institutions under the Financial Regulation. The report shall be addressed to the Commission and the institutions concerned and, for information, to the Management Committee.
10. For the purposes of the assignment of Commission funds and implementation of the budget, information and consultation procedures between the Commissioner responsible for relations with the Office and the Director of the Office shall be established by common agreement.
11. The Director of the Office shall be responsible for implementing the strategic objectives adopted by the Management Committee and for the sound management of the Office and its activities as well as the management of its budget.
12. Should the Director of the Office be absent or unavailable, the deputation rules based on grade and seniority shall apply unless the Management Committee, on a proposal from its Chairperson or the Director of the Office, decides on a different order.

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13. The Director of the Office shall inform the institutions about the planning and use of resources and the progress of work in a quarterly report.

Article 10

Staff

1. The Commission, having obtained the unanimous approval of the Management Committee, shall make appointments to the posts of Director-General and Director. The Commission's rules on mobility and evaluation of senior management shall apply to the Director-General and Directors (grades AD16/AD15/AD14). When the mobility deadline normally provided for in the relevant rules is approaching for an official occupying such a post, the Commission shall inform the Management Committee, which may issue a unanimous opinion on the case.

2. The Management Committee shall be closely involved in any procedures that have to be completed before the appointment of officials or other servants to the posts of Director-General (grades AD16/AD15) and Director (grades AD15/AD14) at the Office, especially in drafting vacancy notices, examining applications and appointing competition selection boards in relation to those posts.

3. The powers of the appointing authority and those of the authority empowered to conclude contracts of employment in respect of officials and other servants assigned to the Office shall be exercised by the Commission. The Commission may delegate some of its powers within the Commission and to the Director of the Office. Such delegation shall be effected under the same conditions as for Commission Directors-General.

4. Subject to paragraph 2, the provisions and procedures adopted by the Commission to implement the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities shall apply to officials and other servants assigned to the Office under the same conditions as for Commission officials and other servants serving in Luxembourg.

5. The officials of all the institutions shall be informed of any post vacant within the Office for which a vacancy notice is to be published, as soon as the appointing authority or the authority empowered to conclude contracts of employment decides to fill that post.

6. The Director of the Office shall report to the Management Committee on staff management on a quarterly basis.

Article 11

Financial aspects

1. The appropriations allocated to the Office, the total amount of which shall be shown under a separate heading within the section of the budget relating to the Commission, shall be set out in detail in an annex to that section. This annex shall be in the form of a statement of revenue and expenditure subdivided in the same way as the sections of the budget.

2. The establishment plan of the Office shall be set out in an annex to the establishment plan of the Commission.

3. Each institution shall be authorising officer for the relevant appropriations under the 'publishing expenditure' heading in its budget.

4. Each institution may delegate authorising officer powers to the Director of the Office for the management of appropriations entered in its section and shall set the limits and conditions for this delegation of powers in accordance with the Financial Regulation. The Director of the Office shall report to the Management Committee on such delegation of powers on a quarterly basis.

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5. The budgetary and financial management of the Office, including management of the appropriations assigned by institutions other than the Commission, shall be conducted in compliance with the Financial Regulation and its implementing provisions and the financial framework in force at the Commission.

6. The Office's accounts shall be drawn up in accordance with the accounting rules and methods approved by the Commission Accounting Officer. The Office shall keep separate accounts for the sale of the Official Journal and publications. Net receipts from sales shall be passed on to the institutions.

Article 12

Oversight

1. The function of internal auditor shall be performed at the Office by the Commission internal auditor, in accordance with the Financial Regulation. The Office shall establish an internal audit capability using arrangements similar to those for the Commission's Directorates-General and departments. The institutions may ask the Director of the Office to include specific audits in the work programme of the Office's internal audit capability.

2. The Office shall answer any questions falling within its competence in connection with the remit of the European Anti-Fraud Office (OLAF). In order to protect the interests of the European Union, an agreement setting out mutual information arrangements shall be drawn up between the Chairperson of the Management Committee and the Director of OLAF.

Article 13

Complaints and requests

1. Within the limits of its competence, the Office shall be responsible for answering questions from the European Ombudsman and the European Data Protection Supervisor.

2. Any legal action within the areas of competence of the Office shall be brought against the Commission.

Article 14

Public access to documents

1. The Director of the Office shall take the decisions referred to in Article 7 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents ⁽¹⁾. Where applications are refused, decisions on confirmatory applications shall be taken by the Secretary-General of the Commission.

2. The Office shall keep a register of documents in accordance with Article 11 of Regulation (EC) No 1049/2001.

Article 15

Repeal

Decision 2000/459/EC, ESCS, Euratom is repealed.

References to the repealed Decision shall be construed as references to this Decision.

Article 16

Effective date

This Decision shall take effect on the day following that of its publication in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 145, 31.5.2001, p. 43.

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Done at Brussels and at Luxembourg,

For the European Parliament

The President

For the Council

The President

For the Commission

The President

For the Court of Justice

The President

For the Court of Auditors

The President

For the European Economic and Social Committee

The President

For the Committee of the Regions

The President

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European Parliament

2008-2009 SESSION

Sittings of 18 and 19 February 2009

The Minutes of this session have been published in [OJ C 202 E, 27.8.2009](#).

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European Parliament

2008-2009 SESSION

Sittings of 18 and 19 February 2009

The Minutes of this session have been published in [OJ C 202 E, 27.8.2009](#).

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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 ||.

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