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I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

Consequences of the entry into force of the Treaty of Lisbon for ongoing inter-institutional decision-making procedures

P7_TA(2010)0126

European Parliament resolution of 5 May 2010 on the consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures (COM(2009)0665) – ‘omnibus’

(2011/C 81 E/01)

The European Parliament,

- having regard to the entry into force of the Treaty of Lisbon on 1 December 2009,
- having regard to the Commission Communication entitled ‘Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures’ (COM(2009)0665) and the Addendum thereto (COM(2010)0147),
- having regard to the re-consultation letter of the Council of Ministers of 23 March 2010,
- having regard to the President’s announcement of 15 December 2009 in plenary,
- having regard to Rules 58 and 59 of its Rules of Procedure,
- having regard to its Resolution of 7 May 2009 on Parliament’s new role and responsibilities in implementing the Treaty of Lisbon ⁽¹⁾, in particular paragraph 75 thereof,
- having regard to the parliamentary committees’ screening of all pending proposals and the results, which were compiled by the Conference of Committee Chairs on 8 February 2010,
- having regard to the decision of the Conference of Presidents of 4 March 2010 endorsing the results of the screening exercise,
- having regard to the letters of the President of 14 April 2010 to the President of the Council of Ministers and to the President of the European Commission, in response to Commission communication COM(2009)0665,

⁽¹⁾ Texts adopted, P6_TA(2009)0373.

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A. whereas the European Parliament has verified the completeness of the Commission Communication as well as its correctness, in particular regarding the legal basis and the procedure under the Treaty of Lisbon indicated by the Commission in its lists,

1. Considers that the Treaty of Lisbon establishes a new legal framework affecting pending files, notably owing to the changes made to their legal basis and/or the relevant procedures and, therefore, takes note of the following list of 10 procedures for which it wishes a new or an amended Commission proposal, or, where appropriate, a re-consultation by the Council of Ministers in order to take that new framework into due account and calls on both Institutions to comply with these requests:

- Proposal for a Council Regulation implementing within the European Economic Community Decision No 3/80 of the EEC-Turkey Association Council on the application of the social security schemes of the Member States of the European Communities to Turkish workers and members of their families, 1983/1101(CNS),
- Proposal for a Directive of the European Parliament and of the Council on improving the portability of supplementary pension rights, 2005/0214(COD),
- Proposal for a Council Recommendation on measures to combat neurodegenerative diseases, in particular Alzheimer's, through joint programming of research activities, 2009/0113(CNS),
- Proposal for a Council Regulation on the establishment of an evaluation mechanism to verify the application of the Schengen acquis, 2009/0033(CNS),
- Proposal for a Council Regulation imposing certain specific restrictive measures directed against certain natural and legal persons, entities and bodies in view of the situation in Somalia, 2009/0114(CNS),
- Proposal for a Council Regulation amending Regulation (EC) No 1104/2008 on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II), 2009/0136(CNS),
- Proposal for a Council Regulation concerning the conservation of fisheries resources through technical measures, 2008/0112(CNS),
- Proposal for a Council Decision on the conclusion by the European Community of the interim agreement between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and the Republic of Belarus, of the other part, on trade and trade-related matters, 1996/0053(CNS),
- Proposal for a Council Decision on the conclusion on behalf of the European Community of the International Tropical Timber Agreement, 2006, 2006/0263(CNS),
- Proposal for a Council regulation amending Regulation (EC) No 2100/94 as regards the term of office of the President of the Community Plant Variety Office, 2005/0078(CNS);

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2. Confirms its position in the following 29 procedures which changed under the Treaty of Lisbon from consultation to the ordinary legislative procedure, from consultation to consent or from assent to consent:
- Proposal for a Council Decision on the conclusion of a Political Dialogue and Cooperation Agreement between the European Community and its Member States, of the one part, and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, of the other, 2003/0266(CNS),
 - Proposal for a Council Decision on the conclusion of a Political Dialogue and Cooperation Agreement between the European Community and its Member States, of the one part, and the Andean Community and its member countries, the Republics of Bolivia, Colombia, Ecuador, Peru and the Bolivarian Republic of Venezuela, of the other part, 2003/0268(CNS),
 - Proposal for a Council Regulation amending Regulation (EC) No 1290/2005 on the financing of the common agricultural policy and Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) as regards food distribution to the most deprived persons in the Community, 2008/0183(CNS),
 - Proposal for a Council Decision concerning the conclusion of an Agreement between the Community and the Swiss Confederation in the audiovisual field, establishing the terms and conditions for the participation of the Swiss Confederation in the Community programme MEDIA 2007, and a Final Act, 2007/0171(CNS),
 - Proposal for a Council Regulation extending the provisions of Regulation (EC) No 883/2004 and Regulation (EC) No [...] to nationals of third countries who are not already covered by these provisions solely on the ground of their nationality, 2007/0152(CNS),
 - Proposal for a Council Decision authorising Member States to ratify, in the interests of the European Community, the Work in Fishing Convention, 2007, of the International Labour Organisation (Convention 188), 2008/0107(CNS),
 - Proposal for a Council Decision concerning the conclusion, by the European Community, of the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities, 2008/0171(CNS),
 - Proposal for a Council Decision on the conclusion of the relevant agreements under Article XXI GATS with Argentina, Australia, Brazil, Canada, China, the Separate customs territory of Taiwan, Penghu, Kinmen and Matsu (Chinese Taipei), Columbia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, and the United States, on the necessary compensatory adjustments resulting from the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland and the Kingdom of Sweden to the European Union, 2007/0055(CNS),
 - Proposal for a Council Decision on the conclusion of a Protocol to the Framework Agreement for Trade and Cooperation between the European Community and its Member States, on the one hand, and the Republic of Korea, on the other hand, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic to the European Union, 2005/0121(CNS),

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- Proposal for a Council Decision on the conclusion by the European Community of the interim agreement between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Turkmenistan, of the other part, on trade and trade-related matters, 1998/0304(CNS),

- Proposal for a Council Decision on the conclusion of an Additional Protocol to the Association Agreement between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union, 2007/0083(AVC),

- Proposal for a Council Decision concluding the Economic Partnership Agreement between the European Community and its Member States, of the one part, and the CARIFORUM States, of the other part, 2008/0061(AVC),

- Proposal for a Council Decision concluding the stepping stone Economic Partnership Agreement between the European Community and its Member States, of the one part, and Côte d'Ivoire, of the other part, 2008/0136(AVC),

- Proposal for a Council Decision on the conclusion of an Agreement on the participation of the Republic of Bulgaria and Romania in the European Economic Area and four related agreements, 2007/0115(AVC),

- Proposal for a Council Regulation amending Regulation (EC) No 2007/2004 as regards the term of office of the Executive Director and the Deputy Executive Director of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, 2005/0089(CNS),

- Proposal for a Council Directive on the marketing of material for the vegetative propagation of the vine (codified version), 2008/0039(CNS),

- Proposal for a Council Directive concerning veterinary checks in intra-Community trade (codified version), 2008/0037(CNS),

- Proposal for a Council Directive laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries (codified version), 2008/0253(CNS),

- Proposal for a Council Regulation on the Community patent, 2000/0177(CNS),

- Proposal for a Council Decision on the conclusion of the Agreement between the European Community and the Republic of Albania on certain aspects of air services, 2005/0143(CNS),

- Proposal for a Council Decision on the conclusion of the Agreement between the European Community and Bosnia and Herzegovina on certain aspects of air services, 2005/0140(CNS),

- Proposal for a Council Decision on the conclusion of the Agreement between the European Community and Serbia and Montenegro on certain aspects of air services, 2005/0141(CNS),

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- Proposal for a Council Decision on the conclusion of the Multilateral Agreement between the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the European Community, the Republic of Iceland, the former Yugoslav Republic of Macedonia, the Kingdom of Norway, Serbia and Montenegro, Romania and the United Nations Interim Administration Mission in Kosovo on the Establishment of a European Common Aviation Area (ECAA), 2006/0036(CNS),
 - Proposal for a Decision of the Council and the Representatives of the Governments of the Member States of the European Union, meeting within the Council on the conclusion of the Euro-Mediterranean Aviation Agreement between the European Community and its Member States, on the one hand, and the Kingdom of Morocco, on the other hand, 2006/0048(CNS),
 - Proposal for a Decision of the Council and the Representatives of the Governments of the Member States of the European Union, meeting within the Council on the conclusion of the Air Transport Agreement between the European Community and its Member States, on the one hand, and the United States of America, on the other hand, 2006/0058(CNS),
 - Proposal for a Council Decision on the conclusion of an Agreement between the European Community and the United States of America on cooperation in the regulation of civil aviation safety, 2007/0111(CNS),
 - Proposal for a Council Decision on the conclusion of a Memorandum of Cooperation between the International Civil Aviation Organization and the European Community regarding security audits / inspections and related matters, 2008/0111(CNS),
 - Proposal for a Council Decision on the conclusion, on behalf of the European Community, of the Protocol on the Implementation of the Alpine Convention in the field of Transport (Transport Protocol), 2008/0262(CNS),
 - Proposal for a Council Decision on the conclusion by the European Community of the Agreement on the Accession of the European Community to the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999, 2009/0121(CNS);
3. Decides not to confirm its position already taken in the following four procedures and underlines that it wishes to proceed to a new first reading of the original proposal:
- Proposal for a Council Decision on the conclusion of the Statute of the International Renewable Energy Agency (IRENA) by the European Community and on the exercise of its rights and obligations, 2009/0085(CNS),
 - Proposal for a Council Directive amending Directive 2003/109/EC to extend its scope to beneficiaries of international protection, 2007/0112(CNS),
 - Proposal for a Council Directive on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State, 2007/0229(CNS),
 - Proposal for a Council Decision on a Critical Infrastructure Warning Information Network (CIWIN), 2008/0200(CNS);
4. Instructs its President to forward this resolution to the Council of Ministers, the Commission and the parliaments of the Member States.
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Power of legislative delegation

P7_TA(2010)0127

European Parliament resolution of 5 May 2010 on the power of legislative delegation (2010/2021(INI))

(2011/C 81 E/02)

The European Parliament,

- having regard to Article 290 of the Treaty on the Functioning of the European Union (‘TFEU’),
 - having regard to its resolution of 23 September 2008 with recommendations to the Commission on the alignment of legal acts to the new Comitology Decision ⁽¹⁾,
 - having regard to its resolution of 7 May 2009 on Parliament’s new role and responsibilities in implementing the Treaty of Lisbon ⁽²⁾,
 - having regard to its position of 24 November 2009 on the proposal for a regulation of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC, with regard to the regulatory procedure with scrutiny – Adaptation to the regulatory procedure with scrutiny – Part Five ⁽³⁾,
 - having regard to the Commission Communication of 9 December 2009 on the implementation of Article 290 of the Treaty on the Functioning of the European Union (COM(2009)0673),
 - having regard to the letter of 29 January 2010 from the President of the European Parliament to the President of the European Commission on Articles 290 and 291 TFEU,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs and the opinions of the Committee on Economic and Monetary Affairs and the Committee on the Environment, Public Health and Food Safety (A7-01110/2010),
- A. whereas the Treaty of Lisbon consecrates legislative power and introduces a hierarchy of norms in the Union’s legal order, thus reinforcing the democratic character of the Union and rationalising its legal order; whereas the Treaty of Lisbon introduces the novel concept of a legislative act, with far-reaching consequences,
- B. whereas one of the elements of legislative power is the possibility, provided for in Article 290 TFEU, for the Legislator to delegate part of its own power to the Commission in a legislative act (hereinafter ‘the basic act’),
- C. whereas delegation is a delicate operation in which the Commission is instructed to exercise a power which is intrinsic to the Legislator’s own role; whereas the starting-point in examining the issue of delegation must therefore always be the freedom of the Legislator,

⁽¹⁾ OJ C 8 E, 14.1.2010, p. 22.

⁽²⁾ Texts adopted, P6_TA(2009)0373.

⁽³⁾ Texts adopted, P7_TA(2009)0083.

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- D. whereas this delegated power can only consist in supplementing or amending parts of a legislative act which the Legislator does not consider to be essential; whereas the resulting delegated acts adopted by the Commission will be non-legislative acts of general scope; whereas the basic act must explicitly define the objective, content, scope and duration of that delegation, and must lay down the conditions to which the delegation is subject,
- E. whereas delegated acts will have important implications in many areas; whereas it is therefore of paramount importance, in particular with regard to delegated acts, that they are developed and decided upon in a fully transparent manner which effectively enables the co-legislators to democratically control the exercise of the power delegated to the Commission, including by public debate in Parliament, where necessary,
- F. whereas Parliament should be on an equal footing with the Council with respect to all aspects of the power of legislative delegation,
- G. whereas the 'Lamfalussy procedure' paved the way for the present mechanism of delegation with full control by the Legislator; whereas Declaration 39 of the Conference of the Representatives of the Governments of the Member States of 23 July 2007, annexed to the Treaty of Lisbon, recognised the specific nature of the financial services area; whereas the new regime for delegated acts cannot in any way undermine Parliament's existing rights in that area, especially concerning the early transmission of documents and information,
- H. whereas delegation can be seen as a tool for better law-making, the objective of which is to ensure that legislation can at the same time remain simple and be completed and updated without needing to have recourse to repeated legislative procedures, whilst also allowing the Legislator to maintain its ultimate power and responsibility,
- I. whereas, by contrast with the approach taken in Article 291 TFEU concerning implementing measures, Article 290 TFEU does not contain a legal basis for the adoption of a horizontal act setting out the rules and general principles applicable to delegations of power; whereas those conditions must therefore be set out in each basic act,
- J. whereas the Commission is accountable to Parliament; whereas the Commissioner responsible for inter-institutional relations and administration made a commitment, at his hearing before the Committee on Constitutional Affairs on 18 January 2010, to work very closely with Parliament to ensure that the Commission's exercise of delegated power was to Parliament's satisfaction,

Aspects to be defined in the basic act

1. Considers that the objectives, content, scope and duration of a delegation pursuant to Article 290 TFEU must be expressly and meticulously defined in each basic act;
2. Stresses that Article 290 TFEU gives the Legislator the freedom to choose which control mechanism(s) to put in place; considers that the two examples enumerated in Article 290(2), objection and revocation, are purely illustrative and that one could envisage subjecting a delegation of power to other means of control, such as an express approval by Parliament and the Council of each delegated act or a possibility of repealing individual delegated acts already in force;
3. Takes the view, however, that the two examples of possible conditions mentioned in Article 290(2) TFEU, objection and revocation, may be regarded as the most usual ways to control the Commission's use of delegated powers and should both be included in every basic act;

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4. Is of the opinion that the control mechanisms set out by the Legislator must respect certain general principles of Union law and that, in particular, they must:

- be simple and easily understandable,
- safeguard legal certainty,
- enable the Commission to exercise the delegated power effectively, and
- enable the Legislator to monitor properly the use made of delegated power;

5. Considers that Parliament's exercise of the right of objection is necessarily conditioned by its parliamentary role and places of work; considers that a fixed period for objection applicable to all legal acts is not warranted, and that that period should be fixed on a case-by-case basis in each basic act taking into account the complexity of the issues and must be sufficient to permit effective control of the delegation, without unduly delaying the entry into force of uncontroversial delegated acts;

6. Considers that an urgency procedure provided for in the basic act itself should be introduced for particularly exceptional cases, for example relating to security matters, health or humanitarian crises;

7. Believes, however, that the vast majority of situations requiring the speedy adoption of delegated acts could be dealt with by a flexible procedure for early non-objection by Parliament and the Council, following a request by the Commission in duly justified cases;

8. Maintains that the duration of a delegation can be indefinite, taking into account the fact that the delegation can be revoked at any time; is of the opinion, however, that a delegation of a limited duration could provide for the possibility of periodic renewal following an express request by the Commission; considers that the delegation can only be renewed if neither Parliament nor the Council expresses any objections within a specified deadline;

9. Strongly rejects the insertion in basic acts of provisions imposing on the Legislator additional obligations over and above those already contained in Article 290 TFEU;

Practical arrangements

10. Considers that certain practical arrangements could be better coordinated in a Common Understanding between the institutions, which may take the form of an inter-institutional agreement covering inter alia:

- consultations in the preparation and drawing-up of delegated acts,
- mutual exchanges of information, in particular in the event of a revocation,
- arrangements for the transmission of documents,
- minimum periods for objection by Parliament and the Council;
- computation of time periods,
- the publication of acts in the *Official Journal* at different stages in the procedure;

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11. Stresses that, when preparing and drawing up delegated acts, the Commission must:
- ensure an early and continuous transmission of information and relevant documents to Parliament's relevant committees, including successive drafts of delegated acts and any contributions received; to this end, the current comitology register could be used as a model for an improved digital information system,
 - give Parliament access to related preparatory meetings, exchanges of views and consultations;
12. Is of the opinion that the exchange of information prior to a revocation should take place as a matter of transparency, courtesy and loyal cooperation between the institutions concerned thereby ensuring that all institutions are fully aware of the possibility of revocation in good time; however, deems it redundant and confusing to introduce a specific legal obligation in basic acts requiring a statement of reasons for the adoption of certain legal acts in addition to the general requirement laid down in Article 296 TFEU which is applicable to all legal acts;
13. Proposes that a minimum period for objection be fixed in any future Agreement, it being made clear that this should be understood not as a straitjacket but merely as a minimum below which Parliament's democratic control would become nugatory; considers that the minimum period for objection should be two months, with a possibility of its being extended by a further two months at the initiative of Parliament or the Council; stresses, however, that the period for objection should depend on the nature of the delegated act;
14. Insists, in the context of any future Agreement, that the various periods for scrutiny of delegated acts must only start on transmission by the Commission of all language versions, and must properly take account of Parliament's recess and electoral periods;
15. Stresses, in the context of any future Agreement, that delegated acts subject to a right of objection can only be published in the Official Journal and thus enter into force after the expiry of the period for objection, except where an early non-objection is granted; considers that an express obligation requiring Parliament and the Council in each basic act to publish decisions taken in controlling the Commission's exercise of delegated power is superfluous;

Final remarks

16. Calls on each of its committees to exchange and regularly update best practice and establish a mechanism to ensure that Parliament's practices under Article 290 TFEU are as coherent as possible; underlines the need for each parliamentary committee to organise its work in a way that is consistent with its specific nature and takes advantage of its accumulated expertise;
17. Requires Parliament's administration to reallocate resources as a (budget-neutral) means of providing the posts needed to deliver appropriate support for the performance of tasks connected with Article 290 TFEU; calls for an institutional approach to assess the administrative structures and human resources available to develop delegated competences;
18. *acquis* to the provisions of Articles 290 and 291 TFEU; considers, in respect of Article 290 TFEU, that this alignment should not be limited to those measures previously dealt with under the regulatory procedure with scrutiny but should cover all appropriate measures of general scope independently of the decision-making procedure or comitology procedure applicable to them prior to the entry into force of the Treaty of Lisbon;

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19. Insists that the first priority must be to adapt the *acquis* in policy areas which, prior to the entry into force of the Treaty of Lisbon, were not subject to the codecision procedure; calls for them to be dealt with on a case-by-case basis in such a way as to ensure that, in particular, all appropriate measures of general scope which were previously adopted under Articles 4 and 5 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾ are defined as delegated acts;

20. Considers that, in order to fully preserve the Legislator's prerogatives, special attention should be given to the relative use of Articles 290 and 291 TFEU and to the practical consequences of having recourse to one article or the other, be it during the above-mentioned alignment or when dealing with proposals under the ordinary legislative procedure; insists that the co-legislators have the power to decide that the matters previously adopted under the regulatory procedure with scrutiny can be adopted either under Article 290 TFEU or under the ordinary legislative procedure;

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

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

Strategic goals and recommendations for the EU's maritime transport policy until 2018

P7_TA(2010)0128

European Parliament resolution of 5 May 2010 on strategic goals and recommendations for the EU's maritime transport policy until 2018 (2009/2095(INI))

(2011/C 81 E/03)

The European Parliament,

- having regard to the Commission communication of 21 January 2009 on strategic goals and recommendations for the EU's maritime transport policy until 2018 (COM(2009)0008) ('communication on the EU's maritime transport policy until 2018'),
 - having regard to the Commission communication of 10 October 2007 on an integrated maritime policy for the European Union (COM(2007)0575),
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A7-0114/2010),
- A. whereas European ship owners make an important contribution to the European economy but have to compete in a global environment,
- B. whereas structural and integrated measures to preserve and develop the thriving maritime sector in Europe are important and ought to enhance the competitiveness of maritime transport and related sectors, integrating the requirements of sustainable development and fair competition,

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- C. whereas attracting young people to, and keeping them in, maritime careers is an absolute necessity, and the level of training for maritime professionals in Europe needs to be improved through the impending revision of the International Convention on Standards of Training, Certification and Watchkeeping of Seafarers (STCW Convention),
- D. whereas climate change poses the greatest challenge for all areas of European policy in the 21st century,
- E. whereas maritime transport is a relatively environmentally sound mode of transport, which nonetheless has much potential to become even cleaner than it already is; whereas it must be involved, through a gradual reduction in the carbon footprint of vessels and port infrastructures, in the efforts to combat climate change,
- F. whereas safety is of the utmost importance to ports, ship owners and seafarers on board and on shore; whereas safety measures must take into consideration protection of the coastal and marine environment as well as working conditions in ports and on board vessels,
- G. whereas criminal attacks on European fishing and commercial vessels and passenger ships continue to take place in the Gulf of Aden, off the coast of Somalia and in international waters,
- H. whereas the European maritime industry is a world leader, its lead must be safeguarded in the long term and this is achievable only through innovation,
- I. whereas decisions need to be taken at the right administrative level, which means at global level where possible and at European level where necessary,

General

1. Welcomes the communication on the EU's maritime transport policy until 2018;
2. Stresses the importance of the maritime transport sector to the European economy, not only as a carrier of passengers, raw materials, goods and energy products but also as the core of a wider cluster of maritime activities such as the naval industry, logistics, research, tourism, fisheries and aquaculture, and education;
3. Emphasises that EU maritime policy should take account of the fact that the maritime transport industry faces competition not only within the Union but also, and above all, globally; emphasises, also, the importance of the growth of maritime transport, as part of the wider transport sector, both within and outside the EU;
4. Hopes that EU maritime policies will henceforth be designed within the framework of a 'single European sea' and, consequently, calls on the Commission to develop a European maritime transport policy as part of a common maritime area;

The market

5. Urges the Commission to continue to combat abuses of flags of convenience;
6. Urges Member States, therefore, to encourage the use of their flags and to support their maritime clusters on shore, for example by providing fiscal facilities such as a tonnage tax system for ships as well as fiscal facilities for seafarers and ship owners;

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7. Considers that, like any sector of the economy, the maritime sector must in principle be governed by the rules on State aid, although State aid may exceptionally be permitted for specific cases provided that it is made available temporarily and in a transparent and comprehensible manner;

8. Considers that the guidelines on State aid to shipping, which expire in 2011, must be retained and extended, since they have contributed substantially towards maintaining the international competitiveness of European shipping, towards its ability successfully to overcome the often unfair competition from third countries, and towards maintaining its leading position worldwide, and have therefore helped to support the economies of Member States;

9. Calls on the Commission to submit the promised new rules on State aid for maritime transport in 2010, and further considers that the Commission should submit the guidelines on State aid to sea ports as quickly as possible;

10. Emphasises, in this context, that State aid should be used exclusively to support European maritime sectors that are committed to social standards, the promotion of jobs and the training of personnel in Europe, and to ensure the global competitiveness of European shipping;

11. Calls on Member States speedily to sign, ratify and implement the UN Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea, known as the 'Rotterdam Rules', establishing the new maritime liability system;

12. Calls on the Commission to give greater consideration to maritime transport and its land-based structures during the forthcoming revision of the Community guidelines for the development of the trans-European transport network, in particular the multimodal linking of European sea ports with the hinterland;

13. Welcomes the Commission's proposal for a directive on reporting formalities for ships arriving in or departing from ports of the Member States of the Community (COM(2009)0011), in order to simplify, reduce and eliminate administrative procedures for European short sea shipping; calls on the Commission to continue to support short sea shipping with a view to substantially increasing the performance capacities of maritime transport within the Union;

Social aspects

14. Welcomes initiatives by Member States and the Commission to make maritime occupations more attractive to young EU citizens; emphasises the need to provide lifelong learning and retraining for seafarers at all levels, on shore and on board, with a view to strengthening the professional qualifications and skills of the workforce; advocates also that more information on the sector be provided at schools and that more traineeships be made available;

15. Calls on Member States, within the scope of international conventions such as the STCW Convention and the ILO 2006 Maritime Labour Convention, to improve and modernise existing training programmes with a view to further qualitative development of maritime colleges;

16. Stresses that seafarers from third countries must comply with satisfactory training requirements in accordance with the STCW Convention and calls on ship owners and national inspectorates to guarantee and enforce this, where necessary with the assistance of the European Maritime Safety Agency (EMSA); reiterates its request for rapid ratification by Member States of the ILO 2006 Maritime Labour Convention and early adoption of the Commission's proposal, based on the industry agreement, for incorporating key elements of the Convention into EU law;

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17. Calls on Member States to encourage the use of EU seafarers in their own fleets and to create sufficient facilities to prevent the migration of seafarers outside the Union;
18. Welcomes the Commission's suggestion that Member States should promote cooperation between European maritime institutions, and encourages Member States to harmonise their respective curricula and training schemes in order to promote and develop high levels of qualification and advanced skills among EU seafarers;
19. Emphasises that the social dimension and the working conditions of EU seafarers are closely linked to the competitiveness of the European fleet, and that it is necessary to facilitate labour mobility in the maritime industries throughout Europe and to ensure a fully functioning internal market without barriers and without unjustified restrictions on the provision of services;
20. Encourages the exchange of good practices in relation to employment conditions and social standards, as well as an improvement in living conditions on board vessels, particularly through the development of information and communication technologies, better access to healthcare, better safety standards and training to enable seafarers to cope with the risks inherent in their jobs;
21. Stresses that inspections must be specific and risk-based and must not generate any superfluous regulatory pressure on the industry;
22. Hopes that the capacity of technological developments to compensate for the declining availability of seafarers will be investigated, but warns against introducing untried technology too hastily;
23. Calls on maritime port authorities to improve facilities for seafarers on ships waiting at anchor in roadsteads, including facilities for easier transportation from ship to shore and vice versa;

The environment

24. Acknowledges that considerable progress must be made on reducing emissions of sulphur oxides and nitrogen oxides, particulates (PM10) and CO₂, and that this is necessary within the framework of the EU climate protection goals; stresses that the sector can contribute to the fight against harmful emissions and climate change and that public and private investments in research and development will be of particular interest in this regard;
25. Stresses that emissions reductions must be agreed rapidly and implemented with binding force via the International Maritime Organisation (IMO) in order to limit disparities in competitive conditions, but that this must not prevent the Union from taking initiatives aimed at further reductions by the fleets of its Member States, thereby encouraging the other continents to become competitive in this area; draws attention here to the major disparities between short and long-distance sea shipping, which must be considered when reaching agreements in the IMO;
26. Calls on Member States to make more use – where possible in conjunction with neighbouring countries – of the option of designating maritime emission control areas, particularly for nitrogen oxides; emphasises that the establishment of further maritime emission control areas must not lead to distortion of competition within Europe;
27. Supports measures that encourage modal shifts towards maritime transport with a view to easing congestion on major roads; invites the Union and Member States to create logistics platforms at ports, which are essential for developing intermodality and strengthening territorial cohesion; stresses that international and EU rules must not hinder the efforts undertaken by national authorities in this regard; hopes to see the rapid and extensive introduction, within the framework of the Union for the Mediterranean, of 'motorways of the sea', which will help to reduce both pollution and congestion in land networks;

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28. Supports in principle the amendments to Annex VI of the MARPOL Convention to reduce sulphur oxide and nitrogen oxide emissions from ships, adopted by the IMO in October 2008; is concerned, however, about a possible shift back from short sea transport to road haulage as a result of the introduction of the 0,1 % sulphur limit, envisaged as of 2015, in the sulphur emission control areas in the North Sea and the Baltic Sea; calls on the Commission, therefore, to submit a relevant impact assessment to Parliament as swiftly as possible and by the end of 2010 at the latest;
29. Considers that all modes of transport, including maritime transport, must gradually internalise their external costs; believes that the introduction of this principle will generate funds that can subsequently be used primarily for efforts to encourage innovation;
30. Calls on the Commission and Member States also to work on alternative instruments such as the introduction of a levy on bunker fuel, preferably geared to the quality and environmental performance of the fuel, or the concept of 'green ports', where clean vessels are dealt with more quickly and/or pay reduced harbour dues;
31. Calls on Member States to work within the IMO to set and implement appropriate and globally applicable environmental standards;
32. Notes in this connection the breakthrough in inland shipping technology which has made it possible to reduce emissions from existing ships' engines substantially and the possible use of liquid natural gas as a fuel; calls on the Commission to investigate whether these techniques can also be used in seagoing vessels and how their implementation might be accelerated;
33. Deplores the fact that the Copenhagen Climate Summit did not succeed in reaching any conclusions with regard to reducing emissions from seagoing vessels, but stresses that intensive efforts must continue, both in the post-Kyoto process and in the IMO, to agree global measures to bring about such reductions; invites Member States to make every effort to ensure that the IMO receives a mandate for the next international climate negotiations, with quantifiable reduction targets for maritime transport;
34. Calls on the Union to lead this process at global level, notably in the IMO, with a view to reducing emissions from the maritime sector;
35. Stresses the importance in European ports of interoperable technical facilities for the supply of electricity from shore to ship, which can considerably reduce pollution; calls on the Commission to ascertain in which ports these facilities can be utilised efficiently;
36. Stresses that, as part of its research and development policy, the Commission must give priority to innovation in the area of renewable technologies for use on vessels, such as solar and wind technologies;
37. Calls on the Commission to examine the potential for reducing and monitoring pollution by using intelligent technologies in the transport sector, notably Galileo;
38. Stresses the need to promote paper-free port and customs operations and to ease cooperation at ports between the various service providers and consumers through the use of intelligent transport systems and networks such as SafeSeaNet and e-Custom, with a view to speeding up port operations and reducing pollution;

Safety

39. Appreciates the adoption of the Third Maritime Safety Package, and calls on Member States to implement the package speedily;

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40. Advocates stringent checks on shipbuilding, including on the quality of steel used and on vessel design and maintenance, as provided for inter alia in the amended legislation on classification societies;
41. Supports the change of course in the Paris Memorandum of Understanding (MoU) on Port State Control, which entails replacing regular inspections with risk-based inspections, so that precisely those vessels which display numerous shortcomings are tackled effectively;
42. Calls on Member States and ship owners to seek to be placed on the Paris MoU 'white list'; calls on Slovakia, in particular, to make an extra effort in this regard;
43. Calls on national inspectorates and other national authorities to cooperate more closely in exchanging data on vessels and their cargoes, so as to reduce regulatory pressure but increase the effectiveness of inspections; calls for the rapid introduction of an integrated information management system through the use and improvement of resources already available, especially SafeSeaNet; calls on the Commission to put in place as soon as possible an EU-wide cross-border and cross-sectoral surveillance system;
44. Is aware of the danger of piracy on the high seas, notably in the Horn of Africa area and the waters off the coast of Somalia, and calls on all ship owners to cooperate with government initiatives to protect them against piracy, along the lines of the EU's successful first naval operation, Atalanta; calls on the Commission and Member States to strengthen cooperation among themselves and within the United Nations in order to protect seafarers, fishermen and passengers as well as the fleet;
45. Notes that the global approach to combating piracy cannot be limited to an international naval force but should form part of a comprehensive plan aimed at promoting peace and development in the area concerned; is aware, too, of the need for full and correct implementation by ships of the self-protection measures adopted by shipping organisations, through the Best Management Practices approved by the IMO;

Miscellaneous

46. Stresses that shipping is a global industry and that agreements ought, for preference, to be concluded on a global scale; considers the IMO to be the most appropriate forum for this; calls on Member States to make more effort to ratify and implement quickly IMO conventions which they have signed;
47. Acknowledges fully, moreover, the Union's role in the transposition of international rules into EU law and in the implementation of and support for maritime policy, for example by EMSA;
48. Underlines the need to speed up the modernisation and expansion of port infrastructure capacities in anticipation of the expected rise in the volume of goods transported by sea; points out that this will require huge investments, which will have to comply with transparent and fair financing rules in order to ensure fair competition among European ports; calls on the Commission to ensure that the regulatory framework is coherent in this regard;
49. Calls on the Commission to consider its communication on the EU's maritime transport policy until 2018 and this resolution as the basis for the forthcoming review of the Transport White Paper;
50. Calls for a policy that promotes connections between ports and inland areas (dry ports and logistics platforms) in regions suffering from congestion, this policy to be incorporated into the TEN-T review;

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51. Underlines the economic and strategic importance of shipbuilding, which makes it possible to develop and use the new technologies applicable to vessels and to preserve crucial European skills that are needed to build new generations of vessels; calls for measures to support innovation, research and development, and training, with a view to developing a competitive and innovative European shipbuilding industry;
52. Requests that it be obligatory in port modernisation and expansion projects to equip passenger terminals and new passenger ships with facilities for people with reduced mobility;
53. Welcomes the initiative to develop a campaign to promote best practices among passenger transport and cruise ship operators in relation to passengers' rights;
54. Calls on the Commission to take into account during the current TEN-T review the recommendations for the EU's maritime transport policy until 2018, notably those concerning efficient integration of the 'motorways of the sea' and inland waterway transport, as well as the network of ports of European interest as integrating nodes;
55. Calls on the Commission to draft a comparable strategy for European inland waterway transport and to coordinate it with the present strategy, in order to promote the development of an optimised transport chain linking maritime freight transport and goods transport on inland waterways;
56. Calls on the Commission to submit without delay its promised roadmap, providing essential details to supplement its communication;

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

Europeana - the next steps

P7_TA(2010)0129

European Parliament resolution of 5 May 2010 on 'Europeana - the next steps' (2009/2158(INI))

(2011/C 81 E/04)

The European Parliament,

- having regard to having regard to the Commission communication of 28 August 2009 entitled: 'Europeana - next steps' (COM(2009)0440),
- having regard to the Commission communication of 19 October 2009 entitled: 'Copyright in the Knowledge Economy' (COM(2009)0532),
- having regard to the Council conclusions of 20 November 2008 on the European digital library EUROPEANA ⁽¹⁾,
- having regard to the Commission communication of 11 August 2008 entitled 'Europe's cultural heritage at the click of a mouse - Progress on the digitisation and online accessibility of cultural material and digital preservation across the EU' (COM(2008)0513),

⁽¹⁾ OJ C 319, 13.12.2008, p. 18.

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- having regard to the final report of 4 June 2008 by the High-Level Expert Group - Copyright subgroup on Digital Libraries on digital preservation, orphan works and out-of-print works,
 - having regard to the final report of May 2008 by the High-Level Expert Group on Digital Libraries -Subgroup on Public Private Partnerships- on Public Private Partnerships for the Digitisation and Online Accessibility of Europe's Cultural Heritage,
 - having regard to its resolution of 27 September 2007 on i2010: towards a European digital library ⁽¹⁾,
 - having regard to the Commission Recommendation 2006/585/EC of 24 August 2006 on the digitisation and online accessibility of cultural material and digital preservation ⁽²⁾,
 - having regard to Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society ⁽³⁾,
 - having regard to the Treaty on the Functioning of the European Union and in particularly Article 167 thereof,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Culture and Education and the opinions of the Committee on Industry, Research and Energy and the Committee on Legal Affairs (A7-0028/2010),
- A. whereas in a digital environment it is essential to guarantee and simplify universal access to European cultural heritage and to ensure that it be promoted and preserved for generations to come, both within and outside Europe,
- B. whereas, with reference to the digitisation of European cultural heritage materials, a European policy in the field of culture is essential and shows a strong public commitment by the European Union and its Member States to preserving, respecting and promoting cultural diversity,
- C. whereas the wealth and diversity of the common European cultural heritage ought to be promoted and accessible as widely as possible, including outside Europe, and the Member States and cultural institutions, particularly libraries, have a key role to play in this endeavour both at national level and at regional and local levels,
- D. whereas European cultural heritage is largely made up of works in the public domain, and access to them should be provided in the digital world as far as possible in high-quality formats,
- E. whereas access to cultural and educational information must be a priority in order to improve educational and living standards,
- F. whereas there is a need to establish common standards for the digitisation of European cultural heritage, and whereas large numbers of digitised works currently held by various libraries have not been made publicly available owing to incompatibilities between digital formats,

⁽¹⁾ OJ C 219 E, 28.8.2008, p. 296.

⁽²⁾ OJ L 236, 31.8.2006, p. 28.

⁽³⁾ OJ L 167, 22.6.2001, p. 10.

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- G. whereas, thanks to their staff, libraries are the institutions most qualified to supervise and manage the process of digitising works,
- H. whereas the European digital library should be more than a digital collection with information management tools, but should rather embrace the development of a whole range of technical capacities and resources for the creation, research and use of information,
- I. whereas account must be taken of the rapid development of new technologies with resulting changes in cultural practices, and of existing digitisation projects outside Europe,
- J. whereas there is, consequently, an urgent need for Member States to step up their efforts, join forces and equip themselves with the requisite means to maintain and encourage their contribution to Europeana so as to raise Europe's profile in the world,
- K. whereas only a tiny part of European cultural heritage has been digitised so far, Member States are progressing at different speeds, and public funding allocated to mass digitisation is insufficient; whereas Member States should step up their efforts to speed up the process of digitising public and private works,
- L. whereas digitisation of European cultural heritage and scientific materials will benefit, in particular, sectors such as education, science, research, tourism, entrepreneurship, innovation, and the media,
- M. whereas digital technology also constitutes a remarkable tool for generating access to European cultural heritage for people coming up against barriers to their access to culture, including disabled people,
- N. whereas copyright legislation differs widely amongst EU member States and the copyright status of a great number of works remains uncertain,
- O. whereas urgent efforts are needed to solve the issue of a 'digital black hole' with regard to 20th and 21st century content, where works of high cultural value are languishing unused; whereas any solution must take proper account of the interests of all parties involved,
- P. whereas any protected or disclosed work for which, despite a documented and serious search being made, one or more copyright holders or holders of related rights cannot be identified or located should be considered an orphan work,
- Q. whereas there is a need for more information on the progress made in the work being conducted by the European Digital Library Foundation,
- R. whereas there is a need for greater transparency in the European Union's activities,

Europeana - a key step in preserving and disseminating Europe's cultural heritage

1. Welcomes the opening and development of the European digital library, museum and archive for high-quality content named Europeana, as a single, direct and multilingual access point and gateway to European cultural heritage;

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2. States that the role of the Europeana digital library should be to protect European cultural heritage so that future generations may be able to put together a collective European memory and more fragile documents may be protected from the damage caused by constant use;
3. Stresses that the European digital library, being available to everyone from afar, constitutes a tool for the democratisation of culture and will therefore allow a very wide section of the public to access rare or old documents in Europe's heritage whose conservation renders their consultation difficult;
4. Underlines the importance of developing Europeana into a fully operational service, with multilingual interface and semantic web features preserving the high-quality of works and data accessible worldwide;

Targets and objectives

5. Calls for Europeana to reach a stock of at least 15 million different digitised objects by 2015;
6. Seriously regrets the uneven contributions from Member States to the content of Europeana, and strongly encourages them and other cultural institutions to cooperate closely in digitising works and to keep up their efforts in drawing up digitisation plans at all possible levels, thus avoiding duplication of efforts as well as to speed up the rate of digitisation of cultural content in order to reach the goals set (10 million documents in 2010);
7. Stresses the need to consider ways of encouraging cultural institutions, once they have drafted a digitisation plan, to conclude agreements with rights-holders to make works accessible on a multiterritory basis and to foster the development of a competitive environment with the participation of online book-sellers, thus helping to spread Europe's cultural heritage throughout the continent;
8. Notes that France alone has provided 47 % of Europeana's total number of digitised objects to date, and that it is therefore necessary to be considerably more active in encouraging the Member States to make available contributions from their national libraries and cultural institutions, so that all Europeans have full access to their own cultural heritage;
9. Encourages the Commission to assist in finding ways and means of drawing Member States' attention to the fact that users of Europeana are seeking major works available in their national collections but not through Europeana;

Benefits

10. Emphasises the potential economic benefits of digitisation, as digitised cultural assets have an important economic impact, especially on culture-related industries, and underpin the knowledge economy, all the while bearing in mind the fact that cultural assets are not standard economic goods and must be protected from excessive commercialisation;
11. Stresses that Europeana should become one of the main reference points for education and research purposes; considers that, if integrated coherently into education systems, it could bring young Europeans closer to their cultural, literary and scientific heritage and content; would become an area of convergence and contribute towards transcultural cohesion in the EU;

Access for everyone

12. Stresses that user-friendliness, in particular clarity and the ease with which content can be found, should be key criteria for the design of the portal;

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13. Emphasises that, in view of the benefits for all EU citizens of accessing Europeana, its availability in all the official languages should be envisaged as soon as possible;
14. Points out that the portal should take into account the needs of disabled people, who should be able to get full access to Europe's collective knowledge; therefore encourages publishers to make more works available in formats accessible to disabled persons; recommends to the Commission that it ensure the provision of special digital versions for people with disabilities, such as audio reading, for as much of the digital content as possible;
15. Stresses the importance of equal access to the common European cultural heritage and therefore asks the Member States to remove intra-EU barriers to access to some parts of Europeana content;
16. Stresses that access to the Europeana portal and viewing documents, without downloading must be free of charge for private individuals and public institutions; stresses that Europeana should have the possibility to charge for downloads and printouts of all materials under copyright, and that such charges should be socially acceptable;
17. Urges the Commission and Member States to take all necessary steps to avoid a knowledge gap between Europe and non-EU countries and to ensure full access for Europeans to their own cultural heritage in all its diversity, as well as facilitating access thereto for the whole world;
18. Asks the Commission to continue the work started by the High Level Expert Group, as it contributes to a shared vision for European digital libraries, and supports practical solutions for key issues affecting online accessibility of cultural assets;
19. Stresses that Europeana should take all necessary steps online and offline to promote itself among citizens of Europe, in particular those involved in cultural activities in the private, public and educational sectors;

More and better content for Europeana

20. Encourages content providers to increase the diversity of the types of content for Europeana, especially audio and video content, paying special attention to those forms of expression belonging to oral cultures and to those works which deteriorate easily, while respecting intellectual property rights, especially authors and performers' rights; stresses, in this regard, the importance of respecting moral rights in order to protect the integrity of the work, and avoid any possible changes (censorship, alterations to works, etc.);
21. Believes that free and artistic expression are fundamental values; considers that cultural institutions or aggregators shall not be the subject of scrutiny or censorship with regard to the European cultural, literary or scientific content provided to Europeana;

Public domain content and access

22. Is convinced that public domain content in the analogue world should remain in the public domain in the digital environment even after the format shift;
23. Recalls that the main objective of European digitisation policy must be the protection of Europe's cultural heritage, and that guarantees must be given in this regard to ensure that digitisation activities have a non-exclusive status, so that these activities do not lead to the appearance of 'new rights' derived from the digitisation process, such as, for example, an obligation to pay for the reuse of works in the public domain;

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24. Recalls that Europeana must be able to benefit from agreements signed with other libraries under public-private partnerships and that said libraries must therefore be provided with a physical copy of the files already digitised;

25. States that physical files of works in the public domain which have been digitised by public-private partnerships must remain the property of the public partner institution, and that, should this prove impossible and cultural institutions from Member States are led, under a public-private partnership, to conclude agreements with exclusivity clauses for the digitisation of works from their national heritage, then assurances must be obtained before accessing the Europeana portal that the digitised files will become the property of the institutions upon the expiry of said clauses;

26. Stresses that the digital library must not depart from its prime objective, namely to ensure that the dissemination of knowledge on the Internet is not left to private commercial firms, in order that the digitisation of works does not equate to a stranglehold on Europe's public heritage that results in the public domain being privatised;

27. Recommends to the Commission that it asks digital content providers to certify websites referenced by Europeana;

28. Calls on those European cultural institutions which take up the digitisation of their public domain works' content to make it available via Europeana and not to restrict availability to the territory of their country;

Copyright issues, including orphan works

29. Stresses that solutions should be found for Europeana also to offer in-copyright works, particularly out-of-print and orphan works, taking a sector-by-sector approach, while complying with laws governing intellectual property and preserving the legitimate interests of rightholders; believes that solutions such as extended collective licensing or other collective management practices could be favoured;

30. Welcomes the Commission's launch of the debate on EU copyright law, which seeks to strike a balance between rightholders and consumer rights in a globally connected world, in the context of the rapidly changing online reality of new technologies and social and cultural practices;

31. Urges the Commission and the Member States, in the context of the further development of copyright protection in Europe, to adopt legal provisions which are as uniform and comprehensive as possible, designed to ensure that digitisation processes by themselves do not bring about any 'sui generis' copyright; takes the view that these discussions should also address the issue of whether legal derogations should be introduced for the digitisation of orphan works by public institutions;

32. Stresses the importance of orphan works – works which are covered under copyright, but whose rights-holders cannot be determined despite a diligent search – and the need to ascertain precisely, on a sector-by-sector basis, the number and type of such works in order to find appropriate solutions;

33. Calls on the Commission, in regard to its Communication on Copyright in the Knowledge Economy of 19 October 2009, to submit a legislative proposal on the digitisation, preservation and dissemination of orphan works which would put an end to the current legal uncertainty, in accordance with the requirement for diligent search for, and remuneration of, rights-holders;

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34. Endorses the Commission's intention to establish a simple and cost-efficient rights clearance system for the digitisation of published works and their availability on the Internet, working in close cooperation with all the stakeholders involved;

35. Therefore, welcomes and supports initiatives, such as the ARROW project ⁽¹⁾, partnered by both rights-holders and library representatives, in particular since these seek to identify rights-holders and their rights, and to clarify the rights' status of works including whether these are orphan or out of print;

36. Calls on the Commission to develop a European database of orphan works understood to be protected works whose rightholders are unknown or cannot be located, despite documented serious searches being made which would make it possible to exchange information on the ownership of rights and thereby reduce costs incurred in making diligent searches for rights-holders;

37. Favours a balanced Europe-wide solution for digitising and disseminating orphan works, starting by clearly defining them, establishing common standards (including that of due diligence applied in searching for their owners), and resolving the issue of potential copyright infringement when orphan works are used;

38. Emphasises that a solution must be found for personal documents (correspondence, notes, photos, films) which are held by cultural institutions, but have never been published or made available to the public, and which raise privacy-protection and moral-rights issues;

Technologies

39. Points out the need to develop technologies to ensure long-term and sustainable digital preservation, interoperability of access systems to content, multilingual navigation and availability of content and a set of unifying standards; welcomes the continued use of open source software in building the Europeana collection;

40. Recommends to the Commission that backups of digitised material provided by national institutions or private partners be kept on hardware belonging to those institutions or partners;

41. Recommends that the Commission and partner institutions in the private sector find IT solutions – such as read-only and copy protect formats – for digitised material available on the Europeana website that is subject to copyright, and that the file's presentation page include a link to a page on the content provider's website where the document can be downloaded under the conditions stipulated by the provider;

42. Recommends to the Commission that it insist on a standard electronic format for the digitised works, so as to ensure that the digitised documents are compatible with the online interface and the database;

43. Asks the High Level Expert Group to examine the possibility of using Web 2.0 applications in a separate online space;

Financing and governance issues

44. Emphasises that creating a sustainable financing and governance model is crucial to Europeana's long-term existence and that the role of the immediate stakeholders in the process of establishing such a governance model is crucial;

⁽¹⁾ Accessible Registries of Rights Information and Orphan Works.

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Sponsorship and public - private partnerships

45. Stresses that, in order to meet the high costs of digitisation and time pressures, new methods of financing must be developed, such as public-private partnerships, provided that the latter comply with rules on intellectual property and competition while furthering access to works via cultural institutions, ensuring digitised files will be freely available to libraries with no time limits;

46. Stresses the importance of a concerted approach at European level to the issue of the terms and conditions governing public-private partnerships and the need for an in-depth examination of partnership agreements with private stakeholders on digitisation plans, notably as regards the duration of exclusivity clauses, the indexing and referencing via search engine by libraries of digitised files held for their own use, service continuity, the non-confidential nature of such agreements and digitisation quality;

47. Points out that the digitisation of works in national libraries is the fruit of the financial investment of taxpayers via payment of their taxes; stresses, therefore, that public-private partnership contracts must stipulate that the copy of the work digitised by the private half of the partnership on behalf of the library may be indexed by all search engines, so that it may be consulted on the library's website and not solely on the website of the partner private company;

48. Recalls that the involvement of private partners in the digitisation process must not lead to the creation of private monopolies, which would threaten cultural diversity and pluralism, and that compliance with the rules of competition is a prerequisite to the involvement of private companies;

49. Stresses that sponsorship is an interesting alternative for Europeana insofar as it offers an opportunity to fund not just digitisation activities but also the management of copyright payments for out-of-print, orphan and copyrighted works, as well as putting them online;

EU and public financial support

50. Stresses that a substantial part of the financing should come from public contributions, such as contributions from the EU, Member States and cultural organisations and proposes that Europeana's digitisation process be interpreted as part of the Lisbon strategy and that a separate budget line be established in the next Multiannual Financial Framework;

51. Stresses that only a separate budget line can create the conditions to ensure that the funding available is spent transparently, cost-efficiently and in accordance with the objectives set;

52. Notes that only EUR 6.2 million has been earmarked to date for Europeana for 2009 to 2011 under the eContentplus programme;

53. Calls for the next Multiannual Financial Framework to provide for several times more funding than that available to Europeana hitherto;

54. Stresses the need to eliminate legal obstacles at EU level in order to enable libraries to apply for European financing for digitising operations;

55. Calls on the Member States and the Commission to present an annual report to the European Parliament on the outlay on Europeana and the progress made;

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56. Proposes that a review of the funding arrangements for Europeana be carried out by Parliament, in conjunction with the Commission, as early as 2011, with a view to finding a sustainable financing model for the project for 2013 and beyond; suggests that a move to the public-private funding structure would maximise the potential of the site;

Information and awareness raising

57. Proposes to organise a funding and advertising campaign entitled 'Join Europeana' in order to heighten awareness of the issue and its urgency, and recommends that part of the resources earmarked for Europeana should be devoted to promoting this library among the broadest possible public a library containing as wide-ranging a collection of works as possible on all forms of media (text, audio, video);

58. Proposes that 'Join Europeana' be advertised creatively; carried out under public-private partnerships and sponsoring, this should be targeted primarily at young people, for instance at international sports events, or in the context of art exhibitions and cultural competitions;

59. Asks the Commission to launch a media and online campaign for popularising the Europeana site, directing traffic from European servers to Europeana sources as the main location for accessing data in digital form, and encouraging the Member States and cultural institutions to provide content to the site; calls, at the same time, for a special media campaign to target students and teachers at all levels of education, focusing on the use of the Europeana digital resources for educational purposes;

60. Is of the opinion that such a campaign is very similar to the type of action already identified as being necessary in order to close the digital divide that still exists across Europe, thereby ensuring that everyone has access to Europeana and other online content and information and to the potential benefits thereof, no matter where they are; recommends that this campaign and in particular the potential use of Europeana in schools be based on an understanding that access to greater content and information online is not an end in itself, and must therefore be accompanied by initiatives which stimulate critical analysis of online content and information;

61. Calls on the Commission to ensure that information campaigns and similar awareness-raising activities regarding Europeana are channelled through the relevant partnership organisations in the Member States;

Governance

62. Welcomes current input by the European Digital Library Foundation in facilitating formal agreements between museums, archives, audio-visual archives and libraries on how to cooperate in the delivery and sustainability of the joint portal Europeana;

63. Believes that cultural institutions must continue to play a major role in the governance, which should be as democratic as possible, of the Europeana project; and calls on them to collaborate in order to avoid duplicating works digitised and to rationalise use of resources;

64. Asks the Commission and the Member States to improve the management of the project and ensure that a competent authority is designated at national level for the purpose of managing and monitoring the digitisation process, to raise awareness of the Europeana project among libraries and providers of cultural material and to collect existing digital material directly from providers with the aim of converting it to a single digital standard so that new content can immediately be added to the Europeana database; is of the view that, in the long run, consideration must be given to making it a priority to collect existing digital material produced as part of projects co-funded by the European Union and add it to the Europeana digital library;

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65. Suggests issuing a public call for tenders with a view to coordinating the administration of Europeana as effectively as possible, defining clear, realistic objectives and re-evaluating the operation if necessary;

66. Recommends to the Commission that it research the possibility of establishing a European body to coordinate the involvement of national authorities in monitoring the digitisation process, copyright payments to authors and other issues relevant to the Europeana project;

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

Evaluation and assessment of the Animal Welfare Action Plan 2006-2010

P7_TA(2010)0130

European Parliament resolution of 5 May 2010 on evaluation and assessment of the Animal Welfare Action Plan 2006-2010 (2009/2202(INI))

(2011/C 81 E/05)

The European Parliament,

- having regard to the Commission communication of 23 January 2006 on a Community Action Plan on the Protection and Welfare of Animals 2006-2010 (COM(2006)0013),
- having regard to its resolution of 12 October 2006 on a Community Action Plan on the Protection and Welfare of Animals 2006-2010 ⁽¹⁾,
- having regard to its resolution of 22 May 2008 on a new animal health strategy for the European Union 2007-2013 ⁽²⁾,
- having regard to its resolution of 6 May 2009 on the proposal for a Council Regulation on the protection of animals at the time of killing ⁽³⁾,
- having regard to Article 13 of the Treaty on the Functioning of the European Union, which lays down that, in formulating and implementing the Union's agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage,
- having regard to the Commission communication of 28 October 2009 on options for animal welfare labelling and the establishment of a European Network of Reference Centres for the protection and welfare of animals (COM(2009)0584),
- having regard to the Commission communication of 28 October 2009, 'A better functioning food supply chain in Europe' (COM(2009)0591),

⁽¹⁾ OJ C 308 E, 16.12.2006, p. 170.

⁽²⁾ OJ C 279 E, 19.11.2009, p. 89.

⁽³⁾ OJ L 303, 18.11.2009, p. 1.

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- having regard to Rule 48 of its Rules of Procedure,
- having regard to the report of the Committee on Agriculture and Rural Development (A7-0053/2010),
- A. whereas animal health standards are of vital importance for the management of European livestock farming, as they are having an increasing impact on the level of competitiveness of farms,
- B. whereas any harmonisation of the protection of livestock in the Union must be accompanied by rules on imports with the same aim, in order to avoid placing European producers at a disadvantage on the European market,
- C. whereas every activity to protect and ensure the well-being of animals must be based on the principle that animals are sentient beings whose specific needs must be taken into account, and whereas animal welfare in the 21st century is an expression of our humanity and a challenge to European civilisation and culture,
- D. whereas the goal of an animal welfare strategy must be to ensure that proper account is taken of the increased costs which animal welfare generates, and whereas an ambitious animal welfare policy can only be partially successful without European and worldwide dialogue and without an aggressive policy of raising awareness and providing information inside and outside Europe about the advantages of high animal welfare standards, i.e. if it is developed unilaterally by the European Union,
- E. whereas, in order to further develop animal protection in the Community, it is necessary to step up research efforts and to integrate animal protection into all relevant impact assessments, as well as to involve all interest groups in the decision-making process; whereas the transparency, acceptance and uniform application of, and monitoring of compliance with, existing provisions at all levels are a prerequisite for a successful animal protection strategy in Europe,
- F. whereas in recent years Europe has enacted a wide range of animal welfare laws and achieved one of the world's highest levels of animal welfare,
- G. whereas, in its resolution of 2006, Parliament asked the Commission to submit a report on the development of animal welfare policy before it presented the next Action Plan and to include animal welfare in all fields of its international negotiation agenda,
- H. whereas, back in 2006, Parliament highlighted the need to improve information to citizens on animal welfare and on the efforts made by our producers to comply with the rules,
- I. whereas animal welfare must not be neglected, as it may constitute a comparative advantage for the European Union, on condition, however, that the Union ensures, in an open market, that all animals and meat imported from third countries meet the same welfare requirements as apply within the Union,
- J. whereas at the time of the assessment and review of the Community Action Plan on the Protection and Welfare of Animals 2006-2010 the European Union must commit itself to securing recognition of animal welfare standards in the agricultural section of the next WTO Agreement, before the final conclusion of a general agreement,
- K. whereas there is a link between animal welfare, animal health and product safety, and whereas a high level of animal welfare from breeding to slaughter can improve product safety and quality,

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- L. whereas a certain category of consumers accepts higher prices for products meeting higher animal welfare standards, while the vast majority of consumers still choose lower-priced products,
- M. whereas in its above-mentioned resolution of 2006 the European Parliament insisted that the rules, standards and indicators adopted should be based on the latest technology and science and stressed that economic aspects must also be taken into account, since a high standard of animal welfare in particular also entailed operating, financial and administrative costs for the EU's farmers; whereas failure to respect the principle of reciprocity poses a risk to fair competition vis-à-vis non-Community producers,
- N. whereas at the time of this review of the Community Action Plan on the Protection and Welfare of Animals 2006-2010 and on the eve of the first reflections on the CAP for the period after 2013, the European Union must adopt a balanced position on welfare, taking into account the economic consequences in terms of additional costs for livestock producers, linked to adequate income support for them through policy on prices and markets and/or direct aid,
- O. whereas it is essential that European animal protection policy be accompanied by a coherent trade policy, which must be based on the fact that, in spite of the efforts of the EU, animal welfare concerns are not addressed by either the July 2004 Framework Agreement or by any other key documents of the Doha Round; whereas, therefore, until there is a fundamental change in the attitude of the main trading partners in the WTO, it is not viable to introduce further animal welfare standards which have negative effects on the international competitiveness of producers,
- P. whereas animal welfare is commonly understood to mean the result of the application of standards and norms relating to the well-being and health of animals which are designed to meet their inherent species-specific needs and long-term welfare needs; whereas the World Organisation for Animal Health (OIE) recognises the following as being among the essential requirements for animal welfare: food and water, the opportunity to exhibit natural behaviour, and health care,
- Q. whereas the Commission communication of October 2009 entitled 'A better functioning food supply chain in Europe' indicates that 'significant imbalances in bargaining power between contracting parties are a common occurrence' and that they 'have a negative impact on the competitiveness of the food supply chain as smaller but efficient actors may be obliged to operate under reduced profitability, limiting their ability and incentives to invest in improved product quality and innovation of production processes',
- R. whereas the aforementioned cost increases may lead to production being moved to regions with lower levels of animal protection,

Action plan for 2006-2010

1. Welcomes the Commission's decision to focus, in a multiannual action plan for animal welfare, on a few essential fields of action and then take action in these fields;
2. Welcomes the Community Action Plan on the Protection and Welfare of Animals 2006-2010, which has for the first time translated the Protocol on protection and welfare of animals appended to the Amsterdam Treaty into an integrated approach to the development of the protection of animals in Europe;
3. Notes that the vast majority of the measures contained in the current action plan have been implemented satisfactorily;

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4. Notes that there has been a positive development in the welfare of animals as a result of the action plan 2006-2010, but points out that the EU's farmers have not benefited from their efforts on the markets and in international trade and maintains that this should be highlighted in the next action plan;
5. Appreciates the work which has been done to develop alternatives to animal testing, but deplores the fact that not enough has yet been done to ensure that such alternatives are used if they are available, as required by the relevant EU legislation;
6. Acknowledges the efforts of the Commission to include non-trade concerns, including animal welfare, in bilateral trade agreements, but stresses that such non-trade concerns must be promoted efficiently via the WTO;
7. Calls on the Commission to outline what progress has been made in WTO negotiations towards securing acknowledgment of non-trade-related concerns, which include animal welfare, as well as the extent to which animal welfare issues and standards are being taken into account in the Doha round of WTO negotiations;
8. Notes with great satisfaction the progress which has been made in the Animal Welfare Quality Project as regards new science and knowledge relating to animal health and welfare indicators; notes, however, that this project has not fully taken into account the promotion, in practice, of the use of these indicators;
9. Recognises that there is a need to follow up and ensure proper implementation of the existing rules on animal transport in the EU Member States, with particular reference to the issue of developing a satellite system to monitor such transport, and urges the Commission, in the time still remaining before the action plan expires, to discharge its responsibilities in this field and to present the study requested by Parliament and referred to in Article 32 of Regulation (EC) No 1/2005; requests an economic impact analysis on livestock farming to be conducted before any new rules, which should be based on scientifically proven and objective indicators, are implemented;
10. Takes the view that it would make sense to create incentives for the regional breeding, marketing and slaughter of animals in order to obviate the need for breeding and slaughter animals to be transported over long distances;
11. Believes that zoos play an important role in informing the public about the conservation and welfare of wild animals; is concerned that there is a lack of stringent supervision to ensure compliance with Council Directive 1999/22/EC ⁽¹⁾ relating to the keeping of wild animals in zoos, and urges the Commission to initiate a study of the effectiveness and implementation of the Directive in all European Union Member States;
12. Welcomes the progress made in connection with compliance with the rearing requirements for pigs, even though there are still cases of non-compliance; is concerned, however, that, despite recommendations by the European Food Safety Authority (EFSA) in this regard, workable plans are still lacking as regards the implementation of individual provisions of Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs, and calls, therefore, on the Commission, the Member States and the sectors involved to identify cases of non-compliance and the reasons for such behaviour, and make the necessary efforts to ensure greater compliance with this Directive;
13. Urges the Commission likewise to ensure that the ban on systems lacking cages with nests for laying hens, which enters into force in 2012, is fully complied with, and calls on the Commission and Member States to introduce the necessary measures to make sure that the sector is able to comply with this obligation and to monitor the process of implementation in the Member States; maintains that imports of eggs into the EU must likewise comply with the production conditions imposed on European producers;

⁽¹⁾ OJ L 94, 9.4.1999, p. 24.

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14. Calls for an EU-wide trade ban on eggs that do not comply with the law;
15. Concludes that the implementation of the current action plan is inadequate in a number of respects and stresses the need to enforce existing rules before drawing up new ones; draws attention in that connection to the importance of effective penalties for non-compliance in all Member States;
16. Stresses the need for the Commission's own evaluation exercise, to be undertaken in 2010, to include a thorough analysis of achievements and of the lessons to be learned from potential flaws;
17. Regrets that the Commission has not, during this period, developed a clear communication strategy on the value of products that comply with animal welfare standards, contenting itself with the report presented in October 2009;
18. Acknowledges that the Community regards all animals as sentient beings (Article 13 of the Treaty); recognises that action has thus far predominantly focused on food-producing animals and that there is a need to bring other categories of animals into the Action Plan 2011 – 2015;

Action plan for 2011-2015

19. Recalls that its above-mentioned resolution of 2006 already called for the existing action plan to be followed by a new one, and urges the Commission therefore to submit – based on new scientific evidence and experience – a report assessing the implementation of the current plan and the situation concerning animal welfare policy in the EU, on the basis of which it should compile the action plan for animal welfare 2011-2015 backed by the required funding;
20. Calls for measures to be taken to ensure that existing legislation is enforced without delay and to secure the harmonisation of standards and a level playing-field within the internal market; recommends that any proposals for new legislation be assessed against the alternative course of fully implementing existing legislation, to avoid unnecessary duplication;
21. Suggests to the Commission that, in its assessment report, it analyse inter alia the extent to which the current action plan has met the demands of European society in the area of animal welfare, the sustainability of the system for European producers, and how the functioning of the internal market has been affected since the implementation of this plan;
22. Calls on the Commission to demonstrate the impact of animal welfare standards and to take full account of the way different factors, such as animal welfare, sustainability, animal health, the environment, product quality and economic viability, interrelate;

A general European animal welfare law

23. Observes that Article 13 of the Treaty on the Functioning of the European Union has created a new legal situation under which, when formulating and implementing Union policy in the fields of agriculture, fisheries, transport, the internal market, research and technological development and space, the Union and Member States must, since animals are sentient beings, pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage; considers that this article applies to all livestock and animals in captivity, such as food-producing animals, pets, circus animals and animals in zoos or stray animals, whilst bearing in mind that differing characteristics and living conditions require differentiated treatment;

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24. Calls on the Commission, in the light of Article 13 of the Treaty on the Functioning of the European Union, to submit, no later than 2014 and on the basis of an impact study and after consulting stakeholders, a reasoned proposal for general animal welfare legislation for the EU, which, on the basis of the available science and proven experience, should contribute to a common understanding of the concept of animal welfare, the associated costs and the fundamental conditions applicable;
25. Considers that this general animal welfare legislation must include, in accordance with animal health law, suitable guidelines on responsible keeping of animals, a uniform system for monitoring and for gathering comparable data, as well as requirements relating to the training of animal handlers and provisions establishing the particular responsibilities of animal owners, farmers and keepers; considers that all these requirements should go hand in hand with the provision of resources to producers in order to ensure that they are properly implemented;
26. Considers that European animal welfare legislation should establish a common basic level of animal welfare in the European Union, which is the precondition for free and equitable competition within the internal market for both domestic products and third-country imports; considers, however, that Member States and regions should have the possibility to allow individual producers or groups of producers to introduce voluntary systems which are more far-reaching while avoiding distortion of competition and safeguarding the EU's competitiveness on international markets;
27. Considers that imported products must comply with the same animal welfare requirements as those imposed on European operators;
28. Calls for European farmers to be compensated for the higher production costs associated with higher animal welfare standards; suggests that financing for animal welfare measures be incorporated into the new common agricultural policy support schemes from 2013;
29. Considers also that information to citizens on the high level of animal welfare in the EU and on the efforts made by the various sectors involved should be a key element in this policy;
30. Considers that the inclusion of animal welfare requirements in international agreements is essential in order to allow our producers to compete in a globalised market and prevent the relocation of production to regions which have much lower levels of animal welfare and thus compete unfairly with our model;
31. Welcomes the debate concerning various possible animal welfare labelling schemes in the aforementioned Commission communication of 28 October 2009; recalls, however, the need to consider them in a wider context, taking account, in particular, of the various existing environmental, nutritional and climate labelling schemes; stresses that information on the subject for European consumers absolutely must have a sound and consensual scientific basis and be clear to consumers;
32. Recommends that the information given on the label should be precise and direct and should make reference to compliance with the high animal welfare standards demanded by the EU; maintains that it should be the task of the Commission to provide citizens with the necessary information on the European animal welfare system, so as to ensure that they receive objective information;
33. Recommends that a review be conducted of the consistency of animal welfare policy with the Union's other policies;
34. Calls on the Commission to carry out a thorough assessment of the possible problems that European animal welfare standards cause for the competitiveness of our producers and to review the support systems for producers relating to the implementation of these standards;

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35. Considers that, before any new legislation is drafted, existing rules – whether general or specific – should be enforced properly; points, by way of examples, to the ban on battery cages for hens, the rules on pigs and the rules on animal transport and the rearing of geese and ducks; stresses that further animal welfare measures should be brought into line with other Community objectives such as sustainable development, in particular sustainable livestock production and consumption, protection of the environment and biodiversity, a strategy to improve the enforcement of existing legislation, and a coherent strategy to speed up progress towards non-animal research;

A European network of reference centres for animal welfare

36. Considers that a European coordinated network for animal welfare should be set up under the existing Community or Member State institutions, and that its work should be based on the general animal welfare legislation proposed above; considers that such a network should designate one institution as the coordinating body, which should perform the tasks assigned to the 'central coordination institute' referred to in the aforementioned Commission communication of 28 October 2009; considers, furthermore, that such a coordinating body should in no way duplicate tasks of the Commission or other agencies, but should become a support tool providing assistance to the Commission, Member States, food chain actors and citizens regarding training and education, best practices, information and consumer communication and assessing and stating its views on future legislative and policy proposals and their impact on animal welfare, assessing animal welfare standards on the basis of the latest available knowledge and coordinating an EU system for testing new techniques;

37. Takes the view that, on the basis of scientific findings, the public should be provided with information about animals' needs and the correct ways of dealing with animals and that this should be done in an appropriate, serious-minded manner; considers that a European network of centres of reference should be responsible for implementing education and information measures, since imparting knowledge on the basis of standardised quality criteria is fundamental if people are to be prevented from developing extreme views;

Better enforcement of existing legislation

38. Calls on the Commission as soon as possible to assess the cost to European producers of animal welfare measures, and to propose in 2012 at the latest recommendations, guidelines and other necessary measures to tackle the loss of competitiveness of European livestock farmers;

39. Calls on the Member States to take appropriate steps to ensure that the notion of animal protection and welfare is promoted via education;

40. Considers that the aim must be a purposeful monitoring system based on a risk analysis in which objective factors are central and in which Member States whose infringement rates are above average must expect to face more stringent checks;

41. Stresses that the imbalances in the food chain, as described in the Commission communication entitled 'A better functioning food supply chain in Europe', often place primary producers at a disadvantage; recalls that primary producers have limited scope for investment on account of the extra costs which this situation entails;

42. Stresses that the European Union budget must include sufficient appropriations to enable the Commission to perform its monitoring tasks, to support producers where necessary and to counter the loss of competitiveness faced by producers as a result of the adoption of new and changing animal welfare standards, bearing in mind that the cost of these standards is not passed on in the price received by farmers when they sell their products;

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43. Stresses that the competitiveness of the farming sector should continue to be improved and strengthened through the promotion of and compliance with the animal welfare rules in force, and also in accordance with environmental protection requirements;
44. Calls on the Member States to ensure that any violations of EU animal welfare rules result in effective and proportionate penalties, and that in each individual case these penalties are accompanied by comprehensive guidance and advice from the competent authorities and appropriate corrective actions;
45. Calls on the Member States to take appropriate steps to prevent breaches of animal welfare regulations in the future;
46. Welcomes the considerable reduction in the use of antibiotics for animals in the Member States since their use as a growth promoter was banned in the EU, while still being allowed in the US and some other countries; expects, however, the Commission and the Member States to address the growing problem of antibiotic resistance in animals in a responsible way; calls on the Commission to collect and analyse data on the use of animal health products, including antibiotics, with a view to ensuring the effective use of such products;

Indicators and new techniques

47. Calls for an assessment and further development of the Animal Welfare Quality Project, particularly as regards the instrument's simplification and practical application;
48. Considers that it will prove complex to measure these animal welfare indicators in the case of imported products; stresses that, without calling into question their utility or validity, these tools should not distort competition to the detriment of European producers;
49. Calls on the Commission, on the basis of the final report of the Animal Welfare Quality Project, to propose a trial period for the assessment of animal welfare within the European Union using the methods developed in the Animal Welfare Quality Project;
50. Calls on the Member States in this context to make better use of the opportunities for support for applied research and investment in innovation and modernisation beneficial to animal welfare which is available from EU rural development funds and DG Research's 7th Framework Programme (2007-2013); calls also on the Member States and the Commission to step up financial investment in research and the development of new technologies and techniques in the field of animal welfare;
51. Calls on the Commission and the Member States to use their best efforts to ensure that the OIE guidelines on animal welfare encourage good standards of welfare that properly reflect the scientific evidence in this field;

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52. Instructs its President to forward this resolution to the Council and the Commission.
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EU agriculture and climate change

P7_TA(2010)0131

European Parliament resolution of 5 May 2010 on EU agriculture and climate change (2009/2157(INI))

(2011/C 81 E/06)

The European Parliament,

- having regard to the Commission staff working document entitled 'Adapting to climate change: the challenge for European agriculture and rural areas' (SEC(2009)0417),
- having regard to the Commission staff working document entitled 'The role of European agriculture in climate change mitigation' (SEC(2009)1093),
- having regard to its legislative resolution of 14 November 2007 on the proposal for a directive of the European Parliament and of the Council establishing a framework for the protection of soil and amending Directive 2004/35/EC ⁽¹⁾,
- having regard to its resolution of 12 March 2008 on sustainable agriculture and biogas: a need for review of EU legislation ⁽²⁾,
- having regard to its resolution of 4 February 2009 entitled '2050: The future begins today – recommendations for the EU's future integrated policy on climate change' ⁽³⁾,
- having regard to its resolution of 12 March 2009 on 'the challenge of deterioration of agricultural land in the EU and in particular in southern Europe: the response through EU agricultural policy instruments' ⁽⁴⁾,
- having regard to its resolution of 25 November 2009 on the EU strategy for the Copenhagen Conference on Climate Change (COP 15) ⁽⁵⁾,
- having regard to the International Assessment of Agricultural Science and Technology (IAASTD) report drawn up by the United Nations Food and Agriculture Organisation and the World Bank and signed by 58 countries,
- having regard to Rule 48 of its Rules of Procedure,
- having regard to the report of the Committee on Agriculture and Rural Development and the opinion of the Committee on Industry, Research and Energy (A7-0060/2010),

A. whereas the climate change caused by the historical build-up of greenhouse gases (GHGs) in the atmosphere is a scientifically established fact that may have a serious impact on ecosystems,

⁽¹⁾ OJ C 282 E, 6.11.2008, p. 281.

⁽²⁾ OJ C 66 E, 20.3.2009, p. 29.

⁽³⁾ OJ C 67 E, 18.3.2010, p. 44.

⁽⁴⁾ Texts adopted, P6_TA(2009)0130.

⁽⁵⁾ Texts adopted, P7_TA(2009)0089.

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- B. whereas agriculture is directly affected, since it is one of the many economic activities that manage natural resources for the benefit of humankind,

- C. whereas climate change poses one of the most serious threats not only to the environment, but to the economy and society as well, with crop yields fluctuating from one year to the next, heavily influenced by the variation in extreme climate conditions, which has an implicit impact on every sector of the economy, although agriculture remains the most vulnerable,

- D. whereas agriculture, as one of the main sources of two major GHGs (nitrous oxide and methane) which are generated by various biological processes linked to agricultural production is contributing to climate change while also being very vulnerable to its adverse impact,

- E. whereas GHG emissions from agriculture (including livestock farming) declined by 20 % in the EU-27 between 1999 and 2007 and the proportion of the Union's GHG emissions produced by agriculture dropped from 11 % in 1990 to 9,3 % in 2007, inter alia as a result of the increased efficiency of EU agriculture, constant innovations and the use of new techniques, the more effective use of fertilisers and the recent reforms of the CAP,

- F. whereas agriculture and forestry are the main economic sectors able to capture the CO₂ produced by human activities, to accumulate and store it in the soil by acting as sinks, and to fix it in plants through photosynthesis; whereas these sectors consequently have considerable potential to make a positive contribution to global warming mitigation efforts,

- G. whereas climate change is already having adverse effects on EU agriculture (including declining water resources, brackishness and more frequent drought, desertification, a significant increase in winter rainfall and flooding in the north, threats to low-lying coastal areas from rising sea levels and the danger of salination, storms and other extreme weather events, erosion and landslides and the proliferation of insect pests and animal and plant diseases), and whereas the expected acceleration of such problems could have serious economic, social and environmental repercussions for the agricultural, forestry and tourism sectors,

- H. whereas the agricultural sector is capable both of adapting and of mitigating climate change with the help of farmers' know-how, a strong CAP and research and innovation developments but, since the natural processes involved are difficult to deal with, a great deal of effort must be made,

- I. whereas European agriculture constitutes a pool of jobs which should be protected and expanded,

- J. whereas agriculture remains vital to the continuance of human activity in European rural areas, inter alia because of the wide range of services which farmers can provide for the rest of society,

- K. whereas the Union's objectives for the development of renewable energies have a direct bearing on agriculture, and whereas this development can help substantially to reduce GHG emissions,

- L. whereas one of the primary functions of EU agriculture is to feed the Union's population,

- M. whereas the Union should be a leader in the fight against global warming,

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Contribution of EU agriculture to global warming mitigation efforts

1. Affirms that EU agriculture and forestry can contribute to achieving the Union's climate change mitigation objectives by finding ways and support to help reduce its GHG emissions, promoting CO₂ sequestration in the soil, developing the production of sustainable renewable energies, and maximising the photosynthesis function; emphasises that, to this end, it is essential to foster the development of an agriculture producing tradable and non tradable goods which exploit the potential and natural resources of each ecosystem as efficiently as possible and which reconcile economic, environmental and social performance as well as animal welfare imperatives so as to improve its sustainability;
2. Considers that, if agriculture is to be more actively involved in the global process of curbing climate change, care must be taken to ensure that the competitive position of the EU's agri-foodstuffs sector in the world market does not suffer;
3. Takes the view that organic farming, extensive grazing and integrated pest management practices are among the ecologically effective systems needing further development; emphasises, however, the need to find ways to facilitate a transition to more sustainable agriculture in the case of the other systems used on most farmland;
4. Recognises that innovation has a major role to play in reducing the impact agriculture has on climate change and in lowering its environmental impact;
5. Calls, in particular, for the future CAP to encourage – through the provision of information, training and incentives – practices that contribute to improving the efficiency of agriculture and its potential to reduce GHG emissions, and to improving carbon sequestration, including:
 - simplified, appropriate cultivation techniques that provide plant cover (such as reduced or no-tillage and leaving crop residues on the ground) and facilitate intercropping and crop rotation, thereby maximising photosynthesis and helping to enrich the soil with organic matter, as demonstrated by the SoCo project launched at the European Parliament's instigation;
 - the preservation and development of afforestation, reforestation, agroforestry, hedges, wooded areas on farmland, permanent or temporary grassland pasture systems and reforestation;
 - the introduction of farming methods which will increase the carbon storage period in existing forests;
 - better management of soil and of minerals and appropriate protection of carbon-rich land (peatland) and wetlands (growing suitable crops, such as reeds, as an alternative to drainage);
 - farm modernisation (building insulation, energy-efficient equipment and the use of renewable energies) and more efficient production chains;
 - modern techniques of feeding, animal keeping and manure treatment and use, which will significantly reduce methane emissions;
 - the use of biomass energy integrated into food production, which will contribute to reducing CO₂ emissions in addition to making use of by-products and waste;
 - the planting of woody and herbaceous energy crops (cultures) in floodplains, areas which are wet or sandy and areas less suitable for agriculture, with the aim of increasing CO₂ absorption and carbon sequestration;

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6. Emphasises that, as well as being more environmentally friendly, such farming practices have a positive impact in terms of improved biodiversity and soil quality, water retention and efforts to combat erosion and pollution and that mitigating the effects of farming activity on climate change is another of the 'public goods' provided by agriculture;

7. Recommends introducing a common European forestry policy that promotes sustainable forestry management and production and does more to tap the potential and the economic development of this industry, which is the one that makes the greatest contribution to carbon capture, as this sector makes the greatest contribution to carbon capture; this policy should pay maximum attention to the different regional conditions for forestry, because there are different opportunities and threats for forest environments in northern and southern Europe;

8. Points out that forests also make a significant contribution to efficient water management. Member States must therefore be encouraged to undertake forest management which will reduce differences in the water regime between periods of drought and flood, thereby reducing the negative effects of droughts and floods on agriculture, energy production and the population;

9. Recommends stepping up policies on mountain regions, as the pasturing and stock-breeding industries have a particularly important role to play in mitigating climate change and in helping to adjust and reduce vulnerability, particularly by means of proper management of pastureland;

10. Recommends that strategies be devised for preventing and mitigating the adverse consequences for agriculture in the European Union through:

— an action plan for the most affected areas: using certain plant varieties which are resistant to the new climate conditions, adapting the calendar of farming activities to the new conditions, forestation, building greenhouses, managing water resources for agriculture and making polluted land more environmentally friendly;

— the other measure should be a plan for the future aimed at eliminating the causes of climate change by promoting a global economy based on reduced CO₂ emissions, combined with the promotion of energy security;

11. Emphasises that nitrous oxide emissions can be cut by making more effective use of nitrogen fertilisers (precision farming); also points out that fertilisation using the residual mass from biogas production provides opportunities for organic precision fertilisation and thus the reduction of emissions;

12. Calls for research on livestock feed and genetic selection of farm animals to be stepped up with a view to reducing methane emissions, provided that such mitigation measures are not adopted if they jeopardise animal health or welfare; also calls for the introduction of a food programme designed to reduce the Union's dependence on imported plant proteins for animal feed and for an information programme to educate consumers about the impact of their purchasing and eating behaviour on the climate;

13. Urges also that action should be taken to speed up and step up research into plant breeding to make crops and plants better able to withstand new climatic conditions and to be able to meet the challenges posed by climate change, particularly with regard to requiring that a suitable quantity of good-quality raw materials, and therefore a secure food supply, is maintained; considers that this research should as a matter of priority relate to plant varieties which tolerate water stress and extremely high temperatures, and the relevant crop techniques; stresses also that these varieties and techniques could offer a viable alternative to the current costly and inefficient irrigation systems in some areas, and that they also offer the advantage of being more acceptable to local communities;

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14. Emphasises that optimised storage – and the application – of organic fertiliser and the processing of such fertiliser in anaerobic digesters are currently some of the most promising ways of reducing methane emissions (whilst also providing a source of renewable energy) and reducing dependence on chemical nitrogen fertilisers, particularly in regions characterised by high-density livestock farming; considers that this biogas helps make agriculture self-sufficient in energy;
15. Draws attention, in this context, to the need to be able to use digestate from manure fermentation installations for biogas production as a substitute for artificial fertiliser without its falling into the category of 'livestock manure', so that the use of artificial fertiliser can be further reduced;
16. Calls for the speeding up of administrative simplification and of research and development work on the exploitation and utilisation of biomass found on farms (farm and forest waste), biogas from livestock farming and other sustainable agrofuels, provided that the latter do not jeopardise food security;
17. Stresses that the principle of sustainability must be enforced when using biomass; considers therefore that its use as close as possible to the place of production of the agricultural raw materials must be encouraged as this would reduce energy loss caused by transport;
18. Points out that the use of biomass for heating might significantly reduce the harmful impact of climate change, and therefore calls on the Commission and the Member States to award rural development funding to rural public institutions switching to heating systems based on bioenergy;
19. Stresses that more extensive use of ICT could improve the monitoring of several phases of production and improve their management in order to increase production in relation to the use of the means of production and, simultaneously, reduce greenhouse gas emissions and energy consumption; stresses, likewise, that the more extensive use of ICT, the integration of policies to promote training for farmers in new technologies and support for innovation and entrepreneurship among young farmers in particular are key topics, with a view both to making farming more environmentally sustainable and making the sector more competitive;
20. Emphasises that the Union's position as the leading importer of agricultural produce results in a higher carbon cost than that generated by European farms, owing to the lower environmental standards often found in non-EU countries, coupled with long-distance transport emissions and deforestation; takes the view that there is a need to inform consumers, by means of a targeted communication strategy, of the benefits of a healthy, balanced diet made up of high-quality regional and seasonal items produced by a sustainable and efficient agriculture, the carbon footprint of which could be differentiated from those of imported products; takes the view also that there is a need to compensate European farmers fairly for their efforts to reduce emissions, and to encourage local farms to diversify (inter alia by developing EU production of plant proteins);
21. Endorses, in this context, the idea of voluntary EU origin labelling in the case of products originating entirely within the European Union;
22. Calls for the implementation of effective control mechanisms on imports from third countries and advocates full reciprocity between the criteria that have to be met by European producers to combat climate change and the requirements applying to imports from third countries, to avoid any loss in the competitiveness of Community products;
23. Emphasises that the Union must reinvest in the rural and forestry management development policy in order to help disseminate new practices and foster the development of sustainable agriculture elsewhere in the world;

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Measures to help EU agriculture adapt to the effects of global warming

24. Emphasises that EU agriculture must now adapt to the effects of the climate change currently taking place and prepare for its negative net impact on many regions of the Union;

25. Considers in this regard that the Union must develop a coherent strategy for agriculture to adapt to the two kinds of adverse climatic effects anticipated:

- overall global warming;
- more marked variations in climate conditions resulting in an increase in extreme weather events;

26. Takes the view that the CAP must focus on the management of resources in a more sustainable and efficient way and that this must be taken into account in the forthcoming reform of the CAP, including for example:

- optimising water resource management (more efficient irrigation systems, use of recycled water, economical use of water on the land, hillside reservoirs, etc.), making users responsible;
- choosing crop varieties, particularly those selected for their ability to resist extreme weather events, and practising crop rotation according to considerations such as drought and disease;
- protecting the soil from water and wind erosion by ensuring organic matter content;
- planting rows of trees, hedges or wooded areas on the edges of farmland to retain water, limit runoff, act as windbreaks and provide shelter for crop auxiliaries such as pollinating insects;
- preserving pastureland and promoting animal production on pastureland;
- monitoring and controlling disease; in this context, there is a need to develop national and European instruments to monitor outbreaks and repeat outbreaks;
- undertaking monitoring and control of insects; in this context, monitoring of invasiveness potential and cross compliance measures concerning plant health (increased controls at borders and sensitive locations such as tree nurseries and airports, biosecurity measures) must be developed;
- restoring damaged areas;
- maintaining forests which can adapt to climate change and managing forests in such a way as to limit the risk of fire;

27. Emphasises that it may be necessary to re-think the water management, including river regulation, of former floodplain areas with unfavourable growing conditions which were subsequently drained, revitalise suitable floodplain areas and replant former floodplain forests;

Implications for the European agricultural model

28. Emphasises that the CAP will have to contribute to a more sustainable agricultural policy, whilst at the same time increasing yields and bearing in mind that global warming may jeopardise world food production capacity, including in Europe;

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29. Takes the view, likewise, that the CAP should provide financial incentives for local authorities in the Member States to take measures aimed at:

- restoring the production and protection capacities of natural ecosystems, agricultural crops and other assets that are affected by drought and desertification or flooding;
- improving practices with regard to the use of water resources, soil and vegetation which have proved to be unsustainable over time;
- identifying, improving and promoting plant species and animal breeds in areas affected by drought and/or at risk of aridity;
- improving preventive measures;

30. Notes that climate change has a direct and disproportionately harmful impact on agriculture, which must therefore be given priority when measures are drawn up to mitigate the effects of climate change;

31. Takes the view that the 'new challenges' referred to in the CAP Health Check, i.e. climate change, water management, renewable energies and biodiversity, should be reiterated and respect for and improvement of the quality of the soil and its functions (carbon capture, retention capacity of water and mineral elements, biological life ...) should also be added to these challenges as all these are major issues affecting the interests of future generations, and should be further taken into account in the future CAP;

32. Notes that the current cross-compliance system, which was designed to ensure that agricultural producers meet very high standards in terms of animal welfare, animal health and environmental protection, has been problematic for farmers and has, in its current form, perhaps not been the best means of achieving the desired outcomes; calls, in the context of the next reform of the CAP, for greater emphasis on more sustainable and more efficient production models, bearing in mind that these require public funding to enable farmers to cover the extra costs arising from the supply of 'public goods' of benefit to the whole of society (such as the preservation of rural areas, biodiversity conservation, carbon capture and food security);

33. Recognises that the CAP needs to set world-leading standards in environmental protection; points out that this will mean a level of cost which cannot be recovered from the market, although in part that can be regarded as delivery of public goods, and that European producers will need protection from third-country competition which does not meet EU environmental standards;

34. Takes the view that climate change is forcing the Union to adapt the agricultural policy model; consequently calls on the Commission, in its future communication on CAP reform after 2013, to promote a more sustainable and efficient agricultural model in line with all the aims of the CAP, geared to producing sufficient, safe food and more respectful of environmental balance; such a model must be based on a fair and legitimate farmer support system and must also enhance the role of the farming profession;

35. Considers that, to enable European agriculture to contribute in future to food security and climate protection, an ambitious CAP must be maintained, including in particular the system of direct payments from the Community budget and simplified and fair payments for the EU as a whole;

36. Stresses the importance of creating and permanently guaranteeing the basis for the development of alternative economic activities that will gradually reduce local communities' dependence on drought-affected agricultural production or on natural resources; takes the view that access to financing from European funds is a key factor in safeguarding the conditions in which alternative economic activities are carried out;

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37. Stresses the importance of promoting integrated development planning practices in rural areas in line with local needs, by introducing principles based on optimising land use in order to adapt to changing environmental conditions (prolonged drought, landslides, floods, etc.) and to the market for products and services that can be supplied at local level;

38. Also calls on the Commission to give thought to new support systems that support the contribution which farming makes to reducing CO₂, such as carbon fixing in farm soil and biomass, and that encourage agricultural use of areas that make a positive contribution to climate change;

39. Stresses the need for accurate Commission estimates of the costs of adapting agriculture to climate change;

40. Considers it essential to strengthen risk and crisis management instruments and adapt them to increasing market volatility and growing climatic risks;

41. Emphasises, given the scale of the climate challenge and investment, that the farming and forestry management community must focus on more sustainable modes of production and there is a need to retain a strong CAP with a commensurate budget beyond 2013; adds that provision must be made for new additional funding to be used to provide incentives to disseminate modern and innovative technologies and systems which can achieve practical results in terms of mitigation and adjustment in the various sectors of agriculture;

42. Stresses that, although the CAP is not a European climate policy, it must nevertheless be the basis for the introduction of effective instruments and incentives to combat climate change, something which should also be borne in mind when discussing the future of the EU budget;

43. Takes the view that the European Union should maintain its leading position in the battle against climate change, and that it should not slip to number two as a result of the current economic difficulties;

44. Stresses that the European Union needs development and financing policies for agriculture that guarantee safe and high-quality food;

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

Agriculture in areas with natural handicaps: a special health check

P7_TA(2010)0132

European Parliament resolution of 5 May 2010 on agriculture in areas with natural handicaps: a special health check (2009/2156(INI))

(2011/C 81 E/07)

The European Parliament,

— having regard to Article 39 of the Treaty on the Functioning of the European Union,

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- having regard to the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions ‘Towards a better targeting of the aid to farmers in areas with natural handicaps’ (COM(2009)0161),
 - having regard to the opinion of the European Economic and Social Committee on the Communication from the Commission, delivered on 17 December 2009,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development and the opinion of the Committee on Regional Development (A7-0056/2010),
- A. whereas, at 54 %, more than half of the utilised agricultural area in the EU is classed as less-favoured areas,
- B. whereas each Member State has designated less-favoured areas, although to a differing extent,
- C. whereas mountain areas (including arctic regions north of the 62nd parallel which are also regarded as mountain areas) account for around 16 % of the utilised agricultural area, whilst over 35 % of the utilised agricultural area is classed as ‘intermediate LFAs’,
- D. whereas these ‘intermediate LFAs’ are classified by the Member States on the basis of a large number of different criteria, which, in the view of the European Court of Auditors ⁽¹⁾, can lead to disparities in treatment,
- E. whereas only a small proportion of farms in these areas receive compensatory payments and the level of these payments varies significantly between the Member States ⁽²⁾,
- F. whereas for mountain areas and areas with specific handicaps, which are defined in Article 50(2) and Article 50(3)(b) respectively of Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), there are clear and uncontested criteria, so that the classification of these areas has neither been criticised by the European Court of Auditors nor is affected by the current Commission communication,
- G. whereas the particular situation in the outermost regions requires the implementation of specific procedures to deal with them,
- H. whereas support for less favoured areas is an essential component of the second pillar of the Common Agricultural Policy, namely rural development policy, and consequently neither regional policy objectives nor the issue of the redistribution of EAFRD funding should be at the heart of the debate,
- I. whereas, as a result of the reform of legislation on support for less-favoured areas and the adoption of Regulation (EC) No 1698/2005, the previous category of ‘intermediate LFAs’ has been abolished and eligible areas are defined as areas ‘affected by significant natural handicaps’,

⁽¹⁾ European Court of Auditors: Special Report No 4/2003, OJ C 151, 27.6.2003.

⁽²⁾ From 16 EUR/ha in Spain to 250 EUR/ha in Malta.

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- J. whereas the socio-economic criteria used prior to the 2005 reform by some Member States may no longer be used to delimit areas with 'natural handicaps', but may continue to be used to define areas with 'specific handicaps', which are supported pursuant to Article 50(3)(b) of Regulation (EC) No 1698/2005,
- K. whereas, in formulating their national and regional programmes for rural development, Member States have significant room for manoeuvre in order to present a balanced set of measures adapted to their specific regional situation, and whereas it falls to the Member States to present suitable measures for their less favoured areas within their programmes,
- L. whereas the proposed eight biophysical criteria might not prove to be sufficient and the proposed threshold value of 66 % of the area might not be found suitable in all cases for determining the actual handicap in a manner respectful of the great diversity of EU rural areas; whereas the crop grown, the combination of soil types, soil moisture and climate are, among others, also factors relevant for the purpose of determining the actual handicap in a given area,
1. Stresses the importance of an appropriate compensatory payment for less-favoured areas as an indispensable tool to secure the provision of high-value public goods such as maintaining the management of the land and the cultivated landscape in these regions; emphasises that less-favoured areas, in particular, are often of high value in terms of the cultivated landscape, biodiversity preservation and environmental benefits, as well as rural employment and the vitality of rural communities;
 2. Recognises that because of their unique position less-favoured areas have an important role to play in delivering environmental benefits and in maintaining the landscape and stresses that payments under this measure should seek to achieve these goals;
 3. Stresses that Article 158 of the TEC on the cohesion policy, as reformed in Lisbon, pays particular attention to regions with natural handicaps; urges the Commission to devise a comprehensive strategy to eliminate the disparities between Member States in dealing with these areas and promote an integrated strategy that takes account of specific national and regional characteristics;
 4. Emphasises that support for areas with natural handicaps is aimed in particular at ensuring that an efficient and multifunctional form of agriculture is widely and permanently preserved, thereby maintaining the countryside as a vital economic area and place to live in;
 5. Stresses the need to manage these less favoured areas not only with a view to producing nutritious foodstuffs, but also as a contribution to overall economic development, increased quality of life and demographic and social stability in these areas;
 6. In this sense, calls on the Commission to take into account also the social implications of the new classification for areas with natural handicaps;
 7. Points out that, in contrast to agri-environmental measures, compensatory payments for less-favoured areas must not be subject to additional specific conditions regarding the method of land management which would go beyond cross-compliance requirements; recalls that the LFA scheme must in principle offer compensation to farmers who are also land managers operating with significant natural handicaps which the market does not compensate for as such;

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8. Emphasises, however, that LFA payments must be linked to active farming of the land, i.e. the production of food or activities intimately related to the production of food;
9. Takes the view that the eight biophysical criteria proposed by the Commission could, in principle, be suitable for delimiting areas with natural handicaps to a degree; stresses, however, that the criteria may not be used in all cases for objectively delimiting areas with natural handicaps;
10. Recognises, however, that strict and purely biophysical criteria may not be suitable for all areas of Europe, and may lead to unintended consequences in terms of areas which qualify; therefore recommends that the case for socio-economic criteria such as distance from markets, lack of services and depopulation be re-examined, on a purely objective basis;
11. Urges the Commission to take into account all the standpoints expressed during the consultation with the Member States, regional and local authorities and farming organisations, regarding the definition of areas with natural handicaps;
12. Considers, in particular, that the inclusion of a geographical criterion referred to as 'isolation' would address the specific natural handicap stemming from distance from the market, remoteness and limited access to services;
13. Considers it necessary to review the definition of the criterion of 'soil moisture balance' so as take account of the different agro-climatic conditions which exist in the various Member States of the Union;
14. Notes that, to acknowledge the limitations of wet unworkable soils, the inclusion of a 'field capacity days' criterion would allow the interaction between soil types and climate to be taken into account (for instance to adequately reflect maritime climate difficulties);
15. Asks the Commission, therefore, to pursue its research efforts and analysis with a view to including potential additional criteria in the new LFA scheme in order to further adapt its proposals to practical difficulties farmers are facing and build a robust set of criteria which will remain suitable in the long term;
16. Stresses, however, that in order to apply these criteria and establish realistic threshold values in practice, it is essential that the necessary biophysical data are available to the Member States and regions with a sufficient degree of accuracy in relation to the natural environment; supports, therefore, the test of practical application of the proposed criteria introduced by the Commission; calls for the detailed maps that are to be submitted by the Member States to be used if necessary to adapt the limit values of the criteria, defining areas with natural handicaps, and the proposed threshold value of 66 % at Member State or regional level (to the reality in terms of the natural environment);
17. Stresses, in particular, that in order to address the interactions between many influencing factors in a practical manner, the cumulative use of the adopted criteria might prove necessary: it could enable those disadvantaged areas which accumulate two or more small to medium-scale natural handicaps to be classified as LFAs even when individual criteria would not trigger that classification;

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18. Emphasises that a final opinion on the basic territorial unit chosen, the criteria and the threshold values proposed by the Commission can only be given when the detailed maps drawn up by the Member States are available; stresses that, in the absence of such simulation results, the proposed 66 % threshold as well as the thresholds defining the criteria themselves must be viewed with considerable caution and can only be objectively and appropriately adjusted once the national maps are made available; calls on the Commission therefore promptly to examine the results of the mapping exercise and, on this basis, to draw up as soon as possible a detailed communication to the European Parliament and the Council on the delimitation of areas with natural handicaps;
19. Stresses that when the final map of intermediate disadvantaged areas is drawn up, objective national criteria should also be taken into account in order to make possible the adaptation of the definition of the areas to the different specific conditions in each country; considers that this adaptation should be performed in a transparent manner;
20. Considers a degree of voluntary, national fine-tuning of the criteria for support for areas with natural handicaps to be necessary in order to be able to respond appropriately to particular geographical situations where natural handicaps have been offset by human intervention; emphasises however that where land quality has been improved, the burden of ongoing associated maintenance costs such as drainage and irrigation must be taken into consideration; proposes that farm data (such as farm income and land productivity) be used *inter alia* for this purpose; emphasises, however, that the decision on the criteria to be used for fine-tuning must lie with the Member States since many Member States have already developed an appropriate and suitable system of differentiation which should be maintained;
21. Considers that the new criteria might exclude certain areas with natural handicaps that are currently eligible; points out that an adequate phasing-out period should be defined, in order to allow for the regions concerned to adapt to the new situation;
22. Underlines that the areas which have overcome the natural disadvantages of the land through farming techniques should not be definitively removed, especially if they still have low agricultural income or very few production alternatives, and calls on the Commission to ensure a smooth transition for these areas;
23. Calls for technical procedures intended to offset natural handicaps not only to take account of short-term advantages but also to be subject to a Sustainability Impact Assessment;
24. Emphasises the responsibility of the Member States in connection with the objective designation of areas with natural handicaps and the formulation of balanced programmes for rural development; underlines the need for partnership with regional and local authorities in this process; stresses at the same time the need for notification and approval of these national or regional decisions by the Commission;
25. Emphasises that the reform concerning areas with natural handicaps forms an essential part of the future development of the European Union's common agricultural policy;
26. Calls on the Commission within one year to draw up a separate legislative text on agriculture in areas with natural handicaps;

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27. Calls for the review of the Less Favoured Area Scheme to take place in concert with discussions of CAP reform as a whole, to ensure coherence in design of the new support systems for farmers, especially in relation to the new Single Farm Payment;

28. Is aware of the implications that the exercise to re-define intermediate disadvantaged areas could have for the future design of CAP aid, so calls on the Commission to take account of all the standpoints expressed during the public consultation by Member States and by regional and local authorities and the farming groups concerned;

29. Demands the protection of the European budget for rural development, and urges Member States to make full use of co-financing opportunities for LFAs, as one of the most effective and important rural development schemes;

30. Instructs its President to forward this resolution to the Council, the Commission, the European Economic and Social Committee and the Committee of the Regions.

A new Digital Agenda for Europe: 2015.eu

P7_TA(2010)0133

European Parliament resolution of 5 May 2010 on a new Digital Agenda for Europe: 2015.eu (2009/2225(INI))

(2011/C 81 E/08)

The European Parliament,

- having regard to the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions entitled ‘Europe’s Digital Competitiveness Report. Main achievements of the i2010 strategy 2005-2009’ (COM(2009)0390),
- having regard to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled ‘Cross-Border Business to Consumer e-Commerce in the EU’ (COM(2009)0557),
- having regard to its resolution of 14 March 2006 on a European information society for growth and employment ⁽¹⁾,
- having regard to its resolution of 14 February 2007 - Towards a European policy on the radio spectrum ⁽²⁾,
- having regard to its resolution of 19 June 2007 on building a European policy on broadband ⁽³⁾,
- having regard to its resolution of 21 June 2007 on consumer confidence in the digital environment ⁽⁴⁾,
- having regard to Rule 48 of its Rules of Procedure,

⁽¹⁾ OJ C 291 E, 30.11.2006, p. 133.

⁽²⁾ OJ C 287 E, 29.11.2007, p. 364.

⁽³⁾ OJ C 146 E, 12.6.2008, p. 87.

⁽⁴⁾ OJ C 146 E, 12.6.2008, p. 370.

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- having regard to the report of the Committee on Industry, Research and Energy and the opinions of the Committee on the Internal Market and Consumer Protection and the Committee on Culture and Education (A7-0066/2010),
- A. whereas Information and Communication Technologies (ICT) permeate virtually all aspects of our lives and are inextricably linked with our desire for a prosperous and competitive economy, for the preservation of our environment, and for a more democratic, open, inclusive society,
- B. whereas Europe should play a leading role in creating and applying ICT, bringing more value to its citizens and businesses; whereas the use of ICT contributes to underpinning current structural challenges, achieving a sustainable economic growth,
- C. whereas Europe will only reap the benefits of this digital revolution if all EU citizens are mobilised and empowered to participate fully in the new digital society and the person is placed at the core of the policy action; whereas this digital revolution can no longer be thought of as an evolution from the industrial past but rather as a process of radical transformation,
- D. whereas the development of the digital society should be inclusive and accessible to all EU citizens and should be supported by effective policies aiming at closing the digital gap within the EU, empowering more citizens with e-skills to fully use the opportunities offered by ICTs,
- E. whereas, while broadband is available to more than 90 % of the EU's population, take-up occurs in only 50 % of households,
- F. whereas competitive communications markets are important in ensuring that users receive maximum benefits in terms of choice, quality and affordable prices,
- G. whereas Europe's potential is indissolubly linked with the skills of its population, its workforce, and its organisations; whereas without skills there can only be limited economic and social added value from ICT technologies and infrastructures,
- H. whereas ICT can be an extremely powerful enabler in efforts to bring positive and sustainable development to countries around the globe and to fight against poverty and social and economic inequalities,
- I. whereas citizens will refrain from interacting, expressing their opinions freely and entering into transactions if they do not have sufficient confidence in the legal framework of the new digital space; whereas the guarantee and enforcement of fundamental rights in this context is an essential condition for confidence on the part of citizens; whereas the guarantee of protection of intellectual property rights (IPR) and other rights is an essential condition for confidence on the part of business,
- J. whereas cybercrimes, such as incitation to commit terrorist attacks, hate-based criminal acts, and child pornography, have increased and are endangering individuals including children,
- K. whereas Europe's cultural and creative industries not only play an essential role in promoting cultural diversity, pluralism of the media and participative democracy in Europe, but also constitute a major engine of sustainable growth and economic recovery in the European Union; whereas particular attention must be paid to cultural and language specificities in the debate on the establishment of a single market in the creative content sector;

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- L. whereas European democratic society, the participation of citizens in public debate and access to information in the digital world depends on a vibrant and competitive press sector as the fourth pillar of democracy,
- M. whereas the lack of progress in creating, disseminating and using ICT is responsible for a delay in growth and productivity, and whereas young businesses with high growth potential working in the area of ICT innovation are hard pressed to establish a sustainable market position,
- N. whereas the private and public sectors need to invest in new innovative platforms and services such as, for example, cloud computing, e-health, smart meters, smart mobility, etc; whereas strengthening the single European market will increase interest in investments in the European economy and markets, and lead to further economies of scale,
- O. whereas we have not yet achieved a fully functioning digital single market for online and communications services in Europe; whereas the free movement of digital services and cross-border e-commerce is today severely hindered by fragmented rules at national level; whereas European companies and public services will gain economic and social benefits from the use of advanced ICT services and applications,
- P. whereas, whilst the Internet is the fastest growing retail channel, the gap between domestic and cross-border e-commerce in the EU is widening; whereas a considerable potential for substantial savings exists through cross-border e-commerce for EU citizens, as identified by the Commission Communication on cross-border business to consumer e-commerce in the EU (COM(2009)0557),
1. Calls on the Commission to come forward with a proposal for an ambitious digital agenda and action plan enabling Europe to progress towards an open and prosperous digital society offering all citizens economic, social and cultural opportunities; proposes that this new digital agenda be called '2015.eu agenda' and be based on the model of the virtuous 2015.eu spiral;
 2. Stresses the importance of continuing efforts towards ubiquitous and high-speed access to fixed and mobile broadband for all citizens and consumers, including by safeguarding competition to the benefit of consumers; emphasises that this requires targeted policies that promote competition and efficient investment and innovation in new and enhanced access infrastructures and consumer choice in delivering access, on fair terms and at competitive prices for all citizens, irrespective of location, thereby ensuring that no European citizen faces exclusion;
 3. Believes that every EU household should have access to broadband Internet at a competitive price by 2013; calls upon the Commission and the Member States to promote all available policy instruments to achieve broadband for all European citizens, including the use of the European Structural Funds and of the digital dividend for extending mobile broadband coverage and quality; calls, furthermore, on Member States to impart new impetus to the European high-speed broadband strategy, notably by updating national targets for broadband and high-speed coverage;
 4. Notes that there are some ambiguities in the State aid rules that may affect Community-supported broadband services, particularly as regards the ability of public authorities to consolidate their own network requirements as the basis for new investment; asks the Commission to deal with these problems urgently;

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5. Recalls that particular attention should be paid to rural areas, areas affected by industrial transition, and regions which suffer from severe and permanent natural or demographic handicaps, in particular the outermost regions; considers that an appropriate solution to ensure the effective supply of and access to broadband Internet by the citizens of these regions within an acceptable timeframe and at a reasonable cost is through wireless technologies including satellite which enable an immediate ubiquitous connectivity to the Internet backbone;
6. Recalls that the universal service obligations correspond to the minimum set of services of specified quality to which all end-users should have access at an affordable price without distorting competition and imposing an additional burden on consumers and operators; urges the Commission to produce its long-awaited review of universal service without delay;
7. Highlights the importance of guaranteeing disabled end-users access at a level equivalent to that available to other end-users, as urged by the European Parliament in its review of the Universal Service and Users' Rights Directive; asks the Commission to take the utmost account of disabled users' needs in the '2015.eu agenda';
8. Calls on the Commission to carry out an impact assessment to examine how an EU-wide number portability can be realised;
9. Underlines the importance of maintaining Europe as the 'mobile continent' in the world and ensuring that 75 % of mobile subscribers are mobile broadband users with access to high-speed wireless services by 2015;
10. Recalls the necessity to accelerate the harmonised deployment of the digital dividend spectrum in a non-discriminatory manner, without compromising existing and enhanced broadcast services;
11. Calls on the Commission to address through the Radio Spectrum Committee practical and technical requirements to ensure the timely availability of spectrum, with sufficient flexibility, to enable the deployment of new technologies and services such as mobile broadband; calls on the Commission to report on competition and spectrum market developments;
12. Underlines the need for further assessment and research into potential interference between existing and future users of the spectrum so as to mitigate potential negative consequences for consumers;
13. Considers that, as Internet access rates are increasing, Member States should strive to achieve the connection of 50 % of EU households to very high-speed networks by 2015 and 100 % by 2020 enabling a reliable and improved end-user experience in line with consumer expectations and needs; recalls that for achieving these objectives an appropriate policy framework is vital to enable private investment, while safeguarding competition and boosting consumer choice;
14. Urges Member States to transpose the new electronic communications regulatory framework before the established deadline and to fully enforce it and to empower national regulators accordingly; emphasises that the new framework provides for a predictable and consistent regulatory environment which stimulates investment and promotes competitive markets for ICT networks, products and services contributing to an enhanced single market for information society services; insists that any guidance on the application of the telecoms package to Next Generation Access needs to give full effect to the concepts introduced in the directives to foster the deployment of these networks;

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15. Considers that it is necessary to increase the effectiveness of regulatory coordination by ensuring that BEREC is fully operational as soon as possible;
16. Calls on stakeholders to adopt open models for communications network deployment to help boost innovation and drive demand;
17. Recalls the need for transparency and predictability of regulation and calls on the Commission to continue to integrate Better Regulation principles in the preparation of legislative and non-legislative initiatives, in particular through targeted and timely impact assessments;
18. Recalls that interoperability and accessibility are interlinked and are the bricks on which an efficient information society will be built in order for products, infrastructures and services to interoperate with each other so that Europeans can access services and data independently of which software they use;
19. Insists that digital competences are crucial for an inclusive digital society and that all EU citizens should be empowered and have the incentives to develop the appropriate digital skills; stresses that digital competences could help disadvantaged people (i.e. elderly people and those on low incomes) to be included in society; calls on the Commission and on the Member States to tackle the disparities between the different groups in society in terms of digital literacy and Internet use, the so-called emerging second digital divide; emphasises the essential commitment to reduce digital literacy and competence gaps by half by 2015;
20. Calls for respect for transparency, accessibility and equality of opportunity in the use of ICT systems, with a view to improving their user-friendliness for the largest possible number of European citizens;
21. Stresses that all primary and secondary schools must have reliable, quality Internet connections by 2013 and very high-speed Internet connections by 2015 with the support of the regional and cohesion policy where appropriate; emphasises that ICT training and e-learning should become an integral part of lifelong learning activities enabling better and accessible education and training programmes;
22. Recognises the importance of e-learning as a method of education adapted to ICT innovations which can meet the needs of people who do not have ready access to conventional educational methods, but underlines that the need for the exchange of information between teachers, students and other interested parties is an essential prerequisite; takes the view that international exchanges must also be encouraged in order that educational establishments may regain their important role in promoting understanding between peoples;
23. Recommends introducing the notion of digital literacy into education systems, starting as early as the pre-primary level, in parallel with foreign languages, with the aim of producing skilled users as early as possible;
24. Notes the importance of equipping EU citizens with digital skills in order to help them fully exploit the benefits of participating in the digital society; reaffirms the need to ensure that the knowledge, skills, competence and creativity of the European workforce meet the highest global standards and are constantly updated; believes that digital literacy and competences should be central aspects of EU policies as they are the main drivers of Europe's innovation society;
25. Proposes the launch of a 'Digital literacy and inclusion action plan' at EU and Member State levels, notably comprising: specific digital literacy training opportunities for unemployed people and groups at risk of exclusion; incentives for private-sector initiatives to provide digital skills training to all employees; a European-wide 'Be smart online!' initiative to make all students, including those engaged in life-long learning and professional training, familiar with the safe use of ICT and online services; and a common EU-level ICT certification scheme;

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26. Calls on the Member States to take all necessary measures to inspire young professionals to choose ICT as a career; calls on Member States in the meantime to place more emphasis in their national education programmes on natural science subjects, such as maths and physics, for primary school pupils; takes the view that, as there is a real and urgent need for action to meet the demand for ICT skills in Europe in even the short to medium term, a better data base for e-skills monitoring will be needed; calls on the EU institutions to take further actions to create this data base;

27. Emphasises that all EU citizens should be made aware of their basic digital rights and obligations through a European Charter of citizens' and consumers' rights in the digital environment; believes that this Charter should consolidate the Community acquis including, in particular, users' rights relating to the protection of privacy, vulnerable users and digital content as well as guaranteeing adequate interoperability performance; reaffirms that rights in the digital environment should be considered within the overall framework of fundamental rights;

28. Believes firmly that the protection of privacy constitutes a core value and that all users should have control of their personal data, including the 'right to be forgotten'; urges the Commission to take account not only of data protection and privacy questions as such, but especially of the specific needs of minors and young adults with respect to these questions; calls on the Commission to submit a proposal for the adaptation of the Data Protection Directive to the current digital environment;

29. Calls on the Commission and the Member States to take further action to improve digital security, to fight cybercrime and spam, to enhance users' confidence and to secure the European Union cyberspace against all kinds of crimes and offences; calls on the Commission and the Member States to effectively engage and enhance international cooperation in this area; reminds Member States that almost half of them have still not ratified the Council of Europe Convention on Cybercrime and urges all Member States to ratify and implement this Convention;

30. Calls on the Member States to take steps with a view to making secure electronic identification available to everyone in Europe;

31. Insists on safeguarding an open Internet, where citizens have the right and business users are able to access and distribute information or run applications and services of their choice as provided for by the new regulatory framework; calls on the Commission, the Body of European Regulators for Electronic Communications (BEREC) and the National Regulatory Authorities (NRAs) to promote the 'net neutrality' provisions, to monitor its implementation closely and to report to the European Parliament before the end of 2010; considers that EU legislation should preserve the 'mere conduit' provision established in the e-Commerce Directive (2000/31/EC) as a crucial way of enabling free and open competition on the digital market;

32. Stresses that pluralism, freedom of the press and respect for cultural diversity are core values and end goals of the European Union; calls on the European Commission therefore to ensure that all proposed EU policies comply with these values and goals;

33. Welcomes the rapid implementation of the legislation on roaming; underlines the further need for constant monitoring of EU mobile roaming prices, including those of data roaming; calls on BEREC to carry out an independent analysis on methods other than price regulation which could be used to create a competitive internal market for roaming; calls on the Commission on the basis of the analysis of BEREC and of its own review, to propose before 2013 a long-term solution to the problem of roaming in order to ensure a well-functioning, consumer-oriented and competitive roaming market thereby leading to lower prices;

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34. Stresses that digital services can contribute to Europe making full use of the internal market; calls for an effective policy for a digital single market that makes online services in Europe more competitive, accessible, cross-border and transparent providing the highest possible level of consumer protection and putting an end to territorial discrimination; calls on the EU institutions to remove the key regulatory and administrative obstacles to cross-border online transactions by 2013; calls on the Commission to further its ongoing assessment of the Community acquis affecting the digital single market and to propose targeted legislative action on key impediments;

35. Calls for a study on harmonised rules within the EU to promote a common market in cloud computing and e-commerce;

36. Calls on the Commission to consider measures to further increase the transparency of terms and conditions of cross-border online trade and the effectiveness of cross-border enforcement and redress; underlines that a successful development of online trade requires efficient distribution of products and goods, and therefore highlights the need for a rapid implementation of the 3rd Postal Directive (2008/6/EC);

37. Believes that Member States should ensure the necessary digital environment for enterprises, especially SMEs; calls on Member States to establish 'one-stop-shops' for VAT in order to facilitate cross-border e-commerce for SMEs and entrepreneurs and calls on the Commission to support the wide use of e-invoices;

38. Calls on the Commission and the Member States to ensure that, by 2015, at least 50 % of all public procurements are carried out through electronic means, as established by the Action Plan agreed to at the Ministerial Conference on e-government, held in Manchester in 2005;

39. Takes the view that, almost a decade after their adoption, the Directives constituting the legal framework for the information society appear out of date due to the increased complexity of the online environment, the introduction of new technologies and the fact that EU citizens' data are increasingly processed outside of the EU; believes that, while the legal issues arising from some Directives can be resolved through an incremental update, other Directives need a more fundamental revision and that the adoption of an international framework for data protection is needed;

40. Emphasises the potential value for citizens and businesses of the digital switchover of public services (e-government) in order to enable a more efficient and personalised provision of public services; calls on Member States to seize ICT tools to improve transparency and accountability of government action and to contribute to a more participative democracy involving all socio-economic groups, raising the awareness of new users, and building up trust and confidence; calls on Member States to develop national plans for the digital switchover of public services, which should include targets and measures for getting all public services online and accessible to persons with disabilities by 2015;

41. Underlines the importance of broadband for European citizens' health in enabling the use of efficient health information technologies, enhancing the quality of care, extending the geographic reach of healthcare to rural insular, mountainous and sparsely populated areas, facilitating in-home care and reducing unnecessary treatments and costly patient transfers; recalls that broadband can also help protect European citizens by facilitating and promoting public safety information, procedures, disaster response and recovery;

42. Points out that ICTs are particularly important to people with disabilities, who have a greater need than most for technological assistance in their day-to-day activities; considers that people with disabilities have a right to share, on equal terms, in the rapid development of products and services derived from new technologies, since this will enable them to participate in an inclusive information society without barriers;

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43. Emphasises the need to develop a 'Fifth Freedom' that enables the free circulation of content and knowledge and to achieve, by 2015, a convergent, consumer-friendly legal framework for accessing digital content in Europe, which would improve certainty for consumers and achieve a fair balance between the right-holders' rights and the general public's access to content and knowledge; urges the EU, in view of the pace of technological development, to accelerate the debate on copyright and to analyse the impact of an EU copyright title under Article 118 of the Treaty on the Functioning of the EU to provide uniform protection of intellectual property rights throughout the Union, both online and offline;

44. Recognises that Europe's creative and cultural industries not only play an essential role in the promotion of cultural diversity, media pluralism and participatory democracy in Europe, but are also an important engine for sustainable growth in Europe and thus can play a decisive role in the EU's economic recovery; acknowledges the need to foster an environment that will continue to encourage creative industry; calls in this respect on the Commission to implement the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions in all policy initiatives relating to the Digital Agenda;

45. Stresses that a European digital agenda needs to promote the production and dissemination of high-quality and culturally diverse content in the EU in order to incentivise all EU citizens to adopt digital technologies such as the Internet, and to maximise the cultural and social benefits EU citizens can derive from those technologies; recommends that an EU-level information campaign be initiated in order to achieve a higher level of awareness, notably by the development and dissemination of digital cultural content; calls on the Commission to consider, within its legislative work programme, the possibility of allowing Member States to apply a reduced VAT rate to the distribution of online cultural goods;

46. Underlines that the Internet, which offers many new opportunities for the circulation of and access to the products of creative work, also poses new challenges to securing the European Union cyberspace against new kinds of crimes and offences; notes that sanctions, as one of the possible tools in the field of copyright enforcement, should be targeted at commercial exploiters before individual citizens, as a point of principle;

47. Believes that, in the light of new technologies, new digital delivery means and changing consumer behaviour, the EU needs to promote supply-side policies and to consider the further development of copyright licensing and clearance rules; calls for an improved, more efficient, and more consistent transparent rights management and clearance system for both musical and audiovisual works and for more transparency and competition between collecting rights management organisations;

48. Underlines that greater attention must be paid in the new Digital Agenda to the digitisation of, and improving citizens' access to, Europe's unique cultural heritage; urges Member States to provide adequate financial support for the EU digitisation policy, while encouraging both the Commission and the Member States to find appropriate solutions to the current legal obstacles;

49. Expresses its deep concern regarding the future of the European digital library project unless radical changes take place in the fields of the digital format of the library, management, efficiency, practicability, usefulness and large-scale mediatisation of the project;

50. Considers that, alongside consistent deployment of ICT, it is essential to promote ICT research excellence and foster public and private investment in high-risk, collaborative ICT research and innovation; stresses that Europe should be at the cutting edge in the development of Internet technologies, cloud computing, intelligent environments and supercomputers, and ICT low-carbon applications; proposes that the EU ICT research budget be doubled and that the budget for ICT take-up be multiplied by four in the next Financial Perspective;

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51. Regrets the fact that, with respect to attracting, developing and keeping academic talent in ICT, Europe continues to lag behind other leading marketplaces and suffers a substantial brain drain due to better working conditions in the US for academics and researchers; stresses that, to address this problem, Europe needs to work with academia, along with industry, to develop a vibrant career development programme that supports the vital role of the scientific research community in a broad-based world-class ICT innovation strategy;
52. Considers that by 2015 all European research institutes and infrastructures must be linked by Gbps ultra-high speed transmission networks, creating a European research community intranet;
53. Calls for greater investment in the use of open source software in the EU;
54. Calls for new investment in research in order to improve implementation of existing digital instruments, so as to guarantee access to cultural products for all citizens;
55. Is concerned about red tape in the EU Framework Programme (FP); calls on the Commission to eliminate red tape by re-engineering FP processes without jeopardising the programme, and by creating a users' board;
56. Calls on the Commission to assess with the Member States in what way Directives 2004/17/EC et 2004/18/EC on public works contracts and the transposition thereof support research and innovation and, where appropriate, to identify best practices; calls on the Commission and the Member States to consider developing public works contract innovation indicators;
57. Recalls that the future competitiveness of Europe and its capacity to recover from the current economic crisis largely depend on its ability to facilitate the general and effective deployment of ICT in undertakings; notes, however, that SMEs are still lagging far behind large undertakings and draws special attention to the guarantees which micro and small undertakings should be given to ensure that they are not deprived of the benefits of the development of ICTs; calls on Member States and the Commission to step up support for SMEs as regards the use of ICT tools to increase their productivity;
58. Calls on the Commission to come forward with a digital plan to promote on-line business opportunities, aimed primarily at offering alternatives to those people recently made unemployed in the context of the financial crisis; takes the view that this plan should consist of making available affordable software and hardware alongside free Internet connection and free-of-charge consultancy;
59. Considers that the 2015.eu agenda should aim at mainstreaming ICT for a low-carbon economy; calls for exploitation of ICT technologies to meet the 20-20-20 objectives of the Climate Change strategy; considers that the implementation of applications such as smart power grids, smart metering, smart mobility, smart cars, smart water management and e-health should be key initiatives of 2015.eu; points out also that the ICT sector footprint should be reduced by 50 % by 2015;
60. Considers that international commerce should be driven by the principle of fair trade, with the aim of achieving a proper balance between the opening-up of markets and the legitimate protection of the various economic sectors, with a particular focus on working and social conditions;
61. Considers that the ownership of the 2015.eu agenda by all political and geographical levels (EU, national and regional), in the spirit of multilevel governance, as well as political visibility, are essential prerequisites for effective implementation; proposes in this regard that Digital Agenda Summits be periodically organised to review progress at Union and Member State level and to renew political impetus;

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62. Draws the attention of the Commission specifically to the necessity to set smart (specific, measurable, appropriate, realistic and time-based) objectives and targets and adopt an Action Plan mobilising all appropriate EU instruments: funding, soft law, enforcement and, where necessary, targeted legislation across all relevant policy fields (i.e. electronic communications, education, research, innovation, cohesion policy); calls on the Commission to carry out a regular review of the 2015.eu strategy's achievements on the basis of a broad set of indicators enabling a quantitative and qualitative analysis of social and economic impacts; calls upon the Commission and the Member States to ensure appropriate coordination among EU and national and regional programmes in this field;

63. Instructs its President to forward this resolution to the Council, the Commission and the Member States.

The EU strategy for the relations with Latin America

P7_TA(2010)0141

European Parliament resolution of 5 May 2010 on the EU strategy for relations with Latin America (2009/2213(INI))

(2011/C 81 E/09)

The European Parliament,

- having regard to the declarations of the five Summits of Heads of State and Government of Latin America and the Caribbean and the European Union held to date in Rio de Janeiro (28 and 29 June 1999), Madrid (17 and 18 May 2002), Guadalajara (28 and 29 May 2004), Vienna (12 and 13 May 2006) and Lima (16 and 17 May 2008),
- having regard to the joint communiqué of the 14th Ministerial Meeting of the Rio Group and the EU, held in Prague on 13 and 14 May 2009,
- having regard to the joint communiqué of the Ministerial Meeting of the San José Dialogue between the EU Troika and the Ministers of the Countries of Central America, held in Prague on 14 May 2009,
- having regard to the declaration adopted at the 19th Ibero-American Summit of Heads of State and Government, held in Estoril (Portugal) between 29 November and 1 December 2009 (Lisbon Declaration),
- having regard to the Commission communication of 30 September 2009 on 'The European Union and Latin America: Global Players in Partnership' (COM(2009)0495),
- having regard to the conclusions of the Council of the European Union on relations between the European Union and Latin America of 8 December 2009,
- having regard to the resolutions of the Euro-Latin American Parliamentary Assembly (EuroLat), and in particular the resolution of 20 December 2007 on EU-Latin America relations with a view to the Fifth Lima Summit and with special reference to democratic governance, the resolution of 8 April 2009 on the Euro-Latin American Charter for Peace and Security and the motion for a resolution of 15 October 2009 on the European Union–Latin America Partnership with a view to the Sixth Summit in Madrid in May 2010,

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- having regard to its resolutions of 15 November 2001 on a global partnership and a common strategy for relations between the European Union and Latin America ⁽¹⁾, of 27 April 2006 on a stronger partnership between the European Union and Latin America ⁽²⁾, and of 24 April 2008 on the Fifth Latin America and Caribbean - European Union Summit in Lima ⁽³⁾,
- having regard to its resolutions of 10 February 2010 on the earthquake in Haiti, of 11 February 2010 on Venezuela and of 11 March 2010 on prisoners of conscience in Cuba,
- having regard to its resolution of 11 October 2007 on the murder of women (femicide) in Mexico and Central America and the role of the European Union in fighting the phenomenon ⁽⁴⁾,
- having regard to Rule 48 of its Rules of Procedure,
- having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on Development (A7-0111/2010),
 - A. whereas the biregional strategic partnership between the EU and Latin America is crucial, and it is important for both regions to continue deepening and improving this partnership,
 - B. whereas strengthening relations between the EU and Latin America is one of the priorities of the Spanish Presidency of the EU and of the future Belgian and Hungarian Presidencies,
 - C. whereas this biregional strategic partnership has achieved significant progress since its first summit in 1999, in particular the creation of the EuroLat Assembly - the parliamentary arm of the biregional strategic partnership - at the Vienna summit, but there are still some steps that need to be taken and challenges that need to be faced,
 - D. whereas one of the key objectives of the biregional strategic partnership is regional integration, with the conclusion of subregional and bilateral partnership agreements alongside strategic partnerships,
 - E. whereas the Union of South American Nations (UNASUR) – despite differing in nature from the other South American integration processes (ACN, Mercosur and CAIS) – can lend impetus to those integration processes,
 - F. whereas, when faced with potential inter-American disputes, now or in the future, the governments involved – in line with the principle of subsidiarity – should exhaust all Latin American sources of legal remedy before turning to others outside the southern hemisphere,
 - G. whereas military expenditure both in Latin America and in Europe has increased considerably in recent years,
 - H. whereas this biregional strategic partnership has further consolidated coordination between the two parties within international forums and institutions, and as well as setting a common agenda it should continue to coordinate positions on matters of global importance, taking account of the interests and concerns of both parties,

⁽¹⁾ OJ C 140 E, 16.3.2002, p. 569.

⁽²⁾ OJ C 296 E, 6.12.2006, p. 123.

⁽³⁾ OJ C 259 E, 29.10.2009, p. 64.

⁽⁴⁾ OJ C 227 E, 4.9.2008, p. 140.

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- I. whereas the recent ratification by the EU of the United Nations Convention on the Protection of the Rights of Persons with Disabilities is a milestone, and in view of what its implementation might mean for the over 60 million disabled persons living in Latin America in terms of the effective exercising of their civil and social rights and the promotion of equal opportunities,
- J. whereas a new administration has taken office in the United States, raising great expectations,
- K. whereas Latin America is an area which is home to more than 600 million people, accounts for 10 % of world GDP and has 40 % of the planet's plant species and exceptional human capital,
- L. whereas relations between the EU and Latin America are based on common values, and respect for human rights and fundamental freedoms is a key aspect of the strategic partnership,
- M. whereas the development of relations with Latin America is of mutual benefit and can bring advantages both to all EU Member States and to the countries of Latin America as a whole,
- N. whereas gender mainstreaming in all policies can help render societies fairer and more democratic, in that men and women are then viewed as equals in all walks of life,
- O. whereas the EU and Latin America and the Caribbean bring together more than a billion people and a third of the member states of the UN,
- P. whereas the EU is the main donor of development aid, the main investor and the second largest trading partner in Latin America - and the main trading partner in the case of Mercosur and Chile - and, since the biregional strategic partnership was launched in 1999, it has financed projects and programmes worth a total of more than EUR 3 billion,
- Q. whereas recovery from worldwide recession will still be slow in 2010; whereas, although Latin America has withstood the crisis better than other, advanced economies and average growth there in 2010 will reach almost 3 %, recovery will be very uneven and growth levels will not be high enough to produce a significant improvement in social conditions for its population, which still has far less social protection than its European counterpart,
- R. whereas there are high levels of youth unemployment in certain major Latin American countries and EU Member States,
- S. whereas, although significant progress has been made, the child and maternal mortality indicators for the region are disconcerting,
- T. whereas drugs production and trafficking continue to be a very serious problem in the region; whereas the cultivation of coca leaves has increased in South America and there is a political and cultural disparity between the UN conventions and resolutions which consider it to be a prohibited crop and the official doctrine of certain governments which claim that the plant is part of their indigenous culture,

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- U. having regard to the situation of poverty, inequality and discrimination characterising certain indigenous communities in many Latin American countries,
- V. whereas significant improvements are needed in sectors such as energy, water, infrastructures and communications, to match those already made in the telecommunications sector,
- W. whereas development in Latin America and the region's ability to take part in integration processes will be held back unless infrastructures are properly adapted,
- X. whereas the EU's immigration policy is causing great concern in Latin America and agreements need to be reached that take into account the Euro-Latin American partners' legitimate interests on this very sensitive subject,
- Y. whereas the European Investment Bank (EIB) commenced its operations in Latin America in 1993 and has EUR 2.8 billion available to finance projects in the region in its current term (2007-2013),
- Z. whereas innovation and knowledge are fundamental instruments for eradicating poverty, combating hunger and attaining sustainable development, as was noted by the most recent Ibero-American summit,
- AA. whereas a recent study by the Organisation of Ibero-American States for Education, Science and Culture (OEI) and the Economic Commission for Latin America and the Caribbean (ECLAC) put at EUR 55 billion the budget needed if the 2021 Educational Goals, which aim to put an end to the huge inequalities that exist at present, wipe out illiteracy, guarantee an education for the 15 million children aged between 3 and 6 who still do not go to school, create robust and effective vocational training systems, and appreciably improve university entry conditions, are to be achieved in the ten years between 2011 and 2021,
1. Welcomes the Commission communication 'The European Union and Latin America: Global Players in Partnership', which is designed to identify, assess and put forward operational proposals aimed at achieving a full biregional strategic partnership;
 2. Welcomes the efforts made by the Spanish presidency to secure the signing of the EU-Central America Association Agreement and the multi-party trade agreements with Colombia and Peru, as well as its clear desire and commitment to relaunch negotiations between the EU and Mercosur;
 3. Reiterates that support for the various regional integration processes in Latin America is a basic principle for the biregional strategic partnership, and trusts that this biregional strategic partnership will lead to closer coordination of positions on crisis situations and issues of world importance, on the basis of shared values, interests and concerns;
 4. Notes the political changes that have occurred in both regions, and points to the need to follow developments so that the EU's Latin America policy can be redirected and adapted to the new circumstances if necessary;
 5. Stresses the importance of the principles and values that underpin the biregional strategic partnership, such as pluralist and representative democracy, respect for human rights (in the political, economic and social domains) and fundamental freedoms, freedom of expression, the constitutional state and the rule of law, respect for due process, legal certainty and the rejection of all forms of dictatorship and authoritarian rule;

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6. Calls on all those involved in the biregional strategic partnership to fulfil their responsibility in the area of governance and social justice;

Parliament's strategic vision of the EU-Latin America biregional strategic partnership

7. Reaffirms that the ultimate goal of the EU-Latin America biregional strategic partnership is the creation of a Euro-Latin American global interregional partnership area, by, approximately, 2015, in the areas of politics, economics, trade and social and cultural affairs, intended to ensure sustainable development in both regions;

Means of achieving the objectives of a Euro-Latin American area of global interregional partnership

In the political area of the biregional strategic partnership

8. Calls for the new possibilities offered by the implementation of the Treaty of Lisbon to be used for the benefit of the biregional strategic partnership;

9. Calls on the Vice-President / High Representative of the Union for Foreign Affairs and Security Policy to ensure the unity, consistency and effectiveness of the Union's external action in relation to Latin America, with the support of the European External Action Service (EEAS) and by playing an active part at the forthcoming EU-Latin American and Caribbean Summit in May 2010 in Madrid;

10. Calls, in particular, on the Vice-President / High Representative and on the Council to set clear guidelines for the best way of working closely together in order to foster effective multilateralism, ensure preservation of the environment and natural resources, combat climate change, boost the UN's peacekeeping and peace consolidation capacities, ensure achievement of the Millennium Goals, and, within the framework of international law, tackle common threats to peace and security, including trafficking in illegal drugs and weapons, organised crime and terrorism, in line with the decisions reached in Lima;

11. Calls, likewise, for the creation of appropriate mechanisms for institutional cooperation between the EuroLat Assembly and the various EU bodies, as set out in the conclusions of the Lima summit;

12. Reiterates that the future EEAS must ensure that the EP has valid interlocutors in the EU's delegations - above all in key regions such as Latin America - so as to guarantee full cooperation with Parliament;

13. Recommends that a Euro-Latin American Charter for Peace and Security be adopted, including, on the basis of the UN Charter and related international law, strategies and guidelines for joint political and security action in order to deal with the common threats and challenges facing the members of the biregional strategic partnership;

14. Commends UNASUR on the work it has carried out and the diplomatic successes it has achieved in South America;

15. Reiterates its belief that the internal stability of many Latin American partner countries continues to depend on the reform of the state, which must include full and effective participation in the decision-making process by all indigenous populations and other minorities, so as to prevent discrimination of whatever kind and support their cultural rights and traditions, as these will help to enrich societies further and strengthen democratic governance;

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16. Points out that an efficient and independent judiciary and an effective policy of respect for human rights as part of a responsible administration subject to controls and operating transparently will give citizens a sense of security, help build their trust in the representative parliamentary system and prevent them from becoming alienated from that system;

17. Calls for the continuation and deepening of a constructive dialogue on migration issues in the Euro-Latin American area, with both countries of destination and countries of origin and transit; with this in view, supports the structured global biregional dialogue on migration between the EU and Latin America and the Caribbean, which began on 30 June 2009, thereby providing an impetus for the attainment of the undertakings given at the Lima summit; also welcomes the setting-up of a working group on migration within the EuroLat Parliamentary Assembly with the aim of creating a forum for dialogue and proposals in this area, taking part of the sensibilities of both partners on the matter;

18. Recommends, with reference to the projects currently under way in Peru, Colombia and Bolivia, that the funding allocated to programmes to eradicate drugs crops through alternative development programmes should be stepped up, and that a means be sought to involve the communities concerned in this;

19. Deplores the fact that some countries' financial efforts have prioritised an excessive increase in military spending at a time when it is essential to reduce the effects of underdevelopment, poverty, pandemics, malnutrition, crime and natural disasters;

20. Urges that climate change and global warming should remain a priority on the political agenda between the EU and the countries of Latin America and the Caribbean; stresses the need to agree joint positions in the various forums for dialogue on the environment and climate change, especially in the UN framework, while also supporting the summit to be held in Mexico in late 2010; calls, in addition, for the continuation of the meetings of the environment ministers from both regions following the initial one held in Brussels in March 2008; stresses, besides, that it is the poorest, and above all the indigenous communities, who are the first to fall victim to the adverse effects of climate change and global warming; hopes also that measures under the Latin America Investment Facility (LAIF) can be oriented, among other things, towards support for projects to combat the impact of climate change and the promotion of local public transport, electric vehicles and the ITT-Yasuni project in Ecuador, etc.;

In the economic and commercial area of the biregional strategic partnership

21. Reiterates its proposal for the creation of a Euro-Latin American global interregional partnership area based on a 'WTO-Regionalism' compatible model in two stages;

22. Supports firmly, with a view to completing the first phase, the resumption of negotiations on the EU-Mercosur Association Agreement - given that an Association Agreement of this kind, which is of the utmost importance and affects 700 million people, would, if concluded swiftly, be the world's most ambitious biregional agreement - , the conclusion of negotiations on the EU-Central America Association Agreement before the Madrid summit, the revision of the 2003 political and cooperation agreement with the Andean Community, and the deepening of the existing Association Agreements with Mexico and Chile; notes that the negotiations on the multi-party trade agreement between the EU and the countries of the Andean Community have been concluded satisfactorily; will endeavour to carry out, with due accuracy, the parliamentary ratification procedure on these agreements in order to ensure they have a positive impact on all aspects of mutual concern;

23. Recalls that the negotiations on the EU-Central America Association Agreement were started on the basis of a region-to-region approach, and emphasises that they should be concluded in the same manner, ensuring that no country falls behind;

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24. Calls, in order to complete the second stage and with a view to reaching a global interregional partnership agreement by around 2015, for legal and institutional support and full geographical coverage to be provided for the various strands of the biregional strategic partnership, and for common provisions and rules of general scope to be established that facilitate the exercise of the various freedoms, so as to create as broad a partnership as possible by deepening both the integration agreements within Latin America and the EU's partnership process with the various countries and regional groupings;

In the social area of the biregional strategic partnership

25. Recommends, with a view to concerted action, coordinating the positions of both regions on how to achieve the Millennium Development Goals in the run-up to the high-level UN meeting scheduled for September 2010, in particular those concerning action to combat poverty, the creation of stable, quality jobs, and the social inclusion of marginalised groups, in particular indigenous groups, children, women and disabled persons;

26. Considers the Millennium Development Goals (MDGs) to be one of the most important objectives to be achieved by 2015, by focusing investment on the poorest countries and most vulnerable peoples, and calls for both regions to find common ground ahead of the MDG high-level meeting to be held in September 2010;

27. Trusts that the opening of a serious and rigorous dialogue on topics linked to science, technology and innovation may boost the creation of a Euro-Latin American area of innovation and knowledge, with the agreement on innovation concluded with Chile being taken as an example to follow;

28. Reiterates that education and investment in human capital are the foundation of social cohesion and socio-economic development, and calls for decisive action, backed up by adequate funding, to be taken against illiteracy, the rate of which remains high in some countries in the region, in particular among girls and women, and for access to be provided to non-fee-paying public education at primary and secondary levels, which is currently restricted owing to a lack of the necessary budgetary resources in some countries; in this context, supports the project drawn up by the OEI, 'Educational goals 2021: the education we want for the generation of the bicentenaries';

29. Points out that unless there is a substantial change in the socio-economic environment it will be impossible for Latin America to be a full player in the knowledge society, which is the key strategic tool for development;

30. Welcomes the initiatives to promote and exchange knowledge and best practice in the field of law, such as the recent creation of a Centre for Legal Research, Development and Innovation for Latin America, welcomes the setting-up of the Group of 100, and takes the view that such initiatives may provide an extraordinarily useful tool to support the efforts made by the Commission to build the biregional strategic partnership;

31. Suggests that Latin American countries with potential or actual disputes with neighbouring countries – whether they be over borders or other issues – make every effort to bring those disputes before the courts established under the various integration processes or dealing with Latin American matters, and to avoid their transfer to courts outside the southern hemisphere;

32. Welcomes the efforts made with regard to gender equality, and asks for these to be stepped up; recommends the development of EU-Latin America cooperation policies which promote the strengthening of the legal status of women and equal access to education employment and to human and social rights, and calls on the governments and cooperation bodies concerned to support those initiatives with the appropriate human, financial and technical resources;

33. Calls on the relevant institutions within the strategic partnership to provide appropriate financial and technical support for policies to prevent and provide protection against violence against women;

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34. Welcomes the recent ruling by the Inter-American Court of Human Rights on the Campo Algodonero feminicides in Mexico, as a precedent for the whole region; calls on the governments of the EU and Latin America and the Caribbean to use this ruling as a guideline for future work, and to ensure that their strong condemnation of violence against women is accompanied by properly funded protection, prevention and restorative justice programmes; calls also for a strong commitment to combating gender violence in general, and for appropriate investment in reproductive health and in programmes designed to promote gender equality, sex education and access to methods of family planning, in accordance with the ICPD Programme of Action (1994);
35. Welcomes the efforts towards social cohesion made in recent years by the European Commission, the IDB, the United Nations Development Programme (UNDP), the Economic Commission for Latin America and the Caribbean (ECLAC), the IMF and the World Bank, and recommends that the Eurosocial, URB-AL and EUroCLIMA programmes be renewed and stepped up; recommends also that the United Nations Convention on the Rights of Persons with Disabilities be properly implemented, so as to promote equal opportunities for the over 60 million people in Latin America who are disabled and therefore at great risk of social exclusion;
36. Reiterates the importance of pooling experience in connection with issues of shared interest, such as social cohesion as a means of combating poverty and reducing inequality; welcomes, in this connection, the EU-LAC Forum on Social Cohesion held at ministerial level in Lima from 8 to 10 February 2010, which focused on the theme of 'The promotion of decent work for young people: promoting social cohesion', as well as the Bahia Declaration issued at the end of the Fourth International Meeting of EUROsocial Networks on 25 June 2009;
37. Welcomes the EU-LAC meeting on the coordination of social security systems to be held between ministers and senior officials with responsibility for social security matters in Alcalá de Henares (near Madrid) on 13 and 14 May 2010, and also supports the work of the Ibero-American Social Security Organisation (OISS) in promoting economic and social wellbeing by means of social security-related coordination and experience pooling; requests that both the ministerial meeting and the OISS come forward with creative proposals to ensure maximum social security coverage for the communities concerned;
38. Points out that regional integration, as sought by many Latin American governments and fostered by the WU, is facing the serious problems of lack of infrastructure, insufficient intra-regional trade and limited knowledge in individual countries of the leading political, social and economic actors in the other countries;
39. Reiterates that a strategy based on practical pro-integration measures (covering roads, railways, oil and gas pipelines, cooperation in the field of renewable energy and the promotion of interregional trade, among other things) and measures to raise public awareness of the leading actors in the region would give integration a boost and bolster the region's sense of community;
40. Stresses that a coordinated strategy is needed in the energy, water and communications sectors, to prevent the region's growth from stagnating and ensure that sustainable development is not held back;
41. Recommends that the Latin American governments - hoping also that the EU will offer all possible support for this huge task and aware of the difficult social situation despite a reasonably sound economic outlook - adopt firm and consistent policies including investment in public works, strengthening of the internal market, support for SMEs, extension of credit facilities, greater investment in health and education, and more decided steps to deal with youth unemployment and gender discrimination in the workplace;
42. Recalls, in this connection, that - although it may not be easy to obtain suitable funding for the above objectives - it is necessary to build a fair, equitable and modern tax system capable of fighting tax avoidance, while also reviewing excessive military expenditure;
43. Urges the EU and the Latin American countries with indigenous populations to implement, by means of closer cooperation, effective plans for fighting hunger, underdevelopment, illiteracy and chronic disease;

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44. Takes the view that the EU-LAC partnership's objective of social cohesion will be achievable only insofar as it generates a high level of development and fairness of income and wealth distribution, and that this objective requires concrete measures to be taken to eradicate poverty in accordance with the Millennium Development Goals and to strengthen the judicial system in the LAC countries;

45. Stresses the importance of food security for the LAC countries and of adequate food storage capacities in order to face forthcoming food supply challenges;

46. Calls on the EU to oblige EU-based transnational corporations to apply ecological and social standards established by international agreements, such as the ILO's Decent Work Agenda, in the LAC countries as minimum standards, and not to circumvent those standards;

Mechanisms for reaching the ultimate goals of the strategic partnership

Institutional mechanisms

47. Recommends that the biannual summits should be maintained, but stresses that relations with Latin America should not be restricted to a biannual vision but should be strengthened through a long-term vision;

48. Proposes that a biregional political dialogue be opened with new triangular approaches on issues, spheres and matters of common interest embracing EU-LAC-Asia, EU-LAC-Africa and EU-LAC-US, with a view to moving towards a Euro-Atlantic area comprising the US, Latin America and the EU;

49. Reiterates its proposal for the creation of a Europe-Latin America and Caribbean Foundation, whose primary purpose would be to help prepare the summits, follow up on the decisions and political courses of action adopted at the summits, and act as a forum for dialogue and coordination in the periods between summits for all the political, economic, institutional, academic and civil society bodies working to strengthen Euro-Latin American relations, including the EuroLat Assembly;

50. Proposes that the organisational structure of the above Foundation should be on similar lines to that of the Anna Lindh Foundation, with a President and an Advisory Council having the role of making recommendations on the Foundation's strategic orientations to its Governing Council, Director and national networks and forwarding those recommendations to all levels concerned;

51. Stresses that the Foundation's budget should be limited but sufficient for it to carry out its tasks, financed by contributions from its EU and Latin American member states, the EU budget, and own resources generated by the Foundation itself or made available to it by sponsoring bodies with connections to the Euro-Latin American area;

52. Proposes that the following be created, under the supervision and coordination of the above Foundation: a Migration Observatory for the Euro-Latin American area, responsible for permanently and closely monitoring all issues connected with migratory flows in this area; a Biregional Centre for Conflict Prevention, responsible for the early detection of causes of potential violent and armed conflicts, and seeking how best to prevent them and stop them from escalating; and a Biregional Centre for Disaster Prevention - particularly in the wake of the tragic situation in Haiti following the devastating earthquake of 12 January 2010 and in Chile in the wake of the earthquake and tsunami of 27 February 2010 - to devise common strategies and an emergency warning system aimed at reducing mutual vulnerability to natural disasters arising from climate or technological change;

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53. Stresses that the subregional partnership agreements currently being negotiated need to be concluded, and regrets the fact that some of those agreements are currently and for various reasons in a state of paralysis; warns, however, that where there are unbridgeable differences of opinion alternative solutions must be sought - without losing sight of the overall strategic vision - in order not to isolate those countries that wish to establish closer political, commercial and social relations with the EU;

54. Reiterates the support given by the EU to regional integration processes and the 'bloc-to-bloc' negotiating approach pursued by the EU through association agreements, as in the case of Central America; recognises, however, that countries that wish to step up their relations with the EU should not be disadvantaged by internal problems within regional integration processes, as is the case with the Andean Community, nor by sovereign decisions by their component parts, however legitimate these may be;

Financial mechanisms

55. Supports the Latin America Investment Facility (LAIF) proposed by the Commission, as a tangible expression of the EU's commitment to consolidating regional integration and interconnectivity in Latin America, and hopes that it will help extend the spread of the countries and sectors in which European investments are made; notes that an amount of EUR 100 million has been set aside under the Community budget for the period up to 2013, without prejudice to other possible additional contributions and subsidies from the Member States;

56. Welcomes the signing in November 2009 of a memorandum of understanding between the EIB and the Inter-American Development Bank, and supports the efforts made by the EIB to finance projects in Latin America, while pointing out that if it is to fulfil its objectives the EIB will require more funding and contributions from both the EU and its Member States;

57. Stresses the importance of the EU's various financing instruments, but emphasises the need to go beyond the purely assistance-based approach to development cooperation with Latin America - so that the financial resources from the Development Cooperation Instrument (DCI) are concentrated on the poorest countries and most vulnerable groups - and to establish new forms of cooperation with emerging and middle-income countries in Latin America through the Industrialised Countries Instrument (ICI+); urges, to that end, that the criteria and principles set out in Article 32 of the United Nations Convention on the Rights of Persons with Disabilities be incorporated into the EU's policy on cooperation with Latin America in order to promote and drive proactive policies which guarantee the effective social inclusion of the disabled;

58. Stresses the importance and desirability of working towards harmonisation of the regulatory and supervisory aspects of the various Latin American financial systems, with a view to bridge-building and convergence as far as possible with the European system, which has achieved concrete results in developing advanced models for supervising crossborder bodies;

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59. Instructs its President to forward this resolution to the Vice-President / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the Governments and Parliaments of the EU Member States and of the countries of Latin America and the Caribbean, the Euro-Latin American Parliamentary Assembly, the Latin American Parliament, the Central American Parliament, the Andean Parliament, and the Mercosur Parliament.

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EU - Canada summit

P7_TA(2010)0142

European Parliament resolution of 5 May 2010 on the upcoming EU-Canada Summit on 5 May 2010

(2011/C 81 E/10)

The European Parliament,

- having regard to the negotiations towards a comprehensive economic trade agreement which were launched at the EU-Canada Summit held on 6 May 2009 in Prague,
- having regard to its resolution of 9 February 2010 on a revised Framework Agreement between the European Parliament and the Commission for the next legislative term,
- having regard to the successful 32nd Interparliamentary Meeting of the Delegation on relations with Canada held in November 2009 in Brussels,
- having regard to the consent procedure laid down in Article 218 of the Treaty on the Functioning of the European Union,
- having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas Canada is one of the European Union's oldest and closest partners, with formal relations dating back to the year 1959,
- B. whereas the ongoing negotiations towards a comprehensive economic trade agreement could strengthen EU-Canada relations,
- C. whereas as of March 2010 no thorough impact assessment has been carried out of the social, environmental and economic effects of such a comprehensive economic trade agreement,
- D. whereas in 2010 Canada holds the chairmanship of the G8 group of countries and will be hosting the next G20 Summit,
- E. whereas the forthcoming EU-Canada Summit in Brussels on 5 May 2010 is expected to focus on strengthening the already close political relationship between the two partners, in particular addressing such shared challenges as: negotiations on a comprehensive economic trade agreement; foreign and security challenges, in particular Afghanistan/Pakistan; a common way forward on Iran; nuclear non-proliferation; Haiti and the follow-up to the New York donor conference; development cooperation; a coordinated response to the financial and economic crisis; climate change and energy; and moving forward on the Doha round of world trade negotiations,
- F. whereas the EU and Canada share common values and a strong commitment to working multilaterally in addressing major challenges,

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1. Welcomes the Commission statement in which progress in the negotiations on a comprehensive economic trade agreement is cited as fundamental to EU-Canada economic relations; in this regard, believes that the EU-Canada Summit in Brussels on 5 May 2010 offers a good opportunity to speed up those negotiations;
2. Notes the robustness of the Canadian economy during the economic crisis, especially the banking sector; expresses its willingness to work closely with Canada in the context of the G20 to achieve a coordinated global approach to fiscal stimulus and fiscal consolidation, in which connection the issue of introducing a bank levy or a transaction tax at global level will be one of the priorities at the next G20 summit in Toronto;
3. Notes that both Canada and the EU are fully committed to taking a coordinated, coherent and comprehensive approach to meeting Haiti's immediate and longer-term needs and to building a new Haiti that meets the legitimate and long-held aspirations of the Haitian people for their country, whilst ensuring Haitian national ownership of the reconstruction process;
4. Welcomes the intention, spelt out in the recent Speech from the Throne given in the Canadian Parliament, to open up the Canadian telecommunications industry to outside competition;
5. Takes note of the intention to launch a major reform of Canada's fisheries management system, also involving NAFO; expresses its disappointment about the position of the Canadian Government at the most recent conference of CITES parties with regard to the extension of CITES Appendix 1 for bluefin tuna;
6. Reiterates its concern that Canada still imposes a visa requirement on citizens of the Czech Republic, Romania and Bulgaria, and calls for that requirement to be lifted as speedily as possible; notes that the visa requirement for Czech citizens has been introduced by the Canadian Government in response to an influx of Roma people into Canada, and therefore calls on the Member States adequately to address the situation of the Roma people in Europe; in this regard, welcomes the opening of a visa office in the Canadian Embassy in Prague and the establishment of an expert working group on this issue, and hopes that the promised comprehensive review of the Canadian refugee system will lead to the visa requirement being lifted;
7. Emphasises that the EU and Canada are committed to building a low-carbon global economy that is safe and sustainable, whilst strengthening capacity to adapt to the impacts of climate change; underlines the importance of continuing discussions on environmental topics in the EU-Canada High-Level Dialogue on the Environment, including environmental, energy and maritime cooperation in the Arctic Zone and the prospects of initiating international negotiations for the adoption of an international treaty for the protection of the Arctic; welcomes Canada's commitment, as expressed in the recent Speech from the Throne, to invest in clean energy technologies, to secure its place as a clean energy power and to be a leader in green job creation;
8. Expresses its concern about the impact of the extraction of oil sand on the global environment due to the high level of CO₂ emissions during its production process and the threat it poses for local biodiversity;
9. Reminds the Council and Commission that since entry into force of the Lisbon Treaty the European Parliament has to give its consent on international agreements and has to be immediately and fully involved at all stages of international negotiations, and looks forward to an early statement from the Commission on how it intends to do this; recalls, in this respect, that its concerns on the EU-Canada PNR agreement will have to be duly and jointly addressed before the consent can be given;
10. Hopes that Canada will fully support the EU's request to open up the ACTA negotiations to public scrutiny, as it requested in its resolution of 10 March 2010, and to have those negotiations conducted under the auspices of an international organisation, the most suitable being WIPO;

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11. Congratulates the Vancouver Organising Committee on the success of the 2010 Winter Olympic and Paralympic Games;
12. Notes that competence for EU-Canada relations resides at the federal level alone, but welcomes the participation of the provinces and territories in the Comprehensive Economic and Trade Agreement negotiations and in some other aspects of EU-Canada relations;
13. Instructs its President to forward this resolution to the Council, the Commission, the rotating EU Presidency, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy and the Canadian Government.

SWIFT

P7_TA(2010)0143

European Parliament resolution of 5 May 2010 on the Recommendation from the Commission to the Council to authorise the opening of negotiations for an agreement between the European Union and the United States of America to make available to the United States Treasury Department financial messaging data to prevent and combat terrorism and terrorist financing

(2011/C 81 E/11)

The European Parliament,

- having regard to the Treaty on the Functioning of the European Union (TFEU) and the Charter of Fundamental Rights of the European Union,
- having regard to the Agreement on Mutual Legal Assistance between the European Union and the United States of America ⁽¹⁾,
- having regard to the Recommendation from the Commission to the Council to authorise the opening of negotiations for an agreement between the European Union and the United States of America to make available to the United States Treasury Department financial payment messaging data to prevent and combat terrorism and terrorist financing ⁽²⁾,
- having regard to its legislative resolution of 11 February 2010 on the proposal for a Council decision on the conclusion of the Agreement between the European Union and the United States of America on the processing and transfer of Financial Messaging Data from the European Union to the United States for purposes of the Terrorist Finance Tracking Program (05305/1/2010 REV 1 – C7-0004/2010 – 2009/0190(NLE)) ⁽³⁾,
- having regard to the request for consent submitted by the Council pursuant to Article 218 (6)(a) in conjunction with Articles 82(1)(d) and 87(2)(a) of the TFEU (C7-0004/2010),
- having regard to its resolution of 17 September 2009 on the envisaged international agreement to make available to the United States Treasury Department financial payment messaging data to prevent and combat terrorism and terrorist financing ⁽⁴⁾,

⁽¹⁾ OJ L 181, 19.7.2003, p. 34.

⁽²⁾ SEC(2010)0315 final.

⁽³⁾ Texts adopted, P7_TA(2010)0029.

⁽⁴⁾ Texts adopted, P7_TA(2009)0016.

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- having regard to the proposal for a Council decision (COM(2009)0703 and 05305/1/2010 REV 1),
 - having regard to the text of the agreement between the European Union and the United States of America on the processing and transfer of Financial Messaging Data from the European Union to the United States for purposes of the Terrorist Finance Tracking Program (16110/2009),
 - having regard to the opinion of the European Data Protection Supervisor of 12 April 2010 (restricted),
 - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas it welcomed the Agreement on Mutual Legal Assistance between the European Union and the United States of America and the 'Washington Declaration', as adopted at the EU-US JHA Ministerial Troika on 28 October 2009, on enhancing transatlantic cooperation in the area of Justice, Freedom and Security within a context of respect for human rights and civil liberties,
- B. whereas it places strong emphasis on the need for transatlantic cooperation,
- C. whereas on 30 November 2009 the Council signed an EU-US interim agreement on the processing and transfer of financial messaging data (FMDA) for the purposes of the US Terrorist Finance Tracking Program (TFTP) to be provisionally applied as from 1 February 2010 and expire on 31 October 2010 at the latest,
- D. whereas under the Treaty of Lisbon its consent to the formal conclusion of this interim agreement was required,
- E. whereas on 11 February 2010 it decided to withhold its consent to the conclusion of the FMDA,
- F. whereas it requested the Commission immediately to submit recommendations to the Council with a view to a long-term agreement with the United States dealing with the prevention of terrorism financing,
- G. whereas it reiterated that any new agreement in this area should comply with the new legal framework established by the Treaty of Lisbon and the now binding Charter of Fundamental Rights of the European Union,
- H. whereas it renewed the requests made in its resolution of 17 September 2009, particularly those in paragraphs 7 to 13,
- I. whereas the Commission adopted the new TFTP Recommendation and Negotiating Directives on 24 March 2010,
- J. whereas the Council is expected to take a decision on the adoption of the Negotiating Directives on 22 April 2010,
- K. whereas the Negotiating Directives reflect important elements contained in the relevant European Parliament resolutions on this issue,

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1. Welcomes the new spirit of cooperation demonstrated by the Commission and the Council and their willingness to engage with Parliament, taking into account their Treaty obligation to keep Parliament immediately and fully informed at all stages of the procedure; reiterates its openness to an agreement which would help both Europe and the United States strengthen their fight against terrorism in the interests of the security of their citizens, without undermining the rule of law;
2. Counts on a continuation of the commitment, spirit of constructive cooperation and fairness demonstrated by representatives of the US Government in the run-up to Parliament's vote on 11 February 2010 and thereafter;
3. Recalls its strong determination to fight terrorism and its conviction that the framework of transatlantic cooperation for counter-terrorism purposes should be further developed and improved; believes, at the same time, that European legal requirements for the fair, proportionate and lawful processing of personal information are of paramount importance and must always be upheld;
4. Reiterates that the EU's rules on the tracking of terrorist financing activities are based on the reporting of suspicious or irregular transactions by individual financial operators;
5. Emphasises that fundamental principles still need to be laid down by the EU stating how it will generally cooperate with the US for counter-terrorism purposes and how financial messaging data providers could be asked to contribute to this fight, or indeed more generally to the use in connection with law enforcement of data collected for commercial purposes;
6. Reiterates its emphasis on the 'purpose limitation' of the agreement in order to ensure that any exchange of information is strictly limited to that required for the purposes of combating terrorism and that this is done on the basis of a common definition of what constitutes 'terrorist activity';
7. Stresses that the principles of proportionality and necessity are key to the envisaged agreement, and points out that the problem that financial messaging data providers are unable (for technical and/or governance reasons) to search the 'content' of the messages, leading to the transfer of data in bulk, cannot subsequently be rectified by oversight and control mechanisms, since basic principles of data protection law have already been compromised;
8. Reiterates its opinion that bulk data transfers mark a departure from the principles underpinning EU legislation and practice, and asks the Commission and Council to address this issue properly in the negotiations, bearing in mind that the TFTP is currently designed in such a way that it does not allow for targeted data exchange; solutions should include restricting the scope of the transferred data and listing the types of data that the designated providers are able to filter and extract, as well as the types of data which may be included in a transfer;
9. Considers that the Agreement on Mutual Legal Assistance is not an adequate basis for requests to obtain data for the purposes of the TFTP, in particular because it does not apply to bank transfers between third countries and because it would, in any case, require the prior identification of a specific bank, whereas the TFTP is based on targeted searches of fund transfers; future negotiations should focus on finding a solution to make one compatible with the other;
10. Takes this view that, once a mandate has been established, a judicial public authority should be designated in the EU with the responsibility to receive requests from the United States Treasury Department; points out that it is crucial that the nature of this authority and the judicial oversight arrangements should be clearly defined;

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11. Urges the Council and Commission, therefore, to explore ways of establishing a transparent and legally sound procedure for the authorisation of the transfer and extraction of relevant data as well as for the conduct and supervision of data exchanges; emphasises that such steps are to be taken in full compliance with the principles of necessity and proportionality and the rule of law with full respect for fundamental rights requirements under EU law, by giving a role to a European authority, which would make it possible for relevant European legislation to become fully applicable;

12. Insists, if the above arrangements are not feasible in the short term, on a twin-track approach which differentiates between, on the one hand, the strict safeguards to be included in the envisaged EU-US agreement, and, on the other, the fundamental longer-term policy decisions that the EU must address; emphasises once again that any agreement between the EU and the US must include strict implementation and supervision safeguards, monitored by an appropriate EU-appointed authority, on the day-to-day extraction of, access to and use by the US authorities of all data transferred to them under the agreement;

13. In this respect, points out that the option offering the highest level of guarantees would be to allow for the extraction of data to take place on EU soil, in EU or Joint EU-US facilities, and asks the Commission and the Council to explore, in parallel:

— ways to phase into a medium-term solution empowering an EU judicial authority to oversee the extraction in the EU, on behalf of Member States, after a mid-term parliamentary review of the agreement;

— ways to ensure, in the meantime, that EU select personnel – from EU organs or bodies, including for example, the EDPS, or joint EU-US investigation teams – with high clearance, joins SWIFT officials in the oversight of the extraction process in the US;

14. Underlines the fact that any agreement between the EU and the US, regardless of the implementing mechanism chosen, should be limited in its duration and provide for a clear commitment on the part of both the Council and Commission to take all the measures required to devise a durable, legally sound European solution to the issue of the extraction of requested data on European soil; the agreement should also provide for evaluations and safeguard reviews by the Commission at set times during its implementation;

15. Calls for the agreement to be terminated immediately if any obligation is not met;

16. Points out that true reciprocity would require the US authorities to allow both the EU authorities and competent authorities in the Member States to obtain and use financial payment messaging and related data stored in servers in the US on the same terms as apply to the US authorities;

17. Requests that all relevant information and documents, including the underlying intelligence, must be made available for deliberations in the European Parliament, in line with the applicable rules on confidentiality, in order to demonstrate the necessity of the scheme in relation to already existing instruments; asks the Commission, further, to report regularly on the functioning of the agreement and to inform Parliament fully about any review mechanism to be set up under the said agreement;

18. Asks to be provided with full and detailed information on the specific rights of European and US citizens (e.g. access, rectification, deletion, compensation and redress) and as to whether the envisaged agreement is to safeguard 'rights' on a non-discriminatory basis, regardless of the nationality of any person whose data are processed pursuant to it, and requests the Commission to submit an overview of the respective rights to Parliament;

19. Expresses concern that the commercial position of one specific financial messaging provider has been – and will continue to be – compromised if it continues to be singled out;

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20. Emphasises that the envisaged agreement must ensure that personal data extracted from the TFTP database are kept on the basis of a strictly interpreted 'necessity' principle and for no longer than necessary for the specific investigation or prosecution for which they are accessed under the TFTP;

21. Points out that the concept of non-extracted data is not self-evident and should thus be clarified; calls for a maximum storage period to be established, which should be as short as possible and in any case no longer than five years;

22. Stresses the importance of the principles of non-disclosure of data to third states if no specific reasons are given for a request and of disclosure of terrorist leads to third states only subject to strict conditions and appropriate guarantees, including adequacy assessment;

23. Reiterates that a binding international agreement between the EU and the US on privacy and data protection, in the context of the exchange of information for law-enforcement purposes, remains of the utmost importance;

24. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the US Congress and the Government of the United States of America.

Passenger Name Record (PNR)

P7_TA(2010)0144

European Parliament resolution of 5 May 2010 on the launch of negotiations for Passenger Name Record (PNR) agreements with the United States, Australia and Canada

(2011/C 81 E/12)

The European Parliament,

- having regard to Articles 16 and 218 of the Treaty on the Functioning of the European Union, Article 6 of the Treaty on European Union, the Charter of Fundamental Rights of the European Union, in particular Article 8 thereof, and the European Convention for the Protection of Human Rights and Fundamental Freedoms, in particular Articles 6, 8 and 13 thereof,
- having regard to the fundamental right to freedom of movement, as guaranteed by Article 12 of the International Covenant on Civil and Political Rights,
- having regard to its previous resolutions on the EU-US PNR issue, notably its resolutions of 13 March 2003 on transfer of personal data by airlines in the case of transatlantic flights ⁽¹⁾, of 9 October 2003 on transfer of data by airlines in the case of transatlantic flights: state of negotiations with the USA ⁽²⁾, of 31 March 2004 on the draft Commission decision noting the adequate level of protection provided for personal data contained in the Passenger Name Records (PNRs) transferred to the US Bureau of Customs and Border Protection ⁽³⁾, its recommendation to the Council of 7 September 2006 on the negotiations for an agreement with the United States of America on the use of passenger name records (PNR) data to prevent and combat terrorism and transnational crime, including organised crime ⁽⁴⁾, its resolution of 14 February 2007 on SWIFT, the PNR agreement and the transatlantic dialogue on these issues ⁽⁵⁾, and its resolution of 12 July 2007 on the PNR Agreement with the United States of America ⁽⁶⁾,

⁽¹⁾ OJ C 61 E, 10.3.2004, p. 381.

⁽²⁾ OJ C 81 E, 31.3.2004, p. 105.

⁽³⁾ OJ C 103 E, 29.4.2004, p. 665.

⁽⁴⁾ OJ C 305 E, 14.12.2006, p. 250.

⁽⁵⁾ OJ C 287E, 29.11.2007, p. 349.

⁽⁶⁾ Texts adopted, P6_TA(2007)0347.

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- having regard to its recommendation to the Council of 22 October 2008 concerning the conclusion of the Agreement between the European Union and Australia on the processing and transfer of European Union-sourced passenger name record (PNR) data by air carriers to the Australian customs service ⁽¹⁾,
- having regard to its legislative resolution of 7 July 2005 on the proposal for a Council decision on the conclusion of an Agreement between the European Community and the Government of Canada on the processing of Advance Passenger Information (API)/Passenger Name Record (PNR) data ⁽²⁾,
- having regard to its resolution of 20 November 2008 on the proposal for a Council framework decision on the use of Passenger Name Record (PNR) for law enforcement purposes ⁽³⁾,
- having regard to the judgment of 30 May 2006 of the Court of Justice in joint Cases C-317/04 and C-318/04,
- having regard to the letter of 27 June 2007 from the European Data Protection Supervisor to the President-in-Office, Mr Schäuble, concerning the new PNR agreement with the US,
- having regard to the opinion of the Working Party on the Protection of Individuals with regard to the Processing of Personal Data, as provided for in Article 29 of the Data Protection Directive (Article 29 Working Party) on the future PNR agreement,
- having regard to the opinion of the legal service of the European Parliament,
- having regard to Directive 2004/82/EC on the obligation of carriers to communicate passenger data (API Directive) ⁽⁴⁾,
- having regard to the 2005 joint review of the EU-US Agreement,
- having regard to the 2010 joint review of the EU-US Agreement,
- having regard to the 2009 EU-Canada Agreement,
- having regard to the request for consent to conclude the Agreement between the EU and the USA on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the United States Department of Homeland Security (DHS) ⁽⁵⁾ and to conclude the Agreement between the EU and Australia on the processing and transfer of EU-sourced passenger name record (PNR) data by air carriers to the Australian Customs Service ⁽⁶⁾,
- having regard to its resolution of 25 November 2009 on the Communication from the Commission to the European Parliament and the Council – An area of freedom, security and justice serving the citizen – Stockholm programme ⁽⁷⁾,

⁽¹⁾ Texts adopted, P6_TA(2008)0512.

⁽²⁾ OJ C 157 E, 6.7.2006, p. 464.

⁽³⁾ OJ C 16 E, 22.1.2010, p. 44.

⁽⁴⁾ OJ L 261, 6.8.2004, p. 24.

⁽⁵⁾ Proposal for a Council Decision on the conclusion of the Agreement between the European Union and the United States of America on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the United States Department of Homeland Security (DHS) (2007 PNR agreement) (COM(2009)0702).

⁽⁶⁾ Proposal for a Council Decision on the conclusion of the Agreement between the European Union and Australia on the processing and transfer of EU-sourced passenger name record (PNR) data by air carriers to the Australian Customs Service (COM(2009)0701).

⁽⁷⁾ Texts adopted, P7_TA(2009)0090.

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- having regard to its resolution of 17 September 2009 on the envisaged international agreement to make available to the United States Treasury Department financial payment messaging data to prevent and combat terrorism and terrorist financing ⁽¹⁾,

 - having regard to the EU-US Joint Declaration on Aviation Security issued in Toledo on 21 January 2010,

 - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community entered into force on 1 December 2009,
- B. whereas, with the entry into force of the Treaty of Lisbon, Parliament is asked to give its consent to the agreements of the EU with the US and with Australia on the transfer of Passenger Name Records (PNR) with a view to concluding these agreements,
- C. whereas the EU-Canada Agreement on the transfer of PNR is no longer valid, owing to the expiry of the Adequacy Decision in September 2009, and the transfer of PNR data has taken place since that date on the basis of unilateral undertakings by Canada to the Member States,
- D. whereas other countries are already requesting the transfer of PNR, or have announced their intention of doing so in the near future,
- E. whereas the Council has asked the Commission to put forward a proposal for an EU PNR scheme, which the latter did on 17 November 2007,
- F. whereas in our digital age, data protection, the right of informational self-determination, personal rights and the right to privacy have become values that play an ever increasing role and must therefore be protected with special care,
- G. whereas in our world, of which mobility is an essential characteristic, greater security and improved combating of crime must go hand in hand with more effective, focused and faster exchange of data within Europe and at global level,
1. Recalls its determination to fight terrorism and organised and transnational crime, and, at the same time, its firm belief in the need to protect civil liberties and fundamental rights, while ensuring the utmost respect for privacy, informational self-determination and data protection; reaffirms that necessity and proportionality are key principles without which the fight against terrorism will never be effective;

 2. Stresses that the European Union is based on the rule of law and that all transfers of personal data from the EU and its Member States to third countries for security purposes should be based on international agreements with the status of legislative acts, in order to provide necessary safeguards for EU citizens, respect procedural guarantees and defence rights, and comply with data-protection legislation at national and European level;

 3. Asks the European Commission, in accordance with Article 218 of the Treaty on the Functioning of the European Union, to provide Parliament with all the relevant information and background documents, particularly the specific information asked for in its EU PNR resolution as mentioned above;

⁽¹⁾ Texts adopted, P7_TA(2009)0016.

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4. Decides to postpone the vote on the request for consent on the agreements with the US and Australia until it has explored the options for arrangements for the use of PNR that are in line with EU law and meet the concerns expressed by Parliament in earlier resolutions on PNR;
5. Considers that any new legislative instrument must be preceded by a Privacy Impact Assessment, and a proportionality test demonstrating that existing legal instruments are not sufficient; calls in particular for an analysis of:
 - the use of API data within the EU and by third countries as a possible less intrusive means of passenger data collection and use,
 - data collected by the US and Australia in their respective systems for Electronic Travel Authorisation, and
 - PNR data which may be available from sources not covered by international agreements, such as computer reservation systems located outside the EU; calls on the Commission to consult all stakeholders, including air carriers;
6. Believes that appropriate mechanisms for independent review and judicial oversight and democratic control must be provided for in any new agreement;
7. Calls for a coherent approach on the use of PNR data for law enforcement and security purposes, establishing a single set of principles to serve as a basis for agreements with third countries; invites the Commission to present, no later than mid-July 2010, a proposal for such a single model and a draft mandate for negotiations with third countries;
8. Asks the Commission to request, as soon as possible, that the European Union Agency for Fundamental Rights provide a detailed opinion on the fundamental rights dimension of any new PNR agreement;
9. Considers that the model should meet the following minimum requirements:
 - (a) PNR data may only be used for law enforcement and security purposes in cases of organised and transnational serious crime or terrorism of a cross-border nature, on the basis of the legal definitions laid down in Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism ⁽¹⁾ and in Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant ⁽²⁾;
 - (b) the use of PNR data for law enforcement and security purposes must be in line with European data protection standards, in particular regarding purpose limitation, proportionality, legal redress, limitation of the amount of data to be collected and of the length of storage periods;
 - (c) in no circumstances may PNR data be used for data mining or profiling; no 'no-fly' decision or decision to investigate or prosecute may ever be taken on the sole results of such automated searches or browsing of databases; use of data must be limited to specific crimes or threats, on a case-by-case basis;
 - (d) in the case of the transfer of PNR data of EU citizens to third countries, the terms of such transfers shall be laid down in a binding international treaty, providing legal certainty and equal treatment for EU citizens and companies;

⁽¹⁾ OJ L 164, 22.6.2002, p. 3.

⁽²⁾ OJ L 190, 18.7.2002, p. 1.

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- (e) the onward transfer of data by the recipient country to third countries shall be in line with EU standards on data protection, to be established by a specific adequacy finding; this will apply equally to any possible onward transfer of data by the recipient country to third countries;
 - (f) PNR data may only be provided on the basis of the PUSH method;
 - (g) Results will immediately be shared with the relevant authorities of the EU and of the Member States;
10. Underlines the importance of legal certainty for EU citizens and airlines, as well as the need for harmonised standards for the latter;
11. Asks the Commission and the Presidency to ensure that Parliament is given full access to the negotiation documents and directives at all stages of the procedure, in line with Article 218(10) of the Treaty on the Functioning of the European Union, and that national parliaments are given access upon request;
12. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and candidate countries, the United States Government and the two Chambers of Congress, the Government of Australia and the two Chambers of Parliament, and the Government of Canada and the two Chambers of Parliament.

Ban on use of cyanide mining technologies

P7_TA(2010)0145

European Parliament resolution of 5 May 2010 on a general ban on the use of cyanide mining technologies in the European Union

(2011/C 81 E/13)

The European Parliament,

- having regard to Article 191 of the Treaty on the Functioning of the European Union,
- having regard to the precautionary principle, as set out in the Rio Declaration on Environment and Development and in the Convention on Biological Diversity adopted in Rio de Janeiro in June 1992,
- having regard to the environmental objectives of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy ('Water Framework Directive'),
- having regard to Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries, which provides for the use of cyanide in mining, at the same time laying down maximum permissible cyanide levels,
- having regard to Directive 2003/105/EC of the European Parliament and of the Council of 16 December 2003 amending Council Directive 96/82/EC (Seveso II) on the control of major-accident hazards involving dangerous substances, which states that '[...] certain storage and processing activities in mining [...] have potential to produce very serious consequences',

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- having regard to Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability, under which Member States may allow operators not to bear the costs of environmental damage if certain conditions can be shown to have been met,
 - having regard to the 18-month programme of the Spanish, Belgian and Hungarian Presidencies and its priorities on water policy and biodiversity,
 - having regard to the measures taken by the Czech Republic concerning a general ban on cyanide technologies, through the amendment of Mining Act No 44/1988 in 2000, to the amendment of Hungarian Mining Act No 48/1993 in 2009, introducing a ban on cyanide-based mining technologies on the territory of Hungary, and to the German decree passed in 2002 prohibiting cyanide-leach mining,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas the United Nations has declared 2010 the International Year of Biodiversity, inviting the world to take action to safeguard the diversity of life on earth,
- B. whereas cyanide is a highly toxic chemical used in the gold-mining industry, one which qualifies as a main pollutant under Annex VIII to the Water Framework Directive and which can have a catastrophic and irreversible impact on human health and the environment, and thus on biodiversity,
- C. whereas in their Joint Position on sustainable mining issued at their 14th Meeting on 25 May 2007 in Prague (Czech Republic) the Environment Ministers of the Visegrad Group of Countries (Czech Republic, Hungary, Poland and Slovakia) expressed their concerns about the hazardous technologies used and planned for mining activities at various sites in the region, entailing considerable environmental hazards with potential transboundary consequences,
- D. whereas, in the framework of the Sofia Convention on Cooperation for the Protection and Sustainable Use of the Danube River, the Parties agreed that, besides its status as a priority hazardous substance under the Water Framework Directive, cyanide qualifies as a relevant hazardous substance,
- E. whereas over the past 25 years more than 30 major accidents involving cyanide spills have occurred worldwide, the worst taking place 10 years ago, when more than 100 000 cubic meters of cyanide-contaminated water were released from a gold-mine reservoir into the Tisza-Danube River system and caused the largest ecological disaster in the history of central Europe at that time, and whereas there is no real guarantee that such accidents will not occur again, especially taking into account the increasing incidence of extreme weather conditions, inter alia heavy and frequent precipitation events, as projected by the Fourth Assessment Report of the Intergovernmental Panel on Climate Change,
- F. whereas several EU Member States are still considering new projects for large-scale open-cast gold mines using cyanide technologies in densely inhabited areas, projects which pose further potential threats to human health and the environment,
- G. whereas under the Water Framework Directive Member States are obliged to achieve and preserve the 'good status' of water resources and to prevent their pollution with hazardous substances; whereas, however, that good status could also depend on water quality in a river basin located in neighbouring countries which use cyanide mining technologies,

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- H. whereas the cross-border effects of accidents involving cyanide, particularly with regard to contamination of large river basins and groundwater supplies, emphasises the need for an EU approach to the serious environmental threat posed by cyanide mining,
- I. whereas prudential rules and proper financial guarantees are still lacking, and whereas the implementation of the existing legislation on cyanide mining also depends on the skills of the executive powers of each Member State, so that it is only a matter of time until human negligence leads to an accident,
- J. whereas the Mining Waste Directive has not been fully implemented in some Member States,
- K. whereas cyanide mining provides few jobs, and only for a period of eight-16 years, whilst it runs the risk of causing enormous cross-border ecological damage the cost of which is usually not met by the responsible operating companies, which generally disappear or go bankrupt, but by the state, i.e. by taxpayers,
- L. whereas operating companies do not have long-term insurance that would cover the costs incurred in the event of a future accident or malfunction,
- M. whereas one tonne of low-grade ore must be extracted in order to produce two grams of gold, leaving enormous amounts of mining waste on the sites, whilst 25-50 % of the gold ultimately remains in the waste stockpile; whereas, in addition, large-scale cyanide mining projects use several million kilograms of sodium cyanide per year, the transportation and storage of which itself offers the potential for catastrophic consequences in the event of a failure,
- N. whereas alternatives to cyanide mining which could replace cyanide-based technologies do exist,
- O. whereas strong public protests are being organised against ongoing cyanide mining projects across Europe, involving not only individual citizens, local communities and NGOs, but also state organisations, governments and politicians,
1. Considers that compliance with the EU's objectives under the Water Framework Directive, namely to achieve good chemical status for water resources and to protect water resources and biological diversity, can be achieved only by banning cyanide mining technology;
 2. Calls on the Commission to propose a complete ban on the use of cyanide mining technologies in the European Union before the end of 2011, since this is the only safe way to protect our water resources and ecosystems against cyanide pollution from mining activities, and to carry out an ordinary impact assessment at the same time;
 3. Takes note of the relevant initiatives within the EU and the UN systems and strongly encourages the development and application of safer – in particular cyanide-free – mining alternatives;
 4. Calls on the Commission and the Member States not to support, either directly or indirectly, any mining projects in the EU that involve cyanide technology until the general ban is applicable, nor to support any such projects in third countries;
 5. Calls on the Commission to encourage industrial reconversion of the areas where cyanide mining was banned, through appropriate financial support for alternative green industries, renewable energy and tourism;

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6. Calls on the Commission to propose an amendment to existing legislation on the management of waste from the extractive industries requiring that every operating company should take out insurance to cover compensation for damage and all remedial costs incurred in restoring a site to its original ecological and chemical status in the event of an accident or malfunction;
7. Instructs its President to forward this resolution to the Council, the Commission and the parliaments and governments of the Member States.

Fight against breast cancer in the European Union

P7_TA(2010)0146

Declaration of the European Parliament of 5 May 2010 on the fight against breast cancer in the European Union

(2011/C 81 E/14)

The European Parliament,

— having regard to Rule 123 of its Rules of Procedure,

- A. whereas 331 392 women in the European Union are diagnosed with breast cancer every year,
 - B. whereas breast cancer is the leading cause of death in women aged 35 to 59, and 89 674 women die of breast cancer in the EU every year,
 - C. whereas mammographic screening can reduce deaths from breast cancer by up to 35 % in women between 50 and 69,
1. Calls on the Member States to introduce nationwide breast screening, in accordance with EU guidelines;
 2. Calls on the Commission for a progress report on implementation of mammography screening in all EU countries every 2 years;
 3. Calls on the Commission to support studies to look at whether screening is useful for women over 69 years of age and under 50;
 4. Calls on Member States to provide multidisciplinary specialist breast units in accordance with EU guidelines by 2016, and on the Commission to deliver a regular progress report;
 5. Calls on the Commission to present up-to-date, reliable statistics on breast cancer and support the development of national cancer registers;
 6. Calls on the Commission to develop a certification protocol for specialist breast units in accordance with EU Guidelines by 2011 and to provide adequate financing for this;
 7. Instructs its President to forward this declaration, together with the names of the signatories ⁽¹⁾, to the parliaments of the Member States.

⁽¹⁾ The list of signatories is published in Annex 1 to the Minutes of 5 May 2010 (P7_PV(2010)05-05(ANN1)).

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Revision of the Treaties – Transitional measures concerning the composition of the European Parliament *

P7_TA(2010)0148

European Parliament resolution of 6 May 2010 on the draft protocol amending Protocol No 36 on transitional provisions concerning the composition of the European Parliament for the rest of the 2009-2014 parliamentary term: the European Parliament's opinion (Article 48(3) of the EU Treaty) (17196/2009 – C7-0001/2010 – 2009/0813(NLE))

(2011/C 81 E/15)

The European Parliament,

- having regard to the letter from the President of the European Council to the President of the European Parliament of 18 December 2009, concerning the amendment of Protocol No 36 on transitional measures (17196/2009),
 - having regard to Article 48(3), first subparagraph, of the Treaty on European Union, pursuant to which the European Council consulted Parliament (C7-0001/2010),
 - having regard to Protocol No 36 on transitional provisions, annexed to the Lisbon Treaty,
 - having regard to Article 14(2) and (3) of the Treaty on European Union,
 - having regard to the Act of 20 September 1976 concerning the election of the representatives of the European Parliament by direct universal suffrage (hereinafter 'the 1976 Act'),
 - having regard to its resolution of 11 October 2007 on the composition of the European Parliament ⁽¹⁾,
 - having regard to the conclusions of the European Council meetings of 11 and 12 December 2008, 18 and 19 June 2009 and 10 and 11 December 2009,
 - having regard to Rules 11(4) and 74a of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs (A7-0115/2010),
- A. whereas Article 14(2) of the EU Treaty, as amended by the Lisbon Treaty, provides that the European Council shall adopt by unanimity, on the initiative of the European Parliament and with its consent, a decision establishing the composition of the European Parliament,
- B. whereas, with a view to the entry into force of the Lisbon Treaty and on the basis of Protocol No 36 thereto, on 11 October 2007 the European Parliament submitted, by its aforementioned resolution set out in the Lamassoure-Severin report, a draft European Council decision establishing the distribution of seats within Parliament,

⁽¹⁾ OJ C 227 E, 4.9.2008, p. 132.

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- C. whereas, at the time the Lisbon Treaty was signed, the European Council had not taken a formal decision on the composition of the European Parliament but had agreed to the proposal set out in the aforementioned resolution, after raising the total number of MEPs to 751 instead of the 750 initially envisaged,
- D. whereas the agreement reached in the European Council increased the total number of MEPs by 15 (from the 736 stipulated in the Nice Treaty to 751), with 18 additional seats to be distributed among 12 Member States, while Germany was allocated three fewer seats in view of the maximum number laid down in the EU Treaty,
- E. whereas, since the Lisbon Treaty had not entered into force before the 2009 European elections, the latter were held in accordance with the provisions of the Nice Treaty, and whereas the European Parliament currently has 736 Members,
- F. whereas, given that the Lisbon Treaty finally entered into force on 1 December 2009, the 18 additional MEPs from the 12 Member States concerned should legitimately be able to take up their seats at the earliest opportunity and their home Member States should thus be able to enjoy the representation to which they are entitled,
- G. whereas, under Article 5 of the 1976 Act, it is not possible to curtail an MEP's mandate during a parliamentary term or, therefore, to reduce the current number of MEPs in the German delegation within the European Parliament by three,
- H. whereas nearly all of the Member States have designated their additional MEPs in accordance with their respective electoral systems and with the conclusions of the European Council meeting of 18 and 19 June 2009,
- I. whereas the arrival of 18 additional Members during the 2009-2014 parliamentary term will consequently bring the total number of MEPs to 754, and whereas the fact that this exceeds the figure of 751 stipulated in the Lisbon Treaty necessitates an amendment of primary law,
- J. whereas the conclusions of the European Council meeting of 11 and 12 December 2008 already provided for the adoption of transitional measures permitting the arrival of the additional MEPs during the current parliamentary term, and whereas the conclusions of the European Council meeting of 18 and 19 June 2009 laid down rules governing a temporary increase in the number of MEPs,
- K. whereas the European Parliament, for its part, amended its Rules of Procedure on 25 November 2009 in order to permit the arrival of the additional MEPs as observers pending the entry into force of measures enabling them to take up their seats,
- L. whereas one of the most important constitutional innovations made by the Lisbon Treaty is to install the Convention as a key part of the ordinary procedure for the revision of the Treaties,
1. Takes the view that the proposed amendment of Protocol No 36 requested by the European Council stems directly from the new provisions of the Lisbon Treaty, and is therefore a transitional solution that will enable all those Member States entitled to additional seats to designate the MEPs concerned; agrees that an additional 18 MEPs should be elected to Parliament for the remainder of the 2009-2014 term; insists, however, that all 18 should take up their seats in Parliament at the same time in order not to upset the balance of nationalities in the House; urges Member States to complete their election procedures in a pragmatic way as soon as possible;

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2. Regrets that the Council did not adopt the necessary measures in time to enable the additional MEPs to take up their seats as soon as the Lisbon Treaty entered into force, and that one of the solutions envisaged in the context of the amendment sought is not in keeping with the spirit of the 1976 act, which was designed to ensure that MEPs are elected directly, rather than indirectly through an election within a national parliament;
3. Agrees, however, to the convening of an intergovernmental conference, provided that it is confined to the specific issue of the adoption of measures concerning the composition of the European Parliament for the rest of the 2009-2014 parliamentary term, and on the understanding that these transitional measures are exceptional ones connected with the specific circumstances of the ratification of the Lisbon Treaty and can in no way set a precedent for the future;
4. Recalls that, in the interval between the approval of the amendment of Protocol No 36 and its entry into force, the additional MEPs will be able to sit in the European Parliament as observers under Rule 11(4) of Parliament's Rules of Procedure;
5. Recalls also that the European Council will have to take a decision establishing the composition of the European Parliament by the end of the current parliamentary term in any case, and that Parliament will initiate such a decision under Article 14(2) of the EU Treaty;
6. Notifies the European Council that it intends shortly to draw up proposals to lay down the provisions necessary for the election of its Members by direct universal suffrage in accordance with a uniform procedure in all Member States and in accordance with principles common to all Member States, and that Parliament will initiate such electoral reform under Article 48(2) of the Treaty on European Union and Article 223 of the Treaty on the Functioning of the European Union; insists, further, that a Convention devoted to the reform of the European Parliament will be called to prepare the revision of the Treaties;
7. Calls on national parliaments to act to uphold the long-standing primary law of the European Union whereby Members of the European Parliament are directly elected by universal suffrage in a free and secret ballot;
8. Instructs its President to forward this resolution to the European Council, the Council, the Commission and the national parliaments.

Kyrgyzstan

P7_TA(2010)0149

European Parliament resolution of 6 May 2010 on the situation in Kyrgyzstan

(2011/C 81 E/16)

The European Parliament,

- having regard to its previous resolutions on Kyrgyzstan and Central Asia with regard, in particular, to the one of 12 May 2005,
- having regard to its resolution of 20 February 2008 on an EU Strategy for Central Asia,
- having regard to the statement of the VP/HR Catherine Ashton on the situation in Kyrgyzstan of 7 and 8 April 2010,
- having regard to the conclusions of the Foreign Affairs Council of 26 April 2010,

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- having regard at the EU statement at the OSCE Permanent Council on the situation in Kyrgyzstan of 22 April 2010,
 - having regard to the EU Strategy for a New Partnership with Central Asia adopted by the European Council of 21/22 June 2007,
 - having regard to the Partnership and Cooperation Agreement (PCA) between the EU and Kyrgyzstan that entered into force in 1999,
 - having regard to the European Community Regional Strategy Paper for Assistance to Central Central Asia for the period 2007-2013,
 - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas it is in the interests of both the peoples of Central Asia and of the European Union to see progress towards stability and rising levels of democratic and human development, human security and sustainable growth throughout the region,
- B. whereas Kyrgyzstan is a OSCE member and within this framework is committed to respect for fundamental freedoms, human rights and the rule of law and to the implementation of OSCE democratic standards,
- C. whereas Kurmanbek Bakiyev, who first took office in July 2005 after the so-called Tulip Revolution, was re-elected last year for another term as president in an election that independent monitors said were tainted by massive fraud; whereas after his initial democratic undertakings Bakiyev's rule turned authoritarian,
- D. whereas on 7 April 2010 Kyrgyz troops intervened using bullets, tear gas and stun grenades against a crowd of protesters who gathered in front of the presidential office in Bishkek and then stormed government buildings to demonstrate over a sharp increase in prices for electricity and heating, leaving more than 80 dead and more than 500 injured,
- E. whereas President Bakiyev was forced to flee the capital and his place was taken by a provisional government led by the opposition leader Roza Otunbayeva who issued a decree on power succession and an order of compliance with the Kyrgyz constitution and dissolved parliament; whereas, after trying to set the conditions for his resignation a week after the uprising, Bakiyev left the country for Kazakhstan under an agreement brokered by Russia, the US and Kazakhstan,
- F. whereas Kyrgyzstan attracts special interest from the US and Russia because of its strategic location near Afghanistan and adjacent to the Ferghana Valley, which geographically, politically and economically is in the middle of Central Asia; whereas the Manas Transit Centre operated by the US military plays a key role in the Northern Distribution Network for supplies to the NATO troops in Afghanistan and Russia also has an important military base in Kyrgyzstan,
- G. whereas the relationship between the EU and Central Asia is crucial, given the common challenges in terms of energy, the fight against climate change, drug trafficking control and the fight against terrorism,

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- H. whereas geopolitical competition in the region has considerable destructive potential, but also greatly overlaps in interests in relation to Afghanistan and the spread of radical Islamism which creates a potential to reduce this competition and achieve agreement that improved governance is necessary,
- I. whereas the EU must always uphold its commitment to mainstream human rights, democracy and the rule of law in all agreements with third states and to promote democratic reforms through coherent policies enhancing its credibility as a regional player,
- J. whereas the EU's presence in Kyrgyzstan, essentially as an aid donor, is significant and puts the EU in a good position to assume a more important role in supporting the country,
- K. whereas the Commission and the Council are in the process of reviewing the Central Asia Strategy, preparing a report which will be submitted to the June meeting of the European Council,
1. Expresses its deepest concern at the situation in Kyrgyzstan and offers its condolences to the families of all the victims of the tragic events;
 2. Calls on all parties to stop violence, show restraint and make every effort so as to start a genuine dialogue aimed at bringing stability and provide the conditions for a peaceful return to a democratic constitutional order;
 3. Stresses that, from an institutional perspective, a coherent and stable constitutional framework is essential for preventing future social unrest and ensuring a peaceful future for the Kyrgyz people, welcomes, from this perspective, the cooperation of the provisional government with the Venice Commission;
 4. Takes note of the first steps taken by the provisional government to restore democracy with regard, in particular, to the plans to draft a new constitution overhauling Bakiyev's revision that concentrated excessive power in the hands of the presidency;
 5. Welcomes, in this regard, the announcement of the provisional government that it will hold the referendum on the new constitution on 27 June 2010 and new general elections on 10 October 2010 to strengthen democracy and political accountability; calls on the provisional government to abide by Kyrgyzstan's international obligations and to ensure that elections will be free and fair;
 6. Stresses the importance of active engagement with the provisional government, with a view to exploring and exploiting possibilities to promote good governance, the independence of the judiciary and other EU policy objectives laid down in the Central Asia Strategy and also in order to facilitate the engagement and activities by international financial institutions;
 7. Calls for a UN-led international investigation into the events in order to identify responsibilities and shortfalls and provide the the Kyrgyz judicial authorities with assistance and urges, in this regard, the provisional government to request the assistance of the OHCHR so as to ensure that investigations into the events of 6-7 April 2010 are thorough, impartial and credible;

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8. Points out that the Tulip Revolution of 2005 had created strong expectations of democratic reforms in Kyrgyz society that did not materialise; calls on the Council and the Commission to show coherence and assertiveness and to use this opportunity to find ways to assist the provisional government of Kyrgyzstan and help the authorities to pursue democratic reforms and improve peoples' lives through national development and the empowerment of citizens in cooperation with all the stakeholders and Kyrgyz civil society;
 9. Notes that Kyrgyzstan's severe lack of resources and vulnerability makes it highly dependent on outside support; notes also that there is a severe shortage in its neighbourhood of models of democratic, well-functioning governance and of positive social development; stresses, in this regard, that international assistance will be crucially important;
 10. Draws attention to the fact that developments in Kyrgyzstan both influence and are influenced by regional and international developments; is convinced that there are big overlaps between Russian, US and other interests, in particular in relation to Afghanistan and the growth of Islamic radicalism in the region, including in Kyrgyzstan; considers that this should make it possible to limit geopolitical competition and look for synergies; believes that success in this would have wider positive effects on international relations and international security;
 11. Calls on the VP/HR's Special Representative for Central Asia to follow the situation closely, provide assistance and facilitate the resumption of dialogue between all the components of Kyrgyz society;
 12. Calls on the Commission and the Council to examine urgently whether conditions for the launch of an internationally coordinated major new aid programme for Kyrgyzstan exist or can be created, taking into account not least how strong the Kyrgyz provisional government's actual commitment to democratisation and clean government appears to be; considers that if it is deemed that sufficiently favourable conditions exist, the EU should take the lead in arranging an international donors' conference for Kyrgyzstan;
 13. Calls for extensive use of the Instrument for Stability; underlines the need to assist Kyrgyzstan to overcome its social and economic problems; asks the Commission to prepare proposals on the re-allocation of funds under the Development and Cooperation Instrument to help make sure that the short, as well as the medium-term, EU response to the new situation in Kyrgyzstan can be of an adequate size; underlines that special priority should be given to the solution of problems in the fields of education, health and water supply;
 14. Stresses that aid from the European Union must accord with the efforts being made to fight corruption and expand education opportunities and with the better living conditions policy, thereby creating favourable conditions that act as a bastion against the development of extremist views;
 15. Calls on the Commission, taking into account the current situation, to check if it is necessary to send urgent humanitarian aid;
 16. Looks forward to the review of the progress made in implementing the EU strategy for the region and calls for efforts in order to make it more credible, concrete and coherent;
 17. Instructs its President to forward this resolution to the Council, the Commission, the parliaments and governments of the Member States, the provisional government of Kyrgyzstan, the Secretary-General of the United Nations, the Secretary General OSCE and the Secretary General of the Council of Europe.
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Electric cars

P7_TA(2010)0150

European Parliament resolution of 6 May 2010 on electric cars

(2011/C 81 E/17)

The European Parliament,

- having regard to the EU Recovery Plan, particularly the ‘Green car initiative’ of November 2008,
 - having regard to Directive 2009/28/EC of 23 April 2009 on the promotion of the use of energy from renewable sources, which sets a minimum threshold of 10 % for energy from renewable sources in transport,
 - having regard to Regulation (EC) No 443/2009 setting emission performance standards for new passenger cars,
 - having regard to the Action Plan on Urban Mobility of 30 September 2009,
 - having regard to the informal Council meeting held in San Sebastian on 9 February 2010,
 - having regard to the Commission Communication ‘Europe 2020 – A strategy for smart, sustainable and inclusive growth’ of 3 March 2010,
 - having regard to the Commission Communication on a European strategy on clean and energy-efficient vehicles of 27 April 2010,
 - having regard to the questions of 16 February 2010 to the Council and to the Commission on electric vehicles (O-0019/2010 – B7-0016/2010, O-0020/2010 – B7-0015/2010),
 - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- A. whereas the challenges posed by climate change, CO₂ emissions and other pollutants, and volatility of fuel prices have led to the technological development of batteries and energy storage systems, and to a greater market awareness of these matters, all of which have created a positive climate for the world-wide development of electric vehicles,
- B. whereas the electric vehicle is a significant innovation with high market potential, particularly in the long term, and whereas the capacity to enter quickly into this market, with high-quality products and a generalised degree of standardisation, will determine its future leaders,
- C. whereas electric vehicles are contributing to the Europe 2020 priorities of developing an economy based on knowledge and innovation and promoting a more resource-efficient, greener and more competitive economy,
- D. whereas at the informal Council meeting held in San Sebastian on 9 February 2010, EU competitiveness ministers agreed with the Commission on the need for the EU to pursue a common strategy on electric cars,

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- E. whereas there are several political reasons to innovate in propulsion systems (electric or hybrids), namely:
- (i) reduction in CO₂ and pollutant emissions,
 - (ii) reduction of noise pollution,
 - (iii) improvement of energy efficiency and potential uptake of renewable energy sources,
 - (iv) the scarcity and fluctuating economic cost of fossil energy sources,
 - (v) the promotion of innovation, based on technological leadership, which could enable European industry to recover from the current economic situation and ensure its general industrial competitiveness in the future,
- F. whereas the EU average energy-mix for the generation of existing electric energy in Europe makes electric vehicles and plug-in hybrids one major option in the broader strategy to curb CO₂ emissions, and whereas the shift towards an efficient energy and sustainable transport system must be a priority of the EU if we want to reach the goal of a largely decarbonised transportation system by 2050,
- G. whereas there are a number of challenges that need to be addressed in order to support successful market introduction of electric vehicles, in particular:
- (i) the high cost of electric vehicles, caused mostly by the cost of batteries,
 - (ii) the need for further R&D to improve the characteristics, and reduce the costs, of electric vehicles,
 - (iii) customer acceptance, with regard to cost, range and recharging time,
 - (iv) an adequate recharging infrastructure,
 - (v) European and global standardisation, such as of interfaces between vehicles and recharging infrastructure,
 - (vi) well-to-wheel emissions of electric vehicles,
- H. whereas there is a confirmed potential offered by electric cars in terms of storage capacity, allowing improvements in the use of renewable energy sources in the light of benefits offered by the smart grids,
- I. whereas the Clean Cars Communication briefly mentions the industry's needs for emerging skills when shifting from conventional to electric vehicles, whereas it does not address the effects on employment caused by that shift, and whereas a coordinated approach will be necessary to meet the challenges faced by the automotive sector's workforce,
- J. whereas there are already several countries and regions which have begun to introduce charging infrastructures for electric vehicles,

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- K. whereas the EU Member States have begun to introduce national support programmes for electric vehicles with a view to their entry onto the Community market,
- L. whereas the industry and research in competing countries have received considerable support, and whereas in the EU this example should be followed,
- M. whereas the review of EU infrastructure investment policy in 2010 provides an excellent opportunity to move towards infrastructure investment in cleaner, advanced technologies, notably smart grids,
- N. whereas in Europe the high number of cities and urban areas with high population density offers suitable conditions for a rapid launching of the electric car, offering European manufacturers the possibility of becoming early market leaders,
- O. whereas the production of electric vehicles could contribute to economic recovery and ensure long-term viability for the European automotive industry, based on low-emission vehicles,
1. Notes the priority given to the development of electric vehicles by the Spanish Presidency in the context of the fight against climate change, supports the decision of the Competitiveness Council to invite the Commission to set up an action plan for clean and energy-efficient vehicles, including the improvement of smart grids, and welcomes the Commission's Communication on a European strategy on clean and energy-efficient vehicles of 27 April 2010;
 2. Calls on the Commission and the Member States to establish the necessary conditions for the existence of a single electric vehicle market, while guaranteeing efficient coordination of policies at EU level, in order to avoid the negative social and employment impacts of the shift to a decarbonised system of transport and in order also to avoid the existence of incompatible schemes and standards that are not interoperable;
 3. Underlines that the development of electric vehicles should be well balanced and conceived within the frame of a future sustainable mobility policy, where *inter alia* reduction of accidents, space use, reduced congestion, total energy consumption, CO₂ emissions, noise and gaseous emissions are crucial, while emphasising that the development of electric mobility should include e-cars, e-bikes, trams, trains etc.;
 4. Calls on the Commission and the Council to take joint action on:
 - (i) international – wherever possible – or at least European standardisation of infrastructures and charging technologies, including smart grids, open communication standards and on-board metering technology and interoperability; these imply the use of new technologies in the development of the necessary interoperable infrastructure in Europe for cross-border electric mobility,
 - (ii) support for research and innovation, with a priority focus on the improvement of battery and engine technology,
 - (iii) improvement of electric networks by introducing smart grids, and the introduction of sustainable generation capacity with low carbon intensity, particularly through renewable energy sources,

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- (iv) support for initiatives that ensure the existence of a single market and develop regulations for type approval in the area of energy-efficient clean cars and, above all, in the field of road safety,
 - (v) coordination of national support measures and incentives for the electric vehicle,
 - (vi) promotion of measures to ensure the competitiveness of the energy-efficient, clean vehicle industry,
 - (vii) strong provisions on anticipatory measures as regards social and employment issues;
5. Calls on the Commission to provide a comprehensive calculation of overall CO₂ emissions of electric vehicles, taking into account the predicted changes in the production of electricity and storage capacities up to 2050;
6. Stresses that electric vehicles represent a technology break-through requiring integrated innovation and technology development strategies via adequate funding and promotion of R&D and innovation in an ever increasing range of key areas, such as batteries, infrastructure (including integration with power grids); welcomes in this context the eco-innovation measures available to manufacturers, but is concerned by the difficulties experienced in their implementation;
7. Recalls the Council of Competitiveness conclusion of 1 March 2010 referring to the upcoming Commission proposal for a business-oriented European Research and Innovation Plan that would complement national innovation strategies, including the promotion of tools and initiatives with strong potential, such as lead markets and pre-commercial public procurement, and better access to finance, particularly for SMEs, by better mobilisation of venture capital instruments;
8. Asks the EU institutions and the Member States gradually to replace their public services fleet of combustion vehicles with electric vehicles, thus stimulating demand through public procurement; calls on the EU institutions to roll out the infrastructure as soon as standards are in place;
9. Recalls that under the Recovery Plan, the Green Car Initiative is supporting the development of new and sustainable forms of road transport, where electric cars have been identified as a priority;
10. Supports the Commission's intention of setting a European standard by 2011 for recharging electric vehicles, which will guarantee interoperability and the safety of infrastructures, and defends the setting of technical standards for charging systems, including different vehicle categories; calls on the Commission to strive for global standards wherever possible and to ensure that the charging standard encourages modern technologies, such as smart charging and opened communication standards, and is consistent with mandates on smart metering architectures;
11. Is convinced that standardisation will enable a simple and straightforward approval process and contribute to accelerating the market introduction and dissemination of low-carbon vehicles in the EU, enhancing the competitiveness of the EU mobility industry through the reduction of development costs for manufacturers and the decarbonisation of road transport;
12. Emphasises that standardisation of electric vehicles, infrastructures and charge methods should not hinder further innovation, particularly in the fields of electric mobility or conventional vehicle engines;

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13. Calls for harmonised requirements for the approval of electric vehicles, with specific requirements with regard to health and safety, for both workers and end-users, and for those requirements to be included in the EU vehicle type-approval framework by mandating UNECE Regulation 100; strongly supports the Commission's proposal for a review of the crash safety requirements for electric cars and the attention it is giving to the question of the safety of electric cars for vulnerable road users;
14. Welcomes the Commission's proposal to present by 2010 coordinated guidelines on purchasing incentives for electric vehicles; calls on the Commission and the Council, furthermore, to provide for an adequate incentive package for the implementation of an extensive charging network, with harmonised electric mobility models;
15. Stresses that public aid packages provided for companies must be linked to a clear set of social, technological, economic and environmental efficiency criteria, and calls on the Commission to carry out effective ex-post evaluations of such financial support;
16. Calls on the Commission to enable a European sectoral structure to manage the social transition involved in a low-carbon mobility policy and to coordinate anticipation measures to ensure sustainable recovery in the car industry and reduce any social impact; demands that effective steps be taken to anticipate change in the automotive sector and supply chain, in coordination with all stakeholders, notably through the re-launching of the CARS 21 platform with a specific social issues working group;
17. Calls on the Member States to ensure full use of the globalisation fund and other structural funds such as the European Social Fund, to provide incentives for re-skilling and well-targeted training efforts, and the further reorientation of sectoral training and education structures to meet the emerging skills needs resulting from this technology;
18. Welcomes the Commission's intention to establish a European Sectoral Skills Council, aiming at creating a network of Member State national observatories;
19. Defends the setting up of a shared information platform and coordinating effort among European players, projects and initiatives and the setting up of an international (global-level) observatory on electric mobility, focusing on business models, vehicle and charging technologies and integration with smart electric networks and bringing together the most relevant stakeholders, industry- and/or policy-led initiatives;
20. Calls on the Member States to develop the necessary long-term fiscal policy for the promotion of energy-efficient clean vehicles, and asks the Commission to set a long-term common vision on issues such as CO₂-related policies, anticipating structural changes that result from the shift from conventional fuels to electricity and the promotion of the use of renewable energy;
21. Calls on the Commission, the Member States and the electric mobility industry to consider the resources, energy and environmental balance of electric vehicles throughout their life cycle, from production to disposal, including recycling and reusing of batteries;
22. Draws attention to the availability of raw materials needed for battery and component production, which raises the questions of increased production costs and EU dependency; calls on the industry to endeavour to make better use of the available resources, and calls on the Commission to finance applied research under the current and future Framework Programmes on the raw materials used for electric batteries, to encourage better networking among EU geological surveys and to promote skills and technologies in this sector which will boost exploration for new raw material deposits;

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23. Supports the Commission's proposal to set up information campaigns for consumers on the advantages, possibilities and practical aspects of electric vehicles;
24. Instructs its President to forward this resolution to the Council, the Commission, the social partners and the industry.

Motor Vehicle Block Exemption Regulation

P7_TA(2010)0151

European Parliament resolution of 6 May 2010 on the Motor Vehicle Block Exemption Regulation

(2011/C 81 E/18)

The European Parliament,

- having regard to having regard to Article 3(3) of the Treaty on the European Union, Article 101(1) and (3), Article 103(1) and Article 105(3) of the Treaty on the Functioning of the European Union (hereinafter the 'TFUE'),
- having regard to Regulation No 19/65/EEC of 2 March 1965 of the Council on application of Article 85(3) of the Treaty to certain categories of agreements and concerted practices ⁽¹⁾,
- having regard to Council Directive 86/653/EEC of 18 December 1986 on the coordination of the laws of the Member States relating to self-employed commercial agents ⁽²⁾,
- having regard to Commission Regulation (EC) No 2790/1999 of 22 December 1999 on the application of Article 81(3) of the Treaty to categories of vertical agreements and concerted practices ⁽³⁾ (the general vertical agreements block exemption regulation, hereinafter the 'current GBER'),
- having regard to Commission Regulation (EC) No 1400/2002 of 31 July 2002 on the application of Article 81(3) of the Treaty to categories of vertical agreements and concerted practices in the motor vehicle sector ⁽⁴⁾ (the motor vehicles block exemption regulation, hereinafter the 'current MVBBER'),
- having regard to Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information ⁽⁵⁾; and to Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information ⁽⁶⁾,
- having regard to Draft Commission Regulation on the application of Article 81(3) of the Treaty to categories of vertical agreements and concerted practices (the new general vertical agreements block exemption regulation, hereinafter the 'new GBER'), published on 28 July 2009 for consultation on the Commission's website,

⁽¹⁾ OJ 36, 6.3.1965, p. 533.

⁽²⁾ OJ L 382, 31.12.1986, p. 17.

⁽³⁾ OJ L 336, 29.12.1999, p. 21.

⁽⁴⁾ OJ L 203, 1.8.2002, p. 30.

⁽⁵⁾ OJ L 171, 29.6.2007, p. 1.

⁽⁶⁾ OJ L 188, 18.7.2009, p. 1.

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- having regard to Draft Commission Regulation on the application of Article 101(3) of the Treaty to categories of vertical agreements and concerted practices in the motor vehicle sector (the new motor vehicles block exemption regulation, hereinafter the 'new MVBBER'), published on 21 December 2009 for consultation on the Commission's website,
- having regard to the Commission notice – Guidelines on Vertical Restraints ⁽¹⁾,
- having regard to the Commission explanatory brochure on distribution and servicing of motor vehicles in the European Union,
- having regard to the Commission notice – Guidelines on the application of Article 81(3) of the Treaty ⁽²⁾,
- having regard to Draft Commission Notice – Guidelines on Vertical Restraints, published on 28 July 2009 for consultation on the Commission's website,
- having regard to Draft Commission Notice – Supplementary guidelines on vertical restraints in agreements for the sale and repair of motor vehicles and for the distribution of spare parts for motor vehicles, published on 21 December 2009 for consultation on the Commission's website,
- having regard to Commission Communication of 25 June 2008 on 'Think small first – a Small Business Act for Europe' (COM(2008)0394),
- having regard to the 'Commission evaluation report on the operation of Regulation (EC) No 1400/2002 concerning motor vehicle distribution and servicing' and its accompanying Staff Working Documents, published in May 2009 on the Commission's website (hereinafter the 'evaluation report'),
- having regard to Commission Communication of 22 July 2009 on 'The Future Competition Law Framework applicable to the motor vehicle sector' (COM(2009)0388) and its accompanying Staff Working Documents,
- having regard to the Opinion of the European Economic and Social Committee of 18 March 2010 on Commission Communication: The Future Competition Law Framework applicable to the motor vehicle sector (INT/507 – CESE 444/2010),
- having regard to the contributions from the different stakeholders sent to the Commission during the periods of public consultations and published on the Commission's website, as well as the positions expressed by the stakeholders during the joint meeting of the ECON and IMCO Committees on 19 October 2009 and the ECON Committee workshop of 12 April 2010, both on the MVBBER,
- having regard to its Resolution of 30 May 2002 on the draft Commission Regulation on the application of Article 81(3) of the Treaty to categories of vertical agreements and concerted practices in the motor vehicle industry (2002/2046(INI)) ⁽³⁾,

⁽¹⁾ OJ C 291, 13.10.2000, p. 1.

⁽²⁾ OJ C 101, 27.4.2004, p. 97.

⁽³⁾ OJ C 187 E, 7.8.2003, p. 149.

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- having regard to its Resolution of 15 January 2008 on CARS 21: A Competitive Automotive Regulatory Framework (2007/2120(INI)) ⁽¹⁾,
 - having regard to its Resolution of 25 March 2009 on the future of the automotive industry ⁽²⁾,
 - having regard to its Resolution of 9 March 2010 on the Report on Competition Policy 2008 (2009/2173(INI)) ⁽³⁾,
 - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- A. whereas distribution agreements are regulated at EU level through two separate legal frameworks, namely, on the one hand, a Directive providing for the coordination of national laws regarding commercial representation agreements (Directive 86/653/EEC, the so-called Commercial Agency Directive), and, on the other hand, two block exemption regulations in the context of competition law as far as vertical distribution agreements are concerned (the current GBER and the current MVBBER),
- B. whereas in 1999 the Commission defined in the current GBER a category of vertical agreements which it regards as normally satisfying the conditions for exemption laid down in Article 101(3) TFEU from the prohibition of anticompetitive clauses and practices,
- C. whereas the motor vehicle sector has been subject to a specific competition regulatory framework since the mid-eighties,
- D. whereas in 2002 the Commission considered that the motor vehicle sector should not be brought within the current GBER regime, because specific provisions were still needed to address the particular competition problems it had identified in this sector, namely an oligopolistic situation in the European car market; whereas the Commission was by then concerned that competition between car manufacturers was low,
- E. whereas the Commission decided therefore to adopt in the current MVBBER stricter rules for this sector, in particular specific market share thresholds and additional hardcore restrictions and conditions,
- F. whereas the scope of the current MVBBER encompasses three different product markets: (a) new motor vehicles (primary market); (b) spare parts for motor vehicles (aftermarket); and (c) repair and maintenance services (aftermarket); whereas motor vehicles include both passenger cars and commercial vehicles,
- G. whereas both the current GBER and the MVBBER will expire on 31 May 2010; whereas the Commission has launched the process of reviewing both regulations and their accompanying guidelines,
- H. whereas the Commission now considers that the markets for new motor vehicles sales are highly competitive and that concentration levels have been declining; whereas the Commission considers also that entry barriers are low in this market and that there has been a rapid growth of Eastern Asian entrants generated by aggressive pricing,
- I. whereas the Commission notes that, as a result, retail prices for passenger cars have been decreasing; whereas, on the contrary, the Commission notes that competition on the repair and maintenance markets is still very limited and that prices are very high for certain types of spare parts,

⁽¹⁾ Texts adopted, P6_TA(2008)0007.

⁽²⁾ Texts adopted, P6_TA(2009)0186.

⁽³⁾ Texts adopted, P7_TA(2010)0050.

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- J. whereas the Commission proposes that a specific block exemption for the purchase and sale of new motor vehicles (primary market) is no longer needed and that the new GBER will apply to the primary market after a prolongation period of 3 years; whereas until 31 May 2013, the current MVBBER will continue to apply to the primary market,
- K. whereas the Commission also proposes to adopt specific guidelines of interpretation and application applicable to the motor vehicle sector, both for the primary market and the aftermarket,
- L. whereas, for the aftermarket (spare parts for motor vehicles, repair and maintenance services), the Commission proposes to adopt a special block exemption regulation, the new MVBBER,
- M. whereas it is undeniable that the vast majority of the motor trade and repair businesses have expressed their serious concerns about a risk of temporary suspension or short-term prolongation of the current MVBBER, as it will lead to a further deterioration of the power balance between manufacturers and the rest of the automotive value chain and will benefit only the handful of major vehicle manufacturers,
- N. whereas several representatives of the vehicle spare parts market, servicing and repair sector have expressed their support for a new set of aftermarket rules as a major step forward compared to the current MVBBER,
- O. whereas the primary market and after-sales market are not mutually exclusive and the commercial viability of many independent dealers depends on both their flexibility to sell and repair vehicles,
- P. whereas the EU is currently facing an exceptional financial and economic crisis and high rates of unemployment; whereas the EU should promote a competitive social market economy and aim at reducing poverty; whereas the European automotive industry is a key sector of the European economy, contributing to employment, innovation and the competitiveness of the whole economy; whereas this industry has been particularly hit by the current crisis and supported by State interventions in several Member States,
- Q. whereas multi-branding provisions apply to sales distribution under the same roof, in separate showrooms in the same area or in separate premises,
1. Welcomes the fact that the Commission has opened several public consultations as regards the review of both the MVBBER and the GBER; appreciates that the Commission has submitted to Parliament the evaluation report on the application of the current MVBBER;
 2. Encourages the Commission to proactively work in a spirit of openness and transparency with the Parliament and to inform and send legislative, pre-legislative and non-legislative documents to Parliament at an early stage, as assured by Commissioner Almunia during his hearing as Commissioner-designate;
 3. Highlights that such approach would allow for a thorough debate among Members of Parliament and would enhance the democratic legitimacy of the Commission decision;
 4. Calls on the Commission to clearly specify which contributions from the stakeholders, if any, it intends to incorporate in the final regulation so as to ensure a transparent drafting of the final MVBBER and GBER;

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5. Stresses that it is necessary to establish general conditions to make the motor vehicle industry in the EU, including both vehicle manufacturers and vehicle parts producers, sustainable and enable it to remain economically efficient and in the forefront of technological, ecological and social innovation; underlines the importance to strike a balance between competition requirements and intellectual property, both in the internal market and with third countries;
6. Believes that the new MVBBER should be regarded as a piece of an integrated approach to legislation in the motor vehicle sector;
7. Recalls the importance of legal certainty; therefore calls on the Commission to draft Frequently Asked Questions or an Explanatory Brochure to explain in more detail the new legislative framework to market players;
8. Points out that the relationship between manufacturers, on the one hand, and dealers, service providers and other relevant economic actors in the automotive supply chain, on the other hand, has to be carefully analysed, taking into consideration their unequal economic power as trading partners;
9. Stresses that there is a need to ensure that small and medium-sized players in the automotive supply chain enjoy favourable conditions; emphasises the importance of adopting a solid regulatory framework able to effectively prevent any abuse of any dominant position and ensure that there is no increase of dependence of SMEs vis-à-vis large manufacturers; recalls the importance of SMEs as job-providers, in particular in a time of economic crisis, and as suppliers of proximity, responding to the demand of the population, even in less populated areas;
10. Is not in favour of the removal of certain conditions imposed by the current MVBBER for an agreement to be exempted, namely the contractual clauses on multi-branding, notice of termination, duration, arbitration of disputes, litigation and business transfers within the network; recalls, in particular, that the need to simplify the conditions for business transfers is part of the first principle of the Small Business Act; draws attention to the risk represented by a single branding obligation for consumer choice and dealers' independence vis-à-vis manufacturers; fears that these clauses might become subject to the different national contract laws;
11. Calls on the Commission to ensure that distributors, including from the motor vehicle sector, benefit from the same level of contractual protection throughout the EU as commercial agents currently do; believes that such an alignment could be achieved by amending Directive 86/653/EEC and partially extending its scope of application to include all distribution agreements;
12. Emphasises that it is important particularly in times of economic distress to allow concrete commercial alternatives to ownership, such as leasing, to satisfy the mobility needs of individuals; therefore, urges the Commission to ensure that the new MVBBER and GBER stipulate the required conditions, such as the end user definition, to allow such commercial alternatives to develop and contribute to healthy competition in the automotive market;
13. Is not in favour of a non-binding Code of Conduct setting out mutual obligations between franchised dealers and their suppliers which will be ineffective in protecting dealers' interests vis-à-vis manufacturers; any Code of Conduct should be accompanied by a proper enforcement mechanism, namely access to an appropriate arbitration procedure;

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14. Fears that the objective of the Commission to continue promoting effective competition in the motor vehicles aftermarket by addressing consumer choice and effective access for independent market operators could not be reached through this reform; agrees with the Commission that competitive conditions in the motor vehicle aftermarket have also a direct consequence on public safety;
 15. Calls on the Commission to maintain the threshold of 30 % for the obligation to purchase spare parts, in order to keep authorised repairers' freedom to purchase spare parts from other sources than the vehicle manufacturer and therefore avoid coming back to a quasi-captive supplying, which would increase spare parts' prices and cut other spare parts suppliers' activity;
 16. Stresses that European consumers and other end users should not face any barriers to purchase a car at competitive prices, even in large quantities and regardless of the distribution system chosen by the supplier, and be able to choose where and how they have repair and maintenance carried out;
 17. Reminds in this context the repeated calls from Parliament for greener vehicles and the statements by the President of the Commission on greening the economy; believes that multi-branding as well as easy access to repair and maintenance services help to reach the objective of lower emission vehicles through easy comparison of vehicles when buying a car and adequately functioning vehicles; reiterates its request to investigate the effectiveness of State aid granted to the motor vehicle sector for 'green recovery';
 18. Is concerned that the Commission's proposed guidelines for the motor vehicle sector are insufficiently precise to ensure technical information is made available to independent dealers in the same comprehensive format as provided for in Regulation (EC) No 715/2007 and Regulation (EC) No 595/2009; furthermore, calls on the Commission to update the definition of technical information on the basis of technological progress and to ensure continued access to updated services and parts data in readily accessible electronic formats;
 19. Calls on the Commission to apply the new aftermarket rules as of the 1st June 2010 irrespective of solutions to be adopted regarding the sales of new vehicles;
 20. Calls on the Commission to address new forms of anticompetitive customer tying measures such as any type of after-sales service contingent upon the exclusive repair or maintenance of a vehicle within the brand-specific network;
 21. Calls on the Commission to monitor the operation of the new legal framework for the automotive sector on a regular basis; in particular, urges the Commission to carry out a thorough reassessment of the competition conditions in the motor vehicle primary market before the end of the prolongation period, focusing on the impact of certain contractual clauses such as multi-branding, business transfer and the threshold for spare parts, as well as on the provisions of the proposed Code of Conduct; in this respect, urges the Commission to leave all regulatory options open and to take appropriate measures, including a new prolongation of part of the MVBBER or revisions to be made to the GBER, should it appear that the competitive conditions in particular in the primary market have significantly worsened;
 22. Stresses that Parliament should be informed by the Commission of any adaptation of the new legal framework that it might envisage to adopt as a result of its market monitoring and that Parliament should be consulted in good time before such a decision is taken;
 23. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.
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Commission communication on Action against Cancer: European Partnership

P7_TA(2010)0152

European Parliament resolution of 6 May 2010 on the Commission communication on Action Against Cancer: European Partnership (2009/2103(INI))

(2011/C 81 E/19)

The European Parliament,

- having regard to the Commission communication on Action Against Cancer: European Partnership (COM(2009)0291),
- having regard to Decision No 1350/2007/EC of the European Parliament and of the Council of 23 October 2007 establishing a second programme of Community action in the field of health (2008-13) ⁽¹⁾,
- having regard to its resolution of 9 October 2008 on 'Together for health: a strategic approach for the EU 2008-2013' ⁽²⁾,
- 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) ⁽³⁾,
- having regard to the Council conclusions on reducing the European burden of cancer adopted on 10 June 2008 ⁽⁴⁾,
- having regard to Council Recommendation 2003/878/EC of 2 December 2003 on cancer screening ⁽⁵⁾,
- having regard to its declaration of 11 October 2007 on the need for a comprehensive strategy to control cancer ⁽⁶⁾,
- having regard to its resolution of 10 April 2008 on combating cancer in the enlarged European Union ⁽⁷⁾,
- having regard to its resolution of 25 October 2006 on breast cancer in the enlarged European Union ⁽⁸⁾,
- having regard to its resolution of 5 June 2003 on breast cancer in the European Union ⁽⁹⁾,
- having regard to Decision No 646/96/EC of the European Parliament and of the Council of 29 March 1996 adopting an action plan to combat cancer within the framework for action in the field of public health (1996 to 2000) ⁽¹⁰⁾,

⁽¹⁾ OJ L 301, 20.11.2007, p. 3.

⁽²⁾ Texts adopted, P6_TA(2008)0477.

⁽³⁾ OJ L 412, 30.12.2006, p. 1.

⁽⁴⁾ Council of the European Union, Council Conclusions on Reducing the Burden of Cancer, 2876th Employment, Social Policy, Health and Consumers Affairs Council Meeting, Luxembourg, 10 June 2008.

⁽⁵⁾ OJ L 327, 16.12.2003, p. 34.

⁽⁶⁾ OJ C 227 E, 4.9.2008, p. 160.

⁽⁷⁾ OJ C 247 E, 15.10.2009, p. 11.

⁽⁸⁾ OJ C 313 E, 20.12.2006, p. 273.

⁽⁹⁾ OJ C 68 E, 18.3.2004, p. 611.

⁽¹⁰⁾ OJ L 95, 16.4.1996, p. 9.

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- having regard to Council Decision 2004/513/EC of 2 June 2004 concerning the conclusion of the WHO Framework Convention on Tobacco Control ⁽¹⁾,
 - having regard to the European Code Against Cancer: third version,
 - having regard to the World Cancer Report 2008 of the International Agency for Research on Cancer (IARC),
 - having regard to the declaration of the European Parliament on hepatitis C ⁽²⁾,
 - having regard to the activity and the conclusions of the all-party interest group MEPs Against Cancer (MAC),
 - having regard to Article 184 of the Treaty on the Functioning of the European Union,
 - having regard to Article 35 of the Charter of Fundamental Rights of the European Union ⁽³⁾,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Industry, Research and Energy and the Committee on Women's Rights and Gender Equality (A7-0121/2010),
- A. whereas cancer is growing epidemically worldwide in spite of medical progress,
- B. whereas certain countries have made progress in reducing cancer rates thanks to anti-smoking policies, improved secondary prevention and treatment of certain forms of cancer ⁽⁴⁾,
- C. whereas, according to the World Health Organisation, cancer is one of the leading causes of death worldwide and accounted for around 13 % of all deaths in 2004,
- D. whereas cancer was the second most common cause of death in 2006, accounting for two out of ten deaths in women and three out of ten deaths in men, equating to approximately 3.2 million EU citizens diagnosed with cancer each year; whereas the deaths are due for the most part to lung cancer, colorectal cancer, and breast cancer,
- E. whereas, according to estimates by the International Agency for Research on Cancer (IARC), one in three Europeans is diagnosed with cancer during their lifetime and one in four Europeans dies from the disease,
- F. whereas projections suggest that, in 2010, 3 million Europeans will develop cancer and nearly 2 million are expected to die of cancer, and projections for 2020 suggest that 3.4 million Europeans will develop cancer and over 2.1 million will die as a result of the disease,
- G. whereas the most frequent types of cancer differ between women and men, and women are mostly affected by breast, cervical, endometrial, fallopian tube, ovarian and vaginal cancer but also often by stomach and colorectal cancers; whereas the incidence of breast cancer is rising among women in many European countries, also affecting younger women, and 275 000 women in the EU contract breast cancer each year,

⁽¹⁾ OJ L 213, 15.6.2004, p. 8.

⁽²⁾ OJ C 27 E, 31.1.2008, p. 247.

⁽³⁾ OJ C 364, 18.12.2000, p. 1.

⁽⁴⁾ Jemal A, Ward E, Thun M (2010) Declining Death Rates Reflect Progress against Cancer. PLoS ONE 5(3): e9584. doi:10.1371/journal.pone.0009584.

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- H. whereas the fight against cancer should be considered to be an essential part of the Health Strategy,
- I. whereas about 30 % of cancers may be prevented and the consequences reduced by early detection and treatment, while the effectiveness of national screening programmes for women varies and depends on the coverage of the female population, accessibility to and the quality of mammography, treatment and other factors,
- J. whereas childhood cancer, the leading cause of death from disease in the young, can be successfully treated to achieve an 80 % survival rate,
- K. whereas prevention involves both primary prevention of incidence and secondary prevention via screening and early detection,
- L. whereas effective primary prevention can greatly contribute to improving health through population-based interventions and measures to encourage healthy lifestyles,
- M. whereas prevention involves both primary prevention of incidence, which can be accomplished by reducing population exposure to cancer-related contaminants in the environment, in addition to secondary prevention via screening and early detection,
- N. whereas the incidence of cervical cancer (the second most common type of cancer in women after breast cancer) may be prevented by an appropriate treatment such as prophylactic vaccines against carcinogenic viruses,
- O. whereas cancer is caused by many factors in multiple stages and therefore requires a new cancer prevention paradigm that addresses genetic, lifestyle, occupational and environmental factors on an equal footing in a manner that reflects the actual combination effects of different factors, rather than focusing on isolated causes,
- P. whereas environmental factors include not only environmental tobacco smoke, radiation and excessive UV exposure but also exposure to chemical contaminants in food, air, soil and water due to inter alia industrial processes, agricultural practices or the content of such substances in e.g. construction and consumer products,
- Q. whereas the disease arises principally as a consequence of individual exposure to carcinogenic agents in what individuals inhale, eat and drink, or are exposed to in their personal or work environment. Habits, such as tobacco use, dietary and physical activity patterns - as well as occupational and environmental conditions - play major roles in the development of cancer,
- R. whereas, according to the World Health Organisation, at least 10 % of annual cancer-related deaths are caused directly by exposure to carcinogens at the workplace; whereas such exposure could be averted if the carcinogens were replaced by less harmful substances,
- S. whereas the rapid rate of increase of some cancers such as e.g. testicular and non-Hodgkins Lymphoma, and the increase in childhood cancers of 1 % per year in Europe in the last 20 years according to the WHO, show that environmental factors must be involved,
- T. whereas effective secondary prevention aimed at early disease detection can also significantly contribute to improving health prevention and can greatly contribute to improving health; whereas it has been predicted that, by implementing 100 % population coverage of cervical cancer screening, an estimated reduction of over 94 % of life years lost could be attained and, for every 152 pap smear tests performed, one life year could be gained,

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- U. whereas endocrine disrupting chemicals can play an important role in cancer formation, for example in the case of breast cancer or testicular cancer, and therefore require specific action,
- V. whereas Europe's health systems face major challenges to their long term sustainability and first among these is the impact the ageing population will have on workforce requirements and overall healthcare expenditure; in addition, new technologies, though they bring substantial benefits, require adequately trained staff and possibly increased spending,
- W. whereas the incidence of certain cancers such as cervical cancer is significantly higher in certain female migrant populations, and therefore it is necessary to guarantee that prevention and early detection programmes are focused on and available for these high risk groups,
- X. whereas the Union's ageing population is one of the reasons for the increase in the cancer burden across the Union and whereas the increase in the incidence of cancer will impose additional pressures on public finances and the productivity of the private sector economy and therefore an improvement in the health indicators relating to cancer will also contribute to improving the long-term economic indicators,
- Y. whereas the prevalence of cancer correlates with increasing age and is closely linked with old age, it is also the case that with the ageing of the population the overall incidence of cancer will increase as well; this trend will manifest itself mainly amongst older women, since women still have a higher life expectancy than men, and therefore it is necessary to guarantee that prevention and early detection programmes are not only made available for middle-aged women but also for older women as well as for the oldest old;
- Z. whereas in the Lisbon Treaty shared competence between the European Union and the Member States applies in common safety concerns in public health matters, such as the protection of physical and mental health,
- AA. whereas death rates from cancer in the new Member States are higher than in the EU-15,
- AB. whereas the WHO estimates that at least one third of all cancer cases are preventable and that prevention offers the most cost-effective long-term strategy for the control of cancer and it has been estimated that cancer could be prevented by modifying or avoiding key risk factors such as smoking, being overweight, low fruit and vegetable intake, physical inactivity and alcohol consumption, infectious agents and exposure to certain chemical substances and ionising radiation,
- AC. whereas poor nutrition, physical inactivity, obesity, tobacco and alcohol, are risk factors common to other chronic diseases, such as CVD, type 2 diabetes, and respiratory diseases, and therefore cancer prevention programmes should be conducted within the context of an integrated chronic disease prevention programme,
- AD. whereas, as early as 1987, experts developed the European Code Against Cancer as an evidence-based instrument for tackling prevention,
- AE. whereas the startling and unacceptable differences in the quality of cancer treatment facilities, screening programmes, evidence-based best-practice guidelines, facilities for radiotherapy, and access to anti-cancer drugs are among the reasons for the big differences in achieving the five-year survival rate for most cancers across Europe,

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- AF. whereas health inequality is still widespread in the European Union, and whereas disadvantaged communities – as a result of limited access to resources, information and services – face higher risks of adverse health outcomes than those who are in a higher socio-economic position,
- AG. whereas cancer can be reduced and controlled by implementing evidence-based strategies for early detection and management of patients with cancer,
- AH. whereas it is estimated that 25 % of all cancer deaths in the Union can be attributed to smoking; whereas smoking causes between 80 % and 90 % of lung cancer deaths worldwide, whereas the uptake of smoking by young girls is increasing, with a resultant risk of a future rise in lung cancer in women,
- AI. whereas in the past 20 years the incidence of liver cancer has more than doubled and in 2006 there were 50 300 new cancer cases in the EU-27 and 45 771 died of the disease, and whereas, in addition to excessive weight and alcohol consumption, 75 % to 85 % of cases of primary liver cancer are attributable to persistent infections with viral hepatitis (B or C),
- AJ. whereas it is well established that lifestyle, particularly nutritional habits, influences tumour development and therefore preservation of a good nutritional status contributes to survival (at least for certain types of tumours) and the quality of life of cancer patients,
- AK. whereas certain cancers may be avoided and health in general can be improved by adopting healthier lifestyles and whereas cancers may be cured or the prospects of a cure greatly increased if they are detected at an early stage,
- AL. whereas cancer is also strongly associated with social and economic status and cancer risk factors are highest in groups with the least education. In addition, patients in the lower socioeconomic classes have consistently poorer survival rates than those in higher strata,
- AM. whereas a well-designed, well-managed national cancer control programme lowers cancer incidence and mortality, in some cases by more than 70 %, and improves the life of cancer patients, no matter what resource constraints a country faces,
- AN. whereas broad disparities exist among Member States concerning the development, implementation and quality of cancer control plans,
- AO. whereas nationwide implementation of effective, population-based screening programmes – run in accordance with European guidelines if they already exist – significantly improves the quality and accessibility of cancer screening, diagnosis and therapeutic services to the population and thereby also improves cancer control,
- AP. whereas there are at present considerable qualitative differences within the EU as regards cancer screening, early detection, and follow-up; whereas the differences relate in particular to the application of procedures for the purposes of early detection, a method making for a cost-measurable, cost-effective reduction in the impact of the disease,
- AQ. whereas national cancer registries in all Member States are essential with a view to providing comparable data on cancer,

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- AR. whereas interinstitutional cooperation can enhance the effectiveness of our joint efforts,
- AS. whereas oncology is not recognised as a medical speciality in all Member States, and whereas continuing medical education needs to be provided,
- AT. whereas the free movement of persons and free movement of workers are guaranteed in Community law and, as a principle, freedom of establishment helps to ensure that health professionals go where they are most needed, benefiting patients directly and avoiding the many difficulties inherent in the movement of patients across borders,
- AU. whereas physical health and mental health are closely linked and interconnected, and this two-way connection is too often neglected in the care of cancer sufferers and other service users,
- AV. whereas the complexity of cancer requires improved communication between the many and varied healthcare professionals involved in cancer patient treatment and whereas psychosocial and mental health care of cancer patients can improve their life expectancy and quality of life,
- AW. whereas cancer patients currently have unequal access to medical information and are in urgent need of more information at every stage of their disease,
1. Welcomes the Commission proposal to set up a European Partnership for Action Against Cancer for the period 2009-2013 to support the Member States in their efforts to tackle cancer by providing a framework for identifying and sharing information, capacity and expertise in cancer prevention and control and by engaging relevant stakeholders across the European Union in a collective effort;
 2. Argues that strong action on cancer at a European level has the potential to set in place a framework for coordinated action at Member State, regional and local level. The European Partnership for Action Against Cancer should complement and build on work currently undertaken by the European Institutions in the field of health, and should seek to form partnerships with other services and sectors to ensure a comprehensive approach to the prevention and treatment of cancer;
 3. Recognises that, under Article 168 TFEU, actions relating to health matters are primarily the responsibility of the Member States, but stresses the importance of establishing a Community roadmap and encourages the Commission and the Member States to take joint action and a comprehensive approach by incorporating the medical field into policy areas such as education, environment, research and social issues;
 4. Stresses that closer cooperation with stakeholders, with the participation of civil society and employers' and employees' organisations at international, European, national, regional and local level, should be established for a representative and effective partnership. The European Partnership for Action Against Cancer should gather those stakeholders with a genuine interest in improving health outcomes. The potential of this forum to contribute to the development and dissemination of best practice guidelines should not be underestimated. The Partnership should also establish channels of communication with other fora, such as the EU Health Policy Forum, to ensure the work against cancer is giving due consideration to other concerns such as health inequities, the determinants of health and the role of health professionals, all of which have a clear impact on the prevalence and treatment of cancer;

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5. Calls on the European Commission and the European Council to cooperate with the European Parliament in a well-coordinated inter-institutional partnership in order to reduce the burden of cancer, using the legal basis established in the Treaty of Lisbon to protect public health and prevent diseases. The European Commission and the European Council should consider the various formal and informal structures that exist to consult with the Members of the European Parliament;
6. Calls on the Commission to specify the nature of, and the sources of funding for, the European Partnership for Action Against Cancer;
7. Stresses that a comprehensive cancer approach and multidisciplinary teams can ensure more effective care for patients with cancer and that integrated cancer care, giving due consideration to psychosocial and mental wellbeing and support, is a vital part of care that should also be encouraged;
8. Stresses that special action is to be taken for rare and less common cancers, with the aim of accelerating diagnosis and making expertise more widely available in centres of excellence;
9. Points out that according to the Lisbon Treaty the European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee and the Committee of the Regions, may also adopt incentive measures designed to protect and improve human health;
10. Considers that the success of the partnership, given the absence of additional funding before the end of the current financial framework (2013), depends on making optimum use of the available resources;
11. Calls on Member States to set up integrated cancer plans as soon as possible as these are key to achieving the Partnership's ambitious long-term aim of reducing the burden of cancer by 15 % by 2020;
12. Calls on the Commission to build on findings of the Cancer Partnership with regard to cancer control plans and to present a proposal for a Council Recommendation on Cancer Control Plans; calls on the Commission to monitor independently on a yearly basis the implementation and progress of the recommendation adopted;
13. Underlines that prevention is the most cost-effective response, as one third of cancers are preventable, and urges that more resources are systematically and strategically invested in both primary and secondary prevention; underlines the importance of maintaining investments in health, in particular through preventive actions. In this regard, the European Commission and the European Council should consider further action to ensure a health-improving environment, including work on tobacco, nutrition and alcohol and provisions to improve opportunities for physical activity;
14. Calls upon the Partnership to ensure that all 'Health Promotion and Prevention' and 'Research' group actions include a component on environmental factors, these being defined as not only environmental tobacco smoke, radiation, and excessive UV exposure, but also hazardous chemicals in the indoor and outdoor environment to which people are exposed, including endocrine disruptors;
15. Considers that tackling 'risk factors' for cancer is key to prevention and urges Member States to treat this as a priority;

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16. Highlights that there is an increasing need to focus on the quality of life for a rising number of chronic cancer patients whose illness cannot be cured but which may be stabilised for a number of years;
17. Stresses that actions aimed at reducing inequities in the cancer burden should include targeted promotion of health, public education and prevention programmes as well as the collection of data from population-based national cancer registries and comparable, complete and accurate registry data on cancer;
18. Urges the Commission to encourage those Member States with high cancer mortality to reform their national cancer registries in order to provide the data necessary for better informed and more focused policies;
19. Urges that, apart from health promotion and the fight against excessive weight and alcohol consumption, the prevention and control of diseases which can develop into cancer, for instance primary and secondary prevention of viral hepatitis and treatment where appropriate, should be addressed by the Cancer Partnership and in future EU initiatives, such as a revised Council recommendation on cancer screening;
20. Stresses the role of screening as one of the most important instruments in the fight against cancer; urges Member States to invest in cancer screening programmes and considers that these initiatives are most efficient when they are available to the widest possible range of people and on a regular basis;
21. Stresses that integrated research (basic and clinical) on the use of nutrition in preventing cancer and treating malnutrition associated with cancer, as well as validated and widely accepted guidelines on nutritional support for cancer patients, should be developed; urges therefore the Commission to provide funding to develop and validate integrated research (basic and clinical) on the use of nutrition in preventing cancer and treating malnutrition associated with cancer, as well as for the development of widely accepted guidelines on nutritional support for cancer patients for social and health care professionals across Europe, and calls on the Member States to promote the implementation of such guidelines;
22. Stresses that the European Code Against Cancer needs to be revised and promoted more widely and forcefully across the EU-27 and that particular efforts should be directed towards new Member States under the European Cancer Partnership;
23. Urges the Member States to establish a legal obligation to declare cancer cases, using standardised European terminology, the object being to provide means of evaluating prevention, screening, and treatment programmes, survival rates, and the comparability of data from one Member State to another and, on the basis of the findings, to produce information aimed at the general public;
24. Stresses that cancer can be reduced and controlled by implementing evidence-based strategies for early detection and management of patients with cancer, including appropriate information to ensure awareness of the benefits of screening for those who should benefit from it; urges the Member States in this connection to examine whether breast cancer screening for women under 50 and over 69 years of age serves a useful purpose and asks the Commission to collect and analyse this information;
25. Stresses the urgent need for agreed quality treatment standards for childhood cancers to be shared and applied across the EU-27;
26. Calls on Member States to do more to raise awareness of gender specific cancer, in order to increase levels of prevention and encourage screening for these diseases;

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27. Calls on the Commission to provide funding for the further development of blood- and urine-based tests (biomarker tests) within the seventh Research Framework Programme, bearing in mind that these early diagnosis procedures are promising tools for detecting different types of cancer (prostate, colon, ovarian, kidney, and bladder cancer);
28. Considers that existing FP7 funding allocated to the fight against cancer should be used more efficiently through, for example, better coordination between the different cancer research centres in the EU;
29. Calls on the Commission to make full use of its supporting role by setting up joint actions on research;
30. Calls for support to be stepped up for research into cancer prevention, including research into the effects of harmful chemicals and environmental pollutants, nutrition, lifestyle, genetic factors, and the interaction of all these, and calls for the links between cancer and potential risk factors such as tobacco, alcohol and pharmaceutical and synthetic hormones present in the environment to be investigated;
31. Notes that the Czech Government has not yet ratified the WHO Framework Convention on Tobacco Control, which entered into force in February 2005, and therefore urges it to do so;
32. Calls for bio-monitoring research to pay particular attention to the most important sources of exposure to carcinogenic substances, in particular traffic, emissions from industry, air quality in large cities, and emanations and surface waters in the vicinity of waste disposal;
33. Calls upon the Commission to ensure that swifter action is taken under the Community Strategy on Endocrine Disruptors;
34. Stresses that research findings should be translated into concrete action as soon as possible, and that ongoing research should not be used to delay action against known or suspected factors that cause or promote cancer incidence;
35. Calls on the Commission to encourage the Member States to adopt policies to support the principles embodied in the World Health Organization's Global Strategy on Diet, Physical Activity and Health launched in 2004;
36. Considers that more research on the connection between cancer and gender is needed as well as specific, but not fragmented, research on the impact of the working environment on cancers;
37. Calls on the Commission to promote by every possible means the principle of prevention both in medical practices and in more healthy lifestyles and to encourage Member States to invest more of their resources in prevention, both primary (i.e. preventing or reducing factors that cause or promote cancer incidence such as exposure to environmental pollutants) and secondary via screening and early detection;
38. Points out the need for large-scale research programmes to develop alternatives for harmful substances that are not carcinogens. Innovation should be encouraged and should lead to a phasing-out of all the harmful substances that accumulate in the human body or in the environment, which cause cancer or mutagenic effects. In the long term, those substances should be replaced on the market;

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39. Considers that early detection procedures and techniques should be researched more thoroughly before being widely applied in order to guarantee that their use and application is safe and evidence-based; therefore, it is necessary that this research leads to unambiguous and evidence-based recommendations and guidelines;
40. Considers that the current funding available to fight cancer in the EU is inadequate to produce the necessary research and coordination as well as to provide decent preventive information for EU citizens;
41. Encourages the Commission to include funding to promote cancer prevention in the financial perspective;
42. Calls on the Commission and Member States to set up a European Network for Prevention under the European Cancer Partnership that addresses all health determinants relevant for cancer, including environmental ones;
43. Calls on the Commission to encourage and support initiatives bringing together a wide range of stakeholders with the aim of preventing cancer by reducing occupational and environmental exposure to carcinogens and other cancer-producing substances and by promoting healthy lifestyles, not least by highlighting the main risk factors such as tobacco, alcohol, obesity, poor diet, lack of exercise, and exposure to the sun, placing the emphasis first and foremost on children and teenagers;
44. Calls for the need to tackle environmental-health related problems which have impacts on the development of specific types of cancer in accordance with what has been defined under the European Environment and Health Action Plan 2004-2010, namely through the assessment of the subsequent national Environmental and Health Action Plans and through cooperation between Member States on the results achieved throughout the process, in order to guarantee that the results obtained in each country may help promote European intervention in this domain;
45. Underlines that optimal patient care requires a multidisciplinary approach, that the role of medical oncologist as a patient interface is central and that education, clear criteria and guidelines are needed to ensure the optimal qualification of physicians using drugs for cancer treatment;
46. Calls on the Commission and the Partnership to review the Council recommendation on cancer screening in the light of the latest scientific developments in order to provide encouragement for future European accreditation/certification programmes in the area of cancer screening, diagnosis, and treatment to be drawn up on the basis of the European quality assurance guidelines, bearing in mind that such programmes could also serve as an example for other healthcare fields;
47. Urges the Commission and the Member States to promote information campaigns on cancer screening directed at the general public and all healthcare providers, as well as the exchange of best practice on the use of preventive or early-detection measures, such as cost-effective integration of appropriate human papilloma virus (HPV) testing for cervical cancer screening and HPV vaccination to protect young women from cervical cancer, and asks the European Cancer Partnership to examine the need to update the Council recommendation on cancer screening to take account of evidence for effective prostate cancer screening in men;
48. Calls on the Commission to use the existing European Centre for Disease Prevention and Control (ECDC) by adding non-communicable diseases to its mandate and by using it as the headquarters for EU cancer research where all the data already collected in each Member State could be harnessed and analysed in order to provide scientists and doctors with best practices and greater knowledge of the disease;

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49. Welcomes the Commission proposal on a European Partnership for Action against Cancer for the period 2009-2013 and the proposal to reduce the cancer burden by introducing 100 % population screening for breast, cervical and colorectal cancers by 2013, and urges Member States to fully implement the guidelines;
50. Calls on the Commission to draw up a charter for the protection of the rights of cancer patients and chronically sick people in the workplace, with a view to requiring firms to make it possible for patients to continue in employment during their treatment and to return to the employment market after it has finished;
51. Calls on the Commission, the Member States, and the European Chemicals Agency to implement Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), and update the list of substances of very high concern, which covers carcinogens;
52. Calls on the Commission, working within the Partnership, to encourage and support initiatives seeking to prevent imports of goods containing cancer-producing chemicals, and to take Europe-wide measures with a view to intensifying checks to detect such chemicals, pesticides included, as might be present in foodstuffs;
53. Notes that palliative care for terminally ill cancer patients varies in quality between Member States and can benefit from exchange of good practices and therefore calls on the Commission and Member States to encourage and promote palliative care and to establish guidelines for its use;
54. Stresses that more efforts should be made in psychosocial and occupational rehabilitation programmes for cancer patients which include a broad range of activities aimed at information, counselling, advice on possible changes in lifestyle and behaviour, psychological support and social welfare questions; underlines the importance of monitoring and assessing the mental health status of people with cancer;
55. Calls on the Commission and the Member States to ensure that EU-wide human bio-monitoring surveys receive the funding required to enable carcinogens and other cancer-producing substances to be monitored for the purpose of gauging policy effectiveness;
56. Considers that the partnership should seek to incorporate effectively existing initiatives for the coordination of cancer research and give greater encouragement to public-private partnerships to stimulate research and screening, particularly in the field of medical imaging;
57. Finds the proposed structure lacking since there is no clear definition of specific action objectives, such as how to achieve the integration of all Member States' plans in the fight against cancer by 2013, and calls on the Commission to rectify this lack of focus;
58. Calls for more funding to be allocated to regional policy programmes and European Social Fund programmes to educate and inform citizens about cancer protection and prevention;
59. Calls on the Commission to ensure that Community legislation contains incentives for industry and researchers to engage in ongoing research with a view to developing new evidence-based medicines and treatments to combat and control cancer;

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60. Stresses the importance of the revision of Directive 2001/20/EC of the European Parliament and of the Council of 4 April 2001 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the implementation of good clinical practice in the conduct of clinical trials on medicinal products for human use ⁽¹⁾ (the Clinical Trials Directive) with a view to encouraging a greater cancer research effort, focusing in particular on screening, including early detection, without, however, disregarding the impact of the expenditure involved for the non-commercial research sector, and to improve the information available to patients and the public at large about clinical trials in progress or which have been successfully completed;
61. Calls on the Commission to ensure that EU legislation contains incentives for researchers and industry to develop nutritional and other natural product-based approaches to cancer prevention, validated through nutrigenomic and epigenetic research;
62. Stresses likewise the urgency of introducing a Community patent, as well as an international patent;
63. Calls on the Commission to provide for the dissemination, through networks of health professionals, of best practice in treatment and care, with a view to ensuring that citizens have access to the best available treatment;
64. Calls on the Member States and the Commission to develop and strengthen initiatives that provide support for people directly or indirectly affected by cancer, in particular through the initiation and development of psychological care and support throughout the EU for cancer survivors;
65. Calls on the Member States and the Commission to employ every means required to produce guidelines for a common definition of disability covering persons suffering from chronic diseases or from cancer and, in the meantime, ensure that those Member States which have not yet done so take the necessary steps without delay to include persons in the above categories in their national definitions of disability;
66. Urges the Commission and Member States to ensure that cancer medicines, including treatments for rare and less common cancers, are uniformly available to all patients who need them in all Member States; calls on the Commission and Member States to take specific and coordinated actions in order to reduce inequalities in terms of access to cancer treatment and care including the new 'targeted' cancer drugs recently put on the market;
67. Expects the Member States to adopt better information policies on the importance of breast, cervical and colon cancer screening, with a view to raising acceptance and participation rates among all targeted population groups, with particular attention to the inclusion of minority and socio-economically disadvantaged groups;
68. Points out that the objectives set by the Cancer Partnership are long-term, and therefore urges the European institutions to support the 10-year sustainability and viability of the Cancer Partnership in a future Community health budget; calls on the Commission to assess, monitor and report on a yearly basis on progress and effectiveness in implementing the recommendations from the European Partnership;
69. Considers that proper implementation of existing legislation with regard to substances that cause or promote cancer is of paramount importance in action against cancer; therefore calls on the Commission to ensure full implementation of relevant worker health legislation and to contribute swiftly and in a determined manner to the establishment of a comprehensive candidate list of substances of very high concern as a stepping stone for rapid decisions on CMR substances in the context of authorisations under REACH;
70. Instructs its President to forward this resolution to the Council and the Commission.

⁽¹⁾ OJ L 121, 1.5.2001, p. 34.

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Mobilising Information and Communication Technologies to facilitate the transition to an energy-efficient, low-carbon economy

P7_TA(2010)0153

European Parliament resolution of 6 May 2010 on mobilising Information and Communication Technologies to facilitate the transition to an energy-efficient, low-carbon economy (2009/2228(INI))

(2011/C 81 E/20)

The European Parliament,

- having regard to the Commission communication of 12 March 2009 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on mobilising Information and Communication Technologies to facilitate the transition to an energy-efficient, low-carbon economy (COM(2009)0111), and to the subsequent recommendation of 9 October 2009 (C(2009)7604),
 - having regard to the Commission communication entitled 'Investing today for tomorrow's Europe' (COM(2009)0036),
 - having regard to the conclusions of the European Council meeting of 11 and 12 December 2008, in particular the climate and energy targets laid down therein,
 - having regard to the Commission communication on a European economic recovery plan (COM(2008)0800),
 - having regard to the Commission communication entitled 'Addressing the challenge of energy efficiency through information and communication technologies' (COM(2008)0241),
 - having regard to the political agreement between Parliament and the Council on the proposal for a directive of the European Parliament and the Council on the energy performance of buildings (recast) (COM(2008)0780),
 - having regard to the Commission communication of 16 December 2008 entitled 'Action plan for the deployment of intelligent transport systems in Europe' (COM(2008)0886),
 - having regard to the Commission communication entitled 'Action plan for energy efficiency: Realising the potential' (COM(2006)0545),
 - having regard to Rule 48 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 the Environment, Public Health and Food Safety (A7-0120/2010),
- A. whereas action to reduce the impact of climate change requires the adoption of specific measures to reduce energy consumption and greenhouse gas emissions, in particular through efforts to promote energy efficiency and renewable energies,
- B. whereas the ambitious climate and energy targets the Union has set for 2020 can be met only by a mix of energy-saving and energy-efficiency measures and other relevant measures, notably within research and innovation, and by continuously setting ambitious goals for non-ETS regulated sectors and products energy-performance,

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- C. whereas energy savings are not being realised fast enough in order to achieve the 2020 target and the existing measures related to the ICT exploitation do not match with the scale of challenges for moving towards a sustainable low carbon energy system,
- D. whereas the information and communication technology (ICT) sector accounts for some 8 % of electricity consumption and 2 % of carbon emissions in Europe (1,75 % resulting from the use of ICT products and services and 0,25 % from their production) and has a rapidly growing carbon footprint,
- E. whereas ICT represents nearly 7 % of the work force and over 6 % of GDP, and whereas there is a serious risk the EU is losing its lead in digital technology, there is an immediate need to step up the innovation in this sector both for the benefit of our climate and for future green jobs creation,
- F. whereas ICTs have an enormous untapped potential for saving energy and can help to improve energy efficiency by means of a wide range of applications; whereas, furthermore, insufficient use has been made of such applications to date,
- G. whereas information and communication technologies (ICTs) can make a significant contribution to the EU economy's energy efficiency, notably in the buildings and transport sector but also in society at large through improved energy production and distribution towards the objective of 20 % energy savings by 2020,
- H. whereas renewable energy sources can be used to good effect in satisfying the electricity needs of ICTs; whereas ICT-based systems can reduce the energy consumption of buildings by up to 17 % and carbon emissions from transport by up to 27 %,
- I. whereas trade and business organisations, in particular in the transport, manufacturing and building sectors, have a key role to play in reducing energy consumption and in this regard should also promote the use of ICTs,
- J. whereas ICT is an enabling technology for the reduction of GHG emissions through electricity distribution grids (smart grids), smart buildings, smart homes and smart metering, eco-efficient transport and dematerialisation, eco-efficient industrial processes and organisational sustainability,
- K. whereas motorised industrial systems account for 65 % of the total electric power used for industrial activities, and whereas the widespread use of smart engines would lead to a 0,97 Gt reduction in CO₂ emissions by 2020,
- L. whereas compatible methodologies and tools are required in order to measure and monitor the efficiency of energy consumption; whereas the roll-out of smart meters can cut energy consumption by up to 10 %, promote the wider use of distributed generation (microgeneration) and reduce losses in low-capacity networks, thereby promoting the spread of renewable energies,
- M. whereas use of these technologies is directly linked to the roll-out and development of broadband in Europe,
- N. whereas the measures taken to date under the European research and innovation policy and exchanges of information and good practice need to be incorporated to best effect, and whereas EU R&D and structural funds as well as Member State actions and EIB finance mechanisms need to be coordinated in a better manner so as to create synergies,

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- O. whereas some spatial planning, energy supply, public building and traffic management responsibilities and powers lie with national, regional and local authorities,
- P. whereas it is important to raise consumer awareness of new technologies and their potential economic and energy-saving benefits, and to give consumers improved capabilities to manage their energy consumption,
- Q. whereas currently 15-20 % of the money spent to operate data centres is lost for powering and cooling,
- R. having regard to the environmental benefits brought by ICTs in giving the services of various sectors an online availability,
- S. having regard to the role in which energy efficiency can help address growing concerns for energy security across the European Union,
1. Welcomes the Commission's communication and subsequent recommendation and endorses their broad lines;
 2. Calls for the introduction of measures to guarantee the privacy of personal information in relation to smart metering;
 3. Asks the Commission, therefore, to submit by the end of 2010 a set of recommendations to ensure that smart metering is implemented in accordance with the timetable set out in the third energy market package and that a set of minimum functionalities for smart meters is defined in order to give consumers improved capabilities to manage their energy consumption and to even out the demand curve, as well as to facilitate the introduction of new energy services and an innovative, harmonised and interoperable European smart grid, taking into account all proven best practices employed in some Member States, particularly as regards the management of real-time, two-directional power and information flows; the definition of minimum functionalities should have due regard to the work being done by the European Standardization Organizations, CEN, CENELEC and ETSI in defining 'additional functionalities' under Mandate 441 on the standardization of smart meters;
 4. Stresses that significant technological progress and organisational innovations with strong relation to ICT are expected in order to obtain energy saving potentials in the next decades;
 5. Considers that ICT is indispensable for decoupling economic growth from GHG emissions using three basic strategies for mitigation of climate change: a reduction of energy consumption, an increase of energy efficiency, an integration of renewable energies;
 6. Notes that the only means of ensuring the comparability of the data produced in the various Member States and improving energy efficiency is to adopt a common methodology for measuring energy consumption and carbon emissions and a comparative methodology framework for calculating cost-optimal levels of minimum energy performance requirements in the building sector; points, furthermore, to the need for rapid standardisation of ICTs as a minimum requirement for interoperability; takes the view that standardisation should cover, in addition to measurement functions, access to contractual information and consumption data, communication with the operators' central systems over the electricity grid and remote connection and disconnection of supply;
 7. Underlines that ICT standardisation is part of the general standardisations activities, and contributes to policy objectives to improve the competitiveness of European industry, as specified in the Lisbon strategy; support the implementation of the 2009 ICT Standardisation Work Programme in the priority domains identified: eHealth, e-Inclusion, Intelligent Transport, ICT for the Environment, E-Business, e-Skills, e-Learning, Protection of Personal Data, Privacy, Network and Information Security;

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8. Considers that, if ICTs can help to save energy by enabling data to be continuously monitored in order to optimise public and private energy consumption and improve energy efficiency in many sectors, the ICT sector – bearing in mind the exponential growth of its own energy consumption – should set an example by undertaking to cut its consumption by a very significant margin; invites the Commission to give consideration, from now on, to how ICTs can contribute to an efficient economy in terms of resource use;
9. Stresses that Europe should be at the cutting edge in the development of ICT low-carbon applications; considers that it is essential to promote ICT research excellence and foster public and private investment in high-risk collaborative ICT research and innovation;
10. Considers that ICTs can play an important role in measuring and quantifying the global effects of climate change and evaluating climate protection measures, thereby contributing to the fine-tuning of climate policy;
11. Emphasises that the ICT sector's undertaking to cut its own energy consumption should apply first and foremost to data centres;
12. Stresses the importance of the ICT sector's own energy consumption and urges the sector to implement the Commission's Recommendation (C(2009)7604) as soon as possible and as a minimum within the Recommendation's deadlines;
13. Considers that in order to obtain energy saving potentials in the next decades, Electricity Grids could become intelligent systems with flexible, controlled power flows supported by advanced information technology;
14. Notes that in households and in the building, transport, logistics and industrial sectors ICTs may be used in a variety of ways to improve energy efficiency and energy management; notes that these applications have an impact on, inter alia, electricity distribution, lighting, heating, refrigeration, ventilation and air conditioning and the opportunities ICTs offer in terms of measurement, monitoring and automation; maintains that smart meters, efficient lighting, cloud computing and distributed software can transform usage patterns of energy sources;
15. Notes that ICTs can provide urban planning and city infrastructure governance with innovative solutions to reduce carbon emissions;
16. Takes the view that the use of ICTs can play a key role in improving energy efficiency, particularly in the management and operation of urban agglomerations; is of the opinion that the Smart Cities project is an example of ICTs' potential to reduce energy consumption, and encourages other cities to improve their scores and take good practices on board;
17. Stresses that closer cooperation between public authorities and public service providers in introducing smart metering could reduce costs and provide better services for consumers;
18. Emphasises the importance of involving public utilities, city councils and municipal authorities in the decision-making process with a view to introducing practical measures designed to reduce energy consumption and improve energy efficiency; emphasises the importance of ICTs in this respect;
19. Stresses that all energy-using sectors must make the greatest possible contribution to improving energy efficiency; notes that meeting the overall energy saving target at European level will depend on the aggregate savings made at all lower levels;

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20. Stresses that the ICT sector must also endeavour to improve energy effectiveness and the wider use of carbon-neutral energy supply by developing equipment, communication networks and transmission systems. At the same time the Commission must be flexible in adjusting the regulations to the technical development of the sector;
21. Underlines that in the industrial sector, measuring and control technologies together with the corresponding software are crucial for realising potentials for saving resources;
22. Regrets the slow rate of progress in harnessing the potential of energy efficiency and energy savings in reducing greenhouse gas emissions; calls on the Commission to take full account of ICT saving potential in the implementation of Directive 2009/125/EC of 21 October 2009 of the European Parliament and Council establishing a framework for the setting of ecodesign requirements for energy-related products ⁽¹⁾;
23. Stresses the importance of the influence of ICT on energy efficiency, something which was also highlighted through the designation of this question in 2007 as a particular priority for ICT under the Seventh Framework Programme for Research and Technological Development ⁽²⁾;
24. Considers that priority should be given to boosting the European economy by investing in new technologies and in particular developing broadband in the various Member States as a means of securing economic growth, providing access to new systems and applications for an ever larger number of EU citizens and businesses, and meeting the energy efficiency targets the EU has set for 2020; furthermore, ICT development accounting for the shifting to a low carbon economy, will contribute to reducing dependence on energy supply as well as to coping with the high costs of raw materials;
25. Calls on the Member States to facilitate, through the development of the appropriate infrastructure, the availability of broadband internet to all EU citizens in order to ensure equal access to online services which can reduce the need to travel;
26. Calls for online services (eBanking, eCommerce, eGovernment, eLearning, eHealth) and teleworking to be developed and rolled out with a view to improving the quality of service provided to the public and, at the same time, reducing carbon emissions; calls on the Member States to develop such services, which, in addition to saving people time, lead to a reduction in travel;
27. Stresses the importance of logistics in the rationalisation of transport and the carbon emissions reduction; recognises the need to increase public and private investment in ICT tools in order to develop smart energy infrastructures for transport and, in particular, to achieve the e-Freight and Intelligent Transport Systems (ITS);
28. Believes that the use of intelligent transport systems (ITS) applied to road transport and interfaced with other transport modes can help reduce congestion and its harmful effects on the environment; believes that the application of ICTs to passenger transport and the availability of new technologies and minimum information on roads and their interaction with tyres and weather conditions, with on-board vehicle display, will make it possible to travel and transport goods more efficiently, more quickly and more safely;
29. Stresses the importance of ICT in the planning of a new European transport policy; calls for any such plans from the Commission to include ICT solutions, amongst others, in the regulation of traffic flows and to increase intermodality in the transport sector and optimise the balance between different modes of transport;

⁽¹⁾ OJ L 285, 31.10.2009, p. 10.

⁽²⁾ OJ L 412, 30.12.2006, p. 1.

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30. Calls on the Commission and the Member States to use the necessary applications to develop a technological infrastructure making it possible to reduce road transport and promote intermodality;
31. Stresses that in order to obtain energy saving in transport sector, trips could be avoided by virtual meetings and intelligent transport systems will enable a highly efficient transport system;
32. Urges the Commission to increase its efforts in the use of ICTs in the area of transport, in particular the use of monitoring and measuring instruments; considers it essential that the results of measurements be taken into consideration in real-time traffic control and the development and fine-tuning of the urban and regional transport network;
33. Calls on the Commission to promote the roll-out of smart engines to support the main sectors and joint technology platforms concerned;
34. Stresses the need for a common strategy on the development and production of electric cars; furthermore, urges the Commission to prioritise smart cars and smart roads projects, as well as R&D pilot projects for V2V and V2R devices, which can open up new business opportunities for European ICT companies;
35. Recommends that, in the context of the work of the European Institute of Innovation and Technology, priority be given to initiatives to develop ICTs for sustainable intelligent cities, since more than 80 % of EU citizens live in cities, which are facing the greatest challenges now confronting European societies in the areas of sustainable development, mobility, communications, health, security, welfare and so on;
36. Stresses that the Commission's future proposal on defining a New Digital Agenda for Europe should aim at mainstreaming ICT for a low-carbon economy; calls for exploitation of ICT technologies to enable targeted reductions in CO₂ emissions to be achieved in key sectors by 2020 and calls for promotion of responsible energy consumption, notably through the installation of smart meters; points out also that specific targets for the reduction of the ICT sector footprint for 2015 should be established;
37. Notes that an important obstacle to the widespread usage of ICTs in industry and public services is due to the insufficient level of necessary training in this field;
38. Recommends that the review clause of the Energy Performance of Buildings Directive be respected and the scope extended to include smaller buildings in the next review; urges the Member States to implement this directive; also recommends that ICTs be incorporated into the energy efficiency implementing measures; encourages Member States to make energy performance certificates for public buildings publicly available and easy to compare;
39. Maintains that no time must be lost in rolling out smart appliances through commercial utilisation of the ARTEMIS Joint Technology Initiative;
40. Maintains that more widespread use of ICTs will stimulate European economic growth, create new skilled jobs and boost the market in new energy efficiency technologies and green jobs creation; believes that significant investments are needed both for R&D and the utilisation of existing technologies; calls on the Member States to provide the incentives for both public and private energy efficiency investments; in this respect reiterates the Member States' and the Commission's responsibility as public procurers;

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41. Stresses the significant role of private investments in reaching the funding levels needed and therefore believes the EU should ensure a favourable market and regulatory framework incentivising business to pursue an ambitious energy efficiency strategy; believes with these conditions that the markets will reach the goals set out for them; therefore calls on the Commission to bring forward concrete, ambitious goals as according to the potential of the different ICTs as outlined in its communication (COM(2009)0111);
42. Calls upon the Member States to invest in energy efficiency education which should start from the schools and encourages the development of innovative ICT-enabled energy efficiency educational courses in a wide network of primary and secondary schools;
43. Believes that smart metering and ICT projects in general require broad information campaigns to explain their benefits to citizens; stresses that informing society about the need for, and benefits of, smart metering is crucial to avoiding misinterpretation and lack of public support; maintains, therefore, that no time should be lost in promoting smart metering, enabling consumers to manage their consumption as efficiently as possible, with a view to optimising energy production, delivery and electricity grids; emphasises, in this connection, that the measurement, monitoring and automation of consumption will be part and parcel of optimised electrical network architecture, the purpose of which must be to ensure energy efficiency, on the one hand, and to incorporate renewable energy sources, energy storage management and the recharging of future electric vehicles, on the other; emphasises, however, that while smart metering systems are a crucial stage in the process, they are only the first step towards the development of smart networks;
44. Stresses that, in connection with the important influence of ICTs on the economic development of EU cities and regions, it is vital to consult official representatives of local and regional communities, where EU programmes provide support for the drawing up of priority action areas important for these communities;
45. Stresses that smart grids on the Member State and European level are necessary in order to fully exploit the benefits of smart metering; therefore calls on the Commission to consider European scale investment programs; Calls on the Member States to promote and facilitate the use of smart metering for users in commercial and residential properties; Stresses that the introduction of smart metering is only one necessary element in the construction of a European integrated smart grid; Encourages the Member States and the Commission to push forward with the application of ICT solutions to this end;
46. Stresses the need to monitor the influence of the development of ICT on aspects of sustainable development, with particular reference to environmental and social questions, including the threat to the environment and health connected with the use of old equipment and the social inequalities deriving from digital exclusion;
47. Commends those Member States that have already introduced smart metering, and urges the other Member States to make progress in this area as swiftly as possible; calls on the Commission to cofinance the greatest possible number of large-scale projects, drawing on existing financial and research instruments for this purpose;
48. Calls on the Commission and the Member States to promote ICT solutions that are efficient, upgradeable and expandable through public procurement contracts;
49. Calls on the Commission to establish a European web portal containing the best practices on usage of ICTs to improve energy efficiency, which could provide useful information to consumers and public authorities; Calls for the establishment of a European wide media campaign aiming at educating the public on energy saving practices concerning the use of electronic devices;

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50. Calls on the Commission to take into account the less developed regions of the Union in ICT planning and to secure assets for the purpose of cofinancing the implementation of smart meters and other ICT projects in these regions to assure their participation and to prevent their exclusion from common European ventures;

51. Welcomes the establishment of a smart grids task force within the Commission and recommends that it take due account of the opinions of all stakeholders; asks the Commission to provide Parliament with regular progress reports on its work;

52. Calls on the Commission to consider drafting, on the basis of the work carried out by the task force, a communication on smart metering which

- (a) identifies the obstacles to widespread use of smart metering,
- (b) welcomes the practical guide put forward by the Commission together with the Committee of the Regions on how local and regional authorities can exploit ICTs in their energy efficiency and environmental plans and believes that this application will increase business opportunities at local and regional level,
- (c) puts forward a procedure for the drafting of a common minimum functional specification for smart metering systems as swiftly as possible,
- (d) lays down a roadmap for the creation of specifications and standards for the development of smart consumer electronic appliances, compatible with smart metering systems,
- (e) lays down a roadmap that sets smart (specific, measurable, appropriate, realistic and time-based) objectives and targets for the roll-out of such systems in the Member States, and
- (f) establishes a system for pooling best practice in this area;

53. Considers it essential for the Member States to agree, by the end of 2010, on a common minimum functional specification for smart metering systems, which encourage decentralised production and energy efficiency, with a view to providing consumers with comprehensive and relevant information enabling them to monitor their energy consumption at all times and to adapt it to their needs, thereby helping them to manage it more effectively;

54. Calls on the Commission to lay down a concise action plan for the reduction of energy consumption through the use of ICT in the buildings of EU institutions, in order to set the example for Member States and European citizens;

55. Calls on the Commission to propose, by the end of 2010, a timetable with ambitious and binding ICT-driven energy-saving goals for all ICT sectors and the Member States, with a view to meeting the carbon emissions reduction targets;

56. Believes that, when deciding on legal instruments and joint measures at European level, special attention should be paid to the additional costs to European citizens these measures might entail, as well as the burdens on European industry with regard to production and administration costs;

57. Calls on the Commission to come forward with a financial instrument, as part of the EU funding, in order to encourage SMEs to develop their sustainable low carbon energy technologies;

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58. Calls on the Commission to adjust the EU budget in order to accelerate the development and deployment of cost-effective low carbon technologies, in particular aiming at meeting the financial needs for the implementation of the Strategic Energy Technology Plan (SET-Plan);
59. Welcomes the establishment of the Covenant of Mayors as a forum for the exchange of good practices and a trailblazer for cities that are setting themselves ambitious goals with a view to improving their energy efficiency; congratulates, in this connection, those cities and associations that are developing good practices in terms of using ICTs to make cities more energy-efficient, and encourages the dissemination of such practices;
60. Calls on the Member States and the Commission to support education and awareness-raising for users to enable the full energy saving potential of ICT to be realised;
61. Calls on the Commission to promote in collaboration with appropriate international partners the development of common international standards for carbon emission reporting of companies in order to enable them to measure their own emissions in a comparable and efficient way;
62. Calls on the Commission and the Member States to support the development of off-site processing, given the vast potential of this technology to contribute to energy efficiency and to reduce the waste normally associated with regular upgrading of ICTs;
63. Hopes that steps will be taken to utilise ICTs' potential to reduce wastage within the logistics chain in the area of food production, in particular through coordinated action under the common agricultural policy and FP7;
64. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.
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Commission White Paper: 'Adapting to climate change: Towards a European framework for action'

P7_TA(2010)0154

European Parliament resolution of 6 May 2010 on the Commission White Paper: 'Adapting to climate change: Towards a European framework for action' (2009/2152(INI))

(2011/C 81 E/21)

The European Parliament,

- having regard to the Commission White Paper entitled 'Adapting to climate change: Towards a European framework for action' (COM(2009)0147),
- having regard to its resolution of 10 April 2008 on 'Adapting to climate change in Europe – options for EU action' ⁽¹⁾,
- having regard to its resolution of 4 February 2009 on '2050: The future begins today – Recommendations for the EU's future integrated policy on climate change' ⁽²⁾,

⁽¹⁾ OJ C 247 E, 15.10.2009, p. 41.

⁽²⁾ Texts adopted, P6_TA(2009)0042.

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- having regard to its resolution of 16 September 2009 on forest fires in the summer of 2009 ⁽¹⁾,
 - having regard to its resolution of 25 November 2009 on the EU strategy for the Copenhagen Conference on Climate Change (COP 15) ⁽²⁾,
 - having regard to its resolution of 10 February 2010 on the outcome of the Copenhagen Conference on Climate Change (COP15) ⁽³⁾,
 - having regard to the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol to the UNFCCC and the outcome of the 15th Conference of the Parties to the UNFCCC in Copenhagen ⁽⁴⁾,
 - having regard to Directive 2009/29/EC of 23 April 2009 amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community ⁽⁵⁾,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Industry, Research and Energy, the Committee on Transport and Tourism, the Committee on Regional Development and the Committee on Fisheries (A7-0057/2010),
- A. whereas global warming and climate change are recognised as extremely serious threats,
- B. whereas the effects of climate change will lead to significant environmental, economic and social impacts,
- C. whereas, even if the world succeeds in limiting and reducing greenhouse gas emissions, it would still require significant adaptation efforts to deal with the unavoidable impacts,
- D. whereas the target of halting global warming at + 2 °C would still mean a warming scenario for Europe, marked by extreme regional climate changes, and whereas the current pledges notified to the UNFCCC would add up to warming of + 3.5-4 °C if implemented,
- E. whereas the impacts of climate change will affect European regions in different ways, with different degrees of severity and in different timeframes,
- F. whereas, as pointed out in the Commission's White Paper, adaptation will require solidarity among EU Member States towards disadvantaged regions and regions most affected by climate change,
- G. whereas southern Europe and the Mediterranean basin are two particularly vulnerable areas of Europe which are already coping with water scarcity, droughts and forest fires, and whereas recent research indicates that a decrease of up to 25 % in crop yield production by 2080 is to be expected in southern Europe ⁽⁶⁾,

⁽¹⁾ Texts adopted, P7_TA(2009)0013.

⁽²⁾ Texts adopted, P7_TA(2009)0089.

⁽³⁾ Texts adopted, P7_TA(2010)0019.

⁽⁴⁾ UNFCCC Draft decision -/CP.15, Copenhagen Accord, FCCC/CP/2009/L.7.

⁽⁵⁾ OJ L 140, 5.6.2009, p. 63.

⁽⁶⁾ Joint Research Centre – Institute for Prospective Technological Studies: 'Impacts of climate change in agriculture in Europe. PESETA-Agriculture study', EUR 24 107 EN, 2009.

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- H. whereas, according to the European Respiratory Society, for every Celsius degree increase in temperature over a given city-specific threshold, mortality amongst those with respiratory problems increases by 6 %,
- I. whereas the section headed 'External dimension and ongoing work under the UNFCCC' in the White Paper is an important one and the EU needs to speak with one voice in order to resume the leading role in the fight against climate change, helping to create a new 'climate diplomacy', as called for in the European Parliament resolution of 10 February 2010 on the outcome of the Copenhagen Conference,
- J. whereas the impacts of climate change on the economy, society and the wider environment will be most severely felt in an indirect manner, through the degradation of the ecosystem services fundamental to human well-being, and whereas this requires the protection of ecosystems to be the foundation of an EU adaptation strategy,
- K. whereas rising average temperatures reduce demand for oil and gas for heating purposes, but whereas at the same time the number of days on which cooling is needed increases, which can increase demand for electricity,
- L. whereas the existing European legislation directly addressing environmental issues should provide coherent foundations for enhancing the EU's ability to cope with the impact of climate change,
- M. whereas action taken at European level should set and meet the highest standards in terms of respect for the environment, in both the short and long term (including adaptation to climate change),
1. Welcomes the above-mentioned White Paper;
 2. Agrees with the objective of the proposed EU Adaptation Framework, i.e. to improve the EU's resilience in dealing with the impact of climate change;
 3. Especially welcomes the White Paper's emphasis on increasing the resilience of all ecosystems as an essential defence against the impacts of climate change; further stresses that natural ecosystems are the Earth's most important carbon sinks, sequestering 50 % of global annual greenhouse gas emissions and contributing to both mitigation and adaptation;
 4. Highlights the importance of establishing national adaptation plans based on a common European framework enabling the Member States to plan and communicate their adaptation efforts; considers that such plans need to include risk and hazard maps showing infrastructure and installations that could pose a risk to the environment or to public health should adverse weather events occur; calls for such information to be made available to the public and the other Member States;
 5. Highlights the importance of mainstreaming adaptation into all EU policies, particularly the common agricultural and fisheries policies, forestry policy and cohesion policy, and into legislation on environmental impact assessment, planning permission and building standards, (and of ensuring the coherence of such measures by means of a horizontal, cross-sectoral approach based on ecosystem resilience;
 6. Emphasises that the main areas of action identified in the White Paper should be further prioritised according to the timeframe in which different consequences are expected to occur in Europe, in order to channel the available resources more effectively;

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Developing the knowledge base

7. Shares the Commission's view that more knowledge on climate change impacts is needed, so that the information resulting from research can be disseminated in the widest possible scope and, consequently, appropriate adaptation measures can be developed;
8. Calls on the Commission not only to develop a knowledge base about the impact of climate change with specific reference to the European Union, but also to pass on that knowledge to developing and industrialising countries so that they can use it in order to devise their own responses to the problem of climate change and make effective use of funding for climate protection measures;
9. Emphasises that research efforts should be strengthened, within the framework of the current Seventh Framework Programme and future research framework programmes, in order to address existing knowledge gaps in relation to hazards (past and likely future weather-related disasters) and other relevant factors such as socio-economic developments (current and future geographical distribution of assets at risk) in specific places and at specific times, and to develop modalities and techniques for assessing the costs and benefits of measures for adaptation to the impacts of climate change and their respective contribution to reducing exposure or vulnerability to climatic risks, and that priority should be given to conducting research and financing technological development in states incurring high adaptation costs;
10. Takes the view that vulnerability indicators should be drawn up as a matter of urgency, given the diverse range of climate scenarios within the Community, and underlines the need for further research into appropriate modelling at national, regional and local levels, as well as the need to define adaptive capacity across the territory of the EU; urges the EEA, therefore, to produce reports analysing the risks that climate change presents to Europe's most vulnerable regions, identifying needs, constraints, timeframes, opportunities, policy levels and options for adaptation, in order to extract policy guidance on adaptation practice and to assist regional and local stakeholders in developing robust adaptation strategies;
11. Recalls, however, that uncertainty about the impact of climate change is part and parcel of the problem, and that decisions in this area will sometimes have to be taken without waiting for scientific certainty, in accordance with a precautionary approach;
12. Is of the opinion that it is necessary to earmark funding for climate research, which can be done more effectively at European level and will provide a sound basis for developing climate change adaptation policies;
13. Encourages the Commission to ensure easy access to detailed data (including metadata describing the dataset methodologies) for all public and private stakeholders; takes the view that climate change data should be considered to be a public good and thus, in line with Article 14 of the INSPIRE Directive, be made available to the public free of charge or at a charge that covers the cost of maintaining datasets and the corresponding data services;
14. Emphasises the need to develop a network of local and regional climate change adaptation initiatives and to exchange experience on a Europe-wide basis; points out that identifying best practice solutions can generate added value for the EU strategy;
15. Emphasises the relevance of participatory research methods such as those encouraged within the 'Science in Society' programme under the EU's 7th research framework programme, which facilitate joint knowledge-building in conjunction with communities and local authorities with a view to determining the best adaptation strategies at regional and local levels and ensuring better dissemination of knowledge;

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16. Welcomes the White Paper's suggestion that a mechanism be established for sharing information; hopes that this will be operational by 2011, and that models and prediction tools will also have been developed by then;

17. Takes the view that the Commission should ensure that the Clearing House Mechanism is developed as a portal, which will integrate other existing systems such as the Shared Environmental Information System (SEIS) and Global Monitoring for Environment and Security (GMES) and should add value in terms of preparing the EU, the Member States and private stakeholders to plan, fund and implement proper adaptation plans;

18. Emphasises the importance of satellite-based services, notably for rescue activities in the event of natural disasters; calls on all those involved to make GMES fully operational as soon as possible;

Integrating adaptation into EU policies

General principle

19. Emphasises the need to adopt a cross-sectoral approach based on ecosystem resilience, habitat and biodiversity protection and the services provided by ecosystems, and to ensure synergy and coherence among the measures to be taken as part of all relevant sector-specific policies;

Water

20. Is particularly concerned about water, one of the primary resources on our planet, as climate change will have a significant impact on the quantity and the quality of water, especially drinking water;

21. Stresses that the EU must manage its water resources more effectively through a sustainable twin-track approach – enhancing the resource's potential and actively reducing demand and wastage on the part of the population – and socio-economic activities;

22. Emphasises the importance of fully integrating adaptation into the River Basin Management Plans in line with the guidelines issued on 30 November 2009;

23. Emphasises the importance of ensuring active implementation of the Water Framework Directive (2000/60/EC) ⁽¹⁾ and the effectiveness of River Basin Management Plans, especially in the case of cross-border basins and in regions where water stress will reach a critical level and/or where the frequency of floods is increasing;

24. Stresses the importance of the implementation of the Floods Directive which provides a comprehensive mechanism for assessing and monitoring increased risks of flooding due to climate change and for developing adaptation approaches, along with the benefits of a resilient environment and resilient ecosystems when it comes to monitoring and minimising the impact of floods;

Agriculture and forestry

25. Emphasises the need to enhance resilience of the agricultural ecosystems by more sustainable use of natural resources, in particular of water and soil, by actively discouraging unsustainable practices and the planting of crop types that are not suitable because of their water consumption and by making greater use of intra- and inter-species biodiversity when it comes to seeds and animal breeds;

⁽¹⁾ OJ L 327, 22.12.2000, p. 1.

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26. Considers that the common agricultural policy has a central role to play in contributing to adaptation, and that it needs to develop a more ecosystem-based approach to agriculture, protecting and enhancing the delivery of biodiversity conservation and other ecosystem services, including soil conservation, floodwater quality and ecological connectivity across landscapes, and that the introduction of sustainable farming practices will have major benefits for soil conservation, water management, biodiversity conservation and ecosystem resilience;

27. Emphasises that EU measures to protect forests will have to incorporate adaptation, since forest ecosystems will be deeply affected by climate change and there will be a greater risk of fires;

28. Welcomes the Commission's proposals to update the EU's forestry strategy; urges the Commission to launch a debate on forest protection as soon as possible;

29. Calls on the Commission and the Member States to introduce agroforestry measures for the afforestation of Mediterranean countries as a cost-effective way to provide basic ecosystem services;

30. Expresses its concern that in recent years Europe has suffered from fires destroying more than 400 000 hectares of forest per year, caused by the progressive abandonment of the countryside and its traditional activities, inadequate forest maintenance, the existence of large expanses of forest consisting of a single tree species, the planting of unsuitable tree varieties, the absence of a proper prevention policy and insufficiently severe penalties where fires are started deliberately, together with the inadequate implementation of laws prohibiting illegal building and ensuring reforestation; notes that with fires occurring on this scale, especially in southern Europe, forests are unable to regenerate, and that this has serious ecological consequences and economic and social effects; also notes that the unusual weather conditions experienced in 2007 exacerbated the phenomenon of mega-fires, something which is likely to recur more often in years to come; further notes that global warming will increase over the next 30 years at least, and that this could primarily affect specific regions particularly vulnerable to climate change;

31. Urges the Commission, in its proposal for an EU action plan for adapting to climate change, to prioritise the prevention and combating of droughts and forest fires, with an emphasis on southern Europe, as suggested by Parliament in its resolution on forest fires in the summer of 2009;

32. Calls on the Commission to put forward recommendations on ways of adapting national civil protection systems to cope with the impact of climate change; particularly urges the Commission to take action to expand the European Forest Fire Tactical Reserve in terms of resources and capacity;

33. Recommends that the Commission draw up research programmes to investigate the reaction of forests to higher levels of CO₂, higher temperatures and drought;

34. Recommends that the Commission draw up research programmes to develop new techniques for the forest management of affected ecosystems in view of the new circumstances being created by climate change;

Fisheries

35. Calls for consideration to be given to alternative fisheries management systems and to reducing the capacity of some segments of the European fleet, with the aim of establishing sustainable fishing and aquaculture practices;

36. Calls on the Commission to carry out studies designed to assess the phenomenon of green algae and their impact on the fishing industry; calls, further, for a study to be carried out on how changes in currents as a result of climate warming influence the movements of certain marine species;

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37. Strongly urges the Commission to ensure that the Integrated Coastal Zone Management recommendations are reinforced and implemented in the wider context of the Integrated Maritime Policy, bringing together all the sectoral policies relating to the sea and the oceans;

38. Urges the Commission to ensure that adaptation through ecosystem resilience is mainstreamed when it comes to the Community's position in the context of international negotiations on fishing and the marine environment, and most notably in the context of Fisheries Partnership Agreements and RFOs;

39. Calls on the Commission to participate actively in the establishment of a 'blue carbon fund' in the context of the UNFCCC; stresses that such a fund should explore financial and coordination mechanisms for the protection and management of coastal and marine ecosystems and ocean carbon, as part of a global strategy for marine planning;

Soil

40. Takes the view that not only does soil have a strong impact on climate change, but that climate change itself can result in severe soil degradation or erosion;

41. Recognises that soil degradation has primarily local and regional causes and impacts, and that the principle of subsidiarity should consequently be respected; urges those Member States without soil protection legislation to shoulder their responsibilities;

Coastal and island areas

42. Takes the view that coastal and island areas should be eligible for priority adaptation measures, given that they are particularly vulnerable to the effects of climate change and are densely populated, and that the economic stakes are very high;

Health and social policies

43. Stresses that climate change adaptation policies should have the ambition of becoming the driver of sustainable growth; stresses, moreover, that these policies can and must also have the ability to create jobs and protect social justice, thereby contributing to higher employment levels and helping to fight poverty and social inequalities;

44. Underlines that the social and employment dimension of adaptation policies needs to be taken into account within the EU's recovery strategy;

45. Observes that ambitious adjustment plans will contribute to the development of green jobs in Europe, which will help us towards a carbon-free economy, and calls on the Commission and Member States therefore to make greater efforts to achieve more sustainable economic growth everywhere in Europe;

46. Stresses the need to provide poorer communities and social groups with adequate protection in connection with the high cost of adaptation efforts;

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47. Welcomes the proposals of the Commission to develop guidelines and surveillance mechanisms on the health impact of climate change by 2011; underlines the increasing risk of propagation of vector-borne diseases, the serious impacts on respiratory health and the need to educate European citizens about effective preventive measures recommended by the European Centre for Disease Prevention and Control;

48. Notes that the health impacts of climate change are likely to impact the hardest on the most deprived communities, the poorest populations and the most vulnerable groups, such as children, the elderly and those who are already ill; regards it as essential for adaptation measures to be considered in the context of health inequalities, and for such measures to encourage action that promotes health co-benefits;

49. Stresses the need to step up existing animal disease surveillance and control systems;

50. Recognises the role the health sector plays in adaptation; calls on the EU to support action to reduce the sector's carbon footprint, and to ensure adequate financing for adaptation measures in the health sector;

Infrastructure

51. Underlines the need to ensure that existing legislation on industrial permitting and environmental impact assessment requires any planned infrastructure or authorised industrial activity to take full account of the predicted future climatic conditions and resulting risks, while maintaining a certain adaptive capacity; points out that in many cases it would be more appropriate not to develop vulnerable areas rather than to construct defences in preparation for adverse climate effects;

52. Stresses the need to ensure that environmental impact assessments, where relevant, take in general into account probable different adaptation scenarios to the extent that these scenarios are scientifically substantiated;

53. Calls on the Commission to develop as soon as possible methodologies for 'climate-proofing' infrastructure projects, including a cost-benefit analysis and possible alternatives;

54. Suggests that the Commission should consider ways of encouraging appropriate land-use planning (including risk and hazard mapping) among the possibilities that it intends to explore in connection with the climate impact assessment of public and private investment;

55. Encourages the Commission to go ahead with its plan to incorporate climate impacts into construction standards (such as Eurocodes) in order to improve the resilience of buildings located in risk-prone areas;

56. Takes the view that, from the micro-climatic point of view, construction that prevents water from running off land in densely populated areas and towns should be avoided;

Transport

57. Regrets the lack of attention paid to the transport sector in the White Paper, even though it accounts for 27 % of EU greenhouse gas emissions and effective adaptation measures are needed;

58. Stresses the need for the transport sector to form an integral part of the European strategy on climate change, and calls on the Commission to put forward a proposal for a European climate and transport package as soon as possible;

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59. Considers it essential to support a modal shift as one means of moving towards the decarbonisation of transport;
60. Stresses that all modes of transport must gradually internalise their external adaptation costs;
61. Takes the view that the economic, social and financial implications of the necessary adaptation measures in the transport sector, such as the effect of reorganising the sector (notably owing to a modal shift) are still not adequately known or anticipated; calls on the Commission to define vulnerability indicators and methods for exchanging best practice for the sector's different components (rail, road, air and maritime transport);
62. Calls on the Commission and the Member States to draw up an effective urban mobility policy which will reduce traffic congestion and pollution in large urban areas through the development of public transport and co-modality and the use of intelligent transport systems;
63. Stresses also that in order to promote a modern and sustainable transport policy, the appropriate financial support needs to be provided to priority TEN railway, maritime and waterways projects during the next EU financial programming period (2014-2020);
64. Stresses the need to proceed with the 'Eurovignette' Directive legislative process in order to facilitate the internalisation of external costs on the basis of the 'polluter pays' principle, establishing a level playing-field for competition between modes of transport;

Energy

65. Emphasises that climate change has a major impact on energy supply and demand in the EU Member States;
66. Calls on the Commission to conduct an in-depth analysis of future energy scenarios, taking into account the impact of climate change on infrastructures and energy demand;
67. Calls on the Commission to investigate whether electricity production potential from renewable and fossil fuel energy sources will change as a result of climate change, and draws particular attention to the constraints on the cooling of thermal power stations and the consequences thereof;
68. Notes, in relation to the cooling of reactors, the particular risks posed to the safety of nuclear installations during heat waves, a problem which can have potentially significant negative environmental impacts on surrounding waters and security of supply implications;
69. Notes that extreme weather conditions such as floods and storms can damage power stations, electricity pylons, substations and electricity cabinets, or shut them down temporarily; takes the view that diverse and robust electricity networks are therefore required to cope with the greater need for network flexibility, and that both local networks and international high-tension grids thus need to be strengthened;
70. Emphasises that energy use in buildings will change as a result of climate change, and that the greatest challenge here lies in tackling the overheating of buildings; takes the view that natural cooling, mechanical cooling, energy performance and well thought-out spatial planning should play an important role in this respect;

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71. Takes the view that, by means of intelligent energy policies that actively promote renewable energy sources, decentralised energy supply and energy efficiency in their territories, the regions can not only contribute to fighting the effects of climate change, but also open up new economic opportunities and prospects for their citizens;

72. Stresses that measures concerning energy supply and access to energy have to be defined in a context of solidarity among Member States and that the EU should contribute to a global policy shift towards greater energy efficiency and the promotion of low-carbon energy sources, e.g. renewable energy sources (RES);

73. Calls on the Member States to provide, by 30 June 2010, ambitious, comprehensive and realistic national action plans in accordance with the models and parameters laid down by the EU, observing that the needs of each Member State for energy from renewable sources must be met principally by domestic production, while the mechanism for the statistical transfer of energy from renewable sources between Member States must be used only where this is considered to be fully justified;

74. Stresses that immediate priority must be given to additional measures to promote the Community strategy aimed at achieving a 20 % increase in energy efficiency by 2020; also considers it appropriate, in the context of assessing current energy efficiency action plans, to consider the possibility of making this objective legally binding at Community level;

Biodiversity

75. Given that NATURA 2000 forms the central pillar of EU policy efforts to maintain ecosystems in changing climate conditions, calls for active management of NATURA 2000 sites and of other relevant landscapes, with proper financing from the EU and Member States and based on close cooperation with and consultation of local communities, and stresses, further, the need for guidelines to ensure connectivity between natural areas; stresses that, as stated in the Commission Impact Assessment (SEC(2008)2887) annexed to the Commission Communication 'Towards an EU strategy on invasive species', there is still a lot to learn about the magnitude and pathways of invasive species, how they impact on ecosystems, and how climate change will affect biological invasions;

76. Emphasises that the resilience of terrestrial as well as marine ecosystems ultimately depends on the preservation of biological diversity;

77. Highlights the fact that existing EU legislation, such as the Water Framework Directive⁽¹⁾ and the Marine Strategy Framework Directive⁽²⁾, can help to address ecosystem resilience in Europe as long as management plans incorporate an ecosystems-based approach; calls on the Commission and Member States to attach the highest priority to implementing these policies;

78. Stresses the importance of studying the phenomenon of the invasion of European ecosystems by alien species (e.g. tropical marine species in the Mediterranean) and of developing suitable policies to counter it;

Urban environments

79. Stresses the fact that urban areas in Europe accommodate nearly 75 % of the population and that climate change is one additional factor impacting on quality of life in towns and cities; urges the EEA to study the expected impact of climate change on micro-climates in urban areas (taking into account, for example, the urban heat-island effect);

⁽¹⁾ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1), as last amended by Directive 2008/32/EC (OJ L 81, 20.3.2008, p. 60).

⁽²⁾ 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), OJ L 164, 25.6.2008, p. 19.

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Migration

80. Emphasises that climate change is likely to induce large-scale environmental migration from regions which are already at the origin of migration flows to Europe (Africa, the Middle East, south and south-east Asia);

81. Stresses that environmental migration should be taken into account in the long-term planning of development assistance policy, so that timely prevention and prompt humanitarian response measures can be taken in the countries of origin;

Cultural heritage

82. Stresses the importance of developing adaptation measures which take into account all aspects of European cultural heritage;

Structure and governance

83. Stresses the need for local and regional authorities to be recognised as pivotal actors in the struggle against the harmful effects of climate change;

84. Emphasises the importance of having the appropriate level of intervention, cross-sectoral integration and resilient environmental underpinning in order to maximise the effectiveness of the measures implemented;

85. Calls on the Commission and the Member States to encourage a coordinated approach when dealing with adaptation to guarantee territorial cohesion across the EU;

86. Is of the view that measures should be taken that reconcile economically innovative and sustainable action with protection of the natural environment and thus minimise conflicts of use between ecological and economic interests;

87. Urges the Commission to act on the proposals to introduce mandatory National and Regional Adaptation Strategies;

88. Invites the Commission to develop a comprehensive approach regarding the involvement of the insurance industry towards risk awareness and risk sharing;

89. Calls on the Commission and Member States to develop the public-private partnerships needed to create a long-term, strong and effective climate risk management framework (covering all aspects from risk awareness to risk sharing and recovery), with strong leadership by and the involvement of the public authorities;

90. Considers that the outermost regions, owing to their special circumstances – as set out in Article 349 of the Treaty of Lisbon – and their geographical location in the tropics, are susceptible to the consequences of climate change and should consequently receive special attention from the Commission; calls on the Commission, therefore, to develop an impact assessment and specific action plan for the outermost regions and to support information exchanges and exchanges of good practices between local authorities in those regions and regional authorities in third countries in their surrounding geographical areas;

91. Asks the Commission to exercise fully the new rights the Lisbon Treaty gives it under Article 260 in order to fulfil its role as guardian of the Treaties;

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Financing

92. Emphasises that the EU budget does not currently reflect EU policy priorities in the field of adaptation to climate change;
93. Urges the Commission, in the framework of the review of the current multiannual financial framework, to focus on the capacity of the EU budget to cope with climate change; stresses that the next multiannual financial framework should accord a high ranking to climate change, and in particular to adaptation measures, ensuring that the necessary funds are available;
94. Urges the Commission, in the framework of the EU budget review, and in order to ensure that it addresses climate change impacts, to propose a climate-proofing procedure;
95. Calls, in the future, for the prioritisation of climate change, in particular by integrating the adaptation strategy into European Union policies;
96. Calls for strict care to be taken to ensure that an evaluation of climate change effects forms part of the process of approving proposals for EU-funded projects connected with energy efficiency, waste management and infrastructure development;
97. Stresses that the objectives of climate change and environmental protection should be integrated into the EU cohesion policy's convergence and growth objectives, without replacing the traditional tasks of structural policy;
98. Urges the Commission to put forward, in keeping with the EU Sustainable Development Strategy ⁽¹⁾, and as a matter of urgency, a Road Map for the sector-by-sector reform of subsidies that have a considerable negative impact on the environment, with a view gradually to eliminating them; stresses, further, that financial resources made available through this reform should be directed towards adaptation efforts and green jobs;
99. Emphasises that the funds made available under the various economic recovery plans should also be directed to adaptation investments, and in any case need to be climate-proofed;
100. Emphasises the principle of prevention in adapting to climate change; calls on the Commission to develop approaches to ensure that costs arising from a failure to take adaptation measures are not passed on to the general public;
101. Supports the Commission in urging the Council to reactivate the process of the revision of the Solidarity Fund Regulation (EUSF), which will make it possible to address damage caused by natural or man-made disasters in a more effective, flexible and timely manner;
102. Underlines that a substantial part of the revenues generated by the auctioning of allowances in the Community greenhouse gas emission allowance trading system (EU ETS), including auctioning for aviation and maritime transport, should be earmarked for enabling Member States and developing countries to adapt to climate change; takes the view that such provisions should also support sustainable modes of transport in Europe, such as rail transport; calls for the funding already earmarked from the EU ETS for the purpose of solidarity and growth in the Community (revenues deriving from 10 % of the total quantity of allowances to be auctioned) to be distributed among lower income-level Member States, equally between adaptation and mitigation measures;

⁽¹⁾ Review of the EU Sustainable Development Strategy (EU SDS), Council document 10917/06.

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103. Calls for the allocation of funds derived from the ETS and other Community sources to help Member States adapt to climate change to take into account the vulnerability to climate change of each Member State or region;

104. Recognises the historical responsibility borne by the industrialised countries for the current increase in global temperatures; reiterates the statements it made in its resolution of 10 February 2010, including that EU commitments to finance climate efforts in developing countries should be new and additional to existing ODA commitments and independent of annual budgetary procedures in the Member States;

External dimension

105. Reiterates the need to include adaptation measures in all EU external policies, in accordance with point 8 of the Copenhagen Accord;

106. Emphasises that the value of ecosystem services and resilience is even more significant in the least developed countries ⁽¹⁾; stresses that climate adaptation policies, and especially ecosystem resilience policies, should be duly taken into account in all international negotiations, including trade negotiations;

107. Is firmly convinced of the need for the European Union to retain and reinforce its leadership role in the international fight against global warming, and believes that any delay in taking such action will heighten the risk of adverse environmental, economic and social effects and be likely to generate higher costs;

108. Stresses that, when it comes to ensuring the successful implementation of the European Framework for Action on Adaptation, a decisive factor will be its inclusion as part of a cohesive and ambitious worldwide agreement (with legally binding objectives) on measures to combat climate change, and that the EU must take the lead in this direction;

109. Calls on the Commission to consider increasing the public funds devoted to international cooperation in the forthcoming 8th Framework Programme (FP8), in:

- a. developed countries, in order to increase the spread of renewable technologies;
- b. developing countries, in order to support their fight against climate change affecting the most vulnerable regions of such countries, always with due regard to the particular circumstances of each region, the criterion being the social and economic development of those regions of developing countries with which international cooperation is organised; and
- c. third countries adjoining the EU in which the effects of climate change are similar to those observed within the EU;

Impact and adaptation Steering Group

110. Supports the proposal of the Commission to set up an impact and adaptation steering group; stresses that it is important for this group to involve regional and local actors in addition to state representatives; asks the Commission to ensure that this group includes representatives of Parliament as observers, as well as private stakeholders in an expert capacity; calls on the Commission to ensure that the steering group pays particular attention to the most severe health impacts of climate change, such as increases in weather-related deaths and vector-borne disease;

⁽¹⁾ *Convenient Solutions to an Inconvenient Truth: Ecosystem based Approaches to Climate Change*, World Bank, Environment Department, 2009, and *The Natural Fix? The Role of Ecosystems in Climate Mitigation*, UNEP, 2009.

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Commission progress report

111. Calls on the Commission to report to the European Parliament by 2012 on progress made to implement the above-mentioned White Paper;

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

Protection of the Communities' financial interests and the fight against fraud – Annual Report 2008

P7_TA(2010)0155

European Parliament resolution of 6 May 2010 on the protection of the Communities' financial interests and the fight against fraud – Annual Report 2008 (2009/2167(INI))

(2011/C 81 E/22)

The European Parliament,

- having regard to its resolutions on previous annual reports of the Commission and the European Anti-Fraud Office (OLAF),
- having regard to the report of 15 July 2009 from the Commission to the European Parliament and the Council entitled 'Protection of the Communities' financial interests – Fight against fraud – Annual report 2008' (COM(2009)0372), including annexes (SEC(2009)1002 and SEC(2009)1003) thereto,
- having regard to the OLAF Activity Report for 2008 ⁽¹⁾, and to OLAF's second report of 19 June 2008 on the application of Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities, as well as to the guidelines replacing the OLAF Vademecum,
- having regard to the Activity Report of the OLAF Supervisory Committee for the period June 2008 to May 2009 ⁽²⁾,
- having regard to the Activity Report of the OLAF Supervisory Committee for the period June 2007 to May 2008 ⁽³⁾,
- having regard to the Annual Report of the Court of Auditors on the implementation of the budget concerning the financial year 2008, together with the institutions' replies ⁽⁴⁾,

⁽¹⁾ http://ec.europa.eu/anti_fraud/reports/olaf/2008/EN.pdf.

⁽²⁾ http://ec.europa.eu/anti_fraud/reports/sup_comm/2008-2009/Activity-report_en.pdf.

⁽³⁾ OJ C 295, 18.11.2008, p. 1.

⁽⁴⁾ OJ C 269, 10.11.2009, p. 1.

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- having regard to its resolution of 25 November 2009 on the Communication from the Commission to the European Parliament and the Council – An area of freedom, security and justice serving the citizen – Stockholm Programme ⁽¹⁾, particularly the chapter on economic crime and corruption,
- having regard to Articles 319(3) and 325(5) of the Treaty on the Functioning of the European Union,
- having regard to Council Regulation (EC, Euratom) No 1995/2006 of 13 December 2006 amending Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽²⁾,
- having regard to Rules 48 and 119(2) of its Rules of Procedure,
- having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Regional Development (A7-0100/2010),

General considerations: amount of irregularities notified

1. Notes that the financial impact of irregularities, as far as they have been identified, fell from EUR 1 024 million in 2007 to EUR 783,2 million in 2008, with reductions being recorded in all spending areas except direct expenditure and pre-accession funds and the overall amount breaking down as follows:

- Own resources: EUR 351 million (12,5 % down on 2007),
- Agricultural expenditure: EUR 102,3 million (34 % down on 2007),
- Structural actions: EUR 585,2 million (27 % down on 2007),
- Pre-accession funds: EUR 61 million (90,6 % up on 2007),
- Direct expenditure: EUR 34,7 million (5,15 % up on 2007);

2. Stresses the need to include information on irregularities that will clarify the proportion of the total resources brought to bear in the various spending areas and in the various Member States that are affected by errors and suspected cases of fraud;

3. Stresses that combating fraud and corruption is an important duty of the European institutions and all Member States, which must provide all necessary resources to combat these scourges effectively so as to protect the financial interests of the Union and its taxpayers and to fight organised crime, which, according to national indicators, is increasing its capacity for collusion within institutions, particularly by means of fraud against the Community budget;

4. Regrets the fact that a large amount of EU funds is still wrongly paid, and calls on the Commission to take appropriate action with a view to recovering those funds;

⁽¹⁾ Texts adopted, P7_TA(2009)0090.

⁽²⁾ OJ L 390, 30.12.2006, p. 1.

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Own resources

5. Welcomes the fact that the estimated amount affected by irregularities was 12.5 % lower than in 2007; notes, nonetheless, that as in previous years the highest number of irregularities was recorded for television sets and monitors and accordingly calls on the Commission to keep a particularly close eye on those products and take the necessary steps to recover any own resources or interest due; calls, furthermore, on the Commission to foster an appropriate balance between physical checks at import and post-clearance audits of operators; calls on the Member States to supply better statistics in this area;

6. Considers it essential to enact effective legislation to improve administrative cooperation in tackling harmful tax practices and ensure the smooth functioning of the internal market; welcomes, in this connection, the proposal for a Council directive on administrative cooperation in the field of taxation (COM(2009)0029) submitted by the Commission; stresses the need for cases in which Member States refuse to forward specific information or to conduct an administrative enquiry to be closely monitored and for Parliament to be provided with clear and comprehensive information on all such cases;

7. Welcomes the Commission proposal recasting the Council regulation on administrative cooperation and combating fraud in the field of value added tax (COM(2009)0427); stresses the importance of making Member States more accountable in this connection, starting with the quality of the information entered into the databases; calls on the Commission to verify the accuracy of that information and to ensure that all VAT amounts payable are collected;

8. Calls furthermore on the Commission to provide comprehensive information enabling a comparison to be made between the costs incurred by Member States in collecting traditional own resources and the amount withheld to cover those collection costs;

Agricultural expenditure

9. Welcomes the fact that the estimated amount affected by irregularities was 34 % lower than in 2007; stresses that the relatively small number of irregularities would appear to stem mainly from the higher threshold for compulsory notification (EUR 10 000) introduced under Commission Regulation (EC) No 1848/2006 of 14 December 2006 concerning irregularities and the recovery of sums wrongly paid in connection with the financing of the common agricultural policy and the organisation of an information system in this field ⁽¹⁾;

10. Emphasises the importance of fulfilling irregularity reporting requirements and deplores the failings recorded in respect of Austria, Sweden, Slovakia and Hungary;

11. Calls on the Commission to take further steps to ensure effective and efficient implementation of Regulation (EC) No 1975/2006 ⁽²⁾ which lays down new control rules for rural development support measures with a view to ensuring that beneficiaries meet their obligations;

12. Endorses the Court of Auditors' view (point 5.20 of its above-mentioned annual report) that the Integrated Administration and Control System (IACS) is effective in limiting the risk of error or irregular expenditure only if it is properly used and accurate and reliable data are entered into it; deplores the major failings identified in the systems used by the United Kingdom (Scotland), Bulgaria and Romania; urges the Commission to take firm action should such problems persist;

⁽¹⁾ OJ L 355, 15.12.2006, p. 56.

⁽²⁾ Commission Regulation (EC) No 1975/2006 of 7 December 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 1698/2005, as regards the implementation of control procedures as well as cross-compliance in respect of rural development support measures (OJ L 368, 23.12.2006, p. 74).

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Structural actions

13. Welcomes the fact that the financial impact of irregularities, as estimated by the Commission, was 27 % lower than in 2007; notes, with regard to the legality and regularity of underlying transactions, that the error rate quoted for the cohesion policy area in the Court of Auditors' 2008 Statement of Assurance (DAS) remains above 5 %; is concerned that Italy, Poland, the United Kingdom and Spain reported the largest amount of irregularities; welcomes, at the same time, the good collaboration initiated by some of these Member States with the Commission to resolve these problems and trusts that the other Member States will do likewise; points out that, as highlighted by the Court of Auditors, structural actions are the spending area with the most stringent rules and most complex management procedures in the EU budget and that, as noted by the Commission, finding a high number of financial irregularities in one Member State does not necessarily imply a higher number of errors and instances of fraud than in other Member States but may be the result of more thorough and stringent controls; points out, also, that the Court of Auditors' report on implementation of the 2008 Budget does not take into account the 2007-2013 programming period, for which new administration and control systems for spending have been introduced; notes the high incidence of errors linked to ineligible spending and breaches of the rules on public procurement and considers it advisable, therefore, for the Commission to introduce precautionary guidelines for the Member States and local authorities to clarify how these rules are to be applied and to avoid the managing authority replacing expenditure refused by the Commission as ineligible with new expenditure that is also ineligible;

14. Stresses that delays in the approval of management and control systems for the 2007-2013 programmes may have made it more difficult to detect errors and possible fraud in expenditure on advances; considers furthermore that the resulting delays in spending on interim payments could give rise to a rush to spend just before the decommitment deadline is reached; urges the Commission to consider revising the decommitment rules with a view to improving the quality of spending and ensuring that quantitative targets are met;

15. Welcomes the improvements made by some Member States in harmonising their systems for reporting irregularities by making wider use of the AFIS; urges those Member States that have yet to introduce electronic reporting systems to do so at the earliest opportunity, given the positive impact such systems have had so far on data quality and compliance with reporting deadlines;

16. Calls on the Member States to supply the Commission with fuller and more reliable information on financial corrections for the period 2000-2006; calls in turn on the Commission to be firm in requiring Member States to provide comprehensive information and meticulously to apply the financial correction rules in connection with operational programmes;

17. Welcomes the Commission's introduction of a joint fraud prevention strategy for structural measures, which was drafted in cooperation with OLAF, and stresses the importance of more effective cooperation with the regional authorities and the competent national judicial authorities;

Pre-accession funds

18. Deplores the fact that the estimated amount affected by irregularities reported by the EU-10 grew by 8 %, while that for the EU-2 increased by 152 %, and the amounts recovered were 15,6 % down on 2007; calls in particular on Bulgaria and Romania to build up their administrative capacity to manage EU funding, remove existing or potential conflicts of interest in fund management, improve the supervision and transparency of public procurement procedures at central, regional and local levels and swiftly introduce and notify to the Commission the necessary precautionary, corrective and/or disciplinary measures; acknowledges and supports the steps taken by Bulgaria and Romania to improve shared management and financial control standards in response to the Commission's recommendations;

19. Calls on the Commission to take appropriate steps to lessen the risks generated by the highly changeable environment in which DG ELARG operates, with a view to ensuring effective multiannual planning of internal audit operations; calls furthermore on the Commission swiftly to adopt a specific policy for ex-post controls under the centralised management arrangements, drawing on the experience gained in 2008 and taking due account of the need to ensure value for money;

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20. Emphasises that the strategic objectives for pre-accession funds must be defined further as referred in the ECA special report on pre-accession funds for Turkey, to facilitate easier evaluation of conducted projects in relation to the overall goals; considers that the objectives and results must be communicated in a transparent manner;

21. Emphasises that the Commission should continue with initiatives to improve project design and implementation; emphasises that it is necessary to improve the mechanism for reporting on the implementation of projects and the delivery of their activities and outputs; considers that it should be ensured that project outcomes (results and impacts) are reported at the end of each project and at appropriate intervals thereafter in order to provide performance information to help shape future planning;

Direct expenditure

22. Points out that external aid is a sector which is increasingly affected by irregularities and fraud;

23. Requests the Commission to pay attention to the problem of double financing of projects;

24. Underlines the fact that the EU has been contributing more than EUR 1 billion annually to the United Nations during the last five years; reiterates therefore the necessity of reinforcing OLAF's mandate in an international context and the need to provide OLAF with all the necessary legal means to carry out its duties of controlling these increasing direct expenditures; calls on the Commission to provide the European Parliament with an update on this issue;

An integrated internal control framework

25. Welcomes the fact that the Commission's communication on tolerable risk (COM(2008)0866) provided a basis for a debate on this issue, and calls on the Commission to keep it abreast of developments in this area; shares the view that different tolerable error thresholds may be set for each sector, taking their respective characteristics and rules into account; urges the Commission to take due account of the other steps that need to be taken to improve the management of EU funds (e.g. by making control systems more effective and gearing them to spending quality, or by simplifying the relevant legislation);

26. Takes the view that the annual summaries submitted to the Commission by the Member States should have a firmer legal basis than that currently in place (Article 53b(3) of Council Regulation (EC, Euratom) No 1605/2002 (Financial Regulation)); calls, accordingly, in connection with the review of the Financial Regulation, for those summaries to provide an exhaustive qualitative analysis of the findings of the audits carried out by each Member State; considers, furthermore, that it is essential for the Commission to continue to promote Structural Funds' 'contracts of confidence' with Member States and, at the same time, secure additional guarantees in connection with national control systems by forging closer links with the independent Supreme Audit Institutions;

Increased transparency and the fight against fraud, corruption and financial crime

27. Notes that the public procurement sector is the one most open to risks of mismanagement, fraud and corruption and that such unlawful activities distort the market, increase the prices and fees paid by consumers for goods and services and spread mistrust toward the European Union; calls, therefore, on the Commission and the Member States to consider the current rules on public procurement carefully and make proposals for their improvement; acknowledges too that progress has been made towards greater transparency concerning the beneficiaries of EU funds and calls on the Commission to develop a system whereby lists of beneficiaries are published on the same website, irrespective of the managing authority concerned, giving clear, comparable information from all the Member States in at least one of the EU's working languages; asks the Commission moreover to intervene to ensure that all Member States furnish reliable, uniform information on beneficiaries of EU funds which must be included in the Early Warning System and the Central Exclusion Database;

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28. Calls on the Commission to begin early discussions and consultations with interested stakeholders, including civil society, on all aspects related to the creation of the European Prosecutor's Office for combating crimes affecting the financial interests of the Union, as provided for in Article 86 of the TFEU, and to step up the adoption of all necessary measures for establishing this office;

29. Urges the Council Presidency to give the Commission a mandate to negotiate and complete in the shortest possible time anti-fraud agreements with Andorra, Monaco and San Marino and to negotiate a new, further-going agreement with Switzerland;

30. Emphasises that the active protection of the EU's financial interests requires a reinforced fight against financial and economic crime; calls on the Member States to fully implement the relevant Union instruments, including the 2000 Mutual Legal Assistance Convention and its Protocol on banking transactions, the Framework Decision on confiscation orders (2006/783/JHA) ⁽¹⁾ and the Framework Decision on Financial Penalties (2005/214/JHA) ⁽²⁾;

31. Calls on the Commission to develop a proposal on the mutual recognition of disqualifications, in particular for professions in the financial area, such as the exclusion of fraudulent offenders from acting as chief executives;

32. Calls on the Commission to develop an impact assessment and a proposal to extend the EU acquis on common definitions of offences in the area of financial and economic crime;

33. Considers that stopping tax evasion and illicit activities that go through offshore havens is necessary in order to protect the financial interests of the Union; calls on the Commission to consider banning companies which operate through offshore havens from making business agreements with companies residing in the European Union if their offshore location will unilaterally delay the adoption of cooperation agreements with the Union;

34. Notes that according to the 2009 Eurobarometer 78 % of EU citizens agree that corruption is a major concern in their country; calls on the Commission and the Member States to commit themselves to guaranteeing the resources necessary to prevent spending from EU funds being corrupt, to speed up the confiscation of criminal assets implicated in the perpetration of fraud, tax evasion, money laundering and related crimes, and to apply clear and transparent rules in respect of politically exposed persons, in accordance with the Third Money Laundering Directive (Directive 2005/60/EC) ⁽³⁾; calls on the Commission to produce indicators as swiftly as possible that quantify efforts to fight corruption, paying particular attention to public procurement, in accordance with the provisions of the Stockholm Programme; calls for greater cooperation between the Asset Recovery Offices so that the confiscation of assets becomes efficient; calls on the Commission to take steps immediately to promote good governance in tax matters, in accordance with Parliament's resolution of 10 February 2010 ⁽⁴⁾ on the subject, and particularly as regards the problem of tax havens;

OLAF's work

35. Acknowledges and voices its support for OLAF's work and the need to guarantee its full operational independence in the performance of its tasks, which it sees as playing an essential role in protecting the financial interests of the European Union and, thereby, EU citizens, as well as a major role in upholding the reputation of the European institutions; considers, therefore, that a human resources strategy which ensures that the current high staff quality standards are maintained should be drawn up;

⁽¹⁾ OJ L 328, 24.11.2006, p. 59.

⁽²⁾ OJ L 76, 22.3.2005, p. 16.

⁽³⁾ OJ L 309, 25.11.2005, p. 15.

⁽⁴⁾ Texts adopted, P7_TA(2010)0020.

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36. Takes the view that OLAF should draw more extensively on the work carried out by the Commission's internal audit services when initiating investigations, rather than relying mainly on information provided by officials or Member States; considers it equally important to monitor whether and how the Commission's internal audit service takes account of OLAF's recommendations; calls, accordingly, on OLAF to provide relevant statistics in its future annual reports;

37. Considers that OLAF's work can be made still more effective by ensuring careful and detailed planning of investigations, through the adoption of an ad hoc procedural regulation as a binding guide, promoting the use of SMART objectives and RACER indicators for the investigations themselves, improving cooperation and data exchange between OLAF and national judicial authorities from the start of the investigative process and rapidly applying a 'core tasks' policy, as well as follow-up procedures during the initial stage of investigations by OLAF, under which small-scale fraud would be handled by other bodies while recurring small-scale fraud which results in large sums from irregularities due to structural problems may be of interest for OLAF investigations; calls on OLAF therefore to outline in its next report the progress that has been made in this respect and to say to what extent account has been taken thereof in the OLAF operational manual that is to be published in the near future;

38. Calls on the Commission to actively include OLAF in the negotiation of all cooperation agreements that deal with the combating of fraud and with the exchange of information on tax matters;

OLAF's relationship with Europol and Eurojust

39. Welcomes the practical arrangements for still closer coordination and cooperation in the fight against financial fraud that have been agreed between OLAF and Eurojust;

40. Welcomes the cooperation between OLAF and Europol; notes that, by combining Europol's analytical resources and OLAF's operational experience, an efficient service can be provided to Member States and duplication can be avoided; calls on OLAF to outline, in its next annual report, the practical implications of Europol's change of status on 1 January 2010;

OLAF's cooperation with Member States

41. Deplores the shortcomings apparent in Annex I to the 2008 annual report (Implementation of Article 280 of the Treaty by the Member States in 2008 – SEC(2009)1002) as regards both the way in which the Member States reply to the Commission's questionnaire and the types of question asked by the Commission, which fail to elicit quantifiable answers or which Member States easily avoid; calls accordingly on the Commission to consider the changes that might be made to the questionnaire in cooperation with the Member State authorities in order to make this exercise both efficient and effective;

42. Calls on OLAF to present in its next report a detailed analysis of the strategies and measures put in place by each Member State to fight fraud and to prevent and identify irregularities in the spending of EU funds, including irregularities caused by corruption; considers that specific attention should be paid to the implementation of agricultural and structural funds; considers that the report, complete with 27 country profiles, should analyse the approach followed by national judicial and investigating authorities and the quality and number of controls performed, as well as statistics and reasons in cases where the national authorities have not followed up on OLAF's reports; considers, furthermore, that the report should furnish a knowledge base to be used in better defining OLAF's strategy and the priorities to be followed in special investigations, launching bespoke initiatives, and improving cooperation with Member States and the efficiency of both OLAF and the local supervisory authorities;

43. Stresses the fact that under EU legislation Member States are required to report all irregularities no later than two months after the end of the quarter in which the irregularity was the subject of an administrative or judicial preliminary investigation and/or in which new information on a previously reported irregularity was made known; calls, therefore, on the Member States to make every effort to reduce the time gap between the detection and reporting of an irregularity, including streamlining national administrative procedures;

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44. Calls on the Commission to restart the procedure for the adoption of the Directive on criminal-law protection of the Communities' financial interests (2001/0115(COD)), blocked by the Council since 2002, and of the Regulation on mutual administrative assistance for the protection of the Communities' financial interests (2004/0172 (COD)), blocked by the Council since 2005;

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* *

45. Instructs its President to forward this resolution to the Council, the Commission, the Court of Justice, the European Court of Auditors, the OLAF Supervisory Committee and OLAF.

European Investment Bank (EIB) - Annual Report 2008

P7_TA(2010)0156

European Parliament resolution of 6 May 2010 on the European Investment Bank's annual report for 2008 (2009/2166(INI))

(2011/C 81 E/23)

The European Parliament,

- having regard to the 2008 Annual Report of the European Investment Bank (EIB),
- having regard to Articles 15, 126, 175, 208-209, 271, 308-309 of the Treaty on the Functioning of the European Union and Protocol No 5 on the Statute of the EIB,
- having regard to Article 287 of the Treaty on the Functioning of the European Union on the role of the Court of Auditors,
- having regard to its resolution of 23 April 2009 with observations forming an integral part of the Decision on discharge in respect of the implementation of the budget of the Seventh, Eighth and Ninth European Development Funds for the financial year 2007 ⁽¹⁾,
- having regard to the exchange of letters between Mr Pöttering, President of the European Parliament, and Mr Maystadt following Parliament's resolution of 23 April 2009,
- having regard to its resolution of 25 March 2009 on the 2007 Annual Reports of the European Investment Bank and the European Bank for Reconstruction and Development ⁽²⁾,
- having regard to its resolution of 22 April 2008 on the European Investment Bank's annual report for 2006 ⁽³⁾,
- having regard to 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 ⁽⁴⁾,

⁽¹⁾ OJ L 255, 26.9.2009, p. 98.

⁽²⁾ Texts adopted, P6_TA(2009)0185.

⁽³⁾ OJ C 259 E, 29.10.2009, p. 14.

⁽⁴⁾ OJ L 414, 30.12.2006, p. 95.

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- having regard to the Court of Justice's judgment of 6 November 2008 on the legal basis of Decision 2006/1016/EC ⁽¹⁾,
- having regard to the EIB's Public Disclosure Policy ⁽²⁾ of 28 March 2006,
- having regard to the Corporate Operational Plan 2009-2011 of the EIB, as approved by its Board of Directors on 16 December 2008,
- having regard to the Court of Justice's judgment of 10 July 2003 regarding the power of the European Anti-Fraud Office (OLAF) to investigate the EIB ⁽³⁾,
- having regard to the Tripartite Agreement concluded between the Court of Auditors, the EIB and the Commission with respect to the modes for controls exercised by the Court of Auditors, provided for in Article 248(3) of the EC Treaty ⁽⁴⁾ and renewed in July 2007,
- having regard to the Memorandum of Understanding signed on 27 May 2008 between the European Commission and the European Investment Bank aimed at furthering coordination of the European Union external lending policies,
- having regard to the Memorandum of Understanding signed on 9 July 2008 between the European Ombudsman and the European Investment Bank concerning information on the bank's policies, standards and procedures and the handling of complaints, including complaints from non-citizens and non-residents of the European Union,
- having regard to the EIB Interim revised policy towards Offshore Financial Centres,
- having regard to the 2008 Annual Activity Report of the EIB Complaints Office,
- having regard to the last EIB report to Parliament on implementation of Parliament's recommendations,
- having regard to the 2008 Annual Report of the EIB's Audit Committee to the Board of Governors,
- having regard to the Commission communication of 29 October 2008 entitled 'From financial crisis to recovery: A European framework for action' (COM(2008)0706),
- having regard to the Commission communication of 26 November 2008 entitled 'A European Economic Recovery Plan' (COM(2008)0800),
- having regard to its resolution of 10 March 2010 on EU 2020 ⁽⁵⁾,
- having regard to Rules 48 and 119(2) of its Rules of Procedure,

⁽¹⁾ Case C-155/07, European Parliament v Council of the European Union, not yet published in the European Court Reports.

⁽²⁾ OJ C 332, 30.12.2006, p. 45.

⁽³⁾ Case C-15/00, Commission of the European Communities v European Investment Bank [2003] ECR I-7281.

⁽⁴⁾ Article 287(3) of the Treaty on the Functioning of the European Union.

⁽⁵⁾ Texts adopted, P7_TA(2010)0053.

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- having regard to the report of the Committee on Budgetary Control and the opinions of the Committee on Regional Development and the Committee on Economic and Monetary Affairs (A7-0062/2010),
- A. whereas the EIB was set up by the Treaty of Rome and its main goal is to contribute to the development of the common market and to the reduction of the differences in the various regions' development, using the capital markets and its own resources,
- B. whereas the EIB's financing operations inside the European Union focus on six policy priorities: ensuring economic and social cohesion; preparing for the knowledge economy; developing trans-European transport and access networks; supporting small and medium-sized enterprises (SMEs); protecting and improving the environment; and ensuring sustainable, competitive and secure energy,
- C. whereas the EIB's operations outside the European Union are primarily undertaken to support the European Union's external action policies,
- D. whereas in line with the Lisbon Strategy the EIB decided to increase its subscribed capital by EUR 67 billion from EUR 165 billion to EUR 232 billion, of which the Member States have paid up EUR 8,2 billion,
- E. whereas according to its Statute, after the ratification of the Lisbon Treaty the EIB is authorised to have maximum loans and guarantees equivalent to 250 % not only of its subscribed capital but also of reserves, non-allocated provisions and profit and loss account surplus,
- F. whereas the financing needs have increased because of the credit crunch caused by the economic and financial crisis,
- G. whereas the EIB put particular emphasis on SMEs, sustainable, competitive and secure energy and the mitigation of climate change, and on the investments in the convergence regions of the EU particularly hard hit by the recent economic slowdown,
- H. whereas the goals of the EU 2020 strategy cannot be achieved without proper funding and in paragraph 35 of its resolution on EU 2020, the European Parliament takes the view that 'the European Investment Bank and the European Bank for Reconstruction and Development should play a greater role in supporting infrastructure investment, green technologies, innovation and SMEs',
- I. whereas the volume of the EIB's lending has significantly increased in 2008, the amount of loans signed in the contracts came to EUR 57,6 billion, and the amount disbursed was EUR 48,6 billion, 10 billion more than expected,
- J. whereas the value of the signed projects increased by 20,5 % compared with 2007, and by 25,9 % compared with 2006. The 89,34 % of the EIB's operations are concentrated on projects in the EU Member States in 2008, which shows a 2,7 % point expansion compared with 2007, and 2,25 % point compared with 2006,
- K. whereas in comparison with 2007 the value of the signed contracts, focused on projects in Central and Eastern Europe, grew by 17 % to EUR 6 905 million in 2008, which means nearly twice of the value in 2004,

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- L. whereas the EIB's lending activity in 2008 outside the EU per geographical region was as follows: Asia and Latin America EUR 469 million, Eastern Europe, Southern Caucasus and Russia EUR 170 million, Mediterranean countries EUR 1 290 million, pre-accession countries EUR 3 453 million; ACP countries EUR 561 million; and South Africa EUR 203 million,

Comments on the EIB Annual Report 2008

1. Welcomes the 2008 Annual Report of the EIB and encourages it to continue its activities to promote the development of the European economy and foster growth, stimulate employment, and promote inter-regional and social cohesion;

2. Notes with satisfaction the EIB's quick response to the global economic crisis by self-financing an increase of its capital and hence raising its volume of lending in support of the European Economic Recovery Plan; and calls on the Bank to continue its financial crisis management programmes in particular for those Member States, which have been severely hit by the crisis and to further increase its lending activity in those countries; expects that EIB funding in 2009 amounting to EUR 75 000 million will leverage real economy investments for a total amount of around EUR 225 000 million;

3. Notes that new credit lines with financial intermediaries for SMEs increased by 42,4 % to EUR 8,1 billion in 2008, of which EUR 4,7 billion in the last quarter were realised; EUR 30 billion has been earmarked for Loans for SMEs in Europe during the period 2008-2011;

Consequences of the Lisbon Treaty

4. Welcomes the strengthening of the Audit Committee by increasing the number of its members from three to six and by giving it the mission to verify that the Bank's activities conform to best banking practice and to audit the accounts; stresses the necessity to make sure that the members of the Audit Committee have a strong banking supervisory experience; stresses, however, that, in addition to the strengthening of the Audit Committee, concrete steps must be taken to ensure that the EIB is soon brought under proper banking supervision;

5. Asks the EIB and the Member States to consider the possibility (as the EU has legal personality in accordance with the Lisbon Treaty) of the European Union becoming a shareholder in the Bank in addition to the Member States, which would, in its view, result in reinforced cooperation between the EIB and the Commission;

Banking supervision

6. Notes that in July 2009 the EIB became a participant in the Eurosystem's monetary policy operations with the European Central Bank (ECB) and this status entails certain requirements to report to the ECB, through the Banque Centrale du Luxembourg (BCL), in particular on the EIB's framework for liquidity risk management;

7. Is nevertheless convinced of the necessity of a European prudential supervisory system under which the EIB is subjected to the same prudential rules as credit establishments and to real prudential control, which oversees the quality of the EIB's financial situation and ensures that its results are accurately measured and the profession's rules of good conduct are observed;

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8. For this reason supports the idea that the Committee of European Banking Supervisors (CEBS) should be turned into a more competent European Banking Authority (EBA) within the framework of the European Financial Supervisory Authority; recommends that all financial institutions and groups who show activity in more than one EU Member State, including the EIB, fall within the competence of the EBA; asks the Commission and Member States to make every effort in order to enable this new System of Financial Supervisors to begin its operation as soon as possible;

Budgetary control and management

9. Welcomes the fact that the Bank has been able to retain its top quality credit standing, in spite of the market volatility and uncertainty; also welcomes the fact that the Bank increased its funding ceiling from EUR 55 billion to EUR 60 billion and could raise an amount of EUR 59,5 billion, which is a significant (8,8 %) increase compared with 2007 (EUR 54,7 billion);

10. Invites the EIB to make every effort to retain the AAA rating, which is crucial in order to guarantee the best conditions for its loans;

External mandate and investment facility

11. Awaits the mid-term review of EIB external financing by 30 April 2010 and the Commission proposal for a new decision replacing Decision No 633/2009/EC; takes the view that both the mid-term review and the new Commission proposal should take into account not only the recommendations of the steering committee chaired by Michel Camdessus, but also the previous recommendations of Parliament; calls in particular for greater consistency in the EIB's external mandate, as regards both the sufficiency of funds for the whole period of the new mandate and their distribution by geographical areas;

12. Highlights the fact that the external action of the EIB should be in line with EU policy objectives as stipulated in the Treaty on European Union and the Treaty on the Functioning of the European Union; takes the view that the EIB, as an EU-policy-driven bank, should keep a balance in terms of lending between the different regions in the EU neighbourhood; considers that, as regards regions where EIB activity may overlap with other regional or international publicly funded financial institutions, a clear division of labour may be necessary; welcomes the Western Balkan Investment Framework in this respect; reiterates, however, that the current cooperation agreement between the Commission, the EIB and the EBRD as regards financing operations in the Eastern Neighbourhood, Russia and Central Asia needs to be revised; welcomes, therefore, the fact that the Steering Committee of 'wise persons' agrees with the recommendations adopted in March 2009 by the European Parliament on a better mutual understanding between the EIB and the EBRD;

13. Recalls that in paragraph 24 of its resolution of 22 April 2008 ⁽¹⁾ on discharge in respect of the implementation of the budget of the Sixth, Seventh, Eighth and Ninth European Development Funds (EDF) for the financial year 2006 it suggests that, during the discharge procedure, the EIB present its annual report and explain the implementation of the investment facility directly to the Committee on Budgetary Control; further recalls that EDF resources are public money contributed by European taxpayers and not by the financial markets;

14. Reiterates its regrets that the EIB's annual report on the investment facility contains mainly financial information and very little – if any – information on the results of the various programmes financed;

15. Observes that the forthcoming review 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 ⁽²⁾ is an opportunity to include the projects and the results of the investment facility in the discharge procedure; calls on the Commission to propose a possible solution for achieving this objective when making its proposal;

⁽¹⁾ OJ L 88, 31.3.2009, p. 253.

⁽²⁾ JO L 248, 16.9.2002, p. 1.

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Transparency and the fight against fraud

16. Notes with satisfaction the systematic follow-up of Parliament's recommendations undertaken by the EIB in recent years;

17. Recalls that the EIB has committed itself to formal reviews of the Public Disclosure Policy (PDP) every three years, welcomes the fact that in May 2009, the EIB launched a public consultation on its Complaints Mechanism Policy, PDP and Transparency Policy; regrets that the PDP was not reviewed in 2009 as foreseen and expects the EIB to review these three policies as soon as possible;

18. Requests that the EIB clearly specify the conditions for non-disclosure of information in its forthcoming new PDP in order to set up high transparency standards;

19. Notes with satisfaction that the public consultations have become an integral part of the EIB's transparency policy in recent years; calls however on the EIB to pay more attention to the stakeholders' engagement, by providing them with clear guidance documents concerning their possible involvement in consultations or evaluations;

20. Welcomes the fact that the EIB, especially the Chief Compliance Officer, gave more attention to developing a new set of rules on protection of whistleblowers, published in April 2009, providing all EIB staff and any other person providing service to the Bank with full protection; draws however the Bank's attention to the fact that the EIB provides no protection against retaliation for external complainants and requests the EIB to examine possibilities for filling this gap;

21. Supports the EIB's 'zero-tolerance' policy towards fraud and corruption, and asks the Bank to speed up, in cooperation with the Commission, the establishment of a blacklist of fraudsters, and the development and implementation of a debarment system for companies found guilty of corruption by the EIB and other multilateral development banks;

22. Welcomes the fact that the PDP is translated into all EU languages, and calls on the EIB also to make available 'Access to Environmental Information', 'The EIB Complaints Mechanism' and 'The EIB Transparency Policy' in all EU languages;

Policy towards Offshore Financial Centres (OFCs)

23. Welcomes the fact that the EIB has taken a further step by revising its policy towards OFCs in a way that goes beyond maintaining the existing ban on financing promoters who are based in a tax haven;

24. Notes with satisfaction the Bank's renewed policy towards OFCs, going beyond simply maintaining the existing ban on financing promoters who are based in a blacklisted OFC, especially the new obligation imposed by the EIB on all counterparts located in non-blacklisted yet weakly regulated OFCs to relocate to a country that is not an OFC prior to the signing of relevant contracts, thus ensuring for the Bank's future lending after 31 March 2010 that none of the EIB's borrowers will be located in a weakly regulated OFC;

25. Requests the EIB to inspect whether this renewed policy with regard to the OFCs covers the funds that are used by the EIB to provide loans for projects; takes the view moreover that the EIB should ensure that the income produced from these funds cannot be moved to tax havens after the projects are finished;

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26. Expresses its concern about the lack of transparency regarding the way 'global loans' are allocated and monitored in terms of tax governance; recalls that the EIB should ensure that recipients of its loans do not avail themselves of tax havens or use other practices such as abusive transfer pricing, which may lead to tax evasion or avoidance; in this context, calls on the EIB to request that financial intermediaries make public any use of the global and framework loans they receive, including a report of their activities in any individual country in which they operate;

27. Welcomes the Activity and Corporate Responsibility Report of the EIB Group which reports on the actions undertaken in order to achieve the Bank's strategic objectives which complement and reinforce the EU's policy objectives;

Strategy and objectives

28. Welcomes the EIB's Corporate Operational Plan (COP) for 2009-2011, in which the Bank has significantly revised upwards its operational activity targets compared to the orientations given in the COP 2008-2010;

29. Stresses that the EIB is called to play an important role in achieving the EU 2020 goals; therefore ask the Bank to make sure that its loans will contribute to the effort in achieving the strategy objectives;

30. Notes that economic and social cohesion and convergence, and the convergence pillar of the EU's Cohesion Policy in particular, are a core target for the EIB;

31. Appreciates the contribution which the EIB made to the convergence objective by lending EUR 21 billion, 41 % of total EIB lending in the EU, for convergence projects;

32. Stresses the added value of undertaking actions in cooperation with the Commission, and of the Bank's approach of providing additional support and leverage to Structural Fund interventions;

33. Calls for enhancing the combined use of EU grants with the EIB financial instruments, in particular in cohesion regions where the raising of own funds encounters particular difficulties, in order to support cohesion and to hinder further decline in the countries hardest hit by the crisis;

34. Requests that in future the EIB report detail major loans supplementing ERDF grants to regions implementing technologically advanced programmes or programmes related to renewable or clean energy supplies;

35. Highlights the EIB's significant role in supporting small and medium-sized enterprises during the financial crisis, considering that the SMEs make up 99 % of businesses in the EU and employ over 100 million people and are therefore the engine of Europe's economy;

36. Admits the effect of built-in leverage meaning that financial intermediaries must on-lend to SMEs at least the double of the amount of the EIB loan and that the new Loans for SMEs initiative improves the financial conditions for SMEs; requests further the EIB to add details regarding the efficient use of these loans in the forthcoming activity report in order to ensure that a part of the benefits they derive from EIB funding are passed on to SMEs in an appropriate manner, and to provide information about the origin of the funds;

37. Notes in this context that at the request of the EIB's shareholders EUR 30 billion have been earmarked for loans to SMEs for the period 2008-2011 and that half of that amount has been made available between 2008 and 2009; stresses the importance of high levels of oversight to ensure that financial partners do not hoard EIB credit to stabilise their own balance sheets;

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38. Taking into account that the economic crisis is not yet over, with unemployment rates still rising, calls on the EIB to apply bolder risk-taking in its lending policy towards SMEs without jeopardising its triple A status; suggests that the EIB adapt the 2006 Risk Capital Mandate for the European Investment Fund in order better to take into account the current economic turmoil and the need to improve SMEs' access to capital for risk-taking projects; demands that the EIB's participation in the JASMINE programme, currently EUR 20 million, be at least doubled;

39. Recalls the recommendations made in its resolution of 25 March 2009 on the 2007 Annual Reports of the EIB and the European Bank for Reconstruction and Development ⁽¹⁾, in paragraph 8 of which it urged the EIB 'better to monitor and to make transparent the nature and final destination of its global loans in support of SMEs'; calls on the EIB to further enhance transparency in its lending through financial intermediaries and to establish clear financing conditions for financial intermediaries and lending effectiveness criteria;

40. Calls on the EIB to harmonise its lending to SMEs with Structural Fund allocations in convergence regions and to ensure balanced support between different types of SME;

41. Urges the EIB better to monitor and to make more transparent the nature and final destination of its global loans in support of SMEs; suggests setting up a scoreboard on the multiplication effects of EIB lending operations;

42. Calls on the EIB to develop a more detailed and methodologically harmonised analysis in its annual reports of the implementation of the financial instruments complementing Structural Fund operations; in this context the Bank could explain to Parliament the functioning of the Risk-Sharing Financing Facility which it has established with the Commission; takes the view that of particular relevance is the interplay between this facility, financing under the seventh Framework Programme for Research and the Structural Funds;

43. Notes that according to the EIB's Annual Report the evaluation phase of the JEREMIE (Joint European Resources for Micro to Medium Enterprises) initiative was completed in 2008; regrets that the report does not include this evaluation;

44. Requests the EIB to add details in its next annual report about the first achievements of two policies from 2009: the JASMINE (Joint Action to Support Microfinance Institutions in Europe) initiative and the implementation of the Mezzanine Facility for Growth;

45. Asks the EIB to make every effort to simplify the complicated and bureaucratic regulations found in certain projects, wherever they occur, in order to make the financing on projects more rapid and efficient, with special regard to the global crisis;

46. Emphasises that the success of the new programmes for European macro-regions depends on coordinating the activities pursued under all policies having a territorial impact and on finding a long-term solution to the funding of macro-regions; calls, therefore, on the Bank to consider the possibility of EIB and EIF funding, in addition to EU funding, for this purpose in the next financial programming period starting in 2014;

47. Invites the EIB to make every effort to avoid duplication of work with the European Bank for Reconstruction and Development (EBRD) outside the EU; reiterates its recommendations in paragraph 28 of its above-mentioned resolution of 25 March 2009 in order to achieve better structured cooperation between the EIB and the EBRD in countries of common operation;

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48. Instructs its President to forward this resolution to the Council, the Commission, the European Investment Bank and the governments and parliaments of the Member States.

⁽¹⁾ Texts adopted, P6_TA(2009)0185.

Thursday 6 May 2010

Mass atrocities in Jos, Nigeria

P7_TA(2010)0157

European Parliament resolution of 6 May 2010 on the mass atrocities in Jos, Nigeria

(2011/C 81 E/24)

The European Parliament,

- having regard to its previous resolutions on human rights violations in Nigeria,
- having regard to the International Covenant on Civil and Political Rights of 1966, ratified by Nigeria on 29 October 1993,
- having regard to the African Charter on Human and People's Rights of 1981, ratified by Nigeria on 22 June 1983,
- having regard to the Constitution of the Federal Republic of Nigeria, and in particular the provisions on the protection of freedom of religion set out in its Chapter IV - Right to freedom of thought, conscience and religion,
- having regard to Rule 110(4) of its Rules of Procedure,
- A. shocked by the outbreaks of violence in January and March of this year in and around Jos, which lies at the crossroads between Nigeria's Muslim north and Christian south, during which many hundreds of people were killed in religious and ethnic clashes,
- B. whereas the military played a key role in stepping in to bring the situation under control, but whereas, at the same time, there have been reports of extrajudicial killings by the military and also by the police,
- C. whereas intercommunal conflict has been a regular occurrence in Jos, with major clashes taking place in 2001, 2004 and 2008,
- D. whereas, according to human rights reports, more than 14 000 people have been killed in religious or ethnic clashes since the end of military rule in 1999,
- E. whereas a Red Cross official has been quoted as saying that at least two other nearby communities were also targeted, in an area close to where sectarian clashes left hundreds of people dead in January,
- F. whereas the Red Cross is reporting that as a consequence of this violence at least 5 600 people are fleeing the area in fear of their lives,
- G. whereas the problems in the area of Jos stem from a lack of economic development, from the adverse effects of climate change, and from the tension rooted in decades of resentment between indigenous groups, mostly Christian or animist, vying for control of fertile farmland with migrants and settlers from the Hausa-speaking Muslim north,

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- H. whereas it is not possible systematically to place Muslims or Christians in the role of either aggressors or victims, since historically they have been both,
- I. whereas the current instability underscores the fragility of Africa's most populous nation as it approaches the campaign period for the 2011 elections facing uncertainty over political leadership resulting from President Yar'Adua's illness,
- J. whereas Nigeria's stability and democracy carry great significance beyond its immediate borders, owing to the country's leading role in the region and in sub-Saharan Africa (Nigeria is a member of the UN Security Council, a global oil producer, a leader in ECOWAS, a major contributor to peacekeeping operations, and a stabilising force in West Africa),
- K. whereas the EU is a major financial donor to Nigeria, and whereas on 12 November 2009 the Commission and the Nigerian Federal Government signed the Nigeria-EC Country Strategy Paper and National Indicative Programme for the period 2008-2013, under which the EU will fund projects aimed, inter alia, at securing peace and security and human rights,
- L. whereas the peaceful resolution of conflicts also implies fair access to resources and the redistribution of revenues in an oil-rich country such as Nigeria,
- M. whereas although Nigeria is the world's eighth-largest oil producer the majority of its 148 million inhabitants live below the poverty line,
- N. whereas, under Article 8 of the revised Cotonou Agreement, the EU engages in regular political dialogue with Nigeria on human rights and democratic principles, including ethnic, religious and racial discrimination,
1. Strongly condemns the recent violence and the tragic loss of lives in and around Jos and extends its sympathies to the bereaved and injured;
 2. Urges all parties to exercise restraint and seek peaceful means to resolve differences between religious and ethnic groups in Nigeria;
 3. Calls on the Nigerian Federal Government to carry out an investigation into the causes of the most recent violence and ensure that the perpetrators of acts of violence are brought to justice in a fair and transparent manner;
 4. Calls on the Nigerian Federal Government to take concrete and urgent measures to support inter-ethnic and inter-faith dialogue, and welcomes the initiative by acting President Goodluck Jonathan to bring religious and community leaders together;
 5. Calls for a wider examination of the root causes of the conflict, including social, economic and ethnic tensions, and for care to be taken to avoid broad and simplistic explanations based only on religion that will not provide the basis for a long-term and lasting solution to the problems of this region;
 6. Calls on the Nigerian authorities to reverse the recent move by some Nigerian state governors to execute death-row inmates to ease overcrowding in prisons, which would constitute a gross violation of human rights; calls on the state governors to exercise restraint and continue the de facto moratorium; recalls that the use of the death penalty is contrary to Nigeria's commitments at international level;

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7. Calls on the Nigerian Federal Government to protect its people by conducting regular patrols throughout the region and to address the root causes of the violence by guaranteeing equal rights for all citizens and by tackling problems relating to control of fertile farmland, access to resources, unemployment, poverty and climate change mitigation; calls for those forced to flee as a result of the massacre be allowed to return safely to their homes;
 8. Urges the EU to continue its political dialogue with Nigeria under Article 8 of the revised Cotonou Agreement and in that context to address issues relating to freedom of thought, conscience, religion or belief, as enshrined in universal, regional and national human rights instruments;
 9. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President/High Representative for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Federal Government of Nigeria, the institutions of the African Union, the United Nations Secretary-General, the United Nations General Assembly, the Co-Presidents of the ACP-EU Joint Parliamentary Assembly and the Pan-African Parliament (PAP).
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Wednesday 5 May 2010

II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN PARLIAMENT

Immunity of Miroslav Ransdorf

P7_TA(2010)0093

European Parliament decision of 5 May 2010 on the request for waiver of the immunity of Miloslav Ransdorf (2009/2208(IMM))

(2011/C 81 E/25)

The European Parliament,

- having regard to the request for waiver of the immunity of Miloslav Ransdorf, forwarded by the competent authority of the Czech Republic on 16 September 2009, and announced in plenary sitting on 23 November 2009,
 - having heard Miloslav Ransdorf in accordance with Rule 7(3) of its Rules of Procedure,
 - having regard to Article 9 of the Protocol of 8 April 1965 on the Privileges and Immunities of the European Communities, and Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,
 - having regard to the judgments of 12 May 1964 and 10 July 1986 ⁽¹⁾ of the Court of Justice of the European Communities,
 - having regard to Rules 6(2) and 7 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A7-0107/2010),
- A. whereas Miroslav Ransdorf is a Member of the European Parliament,
- B. whereas, according to Article 9 of the Protocol on the Privileges and Immunities of the European Communities of 8 April 1965, during the sessions of the European Parliament its Members enjoy in the territory of their own State the immunities accorded to members of their parliament; whereas immunity cannot be claimed when a Member is caught in the act of committing an offence; and whereas this does not prevent the European Parliament from exercising its right to waive the immunity of one of its Members,

⁽¹⁾ Case 101/63 *Wagner v Fohrmann and Krier* [1964] ECR 195 and Case 149/85 *Wybot v Faure and others* [1986] ECR 2391.

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C. whereas, according to Article 27(4) of the Czech Constitution, no Member of Parliament or Senator may be criminally prosecuted without the consent of the chamber of which he or she is member and, if the respective chamber denies its consent, criminal prosecution shall be excluded forever,

1. Decides to waive the immunity of Miloslav Ransdorf;
 2. Instructs its President to forward this decision, and the report of its committee responsible, immediately to the appropriate authorities of the Czech Republic.
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Wednesday 5 May 2010

III

(Preparatory acts)

EUROPEAN PARLIAMENT

Administrative cooperation and combating fraud in the field of value added tax (recast) *

P7_TA(2010)0091

European Parliament legislative resolution of 5 May 2010 on the proposal for a Council regulation on administrative cooperation and combating fraud in the field of value added tax (recast) (COM(2009)0427 – C7-0165/2009 – 2009/0118(CNS))

(2011/C 81 E/26)

(Special legislative procedure – consultation – recast)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2009)0427),
 - having regard to Article 93 of the EC Treaty, pursuant to which the Council consulted Parliament (C7-0165/2009),
 - having regard to the communication from the Commission to the European Parliament and the Council entitled ‘Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures’ (COM(2009)0665),
 - having regard to Article 113 of the Treaty on the Functioning of the European Union,
 - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts ⁽¹⁾,
 - having regard to the letter of 12 November 2009 from the Committee on Legal Affairs to the Committee on Economic and Monetary Affairs in accordance with Rule 87(3) of its Rules of Procedure,
 - having regard to Rules 87 and 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A7-0061/2010),
- 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⁾ OJ C 77, 28.3.2002, p. 1.

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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 incorporating the technical amendments approved by the Committee on Legal Affairs) and as amended below;
2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 293(2) of the Treaty on the Functioning of the European Union;
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, to the Commission and to the national parliaments.

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 2**Proposal for a regulation****Recital 3 a (new)**

(3a) The European Parliament, in its resolution of 2 September 2008 on a coordinated strategy to improve the fight against fiscal fraud ⁽¹⁾, reiterated that the existing system for managing VAT needs a radical overhaul, and urged the Commission, therefore, to submit proposals for harmonising the registration and de-registration procedures for taxable persons and for allowing Member States automatic access to non-sensitive data on their taxpayers which is held by another Member State.

⁽¹⁾ OJ C 295 E, 4.12.2009, p. 13.

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

(3b) In obtaining such automatic access to non-sensitive data, an appropriate level of protection, a limited storage period of the data exchanged and due accountability of the data keeper institution or body, in order to prevent mismanagement or leakage of data, should be ensured.

Amendment 4**Proposal for a regulation****Recital 5 a (new)**

(5a) The European Parliament, in its resolution of 4 December 2008 on the European Court of Auditors' Special Report No 8/2007 concerning administrative cooperation in the field of value added tax ⁽¹⁾, expressed its conviction that the introduction of Eurofisc can provide added value only if Member State participation is compulsory, in order to avoid the problems encountered by the European Carrousel Network (Eurocanet), and only if the Commission fully participates in its activities and plays a coordinating role.

⁽¹⁾ OJ C 21 E, 28.1.2010, p. 3.

Wednesday 5 May 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 5**Proposal for a regulation****Recital 5 b (new)**

(5b) The European Parliament, in its resolution of 4 December 2008, also called for the introduction of Eurofisc and recalled the paramount necessity for sharing existing national best practices in the fight against cross-border VAT fraud with a view to introducing both appropriate incentives for due diligence by Member States in relation to VAT, and rewards for honest taxpayers.

Amendment 6**Proposal for a regulation****Recital 14**

(14) In view of the repetitive nature of certain requests and the linguistic diversity within the Community, it is important to spread the use of standard forms in the exchange of information so that information requests can be processed more quickly.

(14) In view of the repetitive nature of certain requests and the linguistic diversity within the Community, it is important to spread **and promote** the use of standard forms in the exchange of information so that information requests can be processed more quickly.

Amendment 7**Proposal for a regulation****Recital 20**

(20) The conditions for the exchange of, and automated access of Member States to electronically stored data in each Member State should be clearly defined.

(20) The conditions for the exchange of, and automated access of Member States to electronically stored data in each Member State **and the means of storage of such data** should be clearly defined.

Amendment 8**Proposal for a regulation****Recital 29**

(29) Recent practical experience of the application of Regulation (EC) No 1798/2003 in the fight against carousel fraud has shown that in some cases it is essential to establish a much faster mechanism for the exchange of information, covering much more, and more targeted, information in order to combat fraud effectively. *This* mechanism should be included within the framework of the Regulation while keeping sufficient flexibility to adapt to new types of fraud. Eurocanet (European Carousel Network), established on the initiative of Belgium and supported by the Commission, is an example of this kind of cooperation.

(29) Recent practical experience of the application of Regulation (EC) No 1798/2003 in the fight against carousel fraud has shown that in some cases it is essential to establish a much faster mechanism for the exchange of information, covering much more, and more targeted, information in order to combat fraud effectively. *Such a* mechanism should be included within the framework of the Regulation while keeping sufficient flexibility to adapt to new types of fraud. **With a view to ensuring the proper functioning of such a mechanism, a Union approach should be adopted.** Eurocanet, established on the initiative of Belgium and supported by the Commission, is an example of this kind of cooperation.

Wednesday 5 May 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 9**Proposal for a regulation****Recital 35**

(35) For the purposes of this Regulation, it is appropriate to consider limitations of certain rights and obligations laid down by Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data in order to safeguard the interests referred to in Article 13(1)(e) of that Directive. **Such limitations are necessary and proportionate in view of the potential loss of revenue for Member States and the crucial importance of this information to effectively combating fraud.**

(35) For the purposes of this Regulation, it is appropriate to consider limitations of certain rights and obligations laid down by Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data in order to safeguard the interests referred to in Article 13(1)(e) of that Directive, **as well as those laid down by Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data** ⁽¹⁾ OJ L 8, 12.1.2001, p. 1..

⁽¹⁾ OJ C 21 E, 28.1.2010, p. 3.

Amendment 10**Proposal for a regulation****Recital 36 a (new)**

(36a) The European Data Protection Supervisor has been consulted,

Amendment 12**Proposal for a regulation****Article 1 a (new)****Article 1a**

Within the framework of application of this Regulation, the Member States and the Commission shall ensure respect for the rights and obligations laid down in Directive 95/46/EC and Regulation (EC) No 45/2001.

Amendment 13**Proposal for a regulation****Article 15**

The competent authorities of the Member States shall spontaneously forward to the competent authorities of the other Member States any information referred to in Article 1 of which they are aware and which **may be useful to the competent authorities of the other Member States.**

The competent authorities of the Member States shall spontaneously forward to the competent authorities of the other Member States any information referred to in Article 1 of which they are aware and which **is necessary in order to assess VAT accurately, ensure the proper application of VAT legislation, in particular as regards intra-Union transactions, and fight VAT-related fraud.**

Amendment 14**Proposal for a regulation****Article 18 – paragraph 1 – subparagraph 1 a (new)**

The persons referred to in point (b) shall be invited to give their opinion on the quality of the information held.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 15**Proposal for a regulation
Article 18 – paragraph 3**

3. The list and details of the data referred to in paragraph 1(b), (c) **and** (d) and paragraph 2 of this Article shall be adopted in accordance with the procedure referred to in Article 60(2).

4. **Without imposing a disproportionate administrative burden on the requested authority**, the list and details of the data referred to in paragraph 1(b), (c), (d) **and (e)** and paragraph 2 of this Article shall be adopted in accordance with the procedure referred to in Article 60(2).

Amendment 16**Proposal for a regulation
Article 22 – paragraph 1 – introductory part**

Every Member State shall grant the competent authorities of any other Member State automated access to the information contained in the databases referred to in Article 18. In the case of the information referred to in Article 18(1)(a), at least the following details shall be accessible:

With the aim of ensuring that there is no breach of the VAT legislation and where it is deemed necessary in order to monitor intra-Union purchases of goods or provisions of services which are subject to taxation in the Member State concerned, every Member State shall grant the competent authorities of any other Member State automated access to the information contained in the databases referred to in Article 18. In the case of the information referred to in Article 18(1)(a), at least the following details shall be accessible:

Amendment 17**Proposal for a regulation
Article 22 – paragraph 2 a (new)**

2a. Where the information referred to in Article 18(1)(a) includes personal data, automatic access thereto shall be limited to the categories of data mentioned in this Article.

Amendment 18**Proposal for a regulation
Article 34 – paragraph 1 – introductory part**

1. A **common** structure for combating VAT evasion and avoidance shall be established under this Regulation. It shall perform the following tasks:

1. A **Union-level** structure for combating VAT evasion and avoidance shall be established under this Regulation. It shall perform the following tasks:

Amendment 19**Proposal for a regulation
Article 34 – paragraph 2**

2. **The competent authorities of the Member States shall determine the fields of investigation to be covered by** the structure referred to in paragraph 1.

2. The **Union-level** structure referred to in paragraph 1 **shall be made up of officials appointed by the competent authorities of the Member States.**

Wednesday 5 May 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 20**Proposal for a regulation
Article 34 – paragraph 3**

3. *For each field of investigation the competent authorities of the Member States shall designate one or more Member States within the structure to supervise and guide performance of the tasks* referred to in paragraph 1.

3. *The Union-level structure* referred to in paragraph 1 *shall determine the fields of investigation in which it will carry out its tasks.*

Amendment 21**Proposal for a regulation
Article 34 – paragraph 3 a (new)**

3a. *In order to investigate VAT fraud with more efficiency in the Union, an incentive mechanism shall be designed for the recovery of cross-border tax claims by distributing a fair proportion of the collected unpaid VAT between the Member State recovering the tax claims and the requesting Member State.*

Amendment 22**Proposal for a regulation
Article 35**

The structure established under Article 34 shall be made up of competent officials designated by the competent authorities of the Member States. It shall be provided with technical, administrative and operational support by the Commission.

The Commission shall coordinate, guide and supervise the performance of the tasks referred to in Article 34(1), and shall provide technical, administrative and operational support to the competent authorities of the Member States.

Amendment 23**Proposal for a regulation
Article 39**

The structure established under Article 34 shall submit an annual account of its activities to the Committee referred to in Article 60.

The structure established under Article 34 shall submit an annual account of its activities to *the Member States, the European Parliament and* the Committee referred to in Article 60.

Amendment 24**Proposal for a regulation
Article 51 – paragraph 1**

1. The Member States *and* the Commission shall examine and evaluate how the arrangements for administrative cooperation provided for in this Regulation are working. In particular, the Member States shall conduct audits of the operation of those arrangements. The Commission shall pool the Member States' experience with the aim of improving the operation of those arrangements.

1. The Member States, *the European Parliament and* the Commission shall examine and evaluate how the arrangements for administrative cooperation provided for in this Regulation are working. In particular, the Member States shall conduct audits of the operation of those arrangements. The Commission shall pool the Member States' experience with the aim of improving the operation of those arrangements *and shall regularly report to the Member States and the European Parliament on the results.*

Wednesday 5 May 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 25**Proposal for a regulation
Article 51 – paragraph 2**

2. The Member States shall communicate to the Commission any available information relevant to their application of this Regulation.

2. The Member States shall communicate to the **European Parliament and the** Commission any available information relevant to their application of this Regulation.

Amendment 26**Proposal for a regulation
Article 51 – paragraph 9**

9. The Commission **may** provide expert opinions, technical or logistical assistance, information campaigns or any other operational support for the Member States with a view to attaining the objectives of this Regulation.

9. The Commission **shall** provide expert opinions, technical or logistical assistance, information campaigns or any other operational support for the Member States with a view to attaining the objectives of this Regulation.

Amendment 27**Proposal for a regulation
Article 52 – paragraph 2**

2. Provided the third country concerned has given an undertaking to provide the assistance required to gather evidence of the irregular nature of transactions which appear to contravene VAT legislation, information obtained under this Regulation may be communicated to that third country, with the consent of the competent authorities which supplied the information, in accordance with their domestic provisions applying to the communication of personal data to third countries.

2. Provided the third country concerned has given an undertaking to provide the assistance required to gather evidence of the irregular nature of transactions which appear to contravene VAT legislation, information obtained under this Regulation may be communicated to that third country, with the consent of the competent authorities which supplied the information, in accordance with their domestic provisions applying to the communication of personal data to third countries **and subject to Directive 95/46/EC and its implementing provisions and subject to Regulation (EC) No 45/2001 and its implementing rules.**

Amendment 28**Proposal for a regulation
Article 57 – paragraph 1 – subparagraph 1**

1. Information communicated or collected in any form pursuant to this Regulation, including any information to which an official has had access in the circumstances set out in Chapters VII, VIII and X, and in the cases referred to in paragraph 2 of this Article, shall be covered by the obligation of official secrecy and enjoy the protection extended to similar information under both the national law of the Member State which received it and the corresponding provisions applicable to Community authorities. *They* shall be used only in the circumstances provided for in this Regulation.

1. Information communicated or collected in any form pursuant to this Regulation, including any information to which an official has had access in the circumstances set out in Chapters VII, VIII and X, and in the cases referred to in paragraph 2 of this Article, shall be covered by the obligation of official secrecy and enjoy the protection extended to similar information under both the national law of the Member State which received it and the corresponding provisions applicable to Community authorities. **Such information is also protected under Directive 95/46/EC and Regulation (EC) No 45/2001.** It shall be used only in the circumstances provided for in this Regulation.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 29**Proposal for a regulation****Article 57 – paragraph 5**

5. All storage or exchange of information referred to in this Regulation is subject to **the provisions implementing** Directive 95/46/EC. However, Member States *shall*, for the purpose of the correct application of this Regulation, **restrict** the scope of the obligations and rights provided for in Article 10, Article 11(1), Articles 12 and 21 of Directive 95/46/EC to the extent required in order to safeguard the interests referred to in Article 13(e) of that Directive.

5. All storage or exchange of information referred to in this Regulation is subject to Directive 95/46/EC **and its implementing provisions and subject to Regulation (EC) No 45/2001 and its implementing rules**. However, Member States *may*, for the purpose of the correct application of this Regulation, **adopt legislative measures restricting** the scope of the obligations and rights provided for in Article 10, Article 11(1), Articles 12 and 21 of Directive 95/46/EC to the extent required in order to safeguard the interests referred to in Article 13(e) of that Directive.

Amendment 30**Proposal for a regulation****Article 57 – paragraph 5 a (new)**

5a. The Member States and the Commission shall ensure respect for the obligations relating to transparency and information with regard to the interested parties in cases involving retrieval of the personal data referred to in Directive 95/46/EC and Regulation (EC) No 45/2001.

Amendment 31**Proposal for a regulation****Article 59 – paragraph 1 – point c a (new)**

(ca) ensure the highest standard of quality of the data exchanged, with the highest degree of transparency, where appropriate.

Amendment 32**Proposal for a regulation****Article 59 – paragraph 2 a (new)**

2a. Member States shall inform the Commission annually any cases in which other Member States have refused to provide the requesting Member State with information or have prevented the requesting Member State from carrying out an administrative inquiry where a request was introduced in due form. Those requested Member States shall inform the Commission of the grounds on which they refused to give the information or facilitate the inquiry. The Commission shall examine the information provided and shall make appropriate recommendations. Those recommendations shall be forwarded to the European Parliament and the Council.

Amendment 33**Proposal for a regulation****Article 60 – paragraph 2 a (new)**

2a. Where the measures adopted under the procedure referred to in paragraph 2 refer to or imply the processing of personal data, the European Data Protection Supervisor shall be consulted.

Wednesday 5 May 2010

Common system of value added tax as regards the rules on invoicing *

P7_TA(2010)0092

European Parliament legislative resolution of 5 May 2010 on the proposal for a Council directive amending Directive 2006/112/EC on the common system of value added tax as regards the rules on invoicing (COM(2009)0021 – C6-0078/2009 – 2009/0009(CNS))

(2011/C 81 E/27)

(Special legislative procedure – consultation)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2009)0021),
 - having regard to Article 93 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0078/2009),
 - having regard to the Communication from the Commission to the European Parliament and the Council entitled 'Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures' (COM(2009)0665),
 - having regard to Article 113 of the Treaty on the Functioning of the EU,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs and the opinion of the Committee on Legal Affairs (A7-0065/2010),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 293(2) of the Treaty on the Functioning of the European Union;
 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, to the Commission and to the national parliaments.

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 1

Proposal for a directive – amending act

Recital 4

(4) To help small and medium sized enterprises that encounter difficulties to pay the VAT to the competent authority before they have received payment from their customers, Member States should **have the option of allowing** VAT to be accounted using a cash accounting scheme which allows the supplier to pay VAT to the competent authority when he receives payment for a supply and which establishes his right of deduction when he pays for the supply. This should allow Member States to introduce an optional cash accounting scheme that does not have a negative effect on cash flow relating to their VAT receipts.

(4) To help small and medium sized enterprises that encounter difficulties to pay the VAT to the competent authority before they have received payment from their customers, Member States should **allow** VAT to be accounted using a cash accounting scheme which allows the supplier to pay VAT to the competent authority when he receives payment for a supply and which establishes his right of deduction when he pays for the supply. This should allow Member States to introduce an optional cash accounting scheme that does not have a negative effect on cash flow relating to their VAT receipts.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 2**Proposal for a directive – amending act****Article 1 – point 7 a (new)**

Directive 2006/112/EC

Article 91 – paragraph 2 – subparagraph 1 a (new)

(7a) In Article 91(2), the following subparagraph is inserted after the first subparagraph:

‘By way of derogation from the first subparagraph, Member States shall accept the exchange rate published by the European Central Bank on the day on which the tax becomes chargeable, or, if no exchange rate is published on that day, that published on the day before the tax becomes chargeable. Where neither currency is the euro, the exchange rate shall be calculated on the basis of the exchange rate between those currencies and the euro.’

Amendment 3**Proposal for a directive – amending act****Article 1 – point 8**

Directive 2006/112/EC

Article 167a – paragraph 2 – introductory part

2. Member States **may** provide within an optional scheme that taxable persons must, when the following conditions are met, postpone the right of deduction until the VAT has been paid to the supplier:

2. Member States **shall** provide within an optional scheme that taxable persons must, when the following conditions are met, postpone the right of deduction until the VAT has been paid to the supplier:

Amendment 4**Proposal for a directive – amending act****Article 1 – point 9 – subpoint c**

Directive 2006/112/EC

Article 178 – point f

(c) Point (f) is replaced by the following:

deleted

‘(f) when required to pay VAT as a customer where Articles 194 to 197 or Article 199 apply, he must hold an invoice drawn up in accordance with Sections 3 to 6 of Chapter 3 of Title XI and he must comply with the formalities as laid down by each Member State.’

Amendment 5**Proposal for a directive – amending act****Article 1 – point 14**

Directive 2006/112/EC

Article 219a

1. The issue of an invoice shall be subject to the rules applying in the Member State **which issued the taxable person concerned with the VAT identification number under which he made the supply.**

1. The issue of an invoice shall be subject to the rules applying in the Member State **where the VAT is payable.**

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

If no such number exists, the rules shall be those applying in the Member State in which the supplier has established his business or has a fixed establishment from which the supply is made or, in the absence of such a place of business or fixed establishment, in which he has his permanent address or usually resides **or is otherwise required to be identified for VAT purposes**.

2. Where **a customer receiving a supply of** goods or services **is established in a Member State other than the Member State from which the supply was made and the customer** is liable for the payment of VAT, the issue of invoice shall be subject to the rules applying in the Member State **which issued the VAT identification number under which the customer received the supply**.

Where the VAT is not payable in the Union, the rules shall be those applying in the Member State in which the supplier has established his business or has a fixed establishment from which the supply is made or, in the absence of such a place of business or fixed establishment, in which he has his permanent address or usually resides.

Where the supplier issuing an invoice for a taxable supply of goods or services is not established in the Member State where the VAT is payable and the person liable for payment of the VAT is the recipient of the goods or services, the issue of invoice shall be subject to the rules applying in the Member State where the provider of goods or services is established or has a fixed establishment from which the supply is made.

Where the supplier does not have an establishment in the Union, the issue of invoices shall not be subject to the provisions of this Directive.

2. Where **the recipient of the** goods or services **issues an invoice (self-invoicing) and** is liable for the payment of VAT, the issue of invoice shall be subject to the rules applying in the Member State **where the VAT is payable**.

Amendment 6

Proposal for a directive – amending act

Article 1 – point 16

Directive 2006/112/EC

Article 220a – paragraph 1 – point a

(a) where the taxable amount of the supply of goods or services is less than **EUR 200**;

(a) where the taxable amount of the supply of goods or services is less than **EUR 300**;

Amendment 7

Proposal for a directive – amending act

Article 1 – point 17

Directive 2006/112/EC

Article 221

Member States may impose on taxable persons an obligation to issue **a simplified** invoice in respect of supplies of goods or services other than those referred to in Article 220 where the place of supply of those goods or services is within their territory.

1. Member States may impose on taxable persons an obligation to issue **an** invoice **on the basis of Article 226 or 226b** in respect of supplies of goods or services other than those referred to in Article 220 where the place of supply of those goods or services is within their territory.

2. **Member States may release taxable persons from the obligation laid down in Article 220 or 220a to issue an invoice in respect of supplies of goods or services which they have made in their territory and which are exempt, with or without deductibility of the VAT paid at the preceding stage, pursuant to Articles 110 and 111, Article 125(1), Article 127, Article 128(1), Articles 132, 135, 136, 375, 376 and 377, Article 378(2), Article 379(2) and Articles 380 to 390.**

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 8**Proposal for a directive – amending act****Article 1 – point 17**

Directive 2006/112/EC

Article 222

An invoice must be issued no later than on the 15th day of the **month** following that in which the chargeable event occurs.

An invoice must be issued no later than on the 15th day of the **second month** following that in which the chargeable event occurs.

Amendment 9**Proposal for a directive – amending act****Article 1 – point 19 – subpoint a**

Directive 2006/112/EC

Article 226 – point 4

(4) the customer's VAT identification number as referred to in Article 214;

(4) the customer's VAT identification number as referred to in Article 214 ***under which the customer received a supply of goods or services in respect of which the customer is liable for payment of VAT, or received a supply of goods as referred to in Article 138;***

Amendment 10**Proposal for a directive – amending act****Article 1 – point 20**

Directive 2006/112/EC

Article 226b

Only the following details are required on simplified invoices issued pursuant to Articles 220a and 221:

1. Only the following details are required on simplified invoices issued pursuant to Articles 220a and 221:

(a) the date of issue;

(a) the date of issue;

(b) identification of the taxable person making the supply;

(b) identification of the taxable person making the supply, ***indicating that person's VAT identification number;***

(c) identification of the type of goods or services supplied and their value;

(c) identification of the type of goods or services supplied and their value;

(d) the VAT amount payable or to be credited, or the information needed to calculate it.

(d) ***the VAT rate and*** the VAT amount payable or to be credited, or the information needed to calculate it;

(da) where the invoice issued is a document or a message that amends an initial invoice as referred to in Article 219, the specific and unambiguous reference to that initial invoice.

2. Member States may require that simplified invoices issued in accordance with Articles 220a and 221 include the following additional information with regard to specific transactions or categories of taxable persons:

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

- (a) *identification of the taxable person making the supply, indicating that person's name and address;*
- (b) *the sequential number, based on one or more series, which only identifies the invoice;*
- (c) *identification of the customer, indicating that customer's VAT identification number and name and address;*
- (d) *where there is a VAT exemption, or where the customer is liable for payment of VAT, the details which are required under Articles 226 and 226a.*

Amendment 11**Proposal for a directive – amending act****Article 1 – point 22**

Directive 2006/112/EC

Article 230

The amounts which appear on the invoice may be expressed in any currency, provided that the amount of VAT payable or to be credited is expressed in the national currency of the Member State in which the supply of goods or services takes place, using the exchange rate **published by the European Central Bank for the day on which the tax becomes chargeable, or, if there is no publication on that day, the previous day of publication.**

The amounts which appear on the invoice may be expressed in any currency, provided that the amount of VAT payable or to be credited is expressed in the national currency of the Member State in which the supply of goods or services takes place, using **one of the exchange rates referred to in Article 91.**

Amendment 12**Proposal for a directive – amending act****Article 1 – point 25**

Directive 2006/112/EC

Articles 233, 234, 235 and 237

(25) Articles 233, 234, 235 **and 237** are deleted.(25) Articles 233, 234 **and 235** are deleted.**Amendment 13****Proposal for a directive – amending act****Article 1 – point 25 a (new)**

Directive 2006/112/EC

Article 237

(25a) **Article 237 is replaced by the following:****'Article 237**

Each Member State shall submit to the Commission, by 31 December 2013, an evaluation report on the implementation of electronic invoicing. Those reports shall outline, in particular, any technical difficulties or shortcomings that taxable persons and tax administration have encountered, including an assessment of the impact of any fraudulent activities related to electronic invoicing as a result of the removal of the requirement to include EDI or the electronic signature in electronic invoices. By 1 July 2014, the Commission shall submit a report to the European Parliament and the Council together with appropriate proposals, on the basis of the Member States' evaluation reports.'

Wednesday 5 May 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 14**Proposal for a directive – amending act****Article 1 – point 29**

Directive 2006/112/EC

Article 244 –paragraph 3

The storage of an invoice shall be subject to the rules applying in the Member State in which the taxable person has established his business or has a fixed establishment from or for which the supply is made or, in the absence of such a place of business or fixed establishment, in which he has his permanent address or usually resides or is otherwise required to be identified for VAT purposes.

An invoice may be stored in the same form in which it was received, whether paper or electronic. Alternatively, an invoice in paper form may be converted into electronic form. In other respects, the storage of an invoice shall be subject to the rules applying in the Member State in which the taxable person has established his business or has a fixed establishment from or for which the supply is made or, in the absence of such a place of business or fixed establishment, in which he has his permanent address or usually resides or is otherwise required to be identified for VAT purposes.

Amendment 15**Proposal for a directive – amending act****Article 1 – point 32**

Directive 2006/112/EC

Article 247

The taxable person shall ensure the storage of invoices for a period of **six years**.

The taxable person shall ensure the storage of invoices for a period of **five years**. ***This Article is without prejudice to national provisions in areas other than VAT, laying down different mandatory storage periods for supporting documents including invoices.***

Amendment 16**Proposal for a directive – amending act****Article 1 – point 34**

Directive 2006/112/EC

Article 248a

(34) ***In Section 3 of Chapter 4 of Title XI, the following Article 248a is inserted:*** ***deleted***

‘Article 248a

For control purposes, the Member States in which the tax is due may require particular invoices to be translated into their official languages.’

Wednesday 5 May 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 17

Proposal for a directive – amending act

Article 1 – point 36 a (new)

Directive 2006/112/EC

Title XIV – Chapter 4a (new)

(36a) The following chapter is inserted after Article 401:

‘Chapter 4a

E-administration

Article 401a

In order actively to develop effective and reliable e-administration in the field of VAT, the Commission shall evaluate existing e-administration measures and tools in the Member States and shall foster the exchange of best practices among Member States in that domain. In addition, the Commission shall use the Community programme to improve the operation of taxation systems in the internal market (Fiscalis 2013), established by Decision No 1482/2007/EC of the European Parliament and of the Council () together with other existing Union funding such as the Structural Funds to provide technical assistance to Member States most in need of upgrading their e-administration through access to and use of major trans-Union information technology systems.*

() OJ L 330, 15.12.2007, p. 1.’*

Transportable pressure equipment *I**

P7_TA(2010)0122

European Parliament legislative resolution of 5 May 2010 on the proposal for a directive of the European Parliament and of the Council on transportable pressure equipment (COM(2009)0482 – C7-0161/2009 – 2009/0131(COD))

(2011/C 81 E/28)

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2009)0482),
- having regard to Article 251(2) and Article 71 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C7-0161/2009),
- having regard to the Communication from the Commission to the European Parliament and the Council entitled ‘Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures’ (COM(2009)0665),

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- having regard to Article 294(3) and Article 91 of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 17 February 2010,
 - having consulted the Committee of the Regions,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A7-0101/2010),
1. Adopts the position at first reading hereinafter set out;
 2. Takes note of the statement attached to this legislative resolution;
 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, to the Commission and to the national parliaments.

P7_TC1-COD(2009)0131

Position of the European Parliament adopted at first reading on 5 May 2010 with a view to the adoption of Directive 2010/.../EU of the European Parliament and of the Council on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive 2010/35/EU.)

ANNEX

Statement of the European Parliament, the Council and the Commission on Article 290 TFEU

The European Parliament, Council and Commission declare that the provisions of this Directive shall be without prejudice to any future position of the institutions as regards the implementation of Article 290 TFEU or individual legislative acts containing such provisions.

Wednesday 5 May 2010

Aviation security charges ***I

P7_TA(2010)0123

European Parliament legislative resolution of 5 May 2010 on the proposal for a directive of the European Parliament and of the Council on aviation security charges (COM(2009)0217 – C7-0038/2009 – 2009/0063(COD))

(2011/C 81 E/29)

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2009)0217),
 - having regard to Article 251(2) and Article 80(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C7-0038/2009),
 - having regard to the Communication from the Commission to the European Parliament and the Council entitled ‘Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures’ (COM(2009)0665),
 - having regard to Article 294(3) and Article 100(2) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 5 November 2009,
 - having consulted the Committee of the Regions,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A7-0035/2010),
1. Adopts the position at first reading hereinafter set out;
 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, to the Commission and to the national parliaments.

—

Wednesday 5 May 2010

P7_TC1-COD(2009)0063**Position of the European Parliament adopted at first reading on 5 May 2010 with a view to the adoption of Directive 2010/.../EU of the European Parliament and of the Council on aviation security charges**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) Aviation security at European airports is essentially a state responsibility. ■ It is ■ necessary to establish a common framework regulating the essential features of security charges and the way they are set, as in the absence of such framework basic requirements in the relationship between **bodies setting such charges** and airport users may not be respected.
- (2) The collection of charges with respect to the provision of air navigation services and groundhandling services has already been addressed by Commission Regulation (EC) No 1794/2006 of 6 December 2006 laying down a common charging scheme for air navigation services ⁽³⁾ and Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports ⁽⁴⁾, respectively.
- (3) It is vital for airport users to obtain from the **body setting or applying the charges**, on a regular basis, information on how and on what basis aviation security charges are calculated. This information will provide **airport users** with an insight into the costs incurred by providing security services **such as those referred to in Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security ⁽⁵⁾ and its implementing rules**, the productivity of related investments **and any grants and subsidies allocated by the authorities for security purposes**. To allow **the competent body setting or applying the charges** to properly assess the requirements with regard to its future investments, ■ airport users should be required to share all their operational forecasts, developments projects and specific demands and wishes with the **competent body** on a timely basis.

⁽¹⁾ OJ C 128, 18.5.2010, p. 142.

⁽²⁾ Position of the European Parliament of 5 May 2010.

⁽³⁾ OJ L 341, 7.12.2006, p. 3.

⁽⁴⁾ OJ L 272, 25.10.1996, p. 36.

⁽⁵⁾ OJ L 97, 9.4.2008, p. 72.

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- (4) As the methods for **funding or** establishing and levying the amounts due for the coverage of security costs differ across the Union, the harmonisation of the basis for charging security costs at Union airports where the costs of security are reflected in the security charges is necessary. At these airports the charge should be related to the cost for providing security, taking into account any public **funding** of security costs, **with a view to avoiding any profit and to providing suitable and cost-effective security services and facilities at the airports concerned.**
- (5) It is important to establish transparency **with regard to the use** of national security measures more stringent than the common basic standards established in accordance with Regulation (EC) No 300/2008.
- (6) **In every Member State in which security charges are levied at airports** an independent supervisory authority **■** should ensure the proper and effective application of this Directive. The authority should be in possession of all the necessary resources in terms of staffing, expertise and the financial resources for the performance of its tasks.
- (7) **Member States should have the possibility of applying a common charging system to cover an airport network or other groups of airports including those serving the same city or conurbation.**
- (8) **When calculating security charges in respect of cost-relatedness, objective criteria should be used as a basis, such as those laid down in the relevant International Civil Aviation Organization documents, which advocate the use of the number of passengers or aircraft maximum take-off weight or a combination of these.**
- (9) Since the objectives of the action taken cannot be sufficiently achieved by the Member States, as security charges systems cannot be put in place at national level in a uniform manner throughout the Union and can therefore, by reason of the scale and effects of the action, be better achieved at Union level, the Union may 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 Directive does not go beyond what is necessary in order to achieve those objectives,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Subject matter

1. This Directive sets common principles for the levying of security charges at Union airports.
2. This Directive applies to any airport located in a territory subject to the provisions of the Treaty **and open to commercial traffic.**

This Directive does not apply to the charges collected for the remuneration of en-route and terminal air navigation services in accordance with Regulation (EC) No 1794/2006, or to the charges collected for the remuneration of groundhandling services referred to in the Annex to Directive 96/67/EC.

Article 2

Definitions

For the purposes of this Directive, the following definitions apply:

- (a) 'airport' means any land area especially adapted for the landing, taking-off and manoeuvring of aircraft, including the ancillary installations which these operations may involve for the requirements of aircraft traffic and services including the installations needed to assist commercial air services;

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- (b) 'airport managing body' means a body which, whether or not in conjunction with other activities, has as its objective under national laws or regulations the administration and management of the airport infrastructures and the coordination and control of the activities of the different operators present in the airports concerned;
- (c) *'airport network' means a number of airports in a Member State that are operated by an airport managing body designated by the competent national authority;*
- (d) *'competent body' means an airport managing body or any other body or authority responsible for the application and/or the setting of the level and the structure of aviation security charges at Union airports;*
- (e) 'airport user' means any natural or legal person responsible for the carriage of passengers, mail and/or freight by air from or to the airport concerned;
- (f) 'security charge' means a levy *collected by any entity, airport or airport user in different forms* which is specifically designed to recover **■** the costs of security measures intended to protect civil aviation against acts of unlawful interference. *This cost of aviation security may include the costs incurred for ensuring the application of Regulation (EC) No 300/2008 or for fulfilling the related regulatory and supervisory costs by the appropriate authority;*
- (g) *'aviation security' means the combination of measures and human and material resources intended to safeguard civil aviation against acts of unlawful interference that jeopardise the security of civil aviation.*

Article 3

Non-discrimination

Member States shall ensure that security charges do not discriminate between airport users or air passengers.

Article 4

Airport network

Member States may allow the competent body of an airport network to introduce a common and transparent charging system for security charges to cover the airport network.

Article 5

Common charging systems

After having informed the Commission and in accordance with Union law, Member States may allow the competent body to apply a common and transparent charging system at airports serving the same city or conurbation, provided that each airport fully complies with the requirements on transparency set out in Article 7.

Article 6

Consultation *and* remedy

1. Member States shall ensure that the **competent** body has access to all necessary information on the costs of providing aviation security services at the airport.

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2. Member States shall ensure that **■** a compulsory **■** procedure for **regular** consultation between the **competent** body and airport users **or the representatives or associations of airport users** is established with respect to the operation of the system of security charges and the level of such charges. **Such** consultation shall take place at least once a year, **unless agreed otherwise in the latest consultation. Where a multi-annual agreement between the competent body and the airport users exists, the consultations shall take place as provided for in such an agreement. Member States shall retain the right to request more frequent consultations.**

3. The **competent** body shall submit any proposal to modify the system or the level of security charges to the airport users **or the representatives or associations of airport users** no later than four months before it enters into force, together with the reasons for the proposed changes. The **competent** body shall hold consultations on the proposed changes with the airport users and take their views into account before a decision is taken.

4. The **competent** body shall publish its decision no later than two months before it enters into force. When no agreement on the proposed changes is reached between the **competent** body and the airport users, the **competent** body shall justify its decision with regard to the airport users.

5. **Member States shall ensure that in the event of a disagreement over a decision on security charges taken by the competent body, either party may seek the intervention of the independent supervisory authority referred to in Article 10 which shall examine the justifications for the modification of the system or the level of security charges.**

6. **A Member State may decide not to apply paragraph 5 in relation to changes to the level or the structure of the aviation security charges at those airports for which:**

- (a) **there is a mandatory procedure under national law whereby aviation security charges, or their maximum level, are to be determined or approved by the independent supervisory authority; or**
- (b) **there is a mandatory procedure under national law whereby the independent supervisory authority examines, on a regular basis or in response to requests from interested parties, whether such airports are subject to effective competition. Whenever the situation so warrants on the basis of such an examination, the Member State shall decide that the aviation security charges, or their maximum level, are to be determined or approved by the independent supervisory authority. This decision shall apply for as long as is necessary on the basis of the examination conducted by that authority.**

The procedures, conditions and criteria applied by the Member State for the purposes of this paragraph shall be relevant, objective, non-discriminatory and transparent.

Article 7

Transparency

1. Member States shall ensure that the **competent** body provides each airport user, **or** the representatives or associations of airport users, **every time consultations as referred to in Article 6(2) are to be held**, with information on the components serving as a basis for determining **the structure and** the level of all security charges levied at **each** airport. This information shall at least include:

- (a) a list of the various services and infrastructure provided in return for the security charge levied;

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- (b) the method of calculation of security charges;
- (c) *the overall cost structure with regard to the facilities and services to which security charges relate;*
- (d) the revenue **■** of *the security charges and the total cost of the services covered by them;*
- (e) the total number of staff deployed to services which give rise to the collection of security charges;
- (f) *any financing from public authorities of the facilities and services to which security charges relate;*
- (g) forecasts of the level of security charges *taking into account proposed investments, traffic growth and increased levels of security threats;*
- (h) any intended investments that may affect significantly the level of security charges.

2. Member States shall ensure that airport users submit information to the **competent** body before every consultation, as provided for in Article 6, concerning in particular:

- (a) forecasts as regards traffic;
- (b) forecasts as to the composition and envisaged use of their fleet;
- (c) their development projects at the airport concerned;
- (d) their requirements at the airport concerned;
- (e) *the amount of the security charge levied by airport users on passengers departing from the airport and information on the components serving as a basis for determining these charges in accordance with points (a) to (h) of paragraph 1.*

3. *Member States shall ensure that information on the amount of security charges levied by the competent body and the airport users is publicly accessible.*

4. *Subject to national legislation, the information provided on the basis of this Article shall be regarded as confidential or economically sensitive and handled accordingly. In the case of airport managing bodies that are quoted on a stock exchange, stock exchange regulations in particular shall be complied with.*

Article 8

More stringent measures

1. *The additional costs of implementing more stringent measures pursuant to Article 6 of Regulation (EC) No 300/2008 shall be borne by the Member States.*

■

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2. *Before adopting measures pursuant to Article 4 of Regulation (EC) No 300/2008, the Commission shall undertake an impact assessment with regard to the effects on the level of security charges. The Commission shall consult the Stakeholders' Advisory Group constituted under Article 17 of Regulation (EC) No 300/2008 about the outcome of this impact assessment.*

Article 9

Cost-relatedness of security charges

Security charges shall be used exclusively to meet security costs. These costs shall be determined using the principles of accounting and evaluation generally accepted in each of the Member States. ***The total revenue from security charges shall not be higher than the total costs of aviation security for that airport, airport network, or group of airports.***

However, Member States shall ensure that particular account is taken of:

- the cost of financing the facilities and installations dedicated to security operations, including fair depreciation in the value of these facilities and installations;
- ***the national and/or international level of the security threat;***
- the expenditure on security staff and security operations;
- the grants and subsidies allocated by the authorities for security purposes.

The cost base for the calculation of security charges shall not include any costs that would be incurred for more general security functions performed by Member States such as general policing, intelligence gathering and national security.

Article 10

Independent supervisory authority

1. Member States shall nominate or establish an independent body as their national independent supervisory authority in order to ensure the correct application of the measures taken to comply with this Directive. That body may be the same as the entity entrusted by a Member State with the application of Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges ⁽¹⁾.

2. ***This Directive shall not prevent the national independent supervisory authority from delegating, under its supervision and full responsibility, and in compliance with national law, the implementation of this Directive to other independent supervisory authorities, provided that implementation takes place in accordance with the same standards.***

3. Member States shall guarantee the independence of the independent supervisory authority by ensuring that it is legally distinct from and functionally independent of any ***competent*** body ***or*** air carrier. Member States that retain ownership or control of airports, airport managing bodies or air carriers shall ensure effective structural separation of the regulatory function from activities associated with ownership or control. Member States shall ensure that the independent supervisory authority exercises its powers impartially and transparently.

⁽¹⁾ OJ L 70, 14.3.2009, p. 11.

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4. Member States shall notify to the Commission the name and address of the independent supervisory authority, its assigned tasks and responsibilities, and the measures taken to ensure compliance with paragraph 3.

5. Member States shall ensure, in respect of disagreements with regard to security charges, that measures are taken to:

- (a) establish a procedure for resolving disagreements between the **competent** body and the airport users;
- (b) determine the conditions under which a disagreement may be submitted to the independent supervisory authority and in particular provide for the dismissal by the authority of complaints which it deems are not properly justified or adequately documented; and
- (c) determine the criteria against which disagreements will be assessed for resolution.

These procedures, conditions and criteria shall be non-discriminatory, transparent and objective.

6. The independent supervisory authority shall publish an annual report concerning its activities.

7. When a Member State applies, in accordance with its national law, a regulatory or legislative procedure to determine and approve the structure or level of security charges at national level, the national authorities responsible for examining the validity of security charges shall perform the tasks of the independent supervisory authority set out in paragraphs 1 to 6.

Article 11

Report and revision

1. The Commission shall not later than ... ⁽¹⁾ submit a report to the European Parliament and the Council on the operation of this Directive as well as, where appropriate, any suitable proposal.
2. The Member States and the Commission shall co-operate in the application of this Directive, particularly as regards the collection of information for the report mentioned in paragraph 1.
- 3. The Commission shall not later than ... ⁽²⁾ submit a report on the funding of aviation security, examining the evolution of aviation security costs and the methods for funding aviation security.**

Article 12

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive **before ... ⁽³⁾**. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

⁽¹⁾ Four years after the entry into force of this Directive.

⁽²⁾ **Two years after the entry into force of this Directive.**

⁽³⁾ **Two years after the entry into force of this Directive.**

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2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

3. A Member State shall not be required to comply with paragraphs 1 and 2, in so far as no security charges are levied at any airport in that Member State, and without prejudice to Article 11(2).

Article 13

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 14

Addressees

This Directive is addressed to the Member States.

Done at ...,

For the European Parliament
The President

For the Council
The President

Community guidelines for the development of the trans-European transport network (recast) *I**

P7_TA(2010)0124

European Parliament legislative resolution of 5 May 2010 on the proposal for a decision of the European Parliament and of the Council on Community guidelines for the development of the trans-European transport network (recast) (COM(2009)0391 – C7-0111/2009 – 2009/0110(COD))

(2011/C 81 E/30)

(Ordinary legislative procedure – recast)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2009)0391),
- having regard to Article 251(2) and Article 156(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C7-0111/2009),
- having regard to the Communication from the Commission to the European Parliament and the Council entitled 'Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures' (COM(2009)0665),
- having regard to Article 294(3) and Article 172(1) of the Treaty on the Functioning of the European Union,
- having regard to the opinion of the European Economic and Social Committee of 4 November 2009,
- having consulted the Committee of the Regions,
- 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 the letter of 11 December 2009 from the Committee on Legal Affairs to the Committee on Transport and Tourism in accordance with Rule 87(3) of its Rules of Procedure,
 - having regard to Rules 87 and 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A7-0030/2010),
- 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. Adopts the position hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, to the Commission and to the national parliaments.

P7_TC1-COD(2009)0110

Position of the European Parliament adopted at first reading on 5 May 2010 with a view to the adoption of to the adoption of Decision No .../2010/EU of the European Parliament and of the Council on Union guidelines for the development of the trans-European transport network (recast)

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Decision No 661/2010/EU.)

General provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund as regards simplification of certain requirements and as regards certain provisions relating to financial management *I**

P7_TA(2010)0125

European Parliament legislative resolution of 5 May 2010 on the proposal for a regulation of the European Parliament and of the Council amending regulation (EC) No 1083/2006 concerning general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund as regards simplification of certain requirements and as regards provisions relating to financial management (COM(2009)0384 – C7-0003/2010 – 2009/0107(COD))

(2011/C 81 E/31)

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2009)0384),

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- having regard to Article 251(2) and Article 161 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C7-0003/2010),
 - having regard to the Commission Communication to Parliament and the Council entitled 'Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures' (COM(2009)0665),
 - having regard to Article 294(3) and Article 177 of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 5 November 2009,
 - after consulting the Committee of the Regions,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Regional Development and the opinions of the Committee on Budgets and the Committee on Employment and Social Affairs (A7-0055/2010),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2009)0107

Position of the European Parliament adopted at first reading on 5 May 2010 with a view to the adoption of Regulation (EU) No .../2010 of the European Parliament and of the Council amending Council Regulation (EC) No 1083/2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund as regards simplification of certain requirements and as regards certain provisions relating to financial management

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 539/2010.)

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Decision not to convene a Convention for the revision of the Treaties with regard to transitional measures concerning the composition of the European Parliament ***

P7_TA(2010)0147

European Parliament decision of 6 May 2010 on the European Council's proposal not to convene a Convention for the revision of the Treaties with regard to transitional measures concerning the composition of the European Parliament (17196/2009 – C7-0002/2010 – 2009/0814(NLE))

(2011/C 81 E/32)

(Consent)

The European Parliament,

- having regard to the letter from the President of the European Council to the President of the European Parliament of 18 December 2009 concerning the amendment of Protocol No 36 on transitional measures (17196/2009),
 - having regard to the request for consent submitted by the European Council in accordance with Article 48(3), second subparagraph, of the Treaty on European Union (C7-0002/2010),
 - having regard to Protocol No 36 on transitional provisions, annexed to the Lisbon Treaty,
 - having regard to Article 14(3) of the Treaty on European Union,
 - having regard to the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,
 - having regard to the conclusions of the European Council meetings of 11 and 12 December 2008, 18 and 19 June 2009 and 10 and 11 December 2009,
 - having regard to Rules 74a and 81(1) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Constitutional Affairs (A7-0116/2010),
- A. having regard to the Convention held from 22 February 2002 to 18 July 2003, which prepared the draft Treaty establishing a Constitution for Europe, most of the substance of which was incorporated into the Lisbon Treaty, which entered into force on 1 December 2009,
- B. having regard to the Convention held from 17 December 1999 to 2 October 2000, which drafted the Charter of Fundamental Rights of the European Union,
- C. whereas these two Conventions, which brought together representatives of the national parliaments, the European Parliament, the national governments and the Commission for the first time to work on the development of a common project for the European Union, constituted a significant step towards the introduction of more democratic, more effective decision-making processes at European level,
- D. whereas, however, both Conventions were convened to address major issues relating to the future of the European Union, namely reform of its institutional structure and the drafting of a text setting out the fundamental principles and rights common to Europeans,

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- E. whereas, under Article 48(3), first subparagraph, of the EU Treaty, the European Council is required to consult Parliament about any revision of the section of Protocol No 36 (annexed to the Lisbon Treaty) dealing with transitional provisions concerning the composition of Parliament,
 - F. having regard to the European Council's proposal not to convene a Convention and to adopt the amendment to the protocol by means of an intergovernmental conference,
 - G. whereas, in the light of precedent, it is unnecessary to convene a Convention to approve a transitional amendment, with limited scope, of the provisions set out in the EU Treaty relating to the composition of Parliament,
1. Approves the European Council's proposal to amend Protocol No 36 by means of an intergovernmental conference, without convening a Convention;
 2. Instructs its President to forward this decision to the European Council, the Council, the Commission and the national parliaments.
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European Parliament

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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
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- ***III Codecision procedure: third reading

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

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